

MITZVOT AND THE PATH TO HUMAN FLOURISHING

Dr. Yonatan Brafman is assistant professor of Jewish Thought and Ethics and the academic director of the Hendel Center for Ethics and Justice at the Jewish Theological Seminary of America. His research focuses on the intersection of Jewish thought, Jewish law, and contemporary moral and legal philosophy.



ORIENTING CONCEPTS & QUESTIONS

- **Concepts**

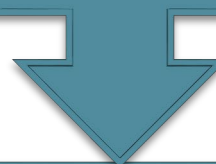
- **Human Flourishing, Eudaeonia, or $\chi\alpha\iota\delta\epsilon\mu\omicron\upsilon$**
 - What does it mean for a life to go well?
- **Mitzvot, Commandments, Divine Law**

- **Questions**

- **What is the relation, if any, between Judaism and human flourishing? What should it be?**
- **What are Jewish views of human flourishing?**
- **How, if at all, do the mitzvot contribute to human flourishing?**

ROADMAP

Maimonides's Answer

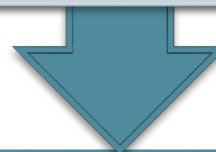


Neo-Maimonidean Debates

Spinoza

Kaplan

Berkovits



Challenge

MOSES MAIMONIDES

The Connection between Mitzvot and Human Flourishing

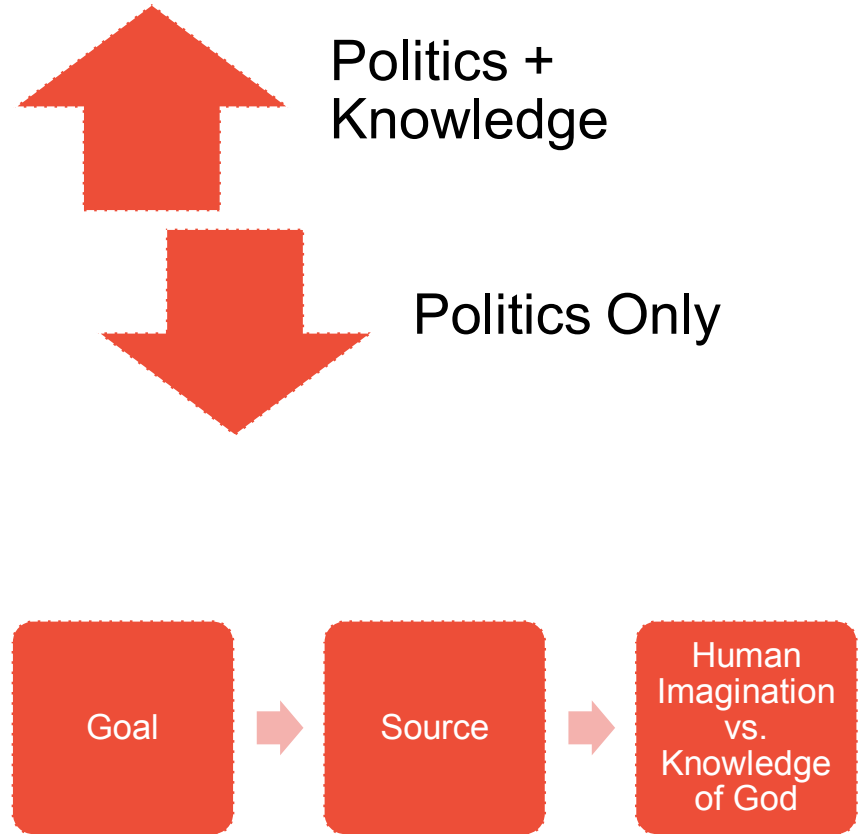
BIOGRAPHICAL AND INTELLECTUAL BACKGROUND

- **Life & Times**
 - 1138, Spain - 1204, Egypt
 - Decisor and Philosopher
 - Physician and Communal Leader
- **Major Works**
 - *Mishneh Torah*
 - *Guide of the Perplexed*
- **Orienting Ideas**
 - **Knowledge as Human Flourishing**
 - *Now man possesses as his proprium something in him that is very strange as it is not found in anything else that exists under the sphere of the moon, namely, intellectual apprehension... It is because of this something...that he is 'in the image of God and in His likeness'.... (I: 2)*
 - **Humanity as Political**
 - *"It has been explained with utmost clarity that man is political by nature and that it is his nature to live in society." (II: 40)*
 - **Judaism aims at a Polity with the Mitzvot as its Law**



