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# Editor's Introduction to *Elul* 5763 Edition

Welcome to the *Elul* 5763 edition of *The Edah Journal*. No articles published in the Journal have generated greater discussion than those in the *Sivan* 5761 edition authored by Rabbis Mendel Shapiro and Yehudah Herzl Henkin analysing the halakhic issues surrounding *qeri'at ha-Torah* for women. R. Shapiro argued for the halakhic legitimacy of the practice in selected communities, while R. Henkin argued against the implementation of this innovation. In this edition Professor Daniel Sperber, a world-renowned rabbi, writer and halakhic authority in Israel, makes an important contribution to that debate. His article, *Congregational Dignity and Human Dignity*, goes beyond R. Shapiro's thesis, claiming that *qeri'at ha-Torah* is not merely permissible, but halakhically *desirable* owing to the higher halakhic priority of *kevod ha-beriyot* (human dignity) over *kevod ha-tibbur* (communal dignity). Like R. Shapiro, R. Sperber limits his recommendation to those communities where women desire to be given *aliyot* and the denial of such an option causes hardship or embarrassment. As was the Journal's policy in publishing the original articles, it is important to state that R. Sperber's essay should not be construed as a binding halakhic decision taken either by the Journal or by Edah. We offer it as a basis for scholarly analysis and halakhic discourse only.

"The Book of Job is about the problem of evil?" So asked a young student after years of *yeshivah* education. In *Fear of the Forest*, Esther Orenstein Lopian, a master-teacher of *Tanakh* in Israel, discusses the issue of Orthodox Bible education avoiding "Meta-Themes" and overviews in its traditional pedagogic techniques. The author maintains that broad themes are critical both to effective teaching and understanding the Torah. *Yeshivah* and day school education too often focuses on individual

verses and commentary, at the expense of student interest in and deeper comprehension of the text. The essay offers a pedagogy of "extensive reading" to overcome this tendency and enumerates an inventory of skills for successful extensive reading of biblical literature.

Also in the arena of Jewish education, Professor David Ellenson, a well-known scholar of traditional responsa and President of Hebrew Union College, offers an introduction and translation of an interesting responsum by Rabbi Sampson Raphael Hirsch. The rabbi was asked whether the elite financiers of Jewish communal institutions—including parochial schools educating the sons and daughters of the less wealthy—are obligated to enrol their own children in schools that provide intensive Jewish education. Not surprisingly, R. Hirsch responded that *noblesse oblige* offers no dispensation from the classic obligation of Jewish parents providing meaningful Torah education to their children. On the contrary argued R. Hirsch, the obligation to educate their own children in the depths of Torah precedes any obligation to provide such education to other Jewish children. The *teshuvah* is an interesting insight into the sociology and axiology of the 19th century German Jewish community of R. Hirsch's time, and also holds much practical wisdom for the communal practice of 21st century American Jewry. One can easily reflect on the salutary impact to Jewish life were the super-rich of the American Jewish community—many of whom have displayed great generosity in supporting Jewish education—to provide their children with serious Torah education.

Should the arts be an important part of Jewish day school education? Are they philosophically and halakhically

desirable, and if so is a serious arts program realistic given the demands of day school curriculum? Ed Codish, an experienced teacher in the graphic and literary arts, offers a case study of a substantive arts program in Jewish education. He argues that complex issues arise when a day school attempts to institute a rigorous arts program that is evaluated for excellence of artistic accomplishment. The selection of teacher and commitment to the extra-curriculum demands of such a program are the keys to the success of quality arts in a Jewish day school.

Freedom of speech and pluralistic disagreement are foundational values of American society, yet any Orthodox community must, by virtue of its ideological and halakhic commitments, accept constraints upon this liberal vision. Despite this fact, Professor Marc B. Shapiro maintains in *Of Books and Bans* that the recent controversial bans on The Making of a Gadol by Nathan Kaminetsky and The Dignity of Difference by Jonathan Sacks are unusual in contemporary Orthodox Jewish history. This essay evaluates the literary and scholarly merits of the first book, and examines rabbinic opinions as sources of support for R. Sacks' thesis of religious pluralism found in the second book. While religious pluralism—whether R. Sacks' version or other varieties—is a thesis that has received little explicit attention in Orthodox discourse, it is the "elephant in the room," an undeniable presence underlying the questions of many Modern Orthodox Jews as they participate in pluralistic American life. R. Sacks' raising of the issue, and Professor Shapiro's initial scholarly exploration rabbinic opinion are controversial yet welcomed developments in Orthodoxy's forthright attempt to come to grips with modern life and values.

In a related review essay, David Shasha examines R. Sacks' book and the pluralism thesis in the context of modern and post-modern intellectual trends. He outlines how R. Sacks understands the thesis' implications for contemporary globalization, intolerance, technology and philosophy, and how the concept of religious difference

has greater inherent legitimacy within Jewish values than within Platonic or Christian thought. Mr. Sasha finds R. Sacks' thesis to be a valuable guide to shaping a better future for both the Jewish people and humanity.

Departing from the Journal's standard policy, we have chosen to publish extended interchanges on articles in the last edition (*Tevet* 5763). The first set of communications is between Mr. Gil Student and Rabbi Reuven Singer, regarding R. Singer's article "*Halakhic Values: Pesaq or Persuasion*." Mr. Student takes issue with R. Singer's analysis of the positions of Rabbi Joseph B. Soloveitchik (as described by Rabbi Meyer Twersky) and Rabbi Saul Berman regarding the enforceability of non-formal halakhic values. R. Singer parries with an insistence that the Rav's position on this complex matter is nuanced and open to disagreement, and that while the Rav is still an unrivaled authority within Modern Orthodoxy, it is well within legitimate halakhic methodology for R. Berman to offer a dissenting opinion in this matter. The second set of communications is between Professor Yehuda Gellman and Mr. Lippman Bodoff, regarding the latter's study of the roots and problematics of contemporary mysticism. Gellman asserts that Bodoff has committed the genetic fallacy in his understanding of contemporary hasidism and has overlooked the beneficial dimensions of that religious life. Bodoff responds that a careful reading of his essay meets Gellman's objections.

Once again, I invite you to join the discussion stimulated by *The Edah Journal* by communicating your thoughts on these and other published essays. Reader responses should be sent to [editor@edah.com](mailto:editor@edah.com).

*B'vrakhah,*

## ***CONGREGATIONAL DIGNITY AND HUMAN DIGNITY: WOMEN AND PUB- LIC TORAH READING***

**Daniel Sperber**

**Biography:** Rabbi Daniel Sperber is the Milan Roven Professor of Talmudic Research at Bar Ilan University and rabbi of Congregation Menachem Zion in the Old City of Jerusalem. In 1992 he received the Israel Prize, Israel's highest award and is the author of *Minhagei Yisrael*, a seven volume work.

**Abstract:** Since the principle of *kevod ha-beriyot* overrides that of *kevod ha-tsibur* in classic halakhic argumentation, this article argues that in congregations where women genuinely wish to have greater participation in the synagogue service and an inability to do so causes them hardship, women should be called to the Torah and read their portions should they desire.



# CONGREGATIONAL DIGNITY AND HUMAN DIGNITY: WOMEN AND PUBLIC TORAH READING\*

Daniel Sperber

I intend in this article to consider in a broader context the rabbinic statement that women are not given *aliyyot* (that is, are not called up to the Torah during its public reading) because doing so would be an affront to congregational dignity (*kevod ha-tzibur*). In a recent conversation, a good friend of mine — a scholar and profound halakhic thinker — remarked that the question was not really one of *aliyyot* for women or of Torah reading or even of the place of women in the synagogue; rather, the real question was one of the overall halakhic process. Anyone with a basic Torah education, he continued, could easily wend his way through the thicket of halakhic sources, select particular minority opinions or cases treated in the responsa, and stitch them together so as to lead to the halakhic result he had set out to find. That is one way to deal with a halakhic question. Another way, in his view, is to examine the sources analytically and flow with their current toward a result — in other words, to allow the halakhic process to transport you, rather than seeking to guide the halakhic process along a preordained route. He understood the second approach to be the correct one for dealing with halakhic questions.

Of course, his purpose was to tell me that while there might be halakhic rationales and historical precedents for women's *aliyyot* and for their reading from the Torah, the halakhic current flows in the opposite direction, requiring us to reach a different conclusion. I responded that "I

absolutely agree with you that this is how we are to treat *halakhah*. But, to use the same image, I think that what we must do is follow the river upstream, to its source. When we do so, we find that its current is not uniform; sometimes it runs slowly and sometimes much faster. Its course is affected by topography, geology, climate, the previous winter's rainfall, and so on. Accordingly, the process is a meandering one, and the river's course varies with time and place. On occasion, even the river's direction changes, and we find eddies moving in a direction opposite from what was expected. Finally, as the river approaches the sea, it sometimes splits into many streams and forms a delta. Accordingly, the progress and development of the river in its meanderings can be understood only by examining the river at every geographical and historical stage and seeing which courses it followed and in which directions it streamed." I used this image because it is very apt in a discussion of *halakhah*. A very well-known adage in the Talmud, quoted throughout the halakhic literature where different communities and regions follow different, sometimes even conflicting, practices, teaches that "Every river has its own course" (*Hullin* 18b)—different rivers flow in different directions and along different paths, and all of them are accepted, legitimate, and correct.

Similarly, when we attempt to look backward with respect to women's participation in the synagogue and its various

\*This article is based on two lectures, one presented at the conference of the Jewish Orthodox Feminist Alliance on February 17, 2002 and the other at the Edah conference on November 10, 2002. The lectures, delivered in English, were translated into Hebrew by my daughter, Elisheva Sperber, and were then expanded and reworked anew, with the addition of sources and references. The resulting Hebrew article was translated into English by Joel Linsider.

rituals, we find that the stream does not follow a uniform course; rather, it is multi-directional, winding along various paths and reflecting different outlooks at different times and places.

The entire subject has been considered thoroughly and in detail by a number of first-rate scholars. Anyone who has read the article by the two Frimer brothers in *Tradition*<sup>1</sup>—albeit only the first half of their study—will realize that several components must be examined in order to form an understanding of the halakhic situation. And anyone who has read the comprehensive and outstanding article by R. Mendel Shapiro<sup>2</sup> will see how the subject has been analyzed from almost every imaginable halakhic angle.<sup>3</sup>

Nevertheless, it seems to me that there is more to be said on the subject. We will first briefly review the principal pertinent texts, which are well known, and see what can be inferred from them and in which directions they point us. But we will look at other relevant matters as well, with broader implications. Let us therefore begin with the text cited by all, the *baraita* in *Megillah* 23a:

Our rabbis taught: All may be numbered among the seven [who are called to the Torah on *Shabbat*], even a minor and even a woman, but the Sages said: a woman is not to read from the Torah **on account of *kevod ha-tsubur***.

A reading of the *baraita* shows that it comprises two separate, somewhat conflicting layers. From a halakhic point of view, everyone **may be** called up to the Torah, including a woman; and in the tannaitic period—circa 200 C.E. or earlier—one called up to the Torah also read his por-

tion, implying that a woman might do so as well. Yet, the *baraita* continues, it is fitting that a woman not do so. It is not clear if this is a halakhic determination, amounting to a prohibition, or merely a recommendation. "On account of *kevod ha-tsubur*" is a conditional determination, for were there no issue of congregational dignity, there would be no reason in principle not to allow women to be called up to the Torah.<sup>4</sup> That is the claim routinely heard from all who consider the question. From a historical point of view, therefore, it may be said that at an undefined ancient time, women could go up to the Torah and read from it, and perhaps even did so. Somewhat later on, however, for some reason not adequately clear to us but perhaps understandable in a historical-sociological context, it was decreed unfit that women be called up to the Torah. Reading from the Torah is, in essence, a rabbinic enactment, meaning that we are speaking here of laws *de-rabbanan* (rabbinic laws, as distinct from biblical); and there is some sense that it may not be dignified for women to go up to the Torah.

The *rishonim* already provide various explanations of why the practice is considered improper and of what precisely is meant by "*kevod ha-tsubur*." Some connect the matter to the parallel text in the *Tosefta*, dating from the same period as the *baraita*, which seems to suggest that the discussion is limited to an instance in which no knowledgeable men are present and the only person able to read from the Torah is a woman, in which case her reading would violate the congregation's dignity: it would be an affront to the men if only a woman were able to read. This seems to be the explanation offered by many, though not all, of the *rishonim*, citing the *Tosefta*. But what we have here is a situation in which there is a lack of certainty as to the underlying rationale for the concept

<sup>1</sup>Aryeh A. Frimer and Dov I. Frimer, "Women's Prayer Services—Theory and Practice: Part 1—Theory," *Tradition* 32,2 (1998): 5-118. This is a major and probing work, worthy of careful study.

<sup>2</sup>*The Edah Journal* 1,2 (Sivan, 5761 [2001]): 1-52.

<sup>3</sup>*Ma'aliyyot* 19 (5757[1997]): 168-192. See also the detailed consideration of the subject is by Ohed Oppenheim in the Israeli journal *Ma'aliyyot*.

<sup>4</sup>The *Levush*, R. Mordecai Jaffe, a contemporary of Rema, states this explicitly in commenting on *Shulhan Arukh, Orah Hayyim* 282:3, where he writes: "**As a matter of law**, all may be numbered among the seven, even a woman or a minor who understands why the blessing is said. But our Sages of blessed memory said: "A woman should not read for the congregation on account of the congregation's dignity...."

"*kevod ha-tsibur*" in a rabbinic law. In formal halakhic terms, this is a "*sefeqa de-rabbanan*" (an uncertainty in a matter of rabbinic law). Indeed, some of the *rishonim* reached this result through their understanding of "*kevod ha-tsibur*" as referring to the specific situation of a community in which most of the men are illiterate and only a few women know how to read; but in the usual situation, women could go up to the Torah. Rabbeinu Nissim (Ran) accordingly comments as follows (on *Megillah* 23a):

Now that the rabbis have enacted that all [who are called to the Torah] bless, a woman and a minor may read, even as first or last [to be called.]

That is to say: Now that everyone called up to the Torah recites the blessing — which was not the practice at the time of the Mishnah, when only the first and last individuals called up recited the blessing — women and children may read even as the first or last to be called. His comments imply that in his time, circumstances were such that women could be called up to the Torah and read from it.

The *Shulhan Arukh, Orach Hayyim* 282:3, goes on to say:

All may be numbered among the seven, even a woman... *Comment* [by Rema]: But this means only that they may be included among the readers, not that all the readers may be women or children (Ran and Rivash).

In other words, it is unacceptable for women and children to receive all the *aliyyot*. The formulation is clear, lending

itself to no alternative understanding. Maharam (R. Meir) of Rothenberg, the leading halakhic authority in twelfth- and thirteenth-century Ashkenaz, considered a town comprising only *kohanim* and concluded<sup>5</sup>:

In a town comprising only *kohanim*, one *kohen* should read twice [i.e., the first two *aliyyot*] and, thereafter, women should read.... (Where there is no alternative, the dignity of the congregation is set aside.)

We have here an instance of a great halakhic figure, whose attitude toward women was not particularly liberal and who certainly cannot be labeled a "feminist"— on the contrary, some of his other decisions suggest he tried to exclude women from the synagogue<sup>6</sup> —who ruled, when there was a need to be helped out by women, that they might read.<sup>7</sup> In other words, his approach contemplated situations in which it was not only permissible but actually necessary for women to receive *aliyyot*.

We can cite further examples of women receiving *aliyyot*<sup>8</sup> and show that the phenomenon was not a rare one in certain communities as this *halakhah* developed.<sup>9</sup> And it is easy enough to cite other instances in which the concept of "*kevod ha-tsibur*" was set aside, and various actions were permitted, when the congregation felt that there was, in fact, no affront to its dignity.<sup>10</sup> Dignity of the community, for example, requires that the Torah not be read publicly from a printed book, yet if there is no scroll available, the book may—indeed, must—be used. It thus appears that there are many instances in which "*kevod ha-tsibur*" is put aside, for the concept implies not an

<sup>5</sup>Responsa of Maharam Rothenberg, ed. Kahana, sec. 47, p. 10

<sup>6</sup>See my discussion of this in *Minhagei Yisra'el*, part 1 (Jerusalem, 1989), pp. 60-66. See also Abraham Grossman, *Hasidot u-Moredot: Nashim Yehudiyot be-Eiropah bi-Yemei ha-Beinayim* (Jerusalem, 2001), pp. 321-323.

<sup>7</sup>See Grossman, p. 326 n. 60.

<sup>8</sup>See Shelomo Ashkenazi, *Nashim Lamdaniyyot (Seqirah Historit)* (Tel-Aviv, 1942), p. 71.

<sup>9</sup>Interestingly, R. Hayyim Joseph David Azulai (Hida), in his *Birkei Yosef* on *Shulhan Arukh, Orach Hayyim* 282:5, noted that R. Isaac Luria (the Ari of blessed memory), in *Sha'ar ha-Qavvanot* 73d, was of the opinion that a minor or a woman could be called only for the seventh *aliyyah*. See also *Responsa Ginat Veradim*, principle 2, sect 21 *ad fin*. But see the consideration given the point in R. Reuben Amar, *Minhagei ha-Hida* (Jerusalem, 1990), part 1, pp. 26-27.

<sup>10</sup>See Shapiro, pp. 35 *et seq.* and R. Zalman Joseph Aloni's article in *Seridim* 2 (Sivan 5742 [1982]): 24-27.

absolute legal prohibition as much as a sound policy recommendation calling for the community to avoid certain actions because they are inappropriate; as the Yiddish expression has it, *es passt nicht*. [It is unseemly.]

