

The Halakhist as Creator: Rabbi Joseph B. Soloveitchik's *Halakhic Man*

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Among the ranks of modern Jewish thinkers, Rabbi Joseph B. Soloveitchik (1903–1993) holds a special place. A talmudist of the first rank and a profound expositor of the Bible, Midrash, and other Jewish texts, he also brings to his writings an academic training in philosophy and broad erudition in Western culture. His highly distinctive and creative works explore the meaning and depth of Jewish religiosity, while at the same time speaking to the general human condition.

Born into an illustrious family of Lithuanian rabbinic scholars, Rabbi Soloveitchik was raised in small towns in Eastern Europe, where he received intensive talmudic training at the hands of his father. In his twenties, breaking with family tradition, he pursued a university education, earning a doctorate in philosophy from the University of Berlin. Upon immigrating to America in 1932, he was appointed rabbi of the Orthodox community of Boston. In 1941, he succeeded his father as a *rosh yeshiva* at the Rabbi Isaac Elchanan Theological Seminary of Yeshiva University in New York, continuing

to shuttle weekly between Boston and New York for over four decades. Dedicating the bulk of his efforts to training advanced students in creative talmudic analysis, he also focused on matters of Jewish philosophy and public affairs, and was universally regarded as the intellectual and spiritual leader of Modern Orthodoxy (a term he himself did not use).

In his philosophy, perhaps his primary concern is the role that halakha (Jewish law) plays in the Jew's life – both as a system of thought and as a way of living. Halakha provides the Jew's central mode of relating to God, a medium for his or her religious experience, a guide to self-development and community building, and a means of understanding the world and engaging it. Yet, out of its commandments and insights there emerges a view of human nature and its potential that has universal application. The individual is majestic and humble, natural and spiritual, burdened by incompleteness, vulnerability, and distress but capable of creation, self-transcendence, and greatness.

Drawing on his understanding of Jewish tradition, Western thought, and human nature, Rabbi Soloveitchik also focuses his attention on another crucial issue: the confrontation of religion with modernity. He addresses not only the ideas and events of modernity, but also, perhaps most importantly, its temper, mindset, and attitudes. His works, which evince both an acute analytic mind and a deeply feeling soul, convey to moderns the conceptual and emotional depth, drama, and power of religious existence, and specifically of halakhic life.

I. THE DIALECTIC OF HALAKHIC MAN

In his first major publication, *Halakhic Man* (originally: “*Ish HaHalakha*”), Rav Soloveitchik – or the Rav, as he was called – sets himself an ambitious task: to portray the personality and goals of halakhic man, “the master of talmudic dialectics.”¹ He proposes “to penetrate deep into the structure of halakhic man's consciousness and to determine the precise

1. “*Ish HaHalakha*” was published in 1944 in the journal *Talpiot*, vol. 1:3–4, 651–735, and reprinted in the volumes *BeSod HaYahid VeHaYahad*, ed. Pinchas Peli (Jerusalem, 1976), 39–188, and *Ish HaHalakha: Galui VeNistar* (Jerusalem, 1979), 9–113. It was translated into English by Lawrence Kaplan as *Halakhic Man* (Philadelphia, 1983); page

nature of this 'strange, singular' being."² Such a task had never before been undertaken, and as an unfortunate result, says the Rav, halakhic man "is of a type that is unfamiliar to students of religion."³

The difficulty of the task is compounded by the fact that halakhic man is a complex personality: "Halakhic man reflects two opposing selves; two disparate images are embodied within his soul and spirit."⁴ Utilizing the typological method employed in many of his later works as well, Rav Soloveitchik begins his depiction of halakhic man by first presenting portraits of two other ideal human types, *ish hadaat* and *ish hadat* – that is, cognitive man and *homo religiosus* (religious man).⁵

Cognitive man is exemplified by the mathematical physicist, who concerns himself only with the world of physical reality and attempts to gain intellectual mastery over it. *Homo religiosus*, by contrast, is an otherworldly, mystical type, focusing on the mystery of nature and seeking to transcend the tangible world in favor of a pure, spiritual realm. Halakhic man is both like and unlike these two types – and therein lies his uniqueness:

On the one hand he is as far removed from *homo religiosus* as east is from west and is identical, in many respects, to prosaic, cognitive man; on the other hand he is a man of God, possessor of an ontological approach that is devoted to God and of a worldview saturated with the radiance of the Divine Presence. For this reason it is difficult to analyze halakhic man's religious consciousness

references in this essay refer to the English version (henceforth, *HM*). A bibliography of Rabbi Soloveitchik's published works can be found online at: <http://www.math.tau.ac.il/~turkel/engsol.html>.

2. *HM*, 4.
3. *Ibid.*, 3.
4. *Ibid.*
5. Much of Rav Soloveitchik's philosophy is formulated as the description of different ideal types of personalities. (They are "ideal" in the sense of being pure abstract types, not in the sense of being the best types.) Any specific real person can contain within him a conglomeration of various types. But the point of separating an individual into his component parts is to demonstrate the internal coherence of each personality's orientation, and thus to understand better the complex hybrid produced by their coexistence.

by applying the terms and traits that descriptive psychology and modern philosophy of religion have used to characterize the religious personality.... In some respects he is a *homo religiosus*, in other respects a cognitive man. But taken as a whole he is uniquely different from both of them.⁶

Halakhic Man is a sprawling, dense, and riveting work. To get a handle on it, we first need to analyze the personalities of cognitive man and *homo religiosus*, and to discern in what respects halakhic man is like each and in what respects he differs from them. That will be our objective in this section. Then, in the next three sections, we shall look at halakhic man's goals, try to identify on whom he is modeled, and attempt to discern the Rav's aims in writing this work.⁷

Before analyzing the "two opposing selves" of halakhic man, we should note that, contrary to the impression we gain from the programmatic statements above, *Halakhic Man* is not just a work of description and analysis, but also one of defense and advocacy. It both depicts *and* defends a certain type of religious personality, as well as a certain approach to religion and a certain understanding of halakha. To an outsider, the word "talmudist" conjures up images of a dry pedant squinting into the pages of a dusty tractate while remaining oblivious to both the world without and the spirit within. The force and originality of Rav Soloveitchik's vision sweeps away this false image, substituting for it one in which halakhic man – precisely through the rigorous study and practice of halakha – comes to embody what the Rav considers to be the best qualities of both cognitive and religious man.

Cognitive Man and *Homo Religiosus*

Cognitive man, the theoretical scientist, is characterized by majestic and creative intellectualism. *Homo religiosus*, the God-intoxicated mystic, is characterized by burning religious passion. Halakhic man, the talmudic scholar, would seem to be far removed from both. How,

6. *HM*, 3.

7. Many valuable studies of *Halakhic Man* have been written; for those most relevant to the topics covered in this essay, see Further Reading at the end.

then, can his personality be the product of a dialectic between them? We can gain insight into the dialectic that generates halakhic man by contrasting it with the dialectic between Adam I (majestic man) and Adam II (covenantal man) in Rav Soloveitchik's well-known work, *The Lonely Man of Faith* (1965).

Though not identical, Adam I and cognitive man share a close affinity. Both are active and innovative personalities; both have absolute faith in the power of the intellect; and both have limited interests, restricting their inquiry to the realm of the comprehensible and rational.

