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Phenomenology of *Hiyuv* Out of the Sources of Ethics: Joseph Soloveitchik and Mara Benjamin

Introduction

The traditional Jewish conviction that *hiyuv* (religious legal obligation) is central to the spiritual life was received by turns with confusion, indifference, and hostility in the modern Christian West. In contrast to the particularity of *hiyuv*, Jewish philosophy of religion — by tendency or definition — often seeks to make itself intelligible to a “universal” (or Protestant) audience. Martin Buber’s antinomianism, Abraham Joshua Heschel’s corrective against pan-halakhism, and Michael Wyschogrod’s sidelining of rabbinic Judaism surely are not incidental to their enthusiastic reception among Christian thinkers.

Even philosophers of halakha such as Eliezer Berkovits and Yeshayahu Leibowitz fell short of exploring *hiyuv* as a major locus of affective spiritual experience. All this is to note that the Jewish world has not been blessed with a voluminous “phenomenology of *hiyuv*” literature — literature which, in the service of explicating the immediacy of *hiyuv* and the interaction of the obligated Jew with her world, takes up Edmund Husserl’s famous call away from third-personal remote abstractions and “back to the things themselves.”¹ Joseph Soloveitchik’s *Halakhic Man* (1944)² is one exception; in Mara Benjamin’s *The Obligated Self*,³ we now have another.⁴

¹ Edmund Husserl, *Logical Investigations*, trans. J. N. Findlay (Routledge, 2001) vol. 1, 168.

² Joseph Soloveitchik, *Halakhic Man* (Hebrew; ha-Histadrut ha-Tsiyonit ha-Olamit, 1979). Most citations will be drawn from the English translation, ---, trans. Lawrence Hoffman (Jewish Publication Society of America) 1983.

³ Mara Benjamin, *The Obligated Self: Maternal Subjectivity and Jewish Thought* (Indiana University, 2018).

⁴ I bring Husserl as the founding figure of the sprawling phenomenological tradition in which both Benjamin and Soloveitchik variably operate, rather than to make a strong claim for the particularly Husserlian nature of either of their projects. For instance, Soloveitchik’s description of an encounter with a

Each author harnesses classical Jewish texts and later Jewish philosophy in service of a descriptively robust account of *hiyuv*. Most strikingly, within secularizing societies for which the discourse of the normative is nearly exhausted by the discourse of the ethical, each thinker appropriates general ethical theory to point to a normativity beyond ethics. Given these similarities, it is conspicuous that Soloveitchik and his work are not mentioned in *The Obligated Self*, for either praise or critique.⁵ The task, then, is to manufacture a conversation between these lonely neighbors on the Jewish philosophical bookshelf.

I will first situate Benjamin and Soloveitchik within modernity and their philosophical contexts. Both take Hermann Cohen as a key Jewish point of departure and draw from various other sources. I will then closely compare the two thinkers on the role of materiality, emotion, subjectivity, and particularism in the experience of *hiyuv*. I will conclude on a constructive note, with an eye toward the future of Jewish philosophy.

Backgrounds and Sources

As noted, the peculiarities of the 20th- and 21st-century West are not conducive to the phenomenology of *hiyuv*. Soloveitchik, who hails from an illustrious Eastern European rabbinic dynasty, confronts this first obstacle by enthusiastically appropriating modernity. In *Halakhic Man*, he draws from science and mathematics in fashioning his central metaphor for religious obligation. He further champions modern virtues of autonomy and individuality. Benjamin, for her part, attacks modernity even as she exists within it. She works within the tradition of not only

spring (20) most closely resembles the readiness-to-hand phenomenology of Martin Heidegger, *Being and Time*, trans. John Macquarrie and Edward Robinson (Harper, 2008) 69. Benjamin, for her part, identifies her work as “a mode of inquiry that gestures toward phenomenology” but which, in its conspicuous particularism, is not really phenomenology (Benjamin, xviii).

⁵ In point of comparison, Benjamin finds occasion to draw on Spinoza, Mendelssohn, Cohen, Buber, Rosenzweig, Arendt, Hans Jonas, Heschel, Levinas, Wyschogrod, Plaskow, and Arthur Green.

