

- Schacter (Page 1)
- Silverstein (Page 3)
- Lakser (Page 8)
- Shapiro (Page 10)

BEREISHIT

TO SPONSOR THE *LEHRHAUS OVER SHABBOS* FOR A WEEK OR A MONTH,
WHETHER IN HONOR OF A SPECIAL OCCASION OR IN SUPPORT OF OUR
CONTENT, VISIT <https://thelehrhaus.com/sponsor-lehrhaus-shabbos/>

IN MEMORY OF RABBI DR. NORMAN LAMM:
SOME PERSONAL REFLECTIONS

JACOB J. SCHACTER is University Professor of Jewish History and Jewish Thought and Senior Scholar at the Center for the Jewish Future at Yeshiva University.

EDITORS' NOTE: Just in time for the reading of Parshat Bereishit, we are excited to announce the launch of Yeshiva University's newly-redesigned Lamm Heritage Archives, curated by Lehrhaus Editor Tzvi Sinensky, who is also a cousin of Ari Lamm, a Lehrhaus Founding Editor. Originally digitized and housed online at the initiative of then-Dean of Libraries Mrs. Pearl Berger, the site houses over 800 sermons of Past President and Rosh Ha-Yeshiva Rabbi Dr. Norman Lamm zt"l delivered from the pulpit and beyond. The site now features all the sermons in the collection neatly organized by subject matter and date. Access the new site and subscribe to weekly emails with timely content at <https://www.yu.edu/about/lamm-heritage>.

In the spirit of the launch, we are reprinting Rabbi J.J. Schacter's eulogy, which originally appeared in the Lehrhaus shortly after Rabbi Lamm's passing.

On July 15, 1979, Dr. Lamm rose in the sanctuary of Congregation Kehilath Jeshurun on the Upper East Side of Manhattan to eulogize Rabbi Joseph H. Lookstein. He began as follows: "I feel woefully inadequate to the task of speaking the eulogy for my teacher, my colleague, and my friend, Rabbi Joseph H. Lookstein. In truth there is only one person who could do justice to this occasion in honor of Rabbi Joseph Lookstein, and that is – Rabbi Joseph Lookstein. Who else but that master orator could compose the proper farewell for so distinguished a man?"

Almost fourteen years later, on April 25, 1993, Dr. Lamm delivered a *hesped* for Rabbi Joseph B. Soloveitchik in the Nathan Lampport Auditorium of Yeshiva University. He began as follows: "Surely such a prince and such a giant, who became a legend in his own lifetime, deserves an appropriate eulogy. I therefore begin with a confession: I feel uncomfortable and totally inadequate in the role of the one delivering a eulogy for my *rebbe*, the Rav. Only one person could possibly have done justice to this task and that is – the Rav himself; everyone and anyone else remains a *maspid she-lo ke-halakhah*."

Surely, Dr. Lamm's sentiment is, *kal va-homer*, more relevant today. Who else but Dr. Norman Lamm would be able to capture, with rabbinic depth and homiletical virtuosity, with thoughtful perspective and clever turns of phrase, the greatness and the contribution of Dr. Norman Lamm?

Dr. Lamm was a distinguished leader of American Orthodoxy for more than six decades. Visionary leader and gifted orator, multi-faceted intellectual and powerful thinker, imbued with hasidic sensitivity and endowed with intellectual rigor, Dr. Lamm devoted his life to the Jewish community. One verse in the biblical book that bears his name, Nahum, describes Dr. Lamm's tenacious and passionate efforts on behalf of our community. "Man the guard posts, watch the road, gird your strength, and gather much vigor" (Nahum 2:2). In a lifetime of service to the Jewish people and, in particular, the Orthodox community, Dr. Lamm has manned the guard posts of our tradition, carefully watched the road taken by American Jewry to ensure that it reflects Jewish values, girded his prodigious intellectual strength, and gathered his vigor to make certain that his generation, our generation, and generations yet unborn will enjoy a meaningful Jewish future. This was the story of our Reb Nahum's life.

The *Yerushalmi* in *Berakhot* (3:1, end) recounts an interesting, and on the face of it, strange exchange:

"רבי יוחנן שאל לר' ינאי קומי ערסיה דר' שמואל בן יוצדק, 'הקדיש עולות לבדק הבית' – מהו?"

The question is a technical one in הלכות קדשים. In the words of the *commentary*,

"אם נתפסת קדושת בדק הבית בעולה שהיא קדשי המזבח."

There are two kinds of sanctity, that of objects consecrated for the upkeep on the *Beit ha-Mikdash* (קדשי מזבח) and that of objects consecrated to the Altar (קדשי בדק הבית) (see *Mishnah Temurah* 7:1). The issue here is whether a קרבן עולה that is inherited with קדשי מזבח can be also be sanctified with קדשי בדק הבית. But why is this question being asked קומי ערסיה דר' שמואל בן יוצדק, in front of the bier, at the funeral of יוצדק בן יוצדק? What a strange question to be raised at precisely that moment?

In a eulogy delivered for Israeli Ashkenazi Chief Rabbi Yizhak Isaac Halevi Herzog in 1959, Rabbi Bezalel Zolty suggested an answer that I believe is very relevant to us at this moment. There are people, he

said, whose minds are so powerful, and whose capacity for intellectual achievement so great, that they could contribute an enormous amount to the world were they to devote their full attention to the world of the spirit, engaging fully and exclusively as an עולה which is כולו לה. But sometimes they are מקדיש their status of עולה to the בדיק הבית, to the needs of the community. Is this an appropriate mode of behavior, asked Rabbi Yohanan to Rabbi Yannai at that special moment.

But sometimes, like in the case of Dr. Lamm, it is not an either-or proposition. Dr. Lamm was both, writing hundreds of articles and dozens of books addressed to the world of the spirit while directly and passionately addressing the real needs of our community. He did both, and compromised neither, and we are all the beneficiaries of his ongoing contributions.

Much will be said and written in the coming weeks and months assessing the scope and depth of Dr. Lamm's contributions to the ideology and major institutions of the Modern Orthodox community. Much will be said and written expressing appreciation for his many contributions – intellectual and practical – to contemporary Jewish life. My reflections here will be personal, reflecting on the impact that Dr. Lamm had on my own life for which I am, and will be, everlastingly grateful.

When I was growing up, Dr. Lamm's name was mentioned with great respect in my parental home. My father, Rabbi Herschel Schacter z"l, spoke about him with profound admiration, and took great pride in the fact that he had a part in Dr. Lamm's decision to leave the field of chemistry and devote his life to the Jewish community. Indeed, Dr. Lamm confirmed to me a number of times his *hakarat ha-tov* to my father for this. I have a feeling that this may be part of the reason why he took a special interest in me and extended himself to help me many times.

When I started to think seriously of my own career path and decided on the rabbinate, I, simply, aspired to be like him. As a young man, I looked up to Dr. Lamm for embodying what I aspired to become, a pulpit rabbi and engaged communal leader who was, simultaneously, a serious academic scholar. I, too, wanted to have an impact as a pulpit rabbi both within my shul as well as in the community at large, like him, and also to contribute in meaningful ways to the world of Jewish scholarship, like him. I wanted to speak like him, to write like him, and to deliver thoughtful and articulate talks, like him.

