

“Definitional Law in the Bible”

“Shame is the law’s expression of man’s ignorance by way of prohibition. The law completes man by saying no to man. The law clothes man and thus turns philosophy-- man’s awareness of his own ignorance-- into shame.”<sup>1</sup>

I. The Noetic Human

These remarks are from the “Second Thoughts” that Benardete added to his Herodotus book when it was reprinted in 1999. He is suggesting, if I understand him, something like this: the awareness of our deficiency that amounts, philosophically, to knowledge of ignorance, takes the form, morally and politically, of shame, which makes the “clothing” of the law necessary. This suggestion provides an illuminating key, I think, to a theme of the Book of Genesis, which I want to explore today. This is not, as you know, a subject of Benardete’s published work, though he did, I believe, teach the New Testament and the Hebrew Bible, to which we often turned as a topic of our conversations.

Those conversations led me, several years ago, to organize a conference on biblical law and the work of David Daube.<sup>2</sup> Somewhat to my surprise, I convinced Benardete to be a participant. The highlight of that conference, I recall quite vividly, was a very funny moment, also of course profound. It was the beginning of the last session, devoted to Paul’s *Letter to the Romans*. Benardete had the floor: Romans, he began, presents Paul’s history of the universe—a history of error or sin, indicated by all the false gods worshipped by various peoples. Failing to see the creator in the works of creation, human beings become steeped in “all sorts of depravity, rottenness, greed and malice, addicted to envy, murder, wrangling, treachery, and spite” (1:28-29). But at the root of all this darkness of mind, Benardete pronounced, is homosexuality, and in the first place, lesbianism. A hush fell over the room. Everyone sat at the table slightly dazed, not

knowing how to continue the discussion. Of course, if one looks at *Romans*, this is just what Paul says. But Benardete was not merely reporting; he had an interpretation, which provides, I think, one way into his understanding of the Bible more generally.

On Benardete's interpretation of Paul, lesbianism or homosexuality is the primary case of the failure to see the creator in the works of creation because it is a violation of the natural order, in which the union of man and woman has a special role: that union is the restoration, in corporeal form, of the original androgynous human being of Genesis 1, created by God in his own image. The genetic translation of that original creation turns it into a form instrumental for reproduction of the species. The union of man with man, and even more manifestly, of woman with woman, is a willful attempt to go directly back to the original human, bypassing the genetic form God put in its place.

Benardete spoke of the original being of Genesis 1 as the "noetic human."<sup>3</sup> The whole biblical account of human life—of human life as we know it-- could be understood as a reflection on what it means to fall short of that standard. It is the human condition in this defective mode that renders necessary life under the law, divine law. At its most fundamental level, the law defines the human being by certain permissible or forbidden deeds, and thus translates the noetically defined human into a corporeal equivalent. In beginning, however, with the standard of the noetic human being, created in the image of God, the Bible almost inevitably invites the attempt to return to that starting point. That is an attempt, as Benardete sometimes put it, to do an end-run around the law. In this way, Benardete proposes, the law—perhaps above all divine law—necessarily fosters, mysticism, its own antithesis.<sup>4</sup>

A hint of these thoughts appears in the two places, as far as I know, where Benardete puts into print some brief remarks about the Bible, one in his essay "On Plato's *Symposium*," the other in his commentary on Plato's *Laws*. I would like to try to draw out some of the implications of

those discussions which are, as one would expect, in all their brevity, remarkably rich and provocative.