Cohen but Judith Plaskow as well, citing Plaskow's *Standing Again at Sinai* (1991) to note that "Sinai is a locus of command and, for readers attuned to gender, exclusion."⁶ She pays homage to the practical developments in Judaism that make possible a woman-centric account of *hiyuv*, expressing that "as a feminist, I laud the important changes that have led to greater expansion of normative piety to include women."⁷

From Benjamin's modern position, she embarks on a revivalist philosophical project to reclaim *hiyuv* and challenge the modern assumptions that she sees as *hiyuv*'s enemy. On the world stage, "the project of modernity, as it unfolded in late eighteenth-century central and western Europe, sought to dismantle... obligation."⁸ She rejects modern autonomy,⁹ convincingly casting it as hostile to the heart of Jewish religion. She laments that most Jews in modernizing societies abandoned the age-old notion of obligation, and instead "redefined their identity in voluntaristic, faith-based terms that downplayed and recast the heteronomous nature of Jewish obligation."¹⁰ While Soloveitchik seeks to translate age-old notions of *hiyuv* into a modern idiom, Benjamin all but names modernity as the enemy to be conquered if a deracinated 21st-century Jewry is ever again to embrace *hiyuv*. Despite their different stations in the practical Jewish world, neither thinker can be easily described as more traditional than the other.

Beyond the engagement with Hermann Cohen that Soloveitchik and Benjamin share in common, their diverging attitudes toward modernity are matched by diverging philosophical sources. Soloveitchik's *Halakhic Man* is heavily informed by Cohen (the subject of Soloveitchik's doctoral thesis), who in turn was a major interpreter of Immanuel Kant.

⁶ Benjamin, 6, citing Judith Plaskow, *Standing Again at Sinai: Judaism from a Feminist Perspective* (HarperCollins, 1990) 25.

⁷ Benjamin, xiv.

⁸ Benjamin, 3.

⁹ Benjamin 4.

¹⁰ Benjamin, 11.

Soloveitchik's description of halakha reads as an analogy — more precisely, a *mashal*¹¹ — of the Kantian epistemology laid out in the *Critique of Pure Reason* (1781, 1787). For Kant, such weighty concepts as space and time are features of how the human mind processes concrete reality.¹² For halakhic man, halakha “consists in creating an ideal world and cognizing the relationship between that ideal world and our concrete environment in all its visible manifestations and underlying structures.”¹³ Just as for the Kantian subject no cognition can be possible without orderly a priori categories such as causation,¹⁴ for halakhic man “there is no phenomenon, entity, or object in this concrete world which the a priori Halakhah does not approach with its ideal standard.”¹⁵ A Jew's relationship to halakha is analogized to the scientific mind's relationship to reality itself, and the halakha is as indispensable to his cognition as space, time, or causation is for human cognition writ large. Soloveitchik's halakha is systematic, cognitive, ideal, rigid, and all-encompassing.

Soloveitchik draws most heavily on Kant's first *Critique* (by way of Cohen's *Logic of Pure Knowledge*), and explicitly links his conception of *hiyuv*-as-cognition with Cohen's idealism as distinct from Cohen's practical ethics.¹⁶ Still, halakhic man is neatly aligned with Kantian moral virtues. He “does not require the assistance of others,” “is his own master,” and

¹¹ Soloveitchik (Hebrew), 28. Soloveitchik introduces his *mashal* with “to what may this matter be compared?” echoing classical rabbinic language for introducing creative and thematic analogies (e.g., famously on B. Berakhot 61b, Jews refraining from Torah study is likened to fish coming onto dry land). The philosophical continuity that Soloveitchik seeks to establish between a) Kantian cognition and b) the experience of *hiyuv* is radically looser than the continuity Kant seeks to establish between his own epistemology and ethics (Immanuel Kant, *Critique of Pure Reason*, Unified Edition, trans. Werner S. Pluhar [Hackett, 1996]) — most particularly seen in the ethical turn at the end of Kant's first *Critique* — or the continuity within Hermann Cohen's tripartite philosophical system, after the fashion of Kant.

¹² E.g. Kant, B4. Though more immediately influenced by Cohen's epistemology, Soloveitchik also cites Kant's first *Critique* explicitly, e.g. 13.

¹³ Soloveitchik, 19-20.

¹⁴ Kant, B106.

¹⁵ Soloveitchik, 20.

¹⁶ Soloveitchik, 86.

“blazes his own individual trail.”¹⁷ Soloveitchik establishes the individuality and majesty of halakhic man, even to the exclusion of the interpersonal. Halakhic man is engaged in a “process of self-creation” and is possessed of a “voluntaristic nature.”¹⁸ Though Soloveitchik is sharply critical of the conception of Judaism put forth in Cohen’s Jewish philosophical masterwork the *Religion of Reason Out of the Sources of Judaism*,¹⁹ he is in concert with Cohen on the centrality of autonomy to Jewish religiosity. To wit, Soloveitchik cites Cohen as his key Jewish theological predecessor in reconciling the value of autonomy with the weight of God’s law: the freedom of the obligated Jew is not in the creation of the law, but in the realization of the law, which in turn “brings holiness to the world.”²⁰ Working with traditional materials of obligation and subservience, Soloveitchik revises the essence of *hiyuv* toward Cohenian ethical ideals of freedom and self-reliance.

