

The Limit of Intellectual Freedom

גבול חופש הדעות
אגרות הראיה

The Limit of Intellectual Freedom
The Letters of Rav Kook

An Essay by Bezalel Naor



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The Limit of Intellectual Freedom:
The Letters of Rav Kook

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Said Rabbi Abun: “There are wings to the earth, wings to the dawn, wings to the sun, and wings to the cherubs. Come and see the greatness of the power of the *tsaddikim* [righteous] who take refuge neither in the wings of the earth, nor in the wings of the dawn, nor in the wings of the sun, nor in the wings of the cherubs, but rather in the wings of the One Who spoke and the world came into being.”

—*Ruth Rabbah* 5:4

The wings of the earth represent the material senses. The wings of the dawn represent the flight of imagination. The wings of the sun symbolize soaring reason. The wings of the cherubs connote the Active Intellect. But all of these are inadequate. The *tsaddikim* [righteous] know to ascend through the Torah.

—Rabbi Judah Moscato, *Nefutsot Yehudah* (Venice 1588), ff. 63-64

The higher sanctity is the sanctity of silence, the sanctity of existence, when man recognizes how insignificant he is, reduced to an individual ego, and starts living universal life, the life of all. One feels the life of the mineral, the vegetable and the animal; the life of all mankind; the life of every intelligent and sentient being...One does not put on airs of holiness. One lives, and one's entire life is holy-of-holies. One's heartbeat, one's coursing blood, one's aspiration, one's gaze—all are true life. A godly life-force pours through them.

If the holy man of silence should throw himself into a constricted service, whether it be of prayer or of Torah study, or the constriction of a morality, he will suffer depression. *He will feel that a soul full of all existence is being squeezed in a vice*, in an attempt to confine it to a specific way, when all the ways are open before it, all beckoning with life.

—Abraham Isaac Hakohen Kook, *Arfilei Tohar [Clouds of Purity]*, Jerusalem 1983, pp. 16-17

The concept of freedom of opinion (*hofesh ha-de'ot*) has moral relevance only at the time that man is involved in the logical analysis of ideas; then freedom is required. However, at times when one is living a life of emotion, all the more so a life of imagination, or other material senses, one is perforce trapped within the compass of preconceived notions, no matter whether they be one's own preconceptions or conventional thinking. Thus, it is self-explanatory that the concept of freedom of opinion in regard to the ongoing life of the masses is a concept devoid of meaning. "There is no free man but he who engages in the study of Torah."

—*Ibid.*, p. 18

That which is above opinion does not come under the bailiwick of freedom of opinion (*hofesh ha-de'ot*). The higher logic of faith is that godly revelation in the soul which transcends all intellect. For that reason, the phrase "freedom of opinion" (*hofesh ha-de'ot*) does not apply to it. The only freedom from life—is death.

—*Ibid.*, pp. 18-19

The masters of ecstatic vision feel the higher freedom. They cannot be bound by any obligation, for every obligation is of flesh and blood. Even “acceptance of the yoke of the kingdom of heaven” as commonly practiced, is an obligation of flesh and blood, for the very “kingdom of heaven” has descended from its glory and been reduced through the dimming of its light by flesh and blood. The aspiration to absolute freedom is the higher return (*teshuvah ‘elyonah*). From her lofty bastion she [i.e., the higher return] rebuilds the worlds below her and restores to their rightful place the characteristics of innocence and rectitude, of Torah and commandment. They then rise to the level of the higher freedom crowned by the understanding above.

—*Ibid.*, pp. 57-58

All the inhabitants of the planet will know that You have loved us an eternal love. The entire civilized world with all its wisdoms, with all its modernity, with all its doubts, with all its materialism, with all its experimentation, with all its freedom of opinion (*hofesh de’ot*), will know that there is one abiding truth, and this truth is carved on the forehead of the heavenly creature that walks on earth in the form of a nation whose name is “Israel.” The entire world will know that we are seed of truth, and no hardship will disrupt our renaissance and redemption. They will realize that the Rock of Israel is its saviour, and our redeemer the Mighty One of Jacob.