TYPES OF LAW: CONVENTIONAL AND DIVINE

[I]f you find a Law the whole end of which [is] directed exclusively toward the ordering of the city and of its circumstances and the abolition in it of injustice and oppression; and if in that Law attention is not at all directed toward speculative matters, no heed is given to the perfecting of the rational faculty, and no regard is accorded to opinions being correct or faulty - the whole purpose of that Law being...the arrangement...of the circumstances of people in their relations with one another...you must know that that Law is conventional and that the man who laid it belongs...to those who are perfect only in their imaginative faculty. If, on the other hand, you find a Law all of whose ordinances are due to attention being paid...to the soundness of the circumstances pertaining to the body and also to the soundness of belief - a Law that takes pains to inculcate correct opinions with regard to God...and that desires to make man wise, to give him understanding, and to awaken his attention, so that he should know the whole of that which exists in its true form - you must know that this guidance comes from Him, may He be exalted, and that this Law is divine. (11: 40)



THE GOALS OF THE MITZVOT

The Law as a whole aims at two things: the welfare of the soul and the welfare of the body. As for the welfare of the soul, it consists in the multitude's acquiring correct opinions.... As for the welfare of the body, it comes about by the improvement of their ways of living one with another. This is achieved through two things. One of them is the abolition of their wronging each other.... The second thing consists in the acquisition by every human individual of moral qualities.... Know that as between these two aims, one is indubitably greater in nobility, namely, the welfare of the soul—I mean the procuring of correct opinions while the second aim—I mean the welfare of the body—is prior in nature and time.... For the first aim can only be achieved after achieving this second one. (III: 27)