By contrast, Adam II and *homo religiosus* differ in crucial ways. Both Adam II and *homo religiosus* seek God; however, *homo religiosus* views the material world – in both its physical and social aspects – as an impediment to the spiritual, while Adam II displays no such dualism. Thus, Adam II seeks companionship; *homo religiosus* is solitary. Adam II desires a relationship with God; *homo religiosus* desires to lose himself within God. Adam II feels lonely in the world; *homo religiosus* feels trapped.

Adam II, covenantal man, tries to overcome his loneliness by forming relationships with God and with other people. *Homo religiosus*, a Romantic, attempts to escape the prison of physicality by exploring esoteric mysteries, leaping beyond objective reason into the realm of subjective intuitions. These bring *homo religiosus* to a dizzying vacillation between ecstasy and melancholy, often engendering asceticism, anxiety, and psychic torment.

Adam II is thus a much healthier sort than *homo religiosus*, and this fact impacts upon the nature of the dialectic in each book. For while *The Lonely Man of Faith* calls upon man to maintain the positions of both Adam I and Adam II in endless oscillation, the title character of *Halakhic Man* overcomes the duality of cognitive man and *homo religiosus* and thereafter does not return to the position of either. In philosophical terms, *The Lonely Man of Faith* presents a Kierkegaardian dialectic, wherein the thesis and antithesis remain in perpetual tension, while *Halakhic Man* presents a Hegelian dialectic, wherein the tension between two antithetical positions ultimately results in a third position, or synthesis. It would make little sense for Rav Soloveitchik to advocate a Kierkegaardian dialectic in *Halakhic Man* since he regards one side of

the dialectic, *homo religiosus*, to be an exemplar of – or at least prone to be – what William James calls “the sick soul.”

There is yet a deeper reason for the different types of dialectic employed in these two works. The fundamental dialectic in *The Lonely Man of Faith* is between conquest and sacrifice, while the fundamental dialectic in *Halakhic Man* is between this-worldliness and otherworldliness, or between materialism and dualism. The Rav values both conquest and sacrifice, which is why he maintains both of them in an unending dialectic in *The Lonely Man of Faith*. However, he *rejects* both materialism and dualism, which is why in *Halakhic Man* he must find a third position that overcomes the deficiencies of both.

This-Worldly Spirituality

Cognitive man, a materialist, acknowledges only the physical universe. *Homo religiosus*, a dualist, recognizes both the material and spiritual worlds but sees them as standing in opposition to each other; he wishes to flee the former to live in the latter. Halakhic man cannot accept either perspective:

Halakhic man differs both from *homo religiosus*, who rebels against the rule of reality and seeks a refuge in a supernal world, and from cognitive man, who does not encounter any transcendence at all. Halakhic man apprehends transcendence. However, instead of rising up to it, he tries to bring it down to him. Rather than raising the lower realms to the higher world, halakhic man brings down the higher realms to the lower world.⁸

It is clear why, as a religious person, halakhic man cannot agree with cognitive man that the corporeal world is all that exists or all that should interest him. However, we confront the following question: If halakhic man agrees with *homo religiosus* that there is a transcendent realm and that it is desirable to encounter it, why doesn't he join *homo religiosus's* quest to “ascend to the heavens”? Why must he remain firmly

8. *HM*, 41–42.

rooted in *olam hazeh*, this world, while pursuing his quest for transcendence? Why would a religious person wish to stay in a world that is *not* transcendent?

Rav Soloveitchik offers three reasons.⁹ First, he considers *homo religiosus's* position unethical:

Homo religiosus, his glance fixed upon the higher realms, forgets all too frequently the lower realms and becomes ensnared in the sins of ethical inconsistency and hypocrisy. See what many religions have done to this world on account of their yearning to break through the bounds of concrete reality and escape to the sphere of eternity. They have been so intoxicated by their dreams of an exalted supernatural existence that they have failed to hear... the sighs of orphans, the groans of the destitute.... There is nothing so physically and spiritually destructive as diverting one's attention from this world.¹⁰

Second, *homo religiosus's* attempt to turn himself into pure spirit is unrealistic; man is unavoidably corporeal and must deal with this fact.¹¹ Third, the path of *homo religiosus* is undemocratic; it can be pursued

9. *Ibid.*, 41–44.

10. *Ibid.*, 41.

11. Similarly, in n. 4 of *Halakhic Man* Rav Soloveitchik offers both moral and “realistic” reasons as to why the religious experience should not be regarded as something simple and tranquil. The “realistic” reason is that such a portrayal is simply false; the religious experience “is exceptionally complex, rigorous and tortuous... antinomic and antithetic” (141). The moral reason is that the desire for simplicity and serenity stems from a rebellion against knowledge and objective thought (which raise questions and thereby disturb one's peace of mind), and this rejection of reason – by sanctifying instinct, intuition, and unrestrained emotion – ultimately leads to moral depravity. He concludes powerfully:

And let the events of the present era [i.e., the Holocaust] be proof! The individual who frees himself from the rational principle and who casts off the yoke of objective thought will in the end turn destructive and lay waste the entire created order. Therefore, it is preferable that religion should ally itself with the forces of clear, logical cognition, as uniquely exemplified in the scientific method, even though at times the two might clash with one another, rather than pledge

only by a small elite, while halakha, in contrast, is meant to guide the entire community.

Rejecting cognitive man's materialism and *homo religiosus's* dualism, halakhic man adopts a monistic stance that recognizes both the material and the transcendent and, rather than rejecting one in favor of the other, seeks to bring them together. In order to understand how he accomplishes this, we must now ask not how halakhic man differs from cognitive man and *homo religiosus*, but in what ways he is like them.

Like *homo religiosus*, "halakhic man reaches out to God" and "his soul... thirsts for the living God."¹² He, too, experiences the affirmation and negation of a finite being standing before the Infinite,¹³ though, unlike *homo religiosus*, he overcomes this duality via the halakha – particularly through the realization that "the halakha set man at the very center of its world."¹⁴ Yet in almost every other aspect, he resembles cognitive man: in his rigorous intellectualism, his balanced temperament, his rational and objective approach to the world, his quantifying methodology, and his fundamentally this-worldly orientation. Like cognitive man, he "holds fast, with all his being, to the concrete reality of our empirical world"¹⁵ and "occupies himself with intellectual constructions – experiencing all the while the joy of discovery and the thrill of creation – and then coordinating his

its troth to beclouded, mysterious ideologies that grope in the dark corners of existence, unaided by the shining light of objective knowledge, and believe that they have penetrated to the secret core of the world. (ibid.)

See also *The Halakhic Mind* (New York, 1986), 52–55, where Rav Soloveitchik, clearly declaring that "The ethical implications of any philosophical theory... should many a time decide the worth of the doctrine" (52), again assails the Romantic rejection of reason, noting that "When reason surrenders its supremacy to dark equivocal emotions, no dam is able to stem the rising tide of the affective stream" (53).

It should be noted, however, that the use of reason and cold logic can also lead to moral travesties, as in the case of Communism. Therefore, employing the moral criterion may not always privilege rational approaches over non-rational ones.

12. *HM*, 40.

13. *Ibid.*, 67–72.

14. *Ibid.*, 70.

