

רש"י בראשית פרק א פסוק א

ברא אל-הים - ולא אמר ברא ה', שבתחלה **עלה במחשבה** לבראתו במדת הדין, ראה שאין העולם מתקיים, הקדים מדת רחמים ושתפה למדת הדין, היינו דכתיב (להלן ב ד) ביום עשות ה' אל-הים ארץ ושמים:

Rashi Genesis 1:1

“Elo-him created” – but it did not say “Hashem created”, as in the beginning it arose in thought to create it with the trait of justice. When he saw that the world would not survive, he anteceded the trait of mercy and partnered it with the trait of justice. This is what is meant when Genesis 2:4 writes “On the day of the making by Hashem Elo-him of earth and the heavens.

I have two lodestones as guides when I approach Bereishit, and by extension the whole of Torat Mosheh: First, the midrash cited by Rashi, which understands Chapter 1 + Shabbat as describing a hypothetical but unsustainable universe in which G-d's attribute of mercy is not expressed, and Chapters Two (after Shabbat) through Four as describing a universe – perhaps ours – whose creation arises out of a partnering of Mercy with Justice. Second, the Rav's contention that these two creation stories also describe different aspects of the human being, although I think there is much room to discuss how precisely to demarcate those aspects.

These two origins logically fit together in the following way: In the first story, human beings are created in the image of Divine justice, and thus have no capacity for mercy, whereas in the second, while this is never made explicit, plausibly they have the capacity for both mercy and justice.

But I prefer to argue as follows: The missing option in the midrash Rashi cites is a world of mercy without justice – would such a world be sustainable? Answer: The world of the Garden is that world, and a moral of the story is that it is not sustainable.

Exegetically, this argument can be supported by noting that eating the fruit makes human beings K'Elo-him, like Divine justice – perhaps the Divine attribute of justice is first brought into the world via its human image. (Certainly it bears noting that both creation stories are in part aimed at explaining why/how human beings are like E-lohim, but that their explanations diverge radically. Perhaps this can be connected to the centrality but apparently complete homonymity of the word “tov” in both stories.)

Why is it not sustainable? Because justice is necessary for responsibility – not justice in the sense of punishment, retributive justice, but rather justice in the sense of the right thing to do, substantive justice. And without responsibility, there is no constraint on appetite, and without constraint on appetite, all is eventually consumed.

This insight might explain the anomaly that the text asserts that G-d placed the human in the Garden “to work and preserve it”, but commanded him only to avoid eating the fruit of one tree. These are actually the same – both involve seeing the world in a framework other than consumption.

However, this approach does not really account for the language of the midrash, which seems to describe G-d as adding mercy to justice. What we've said would be better described as adding justice to mercy.

Furthermore, I wonder whether mercy without justice is a coherent idea at all - perhaps mercy exists only as a modification of justice.

It would be a better account of the midrash to argue that the second story is a demonstration of how mercy was added to justice. Perhaps as follows: In the beginning, G-d expressed only His justice, and humanity embodied only mercy. In other words, human beings (as the narrative makes clear), had no capacity for responsibility – really they did not embody mercy either, as they had no conception of justice, Sin “forced” G-d to express His mercy in the world, and simultaneously enabled human beings to develop the capacity to embody His justice.

These ideas are inchoate, but perhaps it is appropriate to re-begin the Torah with tentative and shadowy formulations that we can test as we progress through the parshiyot. Your comments, critiques, and extensions are as always welcome, and this is also an appropriate time to thank you for accompanying me on this journey. It may also be a good time to gently encourage you to, if you have not already, consider what you can do

to ensure that CMTL's vision of Torah, which represents an attempt to maximize the partnership of rachamim with responsibility (halakhic humanism) while recognizing that rachamim exists only in the context of responsibility, is sustained.

Shabbat Shalom.

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