



Sevara

Torah, reasoned.

Parashat Vayera

Genesis 18:1 – 22:24 · 3 divrei Torah

IN THIS PARASHA

- 13** Morality and Torah – One System or Two?

- 14** The Question of Prophetic Certainty

- 15** The Limits of Halakha: A Transgression for the Sake of Heaven

Morality and Torah – One System or Two?

In brief: Abraham argues with God over Sodom, but is silent at the Binding of Isaac. This gap opens a large question: what is the relationship between a person's natural morality and the commandments of the Torah? Some see morality as a system absorbed into the Torah; others see it as a parallel system – and there appears to be ample evidence for the second approach. The discussion moves from Socrates' Euthyphro dilemma to two Talmudic passages that distinguish between mitzvot with intrinsic value and mitzvot of pure obedience.

Two Responses of Abraham

One of the basic dilemmas in the life of a believer arises when his conscience, or his system of moral values, clashes with the commandments of the Torah.

In our parasha we meet this clash twice, and Abraham's conduct in the two cases is completely different.

When God tells Abraham of His intention to overturn Sodom, Abraham does not stay silent. He argues. When Abraham is commanded to sacrifice his beloved son, we do not hear a single word of reservation from him.

What was Isaac's sin? In what way were his rights less than those of the hypothetical righteous people of Sodom, whom Abraham defended so vigorously?

This is a hard question, and it is not simple to give it a clear answer, even though many attempts have been made to find the difference between the two stories. But the interpretive question has a substantive parallel, which concerns not only Abraham but also us, his descendants: what is the relationship between the moral imperative and the divine imperative?

Natural Morality – What It Is and Where It Comes From

Most people sense within themselves a distinction between "good" deeds and "bad" deeds. It is hard to deny that this distinction, or parts of it, depends to a large extent on society and history. But broadly speaking, one can say this: harming another person or being cruel to him, lying, stealing and the like appear to most people, in most places, to be wrong in their very essence.

This imperative of conscience underlies the distinction between good and evil outside the religious framework. And it also has a place within the world of the Torah:

- **From the Torah itself.** Even before the giving of the Torah, God demands moral conduct from human beings. Cain is punished for murdering Abel, although "You shall not murder" had not

yet been said. Abimelech pleads in his defense, “In the innocence of my heart and the cleanness of my hands I have done this” – he knows on his own that taking a married woman is forbidden. And the generation of the Flood and Sodom were punished for violence and the perversion of justice. From this we learn that a person is expected to understand on his own, by the power of his conscience and his reason, what is good and what is evil.

- **Rabbenu Nissim Gaon** explains in his introduction to the Talmud that even before the giving of the Torah people were punished (like the generation of the Flood) for their evil deeds, because all the mitzvot that depend on reason are binding on everyone from the day God created man upon the earth.
- **Rabbi Shimon Shkop** writes that the monetary laws of halakha are not derived directly from a prohibition such as “You shall not steal.” (If they were, someone whom the court exempts from payment because it is not clear that he owes would still have to pay – in case the money is not his and he is violating the prohibition of theft.) They are derived from what he calls “sevara” – reasoning – something very close, if not identical, to the moral imperative we have described. Moreover, sevara in a certain sense precedes the Torah. In his words, even the obligation to serve God and fulfill His will is itself “an obligation and a necessity according to the judgments of reason and understanding.”
- **“It is a matter of reasoning.”** The Gemara often asks: “Why do I need a verse? It is a matter of reasoning!” – why is a verse needed, when reason requires it? An example is the rule “the burden of proof is on the one who seeks to take from his fellow.” If all justice came only from verses, there would be no room for reasoning that replaces a verse.

Two Approaches to the Relationship between Morality and Torah

On this charged subject one can propose, in principle, two approaches.

The reductionist approach (reduction = collapsing one thing into another). According to this approach, from the moment God gave the Torah to His people Israel, human morality lost its validity. What the Torah forbids is forbidden; what the Torah permits is permitted. An observant Jew should have no problem with something the Torah permits, even if his moral sense rebels against it. Perhaps he must even fight himself in order to suppress that feeling of revolt.

The parallel approach. According to this approach, the Torah and the moral imperative exist side by side. Even if in certain circumstances the Torah permits you, say, to steal – you are still expected to refrain from it, because of the moral sense that exists in you exactly as it does in a member of a Polynesian tribe who has never heard of Israel or of their Father in Heaven.

This approach runs into difficulty at the moment the divine command and the moral imperative contradict each other, as in the cases in our parasha. Then the question arises: which prevails? But at least where there is no contradiction, only silence – when the Torah simply says nothing – the two kinds of imperative can exist side by side.