In 1981, I assumed the position of rabbi of The Jewish Center, where Rabbi Lamm had served as rabbi with great distinction for some seventeen years. On my first Shabbat I was handed the text of the Prayer for the Government of Israel about two minutes before I was to recite it. I looked at it, and it was unlike anything I had ever seen before. I had no time to reflect on it; I was expected to read it momentarily. I did what I had to do and then approached Dr. Lamm after davening for an explanation. He told me that this version was the one found in the Singer Prayer Book and recited throughout the British Empire, and that he preferred it because it omitted any reference to the State of Israel using messianic language, which he felt was inappropriate. He referred me to his exchange on this matter with Rabbi Shubert Spero that appeared in the journal *Sh'ma* a number of years earlier. I responded by saying that I was unfamiliar with this version, had never seen it before, and that I preferred the more familiar version authored by the Chief Rabbinate of Israel that was recited in most synagogues. I will never forget what he told me. "Rabbi Schechter (he never pronounced my name "Schacter"), you are now the rabbi of this shul. The decision is yours, and I will support

you whatever you decide to do." It was my first Shabbat. I was 30 years old. I was totally overwhelmed by my new position. I was daunted by the prospect of speaking to the congregation with a most distinguished lay leadership, with Dr. Lamm sitting in the pews in front of me and the Rabbi Emeritus of the shul, Rabbi Dr. Leo Jung z"l, sitting on the *bimah* behind me. But Dr. Lamm told me that I was the rabbi and that he would support me. What he told me then was invaluable to me and I am forever grateful to him.

Over the years I benefited greatly from Dr. Lamm's *hesed*. At the beginning of my tenure as rabbi of The Jewish Center I struggled with my sermon delivery and Dr. Lamm graciously offered to help me. Quietly and sensitively, under just four eyes, he shared with me several practical suggestions on the art of sermon-giving that were extremely helpful to me. I remember them well, all these years later. I still regularly implement them myself and also share them repeatedly with my students. Later, he honored me with *berakhot* at the weddings of his children. He appointed me Director of YU's Torah u-Madda Project and Founding Editor of YU's new *Torah U-Madda Journal*, both of which were important steps for me in my career.

I want to note something, in particular, that may be considered relatively insignificant but that has had a great impact upon me, and that is the license plate he had on his YU car. For a long time I was mystified by it. Why "CJSSL?" And then, one day, I got it. It represented the initials of his children, Chaye, Josh, Shalom, and Sarah z"l Lamm. There is an expression sometimes used in English to describe one's core values, and that is "a bumper sticker." For example, in seeking to determine what is most important to a person, someone is asked, "What is your bumper sticker?" And at that moment, and ever since, I realized that Dr. Lamm's "bumper sticker," literally, is his children.

We all know that, regretfully, on more occasions than we want to acknowledge, leaders neglect their own children as they devote their energies to a myriad of worthy causes outside of their homes. I tell my students all the time, all the time, "Don't slaughter your children on the altar of the Jewish community." And what I admire most about Dr. Lamm, לאחר הכל, even more than his formidable communal accomplishments in countless areas which, to be sure, I admired a great deal, is the relationship he had with his children, with their children, and, now with *their* children, the fourth generation in his and Mrs. Lamm's family. I have the privilege of knowing his children, some very well, and know how devoted they were to him, and to their mother z"l. I have the privilege of knowing a number of his grandchildren, some very well, and am overwhelmed by the love and affection they have always had for their "*zaydih*" (in good Galitzyaner pronunciation, of course). This, for me, is the most amazing achievement of a life led with meaning.

The last years were difficult, very difficult, and painfully diminished. I went to visit the Lamm apartment on Central Park West and 88th Street a number of times, mostly before Rosh Hashanah and the *yamim tovim*. Mrs. Lamm greeted me with great exuberance and joy, making me feel so welcome; Dr. Lamm was sitting at the table in the dining room in a white shirt and tie. Mrs. Lamm was a real partner of his, and she cared for him throughout their many decades together. We talked, and he nodded. And, before I left, every time, without fail, I took his hands in mine, looked at him squarely in his eyes, and said to him, with a catch in my voice, "Dr. Lamm, I came to see you on behalf of Klal Yisrael to thank you for all you have done for us. We are who and what we are because we stand on your shoulders." Mrs. Lamm beamed. Dr. Lamm nodded. I cried. I gave him a hug and I left.

Now Dr. Lamm is the one who has left and I say to him, "Dr. Lamm, I come on behalf of Klal Yisrael to thank you for all you have done for us. We are who and what we are because we stand on your shoulders." Now, both Mrs. and Dr. Lamm are beaming. I am crying.

Right before I left the Jewish Center in June, 2000, I asked Dr. Lamm to deliver a public lecture there on a Shabbat morning. He began by saying that he felt he had little choice but to accept my invitation because, after all, I was a *shechter* (a ritual slaughterer, a pun on my last name based on its Yiddish and Hebrew pronunciation) and he was a *lamm* (pun on lamb, his last name).

Indeed, this *shechter* has always had the utmost respect and affection for thi *lamm*. Like his many admirers, I have appreciated how his "[royal reach](#)" has embraced those who have both "[faith and doubt](#)," and how the profundity of his teachings has illuminated many of the "[seventy faces](#)" of Judaism, especially "[Torah Umadda](#)." His thoughtful writings have contributed to our understanding of both Rabbi Hayyim of Volozhin's "[Torah lishmah](#)" as well as "[the religious thought of Hasidism](#)." His works have constructed a "[hedg of roses](#)" protecting and enhancing the "[treasury of tradition](#)," the "[halakhot ve-halikhhot](#)" of Jewish life, lore, and practice. Collectively, they comprise a "[library of Jewish law and ethics](#)," constituting a "[royal table](#)" bedecked with the bounty of traditional Judaism and serving as guides to contemporary Jewish life. In a lifetime of service to *Klal Yisrael*, this "[man of faith and vision](#)" has valiantly toiled to insure that the members of the Jewish community appreciate the "[festivals of their faith](#)," and model the values of a "[good society](#)," always governed by the value of "[shema](#)" or respectful listening. His many written works as well as his first orally delivered "[derashot le-dorot](#)," have created "[festivals of Jewish faith](#)" and serve as enduring testaments to the relevance and vitality of traditional Judaism.

מורינו הרב נחום בן ר' שמואל צבי, תהא נשמתו צרורה בצרור החיים.

AVEIRAH LI-SHMAH IN THE THOUGHT OF R. NACHUM RABINOVITCH ZT"l

DAVID SILVERSTEIN is the Sgan (Assistant) Rosh Yeshiva at Yeshivat Orayta.

The common theme underlying numerous books of mitzvot, halakhic codes and responsa literature is the assumption that Jewish law is a self-contained system. Meaning and virtue are found by complying with the dictates of Halakhah in whatever form they are expressed. Therefore, it is hard to imagine a traditional scholar suggesting that the violation of Halakhah could ever be seen as religiously praiseworthy. There is, however, a passage in the Talmud that seems to suggest that in extreme instances, acting in defiance of the law can actually be deemed virtuous. This idea is known in the Talmud as an "aveirah li-shmah" and is loosely translated as a "sin performed in the name of God." While the exact parameters of this principle are contested by later scholars,¹ a simple reading of the Talmud implies that there are instances where the Halakhah would sanction acting in an extra-legal way that does not conform to traditional Jewish law.