If Hermann Cohen was the central figure of neo-Kantianism, one might say that Soloveitchik is heavy on the “Kantianism” and Benjamin is heavy on the “neo.” Benjamin’s intellectual debt to Cohen has little to do with Kant and everything to do with Cohen’s own philosophical innovation and the later Jewish thinkers Cohen influenced. She describes Cohen as arguing, in the *Religion of Reason*, “that the experience of sympathy evoked in a dyadic encounter with the other constituted the heart of religion itself.”²¹ She locates the key shift in the eighth chapter of *Religion of Reason*, “The Discovery of Man as Fellowman;” there Cohen deploys philosophical, biblical, and rabbinic texts in developing his ethical agent from an

¹⁷ Soloveitchik, 127-128.

¹⁸ Soloveitchik, 137.

¹⁹ E.g., on mimicking Lazarus’s distinction between ritual and ethical holiness, Soloveitchik, 150 ft. 51.

²⁰ Soloveitchik, 153 ft. 80, citing Hermann Cohen, “Das Problem der jüdischen Sittenlehre: Eine Kritik von Lazarus’ Ethik des Judenthums,” *Monatsschrift für Geschichte und Wissenschaft des Judentums*, Jahrg. 43 (N. F. 7), H. 9 (1899) 385-400. Cohen’s argument is most explicit at the end, 398-400. Similarities in their conceptions of Jewish law aside, the two thinkers of course diverge on those laws that Cohen would class under “ritual holiness.”

²¹ Benjamin, 12.

abstract being of moral reason²² into a “practical moralist” who cares for a particular fellow human.²³ Benjamin further praises Cohen’s recognition of human compassion²⁴ as what moves one toward true morality and away from experiencing suffering “as a natural or empirical phenomenon”²⁵ – which is to say, away from that same scientific approach which Soloveitchik found so fruitful in Cohen.

Benjamin traces this Cohenian line of thought through Franz Rosenzweig, who argued that encounter with God triggered an obligating love, to Levinas, for whom the obligation generated by encounter is central.²⁶ She praises this tradition of relational Jewish thinking for transforming and preserving obligation in modernity. However, she critiques its “insistent tendency toward abstraction,”²⁷ an assumption of parity in power between those in the obligating encounter,²⁸ and a continued allegiance to the liberal notion of humans as free agents — all of which makes these sorts of relationships poor metaphors for the *hiyuv* generated by the human encounter with God.²⁹

A philosophy of *hiyuv* that begins with maternal experience, however, accounts for the concreteness, power asymmetry, and unchosen nature of halakha. Both birthing a child and being born a Jew create a complex matrix of obligations “without need (or even possibility) of assent,”³⁰ while the free modern individual can ideally choose whom she encounters and with what frequency. Benjamin describes God as “a vulnerable, dependent being who needs virtually

²² Cohen, 113.

²³ Cohen, 143.

²⁴ Benjamin, 121.

²⁵ Cohen, 18.

²⁶ Benjamin, 12-13.

²⁷ Benjamin, 13.

²⁸ Benjamin, 53.

²⁹ Benjamin, 15.

³⁰ Benjamin, xix.

constant attention.”³¹ Halakha as the relationship between Jew and God is analogized to the maternal relationship and the “sense of overwhelming obligation”³² between mother and child.

The dispute between Soloveitchik and Benjamin over the proper phenomenology of *hiyuv* echoes the current dispute in general philosophy between Kantian ethics, focused on rigid duties and universal obligation, and feminist ethics of care, rooted in the maternal experience and focused on the unwilling urge to take care of a particular human. Sara Ruddick’s maternal thinking is the clearest antecedent to Benjamin’s work,³³ emphasizing the public³⁴ and practical³⁵ aspects of motherhood that make it a good analogue for *hiyuv*.³⁶ Benjamin’s reception of Virginia Held is more critical.³⁷ Aside from Held’s wide influence on the ethics of care writ large, Held’s critique of modern individualism³⁸ and championing of relationship as central to normative inquiry³⁹ find echoes in Benjamin. When Benjamin compares maternal and divine power by embracing the volatility and coercive nature of both, however, she sharply departs from Held.⁴⁰ Benjamin criticizes Held’s optimistic, peaceful account of maternal power as inaccurate and counterproductive.⁴¹

³¹ Benjamin, 13. Benjamin is (perhaps strategically) somewhat ambiguous about where her maternal thinking leaves God, but in places she is explicit that God sometimes plays the part of infant to Israel the mother. This may be her most Jewishly counterintuitive move; she notes, however (Benjamin, 21 ft. 40), that “the appearance of God as an infant is a familiar image in Christian religious literature.”

³² Benjamin, 9.

³³ Sara Ruddick, *Maternal Thinking: Toward a Politics of Peace* (Beacon Press, 1989).