On the face of it, most religious people are not followers of the reductionist approach. They believe – or at least act as if they believe – in the parallel existence of a moral imperative and a halakhic imperative. The fact that halakha may in certain cases permit taking a gentile's money will not necessarily lead them to cheat the Thai worker in their dealings with him.

Evidence for the Parallel Approach

There appear to be several proofs that morality and halakha are two separate systems.

“You shall do what is right and good.” The verse is phrased as a command, and yet almost none of those who enumerate the mitzvot count it among the 613 commandments. If morality were part of halakha, the verse would be counted as an ordinary positive commandment. It seems that the Torah left it outside on purpose: a domain in which a person acts by the power of his reason and conscience, and not out of obedience to a clause in a law code.

“A scoundrel with the Torah's permission.” Nachmanides explains that “You shall be holy” comes to prevent the situation of a person who keeps every detail of halakha and still behaves vilely. And here is the paradox: if “You shall be holy” were an ordinary mitzvah, such a person would no longer be “a scoundrel with the Torah's permission” – he would simply be committing a transgression. This means that the Torah deliberately chose not to turn this demand into a halakhic clause.

Morality for all, halakha for Jews. Morality is universal – it applies to every person as a person. Halakha is addressed only to Jews. If halakha were “divine morality,” we would expect a gentile, too, to keep Shabbat and not eat pork. But gentiles are exempt from halakha and bound by morality (the seven Noahide laws). This means that halakha is a separate system, intended for particular religious goals.

Conflicts. Some laws simply contradict conscience: a mamzer may not marry, although he did not sin; the wife of a Kohen who was raped becomes forbidden to her husband. The attempt to explain that this is “a higher morality we do not understand” is not convincing. The simple explanation is that we are dealing with two systems. An act can be right in religious terms and problematic in moral terms. The very clash shows that these are two different domains.

The Ran and the Maharal. The Ran (Derashot HaRan, Derush 11) writes that Torah law was not meant to achieve a well-ordered society – for that there is “the law of the king” – but to cause the divine abundance to dwell in the world. He even concedes that the laws of the nations are sometimes better ordered in practical terms. The Maharal (Be'er HaGolah, the second well) illustrates this with the return of lost property: morality requires returning a lost object even after its owner has given up hope of recovering it, whereas halakha exempts. In his words, halakha operates according to “reason and truth,” and morality according to “custom” – the proper ordering of the world. The gap between them shows that they are not the same system.

The conclusion. We are bound by two systems, both of which are the will of God: halakha, given at Sinai, and morality, which the Creator planted in our reason and our conscience.

The Euthyphro Dilemma

In one of Plato's dialogues, Socrates – already dragged into a trial that will end with his execution – converses near the courthouse with a man named Euthyphro. Euthyphro is the figure of the “dos,” the zealously pious man: devout, and placing the worship of the gods above everything else. Socrates confronts him with dilemmas he cannot answer, and the central one is formulated as follows:

“Is the holy loved by the gods because it is holy, or is it holy because it is loved?”

In our terms. Take the mitzvah of tzitzit. If God had not commanded it – would wearing tzitzit still have virtues (for the health of the wearer, or for the metaphysical state of the world), only we would not know about them? Then tzitzit are “holy” because they are “loved.” Or, without the commandment, would wearing tzitzit be entirely useless, and the only good in it be the fulfillment of the Creator's command? Then they are “loved” because they are “holy.”

The connection to our question. The dilemma is not identical to the question of the independence of the moral imperative, but there is a connection between them:

- One who holds that a mitzvah was given because the Creator knows of a benefit hidden in it will tend to assume that the system of mitzvot leaves nothing good outside it. For if something is truly good, why were we not commanded to do it?
- One who sees the mitzvot as a separate system, given meaning only by God's command, naturally assumes that the moral order that existed before the command continues to exist after it.

The poison in the dilemma. Both sides of the dilemma cast the relationship between man and the Creator in a strange light:

- If tzitzit have no value without the command – why did God entangle us with these strings?
- And if there is objective value in the mitzvot – this assumption leads to “reasons for the mitzvot” of the shallow kind, “eating pork causes liver disease,” or to presenting the Torah's purposes as a secret world that exists on a level hidden from our eyes. As Ibn Ezra puts it, this path turns us into a sect of “those who invent from their own hearts secrets for everything, and believe that the laws and statutes are riddles” – people who make up secrets for everything and believe that the mitzvot are riddles.