15. *Ibid.*, 40.

ideal intelligibles [i.e., the creations of his thought] with the real world, as does the mathematician.”¹⁶

How can a life devoted to the study and practice of halakha be compared to that of the mathematician? And how can such a life be said to bring transcendence into the world? To explain this, the Rav introduces two ideas: halakha as a cognitive system, and the doctrine of *tzimtzum*. These ideas define the nature of halakha and of the halakhist's activity, and highlight their uniqueness in the world of religion.

The Scientist and the Halakhist

The idea of “halakha as a cognitive system” must be understood by reference to the neo-Kantian view of science.¹⁷ Generally, science is thought to be an empirical, a posteriori enterprise: this means that the scientist ponders reality with no apparent preconceptions, and when he finds some repeating patterns within it he begins to formulate laws to explain the observed phenomena. The neo-Kantian view, by contrast, is that the scientist constructs an ideal, a priori system of laws and then views nature through it. It is “a priori” in that its categories do not proceed from experience but rather from pure thought; it is “ideal” in that it does not have to conform to reality, but merely must be internally consistent. After performing this supremely creative act, the scientist then looks at the world through the categories he has conceived and correlates physical reality with his constructions.¹⁸

Rav Soloveitchik sees the halakhist's activity as parallel to the scientist's. Halakha, he maintains, is not just a normative system but

16. *Ibid.*, 39–40.

17. More precisely, this is the view of the founder of the Marburg school of neo-Kantianism, Hermann Cohen (whose thought the Rav studied intensively, and about whom he wrote his doctoral thesis), as well as that of his students Paul Natorp and Ernst Cassirer.

18. Though this conception of the scientific enterprise may seem counterintuitive to the non-specialist, it was the view held by many of the leading scientists and philosophers of science at the time *Halakhic Man* was written. If we think in terms of mathematics instead of physics, this view becomes easier to comprehend. The mathematician creates abstract constructs and focuses his attention on them, without any reference to the concrete world of experience. Afterwards, he may investigate the world using these constructs and find physical phenomena that parallel his ideal constructions.

primarily a cognitive one as well. In other words, it is not just a system of laws that regulates the Jew's life, but also a system of concepts that mediates halakhic man's perception of the world, or a lens through which he views his surroundings. Halakhic man "orients himself to the world by means of fixed statutes and firm principles" of halakha.¹⁹ To take a celebrated example:

When halakhic man comes across a spring bubbling quietly, he already possesses a fixed, a priori relationship with this real phenomenon: the complex laws regarding the halakhic construct of a spring. The spring is fit for the immersion of a *zav* (a man with a discharge); it may serve as *mei ḥatat* (waters of expiation); it purifies with flowing water; it does not require a fixed quantity of forty se'ahs; etc. When halakhic man approaches a real spring, he gazes at it and carefully examines its nature. He possesses, a priori, ideal principles and precepts which establish the character of the spring as a halakhic construct, and he uses the statutes for the purpose of determining normative law: does the real spring correspond to the requirements of the ideal halakha or not?²⁰

These halakhic statutes and principles, though revealed by God, are subject to human interpretation and conceptualization. Therefore, they are the main arena in which halakhic man exercises his creativity. "Halakhic man received the Torah from Sinai not as a simple recipient but as a creator of worlds, as a partner with the Almighty in the act of creation."²¹ Because of this dual aspect of halakha, halakhic man both *discovers* the principles divinely revealed at Sinai, and *creates* his own conceptualization of them. After creating this ideal halakhic world, halakhic man then "orients himself to the world" through his system of halakhic postulates. Since "there is no phenomenon, entity, or object in this concrete world which the a priori halakha does not approach

19. *HM*, 19.

20. *Ibid.*, 20.

21. *Ibid.*, 81.

with its ideal standard,"²² halakhic man must fix his attention upon all aspects of creation: nature, society, commerce, family, government, psychology, etc.

The Advantages of Halakhic Cognition

To summarize, the Rav presents halakhic cognition as having two stages: the creation of the ideal world, and its correlation with the real world. Each stage addresses a distinct problem.

First, given that halakhic man combines cognitive man's creative intellectualism with *homo religiosus's* concern with transcendence, the question arises: how can one apply human intellect to the transcendent realm? As a thinker well trained in Kantian philosophy, Rav Soloveitchik tended to eschew metaphysics. Therefore, in *Halakhic Man* as elsewhere, he shifts the application of intellect from metaphysics to halakha. Although man cannot penetrate the nature or essence of God, man can study Torah, which is a projection or manifestation of God's will and wisdom. Human intellect thereby gains access to the transcendent realm and, furthermore, is supremely creative within that realm.

The second stage of halakhic cognition addresses a different problem: If halakhic man is so interested in the ideal constructs of his mind, how can he stay grounded in this-worldly existence (something the Rav considers necessary for the reasons cited earlier)? The answer is that he uses these constructs as categories through which to perceive the world. This stage of cognition keeps halakhic man's focus on this world; furthermore, it brings God into the world by applying to it the categories of transcendence. As Rav Soloveitchik puts it elsewhere, "He is not concerned with interpreting God in terms of the world but the world under the aspect of God."²³ The former enterprise ("interpreting God in terms of the world") was that of medieval metaphysics: applying the categories of the finite human intellect to understanding the Infinite. This, according to the Rav, is both an impossible and undesirable task. The latter enterprise ("interpreting... the world under the aspect of God") is that of halakhic man: applying the divine-human categories

22. *Ibid.*, 19.

23. *The Halakhic Mind*, 45.

of halakha to cognize the world. This is both epistemologically possible and ethically-spiritually desirable.

The Kabbalist and the Halakhist

One way of bringing God into the world is by means of halakhic cognition, or *talmud Torah*; the other is by means of halakhic action, or *shemirat hamitzvot*. To elaborate on these ideas, we must introduce the Rav's presentation of a kabbalistic doctrine: *tzimtzum*, or divine contraction.

In Kabbala – and note that the kabbalist is a type of *homo religiosus* – *tzimtzum* is a tragedy. Before the creation of the universe, God filled all of existence, so to speak. Since nothing finite can exist within the Infinite, God had to “contract” His existence in order to make room for the world. “The mystic sees the existence of the world as a type of ‘affront,’ heaven forbid, to God’s glory; the cosmos, as it were, impinges upon the infinity of the Creator.”²⁴ The world thus serves as a barrier between man and God; if the world were to disappear, all would be united within God. Since the kabbalist’s main desire is to unite with God, *tzimtzum* is a source of anguish to him.

Halakhic man understands *tzimtzum* differently. For him it is a source of joy and gives meaning to his existence. Harking back to a midrashic use of the term *tzimtzum* (Exodus Rabba 34:1), Rav Soloveitchik takes it to mean not the contraction of God *away from* the world, but rather His contraction *into* the world. Far from being an affront to God or a barrier between man and God, the world is the sole arena within which man can confront God. “God saw everything that He had created, and, behold, it was very good” (Gen. 1:31): God wants man to live in this world and to bring His presence into it. The means by which man concentrates God’s infinite presence into the finite world is by realizing the halakha.²⁵

24. *HM*, 49.

25. While Rav Soloveitchik’s presentation of *tzimtzum into* the world, as opposed to the Lurianic view of *tzimtzum away from* the world, may be rooted in the writings of Chabad, Rav Soloveitchik strips *tzimtzum* of its metaphysics and cosmology and turns it into a halakhic concept in which transcendence enters the physical world through halakhic study and performance. I thank Dr. Yoel Finkelman for this point.