¹ See for example *Noda bi-Yehudah Yoreh Deah* 161.

There are obviously theological challenges posed by this talmudic principle. If Halakhah is supposed to be the medium for actualizing divine virtue in the real world, how can acting against the dictates of the law be religiously meritorious? More importantly, this principle seems to blur the lines between the categories of mitzvah and aveirah (sin). Can't an individual engage in religiously problematic behavior and claim that given his pure motives, he is simply performing an aveirah li-shmah?

These questions are addressed by many medieval and modern scholars.² In addition to briefly reviewing some of the proposed answers, I will look closely at the unique position of R. Nachum Rabinovitch.³ R. Rabinovitch's understanding of aveirah li-shmah challenges some of the assumptions that underlie many of the earlier understandings of this phrase. His view however, cannot be fully understood in isolation from his broader theology of Halakhah. In this article, I would like to argue that R. Rabinovitch's perspective on the nature of halakhic adjudication in general, and his commitment to personal autonomy in particular, serve as significant motivators in formulating his understanding of aveirah li-shmah.

Aveirah li-shmah in the Talmud

While there are allusions to the aveirah li-shmah principle in a few places in the Talmud,⁴ the primary discussion takes place in Nazir 23a-b. There, the Talmud states:⁵

1. Rav Nahman bar Yitzhak said: Greater is a transgression [committed] for its own sake, [i.e., for the sake of Heaven,] than a mitzvah [performed] not for its own sake.
2. But didn't Rav Yehudah say [that] Rav said: A person should always occupy himself with Torah and mitzvot even not for their own sake, as [it is] through [acts performed] not for their own sake [that good deeds] for their own sake come [about]?
3. Rather, [one must emend the above statement and] say [as follows: A transgression for the sake of Heaven is] equivalent to a mitzvah not for its own sake. [The proof is] as it is written: "Blessed above women shall Yael be, the wife of Hever the Kenite, above women in the tent she shall be blessed" ([Judges 5:24](#)), [and it is taught:] Who are [these] "women in the tent?" [They are Sarah, Rebecca, Rachel, and Leah. [Yael's forbidden intercourse with Sisera for the sake of Heaven is compared to the sexual intercourse in which the Patriarchs engaged.]

There are many complex elements in this talmudic passage.⁶ The conclusion of this sugya however, is fairly straightforward: an aveirah

² For an extensive survey see R. Tzvi Haber, "[Aveirah li-Shem Shamayim](#)," (Hebrew) available at: <http://www.daat.ac.il/daat/kitveyet/maaliyot/avera-2.htm>.

³ R. Rabinovitch addresses the topic of "[aveirah li-shmah](#)" in four places in his writings. *Yad Peshutah Hilkhhot Yesodei Ha-Torah* 5:4; *Yad Peshutah Hilkhhot Tefillin* 4:11; *Mesilot Bilvavam* (Maale Adumim: Maaliyot, 2015), 98-99 and "[Aveirah li-shmah](#)," (Hebrew) available at: <http://www.ybm.org.il/Admin/uploaddata/LessonsFiles/Pdf/456.pdf>.

⁴ See for example *Berakhot* 63a.

⁵ 23b. Translation from [Sefaria.org](#).

⁶ For an close textual reading of this talmudic passage see Rabbi Dr. Michael Avraham, "[B-inyan Aveirah Li-shmah](#)," (Hebrew) available at: <https://mikvab.net/%D7%9B%D7%AA%D7%91%D7%99%D7%9D/%D7%9E%D7%90%D7%9E%D7%A8%D7%99%D7%9D/%D7%91%D7%A2%D7%A0%D7%99%D7%99%D7%9F->

li-shmah is at least as religiously meritorious as a mitzvah performed without the requisite intent. The proof text to corroborate this view is from the book of Judges and involves the story of Yael, who (in the Talmud's understanding) engaged in forbidden sexual relations with Sisera (head of the Canaanite army) in order to save the Jewish people from danger. The Talmud elsewhere rules that in addition to murder and idolatry, sexual impropriety is one of the three cardinal sins that one must give up their life for in order to avoid possible transgression.⁷ Yael, however, acted otherwise. Nonetheless, given her pure motives, she is praised by the Talmud.

Aveirah li-shmah in Later Sources

Many halakhic authorities severely limit the applicability of this principle beyond the specific case of Yael. R. Hayyim of Volozhin even goes so far as to argue that the category of aveirah li-shmah was only relevant before the giving of the Torah.⁸ In that context, there was more room for personal autonomy and creativity in determining the will of God. Purity of motivation played a significant role in determining the religious virtue of a given act. This changed however, after the revelation at Sinai. At that point, legislated mitzvot themselves became the sole medium for understanding God's will. The goal of traditional Judaism transitioned into fostering a firm commitment to Halakhah as defined by the Sinaitic revelation and subsequent halakhic literature. In this post-Sinai context, there is no room for aveirah li-shmah since the principle assumes that one is entitled to behave in a way that transcends the formal system of codified law.⁹

Other scholars similarly limit the role of aveirah li-shmah,¹⁰ even if they don't go as far as R. Hayyim of Volozhin to eliminate it entirely. While the details of the solutions vary, there is one unifying theme: these rabbis assume that had a religious court been asked about the case involving Yael, they would have granted her permission to engage in a sexual act with Sisera and would have justified their ruling under the rubric of aveirah li-shmah. In other words, there are times, albeit very limited, when aveirah li-shmah can be viewed as an ideal legal response to a halakhic conflict.

R. Rabinovitch and Aveirah li-shmah: From Le-hatehilah to Be-di'avad

[https://www.torahbase.org/%D7%A2%D7%91%D7%99%D7%A8%D7%94-%D7%9C%D7%A9%D7%9E%D7%94-](https://www.torahbase.org/%D7%A2%D7%91%D7%99%D7%A8%D7%94-%D7%9C%D7%A9%D7%9E%D7%94)

⁷ *Sanhedrin* 74a.

⁸ *Keter Rosh* 132 cited in R. Asher Weiss, "*Gedolah Aveirah Li-shmah*," (Hebrew) available at:

<https://www.torahbase.org/%D7%92%D7%93%D7%95%D7%9C%D7%94-%D7%A2%D7%91%D7%99%D7%A8%D7%94-%D7%9C%D7%A9%D7%9E%D7%94-%D7%AA%D7%A9%D7%A2%D7%95/>

⁹ R. Hayyim is obviously aware of the fact that the example of Yael seems to undermine his thesis. After all, Yael lived after the Sinaitic revelation yet is cited by the Talmud as the paradigmatic example of someone who is praised for engaging in an *aveirah li-shmah*. To solve this difficulty, R. Hayyim offers two solutions. Quoting from the teachings of R. Isaac Luria he argues that Yael is unique since she was a reincarnated soul of someone who lived pre-Sinai. This grants her special license to perform an *aveirah li-shmah*. Alternatively, R. Hayyim claims that Yael's case is different since the survival of the entire Jewish people was at stake and it is only in such an extreme case that an *aveirah li-shmah* can be sanctioned.