But let me move even further beyond the matters already considered. Let's begin by examining a short excerpt from R. Yehuda Herzl Henkin's reaction to R. Mendel Shapiro's study. R. Henkin, who thoroughly considered R. Shapiro's essay, offered several fine, if sometimes peripheral, comments on it. He writes:<sup>11</sup>

I agree with much of Rabbi Mendel Shapiro's comprehensive and thoughtful article.... [But] where does all this [R. Shapiro's analysis] leave us? Regardless of the arguments that can be proffered to permit women's *aliyyot* today—that *kevod ha-tsibbur* can be waived, that it does not apply today when everyone is literate, that it does not apply when the *olim* rely on the (male) *ba'al qeri'ah* and do not themselves read—women's *aliyyot* remain **outside the consensus**, and a congregation that institutes them is not Orthodox in name and will not long remain Orthodox in practice. In my judgment, this is an accurate statement now and for the foreseeable future, and I see no point in arguing about it.

In other words, most of R. Mendel Shapiro's claims, with a few exceptions here and there, are halakhically legiti-

mate, but, still, *es passt nicht*, and a congregation acting on the basis of those arguments would be regarded as beyond the pale of Orthodoxy.

It seems to me that a reaction of this sort is based on the underlying idea that "your ancestors didn't do it; your parents didn't do it; and therefore your children are forbidden to do it." But is that the way in which halakhic issues should be approached? Must we regard the halakhic dynamic as "what was will always be"?

Let us now consider a different matter; we'll return later to the issue before us.

The *gemara* at *Berakhot* 22a states:<sup>12</sup>

It was taught [in a *baraita*]: Words of Torah cannot be rendered impure...<sup>13</sup>

The statement is based on a biblical verse:

"Are not all my words as fire, declares the Lord" (Jer. 23:29)— Just as fire cannot be rendered impure, so words of Torah cannot be rendered impure.

Maimonides rules as follows (*Mishneh Torah, Hilkhot Qeri'at Shema* 4:8):

<sup>11</sup> *The Edah Journal* 1,2 (Sivan 5761 [2001]): 1-6 (emphasis supplied). On R. Henkin's halakhic method, see the analysis by R. Dov Linzer in "A Poseq for the Modern Orthodox Community: A Review of *Equality Lost* by Yehuda Herzl Henkin," *The Edah Journal* 3,1 (Tevet 5763 [2003]): 1-9.

<sup>12</sup> I dealt specifically with this issue in my article "*Sheloshah Minhagim Matmihim u-Meqoman Shel Nashim be-Veit ha-Kenesset*," forthcoming in *Kolech, Lihyot Ishah Yehudiyah* part 2 (Jerusalem, 2003)

<sup>13</sup> Cf. *Tosefta Berakhot* 2:13 (Lieberman ed., p. 8) — "Males suffering from a discharge, females suffering from a discharge, menstruating women, and women who have given birth may [despite their resulting impurity] read from the Torah, the Prophets, and the Writings and study the Mishnah, the *midrash*, *halakhot*, and *aggadot*...." Similar wording appears in the Talmud of the Land of Israel (*Yerushalmi Berakhot* 3:4 [6c]), but the Babylonian Talmud reads "Those suffering from a discharge [using the masculine form only], those suffering from *tsara'at*, and those who have cohabited with a menstruating woman"; ms. Munich reads "those who have cohabited with a menstruating or childbearing woman." Saul Lieberman, *Tosefta ki-Feshutah*, part 1 (New York, 1955), p. 20, suggests that ms. Munich is suspect because it appears "they deliberately expunged females and inserted males in their place...that is, all of these are permitted to read the Torah, etc. and study the Mishnah, but it is not the way of women to do so." R. Lieberman concludes that the proper reading is that of the *Tosefta*, and the references to females suffering from a discharge and childbearing women are rote repetitions of terminology used in other contexts. See also R. Louis Ginsburg, *Peirushim ve-Hiddushim ba-Yerushalmi* (New York, 1941), part 2, p. 248: "It is a rote repetition of the wording that appears in *Pesahim* 9:2, *Hallah* 4:8, *Mo'ed Qatan* 3:2, etc."

All who are impure are obligated to read the *Shema* and recite the blessings that precede and follow it, despite their impurity...and all Israel has already adopted the practice of reading from the Torah and reading the *Shema* even after having emitted semen [and not first immersing in a *miqveh*] because **words of Torah cannot be rendered impure; rather, they retain their state of purity forever....**

Later on, Maimonides rules (*Mishneh Torah, Hilkhot Sefer Torah* 10:8) that:

All who are impure, even menstruating women and gentiles, are permitted to hold a Torah scroll and read from it, **for words of Torah cannot be rendered impure....**

The *Shulhan Arukh* (*Yoreh De'ah* 282:9) continues in the same vein:

All who are impure, even menstruating women, are permitted to hold a Torah scroll and read from it....

That is the clear ruling of R. Joseph Karo, author of the *Shulhan Arukh*; and R. Moses Isserles (Rema) is silent on the point, indicating thereby his assent to R. Karo's ruling.<sup>14</sup>

Again, in *Shulhan Arukh, Orach Hayyim* 88:1, we find:

All who are impure read from the Torah, read the *Shema* and pray [the *Amidah*].

Here, however, Rema comments:

<sup>14</sup>It is interesting to note the formulation of the author of the *Levushim* in commenting ad loc: "Words of Torah cannot be rendered impure, for they are holy and pure and deflect all impurity. Accordingly, all who are impure, even menstruating women, are permitted to hold a Torah scroll and read from it, as long as their hands are not befouled or filthy."

<sup>15</sup>The *Levush* deals with this matter at great length, struggling with what appears at first to be an internal contradiction in this halakhah, discussed below. He attempts to provide a detailed, logical-halakhic explanation:

Although it is forbidden, as we have said, for words of Torah to be brought into contact with befouled items, when the befouling is only impurity— even impurity from a bodily discharge— the words of Torah cannot become impure, [a principle] supported by the verse "Are not all my words as fire....," which the Sages of blessed memory explicated as "Just as fire cannot be rendered impure, so words of Torah cannot be rendered impure." And even though the principle is not fully derived [from Scripture] but only associated with it, it embodies sound reasoning as well. For the Torah was not given to the ministering angels, yet it is written "you shall recite it day and night" (Jos. 1:8); and if all who are impure were forbidden to engage in Torah, how many days and

Some have written that a menstruating woman, on the days when she sees a flow, should not enter a synagogue, pray, mention God's name, or touch a scroll (*Haggahot Maimuniyyot*, chap. 4).

In other words, she may not recite a blessing— something difficult to understand, for she certainly eats and drinks on various occasions, even while menstruating, and can she be forbidden to recite the blessings over food? Other sources say that even if she does bless, one may not answer "Amen" to her blessing, and still others determine that one may not be in the vicinity of a menstruating woman, lest she recite a blessing and the listener answer "Amen."

Others, however, ruled permissibly, and the practice is in accordance with that view:

**But some say [Rema continues] that she is permitted to engage in all these activities, and that is correct.** Yet the custom in these lands is in accordance with the first opinion [which forbids them]."

In other words, though Rema determined that *halakhah* permits all these activities, the practice in his country differs. He continues:

But during the *yemei libbun* [the seven days between the end of the actual menstrual flow and the time the woman immerses herself], the practice is to permit it. And even where a stringent practice is followed, they are permitted to attend just as other women on the High Holidays, and on other occasions when many gather in the synagogue, for it

would cause them great sorrow to remain outside while everyone else assembles. (*Pisqei Mara'i*, sec. 132.)<sup>15</sup>

This passage is highly perplexing. The custom is that a menstruating woman may not enter a synagogue, recite a blessing, answer "Amen" after another's blessing,<sup>16</sup> or hold a prayer book, even though, as Maimonides teaches us, "words of Torah cannot be rendered impure; **rather, they retain their state of purity forever.**" That, indeed, was the custom in Krakow (where Rema dwelled) and its environs. During the *yemei libbun*, during which there is no actual flow of blood, the practice was more lenient, even though the woman retained the status of a menstruant until after her immersion in a *miqveh*.

Nevertheless, during the High Holidays and festivals, when all come to the synagogue, it would have greatly saddened these women to insist that they remain outside, and they were accordingly permitted to enter! But is that entry forbidden or permissible? If it is forbidden, it should be forbidden even on *Rosh ha-Shanah* and *Yom Kippur*, and the prohibition should extend until her

immersion. Yet "because it would have caused them great sadness to remain outside when all assemble — *it is permissible* [for them to enter]." Where does this lenient approach originate from?

The Talmud determines that when one brings a sacrifice to the Temple, the owner of the sacrificial animal must lay his hands on the animal's head. This practice, called *semihat yadayim*, is performed only by men, not by women.

The *gemara* at *Hagigah* 16b states:

It was asked: [Scripture states] "Speak to the children [*benei*, lit. sons— *trans.*] of Israel...and he shall lay [his hand on the head of the offering]" (Lev. 1:2-4)—the sons of Israel lay their hands, but the daughters of Israel do not. R. Jose and R. Simeon say: The daughters of Israel may lay their hands, though they are not required to. R. Jose said: Abba Eliezer told me the following: Once we had a calf to be offered as a *shelamim* sacrifice and we brought it to the women's court and women laid their hands on it. Not because laying of hands applies to

nights would one be exempt from Torah study, for no man can be so punctilious about impurity as to constantly be in a state of purity.... Accordingly, all who are impure may read from the Torah and read the *Shema* and pray.... Some wrote that a woman during the days of her menstrual flow should not enter a synagogue or pray or mention God's name or touch a sacred scroll on account of her impurity. But some say she is permitted to do all these things, for we have the principle that all who are impure may read from the Torah, as explained above, and that is the law. But women in these lands adopted the custom of acting stringently in these matters, and it is well that they do so, for [the Sages] of blessed memory have already said of this "One who acts stringently, his days and years are lengthened" (*Berakhot* 22a). But during their *yemei libbun*, they act leniently, even though they have not yet immersed, for she is no worse off than others in the congregation who may be impure, for her immersion is only to permit cohabitation with her husband. And even in places where the practice is to act stringently during the days of her flow, on the High Holidays and other occasions when many gather to attend the synagogue, they, too, are permitted to do so just as other women, even during the days of their flow, for it would cause them great sadness to stand outside on a day when all are gathered in the synagogue. We find many other instances in which the rabbis permitted something to avoid distress and cause contentment, and how much more should that be done here, where we are dealing with something that is otherwise fully permitted, and only by custom do they act stringently. Accordingly, on those days they permitted it.

And see the comments of Eliyahu Zuta ad loc.

In his introduction to *Orah Hayyim*, the Levush writes as follows regarding his method: "For he [R. Joseph Karo] of blessed memory, thanks to his wide-ranging mind and his ability to study it easily, was able to read it with dispatch. But for us, who are poor in Torah, it remains a long, long matter. So I determined to follow in his path and write down an abridgement of the laws in accordance with his advice to rely on the three pillars of instruction, of blessed memory, but I will explain their rationales as briefly as possible, and that is what I have set out to do." And see his further remarks there. On the character of the book, see R. Hayyim Czernowitz ("Rav Tsa'ir"), *Toledot ha-Poseqim*, part 3 (New York, 1948), pp. 104-110.

<sup>16</sup>But see R. Ovadiah Yosef's objections to this custom in his *Responsa Yehaveh Da'at*, part 3 (Jerusalem, 5740 [1980]), p. 29 and part 4 (Jerusalem 5741 [1981]), pp. 77-79, where he also rejects the claim that a woman's entry among the men to recite the thanksgiving blessing entails a degree of indecency and sinful thought; and his rationale is sound. He similarly maintains that in a place where there is fear of God's presence, there is no concern about a woman's song being a source of immodesty.

women [i.e., not because it is permissible], but to allow the women to feel pleased.

In other words, under certain circumstances, when something would constitute a great affront to women, they were prepared to disregard certain prohibitions or authorities<sup>17</sup> and allow things that normally would be considered forbidden or unsuitable. The basic principle underlying this determination is "Great is human dignity (*kevod ha-beriyot*), which supplants a negative commandment in the Torah" (*Berakhot* 19b). This principle, which appears in various halakhic contexts, has been given wide application. The responsa of R. Joseph b. Lev (Maharibal) (sixteenth century; a contemporary of R. Joseph Karo, author of the *Shulhan Arukh*), for example, describe a case in which a man, whose wife was barren, took another wife and fathered several children by her. He then sought to divorce the second wife but keep the children. Maharibal wrote<sup>18</sup>:

Such an affair is cause for great chagrin. It is not proper to demean daughters of Israel in this manner, to send off the mother and keep the children.<sup>19</sup> And great is *kevod ha-beriyot*, which supplants a negative commandment in the Torah.

His remarks imply that if something permissible and acceptable from a halakhic point of view would nevertheless be a source of grief and pain to the second wife, considerations of "human dignity"—the sensitivity that everyone must feel with respect to the distress and tension that the second wife might experience—would

overcome even a negative commandment in the Torah. Let us consider another instance in which this principle was applied, making broader use of halakhic sources.

R. Kook of blessed memory was not particularly known as a "feminist." He opposed women's suffrage, for example, and wrote definitively against it.<sup>20</sup> Yet in one of his responsa on *Yoreh De'ah*, he writes:<sup>21</sup>

As for the custom of women sewing together the panels of a Torah scroll after the writing of the scroll has been completed: With respect to the principle that the [written] product is unfit if any part of its production is performed by one unfit to write it, the source of the matter in Maimonides, [*Mishneh Torah, Hilkhoh*] *Tefillin* 3:9, 15, has not been overturned. [He is referring to Maimonides' ruling that one who is unfit to write a Torah scroll may not perform any of the other activities associated with producing a Torah scroll. There are twenty activities that [if flawed] make the Torah scroll "unfit to be read from" (*Hilkhoh Sefer Torah* 20:1), including sewing the panels together (id. 20:20). Nevertheless, the custom is that women do so.]... We may answer that [the prohibition] is only rabbinic, and since the disqualification of women from the writing of a Torah scroll is a matter of doubt (as noted by the *Derishah* sec. 281), we can say that this is a matter of doubt with respect to a rabbinic law [which is usually resolved leniently, in contrast to a matter of doubt with respect to a biblical, law, usually resolved stringently—*trans.*]. Yet, one might

<sup>17</sup>For example, Ashkenazi authorities permitted bringing a Torah scroll into the room of a woman giving birth, despite the stringent Ashkenazi approach, noted above, to women's impurity. See the recent comments of S. Sabar, "Childbirth and Magic: Folklore and Material Culture" in *Culture of the Jews: A New History*, ed. David Biale (New York, 2002), pp. 677-678 and the sources there cited at p. 715 n. 22.

<sup>18</sup>Responsa of Maharibal, part 1, sec. 40.

<sup>19</sup>This is a play on Deut. 22:7— "Surely you shall send off the mother [bird] and keep the chicks for yourself."

<sup>20</sup>See two pronouncements that he signed—a declaration issued in 5680 (1920) and an open letter in 5686 (1926)—reprinted in Mosheh Yehiel Tsurial, *Otserot ha-Reiyah* (Yeshivat Sha'alavim, n.d.), part 4, pp. 123-124. See also M. Nehorai, "*He'arot le-Darko shel ha-Rav Kook bi-Pesiqah*," *Tarbits* 59 (1990): 498-502; Menahem Friedman, *Hevrah ve-Dat* (Jerusalem, 1978), p. 162; and, most recently, Haggi Ben-Artzi, doctoral dissertation, "Rav Avraham Isaac HaKohen Kook as a Halakhic Leader (Poseq) - Innovative Elements in the Halakhic Writings of Rav Kook," (Hebrew University, 2003), pp. 299-302.

<sup>21</sup>*Responsa Da'at Kohen*, sec. 169.

say, we should not, in the first instance, enter upon a doubtful situation with respect to rabbinic law. But because even with respect to laying on of hands [mentioned above], where it might appear that the woman is involved in the sacrificial service, they waived the rabbinic prohibition and permitted her to do so, for it would violate *kevod ha-beriyot* to forbid it, here, too, where they have the practice of sewing the panels, we should not prevent them.

In other words, since laying hands on a sacrificial animal, which was part of the Temple ritual, was permitted to women in order to please them, they should also be permitted to sew the panels of the Torah. To do otherwise would run contrary to the concept of human dignity, a principle that trumps a rabbinic law. Accordingly, in the case under consideration, where women have adopted the practice, they should not be stopped.<sup>22</sup>

To appreciate the weight assigned to the concept of "*kevod ha-beriyot*," let us consider a passage from a responsum by R. Eliezer Waldenberg (*Responsa Tsits Eli'ezer*, part 6, sec. 10, par. 3, p. 26). At issue is the use by a deaf person of an electric hearing aid on the Sabbath. After an extended and detailed examination, R. Waldenberg writes:

We see from the foregoing that the prohibition on carrying an object that is *muqtseh*<sup>23</sup> is waived for the sake of *kevod ha-beriyot*, so that a person will not in any way be demeaned in his own eyes or the eyes of others on account of being unable to carry [the object]. And if that is the case, it appears that there is no concern about *kevod ha-beriyot* greater than the one that arises in connection with ensuring that a deaf person does not suffer embarrassment because of being unable to hear what people say to him.

It is difficult to imagine the magnitude of the embarrassment and unpleasantness caused him when he comes among people, in the synagogue, and he is isolated, unable to hear what is going on, unable to respond to those who ask him a question. This produces a concern about *kevod ha-beriyot* greater than in connection with the matters discussed earlier, to which must be added his distress at forgoing public worship and being unable to hear the Torah reading and the responses to *Qaddish* and *Qedushah*, etc. This negates the performance of a batch of *mitsvot*, of lesser and greater importance, and therefore it is preferable to permit the carrying of *muqtseh* for so great a matter of *kevod ha-beriyot* and to permit the deaf person to carry his hearing aid on the Sabbath.

