

Israel J. Cohen  
**“A Prohibition Does Not Apply to a Prohibition”:  
A Philosophical Inquiry into the Nature of  
Halakhic Laws**

Halakhah consists of a variety of laws that determine the halakhic status of various actions. Halakhic laws, by their very nature, have a general aspect in that they apply to all similar actions under similar conditions. In this paper, I examine, from a philosophical-analytical point of view, the relationship between the general aspect of the halakhic laws and the fact that these laws apply to particular actions.

After the introduction, this paper is divided into three parts. First, I distinguish between two competing theses regarding the “metaphysical order” between the general aspect of halakhic law and its individual cases. The first one I call ‘Halakhic Generalism,’ according to which the general aspect of halakhic law has essential precedence. The second one I refer to as ‘Halakhic Particularism,’ according to which the general aspect of the halakhic law is nothing more than a generalization of all its individual cases. In the second part of the paper, I argue that the particularist position has the power to justify a unique and puzzling halakhic principle. According to this principle, in cases of normative over-determination where the same action is forbidden due to two different halakhic laws, then “a prohibition does not apply to a prohibition.” Finally, I compare the reasoning I offer for this principle to alternative justifications of said principle. I argue that, compared to the alternatives, the particularist position provides the best explanation for the principle.