To complicate matters, the “realization” or “actualization” of halakha (*hitgashmut hahalakha*) seems to have two different meanings in *Halakhic Man*: the cognition of halakhic structures as they apply to the world, which we have already examined, and the performance of halakhic norms, which bring the real world into closer correlation with the ideal. This dual meaning, naturally, leads to the question of whether, for halakhic man, study or practice is paramount.

II. HALAKHIC MAN'S VALUES

Study and Practice

Halakhic man pursues two primary goals: the study of halakha and its practice. The study of Torah, as we have seen, means not just mastering texts, but grasping, via those texts, the a priori world of halakhic constructs: comprehending it, shaping it through one's own creative interpretation and conceptualization, and immersing oneself within it. By studying Torah in this fashion, halakhic man makes the Torah into his own possession, a part of himself. As Rashi (Kiddushin 32b, s.v. *uve-torato*) explains the verse, “But his delight is in the Lord's Torah; and in His [or, his] Torah does he meditate day and night” (Ps. 1:2): “At the beginning it is called ‘the Lord's Torah,’ and when he studies and masters it, it is called ‘his [own] Torah.’”

Halakhic man's other goal, the practice of halakha, means implementing and actualizing these ideal constructs within the human world of action and experience. This has two ramifications. First, the performance of mitzvot concretizes, objectifies, and, one might say, externalizes halakhic man's subjective, inner religiosity. Second, by applying halakhic constructs within the physical world, halakhic man brings reality into closer conjunction with the ideal halakhic realm, thereby drawing divinity down into the world.

Which is more important for halakhic man – study or practice? At some points in *Halakhic Man* study seems paramount, while at others it seems that the implementation of halakha (following upon its study, of course) is more significant. While this tension remains unresolved, it seems to me that, overall, study gains the upper hand over practice. This is most striking when the Rav refers to the famous talmudic dispute on this very topic:

R. Tarfon and the elders were assembled in the upper story of Nitza's house in Lod. This question was posed to them: Which is greater, study (*talmud*) or practice (*maase*)? R. Tarfon answered and said: Practice is greater. R. Akiva answered: Study is greater. All [the elders] answered and said: Study is greater, for study leads to practice. (Kiddushin 40b)

Of course, the conclusion that "Study is greater, for study leads to practice" leaves open the question of which of these is more valuable *in itself*. However, halakhic man's interpretation of this passage makes the question almost moot. Noting that *maase* can refer either to "determining the ... ideal norm" (a theoretical activity), or to "implementing the ideal norm in the real world" (a practical activity), Rav Soloveitchik writes, "Halakhic man stresses action (*maase*) in its first meaning." Thus, both *talmud* and *maase* (understood this way) become aspects of study.

In a sense, halakhic man is almost *forced* to give primacy to theoretical study, because even though every area of life is governed by halakha, many areas of halakha are not practically operative today (e.g., the laws of the Temple and of ritual purity). Consider the fact that Maimonides, after enumerating the 248 positive biblical commandments in his *Sefer HaMitzvot*, lists only sixty (!) as *mitzvot hekhrehiyot*, commandments that are in effect in all eras for all people. Were halakhic man to lay his primary emphasis upon practice, he would be left with far less motivation and justification for studying the vast areas of halakha that remain in the realm of the ideal – and this would be contrary to his very essence.

Although halakhic man of course keeps mitzvot scrupulously, his deep desire to realize halakha in its fullness within the concrete world is something of a messianic aspiration, and is not necessarily his primary motivation on a day-to-day basis. Note what halakhic man pursues actively and what he pursues passively in the Rav's summary of halakhic man's activities:

He creates an ideal world, renews his own being and transforms himself into a man of God, dreams about the complete realization of the halakha in the very core of the world, and looks forward

to the kingdom of God 'contracting' itself and appearing in the midst of concrete and empirical reality.²⁶

In this summation, halakhic man is active regarding *study* and *self-creation* ("creates," "renews," "transforms"), and passive regarding the full *realization* of halakha ("dreams about," "looks forward to").

Halakhic Man's Ethical Commitment

Earlier, we saw that halakhic man rejects the approach of *homo religiosus* because he finds it otherworldly and undemocratic. But if halakhic man indeed values study more than practice, can he himself really be considered this-worldly or democratic? In other words, if halakhic man lives within the realm of theoretical halakhic constructs that cannot all be actualized, in what sense is he this-worldly? And if he believes that halakha demands such a high level of abstract intellectual accomplishment, in what sense is he democratic?

Perhaps to combat the first charge, Rav Soloveitchik concludes Part One of *Halakhic Man* (which generally lays a heavier emphasis on study than on practice) in a manner reminiscent of the way Maimonides concludes his *Guide of the Perplexed*. Throughout the *Guide*, Maimonides presents a highly intellectualist version of human perfection. All human endeavors, it seems, should lead to the ultimate goal of intellectual perfection, or knowledge of God. Yet in the final chapter (III:54), Maimonides clarifies that this intellectual perfection is not purely contemplative, but rather entails concrete actions that proceed from knowledge. Similarly, after presenting throughout Part One halakhic man's pursuit of an intellectualist ideal, Rav Soloveitchik ends this section²⁷ by stressing halakhic man's ethical sensitivity and his commitment to ethical action. These are a major part of his commitment to the realization of the halakha as a whole:

The standard notion of ritual prevalent among religious men – i.e., ritual as a nonrational religious act whose whole purpose is to lift man up from concrete reality to celestial realms – is totally foreign

26. *HM*, 137; emphasis added.

27. *Ibid.*, 90–95.

to Judaism. According to the outlook of halakha, the service of God (with the exception of the study of the Torah) can be carried out only through the implementation, the actualization of its principles in the real world. The ideal of righteousness is the guiding light of this worldview. Halakhic man's most fervent desire is the perfection of the world under the dominion of righteousness and loving-kindness – the realization of the a priori, ideal creation, whose name is Torah (or halakha), in the realm of concrete life.²⁸

Thus, for halakhic man, as for Maimonides, intellectual knowledge is both an end in itself and a spur to action. The Rav illustrates the seriousness of halakhic man's ethical commitment with a remarkable comment by his grandfather:

My uncle, Rabbi Meir Berlin [Bar-Ilan], told me that once Rabbi Chaim of Brisk was asked what the function of a rabbi is. Rabbi Chaim replied: "To redress the grievances of those who are abandoned and alone, to protect the dignity of the poor, and to save the oppressed from the hands of his oppressor." Neither ritual decisions nor political leadership constitutes the main task of halakhic man. Far from it. The actualization of the ideals of justice and righteousness is the pillar of fire which halakhic man follows when he, as a rabbi and teacher in Israel, serves his community. More, through the implementation of the principles of righteousness, man fulfills the task of creation imposed upon him: the perfection of the world under the dominion of halakha and the renewal of the face of creation.²⁹

Although highlighting halakhic man's ethical commitment may mitigate the charge that he is not truly this-worldly, halakhic man still remains open to the charge that, with his strong emphasis on rigorous and creative Torah study, he is not truly democratic. Rav Soloveitchik returns to consider this theme in *UVikkashtem MiSham* when he

28. Ibid., 94.

29. Ibid., 91.

explores the necessity of the exoteric and esoteric, or democratic and elitist, dimensions of halakha.³⁰

The Structure of *Halakhic Man*

Let us pause to consider the overall structure of *Halakhic Man*.