Oceans of ink have been spilled on this dilemma. In the discussion, midrashim like this one are often quoted: “What does the Holy One, blessed be He, care whether one slaughters from the front of the neck or from the back of the neck? The mitzvot were given only to refine people.” In other words: it makes no difference to God whether an animal is slaughtered from the throat or from the nape; the mitzvot are meant to refine human beings.

Two Talmudic Passages: Mitzvot with Intrinsic Value and Mitzvot of Obedience

Two passages in the Gemara seem to draw a line between mitzvot that have real “intrinsic value” and mitzvot whose only value lies in reflecting the Creator's command.

1. The Ashes of the Red Heifer, the Dust of the Sotah – and the Dust that Covers the Blood

The Gemara says (Chullin 89a; Sotah 17a):

“Rava expounded: As a reward for Abraham our father saying ‘I am but dust and ashes,’ his children merited two mitzvot – the ashes of the red heifer and the dust of the sotah. – But there is also the dust used to cover the blood? – There, there is a preparation for a mitzvah, but no benefit.”

These three mitzvot are connected to dust or ashes. The ashes of the red heifer purify someone who has become impure through contact with the dead. A “sotah” – a woman whose husband suspects her of infidelity – drinks water mixed with dust, and in this way it becomes clear whether she is innocent. And “covering the blood” is the mitzvah of covering with dust the blood of a bird or wild animal that has been slaughtered. According to Rava, the first two have intrinsic value, and so they are a kind of “gift” we received in Abraham’s merit: the sotah brings peace between husband and wife and prevents mamzerim (children born of a forbidden union), and the heifer’s ashes purify Israel of the sin of the golden calf – a real benefit, even though it operates on a hidden level. Covering the blood, by contrast, is only a “preparation for a mitzvah”: an act that makes it possible to eat the meat, and nothing more. And the distinction stands out precisely for this reason: with the same effort one could have “invented” a hidden benefit for covering the blood as well – and yet the Gemara did not do so. Covering the blood is understood as pure obedience to God’s command, with no benefit beyond that.

2. “A Mere Stringency” – The Order of the Yom Kippur Service

The Gemara in Sanhedrin (49b) establishes a rule: when the Sages list several things, the order in which they are listed does not matter. The rule has a few exceptions. For example, the four court-imposed death penalties are listed in the Mishnah from the most severe to the least, and one who is liable to two death penalties is judged by the more severe of them. Likewise, the seven substances (cleaning agents) that are applied to a stain to check whether it is menstrual blood – they are applied precisely in the order in which they are listed. Rav Pappa wishes to add to the list the order of the Yom Kippur service (the offerings and acts of the High Priest in the Temple), since one who performs one service before another there has done nothing. And the Gemara rejects this: that is only a mere stringency – simply a strictness.

At first glance, the rejection is puzzling. It is clear that the order on Yom Kippur is indispensable by Torah law, and whoever changes it invalidates his service. What else is missing for it to count as an exception?

The answer is that there are two kinds of order. With the four death penalties and the seven substances, the order comes from the things themselves: one death penalty is more severe than another, one substance is stronger than another, and so it comes first. On Yom Kippur, no service is more important than another. The Torah simply was strict and established that the order is indispensable. The Creator said to do it this way, and there is no “real” reason to put the bull’s blood before the goat’s blood (two

of the day's offerings). That is the meaning of "a mere stringency": a decree of Scripture (a command with no apparent reason), and not an expression of an order inherent in the nature of things.

This idea recalls the words of Maimonides in the Guide for the Perplexed (III:26), who distinguishes between seeking the reason for a mitzvah itself and attempting to explain its details. The benefit of slaughtering animals for food is clear. But one who troubles himself to give a reason why it must be done specifically by cutting the throat and not by stabbing (in the chest) – "is in my eyes afflicted with a prolonged madness."

The conclusion. In at least some cases, the Sages of the Gemara saw in certain mitzvot an inner value, which God's command only reveals; and in other cases they saw them as an arbitrary command.

14

The Question of Prophetic Certainty

In brief: How did Abraham know that the command to bind Isaac came from God, and not from a demon or from his imagination? The answer: prophecy is not a text that must be interpreted, but a certain experience, like seeing with one's own eyes.

The Question: How Did He Know?

God tells Abraham to bind Isaac, his son. It is a terrible command.

So how did Abraham know that this voice was truly the voice of God? Perhaps it was a demon come to make him stumble? Perhaps an illusion, a figment of the heart?

Prophecy Is Not a Text, but Seeing

This question assumes that prophecy is like a letter: one receives a message, and then must check who sent it and what it says. In other words, it would require interpretation (explanation, analysis).

But prophecy is not like that. It is an immediate perceptual experience: the prophet grasps the divine word directly, just as we grasp the world through our senses.