## II. Genesis and Aristophanes

Benardete learned from David Daube, or confirmed through Daube, a tradition of Rabbinic interpretation that connects the biblical account of the original human of Genesis 1 with the original whole humans of Aristophanes' speech in the *Symposium*.<sup>5</sup> However different their contexts and purposes, each account attempts to explain the human as a partial and defective being, the product of the splitting in two of an original being that was whole and complete. The resonance between the accounts extends beyond this structural parallel to the plots that animate each story. As Benardete proposes:

Aristophanes seems to assign the soul two layers, an original pride and a subsequent shame, that cannot but remind us of the biblical Fall. Pride made man scale heaven, shame made him realize his defectiveness. Eros, then, is an ever-to-be-thwarted longing for a second try on heaven. We turn to each other in lieu of our rebellion against the gods.<sup>6</sup>

The speech of Aristophanes, like the account in Genesis, sets out to explain a present reality in light of what is supposedly a lost original, to which we cannot help but desire to return. Both are "myths," in the sense that they offer, to use Benardete's terms, a genetic account that can only be adequately understood by reconstructing it into an eidetic account. Of course, this comparison brings out a number of discrepancies between the two works that shed some light on each.

The original human of the biblical account is a complete whole, in the image and likeness of its creator, only as male and female in one being: "In the image of God created He him, male and female created He them" (1:27). This original can be recreated in a corporeal form only by the union of man and woman. In contrast, as you all know, Aristophanes' story articulates three species of original humans-- male-male, female-female, and male-female, offspring of the sun, the moon, and the earth, respectively. The distinction of these three human types provides the basis

for explaining differences in sexual orientation among human beings as we know them. In fact, this typology turns out to be the reality of Aristophanes' account of eros, while the experience of love for an absolutely unique individual, which the speech seems to capture so vividly, proves to be only a powerful illusion.<sup>7</sup> Aristophanes assigns the highest rank to the male-male type, as the source of the political men whose lives most exemplify the ambitious spirit that marks our primitive nature. But however superior that type may be, all of Aristophanes' original humans are aware of their completeness, in the image of the cosmic gods. That awareness fills them with "proud thoughts," which lead them to try to scale the heavens, in rebellion against the authority of the Olympian gods. The subsequent division of these beings is an act of divine punishment, whose traces are forever encoded in our comic shape. In particular, our wrinkled belly button displays how the skin of the fragmented human half was drawn together, like a purse string; and our faces were turned to the front side so we can always look down on that mark of our humiliation. The shame provoked by our very shape is accompanied by fear, in the face of Zeus's threat to cut us in half once more, if in any way we should express our rebellious spirit.

Eros, according to Aristophanes, is just the desire to overcome our defective state and return to our ancient nature by finding the other half who would make us whole again. This longing is so demanding, and insatiable, that the human race began dying out until Zeus took pity, or rather, as Aristophanes explains, began to worry about losing all his worshippers. His solution was one last make-over: by turning the genitals of his half-beings around to the front, he made possible the momentary satiation of sexual union. But the longing that defines the human condition is a wound, Aristophanes indicates, that cannot be healed—at least not after the first generation of fallen humans; and if it could, it would be only in a state that would destroy the individuality eros was supposed to restore. The comic poet's depiction of the human condition has the tragedy of eros at its core.

The Aristophanic individual as the fragmented half of an original whole is resonant in the formation of the human being represented in the opening chapters of Genesis; but the plot of Aristophanes' speech fits more precisely the story of the community of Babel, which brings to a close, in Genesis 11, the Bible's universal history of humanity. Like Aristophanes' spherical humans, this community, in all its completeness, is filled with proud thoughts: "Come, let us build us a city, and a tower, with its top in heaven, and let us make us a name; lest we be scattered abroad upon the face of the whole earth" (11:4). The Biblical God, like Zeus, recognizes the great danger: "This is what they begin to do; and now nothing will be withholden from them, which they purpose to do" (11:6). And God's punitive response, like that of Aristophanes' Zeus, is to fragment the unitary subject whose wholeness has made it so ambitious: "So the Lord scattered them abroad from thence upon the face of all the earth; and they left off to build the city" (11:8).