³⁴ Benjamin, 14; Ruddick, 211.

³⁵ Benjamin, 27; Ruddick, 70.

³⁶ Though not cited in this context, Ruddick’s tumultuous love affair with Reason (3-12), culminating in her embrace of maternal thinking, shares narrative beats with Benjamin’s account of Judaism’s relationship to modern philosophy (11-14).

³⁷ Virginia Held, *Feminist Morality: Transforming Culture, Society, and Politics* (University of Chicago, 1993), cited along with Carol Gilligan by Benjamin, 56 ft. 26.

³⁸ Held, 174-191.

³⁹ Held, *passim*.

⁴⁰ Benjamin, 37-58.

⁴¹ Benjamin, 44-45.

The diverging philosophical traditions that Benjamin and Soloveitchik draw from, I will argue, are not equally compelling analogies for the experience of *hiyuv*. On the issues of materiality, emotion, subjectivity, and particularism in halakha, Soloveitchik's work is characterized by multi-vocality verging on self-contradiction. This is in large part an intended feature of halakhic man's internal dialectic between immanence and transcendence, between cognitive man and *homo religiosus*.⁴² However, for all its deliberate and productive tension, the messiest seams of Soloveitchik's analogy of the neo-Kantian mathematician to halakhic man evince simple incongruity.⁴³ While Benjamin succeeds in communicating her analogy as an integrated whole, Soloveitchik's *mashal* is at war with his *nimshal*.

Hiyuv Through the Lens of Materiality

For Benjamin, the common materiality of halakhic obligation and maternal care links centuries of traditional Jewish female domestic piety and the new world she inhabits of gender-egalitarian Jewish ritual practice. Just as a historically male mitzvah such as tefillin adorns the body of the male Jew, so the pious boundedness of Jewish women "is marked on the body: carved on muscles taut from the weight of carrying children; etched on the face in lines of sleeplessness, worry, and delight; engraved in the visceral response to the cry and needs of one's child."⁴⁴ The Jewish world Benjamin envisions is one in which expressions of piety that have

⁴² This is named as the essay's "fundamental problematic" by Lawrence Kaplan, "Joseph Soloveitchik and Halakhic Man," in *The Cambridge Companion to Modern Jewish Philosophy*, ed. Michael L. Morgan and Peter Eli Gordon (Cambridge University, 2007) 216.

⁴³ Soloveitchik's famous ft. 4 describes the "antinomic structure of religious experience" and all but names contradiction and "spiritual tortuousness" as intellectual virtues; the reader, however, need not take his word for it.

⁴⁴ Benjamin, xiv.

historically been classed as male or female are open to all genders.⁴⁵ The richness of sacred boundedness can only be achieved by participating in both sorts of obligated material action.

Along with seeking practical synthesis between maternal care and halakhic practice, Benjamin brings forth halakha's corporeal nature through her central maternal analogy. Maternal obligation cannot "be fulfilled in abstract but only in active, embodied, material actions: soothing, feeding, cleaning, comforting, distracting, smiling, and wiping."⁴⁶ So too with the halakha. The obligated life is not primarily a principled orientation toward religiosity, but rather consists in the cumulative performance of discrete actions.

While most of *Halakhic Man* favors, in concert with Benjamin, material piety, Soloveitchik's neo-Kantianism makes itself known in passages that reach beyond this world. He associates idealism with *homo religiosus*, and names Cohen in a lineage of epistemic seekers "which yearns for its Creator and rebels against the concrete reality that so entirely surrounds it."⁴⁷ In a particular fit of passion, Soloveitchik affirms the desirability but negates the possibility that halakhic man "can snap the fetters of the body and the *yetzer* and ride in his majesty through the skies."⁴⁸ Despite Soloveitchik's overall championing of material piety and accompanying suspicion of mystical striving, a yearning for transcendence bubbles below the surface. Most explicitly, he laments that "the generation has not yet arisen that is fit to serve God through the negation of concrete existence and through casting off of the yoke of the senses and the body."⁴⁹

⁴⁵ As with many secular philosophers who make use of maternal experience, Benjamin takes care to note that the kind of intense parenting she describes is socially, but not metaphysically, female in nature. Benjamin, xvii-xviii: "My hope is that the differential experience of raising and caring for children will diminish, and that parents of all genders will experience the profound reshaping of self that occurs through the course of daily life with young children."

⁴⁶ Benjamin, 8.

⁴⁷ Soloveitchik, 14.

⁴⁸ Soloveitchik, 42.

⁴⁹ Soloveitchik, 42-43.

He affirms that material action is central to Jewish life, but maintains an eschatological hope for the annihilation of corporeality itself.