*Shulhan Arukh, Orah Hayyim* 312:1 rules that because of *kevod ha-beriyot* they permitted carrying stones with which to wipe oneself clean, and it is permitted even to carry them up to the roof, despite the effort involved. The *Levush*, in par. 1 ad loc., explains the rationale: because you already know that *kevod ha-beriyot* is great enough to displace a negative commandment in the Torah, i.e., the prohibition on disregarding one's fellow's fallen beast of burden and thereby failing to help raise it up. The verse [Deut. 22:4] reads "...you shall disregard" [i.e., the negation that prohibits disregarding appears earlier in the verse, not immediately before this verb — *trans.*], and the rabbis interpret this to mean "on occasion, you shall, in fact, disregard, as in the case of an elderly person, where helping would be beneath his dignity." Here, too, carrying [*muqtseh*], a rabbinic prohibition that the rabbis based on the prohibition of departing from rabbinic determinations, is set aside where human dignity is of concern. Accordingly, the Sages of blessed memory

<sup>22</sup>R. Yehiel Mikhel Epstein, author of *Arukh ha-Shulhan*, considered the matter and reached the same conclusion. See *Arukh ha-Shulhan, Yoreh De'ah* 278:11. (My thanks to Mr. Barton D. Harrison of Harrisburg, PA for this reference.)

<sup>23</sup>In general, *muqtseh* is a term applied to objects that, for any one of several reasons, may not be moved on the Sabbath or a festival. — *trans.*

permitted carrying stones on the Sabbath for use in wiping oneself clean, for that is a matter of *kevod ha-beriyot*.

He adds (*id.*, p. 28, par. 7):

And not merely for a major aspect of *kevod ha-beriyot*, but even for a much lesser one [such as being able to use a wood splinter to pick one's teeth]...

These examples show us the extent to which the sages of all generations valued human dignity.

Let us return now to our subject, that of calling women up to the Torah. We have here a clash of two principles of different sorts—*kevod ha-tsibur* (if such exists) and *kevod ha-beriyot*. I've not yet found any consideration of human dignity in connection with women being called to and reading from the Torah, but it seems clear to me that, in this instance, human dignity trumps communal dignity. This is especially so when we are speaking about "a doubtful consideration of *kevod ha-tsibur*," for it is entirely possible that the congregation has waived its dignity, or that it senses no affront at all to its dignity in women being granted *aliyyot*. For when all is said and done, women in Israel can hold the office of State Comptroller,

justice of the High Court, Education Minister, or even Prime Minister, and we sense no affront when we go to court and a woman sits as judge. It may be, therefore, that the concept simply does not apply to the contemporary congregation—unless we take it as an absolute prohibition, a view found among none of the *rishonim*. For if it were an absolute prohibition, there would be no place for rulings such as that of Maharam of Rothenberg and Ran with his explanation. And this is readily apparent from the words of the *ga'on* R. David Pardo, in his *Hasdei David* on *Tosefta Megillah* 3, p. 106d (Leghorn, 1776; reprinted Jerusalem, 1971):

For even though they said that a woman should not read from the Torah because of *kevod ha-tsibur*, if she has been called up she should not go back down, for as a matter of law, she is counted among the seven.<sup>24</sup>

At the same time, we know that many women have a sincere desire, a yearning,<sup>25</sup> to take an active and spiritual role in the life of the community and its pursuits, and excluding them from the synagogue or from involvement in worship ceremonies is a cause of great distress, as they said, "it is a cause of great sadness to them that all gather in the synagogue and they do not." It thus seems clear

<sup>24</sup>His comments are cited in *Yehaveh Da'at*, part 4, p. 78.

<sup>25</sup>The desire and yearning of a woman is afforded great halakhic weight. In *Shevu'ot* 18b we find: "R. Josiah said: 'You shall separate the children of Israel from their impurity' (Lev. 15:31) —From this [we derive] a warning to the Israelites to separate themselves from their wives near the expected onset of their menstrual periods." The author of *Torah Temimah* (ad loc., p. 296, n. 124) takes the view that this is a biblical law, contrary to the view of *Tosafot* on *Yevamot* 62b, who regard it as rabbinic. But at *Yevamot* 62b, it is said that a man about to depart on a journey must cohabit with his wife even near the expected onset of her menstrual period, for it is considered a *mitsvah* to do so because the woman yearns for her husband when he is about to depart on a journey, and when it is a *mitsvah*, he need not engage in excessive separation. This implies that the woman's yearning is a powerful enough consideration to cancel a biblical, or at least a rabbinic, prohibition.

<sup>26</sup>And if you should say, "You've latched on to an unusual, exceptional occurrence, relating to a specific situation," my response would be "Quite the contrary." For this specific incident points to the *essential halakhah*, as stated in the *baraita* before "the Sages" determined that "a woman should not be called because of the congregation's dignity." True, it may be fair to see the words of the "*tanna qamma*" (the first, anonymous, voice in the *baraita*) as a sort of individual's opinion rejected by "the Sages." But the legitimacy of relying on an individual's opinion, or on the opinions of several individuals) is a matter worth examining more broadly; let us here consider it briefly. The Mishnah (*Eduyyot* 1:5) teaches: "And why do they mention the words of an individual together with the words of the majority, since the *halakhah* is only in accordance with the view of the majority? Because a court may see [merit in] the words of the individual and rely on them, for a court cannot nullify the words of its fellow court unless it surpasses the first court in wisdom and number...." *Tosafot Yom Tov* commented (ad loc., n. 8): "And rely— on that reading, this means that if the later court sees fit that the *halakhah* be in accordance with the individual view, it will rely on it; that is, it will determine the *halakhah* in accordance with that view, as we find in some instances that one of the later *amora'im* will determine

that *kevod ha-beriyot*, individual dignity, must overcome *kevod ha-tsibur*, particularly when the concept of *kevod ha-tsibur* does not really pertain as it might have in ancient and medieval times.

One may object: "Yes, you selected a source here,<sup>26</sup> a responsum there, and stitched them together to reach your desired result. Shouldn't you, instead, flow with the halakhic current, which says that *aliyyot* for women remain outside the consensus and that a community that provides for them is not Orthodox by definition and will not

remain Orthodox in practice, as R. Henkin suggests?"

That brings us to the heart of the matter, the issue of the halakhic process. Is *halakhah* fixed at some given time? Is it to be determined in the context of the historical events of the nineteenth century, when the *Hatam Sofer* coined the starting maxim that "*hadash asur min ha-Torah*" — all innovation is forbidden as a matter of biblical law—and, accordingly, all was to remain petrified, leaving us in the halakhic state of the nineteenth century? (The *Hatam Sofer's* idea was taken up and broadened by others, up to

the *halakhah* in accordance with earlier individual views. And even though the majority disagrees with them, in the absence of those individual opinions, the later authorities could not have rejected the views of the earlier authorities on their own, for a court cannot nullify, etc. But since they found a dissenting individual view among the earlier authorities, they had something on which to rely." And *Tiferet Yisra'el* (ad loc., n. 28) says: "...or, it appears to me, he meant to rely on an individual opinion occasionally in time of need, as we say: Simeon is certainly worthy of being relied upon in time of need (*Gittin* 19[a]; *Berakhot* 9a; *Shabbat* 45a; *Niddah* 6a, 9b)." And the author of *Melekheth Shelomo* ad loc. writes: "...Rosh of blessed memory is of the view that..., meaning that, but for the view of the individual, we would be unable to deny the view of the majority, even in time of need, for a court cannot negate the unanimous decision of another court unless the later court exceeds the earlier one [in number and wisdom]. But if the earlier court was divided, a later court, even of lesser stature, may rely on the individual opinion. Thus we find *amora'im* who decide the *halakhah* in accordance with an individual opinion rather than that of the majority. But where there is no difference of opinion, the *amora'im* are not empowered to dispute the words of the *tanna...*" (And see the continuation of his remarks.) And R. Sa'adyah Ga'on commented as follows on *Ketubbot* 93a (in B. M. Levin, *Otsar ha-Ge'onim* [Jerusalem, 1939], p. 310, sec. 721): "Even though we know that the *halakhah* is in accordance with Rabbi [Judah the Prince] and not R. Nathan, ...nevertheless they left room for us as well to [resolve the matter in accord with the minority view.]" See, also, the introduction by Rav Kook, of blessed memory, to *Shabbat ha-Arets* (Jerusalem, 1985), p. 42: "We find occasions, even when several passages in the Mishnah and Gemara instruct us to be stringent and that practice has certainly been followed for many generations, where they relied on an individual opinion to be lenient and the Sages did not protest.... Even though they had always followed the stringent practice in accordance with the majority opinion, when they later relied in time of communal need on the opinion that had been rejected by the *halakhah* --the Sages did not protest. (And see also the comments of Haggai Ben-Artzi, pp. 141-142.) As a general matter, it should be noted as well that even though there is the principle that "Given an individual view and a majority view, the *halakhah* is in accord with the majority," [nevertheless], "When the individual's reasoning makes sense, we rule in accordance with his view." (See R. Malachi ha-Kohen, *Yad Mal'akhi* [Premyshla 1888], principles with the letter yod, 59b [referring to *Hullin* 49b], who notes that even Rosh, commenting at the end of the first chapter of *Bava Batra*, sec. 50, ruled that "we are taught to determine in accordance with the individual opinion where it is soundly reasoned....") See also R. Hayyim Hezekiah Medini, *Sedei Hemed*, principles with the letter yod, principle 32: "Given an individual view and a majority view, the *halakhah* is in accord with the majority, but, in time of need, he may rely on the individual." (And cf. id., principles beginning with the letter kaf, principles 110, 111, 114.) The issue requires considerable probing, but we see in any event that there are views holding that isolated opinions should not be disregarded and that, in some circumstances, they may be relied on. It seems as well that the concern about appearing to emulate non-Orthodox movements does not arise as long as there are normative halakhic sources that may be relied on. See R. Mosheh ha-Levi Steinberg, *Mishberei Yam* (1992), sec. 85, p. 96, with respect to women reciting *Qaddish* and the reaction of Joel Wolowelsky in his fine book *Women, Jewish Law, and Modernity* (Hoboken NJ, 1997), p. 64.

<sup>27</sup>See my article "*Shituf u-Gemishut be-Halakhah Bat Yameinu*," *De'ot* 15 (2003): 19-23. An expanded version in English appears as "Paralysis in Contemporary Halakhah?" *Tradition* 36, 3 (Fall 2002): 1-13.

<sup>28</sup>This is, of course, a huge subject, encompassing the development of *halakhah* through all epochs. The examples are too numerous to be counted. They include, for example, the *prozbol* (a rabbinic enactment to facilitate lending to the poor without fear of the imminent cancellation of debts by the sabbatical year); the authorization to sell to a gentile *hamets* physically in the owner's estate during Passover; *heter isqa* (a means by which Jews could claim interest for their loans to other Jews); and the sale of arable land in the Land of Israel to non-Jews for the duration of the sabbatical year. See as well the examples I cited in *Minhagei Yisra'el*, part 2 (Jerusalem, 1991), pp. 49-59 (Responsum of Rema, sec. 124, ed. A. Ziv [Jerusalem 1971], pp. 484-488); id., pp. 59-65 (*Responsa Shevut Ya'aqov*, by R. Jacob Reischer, *Yoreh De'ah*, sec. 70); and id., part 3 (1994), pp. 50-59. At p. 58 there

the *Hazon Ish*.<sup>27</sup>) Or are we to say: No! *Halakhah* was never that way! It always left an opening for adjustments to reality and changed circumstances,<sup>28</sup> for no one now lives his life in accordance with every single detail of the *Shulhan Arukh*, written at the start of the sixteenth century. Rather, we follow the maxim of Rav Kook of blessed memory: "The old will be renewed and the new will be sanctified."<sup>29</sup>

Justice Menahem Elon, formerly the Deputy Chief Justice of the Supreme Court, wrote a lengthy and detailed responsum regarding the problem of *agunot* (women whose husbands refuse to grant them divorces). The article was published in both Hebrew and English<sup>30</sup> and is worthy of study in depth. He writes:

In the clash of opinions and approaches regarding this important, complex and sensitive topic, arguments have not been limited to clarifying *the law*. Attention has also been focused on *the values* of the world of *Halakhah*—which are also part of the law in its broader sense, and the manner in which these values should be applied to the issue at hand. There has been a particular concern with both the "is" and the "ought" with the formation of proper judicial-halakhic policies based on the foundations

of the past, in light of the reality of the present, and in view of the aspirations of the future. These are accepted and legitimate considerations in the world of *Halakhah* in general, and they hold an especially critical position in the sensitive issue such as that before us....

These considerations are accepted and legitimate in the world of *halakhah* in general, and they occupy a particularly critical place in connection with a subject as sensitive as ours.

And so we must be involved with, and study, not only the "is" but also the "ought to be"; not only the formal *halakhah* but also the values that underlie it, what some call "meta-*halakhah*." While the purely legalistic component, based on a logical and reasoned halakhic analysis, will remain fairly fixed, the public policy element must be constantly reexamined by the great Torah scholars of each generation; for, when all is said and done, needs, feelings, and public policy change with time and place. What was considered essential in the nineteenth century may no longer occupy a place of importance in the twenty-first. And what was of no import to decisors thirty years ago may now have become crucial. Many examples may be cited of key halakhic changes that occurred in our

I cite the comments of Prof. Yedidiah Dinari, *Hokhmei Ashkenaz be-Shilhei Yemei ha-Beinayim: Darkheiheim ve-Khitveiheim ba-Halakhah* (Jerusalem, 1982), p. 81: "The sages of Ashkenaz in the fifteenth century were very attentive to human sorrow and suffering. Wherever they could help from a halakhic point of view, they did so; and they did not shy away from innovative rulings or interpretations of the sources." But that is the way of great decisors in every generation. See, for example, Jacob Katz, *Goy Shel Shabbat* (Jerusalem, 1984) and *Masoret u-Mishmar: Ha-Hevrah ha-Yehudit be-Motse'ei Yemei ha-Beinayim* (Jerusalem, 1958), pp. 79-92. See also Zevi Zohar, *Masoret u-Temurah: Hitnodedut Hokhmei Yisra'el be-Mitsrayim u-be-Suriyah Im Etgarei ha-Modernizatsiyah, 1880-1920* (Jerusalem, 1993), pp. 109-113, with respect to the Egyptian sages' attitude toward the Karaites in the early twentieth century. See also id., pp. 292-293 and *Tosafot on Qiddushin 41a*: "A man may not betroth his daughter while she is still a minor...but now, when we have the practice of betrothing our daughters even as minors, it is because the Exile overpowers us even more each day, and if a man has the resources to provide his daughter a dowry now [he should betroth her], lest he later on not have the resources and his daughter remain unmarried for ever...." In this way, the Tosafists, recognizing the changed socio-economic circumstances, adjusted the *halakhah* to promote the welfare of Jewish women. See as well *Tosafot on Berakhot 53b*, with respect to washing hands before reciting the blessing after a meal, where the ruling was changed in light of changed social etiquette. See also the famous passage regarding "*ein moridin*" in the comments of *Hazon Ish* on *Shulhan Arukh, Yoreh De'ah 13*, subpar. 16 (= *Sefer Hazon Ish al ha-Rambam*, p. 741). And see also the important book by R. Neriah Gutel, *Hishtanut ha-Tiv'im ba-Halakhah* (Jerusalem, 1995), along with its supplement (Jerusalem, 1997), but this is not the place for lengthy discussion.

<sup>29</sup> *Iggerot ha-Re'iyah*, part 1 (Jerusalem, 1962), p. 214.

<sup>30</sup> See the article by the Frimer brothers, pp. 48, 71, n. 9, and 117, n. 178.

<sup>31</sup> *Od Yisra'el Yosef Beni Hai* (Brisk Yeshiva, 1993), end sect. 32, p. 100. See also the Frimer brothers' article, p. 49 and p. 117, nn. 280, 281; Wolowelsky, p. 64.

time; one of them pertains to the recitation of *Qaddish* by women. Thirty years ago, women simply did not say *Qaddish*. Yet R. Aaron Soloveitchik, not one known for his lenient rulings, could recently write<sup>31</sup>: "Today, when Jews are battling over equality between men and women with respect to such matters as *aliyyot*, if Orthodox rabbis bar women from saying *Qaddish* despite the possibility of permitting it, the influence of Reform and Conservative rabbis will thereby be strengthened. Accordingly, it is forbidden to bar women from saying *Qaddish*." This is, to be sure, a negative argument, but the result is that he permitted women to recite *Qaddish*—something that had always been permissible but that was regarded as within the rubric of "*passt nicht*." And now the practice is widely accepted.

Another example is that of bat mitsvah. There is an important responsum on the subject by R. Ya`aqov Yehiel Weinberg in his *Seridei Eish*<sup>32</sup>; again, the sources are well-known and there is no great revelation here:

All of the foregoing is to clarify the *halakhah* on the subject. As a practical matter, however, it depends on the intention of those who advocate the innovation of a bat mitsvah celebration: are they doing it for a worthy purpose or are they doing it to imitate the heretics [apparently, the Reform]? I am, of course, not unaware that there are some fearful ones [in today's terminology, *haredim*] who forbid and rule stringently, paying no mind in matters of religious practice to logical considerations. Nor do they pay any heed to halakhic clarifications, deciding matters solely on the basis of heartfelt feelings; and the Jewish heart, bound to the tradition of parents and teachers, recoils from change in religious prac-

tice. But they should be directed to what Maimonides wrote in his commentary on *Gittin* 5:8, where he rules against a custom that he regarded as groundless, i.e., calling a *kohen* for the first *aliyyah*, regardless of whether he is learned or not, and even if he is ignorant.

Maimonides says an ignorant *kohen* should not be given an *aliyyah* in preference to a scholar, and he proceeds to consider the question of whether erroneous customs should be changed or left in place. And R. Weinberg tells us that we need not react to such questions emotionally. We should attend to halakhic analyses and not be fearful of change. "But neither should it be forgotten that even those who take the permissive side with respect to a new custom of celebrating a bat mitsvah do so with hearts beating piously to strengthen the religious education of Jewish girls"—that is, they wish to make them more God-fearing, making them active participants in religious ceremony—"for in the circumstances of contemporary life, they are in great need of spiritual fortification and moral encouragement as they reach the age of adulthood."