The division of humanity in the tower of Babel looks like a political reflection of the natural division of the whole human being of Genesis 1, but the fate of that being unfolds in a different order. The original Adam of Genesis 1 is the counterpart of Aristophanes' spherical humans, but he is not engaged in any act of rebelliousness, motivated by a sense of completeness. Hence, when the biblical god splits this original being in two to produce human beings as we know them, it is not an act of divine punishment for a deed of human ambition. Or, one might wonder, is it possible that the biblical God is just more prescient than Aristophanes' Zeus, and he foresees the need for a preemptive strike, necessary to prevent the human being from becoming, as God eventually puts it, "one of us" (3:22)?

The story of the division of the human being is told in the second chapter of Genesis. Of course the Adam of Genesis 2 is already something other than the Adam of Genesis 1. YHVH, who has taken the place of Elohim, is a potter who molds his Adam from the dust of the earth

(*adamah*), then breathes life into his nostrils. The human being of Genesis 1, who could be identified with mind, has been replaced by a compound of dust and breath, body and soul. YHVH sets Adam down in a garden that supplies all his needs, with only one restriction imposed: man is forbidden to eat the fruit of the tree of knowledge of good and evil, with the warning that, on the day he does, he shall surely die. If the genetic account were translated into an eidetic one, this prohibition would be simply the characterization of a life of simple innocence.

Looking upon the earthly paradise he has created, God for the first time declares something not good—Adam’s solitude. What makes it not good for Adam to be alone is presumably his incompleteness. Or could it be, on the contrary, that what God finds not good is precisely the wholeness of this creature? The other man needs is brought into being, in any case, not by an addition to him but a separation from him. Adam is put into a deep sleep—a kind of death—from which he will awaken a new being: out of his “rib”— meaning, according to the Rabbis, one side--<sup>8</sup> God forms woman, and with that, two partial beings in place of the one whole.

If the fragmented being of man and woman is a form of defectiveness, they have no realization of it: they are naked by not ashamed. Rather, Adam recognizes the other as his own-- “flesh of my flesh and bone of my bones.”<sup>9</sup> At the moment he bestows on her the name “woman” (*esha*), he becomes for the first time “man” (*esh*). From this unique event, a universal principle is drawn: “Therefore a man leaves his father and mother and clings to his wife and they become one flesh” (2:24)—a momentary corporeal reenactment of the whole being God created in His image.

While it was Aristophanes’ self-sufficient humans who rebelled against the ruling gods, in Genesis, it is the partial being, more precisely, the woman, who commits the act of disobedience. We are given some insight into the motivation of the woman through her exchange with the serpent, who appears mysteriously on the scene to initiate the Bible’s first dialogue. Discounting God’s warning about the certainty of death, the serpent promises that whoever eats the forbidden

fruit will have his eyes opened and become like gods. It is a jealous God who prevents humans from sharing in such knowledge. The woman listens to the serpent, but she also looks for herself; and what she sees is fruit, not only good for food and a delight to the eyes, as we were already told (2:9), but also desirable to make one wise (3:6). The serpent's promise of becoming like God sounds like the voice of spiritedness; but what the woman discovers on her own, which leads her to disobey the prohibition, is the desire for wisdom.

After eating the forbidden fruit, as the serpent predicted, the eyes of man and woman are opened. And what they see is their nakedness in a new light—the light of shame, from which they try to hide by covering themselves with fig leaves. *The* sign of their knowledge of good and evil is shame at their defectiveness: to be man or woman, they now realize, is to fall short of the human as such, the human in the image and likeness of God.<sup>10</sup> Their acquisition of knowledge looks like a negative development, if shame is its primary consequence. But the awareness of defectiveness, which elicits this shame, is also the principle of knowledge of ignorance: only the fallen human, not the “noetic human” of Genesis 1, could philosophize.