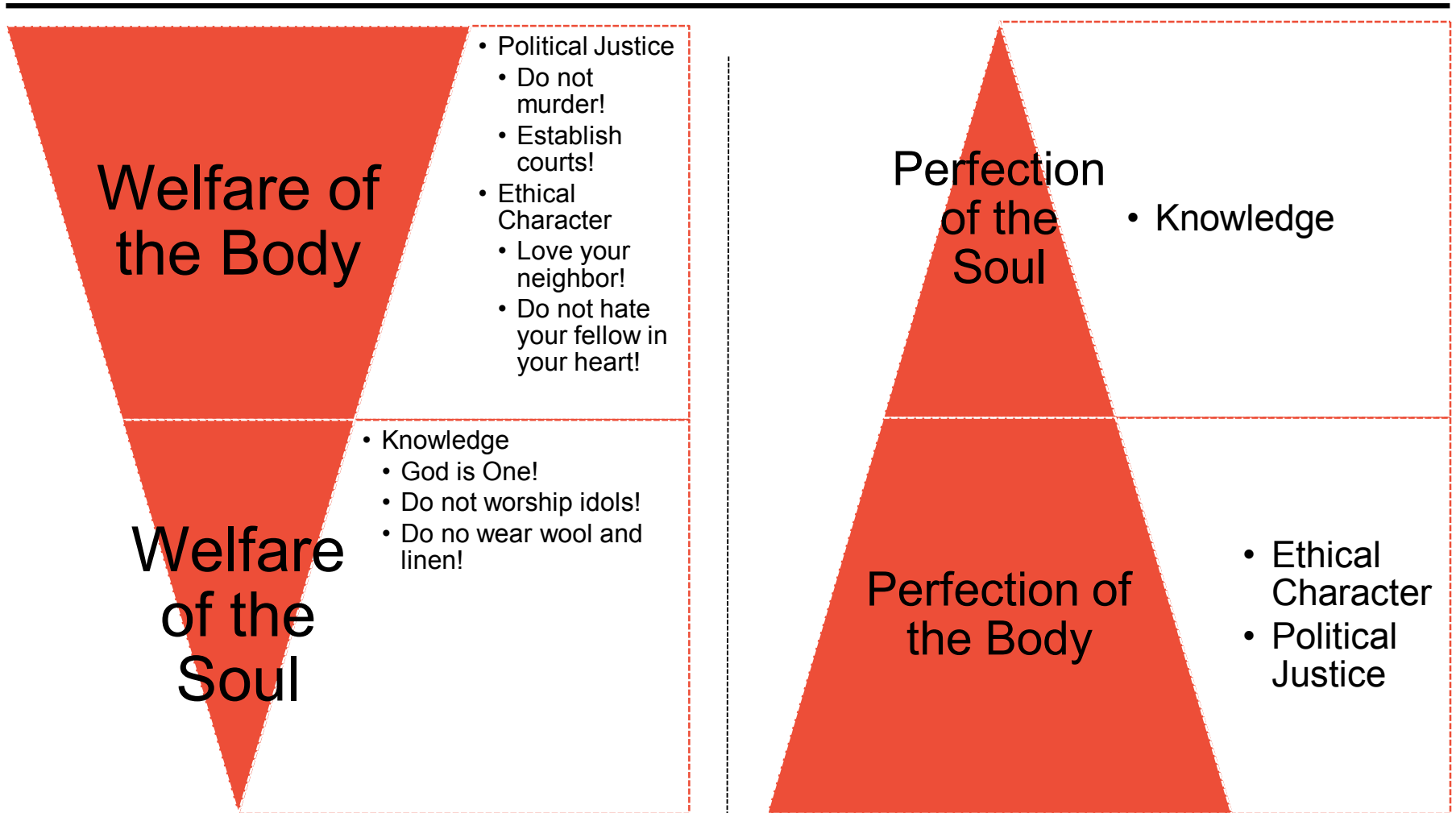
For it has already been demonstrated that man has two perfections: a first perfection, which is the perfection of the body, and an ultimate perfection, which is the perfection of the soul. The first perfection consists in being healthy and in the very best bodily state, and this is only possible through his finding the things necessary for him whenever he seeks them. These are his food and all the other things needed for the governance of his body, such as a shelter, bathing, and so forth. This cannot be achieved in any way by one isolated individual. For an individual can only attain all this through a political association, it being already known that man is political by nature. His ultimate perfection is to become actually rational... [T]his would consist in his knowing everything concerning all the beings that it is within the capacity of man to know in accordance with his ultimate perfection.... It is also clear that this noble and ultimate perfection can only be achieved after the first perfection has been achieved. (III: 27)

THE GOALS OF THE MITZVOT

The true Law then...has come to bring us both perfections, I mean the welfare of the states of people in their relations with one another through the abolition of reciprocal wrongdoing and through the acquisition of a noble and excellent character. In this way the preservation of the population of the country and their permanent existence in the same order become possible, so that I everyone of them achieves his first perfection; I mean also the soundness of the beliefs and the giving of correct opinions through which ultimate perfection is achieved. The letter of the *Torah* speaks of both perfections and informs us that the end of this Law in its entirety is the achievement of these two perfections. For He, may He be exalted, says: *And the Lord commanded us to do all these statutes, to fear the Lord our God, for our good always, that He might preserve us alive, as it is at this day* (Deut. 6: 24). (III: 27)

There is a group of human beings who consider it a grievous thing that causes should be given for any law.... What compels them to feel thus is a sickness that they find in their souls.... Rather...[a]ll the commandments are bound up with three things: opinions, moral qualities, and political civic actions. (III: 31)

MITZVOT AND HUMAN FLOURISHING



SUMMARY

The Maimonidean Approach to Mitzvot and Human Flourishing

- Mitzvot are a way to achieve Human Flourishing
- Teleological Relationship
 - *Knowledge is the Goal*
 - *Mitzvot are Means*

Neo-Maimonidean Approaches to the Mitzvot and Human Flourishing

- Teleological Relationship
 - *What is Human Flourishing?*
 - *How are the commandments a means for it? Are the commandments, as they are, effective for this goal?*