We have here a great halakhic authority proclaiming that we need not fear change, if the change is properly motivated and directed to strengthening love of Torah and fear of Heaven and to the performance of *mitsvot* and good deeds. We should not react emotionally and say that *aliyyot* for women remain outside the consensus and that a community that provides for them is by definition not Orthodox and will not remain Orthodox in practice. For, as Rav Kook of blessed memory put it: "There is no need for concern about permitting something that is permissible according to the law of the Torah, even if in practice there was no previous custom to permit it."<sup>33</sup>

<sup>32</sup>Part 3, sec. 94, p. 298

<sup>33</sup>*Orah Mishpat* (Jerusalem, 1985), sec. 112. See also Haggai Ben-Artzi, p. 107.

<sup>34</sup>Haggai Ben-Artzi concludes from the comments of Rav Kook of blessed memory (in *Arpelei Tohar* [original edition, 1914]) that "communal practice indicates the direction in which development is desirable." See his discussion at pp. 22-23.

<sup>35</sup>That itself is a major revolution. It is worth noting the comments of R. Zalman Sorotsky in *Moznayim la-Mishpat*, part 1 (Jerusalem, 1955), sec. 42: "Recent times differ from earlier times...[accordingly], not only is it permissible nowadays to teach Torah and fear of God to girls; it is absolutely obligatory to do so. And it is highly meritorious to establish schools for girls and instill pure faith in their hearts along with knowledge of the Torah and the commandments...and a woman is permitted to learn even the Oral Torah. The foregoing conclusion is straightforward." A responsum by R. Ben-Zion Firrer, printed in *No`am* 3

A few years ago, in speaking at a conference of the Jewish Orthodox Feminist Alliance, I said that changes happen continually, and that they are accepted when they occur organically, step-by-step, slowly, free of undue aggressiveness.<sup>34</sup> There are thousands of women studying Torah and Talmud in Israel,<sup>35</sup> the United States, and Europe; there are rabbinic *to`anos*; there are accepted women decisors in the area of *niddah*. And even though Maimonides seems to say that women may never be granted any halakhic authority or communal position (*Mishneh Torah, Hilkhoh Melakhim 4:5,10*), women now sit on all sorts of committees and councils, including Israeli regional religious affairs councils (the recent controversy over that having quieted down). They recite *Qaddish*, consistent with the rulings of R. Aaron Soloveitchik and others, and they become more and more involved in every aspect of religious and ceremonial life. All this has taken place in one generation, and I believe that a community that has made such change possible, and done so for proper motives and not "in imitation of the heretics," will not remain outside the consensus and will not come to be

considered non-Orthodox after a generation, for the consensus itself will change. These changes take place in accordance with the true stream of halakhic development, which has always, throughout the generations, taken account of changing situations, changing social conditions, and changing needs. What may have been a reasonable cause for concern in the seventies may no longer be significant in the present decade, and what may not have been a consideration thirty years ago may now be a critical factor. And these are legitimate and accepted considerations in the world of *halakhah* in general, bearing special weight in connection with emotional issues of the sort here under discussion.

In sum, it seems to me that nowadays, in those communities where it is agreed that change within the normative halakhic framework should take place and that the absence of such change will be a source of pain and suffering to an important segment of the community, the principle of *kevod ha-beriyot* overcomes the stated principle of *kevod ha-tsibur*.

(Jerusalem, 1960), p. 134, contains the following: "And even if in those [former] generations, Torah study by women was something whose costs exceeded its benefits, it is clear that in our times, Torah study by women yields benefits exceeding its costs." See also the apt summary of the entire subject in Elyakim G. Ellenson, *Ha-Ishah ve-ha-Mitsvot: Yalqut Hora'ot Hakhameinu u-Pisqei Halakhot, Part 1-Bein ha-Ishah le-Yotserah* (Jerusalem, 1977), pp. 143-162. A review of the sources cited there shows clearly that it was changes in the social and education situation that led the decisors to change the direction of their halakhic rulings in this area.

## ***FEAR OF THE FOREST: AVOIDING META-THEMES AND OVERVIEWS IN ORTHODOX BIBLE EDUCATION***

Esther Orenstein Lopian

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**Abstract:** This paper argues that overviews of the biblical books and broad themes ("meta-themes") are critical to teaching and understanding the Bible. Traditional *Yeshivah* and Day School pedagogical techniques too often focus on individual verses and commentary, to the detriment of student interest in and deeper comprehension of the biblical text. The essay analyzes "overviewing" as a pedagogical technique and outlines a pedagogy of "extensive reading" of the Bible. Lastly, it enumerates an inventory of skills for successful extensive reading of biblical literature.



# *FEAR OF THE FOREST: AVOIDING META-THEMES AND OVERVIEWS IN ORTHODOX BIBLE EDUCATION\**

Esther Orenstein Lopian

In this article, I examine a major shortcoming in the approach to Bible education in Orthodox day schools, both in Israel and abroad. I believe that this shortcoming is attributable not only to the professional or pedagogic weaknesses of a particular teachers or schools. It reflects, rather, a pervasive tendency of the milieu in which the schools operate to avoid meta-questions when studying and teaching Bible.

The article is divided into three parts: In part one I describe the specific shortcoming that is the main subject of this paper. I rely mainly on my experiences in teaching Bible to all grade levels, to different populations in several countries. In part two, I briefly attempt to analyze why this problem exists and why it is so pervasive. In part three, I propose a pedagogic typology of value-informed extensive reading skills, intended to develop in teachers and students alike a "deep and flexible understanding"<sup>1</sup> of the Bible. I believe that a skilled use of this typology by teachers and students can redress many weaknesses in Bible education.

I have chosen to develop an inventory of extensive reading skills, rather than intensive reading skills, since much has been written on the latter and very little on the former. In addition, even those teachers willing to "try" close reading (or literary analysis), are reticent about in-depth extensive reading. They might feel comfortable asking their students to divide the chapter or unit according to

the story line and title each section—a more superficial form of extensive reading. Yet they hesitate to ask students how different perspectives can be brought to bear upon a particular text, which is extensive reading of a more in-depth and adventurous form.

## *I. Stating the Problem.*

A *yeshivah* high school student can graduate from day school after spending many years immersed in the study of *Tanakh*, and have no clue as to the most basic intentions, meanings, and messages of the biblical books that he has studied.

Teachers avoid or waffle over meta-questions, meta-themes, and overviews when teaching the Bible. They may devote many hours to in-depth analysis of each verse and its multiple commentaries, but shy away from questions like: "What is this book about?" "What are its messages?" "Why was this book written?" "Whom was it written for?"

The following two stories, spanning two generations of Bible students and two continents, illustrate the deeply entrenched nature of this phenomenon.

## **1971 and the Book of Job**

As a high school student, I attended a Modern Orthodox

\*This work is dedicated to the memory of my father, Isaac Orenstein, *z.ts"l*, and my father-in-law, Rabbi Ben-Zion Lopian, *z.ts"l*, who both loved Torah, and who encouraged my every endeavor to learn and to teach.

<sup>1</sup>Williamson McDiarmid, Deborah L. Ball, Charles W. Anderson, "Why Staying One Chapter Ahead Doesn't Really Work: Subject-Specific Pedagogy," in *Knowledge Base for the Beginning Teacher*, ed. M.C. Reynolds (Pergamon Press, New York, 1989), p. 193.

day school highly esteemed for both its Jewish and general studies education. In eleventh grade, we studied the Book of Job, closely accompanied by major medieval commentaries. I recall devoting many hours to studying Job, particularly before exams and being rewarded in the end by a satisfactory, even pleasing, final grade. In a graduate course on Jewish thought at Brandeis University several years later, Professor Nahum Glatzer alluded to, "the Book of Job and the problem of evil." I was a bit perplexed, but said nothing. A day or two later, he made a similar allusion, this time to "the Book of Job and the question of reward and punishment." By now I was completely confounded. Turning to a classmate, I asked, "Job is about the problem of evil? Job is about reward and punishment?"

I went home and reread Job, stunned to find a complex and fascinating book dealing with the nature of the universe, questions of good and evil, and the manifestations of divine providence, among other things. I could have recited verse and commentary almost by heart, but had no idea that the Book of Job was about the problem of evil.

I had been starved for discussions on these topics throughout my high school career, and forever begged the administration and teachers for courses in Jewish philosophy. Sadly, they never materialized. In truth, there was no need to introduce new courses in order to discuss "ideas"; we had Jewish thought right in front of us—Isaiah, Jeremiah, Ezekiel, Genesis, Esther. Had the essential questions of the biblical books been raised, the themes they put forth and the insights they offered would have kept our minds racing for months.

### **2001 and the Book of Genesis**

Thirty years later, my eleventh-grade daughter, a student at a "*dati-le'umi*" high school, not very different from the one I attended thirty years ago, asked me to "do Rashi" with her. She had a comprehensive ("*beqi`ut*") matriculation exam for which she had to prepare all of Rashi's commentaries on the first eleven chapters of Genesis.

I cut a deal with her: I would give her all the time she needed for Rashi, in exchange for ten minutes of questioning. (Of course, I was trying to forestall the inevitable lament, "Can't we just do the Rashis!") I asked my daughter if she knew what the first eleven chapters of Genesis were about.

"Which chapter?" she wanted to know.

"All of them," I insisted. "Can you detect a common idea or theme running through all or most of the chapters?"

"Not really. *Beri`at ha-olam*?" she guessed.

"OK," I said. "But that's only chapter one and a bit of chapter two. How about all eleven?"

"*Qayin* and *Hevel*?"

"Fine, but that's chapter four. Can you think of anything that's true for the entire unit?"

No response.

I began to explain to her about universal history and patriarchal history, about God's original intention to establish His covenant with all of humankind, of human envy of God's power and the consequent attempt to reach the heavens. "This how we might understand the consistent sinning throughout chapters 1-11," I explained. Listening with interest, the student became thoughtful.

"Is that why God approached Abraham? Why He chose one individual?" she asked.

The student was beginning to discern a big picture, to make connections. She was beginning to think. And yet, I had not introduced any lofty terminology or extraneous ideas. I had only asked an essential question about the big picture. We had looked at the whole, and it helped us understand the parts.

These two stories span the course of three decades. During those years, teachers of Jewish subjects have integrated new concepts and pedagogies into their professional repertoire, particularly in the areas of multiple intelligences and special needs. Yet, in most classrooms the pedagogy of teaching *Tanakh* remains remarkably static. While the subject matter may change from year to year, the level of our questions, and thus our understanding, does not advance beyond *kitah daled* (fourth grade).

To test this point, I decided to conduct some soft research of my own. I "interrogated" several American and Israeli day school graduates from excellent schools. "What is the outstanding message of the prophets?" I asked. "What were Yeshayahu, Yirmiyahu, and Amos railing against?" Most answered: "*Avodah zarah*," ("idolatry—always a safe guess) or "Not keeping the *mitsvot*."

"Which *mitsvot*?" I persisted.

After much coaching and many hints, some students were able to recall, "Oh, right, *miszvot bein adam le-havero* (interpersonal commandments)." But they were remembering and reciting, not understanding.<sup>2</sup> Few of the fourteen students I quizzed could articulate that the great prophets of Israel were pleading for a just society for all, particularly for the disadvantaged and downtrodden, for those outside the protection of the law. They remembered, but did not understand that the prophets of God were bitterly criticizing the spiritual decay of the Temple service and the numbing effects of too much *teqess* (ceremony).<sup>3</sup> If teachers are reluctant to highlight those abuses upon which the prophets truly vented their anger, they will be unable to conduct "constructivist"<sup>4</sup> conversations with their students about similar abuses in our own societies and in our own institutions.

High-school-age students are excruciatingly concerned

with questions of fairness, for themselves as well as for others. Suppose, for example, that in the midst of studying a chapter in Amos we were to generate a discussion with our students about how the prophet would have reacted to the allocation of millions of shekels to the Ministry of Religious Affairs when the coffers of Ministry of Social Welfare are empty, or under what circumstances the prophet Amos might have approved of such an allocation. Not only would students better understand the uniqueness of the prophetic texts and hopefully identify with the messages, they might even begin to enjoy studying them.

Teachers of Bible in day schools and *yeshivot* rarely step back and ask meta-questions about the books they teach. When teaching the Book of Judges, they do not ask: "How can we understand this book as a whole? What are its messages? Is there a unified message, or is it merely a collection of unrelated episodes?"

The Book of Judges does indeed have a unified message concerning the consequences of a nation's not having an organized, stable, and consistent way of choosing its leaders. The Israelites go from crisis to crisis, and by the end of the book, we find them on the brink of anarchy. The Book of Judges is intended as a *segue* to the book of Samuel. Its aim is to prepare the reader for the introduction of monarchy in Israel.

Why is this well-kept secret in our schools? Do we fear that by acknowledging this, we open doors to criticism of the Judges? But isn't that precisely what the book itself does? To read Judges without assessing the behavior of the individual judges is not to read the book at all. When teaching the books of Joshua, Judges, Samuel, and Kings, how often do we ask:

"What are the purposes of the historical books?"

<sup>2</sup>It is noteworthy that Prof. Lee Shulman titled his seminal work on teacher knowledge, "Those Who Understand: Knowledge Growth in Teaching," *Educational Research* 15, 1986 (2):4-14.

<sup>3</sup>See: Isa. 9:13-20; Jer. 7:3-15, 21-28; Amos 5: 2

<sup>4</sup>"Constructivism" proceeds from the assumption that students are not simply empty vessels waiting for teachers to fill their heads with information. Rather, they are constantly "constructing" their own understandings of the material in front of them.

"Why were they written?"

"Are the historical accounts accurate, or are they meant to be read as teaching stories?"

"If so, what do they teach?" "Why are they often referred to as 'the historiography books'?"

Like the Bible as a whole, the Book of Leviticus is replete with complex and esoteric concepts. Throughout primary school, teachers spend years teaching verse after verse about *qedushah* (holiness), *tumah* (ritual defilement) and *tahorah* (ritual purity), but they do not step back and ask themselves, "What do these terms mean? What did they mean then? What do they mean today?" If we don't ask these questions of ourselves, we certainly cannot ask them of our students.

## II. *Analysis*

What accounts for this problem? Why do our *Tanakh* teachers avoid asking essential questions? Overview questions may be divided into two categories:

1. Questions having to do with origins, such as: "For whom was this book written, by whom, when?"
2. Questions that have to do with intentions and purposes, such as: "Why was this book written?" "What does it want to say?" "Does it have one unified message or several messages?"

Teachers tend to avoid questions of both types. I will attempt to explain why based on my observations of teachers in practice, on conversations that I have had with student teachers, and on my experience in the classroom.

### **1. Teachers Simply Don't Know:**

Teachers don't ask essential questions because they themselves don't know the answers. They don't know the answers because they were never taught. Teachers tend to teach the way they were taught.

### **2. The Answers are not Obvious:**

The messages of the Biblical books are rarely transparent; on the contrary, they are opaque. The intentions of the narratives are embedded in the words, in the sentences, and in the structures. The stories need to be read and reread, examined and excavated, in order for the reader to arrive at their meanings. It is much easier for a teacher to ask informational questions such as:

"Where did this happen?" "How did this happen?" "To whom?" "By whom?" and even, "Why did this happen?" than to pose overview questions like, "What does this book want to say?" It is difficult to know the answers to essential questions, so teachers prefer not to ask them.

### **3. "Overviewing" Demands More Preparation Time:**

It takes more time to prepare an overview lesson than to do a verse-by-verse analysis. Often, we must read two or three articles, or several introductions, in order to get a sense of the "the big picture." For most teachers, this is daunting. It is particularly true for primary school teachers who may teach *Tanakh* four to five times a week and believe that they are expected to teach a chapter a day. They feel that they do not have the time to do outside reading, and that they need to read a great deal of material in order to form some perspective or opinion about the book.

Although such reading always enhances and sharpens our own ideas, it is not a necessary prerequisite for formulating an overview.

### **4. Pedagogically, Overviewing is Difficult.**

Asking essential and overview-type questions demands rigorous planning. Unlike the typical introductory lesson in which information is passed on from teacher to student in a more or less straightforward manner, overviewing is an interactive activity. It involves drawing meta-themes out of the students themselves. The groundwork

must be expertly and painstakingly laid in order for students to make the connections and arrive at a "big picture" on their own.

**5. Overviewing Raises Serious Theological Questions:** Overviewing a biblical text often leads to theological questions. For example, let us refer back to the Book of Judges and the other books in the Early Prophets. We need to ask overview questions such as, "What are we meant to learn from each of the individual judges?" "How are we to understand the character of Samson?" "Is he a role model, a hero, or a rogue?" "What of Jephthah, who sacrificed his daughter?"

If we look at the Book of Samuel, how are we to understand King David? Can he serve as a role model even though much of his behavior shocks our sensibilities? What about the prophet Samuel, who ensnares the well-meaning Saul in order to bring about his demise?

Is the Book of Kings history or theology, or both? What does that mean? What of the prophet Elijah? How are we meant to relate to this zealous avenger of God, this prosecutor of the Jewish people? Turning to the Torah, we can ask: "What is the meaning of the sacrifices in the Book of Leviticus?" "Why the prominence of the Tabernacle?" "Why, in a terse, concisely written text, are so many chapters devoted to its construction, twice?"

What are the themes of The Book of Numbers? Why the persistent reiteration of Israel's sins? What are we meant to learn from this, other than that the early Israelites were always thirsty? Why was an entire nation condemned to wither in the wilderness?

The list of questions is endless, because the *Tanakh* is a collection of books that ask essential questions. By concentrating solely on a verse-by-verse reading, or on rabbinic commentary limited to specific words or phrases, the essential questions are avoided.

<sup>5</sup>*Olam HaTanakh*, Davidzon-Itai, (Tel Aviv, 1994).