- (a) Sections I–X of Part One (3–66) present the “ontological outlooks” (i.e., the perspectives upon the different domains of being) of cognitive man, *homo religiosus*, and halakhic man – specifically, how each figure relates to both concrete reality and the transcendent realm. While the first two figures view this as an either/or choice, halakhic man chooses to relate to both realms and to bring them together. Namely, halakhic man draws down the ideal constructs of halakha from transcendence into the real world by creatively cognizing them, viewing the world through them, and actualizing them in practice.
- (b) Sections XI–XV of Part One (66–95) explore how halakhic man’s this-worldly spirituality, with its commitment to the ideal and attention to the real, shapes the contours of his personality, especially as contrasted with that of *homo religiosus* (who, indeed, serves as his major foil throughout the book).
- (c) Part Two focuses on halakhic man’s creative capacity, as exercised in three domains: Torah, the world (sections I–II, 99–109), and especially the self (sections III–VI, 110–137).

We have explored (a) and the first part of (c). The topic of self-creation – the main focus of (c) – continues to figure prominently, and is developed at greater length, in Rav Soloveitchik’s later writings on prayer, repentance, and suffering.³¹ What *Halakhic Man* adds to his other treatments of self-creation is an analysis of providence and prophecy, not as articles of faith but as normative demands. Following

30. See *UVikkashtem MiSham [And From There You Shall Seek]*, trans. Naomi Goldblum (Jersey City, 2008), 57–60, and my book, *Majesty and Humility: The Thought of Rabbi Joseph B. Soloveitchik* (Jerusalem, 2012), 115–118.

31. See the discussion in chapters 20, 22, and 23 of *Majesty and Humility*.

upon the Maimonidean doctrine that God grants individual providence (as opposed to providence over species) and prophecy only to people who have earned them, halakhic man takes these beliefs as commands: one must strive to make oneself worthy of both individual providence and prophecy. One accomplishes this task of self-perfection by developing one's individuality and exercising one's creativity. Indeed, it is quite striking that in Part Two, the Rav identifies *hidush*, creativity, as the central characteristic of halakhic man, a figure whom outsiders might consider outdated and fossilized. In fact, the Rav exalts creativity to the point that it becomes the highest form of imitation of God (just as God is a Creator, so should man be a creator³²) as well as the source of all sanctity.³³

What remains, then, is for us to consider (b), halakhic man's personality, which I would like to approach by asking: Who is a halakhic man?

III. WHO IS A HALAKHIC MAN?

In a sense, this question is unfair, for the Rav makes clear in the book's very first footnote that "the description of halakhic man given here refers to a pure ideal type.... Real halakhic men, who are not simple but rather hybrid types, approximate, to a lesser or greater degree, the ideal halakhic man."³⁴ Even so, however, we may ask which real figures correspond to the ideal halakhic man "to a greater degree." Let us start by considering one of Rav Soloveitchik's greatest heroes, Maimonides.

Many aspects of halakhic man's emotional profile correspond to traits Maimonides prized, and indeed seem to match what we know about Maimonides himself from his books and letters. Halakhic man is motivated by deep piety and a passionate love for truth.³⁵ His religious experience is powerful and penetrating; however, it is one that follows upon cognition, and it is modest, not flashy.³⁶ He avoids

32. *HM*, 99–105.

33. *Ibid.*, 107–109.

34. *Ibid.*, 139, n.1.

35. *Ibid.*, 79.

36. *Ibid.*, 84–85.

melancholy³⁷ as well as exaggerated joy,³⁸ possessing instead a festive dignity and solemnity,³⁹ almost a stoic tranquility and extreme self-control.⁴⁰ Halakhic man is confident,⁴¹ individualistic and autonomous,⁴² noble,⁴³ bold and assertive.⁴⁴ Supremely strong-minded,⁴⁵ he hates intellectual flabbiness,⁴⁶ does not seek anyone's approval,⁴⁷ and is scornful of piety not based on knowledge.⁴⁸

Yet while emotionally similar, halakhic man and Maimonides diverge intellectually. Halakhic man approaches God solely through the medium of halakha, and is unconcerned with either metaphysical mysteries⁴⁹ or philosophical subtleties.⁵⁰ In this sense, he could not be more different from the philosopher Maimonides. (This also distinguishes halakhic man from another of the Rav's heroes, the kabbalist Nahmanides.) Halakhic man, indeed, regards the study of halakha in much the same way as Maimonides regards the study of philosophy: it is the best way to know God, the peak of human knowledge, and the goal of our messianic aspirations. While the study of halakha has an important place in Maimonides' system, the study of philosophy has no place in halakhic man's system.

There is another factor that distinguishes halakhic man not only from Maimonides, but from almost all *gedolei Yisrael*: he avoids serving in rabbinic posts and is reluctant to render practical halakhic decisions.⁵¹ In light of this characteristic, the Vilna Gaon, who meets many of the

37. *Ibid.*, 72.

38. *Ibid.*, 76.

39. *Ibid.*

40. *Ibid.*, 77–78.

41. *Ibid.*, 72.

42. *Ibid.*, 78.

43. *Ibid.*

44. *Ibid.*, 79.

45. *Ibid.*

46. *Ibid.*

47. *Ibid.*, 89.

48. *Ibid.*

49. *Ibid.*, 49.

50. *Ibid.*, 58.

51. *Ibid.*, 24.

above criteria and never held a rabbinic post, would seem to be a likely model for halakhic man. Since a number of the anecdotes in *Halakhic Man* revolve around the Gaon, it seems that in the Rav's mind he indeed is a model for this type.

However, this identification of the Vilna Gaon with halakhic man is problematic.⁵² The Gaon's worldview, which molded his entire *mitnagged* milieu, was not only suffused with Kabbala (a subject that does not hold halakhic man's interest), but was, like that of *homo religiosus*, otherworldly and dualistic. As opposed to the early *mitnagdim* who despaired of attaining religious perfection while still tethered to earthly existence, halakhic man "is completely suffused with an unqualified ontological optimism [that is, he is optimistic about the possibilities offered by life in this world] and is totally immersed in the cosmos."⁵³ Far from viewing death as liberation from the shackles of physicality, halakhic man abhors death, for "It is this world that constitutes the stage for the halakha. . . . It is here that it can pass from potentiality to actuality. It is here, in this world, that halakhic man acquires eternal life!"⁵⁴ Halakhic man, wholly focused on the mission and aspiration of studying and actualizing halakha, is entirely unconcerned with *Olam HaBa*:

The World to Come is a tranquil, quiet world that is wholly good, wholly everlasting, and wholly eternal, wherein a man will receive the reward for the commandments which he performed in this world. However, receiving of a reward is not a religious act; therefore, halakhic man prefers the real world to a transcendent existence because here, in this world, man is given the opportunity to create, act, accomplish, while there, in the World to Come, he is powerless to change anything at all.⁵⁵

Could it be that halakhic man's scientific mode of thought, bold individualism, optimism, and creativity indicate that the book is an

52. See Nadler's article cited in Further Reading below.

53. *HM*, 52.

