

The ultimate source of the mitzvot must be God but the immediate transmitter is not God but a human being.

This partnership is not insignificant; it is part of the divine design. Human beings are not only receivers of the commandments; they must also be involved in the transmission process. The famous tale of the oven of Achnai (*Bava Metziah* 59b) describes a debate between the heavenly voice and the rabbinic scholars. In the end, the rabbis claim victory based on the principle that the Torah is “Not in Heaven.” We are then told that God watches this event and smiles saying, “My children have defeated me, my children have defeated me.” While this description of God’s response is moving, it is also surprising. Why must the rabbis defeat God? Is the process lacking if God is victorious?

The answer underlies the basic relationship of human beings to God and commandments. God does not expect people to follow the commandments as automatons, waiting for instructions and being punished for disobedience. God expects a cooperative and evolutionary process in which people participate in the formulation of the commandments and thereby fulfill the obligations they have cre-

ated. God’s willingness to accept defeat, as it were, is a profound expression of this partnership in the evolution of the mitzvot.

Based on this appreciation of the partnership model between God and humans, we can understand Leibowitz’s formulation regarding the purpose of mitzvot. If God was the sole source of mitzvah, the mitzvot by their very nature would be geared to the more spiritually oriented and to those who were more naturally drawn to religion. This would result in a class system vis-à-vis the required observance of Judaism. This is not, however, the way of Judaism. Jewish practice must be accessible and available to everyone equally. Accordingly, the Jewish people must share in the process of developing the mitzvot and defining their application to everyday life and practice.

“Judaism is a realistic religion,” Leibowitz writes, concluding, “It apprehends the individual in his concrete everyday existence and regards him in light of his reality, and not in terms of a ‘vision’ of the ideal reality.” It is the role of the molders and shapers of religious tradition and practice to keep this idea in mind so that mitzvot will become a tool for the realistic achievement of the religious goals and visions of Judaism.

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## Ethical Imperatives and Mitzvot

Jeremy Kalmanofsky

THE PREMISE OF our covenant with God is that we, Israel, are called upon to fulfill God’s mitzvot. For as holy as they are, Moses taught, mitzvot are not unattainable — across the sea or up in the sky. The commandments are very near to us in our mouths, so we may articulate their meaning, and in our hearts, so they may shape our characters, and so we may live them out (*Devarim* 30:11-14).

Eugene Borowitz, in a recent issue of the journal *Judaism*, observed that the category of mitzvah as ethical ideal has lost its power to obligate. For various philosophical and social reasons, the behaviors that earlier generations took up as clear, rational, ethical duties now seem murkier and unsure. Freedom and license have taken the place of communal duty and responsibility in our virtues. While Judaism reels under these transitions, Borowitz writes, “we have not yet produced a broadly convincing theory of ethics to replace the Kantian-style paradigm which once made ethics so precious to us.”

The grave consequences of that loss threaten to leave us with a barely recognizable Judaism. Judaism’s architecture consists of covenantal practices undertaken as communal duties that reflect God’s goodness and love for the world and that make the world holier and more just. Unless Israel is called to fulfill mitzvot, our capacity for self-transcending service to God and humanity will grow feebler; and our tendency for indulgence and sloth will strengthen; our love for our own freedom will become everything to us. Individual freedom and autonomy are, all in all, happy features of modern Jewish life. But it is not a responsible goal for Judaism to free each person from the yoke of service. Hear it from Bob Dylan (in a musical midrash on *Joshua* 24:14): “You’re gonna have to serve somebody. It may be the devil. It may be the Lord. But you’re gonna have to serve somebody.”

Reformulating ethical theory for our time is beyond me. But I would offer some observations on the nature of mitzvot that perhaps

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contribute to finding our way back toward obligation. To begin with, we should remember that there are different sorts of mitzvot and that the term mitzvah can be used in multiple ways. Sometimes mitzvah denotes a very specific practice. For instance, it is a mitzvah to eat an olive-sized piece of matza, baked with particular haste, from specially handled dough, while reclining on the first night of Passover. Sometimes, mitzvah can mean a meritorious but non-obligatory practice, like "it is a mitzvah to contract one's own wedding rather than contracting through an agent."

Mitzvah can point, as well, to a broad organizing principle, which gives rise to further, specific commandments. A wonderful example is the Torah's mitzvah, "Do the right and the good" (*Devarim* 6:18). Nachmanides explains that Moses' words call us not to a specific practice, but to extend the body of ethical maxims in yet uncharted ways. "Even in matters about which I have not commanded specifically, devote yourselves to doing the right and the good in God's eyes, for God loves the good and right. This is a great matter, for it would be impossible that the Torah mention every single potential social or commercial or political behavior. Rather, after Moses mentioned many specific mitzvot, like 'Do not gossip,' he repeated this message generally."

Some contemporary disappointment at the lack of mitzvah-gravity and ethics may be due to a miscategorization of ethical mitzvot. Usually, ethical imperatives should function like this last sort of meta-mitzvah. Ethics often cannot be rule-specific enactments, but rather principles that covenantal Jews must learn to articulate through specific practices. This general ethic may retain compelling power that more specific practices have lost. For instance, I might propose that being a Jew entails dedication to seeing the image of God in all people. One is not free to violate this mitzvah without fatally separating one's self from the people. Other meta-mitzvot would include maintaining public health and safety, caring for the powerless, and pursuing peace. No Jew would be free to regard these as optional. Exactly what actions would fulfill this category of mitzvot might remain contested among communities and individuals. But each Jew and each *kehillah* would be obliged to transmute these ethical imperatives into reality. Now, *zil g'mor*. Get out and study.

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