## 6. Circumventing Biblical Scholarship:

One of the best ways to circumvent knowledge that has become available to us as a result of biblical scholarship—a tool that Orthodox teachers are still reluctant to use—is to avoid asking essential questions. Several years ago, I observed a young teacher teaching the verses regarding the rebellious son (*ben sorer u-moreh*; Deut. 21:18-21). Although well-prepared for the class, and well versed in the rabbinic commentaries, she did not really understand the material, and, therefore, had great difficulty teaching it. The lesson was not successful: The students, as well as their teacher left the classroom frustrated. During our feedback session, I suggested that she have a look at the interpretation of *Olam ha-Tanakh*, an encyclopedic commentary combining scholarly, historical, and archeological information.<sup>5</sup> The teacher read the commentary, told me that she found it fascinating and illuminating, and thought that her students would as well. She added that she surmised the interpretation to be "probably true," but she had no intention of repeating it to her class. "I can't quote the *Olam ha-Tanakh*," she said, "I am not comfortable doing that." She returned to class the next day, and tried to teach the lesson again. In her own words, "This wasn't one of my better classes."

I do not blame a teacher for withholding material from her students that makes her feel spiritually uneasy; not doing so would probably lead to an educational debacle of a different nature. It is unfortunate, however, that educators in Orthodox schools continue to ignore, or circumvent valuable educational material that is interesting, as well as edifying because it does not come from "approved" sources. I am well aware of the educational complexity and possible crises of faith that may result from the introduction of such this material into the Bible curriculum of a religious school. But there is much to gain from the use of these tools, and my experience has shown that circumventing this knowledge only delays the confrontation; it does not prevent it. Biblical scholarship is in the air, and in today's world, where all information is

"right out there," we would do better to discuss than to disregard.

### **7. Teachers Prefer the "One Book-One Message" Approach:**

Overviewing and finding meta-themes usually leads to the conclusion that there is more than one way to read a text. Looking at the big picture usually suggests that there may be several big pictures, that the text has many "voices." While teachers feel comfortable quoting the rabbinic dictum, "*shiv'im panim la-Torah*," they tend to be troubled by the notion of multiple, sometimes contradictory, messages. Those who have been educated in more traditional schools, find it hard to relinquish the idea of "one book-one message."

### **8. Studying Torah is Another Form of Prayer:**

For most teachers who teach *Tanakh* in Orthodox schools, it almost doesn't matter what we say, as long as we are "talking Torah." It was once suggested that the quality and content of a *devar Torah* delivered at a public gathering of Jews is subservient to the fact of its telling.<sup>6</sup> If this observation is correct, as I think it is, it helps us understand many bewildering aspects of Jewish education. In particular, it helps explain why a community with such high standards in other school-based disciplines would allow the teaching of Jewish subjects to be so unprofessional. For many, "talking Torah" is enough; it does not have to be "good Torah."

For many teachers, *Tanakh* is not a discipline; it is a way of reaching God. This approach to Bible study yields a much larger, more complex, yet fascinating discussion<sup>7</sup> that cannot be dealt with in the confines of this paper.

Certainly, the study of *Tanakh* in an Orthodox school should be viewed as religious education. But using literary tools to analyze the Biblical text, asking meta-questions and looking for themes should not undermine that experience. On the contrary, it should only enhance it.

For these causes and more, *Tanakh* teachers in day schools try to avoid dealing with essential questions. But if we don't ask essential questions, we cannot have "essential discussions." The effect of this omission for students is frustration, distrust, and anger that, sadly, usually turn into apathy. Students of high-school age in particular are interested in meta-questions; they are eager to explore the big picture. With time, they become wary and suspicious of those disciplines in which the teachers tend to waffle over the essential questions. "What are they hiding?" they want to know.

In his book, *The Disciplined Mind: What All Students Should Understand*,<sup>8</sup> Howard Gardner advocates schools where students delve into deep epistemological questions. He refers to that approach to education as "the understanding pathway." In an interview about the book, Gardner offered the following:

I don't actually advocate teaching directly about truth, beauty, and morality; that sounds like a graduate philosophy course. I advocate teaching those disciplines—history, science, the arts, and literature—that will present to students their culture's image of what is true (and not true), beautiful (and not beautiful), ethical (and immoral).<sup>9</sup>

Are not Bible and Talmud our civilization's way of teaching about that which is true and that which is untrue, about what is beautiful and what is not beautiful, what is

<sup>6</sup> By my teacher and friend, Rabbi Jay Miller, who coined the phrase, "talking Torah."

<sup>7</sup> A fascinating debate on the issue of "*Tanakh* as Literature," or "*Tanakh* As the Word of God," pitting the approach of Yad ha-Rav Herzog [or, the "*Gush*"] against the approach of the school of Rav Tau and his followers, is currently receiving much press in the Israeli national-religious daily, *Ha-Tsofeh*.

<sup>8</sup> Howard Gardner, *The Disciplined Mind: What All Students Should Understand* (New York: Simon & Shuster, 1999).

<sup>9</sup> Marge Scherer, "The Understanding Pathway: A Conversation with Howard Gardner," *Educational Leadership*, Vol. 57,3 (Nov. 1999):13.

ethical and what is immoral? Should not these be the questions that are the focus of our discussions when teaching *Tanakh* to children?

### III. *Towards a Pedagogy of Extensive Reading*

The question of why teachers and many other members of the community are content to study Bible without asking essential questions is a compelling one that deserves extensive reflection. The analysis presented in the previous section of this paper may generate the beginnings of such a discussion. However my intentions here are of a more practical nature. Since my immediate concerns are with teachers, students, and curricula, I approach the issues addressed above from a pedagogical perspective, not a philosophical one.

In the following section I present an "inventory" of reading skills, informed by the literary approach to reading *Tanakh*, though not exclusively so. When we study Bible from a literary perspective, we use tools of inquiry and discovery to uncover the layered meanings of the text. We are interested in uncovering what the text says, and in exploring how the text works to convey a certain meaning or make certain points.

The literary approach to reading Bible is of particular interest and appeal to many religious educators.<sup>10</sup> This is true because, in the words of the great Bible scholar and teacher, Professor Meir Weiss, ז"ל:

It seeks to explore the text in its totality (*be-kuliyuto*). The literary method is particularly comfortable for us, the *dati-le'umi* community, who find ourselves both attracted and troubled by the questions raised by biblical research. The underlying principles of

these new approaches are valuable tools for inquiry into biblical literature, and as such, may be perceived as both a continuation and an emendation [*tiqqun*] of the accepted critical philological approach.<sup>11</sup>

Literary analysis is underpinned by a variety of textual skills that need to be made explicit to students as they come across them in the course of their study, in the hope that they will be able to draw upon and transfer these skills to other books of the Bible. In order to help teachers identify some of the reading skills that they need to master to analyze a biblical text, I have composed an outline of extensive reading skills, which I refer to as an "inventory."<sup>12</sup>

The skills presented here are "value-laden." Their intention is to open up the text for inquiry and enable teacher and student alike to arrive at a broader and deeper understanding of the Bible. McDiarmid, Ball, and Anderson, in their article cited above, explore the question of how teachers can bring their pupils to a "deep and flexible understanding of subject matter." The writers discuss the tendency of prospective teachers, to view the teaching role as telling pupils what they need to know and giving them practice in it. [New teachers] tend to assume that learning means accruing information, and that the teacher's main task is to "motivate pupils" and get them to pay attention... The goal is to prepare teachers to break out of this conventional pattern of teaching and help pupils develop deep and flexible understandings of subject matter [emphasis my own].

"What is essential for teachers to know in order to help pupils develop flexible understanding of the subject matter?...Flexible understanding of subject matter entails the

<sup>10</sup> It is also anathema to others, as attested to by the current debate being conducted in the Israeli press.

<sup>11</sup> Meir Weiss, "Avnei B'enyah liMelekheth ha-Sippur ba-Miqrah," in *Miqra'ot ke-Kavvanatam* (Jerusalem: Mosad Bialik, 1987), p. 294.

<sup>12</sup> Special thanks to Mr. Paul Forgasz, colleague and friend, for being a skilled sounding board for many of the ideas expressed in this inventory. A detailed and expanded introduction to both intensive and extensive reading skills can be found in our joint Teachers' Guide entitled "Reading Esther: A Curriculum for Teaching *Megillat Esther*," written by Esther Lopian and edited by Paul Forgasz. This is joint project of the Hebrew University Melton Center for Jewish Education and the Mt. Scopus Memorial College, Melbourne, Australia. It is as yet an unpublished manuscript.

ability to draw relationships within the subject as well as across disciplinary fields and to make connections to the world outside of school... Flexible understanding also involves knowing about the discipline.<sup>13</sup>

Knowledge of the principles of literary analysis, as well as constant and consistent practice in the skills that underpin it, will enable our students to read the biblical books as a whole. It will assist them in perceiving and understanding *Tanakh* as a discipline and direct them to creating connections between the themes put forth in the *Tanakh* and the themes of great literature, of politics, of history, and of their own lives as well.

I have chosen to focus this inventory on extensive, not intensive, reading skills for several reasons: Much has been written about intensive reading skills (also called close reading).<sup>14</sup> Also, since extensive reading is the more difficult and the more controversial of the two modes, it is the more neglected. Yet the pathway to vibrant classroom discussions of essential questions begins with knowledge and expertise in extensive reading skills.

The listing presented here is not exhaustive. Each one of the skills listed below warrants distinctive deliberation and analysis. This inventory is a work in progress and is constantly being amended in response to feedback from teachers and student interns. I intend for this inventory to serve as a model of pedagogic skills that need to be mastered by Bible teachers so that students will arrive at a "deep and flexible understanding" of the biblical text.

#### IV. *An Inventory of Skills for Extensive Reading of the Bible*

##### **Skill # 1: "Overviewing" a Text**

Overviewing a text is looking at and asking carefully chosen questions about the text as a whole. Overviewing necessitates becoming familiar with the entire narrative. What kinds of questions might we ask when we do extensive reading?

What is this book about? What story does it tell?

Can we ascertain for whom it was written? Why it was written?

What questions does the book raise? Which of these questions would you consider "an essential question"?

How does the text raise these questions? How is the reader meant to ascertain them?

What message or messages does the book convey?

How does the book convey its messages?

What literary tools or language patterns does it employ?

How do the Rabbis relate to this book? Why was the book canonized?

What are the major themes in the book?<sup>15</sup>

More book-specific overview questions might be:

<sup>13</sup> McDiarmid, Ball, Anderson, pp. 193,194

<sup>14</sup> For an excellent typology of close reading skills, see Maria Frankel, "The Reading of Bible in the Elementary Grades of the Day School," Masters thesis, University of Toronto, 1979. For literary analyses of the biblical narrative, see writings of Robert Alter, *The Art of Biblical Narrative*, Jewish Publication Society of America Basic Books, (Philadelphia, 1981); Shimon Bar-Efrat, Shmuel I and II, *Am Oved*, (Tel-Aviv, 1996);, and David Silber, "Kingship, Samuel, and the Story of Hanna," *Tradition*, (New York, 1988); "The Joseph Narrative: The Reconstruction of a Family," 8 CD's produced by the Drisha Audio Project, The Drisha Institute for Jewish Education, New York; Meir Sternberg, *The Poetics of Biblical Narrative*, Indiana University Press, (Bloomington, 1985); Meir Weiss, *The Bible from Within*, Magnes Press, (Jerusalem, 1984); Yair Zakowitz, *Mavoh Li'Parshanut P'nim-Miqrait*, Reches, (Even-Yehuda, 1992).

<sup>15</sup> See Skill #5 for a separate discussion.

From your reading of *Megillat Esther*, what aspects of the story did you find interesting or puzzling?

What aspects of the Diaspora experience described in the *Megillah* are familiar to you? What aspects unfamiliar?

These questions open up the books of the Bible for discussions that engage students and lead directly to essential questions. Although over-viewing texts may sound obvious to the people inclined to be reading this article, in truth, these kinds of questions are seldom posed in our classrooms.<sup>16</sup> A teacher recently confessed to me that she had not "yet" read the entire narrative of the biblical book that she was teaching, although she was midway through teaching the book. If so, how could she possibly ask any overview questions or any questions that require a broad look at the book?<sup>17</sup>

## **Skill #2: Identifying a Genre**

One of the major contributions of the form-critics to Bible scholarship has been the identification and naming of genres.<sup>18</sup> The rabbinic tradition discerned distinct literary styles in the Bible<sup>19</sup>, but did not classify or identify specific distinctions.

Biblical literature can be divided according to different kinds of categories. For example, the Torah may be divided into narrative and law, or into prose narrative and poetry. A popular breakdown frequently referred to in literary analyses of the Bible is a fivefold division into the following genres: Narrative, Law, Prophecy, Poetry, and Wisdom Literature. Each one of these genres has dis-

tinctive rules and its own internal dynamic. Within each genre, there are sub-genres. Narrative prose, for example, includes stories, first-person speeches, blessings and curses, laws, lists, genealogies, enumerations, and more.

Identifying genres is part of understanding *Tanakh* as a discipline. It is important for teachers to determine the genre of the text that they are teaching, to know something about the rules of that genre, and to be sensitive to their application.

Let us look for a moment at the first two chapters of Genesis. We are by now familiar with the distinctions between the two "versions" of the creation story presented in chapters one and two of Genesis.<sup>20</sup> To my mind, these distinctions are to be found not only in the details of the stories, but in the differences in style between the two chapters. Chapter two is an easy, flowing narrative; chapter one, a highly-charged hierarchical list of the Almighty's daily creations. The distinct style of each of the chapters corresponds in an exquisite manner to the differing content of each.

"Historical" events related in narrative form must be understood differently from similar events related in an elegy.<sup>21</sup> Repetitions used in poetry should be read differently from repetitions used in prose.<sup>22</sup> Each genre underscores the subtle nuances of the text as well as its overt meanings. Genres exist, and it is a mistake to continue to ignore them. Identifying genres and understanding how they work to convey meaning are essential parts of extensive reading. Pedagogically, it is advisable to reveal and explain the genre to students while in the midst of study, and not in an introductory lecture about genres.

<sup>16</sup> I refer here mainly to primary and high-school classrooms, not to *midrashot* and *yeshivot*.

<sup>17</sup> In defense of this teacher and most of her colleagues, her teaching load includes Language Arts and Math in addition to *Tanakh*. Time constraints, excessive teaching loads embracing too many disciplines, and exaggerated expectations of primary school teachers seriously impede even the best teacher's ability to teach any subject in depth.

<sup>18</sup> *Mavo Le-Miqra, Ha'Universitah ha-Petuhah*, (Tel Aviv, 1988-1990), Vol. 2, p. 26.

<sup>19</sup> R. Naftali Zevi Yehudah Berlin (the Netziv), in the introduction to *Ha'ameq Davar*, his commentary on the Torah, refers to all of the Bible as poetry.

<sup>20</sup> See Rabbi J.B. Soloveitchik, "The Lonely Man of Faith," *Tradition* 7:2 (New York, 1965), pp. 5-67.

<sup>21</sup> Compare the description of Saul's death as related in I Samuel 31 to the story related in II Samuel 2:17.

<sup>22</sup> The *midrash* has its own unique understanding of repetition. For example, see *Mekhilta, Shabbat* 86: 1; 87:1 on Exodus 19:3. Also, see Yitzhak Heinemann, *Darkhei Haggadah* (Magnes Press: Jerusalem 1970).

### Skill # 3: Choosing a Reading Orientation

A reading orientation<sup>23</sup> refers to the reading approach that one takes when analyzing a text. A teacher should be knowledgeable enough about her subject matter to be able to deliberately choose one, two, or three reading orientations. Teachers are naturally pulled to orientations that they are familiar with from their own days as students. In most cases, they are not even aware that they are teaching an approach that is underpinned by certain assumptions. As a young teacher, I recall being asked by a colleague what was my approach to teaching *Humash*. The question was disconcerting, because I had never been challenged by anyone to articulate my approach to teaching Tanakh. I mumbled something about Rashi and Nehama Leibowitz and fled as quickly as I could.

Teachers need to be exposed to different orientations, so that they may deliberately choose an orientation based on knowledge of various approaches, as well as personal inclination, and not an approach based solely on imitation. Ideally, teachers should be able to work with several different, perhaps even opposing, orientations in order to enrich their teaching, and to develop in their students a "flexible understanding" of the subject matter. It is both respectful and empowering to develop in our students the ability to negotiate between reading orientations.

Some common orientations to teaching Bible are:

(1) *Literary*: An approach that focuses on what the text says and how it says it. It aims to understand the text from "within" and is exemplified by the writings of scholars such as Meir Weiss, Yair Zakowitz, Meir Sternberg, Shimon Bar-Efrat, Robert Alter, and David Silber. Rabbinic/Traditional uses early rabbinic sources, as well as medieval commentators such as Rashi,

Ramban, Ibn Ezra, Rashbam to understand "the plain meaning" of the text (*peshuto shel mikra*). The books of Nehama Leibowitz and Rav Issachar Jacobsen are examples of commentaries that rely heavily on the rabbinic tradition.

(2) *Midrashic*: A particular way of understanding the text based on the *midrashim* of the Sages. *Midrash* is a window to the intellectual, emotional, and spiritual world of the rabbis. In this approach, we read the text from "without." The *midrash*, too, asks "literary" questions, but offers different kinds of answers. A midrashic orientation can uncover an entirely different set of significances and essential questions.

(3) *Historical/ANE*: An approach that gleans from archeological discoveries and from contemporaneous Ancient Near Eastern texts in an attempt to illuminate the Bible. This approach can deepen our understanding of the political, economic, and social world in which the heroes of the Bible found themselves. This orientation may be found in the books and commentaries of Nahum Sarna, Moshe Greenberg, the JPS, M. D. Cassuto, and the *Olam ha-Tanakh*, among others.