¹⁰ See for example the views of R. Kook and Maharik cited in R. Tzvi Haber, "*Aveirah li-Shem Shamayim*," (Hebrew) available at: <http://www.daat.ac.il/daat/kitvevet/maaliyot/avera-2.htm>.

R. Rabinovitch offers a model for thinking about aveirah li-shmah that challenges this assumption. According to his approach, non-halakhically sanctioned behavior (*aveirah*) can never serve as an ab initio legal solution to a state of halakhic ambiguity.¹¹ The context of R. Rabinovitch's interpretation is an attempt to solve a contradiction in Maimonides' position regarding the permissibility of giving up one's life in circumstances not required by the Talmud. As noted above, the Talmud states that there are only three cardinal sins that one must die for rather than violate. What if an individual chooses to accept death rather than violate a religious norm not listed in this group of three? Tur rules that if done in a private setting, such behavior is permissible.¹² Maimonides disagrees and argues that it is forbidden to give up one's life in such cases.¹³ In fact, he claims that if one were to give up his life in cases not sanctioned by the Talmud, the individual would be legally liable for his unlawful behavior.

Maimonides affirms his position in a famous letter known as *Iggeret Ha-Shemad*. Trying to pacify a community threatened by forced conversion to Islam, Maimonides rules that there is no requirement to die in order to avoid declaring allegiance to the Islamic faith. Additionally, he makes it clear that if one decides to act beyond the letter of the law and give up his life, he is held accountable for his behavior. In an apparent change of tone, Maimonides adds a seemingly contradictory qualifier. While he concedes that a court would never sanction the act of martyrdom where not formally required, if an individual decides to do so nonetheless, he has "performed a mitzvah" and receives "great reward" before God since he has sanctified God's name.¹⁴

How can we reconcile these conflicting positions of Maimonides? Both in *Mishneh Torah*,¹⁵ as well as in his initial formulation in *Iggeret Ha-Shemad*, he is clear that under no circumstances is one to give up their life unless specifically granted license by the Halakhah. However, in the same letter he renders those who do give up their lives when not formally required as having performed a mitzvah and acted in a way that is religiously virtuous?

R. Rabinovitch argues that there is no contradiction within the view of the Rambam. He notes that Rambam consistently maintains throughout the letter that if asked, no court would ever legally sanction giving up one's life when not required. Maimonides' positive words for those who gave up their lives is directed at individuals who already chose death in order to avoid conversion. These people were in no way rebelling against the law. Rather, they were motivated by a love of God.¹⁶ Why else would they sacrifice their own life to avoid

¹¹ For other thinkers who expressed similar albeit different understandings of this phrase see R. Asher Weiss "*Gedolah Aveirah Li-shmah*," (Hebrew) available at:

<https://www.torahbase.org/%D7%92%D7%93%D7%95%D7%9C%D7%94-%D7%A2%D7%91%D7%99%D7%A8%D7%94-%D7%9C%D7%A9%D7%9E%D7%94-%D7%AA%D7%A9%D7%A2%D7%95/> as well as R. Aharon

Lichtenstein, "Does Jewish Tradition Recognize an Ethic Independent of Halakhah," in *Modern Jewish Ethics* (ed. Fox), Ohio State University Press 1975, footnote 25.

¹² *Tur Yoreh Deah* 157:1.

¹³ *Hilkhot Yesodei Ha-Torah* 5:2, 4.

¹⁴ For the relevant citation from the *Iggeret Ha-Shemad* see, R. Rabinovitch, "*Aveirah Li-shmah*," (Hebrew) available at:

<http://www.ybm.org.il/Admin/uploaddata/LessonsFiles/Pdf/456.pdf>.

¹⁵ *Hilkhot Yesodei Ha-Torah* 5:2, 4.

¹⁶ See *Yad Peshutah Hilkhot Yesodei Ha-Torah* 5:4.

violating what they perceived to be a halakhic prohibition? It is only post facto, that Maimonides is able to evaluate their behavior and claim that given the purity of their motivation, they will receive great reward. From a strictly legal perspective, their act itself is defined as a sin. Since it was performed with pure intent, however, it has the status of an aveirah li-shmah.

Applying this theory to the case discussed by the Talmud, R. Rabinovitch argues that had Yael asked a court how to behave in the case of Sisera, they would have told her not to violate the law of sexual impropriety since it is one of the three cardinal sins that one must die for rather than transgress.¹⁷ However, once the action was already done, the Talmud is able to evaluate her behavior with the perspective of hindsight. Since the Torah equates her conduct with the religiously virtuous actions of the matriarchs, we see that God considers her actions praiseworthy. While her behavior is sinful from a legal standpoint it is still meritorious when seen from a broader religious perspective.¹⁸

While one can challenge the position of R. Rabinovitch as a solution to the apparent contradiction in the view of Maimonides,¹⁹ the concept that emerges from his view stands independently and provides a fascinating medium for thinking about aveirah li-shmah. According to this approach, the Halakhah, as a system, has a responsibility to ensure that its dictates are followed and its governing principles remain unchallenged. As a result, Jewish law can never sanction extra-legal behavior even in difficult circumstances.²⁰ A "sin" cannot be a halakhic solution. The fact that the Talmud uses the phrase "aveirah" to describe Yael's behavior supports this thesis. When someone drives a terminally ill patient to the hospital on Shabbat, the action is not considered a violation of the laws of Shabbat. The principle of "pikuah nefesh" teaches us that saving a life makes a generally prohibited behavior permissible. By contrast, in the case involving Yael, it is clear from the Talmud that an "aveirah" was indeed performed, yet it was still deemed religiously praiseworthy. The implication is that there are exceptional instances where Jewish law can look outside of itself and consider the possibility that an action, while halakhically problematic, is still religiously virtuous.

As R. Tzvi Haber notes, however, there is something paradoxical about R. Rabinovitch's position.²¹ After all, Jewish law is supposed to inform us about the truth of God's will. If the Halakhah in a specific case is that one is not allowed to give up one's life under any circumstances, then how can we assume, even after the fact, that non-compliance with the law is looked favorably upon by the Torah? Shouldn't God only be content if we follow His will as defined by the Talmud and subsequent codes?

Moreover, R. Rabinovitch's approach assumes that there is religious truth with real world applications that transcends formal halakhic categories. How are we intended to access these truths? What

parameters can we use to determine that an action is in fact "li-shmah" beyond looking within the clearly defined boundaries of the law itself?