CLARIFYING QUESTIONS ON MAIMONIDES

BENEDICT SPINOZA

**Breaking the Connection between Mitzvot and
Human Flourishing**

BIOGRAPHICAL AND INTELLECTUAL BACKGROUND

- **Life & Times**
 - 1632-1677, Netherlands
 - Spanish-Portuguese Converso
 - 1656, Excommunication
- **Major Works**
 - *Theological-Political Treatise*, 1670
 - *Ethics* (posthumous)
- **Orienting Commitments**
 - **Knowledge is the Human Good**
 - *The highest conatus of the mind and its highest virtue is to understand things by the third type of knowledge. (Ethics V: 25)*
 - **God or Nature**
 - *God is the immanent, not the transitive, cause of all things. (Ethics, I: 18)*



NATURAL VS. REVEALED LAW

By human law I mean a prescribed rule of conduct whose sole aim is to safeguard life and the commonwealth; by divine law I mean that which is concerned only with the supreme good, that is, the true knowledge and love of God. This law I call divine because of the nature of the supreme good.... Since our intellect forms the better part of us, it is evident that...we should endeavor above all to perfect it as far as we can, for in its perfection must consist our supreme good. Now since all our knowledge, and the certainty that banishes every possible doubt, depend solely on the knowledge of God—it follows that our supreme good and perfection depends solely on the knowledge of God. (*TTP*, 49-50)

This, then, is the sum of our supreme good and blessedness to wit, the knowledge and love of God. So the means required to achieve this end of all human action—that is, God insofar as his idea exists in us—may be termed God's commands.... So, the rules for living a life that has regard to this end can fitly be called the Divine Law. (*TTP*, 50)

NATURAL VS. REVEALED DIVINE LAW

Two Types
of Divine
Law

Aim vs. Origin

Universal vs. Particular

Effective Means vs. Historical Narratives

Effective Means vs. Ceremonies

Intrinsic Value vs. Instrumental Value

Complex
Debate with
Maimonides

Teleological Relationship

Human Flourishing as Knowledge

Rejection of the Mitzvot

Proposal of Alternative

“By divine law I mean that which is concerned only with the supreme good, that is, the true knowledge and love of God.”

“And in this sense the Laws of Moses...can nevertheless be termed the Law of God, or Divine Law, since we believe it to have been sanctioned by prophetic insight.”

CLARIFYING QUESTIONS ON SPINOZA

MORDECAI KAPLAN

**RECONSTRUCTING THE CONNECTION BETWEEN
MITZVOT AND HUMAN FLOURISHING**

BIOGRAPHICAL AND INTELLECTUAL BACKGROUND

Life & Times

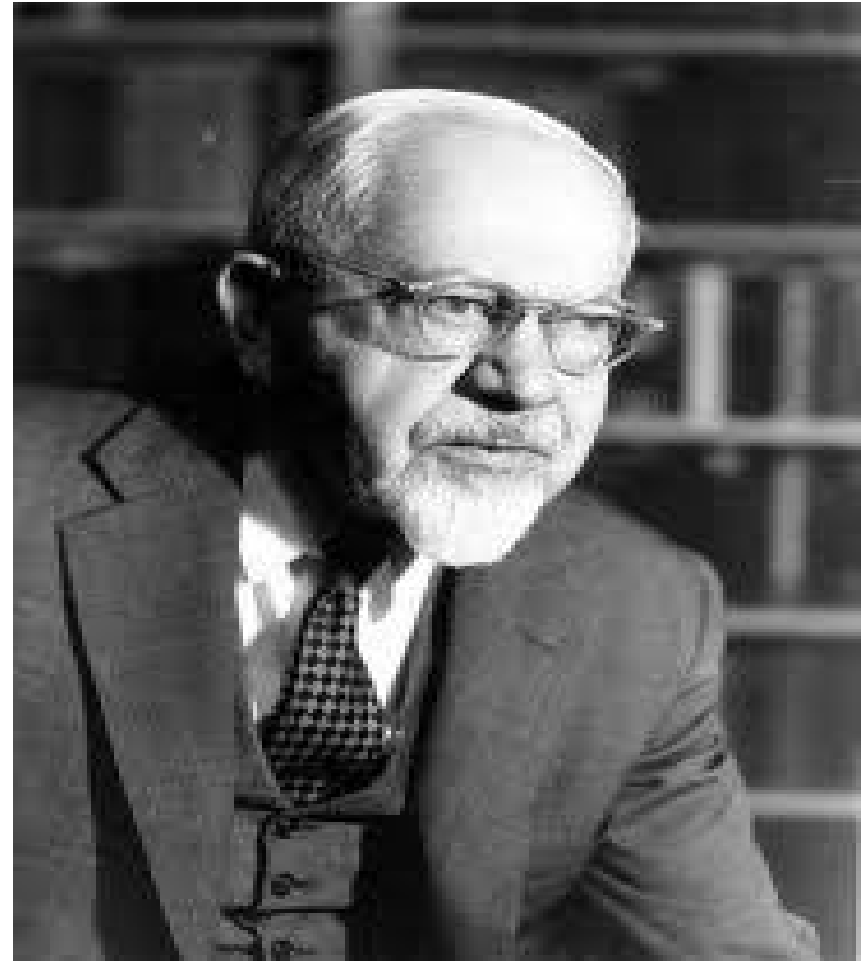
- 1881, Lithuania – 1983, New York City
- Jewish Theological Seminary
- Reconstructionist Judaism