(4) *Modern Midrash and Interpretation*: Includes diverse modern approaches, such as Nationalist/Zionist, Secular/Humanist, School of Rav Kook, Modern Midrashic, Feminist, Orthodox/Literary. These orientations can be found in the writings of Yehezkel Kaufman, Zvi Adar, Martin Buber, Shelomo Aviner, Adin Steinsaltz, Aviva Zornberg, Ilana Pardes, Mieke Bal, Yisroel Rosenson, Menachem Leibtag, and the journal *Megadim*.

Teaching varied and sometimes opposing orientations is absorbing and thought provoking. It affords students the

<sup>23</sup>In current education literature, the word "orientations" is used to denote religious inclinations as well as varying reading approaches. For example of the former usage, see Sam Chervin, "The Transformation of Personal Orientation to Pedagogic Orientation of Torah Teachers in Jewish Schools: Six Case Studies," unpublished doctoral dissertation. In this paper, I adopt the latter definition.

opportunity to understand the seminal role played by interpretation in all of our readings of the Bible. It allows students to connect the texts with different aspects of their own selves. When teaching and comparing various approaches, essential questions cannot be avoided.

#### **Skill #4: Reading from Different Perspectives**

There are alternative ways to read a text. For example, it is possible to read *Megillat Esther* from a political perspective, from a feminist point of view, and as a paradigmatic "Book of the Diaspora." Each perspective uses a different "set of glasses," and is based upon different "interests" and assumptions. Students should be able to appreciate how these interests and assumptions lead us to view textual details in a certain way.

With each perspective, we can ask different kinds of questions. Some questions we might ask when we are wearing a political set of glasses are:

What kind of regime is being described here?

How is that regime structured? What are its components?

How are decisions made in this empire? How are decisions revoked?

Give examples of at least two major decisions, and describe how they were made?

What does this tell us about the Persian Empire?

How many different appellations for court servants are enumerated in the *Megillah*?<sup>24</sup>

What does this tell us about the nature of this regime?

If we try on feminist glasses, what kinds of questions would we ask if we were reading the *Megillah*?

How does the *Megillah* describe the position of women in the Persian Empire?

Why does the *Megillah* give us so much detail about the beauty contest?

What does the writer of the *Megillah* think about the beauty contest?

Is Vashti portrayed as a heroine or as a fool? Why are we told the Vashti story at all?

What is Zeresh's function? Lady Macbeth? loyal wife? wise pragmatist? evil schemer?

Would she would have obeyed the decree issued by the king at the end of Chapter 1?

What role does Esther's femininity play in this story?

Is this question important to the *Megillah*, or just to us 21st Century creatures?

Or, if we were to read Esther as a paradigmatic book of the Diaspora, we could ask:

Was the Persian exile typical?

Is it meant to be portrayed as archetypal? What characterizes this particular Diaspora?

What elements of it are familiar to you? What elements are strange to you?

Reading texts from different perspectives is challenging, eye-opening, and fun.

<sup>24</sup>Gavriel Chaim Cohen, "Megillat Esther," in *Iyyunim be-Hamesh Megillot (Ha-Madpis ha-Memshalt*: Jerusalem, 1967) p. 12.

### **Skill #5: Finding themes and motifs**

Finding themes is one of the most important skills that students need to develop in any study of the great books. It enables us to ascertain the deeper meanings of the text. In teaching *Tanakh* it is a skill that both the teachers and the students need to acquire.

How do we do this? We look for patterns and repetitions. We look for key words, key phrases, key places. We look for repeating ideas, words, artifacts, and places. We look at structure. When we look for themes, we are looking for key ideas that form part of a narrative's value system, define its central purpose or underpin the whole narrative structure. We look for motifs, i.e. a recurrent action, word, or object that keeps drawing attention to itself and forms links that help unify a story. Motifs force the reader to think of one passage in terms of another, and help shape the way in which the story is read. Students should be able to identify particular motifs and understand how they influence one's reading of the text. If we learn how to locate themes and motifs in the *Tanakh*, then we learn to read.

### **Skill #6: Intertextual Reading**

An intertextual approach involves examining one text in light of and in comparison to other texts in the Bible. Intertextual reading involves a comparison of motifs, ideas, events, characters between two texts. The reason that this skill is so important is because the Bible is written intertextually.<sup>25</sup> Certain texts are written with other texts in mind. In order to enhance our understanding, we must therefore learn to look for and listen to the echoes of other texts.

One example from *Megillat Esther* would be to read the *Megillah* with an eye to the story of King Saul and Agag (1 Sam. 15) and to the story of Joseph.<sup>26</sup> An example

from Genesis would be to read the story of the expulsion of Hagar (Genesis 15:21) in comparison to the flight of the Israelites from Egypt.

A particular form of intertextual reading involves identifying story repetition. Thus when studying a particular text, students should be challenged to recall a similar story in some other text in the *Tanakh*. We ask them, "What other story in the *Tanakh* does this remind you of?"

Students should be able to identify a similar episode told or retold in different ways. They should be able to locate the changes, compare them and discuss possible reasons for the alterations.<sup>27</sup>

### *V. Conclusion*

Each of the skills discussed above leads us to essential questions. They demand and contribute to a deeper understanding of the contents, the structures, and the significances of the Bible on the part of the teacher, and of the student in turn. A teacher adept at these skills cannot avoid the big picture. The skills of extensive reading are also aimed at understanding the *Tanakh* as a discipline, seeing how the text is structured, and how the values are put forth.

In an interview about *The Disciplined Mind*, Gardner states:

In a classroom that focuses on understanding, teachers are clear about the understandings that they value and the understandings they want students to exhibit. In general, these understandings focus on important topics and reveal disciplinary ways of thinking.<sup>28</sup>

A constant and consistent devotion to extensive reading skills, along with those of close reading, will lead students

<sup>25</sup>I thank Rabbi David Silber, who first opened my eyes to this wonderful way of reading *Tanakh*.

<sup>26</sup>David Silber, "The Scroll of Esther," an audiotape from The Drisha Audio Project, N.Y. 1995.

<sup>27</sup>Lapian and Forgasz, "Introduction," *Reading Esther: A Teacher's Guide*."

<sup>28</sup>Scherer, p. 13.

to a "deep and flexible understanding of the Bible." This hopefully would redress some of the shortcomings of Bible educations that were discussed in the beginning sections of our paper. The key word for all of us—teachers, students, parents, and community leaders—is "flexible." We need to graduate from *kitah daled* in our understanding of the Bible. Yes, the stories in Genesis are about the sun and the moon and which was created first. They are about snakes and fruit and who said what to whom in the Garden. But they are also about origins and beginnings, about the meaning of creation and creatureliness, about

commandment and obedience, about will and choice, about sin, guilt, and retribution, about false beginnings and fresh starts.

When we do not ask the essential questions with our students, we miss the essential discussions. If we miss the essential discussions about Torah with our students, particularly our high school students, then, to paraphrase our matriarch Rebecca, "Where are we?"

***RABBI SAMPSON RAPHAEL HIRSCH  
TO LIEPMANN PHILLIP PRINS OF  
AMSTERDAM:  
AN 1873 RESPONSUM ON EDUCA-  
TION***

Translated and Introduced by David  
Ellenson

**Biography:** David Ellenson is President and Professor of Jewish Religious Thought at Hebrew Union College-Jewish Institute of Religion. He has served as a Visiting Professor at Hebrew University and the Jewish Theological Seminary. He is author of *Rabbi Esriel Hildesheimer And The Creation Of A Modern Jewish Orthodoxy*.

**Abstract:** Rabbi Sampson Raphael Hirsch submits his legal opinion regarding the obligation of communal benefactors to provide their children with substantive Torah education.



# ***RABBI SAMPSON RAPHAEL HIRSCH TO LIEPMANN PHILLIP PRINS OF AMSTERDAM:*** **AN 1873 RESPONSUM ON EDUCATION**

Translated and Introduced by David Ellenson

Sociologists of religion have routinely noted that the term "secularization" has provided a powerful ideal type for analyzing and illuminating the course and direction of personal and communal religious life in the modern Occident. In employing this term, sociologists do not contend that religion disappears from modern life. Rather, they utilize this notion to indicate that, in the modern setting, religion comes to be confined to ever more discrete precincts. Areas of life that were formerly under the sway of religious imperatives and sensibilities no longer are, and most individuals, and the communities to which they belong, are no longer guided in these areas by traditional religious norms and values. In such a setting, religion increasingly comes to be compartmentalized and restricted. People belong to multiple cultural worlds, and there are often great differences between the values and norms that mark those worlds. In such a situation, the dissonance between the values advanced in the formal educational institutions of a traditional religious community and the values that obtain in other sectors of society to which the religious individual is exposed is often quite pronounced. For these reasons, the modern situation often makes it difficult for traditional religions to maintain themselves and transmit a holistic heritage to future generations.

Such considerations provide a significant framework of analysis for the responsum by Rabbi Samson Raphael Hirsch (1808-1888) that is presented in this article. Rabbi

Hirsch was acutely aware of these matters, and the viewpoints he advanced in this responsum show that he was fully appreciative of the heavy and unique burden the modern setting imposed upon the Jewish school as a transmitter of Jewish values and identity. Rabbi Hirsch is of course famed as the foremost proponent of the "*Torah 'im derekh erets*" philosophy that spawned "Modern Orthodox Judaism." A brilliant ideologue as well as a charismatic figure who served as the rabbi of the *Israelitische Religionsgesellschaft* in Frankfurt from 1851 until his death, Rabbi Hirsch was convinced that traditional Jewish observance and belief were compatible with modern western culture. A prolific author who wrote on a broad array of topics in a number of different literary genres, Rabbi Hirsch enjoyed unparalleled fame and prestige as the foremost leader of traditional Judaism in his time and place. His correspondence was vast, and Jews worldwide wrote to Rabbi Hirsch for his legal rulings and opinions on a wide array of topics.<sup>1</sup>

Among these persons was the famed Amsterdam Orthodox philanthropist Liepmann Phillip Prins (1835-1915). Prins turned to Rabbi Hirsch more than once as he sought support and advice on Jewish public affairs in general and on behalf of the Jewish educational institutions he helped establish in particular. On one occasion, for example, Prins asked Rabbi Hirsch to provide the Orthodox Amsterdam community with a curricular model for the day school they were about to create.<sup>2</sup>

<sup>1</sup>For a volume of his halakhic writings, see Samson Raphael Hirsch, *Shemesh Marpeh*.

<sup>2</sup>On Prins and his life and his writings, see *Liepmann Phillip Prins: His Scholarly Correspondence*, ed. Mayer Herskovics and Els Bendheim (Hoboken: Ktav, 1992) (Hebrew). For Prins's correspondence with Rabbi Hirsch on the matter of curriculum, see Letter 7 in Herskovics and Bendheim.

In the specific responsum presented in translation below, Prins posed a different educational question to Rabbi Hirsch. In this instance, he solicited Rabbi Hirsch's opinion as to the obligation Jewish tradition imposed upon wealthy and influential members of the community to provide their own children with a Torah education. Prins took it for granted that such people were required by tradition to maintain communal educational institutions for the offspring of less affluent as well as indigent Jews, and in this responsum Rabbi Hirsch explicitly agreed with this position and labeled such support for the children of the less affluent as "an act of loving kindness." But Prins clearly wanted to impress upon members of his own socio-economic class their personal responsibility to educate their own children in traditional Jewish texts and teachings, and he hoped that the viewpoint Rabbi Hirsch would express on this matter would aid him in this effort.<sup>3</sup>

The response Rabbi Hirsch provided Prins surely did not disappoint him. Indeed, the Hirsch responsum buoyed Prins's position and strengthened Prins's resolve to provide a meaningful Jewish education for the children of all Jews as well as his conviction that authentic Jewish instruction for the children of the well-to-do and powerful was particularly critical in the present-day era of modern Europe. After all, there was an overarching social-religious-intellectual cohesion that marked the Jewish world of medieval Europe. That world was not marked by the secularization of the modern situation. The values present in the Jewish home were consistent with those that obtained in the marketplace and the synagogue as well as in the formal educational institutions of the community. With the advent of the modern West, such cohesion—for the reasons put forth in the opening paragraph

of this article—no longer existed, and the children of the wealthy were even more exposed than other Jewish children to the lures of a non-Jewish world. Without a vibrant and vital Jewish education, these children and the aid they might one day provide for the Jewish people and Jewish life would disappear. In his responsum, Rabbi Hirsch therefore insisted that these wealthy and powerful individuals were required to provide for the Jewish education of their own children, and he assigned absolute priority to this obligation for the Torah education of the offspring of the affluent.

In adopting this stance, Rabbi Hirsch showed significant religious insight and sociological sagacity. The policy statement he put forth in this particular writing is of ongoing religious and sociological significance for committed modern Jews because the thoughts Rabbi Hirsch here put forth in his social context are reflective of our own world as well. He correctly pointed out the crucial role that education plays in fostering and transmitting Jewish values to each new generation of Jews. Rabbi Hirsch also underscored the unique role that Jewish schools were called upon to play in the differentiated setting of the modern world if Jewish continuity and teachings were to be maintained and passed on to a Jewish community that no longer enjoyed the political hegemony and cultural and religious cohesion that characterized European Jewish life in the Middle Ages. In the contemporary setting of the modern Occident, the Hirsch responsum remains of enduring worth as Jews continue to grapple with the challenges and burdens confronting formal Jewish education today. It is fitting that the thoughts Rabbi Hirsch expressed on this occasion be disseminated to wider audience through the translation that now follows.

<sup>3</sup>Ibid., Letter 8. This responsum can also be found in *Shemesh Marpeh*, no. 53.

# A Letter From Rabbi Samson Raphael Hirsch of Frankfurt to the Honorable Liepman Philip Prins of Amsterdam

May 29, 1873

Your Excellency turned to me with the following question and requested an expression of my opinion on it— Is it the obligation of the leaders of a community among the people Israel, after they have provided for the Torah education of the children of the poor and the middle-income [members of the community], to do the same for the children of the well-to-do? Is this matter not important, if not to a greater extent, at least to the same extent as the concern for matters of the synagogue and other interests of the community?"

In connection with this, I am honored to respond:

The concern for the Torah education of all the youth of the community, with no distinction between rich and poor, is not only a portion of the obligations thrust upon the leaders of a community; rather, it stands, without doubt, in first place among their obligations, and other matters retreat before it. Leaders of a community who did not do everything in their power to see to it that all the children of the community, rich and poor, can study Torah as required, have failed to fulfill the obligation that they took upon themselves before God on a matter that is of supreme import and the greatest holiness.

The law of Torah obligates us, as well as those responsible for the administration of the affairs of a community, concerning the absolute importance of this matter on the basis of the following sources:

1) "Teachers for children are appointed in every city, and if any city does not have a teacher for children within it, a ban is pronounced upon the inhabitants of the city until they appoint a teacher for the young. And if they do not

make such an appointment, they are destroying the city, that is, they are undermining rather than sustaining the future existence of the city. For the world is sustained only by the breath of schoolchildren." (*Yoreh De'ah* 245:7.)

2) "Every father is obligated to hire a teacher for his son. Comment [by Rema]—and we compel him to hire a teacher for his son, and if he is not in the city and he has means, if it is possible to inform him, they inform him, and if not, his funds are expropriated and a teacher for his son is hired." (*Ibid.* 245:4.)

3) "The residents of a city compel one another jointly to hire a teacher for their children" (*Ibid.* 245:15).

From these laws it is absolutely clear that the Torah education of the children of the affluent is not a private concern of their parents alone. The Torah education of children is a public concern attached to the entire community. The wealthy members of a community have a mutual claim upon one another to arrange for a comprehensive Torah education for their children, making use of their fiscal resources. At the same time, they are obligated to be concerned about the Torah education of the children of the poor. According to the commentary of Rashi on *Nedarim* 81a, the phrase "take heed of the children of the poor" does not at all mean that we fulfill the obligation of concern for a Torah education through a specific program of study for the children of the poor. Rather, its sole intent is to protect the children of the poor from abandonment, "that it will not be trivial in our sight to teach them Torah." This caution receives double force in that it emphasizes that it is precisely from the children of the poor that great Torah

scholars frequently emerge.

Yet, without a doubt, the first obligation of the affluent and a commandment directed towards Heaven is the concern that the Torah education of their own children takes precedence over the education of the poor.

The commandment to teach Torah to their own children assails them at the start, as it is the first commandment of the father with respect to his son and his obligation to bequeath Torah to his sons after him. Indeed, the commandment to teach Torah to the children of the poor may be thrust upon them indirectly only through the commandment of *tsedaqah*. Thus, a Jewish law states unambiguously, "One is obligated to hire a teacher for his son to teach him. However, he is not obligated to hire for the son of his friend" (*Yoreh De'ah* 245:4).

Hence, the wealth of the affluent, from which tax money is taken for the needs of the community, is subject first and foremost to the Torah education of their own children, and only afterwards to the children of the poor. The leaders of the community who are called upon to administer the community and who are obligated according to Jewish law as explicated above to demand from the affluent father that he maintain Torah education from his wealth—it is incumbent upon them to use the funds of the wealthy first and foremost for the necessity of Torah education for the sons of the wealthy themselves and only afterwards for the children of the poor.

This and more. It is clear and obvious according to the law that the holiness of the house of study is greater than the sanctity of the synagogue, for in a time of need it is permissible to transform our synagogues into houses of study (*Orah Hayyim* 153:1), and in a time of emergency it is even permissible to sell our Torah scrolls if it is necessary for the maintenance of Torah education (*Yoreh De'ah* 270:1). From this, it is also evident that a concern for the Torah education of the children of the rich and poor alike is not only a matter comparable in importance to other affairs of the community; rather, the extent of its importance, its essentiality, and its urgency, exceeds all else. For the synagogues as well as all the other religious institutions of the community

will lose all their value and prestige, and the glory of our synagogues and our scrolls of Torah—their significance and content—will be reduced to objects of scorn and derision if we are not concerned with establishing schools which will raise our children to be faithful heart and soul to Judaism and to be sanctified in those synagogues for the sake of this Torah, in accord with all its statutes and judgments, from a state of understanding and enthusiasm, and for the sake of being servants of God in truth in the life of Israel, a life of Torah and commandments.