Still, the fundamental thrust of *Halakhic Man* overlaps with Benjamin in championing principled concrete religiosity. Unlike *homo religiosus*, Soloveitchik's halakhic hero "does not wish to snap the fetters of the objective form and demolish the iron bars of the firm and fixed lawfulness of this world."⁵⁰ He instead revels in the materiality of God's commandment.⁵¹ Soloveitchik's account of *hiyuv* comes closest to Benjamin's as he enjoins the reader to celebrate blood-and-guts obligation. He both promises and commands the modern Jew that "if you desire an exoteric, democratic religiosity, get thee unto the empirical, earthly life, the life of the body with all its two hundred forty-eight organs and three hundred sixty-five sinews."⁵² Soloveitchik's inclination matches Benjamin's: the most profound sort of obligation is also the most material and bodily. In Soloveitchik's account, halakhic man's "hands are soiled with the gritty realia of practical Halakha."⁵³ One imagines that Benjamin would firmly endorse this notion of the halakhic life, just as her maternal caretaking subject has her hands soiled with any number of substances.

Hiyuv's Emotional Landscape

The chasm between Soloveitchik and Benjamin begins to be felt in their accounts of emotion in *hiyuv*. The "affective life" of Soloveitchik's subject "is characterized by a fine equilibrium, a stoic tranquility."⁵⁴ The emotional state of halakhic man is as fixed as the laws he

⁵⁰ Soloveitchik, 63. This lies in tension with Soloveitchik, 42 (discussed above), which speaks of being "held captive in the prison house of bodily existence."

⁵¹ Soloveitchik, 62.

⁵² Soloveitchik, 44.

⁵³ Soloveitchik, 85.

⁵⁴ Soloveitchik, 77.

obeys. He “stays clear of melancholy and dread” and “recoils from any exaggerated spirit of joy, any sense of celebration lacking a healthy logical foundation.”⁵⁵ The experience of *hiyuv* is divorced from emotional peaks and valleys; one would never catch halakhic man *davening* in order to chase some ecstatic religious experience. Even “the fading rays of the setting sun”⁵⁶ and the “mighty mountains,”⁵⁷ which for the romantics might have been sources of sublime religious experience, are brought to heel under the dispassionate weight of the halakha. Soloveitchik’s rebuke of emotional religiosity as intellectually lazy⁵⁸ strongly recalls Kant’s description of philosophers who ground morality in emotion, who are said to turn “a deaf ear to that heavenly voice in order to uphold a theory that does not require them to rack their brains.”⁵⁹ In that same passionate broadside, he hints that “the glorification of the emotional-affective life” bears some responsibility for the atrocities of the Third Reich.⁶⁰

As was the case with materiality, there is a strong undercurrent in favor of extreme emotion. Soloveitchik relates an anecdote about his grandfather, R. Hayyim of Brisk, experiencing an array of sublime emotions while gazing at the rising sun. R. Hayyim, portrayed as a human instantiation of the “halakhic man,” “gazed at the first rays of the sun and reflected upon the beauty of the world and the nothingness of man in an ecstatic mood of joy intermixed

⁵⁵ Soloveitchik, 76.

⁵⁶ Soloveitchik, 20.

⁵⁷ Soloveitchik, 21.

⁵⁸ Soloveitchik, 139-140, ft. 4. Explored below against Benjamin.

⁵⁹ Immanuel Kant, *Critique of Practical Reason*, Unified Edition, trans. Werner S. Pluhar (Hackett, 2003) 35. Soloveitchik was more immediately preceded in 1922 by Leo Baeck, “Romantic Religion,” *Judaism and Christianity*, trans. Walter Kaufmann (Jewish Publication Society, 1958) 189-292. On emotion in Cohen, see Lawrence Kaplan, “Suffering and Joy in the Thought of Hermann Cohen,” *Modern Judaism*, vol. 21 (Feb. 2001) 15-22.

⁶⁰ Soloveitchik, 141 ft. 4. It is of course true that Heidegger (whom Soloveitchik names) both a) glorified emotion and b) was an active Nazi, but to apportion blame to emotional-affective religiosity is Soloveitchik’s own leap — especially striking given that, within the same footnote (140), he indicts American Reform and Conservative Judaism for the same shortcoming.

with tragedy.”⁶¹ Soloveitchik is clearly aware of the contradictory nature of the hero he is presenting; the image of the rising sun recalls his first description of halakhic man.⁶² The sweep of the book favors tranquility, but Soloveitchik includes counterpoints of intense emotion.