—*Orot ha-Rayah* (Jerusalem 1970), p. 62

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Preface

Many times over the years, I have been asked how I came to the thought of Rav Kook. The simple answer is: the *Letters (Igrot ha-Rayah)*. As a young man, I arrived at a crossroads in my life. I found the intellectual diet of the traditional Lithuanian-style (*Litvishe*) yeshivah, with its almost exclusive devotion to the study of Talmud, to be spiritually unsatisfying. My soul yearned for more. In private, I took “as a fish to water” to both medieval philosophic works such as Maimonides’ *Guide of the Perplexed*, and to ḥasidic texts such as Rabbi Shneur Zalman of Liady’s *Tanya* and Rabbi Naḥman of Braslav’s *Likkutei Moharan*. Finally, an impasse was reached. I came to the realization that there was no room within the yeshivah ambit for my pursuit of Jewish thought. It reached a point where the yeshivah—my spiritual “city of refuge” of several years—no longer felt like home. To top matters off, the *mashgi’ah ruḥani*, the “spiritual supervisor” of the yeshivah, died at this time. Remembering the verse concerning one who has sought refuge—“He shall dwell there until the death of the high priest” (Numbers 35:25)—I felt the time had come for me to leave the yeshivah. Not too many days after the Mashgi’ah’s funeral, I packed my bags. Thus, I lost one world without another in sight.

It was at this crucial moment, that I discovered the *Letters* of Rav Kook. Certainly by divine guidance, the passage that I opened to, pierced my soul. Rav Kook spoke sympathetically of Jewish youth forced to venture beyond the walls of the Yeshivah because they seek Jewish thought in all its many expressions: Philosophy, Kabbalah, Ḥasidism. And, says Rav Kook, theirs is a legitimate quest. The ones who are at fault, are not the youth who seek spiritual nourishment, but the institutions that insist on dispensing a dry Torah that does not speak to the soul.¹ In so many words, Rav Kook legitimized my search and ratified my sanity. The effect was so cathartic that I immediately broke down crying. I had found my teacher.

The continuation of the verse concerning the City of Refuge is most enigmatic:

He shall dwell there until the death of the high priest, whom he anointed with the holy oil.

Rashi, quoting the Talmud, asks a rhetorical question: “*Ve-khi hu meshaḥo le-kohen?*” (Did he, i.e., the unintentional murderer, anoint him to be priest?)² Rashi responds to this challenge on two levels. First, on a simple, *peshat* level, this curious twist of language is but one of many instances of elliptical verses. The verse does not spell out who did the anointing, but relies on the reader to grasp that the high priest was anointed by whoever rightly does the anointing. The second response is that the Rabbis interpreted the verse to teach a *halakha*. In the event that the high priest dies before the final verdict (*gemar din*) is reached, the murderer must then remain in the city of refuge until the death of the high priest who was anointed to replace the first.

It occurs to me that there is a third response to our dilemma. Call it the level of *sod* (mystery). “*Ve-khi hu meshaḥo le-kohen?*” (Did he, i.e., the unintentional murderer, anoint him to be priest?) should be intoned not as a question (*bi-temihah*), but rather as a statement of fact (*be-nihuta*). On a very deep, soulful level, the truth is, the unintentional murderer, the *rotse’ah bi-shegagah*, did appoint him to be the new *kohen gadol* (high priest). The unintentional murderer’s very special spiritual needs, that could only be addressed by the second *kohen*, anointed and appointed him to the role of *kohen gadol*. There is an amazing interaction and synergy between the personae of the *rotse’ah* and the *kohen gadol*.³ There is a soul-connection to the second *kohen gadol* that there was not to the first. The second *kohen gadol* speaks to the soul of the lost, the groping, in a way that the first *kohen gadol* did not. “*Parnas le-fi ha-dor.*” Each generation receives the leader who is tailor-made for its spiritual needs.⁴

I would not exaggerate if I said that the *Letters* of Rav Kook gave me a new lease on life. Thus, it is with great emotion that I revisit the love of my youth, the life-giving *Letters* of Rav Avraham Yitsḥak Hakohen, “*ha-kohen ha-gadol me-ehav*” (“the priest greater than his brothers”).⁵

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תהא משכורתם שלימה מן השמים!