R. Rabinovitch and the Limits of Practical Halakhah

The notion that religious truth can exist outside of the normative boundaries of Halakhah is not without precedent. For example, R. Moshe Feinstein argues that halakhic epistemology is multi-layered. On the one hand, Halakhah is a Divine system and therefore, from the perspective of God, there are clear halakhic rights and wrongs. The revelation at Sinai, however, gave the sages of each generation the authority to solve problems that are halakhically ambiguous.²² In theory, it is possible for a scholar to issue a ruling that is metaphysically wrong when seen from God's vantage point. Jewish law however, is not given to angels and halakhic authorities can only be expected to try their best to use their intellect and integrity to capture the Divine will. Even if the halakhist reaches a mistaken bottom line from the viewpoint of God, as long as the conclusions are reached after a sincere evaluation of the source material, the position is considered "right" from a real-world halakhic perspective.²³

While not citing him directly, R. Rabinovitch builds on R. Moshe's suggestion and makes an argument about the epistemological limits of practical Halakhah in general. His perspective contains two elements: one practical and one philosophical. Practically, he argues that it is impossible for a governing system of law to account for every theoretical scenario when legislating normative behavior. He states "that there can be no such thing as a comprehensive justice system that prescribes the proper reaction to any possible circumstance."²⁴ Epistemological ambiguity is a definitional component of any legal system. After all, in order to offer "unambiguous rulings" in every case, the Halakhah would "require familiarity with all relevant factors and considerations, including knowledge of human nature, the essence of the cosmos, and the like. Not all of these are known to us today, and it is possible that we will never fully know them, as they lie beyond the grasp of the human mind."²⁵ Moreover, even if the Halakhah were theoretically aware of all of these variables, "it remains likely that this system does not dictate specific conclusions for all possible scenarios."²⁶

In order to address these difficult cases, halakhic decisors are authorized to create takanot (enactments) that bridge the gap between the values of the law and changing circumstances that may not have a clear halakhic address. According to R. Rabinovitch, "such enactments are required specifically when a gap has developed between Halakhah and life's changing conditions."²⁷ Moreover, the Torah provides more general framing narratives that remind the rabbinic sage of the telos of the law and provide guidance in applying these principles to changing circumstances. R. Rabinovitch cites the position of Maggid Mishneh to substantiate this thesis.²⁸ The context of Maggid Mishneh's statement is an observation that many of the

¹⁷ *Yad Peshutah Hilkhot Tefillin* 4:11.

¹⁸ There is overlap between R. Rabinovitch's position and that of Netziv. See *Meishiv Davar* 2:9.

¹⁹ R. Tzvi Haber references the view of R. Yitzhak Shilat who challenges R. Rabinovitch's proposed solution and offers an alternative for solving the contradiction in Rambam's words.

²⁰ R. Rabinovitch does not directly address whether or not someone who performs an *aveirah li-shmah* is punished by the court and must seek atonement. Cf. *Tzidkat Ha-Tzadik* 128.

²¹ R. Tzvi Haber, "Aveirah li-Shem Shamayim," (Hebrew) available at: <http://www.daat.ac.il/daat/kitveyet/maaliyot/avera-2.htm>.

²² Introduction to *Igrot Moshe Orach Hayyim* 1.

²³ For more about the distinction between halakhic truth and truth from God's perspective see Yitzhak Gilat, *Studies in the Development of Halakhah* (Hebrew), (Jerusalem: Bar Ilan University Press, 1992), 184-190.

²⁴ *Mesilot Bilvavam*, trans. Elli Fischer (Koren: Forthcoming), chapter 2 page 2.

²⁵ *Ibid.*

²⁶ *Ibid.*

²⁷ *Ibid.*

²⁸ *Hilkhot Shekheinim* 14:5.

Torah's loftiest ideals such as, "Be holy (Leviticus 19:2)," as well as "do that which is right and good (Deuteronomy 6:18)," are not codified with the same degree of precision and rigor as other areas of Jewish ritual life such as the laws of Shabbat. Accounting for this asymmetry, Maggid Mishneh notes that "it would not have been fitting to command the particulars of all these principles, because the mitzvot of the Torah apply at all times, in every era, and in every situation, and one must perform them, yet temperaments and manners vary from person to person and from era to era."²⁹

These principles therefore provide the narrative context that motivates halakhic adjudication. Changing circumstances provide new opportunities to apply these Torah values in real world terms. More specifically, "social, economic, and technological innovations and developments open new vistas for legislation that will lead to performance of 'that which is right and good.'"³⁰ However, because these guiding principles are not clearly codified, it is incumbent upon great sages of each generation to "consider and determine what is right and good"³¹ and legislate accordingly. This type of adjudication, however, "naturally leads to disagreements among our sages,"³² since after all, the lack of clearly legislated guidance can easily lead to various halakhic approaches, each claiming the mantle of "right and good."

In another essay, R. Rabinovitch articulates a similar idea noting that "reality is always variegated, and so every practical decision has ambivalences."³³ To corroborate this thesis, he cites an interesting description of R. Meir in tractate Eruvin 13b. According to the talmudic account, R. Meir was the greatest sage of his generation and yet the Halakhah does not conform to his view. Explaining why this is the case, the Talmud states that R. Meir's "colleagues could not fathom the depths of his thinking. He would say of something impure that it is pure, and show evidence; of something pure that it is impure, and show evidence." Rashi explains that R. Meir was able to convincingly argue both sides of a halakhic question.³⁴ R. Rabinovitch uses this talmudic passage to support the idea that Halakhah, by its nature, is multi-faceted and it is theoretically possible to legitimately argue for competing sides of a halakhic issue. Given the multiplicity of halakhic options that could be theoretically argued, actual halakhic decisions may not necessarily capture the totality of religious truth. Simple halakhic problems do not require much creativity. Complicated cases, however, are much more nuanced. As a result, "neither emotion, nor intellectual analysis in light of the Torah—nor, in fact, both of them together—can always provide clear and unequivocal rulings on the proper course of action in cases of extreme duress, for in every situation there are reasons to incline one way as well as reasons to incline the other way."³⁵

While his argument until now focuses on the practical limitations of Halakhah, R. Rabinovitch also expands on this idea by addressing the philosophical challenges of halakhic decision making. He begins by quoting a midrashic passage arguing that God created the world by

balancing the demands of justice and mercy.³⁶ A world ruled by justice alone would not be able to survive, while exclusive governance based on mercy would lead to an increase in sin. It is only the balance of these two values that provides the ideal medium for God's creation. Talmud Yerushalmi uses a similar metaphor to describe the Torah itself. "The Torah is likened to two paths: one through fire and one through snow. If one turns toward this one he dies by fire; if one turns toward the other he dies by snow. What shall one do? Let him go in the middle."³⁷ The imagery used by the Talmud highlights the risks of adopting more extreme positions. Even if true in a metaphysical sense, extreme formulations may actually have dangerous real world consequences. In order for the Torah to implement its ideals in the physical world, it must advocate a "middle path" that incorporates elements of both more extreme positions.

While the "middle path" approach has practical benefits, it also has its share of philosophical challenges. According to R. Rabinovitch, "the middle path may sometimes be an uncertain one, representing compromise between hesed and din. In extreme cases, it may require a choice between alternatives, neither of which offers a perfect or even an adequate solution."³⁸ Theoretically, one Torah value may force the halakhic conversation in one specific direction while a parallel virtue insists on the opposite halakhic conclusion. A compromise model, or the "middle path," recognizes the risks associated with each extreme. Its proposed solution, however, only resolves the dilemma "on the level of behavior."³⁹ Philosophically, the variables that were rejected in order to allow for the halakhic decision still remain as lurking virtues lacking adequate expression. As a result, "as far as motivation is concerned, there is no escape from the paradox."⁴⁰

It is clear therefore, that according to R. Rabinovitch, practical Halakhah has its limits. Philosophically, halakhic legislation tries to provide real world solutions to problems that are rooted in often conflicting virtues. In most instances, there is no need to consider looking outside the clearly defined Halakhah. Jewish Law itself, however, and the hierarchy it proposes, "should not be considered complete, since, in some cases, there is a clash between values of equal weight."⁴¹

Aveirah li-shmah Reconsidered

It is against this theological background that we need to understand R. Rabinovitch's conception of aveirah li-shmah. In most areas of halakhic life, an individual is called to comply with the clear dictates of the law. There are, however, extreme scenarios where given the law's practical and conceptual limits, proper intent may justify acting in an extra-legal manner. Such behavior is, in fact, a "sin" from the perspective of the Halakhah's formal regulations. However, the Torah is aware of Halakhah's epistemological limits. As a result, in extreme instances, it allows for the possibility of finding religious expression outside the confines of halakhic norms. In the case of the Talmud, Yael was presumably unsure whether or not the rules of sexual impropriety should be suspended in times of national emergency. Her desire to act on behalf of the safety of her people motivated her to engage in halakhically problematic behavior. A court could not

²⁹ Ibid. Translation from *Mesilot Bilvavam*, trans. Elli Fischer (Koren: Forthcoming), chapter 2 page 3. Cf. Ramban to Leviticus 19:2.