Whatever awareness of ignorance may have led to the desire for knowledge of good and evil, in the Biblical account, seeking that knowledge is the transgression of a prohibition, and the shame it provokes in man and woman before each other is followed by fear before God: when God calls to him, “Where are you?,” Adam responds, “I heard your voice in the garden and I was afraid because I was naked, and I hid myself” (3:8-10).<sup>11</sup> While Adam has been hiding himself, God is present to him only as a voice. There is a double concealment, Benardete suggests, of God and man, which is the necessary condition for the new form of life about to be established-- life under the law.<sup>12</sup>

God's response to man and woman, after their deed of disobedience, fundamentally alters the relation between them and the life they will lead together. Originally they were to become one

flesh as the corporeal recreation of the whole human of Genesis 1. Now that union is reinterpreted and becomes a punishment of the woman: your desire, God announces, will be unto your husband, and he shall rule over you (3:16). The desire for wisdom that motivated woman is redirected toward man and serves to subordinate her. What initially looked like the joining of two equal partners has become the primordial relation of ruler and ruled. The new role of woman—as Adam recognizes when he now names her “Eve” (Hava)—is giver of life, but it will be an experience, God warns, of terrible pain and suffering. The counterpart for man will be toil by the sweat of his brow, on ground now cursed, until Adam returns to *adamah*, “for dust thou art, and unto dust shalt thou return” (3:19). The Bible’s genetic account presents as punishment what would be, if translated into an eidetic account, a description of the necessities of human life as we know it—painful childbirth, toilsome labor, most fundamentally, mortality.

God concludes his encounter with Adam and Eve and prepares to send them into the world with one last puzzling gesture: he produces skins from animals and clothes the humans in them (3:21). The Hebrew Bible, we are told, has no word for nature, *physis*, in opposition to *nomos* or convention;<sup>13</sup> but the clothing of man and woman, which covers over their natural nakedness, seems to represent precisely that distinction.<sup>14</sup> The need for such clothing is something human beings come to realize on their own, when their nakedness elicits shame and they cover themselves with fig leaves. Why, then, does God find it necessary to re-clothe them?

The most obvious answer is that the law, symbolized by this clothing, is not to be the product of human autonomy, but must have a divine source. Still, we might wonder, why must God replace the fig leaves by the skins of an animal?<sup>15</sup> Adam and Eve, Benardete observes, now look like the beasts with whose skins they have been covered: does this mean, he asks, that the law bestializes the human being?<sup>16</sup> There is, I want to propose, another way to think about this. In the chapters of Genesis that follow, we hear of the increasing depravity of the human race



living in the absence of divine law. The clothing of animal skins should be understood, perhaps, as an image of what the human being is or would be were it not for the law. While the clothing itself represents the divine law, it discloses at the same time the potential bestiality in human nature that makes the law necessary. This double meaning opens up what one might call the ultimate paradox of the law. On the one hand, it covers up and forbids us from uncovering what it has concealed; on the other hand, the law attempts to reveal something about the nature of things. The latter is the potential of the law indicated by the subtitle Benardete gave to his reading of Plato's *Laws*: "the discovery of being."

### III. Noah and the First Law in Genesis

In choosing this formula, Benardete was guided by Plato's *Minos*, where Socrates proposes that "law wants to be the discovery of being."<sup>17</sup> The anonymous companion with whom Socrates is speaking ignores the important qualification "wants to be" and wonders why, if law *is* the discovery of being, different peoples have such different laws or customs. His examples are sacrifice and burial (315b-d). Socrates does not dispute the evidence that the Carthaginians unlike the Greeks sacrifice human beings, nor that the Athenians long ago buried their dead in a different place than they later came to do. Distinctive customs of this sort define "our way" and differentiate one tribe from another, or one people over time. But what Socrates' companion does not realize, Benardete argues, is the universal status of the verbs, to sacrifice or to bury. These practices, in whatever special form they might take, are a way of addressing the most fundamental questions: rituals of sacrifice exhibit some "answer" to the question, What is god?, rituals of burial to the question, What is the soul? Ultimately, they are a response to the primary question, What is the human? Benardete speaks of sacrifice and burial as the "pillars of definitional law":