And that which has been true at all times has been elevated into a matter of unparalleled importance at the present moment. The holy concerns of Judaism will, God forbid, be abandoned completely if we do not succeed in arousing enthusiasm among the children of the affluent for Torah and worship, and if we do not raise them to become proper Jews. For they are those most exposed to the great temptations of the time, and they are likely to be the first who will be lost to the community of Israel if they do not acquire a broad knowledge through the spirit of an illuminating and exciting Torah. In this way, they will display an honor and an enthusiastic love that elevates the prestige of Torah, and they will not, from a lack of knowledge, distort and abandon her in life. The study of Torah alone will permit their rescue, and this will be only if the affluent members of our community and their children return and understand the honor that stems from being among those who are learned and who revere the Torah and those who study it. Then, members of our middle class as well will preserve their faith in God and His Torah, and the decisive influence upon our communities will be in the hands of those who are devoted in nobility and enthusiasm for the cause of Torah and its holiness.

In our day, concern for the Torah education of the poor is an act of loving kindness. However, the concern for the Torah education of the wealthy is an act of rescue for the sake of God and His Torah.

I hope that the leaders of your community succeed in this great act of rescue for your community. May God Extend his help and bestow blessing upon all the works of your hands.

## *THE ARTS IN THE JEWISH DAY SCHOOL: A CASE STUDY*

Ed Codish

**Biography:** Ed Codish is the chairman of the English department at The Gann Academy - The New Jewish High School of Greater Boston. His poems have appeared Israeli, British and American journals, and in the anthology *Voices Within the Ark*. His book of poetry, *Voyage to Gaza*, appeared in 1986 and his essay, "The Broken Tablets of the Law," recently appeared in *Judaism*.

**Abstract:** The arts should be an important part of Jewish day school education, but complex issues arise when a day school attempts to institute a rigorous arts program that is evaluated for excellence of artistic accomplishment rather its instrumentality in the school. The teacher is the key element to the success of arts programs. The teacher must be a practicing artist, Jewishly committed, available to the students beyond the scope of the school day, and must be a core member in the school community.



# THE ARTS IN THE JEWISH DAY SCHOOL: A CASE STUDY\*

## Ed Codish

### I. Introduction

There are two approaches to the teaching of arts in the Jewish Day School. The simple addition of separate courses in music, creative writing, dance, film, drama, painting, and art history will enliven the student day and provide tuneful and colorful assemblies, but it will not teach any art at a level above that of the dilettante. If a school simply wants to provide an outlet for student creativity, let it provide an hour or two a week for music or drawing. If the education committee or some other curriculum setting body of a Jewish day school decides to teach the arts seriously, to make the arts a central and crucial part of education, and to make them integral to Jewish education, this committee must also recognize the inadequacy of such an approach and face the major changes in the day school program that such a decision requires. It may also, in all but very large schools, have to make a decision on what arts to teach.

My fourteen-year experience in Jewish day schools teaching English, creative writing, Jewish history, and philosophy has convinced me that the arts can be taught, can become a vital and liberating elements in student lives, and can reach high aesthetic levels. My own students have written poems and stories of publishable quality, and a few have indeed been published. Many have decided on careers in writing and have been successful in university writing workshops. In this essay I wish to present a model of arts teaching, my own *per fas et nefas*, and attempt to draw some limited conclusions from it. My examples are taken entirely from high school experience, but may be

applicable, with suitable modification, to middle or lower school settings.

The elements out of which an arts program at a Jewish day school must be formed are: a decision to have arts in the school; an art or arts; a teacher or teachers; students; a milieu. I shall deal with these in order. As will be clear, the teacher is surely the most important of these elements.

### II. Why Art? Why Jewish Art?

The need for beauty—however defined and however useless—is universal. Beauty is, of course, available outside of school. Many students want to take music and art classes, to attend movies, plays, and concerts of various kinds. The Jewish day school with its double curriculum makes such outside activities difficult to take in, and so the school usually undertakes to replace some of them with curricular activities in the arts. In doing so, the Jewish day school only imitates the offerings of public schools, many of which are not replacements for lost opportunities but enrichment for culturally deprived student populations.

We expect that somehow these courses will acquire a Jewish aura, perhaps by atmospheric adhesion. And we are surprised when many of our students, and among them often the most talented and committed to art, resist the inclusion of any Jewish content. (Choirs are an exception. Students associate choirs with synagogue services. There does tend to be considerably more interest in

\* I am indebted to my children Idit and Eitan, whose insights, patience and responses over the past ten years have helped me formulate the ideas presented here

singing in a choir than listening to one.) But poetry writing based on *midrash* goes nowhere; paintings based on Jewish ritual are recognized as *kitsch*; music on supposedly Jewish themes tends either towards the raucous (Carlebach influenced, perhaps) or the lugubrious. The other arts suffer similarly.

Many years ago, a student of mine who was enrolled in my Jewish thought class remonstrated with me saying in effect that "Jewish thought" was the equivalent of absurdly saying "Canadian mathematics." This is not accurate, but there is something to it. Similarly, students wish to make art, not Jewish art.

If students are given two hours a week to make art, they accomplish little. What little they do make is praised extravagantly, but the gifted students are embarrassed by this; they know we who praise are either dishonest or ignorant. Or, far worse, they may believe us, in which case we possibly have done serious damage to a developing sense of taste and judgment. The walls of the school become large refrigerator doors, on which doting parents will put anything. Teachers and administrators express regret at the failure of students to listen carefully to other students' music. But they are criticizing manners rather than judgment.

People who have heard this before point out that our students are not artists (at least not yet) or that even the semblance of artistic achievement adds greatly to the environment of the school. They add that art must be open to all students and that insistence on excellence in product—rather than eagerness in production—is harmful to the egos of the less talented. There is some obvious truth in this, yet the result is mediocrity. I have seen superb student work, listened to excellent student music, read poems and stories of fine sensibility and style. Perhaps the arts might be offered on two levels: one for those willing to make the serious effort that producing quality requires, and one for those who prefer to dabble.

But what is Jewish art? It is art that emerges naturally out

of the experience of being Jewish. It both defines that experience and is defined by it. Like most great art, Jewish art will more criticize than celebrate the culture that frames it. Sometimes the criticism will be harsh and uncomfortable for the sponsoring institution. (It is easy to imagine a school sorry it has initiated a real arts program, or to imagine a school insisting on celebration. I have experienced this painfully, because people who have devoted themselves to the community are accused of ingratitude and lack of judgment.) A highly critical art should be taken seriously. Obviously, criticism should be neither defamatory nor obscene.

It is tempting for an institution to encourage art that only celebrates the institution or that celebrates Judaism. Schools may want to instrumentalize art, to use painting as decoration, music as liturgy, or writing as public relations. This results in bad art, pointless art. Art may be Jewish, but despite certain romantic claims, it is not religion. The distinction between art and religion must be rigorously maintained, or an overemotional religion and a sentimentalized art will rapidly turn people away from both. Perhaps it is enough to argue against an ugly Judaism, a Judaism uninformed by the imagination. Judaism without art is possible; Judaism with art is desirable. But real art—real Jewish art—is not in any way dependent on the goodness of the Judaism experienced by the artist. As in all art, what is needed is the artistic conviction that the subject (in this case, Judaism) matters, and that one is free to approach it, pen or brush or chisel in hand, courageously, freely, and without consideration of what the non-artistic audience makes of it.

The Jewish day school that wants a serious arts program must accept the results of that program. Its students already take Judaism seriously, and they must be assured that Judaism is neither a subject to be sentimentalized nor a subject that is taboo.

### III. *Which Art?*

It should not matter on which art or arts a school decides to concentrate. Yet it does matter for a number of reasons. A school without the facilities to stage dramas might not want to offer more than a school-play-level of acting courses. A school with a hundred students altogether will not be able to assemble a symphony orchestra. Financial considerations may rule out a film making course that attempts anything more than clever video. Painting and sculpture, to be serious, require extensive and permanent studio space. Money will also be a restraint in hiring teachers. Ten arts teachers, each offering a course or two, will be a financial burden for which the school will not receive much in the form of well-educated students in these arts.

Student interest, i.e. the particular interests of those students actually in attendance at the school, should be important in choosing which art to teach. A school at which thirty students are fascinated by jazz should have jazz ensembles. Yet taking student interest into account, the main concern should be the danger of trivializing art. A jazz ensemble that practices an hour a week after school is unlikely to play important music. I have taught creative writing classes that met once a week on a come-one-come-all basis. Nothing worthwhile came out of these.

Perhaps mini-courses, offered in ninth grade, would help students identify fields of interest. In fact, students in ninth grade, at least those most likely to attend private schools, have already found artistic areas they want to engage in, and probably do engage in. Younger students will need more guidance. My creative writing group comprises students who have shown interest in and aptitude for writing in ninth grade or tenth grade English classes. But my point here is not to suggest in which arts to specialize so much as to warn against a scattering of resources. (Creative writing requires no resources but teachers; drawing and painting require space; music

requires instruments and a sound-buffered space; cinema requires cameras and equipment, etc.)

### IV. *The Teacher*

#### A. Results

The teacher is paramount, for if any of the arts is to receive more than an inadequate two hours a week of the curriculum, and if the art is to be both at a high level and Jewish, the teacher must make time for art and students. This inevitably means evenings, weekends and vacations. The teacher also must be dedicated to the Jewish experience. Crucially, the teacher must be a practitioner at a professional level of the art being taught. But far beyond this, the teacher must understand and pursue face-to-face encounters with the students so that each is met as a person who is different from and even able to command the teacher.

The discussion which follows is one that makes excellence in the arts in the Jewish day school possible. It is based on my own experience, and on long discussions with other teachers, with my wife, Susann (who is head of the Hebrew department at The New Jewish High School of Greater Boston), with Stephen Horenstein (a great musician and teacher of music), with other colleagues, and with many of the young men and women in our classes. It is also heavily influenced by the philosophy of Emmanuel Levinas, the French-Jewish thinker whose work opened for me entire worlds of knowledge about religion and human relationships. It also owes much to a four-year program of careful weekly reading of Franz Rosenzweig's *Star of Redemption*.<sup>1</sup>

I present a model based on the art of writing, but I am assuming the model could hold for any art not absolutely dependant on a particular space or massive equipment. I am a poet and have published a book of poetry, *The Voyage to Gaza*, as well as poems in Israeli, British, and American journals. I have a library that includes some

<sup>1</sup>I gratefully acknowledge Rabbi Eliezer Cohen of Oak Park, Michigan, whose acuity and wisdom aided me in working through Rosenzweig's text.

nine hundred volumes of poetry. A teacher should not ask his class to do what the teacher cannot, although this is frequently the case in high school art classes. It is necessary that the teacher of any art be a practitioner of that art. When, recently, the opportunity arose to hire an additional teacher, I was delighted to suggest to the administration a young poet, Sean Singer, who has since won the Yale Younger Poets prize. Among the tasks of an ongoing commitment to the arts is developing a faculty.

The teacher must meet his or her students and this requires a long time. Classes must be small and their number should be limited. At the school at which I teach and whose headmaster is determined to include the arts in the curriculum, a full position requires that teachers meet four classes, three times a week each. Classes average fifteen students. (Other duties include counseling, proctoring, many meetings, and more, some of them only peripherally related to students.) Real learning in the arts is performed elsewhere.

I will describe where I've gotten thus far. If this is not the aim of the program, it does not matter how it was achieved. If it is, the reader may follow the discussion of methodology afterwards.

On a recent weekend, when the students were on vacation, six students (in addition to my own two children) gathered at my home for *Shabbat*. The previous week I had bought the collected poetry of Czeslaw Milosz, received poetry magazines in the mail, and was reading Albert Goldbarth's *Saving Lives*. I had printed a New York Times book review of Brodsky's *Nativity Poems*. Students brought stories and poems they had written that week, and I presented a few poems I had written that week. We sang *Shabbat* songs, and talked both about *Shabbat* and about writing. I spoke of alienation of the Jewish writer, and of the non-Jews Milosz and Nabokov. We were amused that, in a review of Brodsky's work that concentrated on his alienation as a Russian writer in New York, not a word was written about the alienation inherent in that Jewish poet writing nativity poems. After synagogue

on *Shabbat* morning, others joined us and we continued the discussion. There were no lessons and no class, no homework and no assignments. There was some critical reading and suggestions were made about reworking texts after *Shabbat*. After a short nap and *havdalah*, most of the students went to a movie.

A similar scene, sometimes with a larger number of students, occurs most weekends at our house. Sometimes other faculty members join us. Every Tuesday night from 8:00 to 10:00 PM, student writers gather there for a workshop in writing. This is not an official extra-curricular activity; no one pays to attend or is paid to host. No attendance is taken and no one is turned away, yet all understand that no one comes Tuesday night who has not been invited. In addition to the usual workshop activities—critiques of work in progress—the group has undertaken a resurrection of the poetry of Berl Pomeranz, a Polish-Jewish poet killed by the Germans in 1942. A neighbor showed my wife the poetry, which was beautiful but written in difficult pre-Israeli Hebrew. Many members of the group are engaged in rendering this into good English poetry. In the process, they are also learning much about Jewish life in the 1920s and 1930s in central Europe, but that is not, of course, the objective.

Altogether, about thirty-five students have participated in the workshops. (Homework and teenage social life prevent completely regular attendance for many students.) Approximately twenty other students have come for weekends. In a school with two hundred twenty students, this represents a sizable percentage. Some of these people come from far away. There is no cost to the school for this program. My wife and I joyfully supply soft drinks and snack food.

There is considerable carry-over from these sessions to the time actually spent in school. The atmosphere in class is friendly and relaxed, and those who have participated in the writing sessions start discussions, which other students readily join. Writing is recognized as a crucial human activity with both ethical and aesthetic elements.

References in class to Judaism are accepted as integral to learning English language and literature, rather than examples of the school fostering its own agenda. Because other faculty members often take part, these *desiderata* also take place in classes other than my own, and in courses other than English.

## B. Methods

My purpose in September is to meet my students. I do not mean that I set out to learn their names or to determine their level of academic preparation, although I of course do so. Rather, I meet each one willing to meet me privately after class or in the hallways. (We have no offices, but even if we did they would be questionably efficient places to meet.) I meet my students as people, not simply as students. In other words, I insist that Sam must respond as Sam, Rachel as Rachel. I set the genus "student" aside. This is not easy: It means also setting aside the genus "teacher" while still maintaining dignity and commanding respect. One respects Sam or Rachel and is exquisitely careful to maintain the dignity of each.

I do not know if this can be taught. Certainly, it cannot be taught as a set of learned behaviors. Levinas refers to this, and were this a scholarly paper, I would fill these pages with footnotes. One must see Rachel defenseless, and Sam in all of his vulnerability. The teacher needs to set aside all of his or her own wants, including the desire to educate, in order simply to listen to the child. Only the person I face can have an agenda; I must not.

In practice this means that if Rachel has written a paper about cars, I talk to her about cars, not about writing. If she has written a paper mocking people who have inexpensive cars, I do not offer a lesson in humility and human decency. These things—bad writing or bad economics—are not Rachel. After a few such talks and after we have also gotten to know one another in the give and take of class discussion, I shall invite Rachel and a few other students for Shabbat. I find that after a short time of consistently inviting students, I have acquired a posi-

tive reputation and students such as Rachel agree to join us. Even when I first realized that I could teach this way, not too many invitations were required before people accepted. The word spread that weekends at our house were both relaxing and stimulating—and the food was good. We keep a traditional Sabbath, yet allow people to sleep late and not attend synagogue, if that is their preference. We do not drive on *Shabbat*, yet we allow the freedom to come and go.

At the house we speak of writing and writers, religion and philosophy, aesthetics and ethics. The family is "functional," and we talk freely to each other and to the subject of conversation. We help each other. I suggest these be prerequisites for teaching arts at a Jewish day school, and not simply be assumed. People must want to be a part of what the teachers present, not represent. We cannot always do this. Sometimes we are tired; sometimes we need time to ourselves; sometimes we need time to withdraw into ourselves. On such occasions, only advanced students are invited, people who know us well.

Rachel knows, as does Sam and her other classmates, that when I find a paper, a poem, a story or a script worthy of serious interest, I may invite the author to the Tuesday night workshop. My main consideration in this high school setting is that a person not be required to subject his work to criticism when the artist simply will not bear such scrutiny. I want no one embarrassed.

A few problems inevitably arise. Some of my colleagues who consider themselves "progressive" accuse me and those who join me of elitism. This should not be an impediment, as long as the work and meetings take place off campus and are not official extracurricular activities. This is the concomitant. (Analogously, not everyone gets a lead part in a school play, nor starts on the basketball team.) Far more serious problem are the demands such an approach makes on the teacher and his or her family. I have been rightly told that this model is inapplicable to many teachers, for it requires a large place for meeting, that the teacher lead a densely Jewish life and be actively

pursuing an art, and finally, that the teacher be willing and able to do these things independent of any pedagogic purpose.

An aside: The teacher described here must not be charismatic. The purpose is always the making of art and Jewish community. Students must follow their own interests and purpose, their own art, and not be seduced by the interests, purposes and art of a charismatic leader.

Above all, the teacher must have humility regarding time. The people befriended are given the right to make inordinate demands on the teacher's time. The student's work is primary, and this means that sometimes the teacher must stop his activity when a student asks for his time. This means papers are sometimes graded late, and that the teacher's own creative work is sometimes set aside. I find however, that people are considerate more often than not. A greater problem occurs when a student attempts to make the teacher his parent. Some students have difficult parents and understandably seek substitutes, and this must be avoided. Parents quite rightly judge, but the relationship between artists is, except where art is concerned, nonjudgmental. Other students need the teacher as a friend, and this can be done carefully. I remain in close contact with students who have not been in my classes for a decade and more.