Think of a healthy person who sees a table in front of him. He does not ask himself, "Perhaps my eyes are deceiving me?" He simply sees. The certainty is not the conclusion of a calculation, but part of the seeing itself.

So too with Abraham. He did not "infer" that the word came from God. He perceived it with absolute certainty, and he had no doubt at all about the source of the command.

This is also what Maimonides writes (Guide for the Perplexed III:24): the Binding of Isaac teaches that what the prophet perceives in prophecy is completely certain to him. Otherwise, Abraham would not have hastened to slaughter his only son.

The conclusion. Abraham did not hesitate and did not look for proofs, because prophecy was not a hypothesis for him but a certainty – the certainty of one who sees with his own eyes.

15

The Limits of Halakha: A Transgression for the Sake of Heaven

In brief: Lot's daughters thought the whole world had been destroyed, and they chose to continue human existence at the price of the prohibition of incest. The Sages saw their act as a mitzvah. This raises a question of principle: can an act be a transgression from the standpoint of halakha, and yet positive and even necessary from the standpoint of values? This is the concept of "aveirah lishmah" – a transgression for the sake of Heaven.

The Dilemma of Lot's Daughters

In our parasha, Lot and his two daughters flee Sodom as it is overturned. They are left alone in a cave. The daughters think the whole world has been destroyed.

In such a situation they face a hard dilemma. One option: keep halakha and morality – and so bring human history to an end. A second option: continue human existence – at the price of a deeply problematic act.

They decided that human existence outweighs the prohibition of incest. Thus Ammon and Moab were born.

To understand this kind of reasoning, let us turn to a halakhic example from another area.

"Do We Tell a Person to Sin So That His Fellow Will Benefit?"

The Gemara in Tractate Shabbat, page 4a, discusses a person who stuck dough for bread onto the wall of an oven on Shabbat. If the dough stays in the oven and bakes, he will violate the forbidden labor of baking. May he remove it – that is, take it out of the oven – before it bakes? The Gemara distinguishes between three cases.

1. He stuck it on deliberately, that is, intentionally and knowing that it is forbidden. The Sages permitted him to remove the dough so that he will not become liable to stoning – the death penalty the court imposes on one who desecrates Shabbat deliberately. In other words, he is permitted to violate a minor prohibition⁷ in order to escape the penalty of stoning.⁸

⁷ Removing the dough is forbidden only rabbinically, because it is not considered a forbidden labor but a "skill." Some say it is a "shevut" – a rabbinic prohibition on an act that resembles a forbidden labor. Others say the act is so simple and so far from a forbidden labor that it does not even involve a shevut prohibition, but only a minor rabbinic prohibition.

⁸ There is seemingly a proof here that the prohibition of baking on Shabbat is a "prohibition of result" and not a "prohibition of action": the prohibition is that the dough becomes baked, and not only the act of sticking it on.

But this permission does not come from the ordinary laws of saving life. Saving life permits violating prohibitions when a person's life is in external danger – illness, drowning and the like. Here the danger is not external. It stems from a duty that the Torah itself imposes on the court: to execute one who has desecrated Shabbat deliberately. The person brought the danger upon himself through his sin. Formally, this is not “saving life” but “deserved punishment.”

So what did the Sages rely on? They took into account the state of mind of a person who sees that a death sentence is about to be passed on him. Such a person cannot withstand the urge to save himself. And it is not reasonable to demand that he give himself up to death helplessly. That is why the Sages did not impose the prohibition in this case: it is clear from the outset that the person will not be able to abide by the decree, so there is no point in making it.

2. He stuck it on unintentionally, and then remembered. The Sages permitted him to remove the dough himself, so that he will not come to the prohibition of baking. And although he began unintentionally, he is not obligated to bring a chatat – the offering brought by one who sinned unintentionally. The chatat obligation requires that both the beginning and the end of the act be unintentional. Here, once he knows, if he leaves the dough, he will complete the baking deliberately.

3. He stuck it on unintentionally, and does not know that it must be removed. Rav Shila suggests that others remove the dough in his place, to save him from the prohibition. Rav Sheshet rejects this: “Do we tell a person to sin so that his fellow will benefit?” That is, there is no permission to violate a prohibition yourself in order to save your fellow from a prohibition.

However, several Rishonim learn from another passage, in Tractate Eruvin page 32b, that sometimes a person is permitted to violate a minor prohibition: so that his fellow will be saved from a severe prohibition, or to enable a public mitzvah, or a great mitzvah.