Definitional law says what man is or what he is not through his regular performance of some rite. Sacrifice denies that man is a god, burial denies that man is either a beast or carrion. Man is both soul and body, and there are gods. These two actions are the plainest evidence that law wants to be the discovery of what is.<sup>18</sup>

In the context of discussing this notion of “definitional law” as it appears in the *Laws* (cf. 716d-718a), Benardete makes a brief digression to Genesis and ponders the account of God’s interaction with Noah after the flood, which brings with it the first biblical law (8.20).<sup>19</sup> In promulgating this law, God is responding to what appears to be a new realization about the human being. It is inspired, apparently, by the burnt animal sacrifice Noah offers upon emerging from the ark: “And the Lord smelled the sweet savor; and the Lord said in His heart: ‘I will not again curse the ground any more for man’s sake; for the imagination of man’s heart is evil from his youth.’” (8:21). An almost identical insight had earlier led God to his plan of total destruction: “The Lord saw that the wickedness of man was great in his heart, and that every imagination of the thoughts of his heart was only evil continually” (6:5). Now, however, God has come to a slight, but important difference in his understanding of the evil in the human heart: it is not only continual, but “from youth,” that is, from birth, a condition that cannot be eradicated. Noah’s sacrifice has appeased God—he will never again destroy his creation—but it has also led him to realize the futility of starting over again. The new beginning with Noah will not change anything in the human heart. The only possible, if imperfect, solution is the law, which is concerned with behavior and not with the heart.<sup>20</sup> Law is the “second sailing” that comes with the realization of the impossibility of solving the human problem by a new nature.

The first law is a prohibition against murder. The first crime—or the first non-symbolic crime-- was murder, Cain’s murder of his brother. For that deed, Cain was only condemned to exile—a sentence he carried out by settling in Nod, “the land of wandering,” and becoming the founder of a city. The first law now brings with it a specific threat of punishment: the deed of

killing a human being will be requited by a human agent killing the perpetrator. The prohibition against murder, Benardete proposes, should be understood in connection with man as a political being: the model of Cain, the fratricide who founds the first city, suggests that the prohibition against murder is a requirement of the city, even though its foundation lies in murder.<sup>21</sup> Behind the political law against murder, however, Benardete sees a concealed prohibition that is not just political, but a determination of what it is to be human as such.

What seems to have led him to this conclusion is the puzzling way in which the first law is introduced. As the smell of Noah's burnt offering wafts toward him, God responds, not by immediately announcing the prohibition against murder, but rather, by granting a new permission to human beings. Originally, man and woman, along with the rest of the animals, were granted "the green herb" for food; only now, after the flood, are they permitted to kill and eat animals. In the beginning, the human being was to have dominion over the animals and the rest of nature; now, God announces, every beast and fowl and fish will be filled with fear and dread of man (9:2-3). The permission to kill and eat animals looks like a concession to the ineradicable evil God has discerned in the human heart. But how is the carnivorous way of life connected with the prohibition against murder that follows?

Benardete found a clue in the qualification God sets on the permission he grants: "Every moving thing that liveth shall be for food for you... Only flesh with the life thereof, which is the blood thereof, shall ye not eat" (9:4). This qualification then slides into the prohibition:

And surely your blood of your lives will I require... Whoso sheddeth man's blood, by man shall his blood be shed; for in the image of God made He man. (9:5-6)

To murder is to shed a man's blood and the punishment is to shed the blood of the perpetrator. What links the prohibition against murder with the permission to kill and eat animals is blood.

While animal flesh is now permitted, it is forbidden to eat the blood. For blood *is* life. And it runs, of course, through the veins of humans as much as any other animal. To eat the blood of an animal, then, is tantamount to eating a human being. Hence, Benardete seems to have reasoned, the restriction on eating the blood of animals, which slides into the prohibition against shedding the blood of a human, is really a concealed prohibition against cannibalism. And while he took the prohibition against murder, with the threat of capital punishment, to be a political law, Benardete understood the prohibition against cannibalism to be a definitional law.<sup>22</sup> It signifies that the human is not flesh, to be eaten like any other animal; and only the human being who would do such a deed, not any other animal, is truly bestial.

