

TORAH AND RABBINIC COMPROMISES WITH HUMAN NATURE

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The ordinances in the Torah, in their quantity and exactitude, seem intended to achieve two goals: To control the tendencies of natural man, and to develop the spirituality of the Jewish-nation-to-be. However, the Torah does make some concessions to human nature, while still contributing to the education of the children of Israel in morality and ethics.

Example 1: In the early chapters of Genesis, Adam and the generations after him were permitted only a vegetarian diet. (Curiously, when it came to sacrifices God accepted Abel's animal sacrifice rather than the fruits of the eath brought by Cain. Perhaps it was meant that only a Deity is entitled to have meat in the form of a sacrifice). After the Flood, Noah and the generations after him were given permission to consume meat, without it being part of a sacrificial offering (Gen. 9:3-4). We may ask: Why did God, having until then permitted on fruits and vegetables and grains, now allow humans to eat meat? My view is that God understood that human beings desired meat and that this was a concession to a human craving.

Example 2: During the era in the desert, the people complained about a steady diet of manna, even though it is described as being most delicious (Num. 11). It was only when the people demanded and eventually received meat that they were satisfied and stopped complaining about their daily diet.

Another example comes when the Israelite nation was born at Sinai. God could have commanded the Israelites to return to vegetarianism, but He did not. (In this view, it is assumed that many other laws as well as the Ten Commandments were revealed to the Israelites at Sinai.) It seems that God, because of Man's desire for meat, made a compromise that was neither the vegetarianism of Adam nor the permission to Noah to eat every kind of meat. In this compromise, the Israelites were permitted to eat meat, but only from animals which have split hoofs and chew the cud.

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Example 3: A third example is the law on accidental killing. In such a case, the Torah permits a *goel hadam* [avenger of the blood], to kill a person who had not intentionally committed manslaughter or murder. The killer's only hope was to escape to one of the cities of refuge before the *goel hadam* could reach him. Allowing the *goel hadam* to kill the person who had inadvertently caused a death can be viewed as a concession to the powerful human drive to avenge the victim who was a member of his family or clan.

Example 4: Richard Rubenstein in his book *After Auschwitz* believes that the entire biblical sacrificial system in which animals are slaughtered is also a concession to man; a substitute for the human drive to kill fellow human beings either as a sacrifice to God or for their flesh. By permitting the slaughter of animals, humans' violent nature had an outlet for the drive to shed blood.

Example 5: The Torah makes a concession to human nature in the case of the Israelite who, during time of war in enemy territory, is attracted to a woman taken captive (Deut. 21:10ff). Under other conditions, an Israelite would not be permitted to have relations with a Gentile woman, even with the intent to marry her. In this special case, marriage is permitted but only under carefully regulated circumstances.

Example 6: That the Torah does not forbid polygamy can be seen as a concession to man's nature despite the seeming ideal of one man and one woman as depicted in the Garden of Eden.

Rabbinic sages, following the precedents of the Torah, continued the trend of making concessions to human nature. For instance, according to the laws of Pessah, a person must not be in possession of *hametz* throughout the seven days. This could cause special difficulties for merchants who owned large stocks of *hametz*, and who might have been tempted to evade the Pessah law. The difficulty is circumvented by the practice of selling all the *hametz* to a Gentile for the duration Pessah, and then repurchasing it afterwards.

(Some rabbis in Israel want to extend the same principle to the Sabbatical year, so agriculturists could sell their fields to Gentile for one year, and continue to work them. Otherwise, many farmers would be financially ruined, and consumers would have to import farm products from abroad. However, many other rabbis oppose this.)

The sages also made a concession to human nature on the matter of canceling all debts with the coming of a Sabbatical year (Deut. 15:1ff). If people

know that debts will be cancelled, they will refrain from lending money, to the detriment of those in need of a loan. Therefore, the sages instituted a procedure known as "*pruzbul*," that assures that debts will not be cancelled with coming of a Sabbatical year.

On some matters, there was no way to avoid the undesirable effects of a particular law, and the rabbis then altered the way the law was applied. For instance, in judgment of a legal matter the Torah law requires the testimony of two witnesses. Yet, when there is doubt about a woman's status as a widow, there need be only one witness to testify to knowledge of the husband's death – even if it is the testimony of the woman herself -- and thereby leave her free to remarry. To enforce the requirement for two witnesses might deprive her of the chance to satisfy the natural wish for a husband and children (*Shulchan Aruch, Even Ha'ezer, Siman 17:43*).

From such examples, it can be seen that laws of the Torah allowed compromises with the needs of human nature, and this set the precedent for later rabbinic and halakhic use of the same principle.



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