Introduction

In 1905, Rav Kook published an Open Letter (*Mikhtav Galuy*) protesting Eliezer Ben Yehudah's broad statement, "We have all turned our backs on the past—and this is our pride and our glory!"⁶ Ben Yehudah's remarks were published in the journal which he edited, *Hashkafah*.⁷ What Rav Kook found especially offensive about this pronouncement was that it was not presented as an individual opinion but rather as the standpoint of the entire *Yishuv* (with the exception of the anti-Zionists who were portrayed as primitive elements beyond the pale of society): "We have *all* turned our backs on the past." Had Ben Yehudah spoken in his name only, Rav Kook would not have felt called upon to lodge a formal protest. It was the attribution of this view to the entire *Yishuv* that Rav Kook—as part of the *Yishuv*—found necessary to disclaim. In one of the concluding paragraphs of his Open Letter, Rav Kook writes:

With my love for learning and teaching the foundations of our opinions, I am far from seeking control of any man's opinions. In our days, this is something that will not be accepted.⁸

A student of Rav Kook, Dr. Moshe Seidel,⁹ requested from Rav Kook clarification of his position. When Rav Kook wrote that he seeks no control over men's opinions, is that because of the reality of contemporary society, or is this truly the stance of Torah law?¹⁰

Rav Kook penned a lengthy reply. For starters, his language left no room for doubt. The statement "In our days, this is something that will not be accepted" implies that were it found acceptable by society, then it would be appropriate to make such a demand.

Rav Kook goes on to spell out why he believes it appropriate to impose limitations upon freedom of thought:

Perhaps you will say that there is no limit to it [i.e., freedom of opinion]. You cannot possibly say that.

For one reason, there is no character trait in the world that is not damaged by extremism.¹¹ Further, the nature of things requires that there be a limit to freedom of opinion (*gevul le-ḥofesh ha-de'ot*), for without any limit, everyone would throw off the yoke of conventional morality until he arrives at an understanding of the basis for that morality. Then the earth would be filled with immorality. Neither is it possible to draw a line between opinions and actions, because more or less, deeds follow from opinions. For example, should a man conclude in his heart that there is nothing wrong with murder, that is certainly a crime, for if this conclusion were to catch on, the existence of the world would be threatened. And so on. So we learn that there must be a limit to freedom of opinion; the hard part is narrowing down the exact limit. It makes sense that the limit cannot be the same for every society. For example, should someone conclude that there is nothing wrong with parading naked in the market place, and militate for nudism, that is a crime in our society, and rightly so—but it is no crime among the savages of New Guinea, for example. So since societies differ, [the limit to freedom of opinion] cannot be static, but rather must take into account the diverse conditions.

When it comes to faith, there is a great difference between Israel and the nations. If there were to be found in the world a nation whose very existence as a nation depends on a certain opinion, then in regard to that opinion, it is not only permissible, but even obligatory for society to maintain that there be no freedom of opinion. This is not freedom but only a lack of self-defense...Now it happens sometimes that individuals will rebel against their nation when they find that the opinion that binds together their nation is dangerous to humanity as a whole; therefore they are prepared to sacrifice their nation for the truth.

But as long as the opinion that fortifies their nation is not harmful in the least—*a fortiore* if that opinion actually benefits the rest of mankind—while being the foundation of national life, then there is no room for tolerance. Someone tolerant in this regard is deserving of the scorn of the entire nation and of all humanity. There is no nation in the world [except the Jewish nation] for whom acknowledgment of God in the world, as God of the world...is the foundation of her national life,¹² and a precondition for settling her land and establishing her government...Therefore, someone who by his opinions—all the more so, by his actions—undermines the opinion that enlivens the nation, is a national criminal, whom it would be foolish to forgive¹³...This is the true jealousy of God (*kin'at Hashem*), whose masters are worthy of the “covenant of eternal priesthood” (*berit kehunat 'olam*)¹⁴—as opposed to the rash zealotry (*kana'ut*) that derives from lack of intellect and weakness.¹⁵

Rav Kook's point is that a society cannot tolerate a freedom of thought (and action) that threatens to undermine the very principle upon which that society is founded. This is exactly the dilemma of late in the West, which has come to recognize that democracy cannot afford to be tolerant of ideologies that threaten to undermine the democratic principle. The events of 9/11 in the United States and 7/7 in Great Britain, perpetrated by Islamist terrorists, drove home this realization in a most poignant manner.