The characterization of the human that definitional law has begun to reveal through God's interaction with Noah is developed by two stories that follow. The first, which comes almost immediately, is the disturbing story of Noah's son coming upon his father in a drunken stupor and failing to cover over his nakedness (9:20-27). It is a violation of shame to look behind what has been, or should be clothed, more precisely, for a son to look upon the nakedness of his progenitor. The theme of incest, which seems to be darkly implied here, becomes explicit several chapters later in the story of Lot's daughters. Dwelling in a mountain cave, isolated from all others, they get their father drunk and initiate sexual relations with him, considering it the only way to preserve the race (19:30-38). This story has an echo in Book III of Plato's *Laws*, where the Stranger describes the isolated life of Cyclopean mountain dwellers, characterized, he implies, by incest and cannibalism (680b-d). Such practices, Benardete comments, are originally done out of dire need; only when necessity lets up a little are they reinterpreted, so that they come to be understood as the mark of bestiality, and hence the prohibition against them as a case of definitional law.<sup>23</sup>

Let me conclude with a passage from the end of Deuteronomy, which seems to express this notion, and in fact this example, of definitional law. Reflecting, in this final speech, on the law as a whole, Moses recites all the blessings that will come to his people from observing God's commandments and all the curses if they do not. Among those curses is one that warns: "And thou shalt eat the fruit of thine own body, the flesh of thy sons and of thy daughters whom the Lord thy God hath given thee" (28:53). What is presented here in genetic form, as the punishment for violation of a prohibition, would be understood, eidetically, as a description of what the human being would be in the absence of law.

Law clothes the naked human being and forbids uncovering what it has concealed, while it "wants to be" the discovery of being. It thus inevitably provokes its subjects to circumvent its commands and try to get back to its source. Our reflections on the Bible lead to this striking conclusion: in trying to get back to the noetic human being of Genesis 1, behind the clothing of the law, we discover, instead, the bestiality of the human without the law.

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<sup>1</sup> Seth Benardete, *Herodotean Inquiries*, “Second Thoughts” (South Bend: St. Augustine’s Press, 1999): 216.

<sup>2</sup> The conference, sponsored by Liberty Fund, was held in Princeton in June 1999. Several pages of notes later found in Benardete’s files look as if they were written in preparation for this conference.

<sup>3</sup> Cf. *Encounters and Reflections: Conversations with Seth Benardete*, edited by Ronna Burger (Chicago: University of Chicago Press, 2002): 165.

<sup>4</sup> Cf. for example *Plato’s “Laws”*: *The Discovery of Being* (Chicago: University of Chicago Press, 2000): 139, 351.

<sup>5</sup> The notion of the androgynous Adam is invoked in the Midrashic commentary, *Genesis Rabbah* VIII. David Daube analyzes the role this notion plays for Mark (10:2-12) and Matthew (19:3-10) in supporting the rejection of divorce (*The New Testament and Rabbinic Judaism* [Salem, NH: Ayer Co. Publishers, 1984]: 71-79).

<sup>6</sup> “On Plato’s *Symposium*,” *The Argument of the Action*, edited by Ronna Burger and Michael Davis (Chicago: University of Chicago Press, 2000): 174.

<sup>7</sup> See *Symposium* 191b.

<sup>8</sup> Maimonides explains how the Sages understood the passage: “The expression, one of his ribs, means according to them one of his sides. They quote as proof the expression, a rib of the tabernacle, which translates: a side of the tabernacle... Understand in what way it has been explained that they were two in a certain respect and that they were also one; as it says: bone of my bones, and flesh of my flesh” (*The Guide of the Perplexed* II.30, translated by Shlomo Pines, with Introductory Essay by Leo Strauss [Chicago: University of Chicago Press, 1963]).

