

INTUITION, ETHICAL TRUTH, AND TORAH LAW

Rabbi Yosef Dovid Epstein: Hakdama to **Mitzvat HaBayit**

“If the Torah would not have been given, Man would have discovered the Parsha on Proper Conduct himself, through his own intellect. The Avot learned Torah from their own internal mental processes. They recognized obligations by themselves. From their great wisdom they came to the basic principles of the Torah.” Rabbi Epstein here quotes a *Tshuva* of the Rashba, (I:94): “There are no parts of the *mitzvot* which do not hint at the elements of wisdom, because it is wisdom which creates the obligation to behave properly. It follows that wisdom obligates proper action and proper refraining from action. Proper action and proper refraining from action in turn informs us as to what is hinted at by wisdom. The *Avot* through their great wisdom came to the basic principles of action and restriction. *Chazal* said that Avraham, gained wisdom from his two kidneys, meaning from some internal process of understanding and intuition. and so for all of the *Avot*.”

Rabbi Epstein continues to tell us that the *Avot* learned from themselves the way of living and proper behavior. Their way of life becomes a pattern and model for their children and descendants, to go in their footsteps and to learn from them for generations to come.

THE INTUITIONIST SCHOOL OF MORAL PHILOSOPHY

It is almost a trivial statement in logic to say that you cannot derive an “Ought” from an “Is.” A syllogism with two factual premises cannot have an “ought” in the conclusion. You cannot derive a statement of obligation from a statement of fact. As a result, there is no possible logical basis for any system of Ethics to ground itself in Reason. Every system is arbitrary and based only on its own assumptions. In order to have a system of obligation, you need axioms of obligations which will not be dependent upon any prior or more basic set of obligations- else we go backward *ad infinitum*.

Although he did not express himself in these precise terms, Thomas Reid, a British philosopher of the Eighteenth Century and a contemporary of David Hume came very close to saying this:

“All reasoning must be grounded on first principles. This holds in moral reasoning, as in all other kinds. There must, therefore, be in morals, as in all other sciences, first or self-evident principles, on which all moral reasoning is grounded, and on which it ultimately rests. From such self-evident principles, conclusions may be drawn synthetically with regard to the moral conduct of life; and particular duties or virtues may be traced back to such principles, analytically. But, without such principles, we can no more establish any conclusion in morals, than we can build a castle in the air, without any foundation. “

...Thus we shall find that all moral reasoning rests upon one or more first principles of morals, whose truth is immediately perceived without reasoning, by all men come to years of understanding. And this need is common to every branch of human knowledge that deserves the name of science. There must be first principles proper to that science, by which the whole superstructure is supported. The first principles of all the sciences, must be the immediate dictates

of our natural faculties; nor is it possible that we should have any other evidence of their truth. And in different sciences the faculties which dictate their first principles are very different.

The first principles of morals are the immediate dictates of the moral faculty. They show us, not what man is, but what he ought to be. Whatever is immediately perceived to be just, honest, and honourable, in human conduct, carries moral obligation along with it, and the contrary carries demerit and blame; and, from those moral obligations that are immediately perceived, all other moral obligations must be deduced by reasoning.

He that will judge of the colour of an object, must consult his eyes, in a good light, when there is no medium or contiguous objects that may give it a false tinge. But in vain will he consult every other faculty in this matter. In like manner, he that will judge of the first principles of morals, must consult his conscience, or moral faculty, when he is calm and dispassionate, unbiased by interest, affection, or fashion. As we rely upon the clear and distinct testimony of our eyes, concerning the colours and figures of the bodies about us, we have the same reason to rely with security upon the clear and unbiased testimony of our conscience, with regard to what we ought and ought not to do. In many cases moral worth and demerit are discerned no less clearly by the last of those natural faculties, than figure and colour by the first.

...Every man in his senses believes his eyes, his ears, and his other senses. He believes his consciousness with respect to his own thoughts and purposes; his memory, with regard to what is past; his understanding, with regard to abstract relations of things; and his taste, with regard to what is elegant and beautiful. And he has the same necessity of believing the clear and unbiased dictates of his conscience, with regard to what is honourable and what is base...”

(from Thomas Reid: *Essays on the Active Powers of Man*, Essay III: Chapters V, VI and VII and Essay IV: Chapter IX, 1788.)

In this regard, A.C. Ewing, a 20th century philosopher, writes:

“...Probably the principal reason which makes people inclined to deny the objectivity of ethics is the fact that in ethical argument we are very soon brought to a point where we have to fall back on intuition, so that disputants are placed in a situation where there are just two conflicting intuitions between which there seems to be no means of deciding....

We must therefore have intuition, and in a subject where infallibility is not attainable, intuitions will sometimes disagree. Some philosophers indeed prefer not to call them intuitions when they are wrong, but then the problem will be to distinguish real from ostensible intuitions, since people certainly sometimes think they see intuitively what is not true. Now Lord Russell says: “Since no way can be even imagined for deciding a difference as to values, the conclusion is forced upon us that the difference is one of tastes, not one as to any objective truth.” (Bertrand Russell, *Religion and Science*).