Major Work

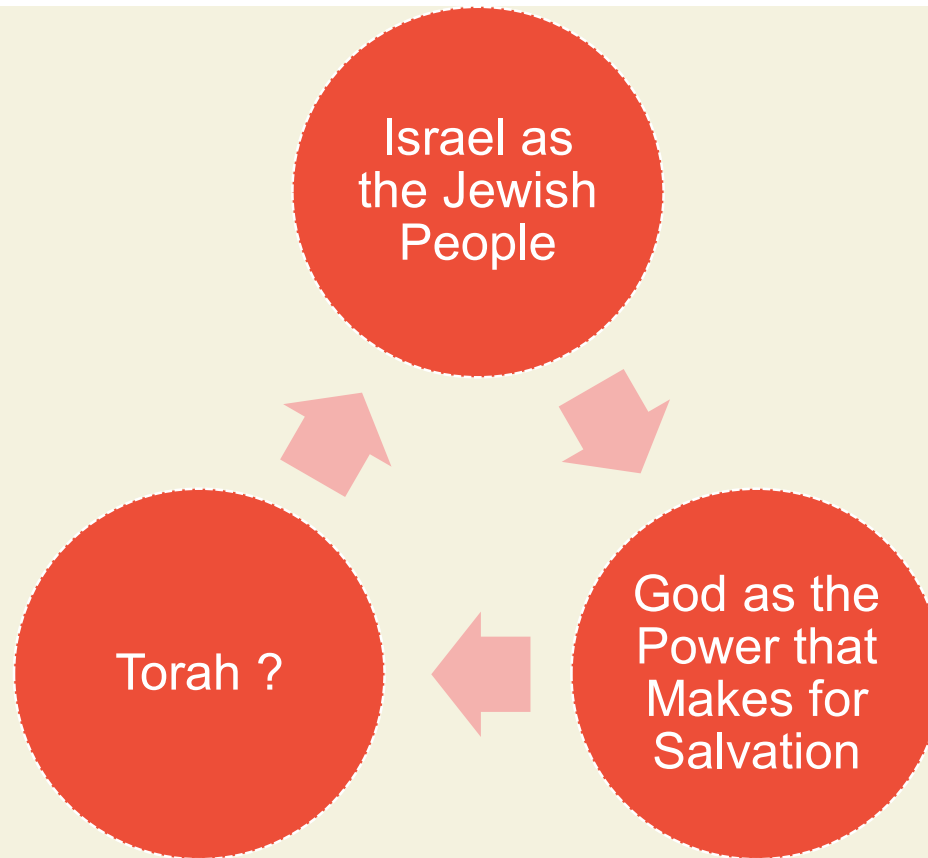
- *Judaism as a Civilization*

Orienting Commitments

- **Judaism as a Civilization**
 - *The term civilization is usually applied to the accumulation of knowledge, skills, tools, arts, literature laws, religions and philosophies which stand between man and external nature, and which serves as a bulwark against the hostility of forces that would otherwise destroy him.” (Judaism as a Civilization, 179)*
- **Functionalist Interpretation**
 - *The Jewish religion must be so reinterpreted that it will be able to further the values which have become the conscious objects of all human striving.... Functional reinterpretation is concerned with man’s yearning to find himself in a universe that is friendly to his highest purpose, to fill the most valued potentialities of his nature and to achieve a social order that is founded on justice and peace. (Judaism as a Civilization, 338-339)*