In any event, we see that there is room for judgment: there are situations in which transgressions are committed. When the price is heavy, it is legitimate – and perhaps even desirable – to commit a transgression. The situation of Lot's daughters was certainly an extreme one. Therefore their act should be viewed positively, or at least with understanding.

The Sages' View of the Act of Lot's Daughters

The Gemara in Tractate Nazir, page 23b, explains that the Sages saw the act of Lot's daughters as a mitzvah. Lot himself, by contrast, is considered a sinner, because he committed his act deliberately – at least on the second night. Apparently Lot, unlike his daughters, knew that the world had not been destroyed. And so the very same act counts as a transgression in his case.

What Is an “Aveirah Lishmah”?

In halakhic terminology, a situation in which we are compelled to commit a transgression for a positive goal is called “aveirah lishmah,” a transgression for the sake of Heaven.

Halakha does not recognize the legitimacy of the transgression – otherwise it would not be a transgression at all. One who desecrates Shabbat to save a life is not committing an “aveirah lishmah,” but a mitzvah.

An “aveirah lishmah” thus points to a tension. On the one hand, on the formal halakhic level, there is a transgression here. On the other hand, on the level of values – the level of values that stands above the details of the laws – there is a positive act here, perhaps even a necessary one. Can such an act be given legitimacy?

The Methodological Problem

Is halakha the place where this discussion should take place at all? There is a dilemma here:

- If halakha permits the act – it is not an aveirah lishmah but the fulfillment of a mitzvah, like saving life on Shabbat.
- And if halakha does not permit it – why should it grant it legitimacy?

For this reason some commentators emptied the concept of “aveirah lishmah” of its content, and turned it into an internal halakhic term suited to situations like saving life on Shabbat. But the sources in the Talmud show that this is a different situation – extra-halakhic in its essence.

Two conceptions can be proposed in principle:

a. The discussion takes place in a broader sphere: the Torah. From the standpoint of halakha, there is a transgression here, but from the standpoint of the Torah, this is a positive act. When there is a conflict, one can say that halakha gives way before the Torah. On this view, halakha does not contain everything the Torah requires: the Torah has binding directives that lie outside halakha.

b. The discussion takes place within halakha, but not everything halakha forbids has the same status. There are forbidden acts that are real transgressions: wrong and illegitimate. And there are acts that are not correct from the standpoint of halakha, but are legitimate: wrong, yet legitimate. On this view a boundary problem arises: how do we classify such acts? It seems they cannot be classified with halakhic tools, since by definition halakha forbids them.

Can One Value Be Weighed against Another?

Even if we accept that there are “legitimate” transgressions, a hard question remains: how do we decide when a particular value outweighs a prohibition? Lot’s daughters weighed the continuation of humanity against the prohibition of incest. But on what scales does one weigh such a thing?

Here there is a difficulty of principle. Values are not like prices. One can compare two products by their price, because they have a common measure: money. Values have no such common measure. Philosophers call this “incommensurability” – the impossibility of measuring things in the same unit.

Why? Because a value is a starting point. If I ask, “Why is it forbidden to lie?” one can answer, “Because one must respect others.” But if I ask, “Why must one respect others?” we will eventually

reach a point where there is no further answer: it is simply a value I accept. If every value needed to be explained by another value, the chain would never end.

And since each value stands on its own, there is no single scale on which one can check which value weighs more.⁹

The Ba'al Halkkarim, Rav Kook and the Netziv

According to their view, every act is judged by its motive, and not by its result. If the intention is for the sake of Heaven, the act is positive. On this view, the halakhic criterion loses its meaning.

Among themselves there is a disagreement: according to the Ba'al Halkkarim, there is no obligation to commit an “aveirah lishmah.” According to Rav Kook and the Netziv, it is a full obligation.

“It Is a Time to Act for God; They Have Annulled Your Torah”

At first glance we find in the Sages a principle similar to “aveirah lishmah”: “It is a time to act for God; they have annulled Your Torah.” But this is a different principle. There, we are dealing with an enactment of an authorized court, which may establish that a certain prohibition must be violated. Here, we are dealing with the act of an individual who decides – without halakhic instruction – to commit a transgression in order to save an important value.

The conclusion. The Sages saw a mitzvah in an act that is a transgression from a halakhic standpoint. “Aveirah lishmah” exposes a tension between the formal halakhic level and the level of values – and places a person before a hard decision: between values that have no common measure.

⁹ One could say: perhaps all values derive from a single deeper principle, and then we could compare them. But for that we would need to know the reasons behind the mitzvot. And halakha has established that “we do not expound the reason for a verse” – we do not decide halakha according to the reason for a mitzvah. Therefore we have no accepted tool for determining what those fundamental values are.