54. *Ibid.*, 30.

55. *Ibid.*, 32.

autobiographical portrait? I think not, for the simple reason that halakhic man would have no interest in writing *Halakhic Man*, nor would he have the ability to write it. The writer of the book *Halakhic Man* displays intimate knowledge of Jewish philosophy and mysticism, Christian thought, general philosophy and literature; halakhic man himself, as described in this book, displays no curiosity about these subjects. Rather, halakhic man's entire mental world seems to be encompassed by the study of halakha. Furthermore, the person halakhic man and the book *Halakhic Man* employ entirely different methodologies in approaching their respective subjects of interest. The thought patterns that halakhic man (the person) uses to study halakha are akin to those employed in the natural sciences, which are suited to the analysis of abstract concepts and the formal interrelationships between them. However, the book *Halakhic Man*, as pointed out in its first footnote, depicts its protagonist by utilizing the phenomenological method of the human sciences, which describes states and structures of human consciousness. With his "lomdish," science-patterned approach, halakhic man can write commentaries and novellae on the Talmud, but not a book like the one that describes him.

Once we have excluded all the above, as well as others whom the Rav contrasts with halakhic man (such as kabbalists, the early figures of the *Musar* movement, and Hasidim), who, then, is halakhic man? All the stories brought to illustrate characteristics of halakhic man are drawn from the lives of Lithuanian *gedolim* of the eighteenth to twentieth centuries. The overwhelming majority of these anecdotes concern the Rav's grandfather, Rabbi Chaim of Brisk, and the Rav's father, Rabbi Moshe Soloveitchik. In fact, the Rav explicitly refers to each of them as a "halakhic man."⁵⁶ In light of this, we can understand the book's epigraph, which is drawn from a talmudic aggada concerning the Rav's namesake, the biblical Joseph: "At that moment, the image of his father came to him and appeared before him in the window" (Sota 36b). When drawing his portrait of halakhic man, it seems, the Rav had before his eyes primarily Brisker man.

56. Ibid., 36, 38.

Although the specific contours of halakhic man's personality follow those of Brisker man, some of his traits and ideas have much broader application to all intellectual religious types, or all those whose service of God is filtered mainly through the medium of Torah study. Halakhic/Brisker man is an extreme version of this type in that he seems to derive his *entire* spiritual sustenance from the world of *lomdus*. In *Halakhic Man*, then, Rav Soloveitchik portrays a type that he clearly considers beautiful and highly admirable. Yet, despite his great esteem for this type and even his identification with it, it describes only one facet of his own religious personality, which was open to a wider range of experience and feeling, and interested in broader areas and sources of knowledge, than those pursued by the pure exemplar of halakhic man he so powerfully describes.⁵⁷

IV. THE GOALS OF HALAKHIC MAN

Description and Defense

Given the date of *Halakhic Man's* publication (1944), many have speculated that the Rav wrote it as a philosophical eulogy for his father, who had died unexpectedly three years earlier, and perhaps for the entire Lithuanian yeshiva world that was being annihilated in the Holocaust. While there may indeed be an element of eulogy in this work, I suggest that we look closely at the Rav's explicit programmatic statements on its first and last pages, and at the carefully chosen terms he uses to characterize halakhic man throughout it. These will help us grasp – now that we have surveyed some of *Halakhic Man's* major themes – what exactly the Rav is trying to accomplish in this work.

It is difficult to analyze halakhic man's religious consciousness by applying the terms and traits that *descriptive psychology and modern philosophy of religion* have used to characterize the religious personality.... He is of a type that is *unfamiliar to students of*

57. For this reason, I believe, he felt compelled to write *UVikkashtem MiSham* as well; see Ziegler, *Majesty and Humility*, 385–389.

religion.... Our aim in this essay is to penetrate deep into the structure of halakhic man's consciousness.⁵⁸

My sole intention was to *defend the honor of the halakha and halakhic men*, for both it and they have oftentimes been attacked by those who have not penetrated into the essence of halakha and have failed to understand the halakhic personality.⁵⁹

In these passages, the Rav articulates two goals: analysis⁶⁰ and defense;⁶¹ and he identifies two subjects that are to be analyzed and defended: halakhic man and the halakhic system. To be more precise, the Rav wishes to (a) analyze halakhic man's religious consciousness, (b) defend halakhic man, and (c) defend the halakha.

The Rav does not define against whom he wants to defend halakhic man and the halakha. However, it seems to me that it is the inability of "descriptive psychology and modern philosophy of religion" and "students of religion" to understand halakha and halakhic men that leads the practitioners of these disciplines (and, more importantly, the broader circles influenced by them) to denigrate and even attack both of them.

Psychology and Philosophy of Religion

The American psychologist and philosopher William James (1842–1910) is widely acknowledged as the founder of the field that the Rav calls "descriptive psychology of religion." In his survey of *The Varieties of Religious Experience* (1902), he describes numerous types of *homo religiosus*. Yet all of these types practice a religiosity based on emotion and tinged with mysticism. James cannot conceive of an intellect-centered religiosity like halakhic man's, in which experience only follows upon cognition, never preceding it. *Halakhic Man*, then, introduces an entirely new cognitive personality type to James' religious taxonomy.

58. *HM*, 3–4; emphasis added.

59. *Ibid.*, 137; emphasis added.

60. *Ibid.*, 3–4.

61. *Ibid.*, 137.

The seminal figure in the “modern philosophy of religion” (as in many other areas in philosophy) is without a doubt the German philosopher Immanuel Kant (1724–1804). One of Kant’s most basic distinctions is between noumena and phenomena, or things-in-themselves as opposed to things as observed through our senses. Human intellect can be applied to the realm of phenomena, but it has no access to the realm of noumena, which includes the entire area of transcendent metaphysics (that which lies “beyond” the physical world). Thus, the metaphysical propositions of religion – God’s existence, immortality of the soul, and free will – are not subject to either proof or disproof. They are not matters of *knowledge* but of *faith*.

Human intellect can be applied fruitfully, however, to a number of different areas, including:

- (a) *Science*: This area was developed more by neo-Kantians such as Hermann Cohen than by Kant himself (see “The Scientist and the Halakhist” above).
- (b) *The study of human consciousness*: Even if we cannot determine whether many of the things we think about are real, we do know that our thoughts themselves are real, and they can be studied. In fact, Kant’s main project in his study of knowledge was to identify the structures by which the mind cognizes. By drawing attention away from the analysis of *things-in-themselves*, Kant opened the way for philosophers and psychologists to study the thought processes and subjective awareness of the *thinkers*. This turn to the self had a lasting effect on philosophy and led to the rise of the phenomenological method that the Rav employs in *Halakhic Man* and *UVikkashtem MiSham*, which, as noted, studies perceptions and consciousness rather than what lies behind them.
- (c) *Ethics*: Man can and must formulate the universal ethical norm purely by using his own intellect. This is termed autonomy, i.e., self-legislation: *auto* = self, *nomos* = law. If one acts properly because one has been given an external command, and not because of the dictates of one’s own conscience, one is acting not morally but rather slavishly. Kant terms such behavior

heteronomous, meaning that it follows a law dictated from the outside: *hetero* = other, *nomos* = law. (Following the dictates of desire instead of reason is also a form of heteronomy.) For him, only autonomous acts have moral worth.