On the other hand, we must grant the legitimacy of young dissidents seeking to overthrow an evil system. Let us take apartheid as an example. The South African government which was committed to the foundational myth of the Boers' settlement of the Cape, along with the entire mythology of the Afrikaans-speaking minority, could hardly tolerate a liberal ideology that would impugn the policy of apartheid. However, seeing as apartheid was lethal to the rest of humanity outside of the white minority, namely the black majority, it would certainly behoove

idealists to overthrow that tyrannical regime.

When it comes to the Jewish People, the ideology upon which the nation exists is the Torah. Rav Kook might at this juncture have quoted Sa'adyah, who wrote, "Our nation, the Children of Israel, is a nation only by virtue of its Torah."¹⁶ The Jewish nation can ill afford to tolerate freethinkers who categorically "turn their back on the past [i.e., the Torah]." Neither is a revolt on the part of the youth called for. Not only does the Torah not oppress the rest of mankind—it is a boon to humanity.

After having logically established society's right to limit intellectual freedom in order to defend itself from dismantlement, Rav Kook comes to terms with the state of contemporary Jewish society, virtually powerless to legislate.

Now in order to implement national rule, the powers of the people must be the height of perfection. However, to totally prevent [control] is also an impossibility—the spiritual character of the nation, thank God, is always alive, "David, King of Israel, lives and exists."¹⁷ So this is the wondrous counsel of the Lord: In direct proportion to the lessening of the powers of the people, is the lessening of authority. The obstruction of authority serves us as testimony of the will of the Lord. The obstruction of authority is expressed in manifold ways: at times through a practical obstacle, such as the "fear of the kingdom" [i.e., the non-Jewish ruling authority]¹⁸ and the like; at other times, a spiritual obstacle, including the command not to offer moral exhortation that will remain unheeded.¹⁹ When such obstacles arise, we are resigned to the fact, because we recognize that this is the will of the divine supervision at such times. For this reason, we find in the Jerusalem Talmud that Rabbi Shim'on ben Yoḥai rejoiced at the temporary suspension of Israel's jurisdiction "because we are not sufficiently wise to judge."²⁰

This is what pertains to understanding my language.²¹

After having justified to his devoted disciple the position he espoused in the Open Letter, namely, his aversion to advocating censorship in the present situation, together with the implied hope for an ideal Jewish state in which this would be possible, Rav Kook goes on to elucidate the halakhic definition of an *epikoros* or disbeliever.

As for the *din* (law). Know that though one who even entertains doubts concerning matters of faith, trespasses a strict prohibition—a grievous illness—nevertheless, the rabbinic rubric of “*epikoros*” (Epicurean) applies only to the disbeliever (*kofer*), i.e., one who concludes the opposite. The opposite conclusion simply cannot be found in Israel, other than in the wholly wicked and deliberately dishonest. The greatest iniquity is capable only of casting doubt in weak minds. Being as that is the case, when someone brazenly declares that he clearly disbelieves, then he is absolutely wicked, rightfully deserving of all the explicit punishments; here there is no excuse that “his heart coerces him” (*libo onso*).²² If the *kefirah* (skepticism) of our generation were [intellectually] honest, it would always frame its criticism as an expression of doubt (*ta’anat safek*), and the doubts would easily be clarified. But *kefirah* deliberately lies, stating its case in positive terms (*ta’anat vadai*),²³ when it is apparent to even the most weak-minded that this is but a doubt. *Kefirah* has mounted a brazen offensive; therefore, it is guilty of all punishments, human and divine, in direct proportion to the stumbling block that it has erected. Understandably, to elaborate upon the details would require great length and numerous tomes. This much is clear: When one comes to the realization that all the heresy among Israel is no more than an expression of feeble doubt, gathered from ignorance, insensitivity and ethical want—he immediately becomes whole in faith and true awe

of the Lord. And the more that person clings to Torah sages, true seekers of God, the higher he shall rise, becoming full of the faith of wisdom.²⁴ “No weapon that is formed against you shall prosper; and every tongue that will rise against you in judgment, you shall condemn. This is the heritage of the servants of the Lord, and their due reward from me, says the Lord.”²⁵

This was Rav Kook writing in 1905 at the very beginning of his rabbinate in “Jaffa and the settlements.” We have a traditionally-trained rabbi of the old school interfacing with the avant-garde of the evolving *Yishuv* and displaying an open mind tempered by a deep and abiding commitment to Torah-true Judaism. There is an eloquence here, an ability to convey the ancient values in modern idiom that makes Rav Kook unique among the rabbis of Erets Israel, then as now.