For Benjamin, in any case, the affective nature of both the *mashal* mother-infant relationship and the *nimshal* Israel-God relationship is far from “tranquil equilibrium.” Benjamin draws directly from the Tanakh, rather than from Soloveitchik’s hero Maimonides, in describing her emotionally turbulent maternal theology. She casts Israel this time in the role of infant and asserts that “God’s love for his people is maternal love amplified: dynamic, volatile, and keenly attentive.”⁶³ Maternal obligation is accompanied by intense disappointment, intense rage, intense pride, and intense vulnerability, static only in their intensity. These volatile emotional oscillations, anathema to Soloveitchik, are affirmed as a direct expression of a substratum of continuous love.⁶⁴ Israel’s failure to live up to the covenant is met with divine sorrow. On the flipside, the Jew’s own “fierce love and fierce wrath” towards God share a common origin in the permanent obligation that defines Judaism as it defines motherhood.⁶⁵ The obligated self cares, and so cannot help but feel in any number of directions; in turn, her emotion becomes an expression of that continuous care.

Even amid Benjamin’s description of *hiyuv* as intensely emotional, one finds affinity with Soloveitchik’s anti-romantic stance. The “daily acts of diaper-changing, cleaning, and feeding” that Benjamin likens to the constancy of *hiyuv* have little to do with reason or precision, but neither is there anything romantic about them.⁶⁶ Most crucially, love characterizes *hiyuv*, and

⁶¹ Soloveitchik, 36-37.

⁶² Soloveitchik, 20.

⁶³ Benjamin, 32.

⁶⁴ Benjamin, 24.

⁶⁵ Benjamin, 26.

⁶⁶ Benjamin, 27.

emotion is a necessary consequence of *hiyuv*, but positive religious feeling is never a prerequisite for the performance of a mitzvah. As noted above, those majority of Jews born (as opposed to converted) into the covenant “are always already obligated”⁶⁷ no matter their feeling, just as certain obligations fall onto a mother simply as a result of her birthing a child. Thankfully for the children concerned, “child-rearing demands that acts of service continue even when parents don’t want to attend to their children and when they don’t feel affectionate toward them.” Just so, even though Israel’s *hiyuv* expresses a loving relationship with God, “the validity of the performance does not depend on whether an individual is gripped, moment to moment, by a sense of gratitude or love of God.”⁶⁸

Hiyuv, Subjectivity, and Particularism

Beyond the question of passion, the dispute between Benjamin and Soloveitchik extends to the role of the human subject in halakha. Though Soloveitchik’s halakhic man is himself a richly imagined subject with a vividly described inner life, Soloveitchik frequently positions halakha as not just a check on emotion but on subjectivity of any sort. If the halakha is working as it is meant to, it “quantifies quality and religious subjectivity in the form of concrete, objective phenomena that are standardized and measurable.”⁶⁹ Halakhah aims to do nothing less than “objectify religiosity.”⁷⁰ The majesty and will of *homo religiosus* is, to the extent possible, made objective, as a subjective religiosity “cannot endure.”

Soloveitchik’s stance against subjectivity finds numerous exceptions. Just as Benjamin’s work is shot through with descriptions of her own experience mothering her child, so too,

⁶⁷ Benjamin, xix.

⁶⁸ Benjamin, 27.

⁶⁹ Soloveitchik, 55.

⁷⁰ Soloveitchik, 59.

Soloveitchik does not hesitate to anchor the ideal of halakhic man in his familial situation. The stories he relates about his uncle,⁷¹ father,⁷² or grandfather⁷³ are more than generic “tzaddik stories,” but rather hold particularly personal meaning for the author. Within the abstract philosophy of *Halakhic Man* is an underground, piecemeal Soloveitchik family drama that cannot be separated from the work’s philosophical project. One could read Soloveitchik as affirming the appropriate place of subjectivity and emotion in the religious life, while maintaining that halakha should a) regulate that emotion and b) be a standard driving force of religious praxis over the whims of the individual subject. Read in this way, the distance between Soloveitchik and Benjamin begins to disappear.

Still, there is a discernible tendency in Soloveitchik towards objectivity, and there is a powerful tendency toward subjectivity in Benjamin. She acknowledges early on that “without question, being white, North American, Ashkenazi Jewish, lesbian, educated, upper-middle-class, an academic, and so on has shaped my life horizon.”⁷⁴ Most centrally, and appropriate to her subtitle *Maternal Subjectivity and Jewish Thought*, Benjamin’s narration of her own maternal experience puts the fire into her account of *hiyuv*. She writes of early motherhood that “the raw, immediate assault on my freedom — a freedom I had not even known I had previously enjoyed — struck me with overwhelming force.” The obligation of maternal subjectivity, and therefore of Benjamin’s account of *hiyuv*, is at least as holistically immersive as Soloveitchik’s likening of *hiyuv* to Kantian cognition.

Benjamin’s maternal thinking also accounts for the Jewish particularity of *hiyuv* in a way that Soloveitchik’s Cohenian mathematical language cannot. There is a special love between God

⁷¹ Soloveitchik, 36-37.