(A.C. Ewing, *The Definition of Good*, 1947)

Bertrand Russell unknowingly echoes the Rambam in the Guide to the Perplexed as seen in Marvin Fox on my page 4.

Others, such as C.L. Stevenson and the Logical Positivists including A.J. Ayer, took an approach similar to that of Bertrand Russell, stating that ethical statements were no more than assertions of emotion.

It is not surprising that Ethical Relativism that Ethical Relativism became very popular in the early 20th Century – that *Right* is defined by the society – and differs from place to

place. The Ethical Relativists would have had a lot of trouble condemning Hitler and the unspeakable atrocities committed by the Nazis.

Many would agree that the precipitous decline in morals and decent behavior in the West is linked to the general rejection of religion – and specifically the Bible as the basis for human morality. In fact, American society is sort of living in an ethical vacuum with no guidelines for human conduct. This is why homosexuality is coming out into the open so blatantly. Even if people think it is wrong, they do not know how to respond to it. There are no longer any rules.

THE NATURE OF INTUITION

The story line of the Torah begins with Man,. We have Adam, and Noach and then the *Avot*, Avraham, Yitzchak, and Yaakov. There is a progression from Man's encounter with G-d to the specifically Jewish encounter with G-d and they are different. The Jewish encounter with G-d culminated in *Matan Torah* at Sinai. But initially, with the *Avot*, one might have asked what distinguished the encounter of the Avot with G-d from that of Noah or Adam? And even more to the point, what distinguished Avraham, say, from his contemporaries?

In Avraham's time, the difference was clearly noted: *Nasi Elokim ata betochainu*. "You are a prince of G-d among us." So speaks the *b'nai Chait*. (*Beraishit*, 23:6). If the difference was already noted during Avraham's lifetime, how much more striking must it be today, when we are or aspire to be a *goy kadosh and mamlechet Cohanim*? A single *Nasi*, yes, I can understand this. But can entire nation be elevated spiritually? The nations of the world still cannot deal with such an idea – and the result is only jealousy and hatred, not respect and love.

What was it that made the Avot different from their contemporaries? The *Avot* learned Torah from themselves and from some internal mechanism they recognized the Mitzvot. So writes Rabbi Epstein in his *Hakdama to Mitzvot HaBayit*, section two. What was the nature of this learning of Torah and this recognition of Mitzvot? Rav Chama, the son of Rav Chanina, tells us that from the times of Avraham, our Fathers sat and learned in Yeshivot. (Yuma,28b:). Rashi on "Vayitrotzazu" in *Parsha Toldot* also makes reference to the *Bet Medresh* of *Shem ve Ever*. But Rabbi Epstein here speaks about an intuitive, almost private, kind of understanding.

Intuition is the beginning of human thought and the end of human thought. This sounds paradoxical but it is not. All thought begins with undefined perceptions which must then be categorized and placed in one's mental living room in its proper place. The shape of that mental living room may change over time, and perceptions that were once uncategorized are now made through the prism of preconceived concepts and structures of thought. But when new experiences (or non-empirical theoretical notions) are encountered that cannot be categorized and processed the old way, then we fall back on intuition as the only method available to deal with these new experiences. The categories we are searching for are as yet undefined and even unknown. Indeed, the encounter with

the Unknown may even bring a blank in the context of understanding. Then, hopefully, after hours, or even after generations (as in the history of physics and mathematics) a suitable framework presents itself and the phenomenon is “understood.” By “understood” I mean it is named. But naming implies a rule, of inclusion and exclusion. The rule may be a principle of Physics – or it may be an axiom of mathematics.

At the level of intuition, how are we going to know whose intuition to follow? Therefore the necessity of formalizing that body of knowledge and understanding at *Matan Torah*. From intuition to formalization – and then for thousands of years from formalization to intuition and further formalization. The writing of the Mishneh and the Talmud were major manifestations of this process. The Rambam’s *Mishneh Torah* is an even greater formalization of previous Talmudic discussions that may not have had decisive conclusions. Later critiques on the Rambam were further amplifications and refinements of his formalization. The *Rishonim* and later the *Acharonim* added their own clarification of ideas and discussions not fully worked out in the Talmud. Understanding (*Nishmah*) is a process. It takes time to provide explanations in words. There is intuitive understanding and then there is review and explanation of all unstated assumptions and details. This is part of *Torah Sheh B’al Peh*.

The demands the Rambam makes on the *B’nai Noach* are parallel to the stages of the Jewish encounter with G-d.. These demands reflect an implicit recognition of the difference between intuitive and reasoned understanding on the one hand and acceptance of System as a matter of faith on the other hand. To be included among the *Chasidei Umot Olam*, the righteous of the B’nai Noach, it is not enough to accept the commandments out of intellectual investigation and intuitive understanding. Finally, finally, they must be accepted as an integrated consistent system commanded by G-d.