In years to come, Rav Kook would revisit this theme of the limit of intellectual freedom.²⁶ It is fair to assume that his thoughts on the topic underwent a process of incubation. In succeeding letters we will find Rav Kook assigning halakhic parameters to freedom of thought, while—in the course of creating a rich historiosophy—providing historical coordinates.

The Limit of Intellectual Freedom

Essay

The Limit of Intellectual Freedom

Rav Kook's theory of the spiritual difference between the Talmud Bavli and the Talmud Yerushalmi,²⁷ figures prominently in his published letters, *Igrot ha-Rayah*.²⁸ Rav Kook would account for the radically dissimilar styles of the two Talmudim—the sustained argumentation, the lengthy, well-reasoned *shakla ve-tarya* of the Babylonian *sugya*, as opposed to the brief, almost epigrammatic presentation of its Erets-Israeli counterpart—by positing that the authors (and editors) of the two corpora inhabited separate spiritual universes, each possessing its own unique consciousness.²⁹ Rav Kook explains this disparity in style by attributing to the Sages of the West (*b'nei ma'arava*) lingering vestiges of prophetic consciousness,³⁰ which enabled halakhic conclusions to be reached intuitively, without protracted deliberation. Thus, the fast-track pronouncements of the Yerushalmi.³¹ Bereft of this spiritual gift peculiar to Erets Israel, the denizens of Babel were forced to make do with plodding reason.³² What others have regarded in awe as the superbly reasoned *sugya* of the Babylonian Talmud, Rav Kook views as hesitant, skittish mortal mind deprived of divine inspiration.³³ Whatever one's opinion of this novel theory, it is one of the better known positions of Rav Kook.³⁴

Relegated to relative obscurity is a sequel letter of Rav Kook in which the author spins out a surprising implication of his theory, namely, that out of this fundamental difference between Bavli and Yerushalmi, there arose in post-Talmudic literature divergent postures as to freedom of non-legal, extra-halakhic thought and philosophic inquiry. It is to this sequel letter in *Igrot ha-Rayah* that we shall pay most attention.

Writing to the Orthodox historian Rabbi Yitshak Eizik Halevi [Rabinowitz] a note of thanks upon receipt of Halevi's monumental work *Dorot ha-Rishonim*, Rav Kook seizes the opportunity to expound his theory concerning relations between the domain of Halakha, on the one hand, and the domain of prophecy and *Agadah* on the other:

...In Erets Israel, which is the place of prophecy, the influx of prophecy makes an imprint on the methodology (*seder ha-limmud*) and the understanding is informed by an inner vision,³⁵ so lengthy clarifications are not required.³⁶ "The air of the Land of Israel makes wise."³⁷

“The Babylonian Talmud disturbs them.”³⁸ The wisdom of prophecy—which is the foundation of the wisdom of *Agadah*, the interior of the roots of the Torah—was much more influential in Erets Israel than in Babylonia,³⁹ which is unworthy of prophecy, as they say in *Mo’ed Katan* (25a): “Our rabbi was worthy of divine inspiration, but Babylonia prevented him.”⁴⁰ Now for those influenced by the roots of prophetic wisdom, brevity is an advantage. The legal analysis, the process of deduction is accomplished by them with a very broad view. For them, a slight hint is sufficient to conclude judgment. This was the foundation of the methodology (*sefer ha-limmud*) of the Yerushalmi. As regards those who merited to benefit from the light above, brief aperçus sufficed for the clarification of the halakha. But for the Babylonians—upon whom the roots of prophecy did not exert much influence—brevity was insufficient and prolixity was called for.⁴¹

Bavli And Yerushalmi

Rav Kook attempts to trace the postures of the two Talmudim regarding the *Agadah* to their treatment of the *sugya* of *zaken mamreh* (“the rebellious elder”) in Tractate *Sanhedrin*.