⁷² Soloveitchik, 60-61.

⁷³ Soloveitchik, 90.

⁷⁴ Benjamin, xviii.

and Israel — who throughout Benjamin’s book constantly switch metaphorical places between mother and child — and the accompanying material obligations of that love are similarly particular.⁷⁵ God is likened to “the crying toddler who sought out not just any, but specifically our (or my), comfort.”⁷⁶ Soloveitchik’s mathematician, conversely, seeks to convey universal truths which are independent of culture or custom, even while *hiyuv* — even on Judaism’s own non-proselytizing terms — is the province of a small ethnic group.

As shown, Benjamin and Soloveitchik share striking similarities and differences in their phenomenologies of *hiyuv*. In the next section, as I consider their respective treatments of the mitzvah of tefillin, the chasm between the two authors and their approaches seems most unbridgeable — even as their respective receptions of a particular talmudic passage point toward reconciliation.

Thinking Constructively: Rupture and Reconciliation

If *Halakhic Man* is, as Eugene Borowitz described it, “*Mitnagged* phenomenology of awesome proportions,”⁷⁷ then *The Obligated Self* is *Mitnagged* phenomenology of stubbornly intimate proportions. What Benjamin calls “The Law of the Baby” — that set of obligations the baby imposes upon the maternal subject — is “not the Law of Any Baby but rather the Law of This Baby.” This baby needs to be held at a particular angle, responds well to a particular plush toy, and requires not just attention but the attention of a particular mother. The particularity of familial obligation is at one with the particularity of halakhic obligation.

⁷⁵ Benjamin, 32.

⁷⁶ Benjamin, 8.

⁷⁷ Eugene B. Borowitz, “The Typological Theology of Rabbi Joseph B. Soloveitchik,” *Judaism*, vol. 15, No. 2 (1966) 203-210.

Not so for Soloveitchik. His paradigm of halakhic excellence is one who can silence pangs of familial obligation. Personal attachment is cast as the enemy of the majestic halakha, and no one exemplifies the negation of personal attachment so well as R. Elijah Pruzna Feinstein at his daughter's deathbed:

R. Elijah went into his daughter's room and asked the doctor how much longer it would be until the end. When he received the doctor's reply, R. Elijah returned to his room, removed his Rashi's tefillin, and quickly put on the tefillin prescribed by Rabbenu Tam, for immediately upon his daughter's death he would be an *onen*, a mourner whose dead relative has not as yet been buried, and as such would be subject to the law that an *onen* is exempt from all the commandments. After he removed his second pair of tefillin, wrapped them up, and put them away, he entered his dying daughter's room, in order to be present at the moment his most beloved daughter of all would return her soul back to its Maker.⁷⁸

Soloveitchik intentionally locates us at a moment when the cries of familial obligation are the loudest: a beloved daughter dying far before her time. The story pits against this familial tragedy a matter of halakha that can barely be said to rise to the level of obligation. R. Elijah avoids rushing to his daughter not in order to fulfill the mitzvah of tefillin, or even to ensure he has fulfilled both major medieval interpretations of the mitzvah of tefillin, but rather to quickly fulfill both medieval interpretations of tefillin before the advent of a halakhically mandated exemption from mitzvot. Though the *tanna* Ben Azai does command the Jew to “run to a light commandment as to a serious commandment,”⁷⁹ it is hard to describe R. Elijah's halakhic concerns in this story as anything other than profoundly marginal. In R. Elijah, Soloveitchik finds an exemplar of halakhic heroism. The reader is left to hope that someone was with R. Elijah's daughter while he was donning his Rabbenu Tam tefillin — perhaps a caring mother.

⁷⁸ Soloveitchik, 77-78.

⁷⁹ M. Avot, 4:2.

For Benjamin, *hiyuv* is most felt not at the furthest distance from familial obligation, but is in a deep sense one with familial obligation. She weaves together classical and medieval sources to illustrate her point:

“Boys may go out with knots...” (M. Shabbat 6:9). The Gemara (B. Shabbat 66b) then aims to make sense of these “knots” or “ties”: “What is meant by ‘knots?’... A son who longs for his father takes a strap from his right shoe and ties to his left [hand/arm]. Rav Nahman bar Yitzhak said: And your mnemonic [*simanekha*] is tefillin.” In rapid succession, we encounter an emotion (longing); a material object (the shoe strap); and a ritual obligation (tefillin). What is the link between them in this cryptic text? The great medieval commentator Rashi hazards the following connection between the first two elements: “He [the boy] misses him [the father] and cannot be separated from him, and this [shoestraps] is a remedy.” The physical object soothes the child caught in the throes of missing his father... Tefillin, in this case, do not serve as an emblem of male privilege but as tokens of attachment... The “knots”... are knots of relationality.⁸⁰