Although, according to Kant's theory of knowledge, we cannot assess the truth of religious propositions, religion plays an important practical role in supporting Kant's ethical theory. For in order to posit the existence of a moral order, it is necessary to assume that man has free will, that the soul is immortal, and that God exists.⁶² However, this is no longer religion as commonly understood. God, the heteronomous commander, has no place in this system. For Kant, having true religion means following the moral imperative of one's conscience for its own sake, and not because it has been commanded from without. Man cannot have a personal relationship with God, nor does God desire man's service or worship. Religious rituals and prayer, which constitute what he calls the "external cult," are meaningless. At best, religious worship has instrumental value in symbolizing and perhaps reinforcing man's commitment to the ethical ideal.

Kant and Halakha

Basing himself on Christian portrayals of Judaism stretching back to Christianity's very beginnings, as well as on the interpretation of Judaism offered by the apostate Jew and rationalist philosopher Baruch Spinoza (1632–1677), Kant views Judaism as nothing more than a collection of political laws and empty rituals designed to preserve group cohesion. For him, it lacks a moral core and any notion of autonomous duty; in fact, it makes no demands whatsoever on the inner self. Rather, Judaism demands the fulfillment of external observances, resulting in what he considered to be an ossified legalism. As the very epitome of heteronomy,

62. (a) If man lacked free will, he could not be a moral agent. (b) The moral agent seeks to perfect himself, and it is impossible to attain this goal within the span of a life; hence, we must posit the immortality of the soul. (c) A moral order entails that one's happiness should be proportionate to one's moral virtue. Yet only the existence of God can ensure that this will ultimately come about. For Kant, these are necessary postulates of his moral theory, and they are also factors that motivate moral behavior.

Judaism creates a servile personality and thereby damages the causes of human dignity and morality. By Kant's definition, Judaism cannot be considered a religion at all.⁶³

Most subsequent attacks on halakhic Judaism derived from Kant's critique in one way or another. This is not because the attackers were all sophisticated philosophers, but rather because the constellation of values that Kant or his successors espoused – autonomy, individuality, freedom, intellectual rigor, boldness, and creativity – became regnant in modern Western civilization. Whether due to Kant's direct or indirect influence, or because the “spirit of the age” dictated an approach like his, his ideas (even if watered down) became almost taken for granted. And the values mentioned (autonomy, individuality, and so forth) were invoked as a major indictment against Judaism, which seemed so lacking in these qualities. How was a religion devoted to the seemingly calcified study of ancient texts and the fulfillment of heteronomous laws to respond?

We must distinguish between two distinct issues: whether Kant's approach to religion is correct and whether his views on the nature of Judaism are correct. Many Jews thought that Kant was correct on both counts. Therefore, they concluded, Judaism either should be reformed and brought into closer accord with Kant's religion of reason by eliminating halakha's “ritual” laws and keeping only the “moral” laws (this was the approach of Liberal Judaism), or Judaism should be abandoned altogether (the approach of assimilationists). Others Jews, as different as Rabbi Isaac Breuer and Hermann Cohen, felt that Kant's understanding of religion was essentially correct, but his understanding of Judaism was faulty – for Judaism in fact met Kant's criteria for true religion. A third group, though they would not have said so in as many words, felt that, on the contrary, Kant's understanding of Judaism was correct but his understanding of religion was wrong: Judaism is indeed heteronomous and proud of it. (This approach may be attributed to ultra-Orthodoxy.)

63. Kant formulates his theory of knowledge in his *Critique of Pure Reason* (1781; 2nd ed. 1787); his ethical theory in *Groundwork of the Metaphysics of Morals* (1785) and *Critique of Practical Reason* (1788); and his criticism of Judaism in *Religion Within the Limits of Reason Alone* (1793), Book Three, beginning of Division Two.

Finally, there were those who challenged both aspects of Kant's view: his approach to religion and his understanding of Judaism. Among this last group we can count Rav Soloveitchik.⁶⁴

Critique and Response

On the one hand, Rav Soloveitchik accepts Kant's delimitation of the intellect to the realm of phenomena (things as they appear to us), and the consequent impossibility of pursuing metaphysics. Instead of studying the metaphysical claims of religion, Rav Soloveitchik, like others, turns to the self and studies the religious *personality*.⁶⁵ He of course does not assert that religion is a purely human creation, but he does study it from the human, not divine, point of view, analyzing its influence upon man, man's role within it, and man's task of shaping it in partnership with God.

Many Romantic thinkers took the "turn to the self" to an extreme, coming to regard religion as purely subjective and emotional. Rav Soloveitchik's focus on human consciousness and the inner self does not lead him in this direction. On the contrary, halakhic man, as we have seen, is far closer to cognitive man than to *homo religiosus*. Halakhic man's religiosity is based on the intellect, and his primary goal is to bring objectivity to religion. He does this both by objectifying halakhic concepts in his rigorous and precise Torah study and by actualizing them in his observance of mitzvot. Both of these commitments prevent him from being swept away by the tide of subjectivity and unrestrained emotion that characterizes many contemporary forms of religion.

Nevertheless, I believe that Rav Soloveitchik displays sensitivity to Kant's critiques even when he does not explicitly indicate that he is engaging in polemic or defense.⁶⁶ For example, Kant and others viewed

64. To be more precise, Rav Soloveitchik, as we shall see, challenged some aspects of Kant's approach to religion while he accepted others, but he completely rejected Kant's understanding of Judaism.

65. At various points in his career, Rav Soloveitchik studied the religious personality through phenomenological lenses, focusing on states and structures of consciousness, and through existential lenses, focusing on the concrete dilemmas of the individual, his ability to communicate and form communities, etc.

66. Whether the Rav confronted these critiques in the writings of figures from the Haskala (Jewish Enlightenment), Liberal Judaism, Protestant theology, general

the mitzvot as empty and soulless rituals. However, the Rav demonstrates in many of his writings – both halakhic and philosophical – that halakha addresses not just external observance but also the inner realm of emotion and experience. Furthermore, in *The Halakhic Mind* the Rav asserts that there are values embedded within halakhic norms, and these can be identified after rigorous conceptual study of those norms.⁶⁷

As for Kant's indictment of Judaism as being heteronomous, Rav Soloveitchik responds in two ways. First, he shows that there is broad autonomy within Judaism (at least for the master of halakhic study). Halakha is the product of divine revelation; but once halakha was given at Sinai, human reason is its final arbiter both on the level of study (*lomdus*) and application (*pesak*). Second, he shows that heteronomy is also important and has its place. In fact, more than the Rav addresses the technical philosophical issue of autonomy, he fosters an *ethic* of autonomy, a positive evaluation of halakhic man's sense of freedom, individuality, and self-worth.⁶⁸ In *Halakhic Man* especially, Rav Soloveitchik is far more concerned with the consequences of heteronomy for the religious personality than he is with the question of the heteronomy of the halakhic system per se. While the heteronomous personality is passive, uncreative, and servile, halakhic man is active, creative, and majestic. Halakhic man achieves this sense of autonomy by the complete identification of his will with God's will (i.e., the halakha), attained through his creative partnership with God in determining and realizing the law.