³⁰ Ibid.

³¹ Ibid.

³² Ibid.

³³ *Mesilot Bilvavam*, trans. Elli Fischer (Koren: Forthcoming), chapter 4 page 15.

³⁴ S.v. *al sof da'ato*.

³⁵ *Mesilot Bilvavam*, trans. Elli Fischer (Koren: Forthcoming), chapter 4 page 15.

³⁶ *Bereishit Rabbah* 12:15.

³⁷ *Yerushalmi Hagigah* 2:1.

³⁸ *Mesilot Bilvavam*, trans. Elli Fischer (Koren: Forthcoming), chapter 4 pages 16-17.

³⁹ Ibid.

⁴⁰ Ibid.

⁴¹ Ibid.

sanction her actions since their job as judges is to adjudicate within the principles of the law itself. Even positive intent, does not have the legal power to turn a prohibited activity into a permissible one. However, proper kavanah does provide the framework for the Torah to look at her actions post facto and deem them praiseworthy when seen from a broader religious perspective.

Intent and Personal Autonomy

According to R. Rabinovitch's theory of Halakhah, intent plays a significant role in theoretically condoning extra-legal behavior, at least after the fact. Left unchecked, this model can allow for a fair degree of religious antinomianism. After all, an individual can always see his specific case as unique and assume that given his positive intent, he is justified in engaging in an aveirah li-shmah. It is likely this concern that motivated many talmudic interpreters to severely limit the application of this principle. R. Rabinovitch is aware of the risks associated with aveirah li-shmah. His solution, however, is rooted in his larger commitment to the centrality of personal autonomy and in an individual's ability to properly navigate his or her halakhic life. As I demonstrated in a previous essay, personal autonomy is a central piece of R. Rabinovitch's religious worldview.⁴² Personal choice, divorced from any outside coercion, allows an individual to maximally actualize his or her Divine image (Tzelem Elokim). The category of "aveirah li-shmah" makes room for an individual to express autonomy since it is his intent that makes a specific action religiously virtuous (even if halakhically problematic). While the halakhic system assumes conformity in most cases, there are instances "wherein the individual is expected to determine his own hierarchy of values."⁴³ Moreover, "even with regard to the universally-applied halakhic system, the individual, as an individual, still plays a primary role."⁴⁴

R. Rabinovitch is clear that intent must be critically evaluated. Not every person is capable of determining whether or not his specific intent can serve as a legitimate factor in determining a course of action. Only an individual who has deeply internalized the values of the Torah is able to make this determination. Acting in a way that is not clearly delineated in a code is not "possible unless his thought patterns and spiritual qualities fit with Torah values."⁴⁵ Studying Torah and familiarizing oneself with the details of Halakhah not only provides the autonomous medium for making halakhic decisions. Rather, through Torah-learning, one is able to achieve familiarity with the values of the Torah. It is this awareness that gives someone the right to determine the proper course of actions in extremely complex scenarios where codified law may not provide the ideal model for solving the problem at hand.

R. Rabinovitch's approach thus avoids the challenges associated with a worldview that finds religious virtue in non-halakhic behavior. The risk with this approach is that any given individual can always act against the dictates of the law under the guise of "aveirah li-shmah." R. Rabinovitch solves this problem by limiting the ability of a person from engaging in extra-legal activity to only those individuals (not necessarily rabbis) well-versed in the dynamics of traditional halakhic discourse. Profound knowledge of the Torah's larger values is a necessary precursor for engaging in an aveirah li-shmah.

⁴² <https://thelehrhaus.com/commentary/personal-autonomy-in-the-thought-of-r-nachum-eliezer-rabinovitch/>.

⁴³ *Mesilot Bilvavam*, trans. Elli Fischer (Koren: Forthcoming), chapter 4 page 18.

⁴⁴ *Ibid*, page 20.

⁴⁵ *Ibid*.

This also solves an additional problem that one could pose to his theory. After all, what barometer can one use to determine if one's motivation to perform an aveirah is truly intended to serve God and not simply an excuse for personal benefit? R. Dr. Michael Avraham argues that the talmudic concept of aveirah li-shmah assumes that any sanctioned extra-legal behavior must be rooted in larger Torah values even if that virtue has limited halakhic expression in the specific case being discussed.⁴⁶ The examples of aveirah li-shmah listed in the Talmud corroborate this thesis. After all, Yael, for example, was not at all interested in deriving personal pleasure from her sin. Her motives were rooted in a larger Torah value, namely the physical survival of the Jewish people.

While not stated explicitly, R. Rabinovitch's approach makes similar assumptions. By insisting that only someone with a profound familiarity with the halakhic canon is capable of possibly engaging in an aveirah li-shmah, R. Rabinovitch ensures that the motivating factor in their behavior is the larger value of the Torah itself. Obviously no system is perfect and there is certainly room for abuse. However, given R. Rabinovitch's larger commitment to autonomy, he thinks that the benefits of a religious system that validates the role of intent is preferable to an authoritarian regime that minimizes individual expression. After all, "The halakhic decision-making process is not meant to release us from the struggles of conscience and rigorous intellectual inquiry involved in any decision. Rather, it is these elements that transform the process into a worthwhile spiritual experience."⁴⁷

Conclusion

Aveirah li-shmah is a fascinating topic. Not surprisingly, its application in the world of traditional Halakhah is severely limited. The possibility of misuse as well as the theoretical blurring of lines between notions of commandment and sin make aveirah li-shmah a category that finds minimal expression in much of contemporary halakhic discourse. R. Rabinovitch's approach is unique and solves many of the problems that challenged traditional thinkers. Instead of mitigating the religious force of aveirah li-shmah, R. Rabinovitch reframes the debate surrounding its very nature.