Just as the son who longs for his father binds his father’s shoelace onto his arm to remind him of his soothing presence, so too the yearning, obligated self binds tefillin onto her arm to remind herself of God; God “becomes the primary caregiver for whom we long.”⁸¹ Tefillin itself is an attempt to negotiate the tragic distance between Israel and the divine parent. They soothe the Jew, acting as a physical reminder that she is loved by God even in moments of apparent divine absence. Furthermore, “adults who care for young children bind themselves daily with ties of obligation and love, a template for the abstract theological and social attachments ritualized in tefillin.”⁸² The heart of *hiyuv* is found in deep and physical caring for vulnerable children. Nothing could be further from Soloveitchik’s valorization of paternal impassivity.

⁸⁰ Benjamin, xxii-xxiii.

⁸¹ Benjamin, xxiii.

⁸² Benjamin, xxiii.

Much of this paper has attempted to show the extensive overlap in interest, commitment, and inclination of the thought of Joseph Soloveitchik and Mara Benjamin. Their seeming difference in approach, however, does lead to genuine philosophical dispute. For Soloveitchik, R. Elijah's vexing choice in the ethical breach reveals the full force of *hiyuv*. In reverential language, he declares that "we have here great strength and presence of mind, the acceptance of the divine decree with love, the consciousness of the law and the judgment, the might and power of the Halakhah, and faith, strong like flint."⁸³ For Benjamin, it is precisely the opposite conviction that reveals the force of halakha. After her maternally inclined explanation of tefillin, she proposes that "in reflecting on the experience of tying these knots from the position of maternal subjects, we rediscover the terrain, long disregarded by religious thought, in which primal truths are sown."⁸⁴

In these evocative project statements, the halakhic phenomenologies of Soloveitchik and Benjamin ring out like two sharp notes — sometimes dissonant, sometimes harmonious — echoing the secular ethical theories from which they are drawn. Both thinkers favor a religiosity that is material, anti-romantic, obligating, grounded in classical sources, flowing from the philosophy of Hermann Cohen, and not dictated by the oscillating whims of human subjects. For all their similarities, Soloveitchik's hero is the scientific, independent, and impassive modern man, while Benjamin's is the dependent, bound, and passionate caring mother.

Halakhic Man is, to be sure, an enduringly fruitful masterpiece. Still, Soloveitchik's modern, independent hero fails to capture central experiential facts of *hiyuv*: that it has always been material, relational, particularist, and — most simply — obligating. Soloveitchik skillfully spins his *mashal* out of Hermann Cohen's scientific, most identifiably Kantian thought;

⁸³ Soloveitchik, 78.

⁸⁴ Benjamin, xxiii.

Benjamin draws on the interpersonal strands of Cohen's later ethics, to even greater effect. While this paper has set the two thinkers against each other, there is no need to choose one or the other. We can begin to integrate the truths contained in each thinker's phenomenology of *hiyuv* by comparing Soloveitchik and Benjamin's tellings of the Talmudic story of the Oven of Akhnai.⁸⁵

In this oft-cited passage, the majority of a group of rabbis argue over a halakhic matter with a lone colleague in opposition, R. Eliezer. Though R. Eliezer is declared correct by the voice of God, the majority prevails, and God laughingly concedes defeat at the hands of God's own children. Soloveitchik imagines himself into the elated minds of the rabbinic majority. For him, this is a liberatory story of the autonomy of the human mind and the majesty of halakhic man in the "kingdom of spirit and intellect."⁸⁶ Benjamin, conversely, inhabits the parental consciousness of God. For her, the story indicates the ever-changing nature of the parent-child relationship, the child's assertion of autonomy on the very ground the parent has given them, and the dueling resistance and pride of the parent at being surpassed.⁸⁷

The reader readily identifies with the deep humanity of both points of view. The same moment of adolescent achievement or rebellion can bring feelings of freedom and grandeur to the child while bringing bittersweet wistfulness to the parent. The child's assertion of majesty and intellectual independence before the Parent to whom they owe everything contains slight silliness as well as deep truth. Here, Benjamin and Soloveitchik's phenomenologies diverge not in their propositional content, but only in their perspective. In the wake of the publication of *The Obligated Self*, we are just beginning to grapple with what Benjamin's theological perspective means for the present and future of Jewish philosophy. By reaching toward the recent past and

⁸⁵ B. Baba Metzia 59b. This seems to be the only talmudic passage cited by both Benjamin and Soloveitchik.

⁸⁶ Soloveitchik, 80.

⁸⁷ Benjamin, 130-131.

noting points of bold departure and common inheritance, this paper has sought to contribute to that effort.