The Rav's use of the term "autonomous" to describe halakhic man, even if not in the exact sense Kant used it,⁶⁹ leads us to a crucial

philosophy, the social sciences, or elsewhere, they all derive secondarily from Kant and from the Enlightenment *zeitgeist* that produced him. Therefore, I will not treat each critic separately, but instead will address Kant himself, the source of the critique.

67. Regarding halakha and inwardness, see Ziegler, *Majesty and Humility*, 79–87, 96–110; regarding the derivation of values from halakha, see *ibid.*, 334–343.

68. See Sokol (cited in Further Reading below), esp. 299–302.

69. For Kant, autonomy does not mean doing whatever I want. Kant believes that norms are universal, and not based on individual desires. Autonomy is achieved when, and only when, human reason establishes that how I act is right – and it can tell me that only if my prescription for myself applies to everyone and is not predicated on my personal desires. In other words, my reason does not so much *innovate* the norm as

point regarding *Halakhic Man*. In describing halakha and halakhic man, the Rav consistently employs loaded Kantian and neo-Kantian terms: autonomous, a priori, creative, scientific, etc. By doing so, he is making two statements: first, he values many of the same characteristics as do the Kantian and other modernist critics of halakhic Judaism; moreover, these very traits and values can be attained precisely through the study and practice of halakha. As he states in a succinct and striking formulation, "The goal of [halakhic man's] self-creation is individuality, autonomy, uniqueness, and freedom."⁷⁰

We can infer from here and elsewhere that the Rav is responding to critics of halakha who asserted that "a life devoted to Torah study

endorse or appropriate the universal norm. (See Kenneth Seeskin, "Ethics, Authority, and Autonomy," in *The Cambridge Companion to Modern Jewish Philosophy*, ed. Michael L. Morgan and Peter E. Gordon [Cambridge, 2007], 195–196.)

If we understand Kantian autonomy in this way, perhaps Rav Soloveitchik concedes too much when he writes, "The freedom of the pure will in Kant's teaching refers essentially to the creation of the ethical norm. The freedom of halakhic man refers not to the creation of the law itself, for it was given to him by the Almighty, but to the realization of the norm in the concrete world" (*Halakhic Man*, 153, n. 80). Even according to Kant, the individual is not really creating the law; he is assenting to it and identifying with it.

Of course, Kant also says that external revelation has no binding power, and the source of moral authority is the self. Rav Soloveitchik cannot agree with this. However, Rav Soloveitchik could respond that once revelation *has* occurred, the self can give authority to that which has been revealed, which is precisely what halakhic man accomplishes by uniting his will with God's. Rav Soloveitchik emphasizes the centrality of *brit*, covenant, which demonstrates that man is a free agent and assents of his own will. Man is not the source of the law, but he freely adopts it as his own. Furthermore, through his freedom of conceptualization, halakhic man participates in the unfolding and elaboration of the revealed law.

Thus, the gap between Kant and the Rav shrinks when we take into account two factors: (a) norms do not depend upon one's personal desires even according to Kant; (b) even a revealed norm can be endorsed autonomously by appropriating it after it is revealed. Note Hermann Cohen's observation: "God's law does not contradict the autonomy of the moral will. There is a difference only in the method of formulating the concept, which is the difference between ethics and religion" (*Religion of Reason out of the Sources of Judaism*, trans. Simon Kaplan [New York, 1972], 339). See also Rav Soloveitchik's *The Emergence of Ethical Man*, ed. Michael Berger (Jersey City, 2005), 154ff.

70. *HM*, 135.

stifles the mind and stunts the spirit; the halakhic way of life deprives an individual of his freedom and intellectual creativity, and robs him of individuality.”⁷¹ As one who had grown up among the giants of Brisk, the exemplars par excellence of halakhic man, Rav Soloveitchik saw these accusations as being patently absurd. It is reasonable to assume that he realized that if serious Torah study and halakhic commitment were to flourish in the modern world, it was necessary to elaborate the ideological underpinnings of conceptual *talmud Torah* and to portray the *talmid hakham* in a manner that would be both comprehensible and attractive to modern man. Halakha, he explains, is a cognitive discipline; it demands the scholar’s creative input; and it fosters a majestic and fully realized personality while avoiding the excesses of *homo religiosus*. Thus, as David Shatz writes:

The very values which modern critics felt could be realized only by leaving the *dalet amot shel halakha*, the four ells of halakha, could, in fact, be achieved by remaining squarely within them. *It is as if modernity is being turned against itself; its value system is revealed not to oppose tradition, but to support and vindicate it.* And we are not dealing here with...an argument that uses the premises of the modern critic only to convince the critic of the validity of Rabbi Soloveitchik’s praise of halakhic man, without Rabbi Soloveitchik endorsing those premises. On the contrary, Rabbi Soloveitchik seems genuinely to accept the values of freedom, creativity, and individuality because they are affirmed in Jewish sources...⁷²

V. CONCLUSION

In sum, *Halakhic Man* aims to accomplish several goals. First, it depicts a type of intellect-based religiosity and religious personality that is unfamiliar to modern psychology and philosophy of religion. Second, it defends halakha against charges that it is heteronomous, non-cognitive, non-moral, and slavish. Third, it defends the halakhic personality against

71. Shatz (cited in Further Reading below), 193.

72. *Ibid.*, 196, emphasis added.

charges that he is otherworldly, passive, and uncreative. In the course of accomplishing these goals, *Halakhic Man* provides a justification for Torah study, explaining its meaning and significance in terms comprehensible to modern individuals; it argues for the superiority of halakhic man's religiosity which, through the use of reason and the maintenance of boundaries, overcomes *homo religiosus's* subjectivity and extremism; and it establishes the centrality of creativity in halakhic life: creativity in the realm of Torah study, creativity within the world (by realizing halakhic ideals), and creation of the self.

In *UVikkashtem MiSham*,⁷³ Rav Soloveitchik writes that people naturally seek to anchor their existence in something stable and transcendent. This is doubly true of modern man, who is perplexed and conflicted. Such a reader – and not only one already immersed in the world of conceptual *lomdus* – can find *Halakhic Man* quite compelling, despite the “strange, singular”⁷⁴ nature of its title character. The book begins by acknowledging that conflict is a creative force, a point with which many would agree but would be hard pressed to find in earlier Jewish sources. The book then proceeds to build a stable and objective, yet dynamic and creative, religiosity. This religiosity avoids the pitfalls that many associate with contemporary religion – be they passivity and otherworldliness, vapid ceremonialism and sentimentality, or technical ritualism and intellectual laziness. Halakhic man lives a life of high seriousness and heroism, of drama and engagement, as he immerses himself in the demanding and meaningful struggle to grasp and formulate halakhic concepts, to actualize divine ideals within the concrete world, and to craft an individualistic personality that is intellectual and ethical, creative and majestic.

It is hard to do justice in a single essay to the rich range of ideas overflowing from the pages of *Halakhic Man*. I can close only by paraphrasing the book's conclusion:

These are but some of the traits of *Halakhic Man*. Much more than I have written here is imprinted in *Halakhic Man*. This essay is

73. 8ff.

74. *HM*, 4.

but an incomplete sketch of a few of *Halakhic Man's* features. But it is revealed and known before Him who created the world that my sole intention was to explicate *Halakhic Man's* basic themes and goals, for they have often been misunderstood. And if I have erred, may God, in His goodness, forgive me.⁷⁵

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