While other scholars understood aveirah li-shmah as a legal tool, R. Rabinovitch understands aveirah li-shmah as a religious albeit non-legal category. Aveirah li-shmah reminds us of the existence of normative virtues that exist outside the realm of codified law. This understanding allows him to develop a multi-layered vision of Halakhah and its relationship to broader Torah values. On the one hand, as a traditional halakhist, R. Rabinovitch acknowledges that in the overwhelming majority of instances, religious virtue is to be found by observing the dictates of the law as defined by the Talmud and the codes. Moreover, as a devoted student of Maimonides, R. Rabinovitch is committed to the idea that uniform legislation is critical for a functioning halakhic society.⁴⁸ On the other hand, R. Rabinovitch simultaneously affirms the idea that Halakhah has its

⁴⁶

<https://mikyab.net/%D7%9B%D7%AA%D7%91%D7%99%D7%9D/%D7%9E%D7%90%D7%9E%D7%A8%D7%99%D7%9D/%D7%91%D7%A2%D7%A0%D7%99%D7%99%D7%9F-%D7%A2%D7%91%D7%99%D7%A8%D7%94-%D7%9C%D7%A9%D7%9E%D7%94>.

⁴⁷ *Mesilot Bilvavam*, trans. Elli Fischer (Koren: Forthcoming), chapter 4 page 22.

⁴⁸ He states this explicitly (*idem*. 21) noting that "Obviously, in many cases there are purely technical procedures for resolving legal issues, and these leave little room for a personal touch. That is vital for the orderly improvement of society."

own practical and epistemological limits. Not all religious values necessarily find requisite expression in the confines of Halakhah especially in extreme circumstances. As a result, "it is only in cases of exceptional urgency that the individual is given the liberty to probe his own motives and act as he sees fit regardless of the usual rules."

Additionally, R. Rabinovitch maintains that personal autonomy is a central component of traditional Torah discourse. One consequence of this approach is his contention that proper intent has the potential to bridge the gap between the formalities of the law and the larger religious (albeit non-legislated) virtues of the Torah. This is not a legal tool and no rabbinic court can sanction such behavior. In extenuating circumstances however, an individual may find it necessary to act in an extra-legal manner and there is at least the post-facto possibility that given pure motives, one will be judged favorably by God. The one caveat however, is that the extra-legal behavior must be rooted in a larger Torah value (even one that lacks adequate halakhic expression in the case at hand). This model validates the autonomy of the individual practitioner of the law while simultaneously ensuring that only individuals truly familiar with broader Torah principles can be trusted with the possibility of engaging in an aveirah li-shmah.

This approach presents Halakhah as more than a system of obedience. Even according to R. Rabinovitch's framing, aveirah li-shmah is a category with very limited practical application. Nonetheless, its presence within the talmudic canon is of great significance. After all, it reminds us of the Torah's larger religious vision and validates the role of the individual in navigating one's halakhic life.

FROM MASTER TO FATHER: THE EVOLVING CHARACTER OF GOD IN THE CREATION NARRATIVE

GAVRIEL LAKSER is Coordinator of Academic Programs at The Herzl Institute in Jerusalem.

The opening chapter of Genesis has been aptly described by Michael Fishbane as *theocentric* in tone; that is, God is the subject and focus of the narrative.⁴⁹ From start to finish, God's voice is the only voice heard, and it is through His commanding yet effortless speech that He brings His world into existence. As Fishbane observes, "God's speaking and creating are one and indissoluble."⁵⁰

Indeed, throughout the creation enterprise, God's creative declarations are met with full and immediate compliance; God says, "Let there be light... And there was light."⁵¹ (Gen. 1:3) God pronounces, "Let there be an expanse within the water... And it was so." (v. 6–7); "And God said, 'Let the water from underneath the sky be merged into one place...' And it was so." (v. 9); "And God said, 'Let the earth sprout vegetation...' And it was so." (v. 11); "And God said, 'Let there be lights in the expanse of the sky...' And it was so." (v. 14–15); "And God said, 'Let the earth sprout forth living creatures...' And it was so." (v. 24)⁵²

Whereas the focus in Genesis 1 is squarely on the power and dominion of God, the second chapter features a palpable shift away from God as subject and towards God's most prized creation. There, the narrative once again returns to the foundations of the world—only this time with Adam taking center stage. In contrast to the first chapter where man is created last, here, the story begins with the origins of *man* and follows with God's assembling of the world around him. As Leon Kass observes, "The first story ends with man; the second begins with him."⁵³

In redirecting its attention on Adam, the narrative in Genesis 2 also reveals a shift in the character of the Creator. In place of God as the transcendent, all-powerful deity who wills each of His creations into being, in chapter 2, God gets His hands dirty (as it were), forming Adam from the dust of the earth and intimately placing His mouth over the mouth of man and breathing into him the breath of life (Gen. 2:7). The God of Genesis 2 is the engaged and compassionate Creator who focuses all His attention on uplifting His most cherished creation.⁵⁴

⁴⁹ Michael Fishbane, *Biblical Text and Texture* (London: Oneworld, 1998), 11.

⁵⁰ *Ibid*, pp. 7.

⁵¹ Translations are taken from New JPS Hebrew-English Tanakh with some modifications.

⁵² Also see my essay, "[Genesis 1: Creating Order with Boundaries](#)" *Times of Israel*, , November 5, 2019, where I discuss the theocentric qualities to the Genesis 1 narrative.

⁵³ Kass, *The Beginning of Wisdom* (Chicago: University of Chicago, 2006), 55.

⁵⁴ Rashi states that the name *Elohim*, which is used throughout the first chapter, reflects the God of judgment, while the name YHWH,

After bringing Adam to life, God turns His attention to the world surrounding man. Once again, there is a marked departure from the tenor of the first chapter. Although in each narrative God gives order to the world by dividing and organizing His creations, the imagery used in Genesis 2 is quite distinct from that of the first chapter. In Genesis 1, God brings form and function to His world through the rigid demarcation of boundaries; the light and darkness are sharply divided and the waters are violently pushed back to reveal the dry. In Genesis 2, however, God's dividing of His creations is much more subtle and intricate. Here, God delicately carves out winding rivers that contour the land and which further branch out into gentle streams that nourish the lush vegetation of the landscaped garden (2:10–14). Furthermore, in place of God's commanding speech that causes the earth to sprout forth "seed-bearing herbage," we find His gentle cultivation of "all trees pleasing to the sight and good for food." (2:9)

Yet God is not satisfied with providing man physical sustenance and attractive scenery alone. The earth is abound with natural resources—gold, spices, and precious stones- all of which are put in place specifically for the benefit of man (v. 12).

But all the goodness that God provides man—the breath of life, the food, and nature's riches—is not enough to uplift Adam into a fully functional being. For Adam is lonely; he is in need of a companion.

And so, with single-minded focus, God sets out on a mission to find a helpmate for Adam. First, He forms the animals and the birds and brings them to man so as to offer him comfort⁵⁵; "but for Adam, he did not find a suitable helpmate." (2:20)

God then proceeds to do precisely what he does in elevating all of His creations into fully operative organisms; He separates Adam's essential components—the male and female—into distinct bodies. However, once again taking on the flavor of the present chapter, the imagery here is of a doting parent who nurses a sickly child back to health. First, God gently induces a deep, comforting slumber upon man (v. 21) and then, without disturbing Adam's tranquil state, carefully removes one of his ribs with which He fashions into Eve. God then tenderly sutures the flesh from where He made the incision so as to restore it back to its initial healthy state (*ibid*). Upon completing His forming of Eve, God presents this most perfect of gifts to Adam and awaits his response with eager anticipation.