There occurs in Deuteronomy 17:8-13 the portion of the “*zaken mamreh*,” the sage who refuses to abide by the ruling of the *Beit Din ha-Gadol*, the High Court or Sanhedrin. The passage reads:

If a matter be unknown to you for judgment, between blood and blood, between verdict and verdict, between plague and plague, matters of dispute in your cities—you shall rise up and ascend to the place that the Lord, your God, shall choose. You shall come to the priests, the Levites, and to the judge who will be in those days; you shall inquire and they will tell you the word of judgment. You shall do according to the word that they will tell you, from that place that the Lord will choose, and you shall be careful to do according to everything that they will instruct you. According to the Torah that they will instruct you and according to the judgment that they will say to you, shall you do; you shall not deviate from the word that they will tell you, right or left. And the man that will act willfully, not harking to the priest who stands there to serve the Lord, your God, or to the judge—that man shall die, and you shall eradicate the evil from Israel. The entire nation shall hear and fear, and they shall not act willfully any more.

The *beraita* in Talmud Bavli, *Sanhedrin* 86b-87a interprets the verse in Deuteronomy 17:8 as follows:

A matter (davar)—this is *halakha* [to Moses from Sinai⁴²]; *for judgment*—this is *din* [law derived from *gezerah shavah*⁴³]; *between blood and blood*—between blood of menstruation and blood

of parturition; *between verdict and verdict*—between capital punishment and financial law and corporal punishment; *between plague and plague*—between plagues of humans, plagues of houses, and plagues of clothing...

Rav Kook finds significant the fact that in the Yerushalmi's version of the *beraita*, the keyword *davar* (matter) is rendered "*agadah*," rather than "*halakha*" as in the Bavli:

It appears, in my humble opinion, that the foundation of the matter depends on the difference between the Bavli and the Yerushalmi in the *sugya* of *zaken mamreh* in *Sanhedrin*, as regards the interpretation of "*davar*" mentioned in the passage. The Bavli interprets "this is *halakha*,"⁴⁴ while the Yerushalmi interprets "this is *agadah*."⁴⁵

In the introduction to *Hovot ha-Levavot*, [the author] wrote that matters of [philosophic] opinion (which in truth, are the essential matters of the *Agadah*) were not mentioned in the verse "If a matter be unknown" (*ki yippalé*). This constitutes a proof that this [i.e., correct philosophic opinion] is not the proper domain of the sages of the tradition, but rather possible to ascertain through reason.

Several of the Ge'onim said in this vein that the *agadot* are not well-founded, halakhically speaking (*ein ha-agadot kol kakh me'yusadot le-hilkheta*). Yet there were those—as visible in the responsum of Rav Hai Gaon regarding *hokhmot* [i.e., esoteric wisdoms]—who upheld the *hagadot* as being fundamental.

The difference is simple: In a methodology (*seder limmud*) that is reliant on the roots of prophecy and its branches, the *halakhot* and *agadot* are thereby unified, and there are matters of *kabbalah* (received tradition) and *masoret* (transmission)

regarding [philosophic] thought as well as deeds. This is the opinion of the Yerushalmi—at loggerheads with the position of *Hovot ha-Levavot*. However, in the methodology (*sefer limmud*) outside the Land of Israel—which is unworthy of prophecy, so the branches of divine inspiration do not intertwine with the halakhic analyses—the opinions are reduced to that which logic can produce, and *agadot* have no halakhic relevance, and are not mandated by *Lo tasur* (“Thou shalt not deviate”). It is this difference that stamped the separation of Bavli and Yerushalmi.⁴⁶

The simple sense of *agadah* as it refers to the sermonic, nonlegal tradition, presents considerable difficulty within the context of *zaken mamreh*, as already pointed out by one of the commentators of the Yerushalmi, Rabbi Moses Margaliyot. A *zaken mamreh* (rebellious elder) is liable only if there should result from his contemptuous ruling a transgression punishable by *karet* (heavenly death), in the event of a willful transgression; or requiring a *hatat* (sin-offering), in the event of an unintentional transgression—which is hardly the case as regards *agadah*!⁴⁷

In defense of Rav Kook’s literal understanding of *agadah*, we must assume that Rav Kook was of the opinion that the negative commandment of *Lo tasur* (“Thou shalt not deviate”) applies in the Yerushalmi’s scheme to *Agadah*.⁴⁸ It is unimaginable that Rav Kook entertained the notion that a *zaken mamreh* is subject to *mitat henek* (death by strangulation) for incorrect beliefs!⁴⁹