<sup>9</sup> It is at this moment, Philo notes, that love supervenes and brings together into one the divided halves, as it were, of one being (“On the Creation of the World” 53, *The Works of Philo Judaeus* Vol. I, trans. by C.D. Yonge [London: Irving Bohn, 1854]: 45).

<sup>10</sup> The biblical man and woman experience shame in discovering their unlikeness to God, which is their failure to embody the human as such. Aristophanes’ human beings experience shame, Benardete remarks, in being subject to gods in whose image they have been reconstructed (“On Plato’s *Symposium*,” *The Argument of the Action*, pp. 55-57).

<sup>11</sup> Philo asks why Adam makes this claim, when he and the woman have already covered themselves with “girdles.” It must indicate, he suggests, that what is at stake is not nakedness of the body, but nakedness of the mind deficient in virtue (“The Allegories of the Sacred Laws” III.18, in *The Works of Philo Judaeus* Vol. I, p. 121).

<sup>12</sup> Moses, the lawgiver, on his second ascent to acquire the tables of stone, will beg God to reveal to him his glory. “Thou canst not see my face,” God responds, “for man shall not see me and live” (Ex. 33:20). God allows Moses only to see his back as he passes out of sight (33:23). In his ms. notes on Exodus 33.11, Benardete refers to Plato’s *Statesman* after observing “To give the law is to be granted an understanding of the departing presence of God: the law is only possible if he is departing.”

<sup>13</sup> Strauss, “Jerusalem and Athens: Some Preliminary Reflections,” *Studies in Platonic Political Philosophy*, with an Introduction by Thomas Pangle (Chicago: University of Chicago Press, 1983): 151.

<sup>14</sup> Compare Benardete’s account of Herodotus’ story of Gyges, who was commanded by the king, Candaules, to look at his own wife naked, in violation of Lydian laws. “Laws,” Benardete observes, “are like clothes: they too conceal from us the way things are. All laws say that certain things cannot be seen; before certain things one must have shame.” But as Benardete goes on to argue, “if Gyges unwillingly violates a Lydian law, Herodotus willingly

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violates the universal prohibition which Gyges himself has formulated. The *Inquiries* of Herodotus continually show him looking at alien things” (*Herodotean Inquiries*, p. 12).

<sup>15</sup> Discussing the doctrines and opinions of the Sabians, Maimonides refers to the “story they tell about Adam and the serpent and the tree of knowledge of good and evil, a story that also alludes to unusual clothing” (*The Guide of the Perplexed*, III.29).

<sup>16</sup> When God clothes man, Benardete observes, “he makes him in appearance into a beast. He makes them forget that they are naked and turns them into beasts” (see ms. notes on Genesis 3:21).

<sup>17</sup> While the *Minos* begins with Socrates’ proposal that law wants to be the discovery of being, it ends with the question, What are the things that make the soul better when the good legislator and shepherd distributes them to us? Plato’s *Laws*, as Benardete observes at the outset of his commentary on the dialogue, explicitly proposes a psychology for interpretation of law, but the primary purpose of his book is “to try to uncover the concealed ontological dimension, and explain why it is concealed and how it comes to light” (*Plato’s “Laws,”* p.xii).

<sup>18</sup> Plato’s *Laws*, p. 139.

<sup>19</sup> Plato’s *Laws*, pp. 140-141.

<sup>20</sup> Ms. notes on Genesis 8-9.

<sup>21</sup> Ms. notes on Genesis 4:19.

<sup>22</sup> The prohibition against murder in Genesis 9, however, looks no less like a definitional law. That prohibition, or more precisely, the permission to human beings to punish the murderer by killing him, is justified by an appeal to the status of the human being created in the image of God: to be in the image of God must mean either a being not to be killed or a being who can kill in punishment for killing, or both.

<sup>23</sup> Plato’s *Laws*, p. 188. Such a law reflects, as Benardete puts it, a universal human awareness that “man is not man unless he does not do everything of which he is capable” (Plato’s *Laws*, p. 95).