Adam's reaction demonstrates a vitality reminiscent of God's other creations following division. Just as the seas and the land teem forth with life after they are divided, there is, similarly, a marked difference in man's level of activity following God's splitting of the male and female. What started out as a thoroughly passive being entirely dependent on his Creator for even the most rudimentary of functions,⁵⁶ the Adam we discover post-surgery finally begins to exhibit those distinctly human traits we are so familiar with. Now, for

which appears at the beginning of the second chapter, reflects God's mercy (Rashi on Gen. 1:1).

⁵⁵ This follows the view of Ramban (on Gen. 2:20) who states that God presented the animals to Adam in order for him to assign names to them according to their nature, through which he would figure out which would be an appropriate match for him.

⁵⁶ See, for example, how God physically manipulates Adam in moving him in *taking* him and *placing* him in the Garden (2:15).

the first time, that uniquely human gift of speech is heard from Adam⁵⁷ and we see an energy in him that is so noticeably absent prior to God's making of Eve. Adam exults at the sight of this being, so different from the animals that God initially presented to him, and so *similar* to himself. "This time, it is the bone of my bone, and the flesh is of my flesh!" (v. 23)⁵⁸

Also, just as back in the opening chapter God's other creations each receive a name and, with it, an identity after being partitioned, we find that man, too, acquires a name ("Ish" and "Isha") that reflects a newfound identity and purpose.⁵⁹ Only now, as an exalted being, Adam takes initiative and names himself instead of relying on God's intervention in the matter.

The story of Creation in Genesis 2 is very much *man's* story. And as God's unique love for Adam becomes clearly evident throughout the narrative, we are left to consider what it is about man that earns him God's affection and personal attention unlike that of any of His other creations.

To answer this question we need to return to the opening chapter where on numerous occasions throughout the Creation narrative we read, "God saw that it was *good*." What is this 'good' that God perceives in His creations?

To begin with, note that God's recognition of the good always follows a stage in the Creation endeavor in which there is significant progress in terms of the development of life-sustaining conditions on earth.⁶⁰ The first instance comes after God's creation of light (1:4). Both from a scientific and practical perspective, light has an essential role in the nourishment of life and wellbeing on earth. From the scientific angle, it is with light that the process of photosynthesis is initiated and, as such, light serves as the starting point to life on earth. On the practical level, light is so critical to our ability to function in any productive way. Imagine trying to forage for food in a world of

⁵⁷ Although the implications from Adam's naming of the animals prior to God's separation of the male from female are that Adam speaks, we do not hear his speech. What does he name the animals? What type of emotion does he express? The fact that the animals are not able to provide him companionship suggests that Adam speaks without much energy or enthusiasm. To be certain, he is clearly more developed and exalted than the animals even at this primitive state of development. But he is not yet the fully evolved species whose words we hear and whose enthusiasm we sense with his response upon seeing Eve for the first time.

⁵⁸ See Ramban (2:20) who reads "This time" as "This time, as opposed to the *other* time" in which God presents to Adam the animals and birds.

⁵⁹ The names selected, *Ish* and *Isha* ("man" and "woman"), further attest to man's newfound state of grandeur, in contrast to the name "Adam" which reflects man's humble origins (from *adama*, or 'earth').

⁶⁰ Jon Levenson states that the primary message of the creation narrative in Genesis 1 is of God's "establishment of a benevolent and life-sustaining order." (Levenson, *Creation and the Persistence of Evil* (Princeton: Princeton University Press 1994), 47.)

complete and utter darkness. One cannot overstate the critical role that light plays in enabling us to navigate our way in the world.⁶¹

Next, the goodness of His creation is recognized by God following the earth's sprouting forth vegetation, another pivotal stage in the earth's development as a source of life (v. 12).⁶² Then, with His creation of the sun, moon, and stars, God sees more goodness (v. 18). It is these heavenly bodies that give a structure and order to our lives. "Day" is the time we are active, while "night" provides our bodies time to rest and recharge. As such, each has an essential role in enabling us to function effectively. Finally, just as the division of the waters from the dry gives life to the latter, so too, the waters flourish with aquatic life following that separation. And, once again, this burgeoning of life is seen by God as *good* (v. 21).⁶³

However, with the creation of man we find that the *goodness* of the world ascends to an even loftier "very good." What is it about man that enables for the life-sustaining goodness of the world to elevate even higher?

We know that man is distinguished from the rest of the created order in being endowed with a *tzelem elohim*; a Godly image (1:27). According to Sforno, this divine countenance is demonstrated through man's superior intellect which closely resembles God's *supreme* intellect.⁶⁴ In other words, man is unique in his capacity as an intelligent being to contemplate and recognize the life-supporting conditions of the world he inhabits. While the world prior to Adam's arrival is certainly good, it remains a *silent* goodness. With man, there comes the potential to recognize, appreciate, and respond to all the good that God has provided. It is this capacity to contemplate and reflect that marks Adam's transition from a passive and silent creature at the onset of the narrative to the animated and passionate being that responds so enthusiastically to laying eyes on Eve for the first time. Man's unique capacity to evaluate the world around him is further reflected in the fact that of all of God's creations it is with him, alone, whom God speaks *to* instead of *at*.⁶⁵

⁶¹ I want to distinguish, here, between the light of the first day of creation with the sun that is formed on the fourth day, which is of course what we view as the source of light from a scientific perspective. As others have argued, the Torah is not intended as a scientific account of the earth's foundations. I would suggest that the light of Day 1 comes to demonstrate the very basic life-sustaining qualities of light, regardless of its source. The significance of the creation of the luminaries is in their function to give order to our world through their contribution to the cycle of years, months, and days which organize our lives.

⁶² Note that there is no mention of the good that God perceives on the second day of creation following God's division of the lower from upper waters because, as Rashbam states, God's work with the waters is not complete until the third day, when the waters on low are divided from the dry. Only then does the earth (and the waters) sprout forth life (See Rashbam on 1:6).

⁶³ Also see my essay, "[Genesis 1: The Good and the 'Very' Good](#)," *Times of Israel*, November 14, 2019, where I discuss the *good* that God sees in Creation.

⁶⁴ Sforno on 1:27.

⁶⁵ Lakser, *ibid*.

With the alternative perspective of Creation offered in Genesis 2 we discover a clear direction for the Creation enterprise as detailed in the first chapter. We find that the message of God's unrivalled power and sovereignty in Genesis 1 is intended not to intimidate and to frighten. On the contrary, it is to provide the comfort in knowing that this thing called 'life' that we cherish so much is brought forth with intention by a benevolent God who ensures its stability and preservation and who compassionately endows the most exalted of His creatures with the intellectual capacity to perceive the genuine goodness of the world and its Creator.

BACKYARD PRAYER

AKIVA SHAPIRO is a constitutional and commercial litigator who, when not in court, tries his hand at teaching and writing.

The sun rising over fenceposts
Dapples our masked faces
Through tangled lilac blooms

In the void left by hushed prayers
Cicadas chirp in rhythm
Interspersed with birdsong

Like leaves in morning breeze
We sway, our words tracing
A serpentine path; vines o'er oak

Folding chairs set in grass
Sink into dew-damp earth
And betray life's evanescence

LEHRHAUS EDITORS:

David Fried

Davida Kollmar

Yosef Lindell

Lea New Minkowitz

Tzvi Sinensky