FUNCTIONALIST INTERPRETATION OF ISRAEL, GOD, AND TORAH



FUNCTIONALIST INTERPRETATION OF ISRAEL, GOD, AND TORAH

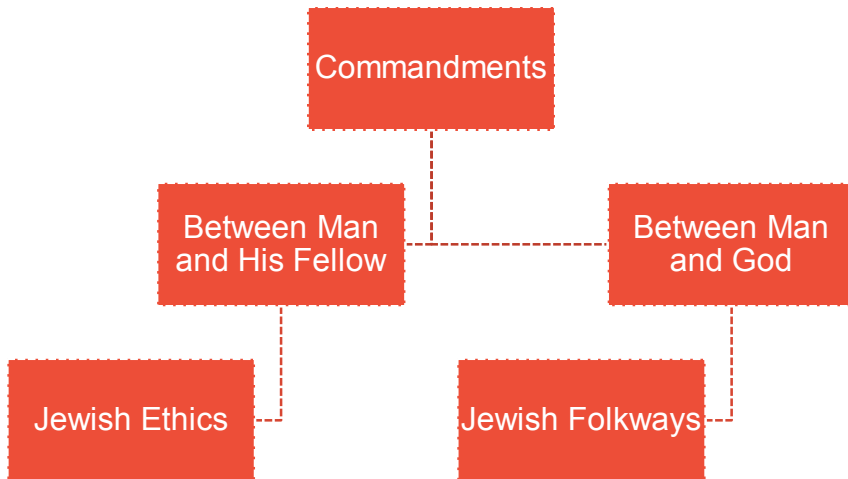
Torah as a Civilizing Agency

We discern in the concept “Torah” the first attempt on the part of a people to detach itself mentally from its regimen of conduct and to contemplate it as something more than a matter of chance or accident.... The regimen...should not be treated as something arbitrary to which we must submit because we cannot do otherwise, but as inherently right and good which we should accept as an act of free choice. This is what entitles the social system of customs, laws and standards to be considered Torah, the law of God, or as the modern man would put it, a civilization or civilizing agency. Once a people can achieve such detachment from its routine, there is some likelihood of that routine undergoing modification as soon as it fails to keep with the growing complexity of life. No doubt there will always be resistance to change, but so long as it is recognized that the way of life has to be accepted as a matter of free choice, the forces of intelligence and idealism will ultimately succeed in bringing that way of life in line with man’s highest needs and capacities. (*Judaism as a Civilization*, 413)

A revision of the entire system of Jewish customs is imperative. Before any constructive attempt at revision can be made, however, Judaism must be accepted, both in theory and practice, as a civilization. (*Judaism as Civilization*, 438)



THE MITZVOT: MEANS TO A GOAL



Jewish Folkways

Jewish observance can only be said to serve its purpose, when it contributes (1) to the preservation of the Jewish people and (2) to the satisfaction of the personal spiritual needs of Jews. Our position is that those mitzvot which, in tradition, are described as applying “between man and God” should be observed insofar as they help to maintain the historic continuity of the Jewish People and to express, or symbolize, spiritual values or ideals which can enhance the inner life of Jews. (Reply, 122)

THE MITZVOT: MEANS TO A GOAL

Law can no longer be conceived as unilaterally imposed by a transcendent Deity. We cannot, in our day, hold Mount Sinai over the heads of the Jewish people and say: "Accept this Torah, or else..." We must assume that law is the instrument by which human beings, who feel the need of sharing life, define their common purposes, the mutual relations necessary for their achievement and the sanctions to be employed in enforcing the common will. Since God is the Power that makes for salvation, and since democratic polity is expected to function as an instrument of a people's quest for salvation, *the law in a democratic polity derives its ultimate validity from the extent to which it conforms with the divine will, by actually contributing to the salvation of the individual and of human society generally.* ("The Problem of Jewish Law," 22)

