

Love as the Foundation of Jewish and Natural Law in the Religio-Legal Philosophy of Rabbi Samson Raphael Hirsch

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The notion that law ought to express love was central to the religio-legal philosophy of Samson Raphael Hirsch, an Orthodox Jewish rabbi who lived and worked in Germany from 1808-1888. For Hirsch, love was synonymous with “*chessed*,” usually translated as “loving-kindness,” which in his thought is *the* central characteristic of God, and which consists of selflessly imparting good unto other beings for the sole purpose of gratuitous beneficence rather than in response to a claim of right. It is *chessed* that characterizes God’s creation of Man, for by creating Man as a free-willed creative being, God gratuitously gave Man the opportunity to become godlike by emulating God’s own characteristic *chessed* by choosing to do good for and to others. According to Hirsch, Man’s highest aspiration – one that can be learned by studying the natural order of the created world – is to choose to solidify the desire to do *chessed* by obligating himself to act with love through the adoption and enforcement of laws. Indeed, for Hirsch it is mankind’s eventual decision to universally implement a law of love, rather than the appearance a saving personality, that will signal the arrival of the “End of Days” and the beginning of the messianic era. Hirsch explains that the early biblical history of the world is the story of Man’s ultimately unsuccessful struggle to implement a law of love. Adam and Eve, Cain and Abel, the Generation of the Flood, and the Tower of Babel each represent successive stages in humanity’s attempt to order society on the basis of love, and God’s pedagogical responses to its failure to do so. It is Abraham who first comes to understand Man’s mission of love through law, and by undertaking to spread this message to others, Abraham earns the privilege of fathering a nation that will subsequently be offered the opportunity to exemplify how human society might order itself on the basis of a law of love. For Hirsch, then, the Torah and Jewish law is merely a more particular revelation of God’s general will for all mankind, and Hirsch went to great lengths to demonstrate how the civil laws and ritual practices prescribed by the Torah either directly implement or otherwise teach and inculcate a law of love. In Hirsch’s philosophy then, it is not merely the unjust law that is no law at all; it is even the law that is just but merely unloving – that is, self-serving and self-focused rather than other-interested – that is no law.

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