Democratic law cannot be developed by interpretation alone; it requires legislation also. Wherever possible, resort should be had to interpretation of existing law rather than to legislation of new law. But when a law has become so obsolete that no reasonable interpretation of it can either remedy some evil or advance some good, it should be superseded by new law in accordance with the vital needs of the people. ("The Problem of Jewish Law," 22-23)



THE MITZVOT: FUNCTION AND GOAL

Teleological
Relationship



Developing Conception
of Human Flourishing



Adjusting the Mitzvot to
Achieve It

CLARIFYING QUESTIONS ON KAPLAN

ELIEZER BERKOVITS

**Reasserting the Connection between Mitzvot and
Human Flourishing**

BIOGRAPHICAL AND INTELLECTUAL BACKGROUND

- **Life & Times**

- 1908, Romania – 1992, Jerusalem
- Rabbinic and Philosophical Education in Pressburg and Berlin
- Communal Rabbi in England, Australia, Boston, and Chicago

- **Major Works**

- *God, Man, and History*
- *Not in Heaven: The Nature and Function of Halakha*

- **Orienting Commitments**

- **God desires Righteousness**

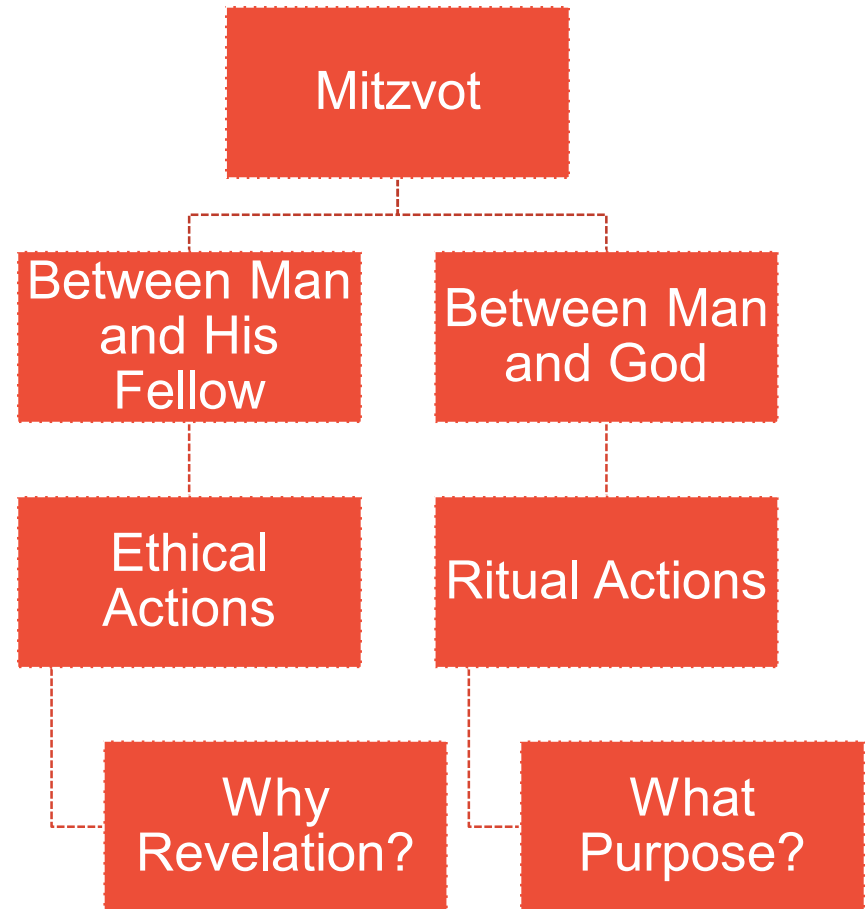
- *[S]edeq is the most comprehensive conception for that which is right. It is the idea of the Good. It subsumes mishpat [justice], s'daqah [charity], emunah [faithfulness] or emeth [truth], and y'shu'ah [redemption]. All these are aspects of sedeq.... Sedeq is...the highest moral good. (God and Man, 331)*

- **Righteousness is Human Flourishing**



MITZVOT: TYPES, QUESTIONS, GOAL

Now the ethical significance of the laws affecting human relations can be readily acknowledged. The laws of the second group, however, the purely ritual part, present a serious problem of interpretation. One may accept the need for some basic ritual practices and yet be nonplussed by the elaborate system of Jewish ritual law. What is the purpose of the numerous rules and regulations that seem to suggest a purely mechanical observance? ... On the other [hand], the ethical code of the law regarding man and his fellow is not free of problems.... [I]f the validity of the law were to depend on the arbitration of the intellect, the paramount importance of the revelation of the law would be abolished.... [W]e seem to be left with an insoluble dilemma. The validity of the law must be rooted either in reason or revelation. But if the law has intellectual validity, what need is there for revelation; and if the law is not acceptable to reason, what use revelation? (*God, Man, and History*, 91-94)



MITZVOT: TYPES, QUESTIONS, GOAL

Why Revelation for Ethical Actions?

[A] law instituted by a will of a relative authority admits of compromise for the sake of expediency; the law of an absolute authority will not be overruled by such considerations. All secular ethics lack the quality of absolute obligation. They are as changeable as the desires and will that institute them; the law of God alone is as eternal as his will. (*God, Man, and History*, 106)

What is the purpose of the Ritual Actions?

The aim [of the ritual commandments] is to teach purely subjective emotion, needs, and desires, a new “awareness,” which is foreign to the organic component of the human personality. It is the awareness of the other, of an order of being as well as meaning different from that of organic egocentricity. The purpose of the inhibitive rules is to practice saying ‘no’ to self-centered demands; whereas the fulfillment of the positive command is an exercise of saying ‘yes’ in consideration of an order different from one’s own. By such training, one breaks down the exclusiveness of man’s organic selfishness. The obedience to the rules and commands is itself an exercise in behavior that is not purely self-regarding and orients a person to an other; awareness of the other means acknowledging and considering it. (*God, Man, and History*, 116)

THE IMPLEMENTATION OF THE MITZVOT

Halakic Consequentialism

Halakha is the bridge over which the Torah moves from written word into the living deed. Normally there is a confrontation between the text, which is set, and life, which is forever in motion.... How to face the confrontation between the text and the actual life situation, how to resolve the problems arising from this confrontation, is the task of the *Torah she'baal Peh*, the Oral Law.... [Halakha] is the wisdom of Torah implementation in the daily life of the Jewish people. It renders Torah into *Torat Hayyim*, living teaching and relevant law.... Halakha is the application of Torah to life.” (*Not in Heaven: The Nature and Function of Halakha*, 1-2)

The rabbis in the Talmud were guided by the insight: God forbid that there should be anything in the application of the Torah to actual life situations that is contrary to the principles of ethics. What are those principles? They are Torah principles, like: ‘And thou shalt do that which is right and good in the sight of the Eternal One’ [Deut. 6:19]; or, ‘Her ways are ways of pleasantness, and all her paths are peace’ [Proverbs 3:17] or, ‘That thou mayest walk in the way of good men, and keep the paths of the righteous’ [Proverbs 2:20]. (*Not in Heaven: The Nature and Function of Halakha*, 19)

The Ultimate Goal of the Commandments

“The Biblical conception of the Jewish State is the Kingdom of God on Earth.” (*Towards Historic Judaism*, 42)

CLARIFYING QUESTIONS ON BERKOVITS

CONCLUSION

RECAPITULATION

Overarching
Commonality

Teleological Relationship

Mitzvot ought to advance
Human Flourishing

Differences

What is Human Flourishing?

Do the Mitzvot advance it?

Comparison

Maimonides

Knowledge

Yes

Spinoza

Knowledge

No

Kaplan

Develops

Maybe, requires reconstruction

Berkovits

Righteousness

Yes, requires interpretation

CHALLENGE

WHAT IS
HUMAN
FLOURISHING?

DO THE
MITZVOT
ADVANCE IT?
HOW?

IF NOT, COULD
THEY?