Of course, this model is not peculiar to the arts. I have known teachers of German, Talmud and English literature who enriched their students' lives and greatly increased their students' knowledge in such fashion. But it seems it is a model essential to the arts in the Jewish day school, since there is insufficient time during school to accomplish much of value.

In summary and in an attempt to generalize what is in fact a highly personal account: The teacher must be an artist. The teacher needs to have leisure to create and leisure to meet students. The teacher must be deeply engaged in Judaism, and must have personal commitments to the students who he or she encounters in and out of class.

### C. Staffing

The music teacher who has two sections as a part time job cannot be the teacher described above. That teacher is running from workplace to workplace, somehow accumulating the money needed for living. In high-expense areas (such as Boston) even a full time position may pay less than needed, and many of my colleagues have additional evening classes in the area.

If the arts are to flourish, arts teachers must be able to devote themselves completely to the students in their classes and make themselves available to people interested in the arts. There are ways to accomplish this. The arts teacher who teaches two classes may be given administrative duties. He or she may be placed in charge of a wide range of extracurricular activities. Money may even be raised with the goal of establishing residencies in the arts. Somehow, the teacher must be provided the time and income such that he or she can afford this. No one is going to learn sculpture from a teacher who is at school two hours a week and has no time to speak leisurely with students, or to meet in depth the other people at the school.

Hiring such teachers is difficult. The artist hired must already be engaged in the activities described above or eager to be so engaged. The administration must go beyond the professionalism generally sought and concentrate on people for whom both teaching and artistic production are vocations. The teacher's family needs to support and enable such community. The teachers must be people for whom this is life, not just a job. Life and necessity are not steps towards something else, and the teacher should consider this work as his highest position.

Under practical pressures, there is an understandable tendency in staffing to fill slots, to make certain before anything else is considered that all courses will be offered and will be taught by people with the proper degrees and credentials and experience. It would be better not to offer a program in the arts unless a teacher similar to the one I have described here is available. This means that searches

may take a year or two, and conditions of employment may have to be personalized and arranged in nontraditional ways. If so, the results will come.

As I write this, I have received notice that a former student of mine, Miri Gilad from Beer Sheva, has published new poems. I remember her fondly, as well as the publication of her first book that she wrote in Hebrew after taking my courses in writing and poetry. I am as happy for her as I ever am over any of my own writing, and this is necessary. All of this may sound impossible; yet it is actual.

## V. *The Students*

### A. Who They Are

Not every student relates to the arts in general, or to any particular art. Some students cannot comprehend investment in art that pays no readily materializable return. Others simply lack ability, although it is rare that a person will have no talent for any art at all. In a dual-curriculum, high-quality Jewish day school, more students lack the requisite time. Such people may be convinced that art is as important as achieving all A's on a report card, but generally not until tenth or eleventh grades. Some students are so suspicious of faculty (or perhaps any adult) interest in them that they cannot speak (or write) freely and honestly. Yet when taken together, such students are a minority.

Most of the remaining students do nothing particularly interesting in any art. Often bad paintings are painted and praised; bad music is written and played and lauded; bad writing is produced and approved. Many of those people who attend Tuesday night and *Shabbat* sessions write extremely well, but they spend the requisite time and assign the requisite importance to their writing. Our school is fortunate in having an excellent drama teacher who elicits fine performances from students, but time permits training students only for particular roles, not teaching them what acting is. Many students are aware of

this mediocrity. Some, alas, are taken in by the praise and then resist real criticism. Such students are usually lost to art even if temporarily.

An interesting phenomenon is the student "hanger-on." Any number of people come on Tuesday nights or *Shabbat* who do not write. Some have been invited as writers, but have lost interest in writing, have no time to write, would rather be engaged in another art, are interested in the Judaic but not the artistic elements of the experience, or simply enjoy the community. I encourage such students to continue to come. There is, after all, more to life than art, and they provide an audience—and artists need the opportunity to educate an appreciative audience. People who have been writing with us for years naturally tend to stay in touch after graduation. Frequently, on vacations from college or after college, they attend Tuesday nights or Sabbaths when they are in the area. But the hangers-on do also, and I welcome them as warmly. On a recent *Shabbat*, five former students from Michigan, New York and Massachusetts visited; only one is a writer. This is an ongoing Jewish community that has been gathering members for many years. The Jewish community is not necessarily dependent on geographic closeness or on frequent meeting. The community of Jews, like the community of artists, includes many members who are dead. There is an ongoing dialogue among rabbis living and dead, as there is among writers past and present.

### B. Love

The community is based on love. The relationships within the community are not, of course, in any way erotic, even if two members have romantic feelings towards each other outside the community. I use "love" as Levinas used it, i.e. in the sense of people who recognize a selfless responsibility for other people. I am responsible for the good of each member of the group without regard for any benefit I may derive from the other person or from the group. There is no short way to explain this, and I refer the interested reader to Levinas' essay "Substitution."

## VI. *The Milieu*

The school, and particularly the school administration, must support excellence in the arts. This excellence in the arts must be valued as highly as academic excellence. Schools need to move away from praising simple activity, the appearance of creativity. Thus, students who want to take no part in the production of art or have demonstrated a lack of ability to produce art should be encouraged to take art history classes or classes in music appreciation.

Somehow the school must also find a way to reward the large amount of time the arts faculty will spend with students away from the school. This is difficult to quantify and may be highly variable. Schools should provide forums at which excellent art is presented. These must not be open to whoever feels like presenting something he or she has done. The school's literary magazine must be selective, and publication in it a just source of pride. Art should be hung on walls or in classrooms only if it has high aesthetic merit. Student music should be played only when it does not sound like student music.

Artists in the school community should be provided with adequate meeting space. Should they feel the need, they should be excused from class on occasion, as student ath-

letes are now. If possible, they should be allowed to take classes together even in non-art courses, because they will have points of view about these courses that they will want to share and discuss. Schools should recognize that, whereas no student is likely to make an academic breakthrough in physics or history, young people can and do produce art of great merit. These artists must be treated as productive adults, not mere apprentices. It should also be recognized that the discipline of the arts will sometimes take precedence over more usual forms of discipline, and an artist in school must be allowed to shape his or her schedule and work ethic. Many school administrations will find this difficult, but the alternative in practice is often that the young artist feels alienated from the school and eventually leaves it, either willingly or at the school's insistence.

## VII. *Conclusion*

Given the students and teachers depicted here, art will happen in the Jewish day school. More art and better art will happen if the rest of the terms are met. By far the greatest difficulty is finding teachers. A school that then treasures and cares for such teachers will keep them, and the school will flourish in Judaism, in criticism and in celebration.

## ***OF BOOKS AND BANS***

**Marc B. Shapiro**

**Biography:** Marc. B. Shapiro holds the Weinberg Chair in Judaic Studies at the University of Scranton. His most recent book, *The Limits of Orthodox Theology: Maimonides' Thirteen Principles Reappraised*, is scheduled for publication in December 2003.

**Abstract:** This essay examines the recent bans of *The Making of a Gadol* by Nathan Kamenetsky and *Dignity of Difference* by Jonathan Sacks, arguing that both are unusual in contemporary Jewish life. It evaluates the literary and scholarly merits of the first book, and explores traditional rabbinic opinion as sources for support of Sacks' thesis of religious pluralism found in the second book.



# OF BOOKS AND BANS

Marc B. Shapiro

I.

At the end of 2002, within the space of a few months, Orthodox Jewry witnessed something very unusual. With great publicity two books were placed under a ban: Nathan Kamenetsky's *Making of a Godol*<sup>1</sup> and Jonathan Sacks's *Dignity of Difference*<sup>2</sup>. Kamenetsky is the son of R. Jacob Kamenetsky (died 1986), one of the *gedolim* of the previous generation, and is himself a personality in the *haredi* world, having been one of founders of the Itri Yeshiva. In years past he was even worthy of being referred to as *Ha-Ga'on* by *Yated Ne'eman*, the *haredi* mouthpiece.<sup>3</sup> Sacks is the Chief Rabbi of England (technically only the Chief Rabbi of the United Hebrew Congregations of Britain and the Commonwealth), and an eloquent spokesman for traditional Judaism as well as a most prolific author.

Although there was a time when bans were issued against the writings of various alleged heretics, today the boundaries between denominations are clear and members of the Orthodox community do not need any special warning that non-Orthodox works may contain false theology. Besides, due to the sheer mass of such literature, it would be impossible to keep up with even the most significant of such publications.

As such, in modern times leading scholars in the *haredi*

world will only rarely see the need to publicly declare a book to be dangerous and thus forbidden. The only time they do so is when it is thought that members of their community will see the book in question as acceptable. Thus, it is not surprising that condemnations are rare. Yet by the same token, when the condemnations come, they are usually directed against distinguished individuals who also identify with Orthodoxy, for it is their writings that have the potential to infiltrate the *haredi* world and influence it.

While one can find some exceptions to this (the 1945 excommunication of Mordecai Kaplan and public burning of the Reconstructionist Prayer Book comes to mind<sup>4</sup>), it remains a valid generalization. Thus, there is no need for a condemnation of a book written by a typical Modern Orthodox intellectual, for it is unlikely to be read by members of the *haredi* world, and if read, it will not be taken seriously if it opposes the current *haredi da'as Torah*. On the other hand, if we are dealing with a figure such as Rabbi Joseph B. Soloveitchik, there is indeed a possibility that his ideas could have an influence in the *haredi* world. As such, it is no surprise that when R. Eleazar Shakh, at the time the leading ideologue of *da'as Torah* in the *haredi* world, was asked about the Rav's views of Zionism as expounded in his classic *Hamesh Derashot*, R. Shakh replied that his position indeed departed from *da'as Torah*. R. Shakh added that reading the work was forbid-

<sup>1</sup>Jerusalem, 2002.

<sup>2</sup>New York, 2002.

<sup>3</sup>See the interview with Kamenetsky in the Sabbath supplement, Pesah 5756.

<sup>4</sup>See Jeffrey S. Gurock and Jacob J. Schacter, *A Modern Heretic and a Traditional Community* (New York, 1997), pp. 140-141

<sup>5</sup>*Mikhtavim u-Ma'amarim* (Benei Berak, 1990), vol. 4, pp. 35-40, 107

den, for it contained heresy, pure and simple (*mamash divrei kefirah*).<sup>5</sup>

As the guardian of *haredi* Orthodoxy, it was R. Shakh's role to establish the boundary line between his community and other forms of Orthodoxy, and he did so with a stridency many will find disconcerting. The institutions and books he condemned include Touro College,<sup>6</sup> the Jerusalem College of Technology,<sup>7</sup> Mikhlalah,<sup>8</sup> the Ma`arava school,<sup>9</sup> Heikhal Shelomo,<sup>10</sup> the hesder movement,<sup>11</sup> the Steinsaltz Talmud and other books by this author,<sup>12</sup> and Yehudah Levi's book *Sha`arei Talmud Torah*, which supports a *Torah im Derekh Erets* perspective.<sup>13</sup> Since these institutions and books are clearly part of the Orthodox world and are even supported by great scholars, it was necessary for them to be condemned lest the *haredi* public be led astray.<sup>14</sup>

Of course, all this is not new. Already in medieval times we find bans put on Maimonides' work and the study of philosophy in general. As time went on, Azariah de Rossi's historical work *Me'or Einayim* was condemned, as was Mendelssohn's *Bi'ur*; Naftali Hertz Wessely's *Divrei Shalom ve-Emet*,<sup>15</sup> various Hasidic works, the anti-Kabbalistic writings of R. Yihye Kafih, the proto-Zionist works of R. Akiva Joseph Schlesinger, and the writings of R. Kook, to name just a few.<sup>16</sup>

Because R. Shakh was regarded as a leader only by the *haredi* community, his pronouncements were not the subject of much concern in the wider Orthodox world. In fact, I think it is a testament to the respect people had for R. Shakh's great Torah learning that he was generally not subjected to abuse by those groups he condemned. On the contrary, the religious Zionist community, with few exceptions, continued to treat him with respect, albeit it

<sup>5</sup>*Mikhtavim u-Ma`amarim*, vols. 1-2, pp. 108-109.

<sup>7</sup>*Ibid.*, p. 128.

<sup>8</sup>*Ibid.*, vol. 3, pp. 52-53.

<sup>9</sup>*Ibid.*, vol. 4, p. 41.

<sup>10</sup>*Ibid.*, vol. 6, pp. 161-162.

<sup>11</sup>*Ibid.*, vol. 4, p. 40.

<sup>12</sup>*Ibid.*, vol. 4, pp. 65-67. Steinsaltz himself is categorized as a heretic.

<sup>13</sup>*Ibid.*, vols. 1-2, pp. 107-108.

<sup>14</sup>For discussion of many of these bans and other recent controversies, see Chaim Rapoport, *The Messiah Problem: Berger, the Angel and the Scandal of Reckless Indiscrimination* (Ilford, England, 2002), pp. 2ff., 91ff. I take issue with what Rapoport writes on p. 92, that when R. Kook passed away, R. Abraham Isaiah Karelitz, the *Hazon Ish*, declared that he would have no portion in the World to Come. The source for this is Aharon Rosenberg, *Mishkenot ha-Ro'im* (New York, 1997), vol. 3, pp. 1120-1121, who cites a well-known London anti-Zionist. This is hardly an unimpeachable reference. (This same source also claims that the *Hazon Ish* insisted that R. Ben Zion Uziel's *Mishpetei Uziel* be left on the floor, since it is *muktesh mei-hamat mi'us*. See *ibid.*, p. 1198; Elyakim Schlesinger's *haskamah* to Aharon Rosenberg, *Torat Emet* [Monsey, 1992]). The truth is that while the *Hazon Ish* asserted that R. Kook's philosophical works should not be read, he saw nothing objectionable about his halakhic writings and certainly did not regard as R. Kook as a heretic. See Shelomo Kohen, *Pe'er ha-Dor* (Jerusalem, 1969), vol. 2, p. 34. Indeed, one of the first things the *Hazon Ish* did when he arrived in the Land of Israel was to write R. Kook a letter, asking him to decide a halakhic problem he was confronted with. See R. Ben Zion Shapiro, ed., *Iggerot ha-Reiyah* (Jerusalem, 1990), pp. 448-449. Furthermore, it is known that when R. Kook came to deliver a talk in Benei Berak, the *Hazon Ish* remained standing throughout the former's address. See Kohen, *Pe'er ha-Dor*, vol. 2, p. 32; R. Mosheh Zvi Neriyah, *Bi-Sedei ha-Reiyah* (Kefar ha-Ro'eh, 1987), p. 247. Even with regard to R. Kook's philosophical writings, the *Hazon Ish* sometimes expressed a more positive view, depending on whom he was speaking to. See Binyamin Efrati, "Shenei Bikurim Etsel ha-Hazon Ish ZT"l," *Morashah* 6 (1974): 62-63.

<sup>15</sup>In 2002, R. Mosheh Tsurriel, under the pseudonym Hayyim Lifschitz, published N. H. Wessely's *Sefer ha-Middot* (Jerusalem, 2002), with an introduction defending the author's piety. This work was also placed under a ban. See *De'ah ve-Dibbur*, Sept. 4, 2002 (found at [www.shemayisrael.com](http://www.shemayisrael.com)). *De'ah ve-Dibbur* is the internet version of *Yated Ne'eman*.

<sup>16</sup>See Moshe Carmilly-Weinberger, *Censorship and Freedom of Expression in Jewish History* (New York, 1977). Although the book is fairly complete, Carmilly-Weinberger inexplicably does not discuss the condemnations of R. Kook's writings. Concerning this, see Bezalel Naor's introduction to his translation of R. Kook's *Orot* (Northvale, N. J., 1993). See also Rivka Shatz, "Reishit ha-Masa Negeid ha-Rav Kook," *Molad* 6 (1974): 251-262.

from a distance, even though he regarded their *hesder* yeshivot and worldview as destroying Torah, going so far as to declare: "Religious Zionists have done nothing for the benefit of Torah causes in Israel. They are void of Torah and the fear of Heaven and are not capable of producing any *gedolim*."<sup>17</sup> R. Zvi Yehudah Kook was one of the few religious Zionist leaders who publicly criticized R. Shakh, yet when he heard one of his students doing likewise, he was quick to rebuke him.<sup>18</sup> R. Shelomo Aviner, a contemporary leader of the religious nationalist community, has often written about the importance of respecting *all* Torah scholars, even those whose views religious Zionists vehemently reject.<sup>19</sup>

Yet in the *haredi* world, it is much more difficult to find such respect for those whose views differ. It is, of course, no secret that in religious matters it is easy for people to respect those on their right; it is the reverse that is more difficult. For this very reason, people who send their children to Modern Orthodox schools contribute heavily to *haredi* yeshivot, without expecting, or receiving, any reciprocity. Leading *haredi* figures always showed great respect for the Satmar rebbe, but, since they cooperated with and received from money from the State of Israel, they never expected to receive such respect in return.

*Haredi* attitudes towards the leaders of Modern Orthodoxy and religious Zionism are more complicated than this. Even when one finds elements of respect, they are usually coupled with signs that there are also "problems" with the individuals concerned. The very reserved

"eulogy" in the *Jewish Observer*, following the death of Rabbi Soloveitchik, was in line with this.<sup>20</sup> In fact, literature that disrespects Torah scholars is a staple in the *haredi* world, but of course, these Torah scholars are always found in a different ideological camp. Usually, the disrespect is seen in the way *haredi* writers refer to these scholars. While the *haredi gedolim* are referred to as *ha-rav ha-ga'on*, other *gedolim* become simply *ha-rav*. There are times when matters reach more distressing proportions, but as all who read *haredi* literature know, the omitting of the title *ha-ga'on* is the standard way to distinguish real *gedolim* from those who may be learned, but, because they do not follow *da'as Torah*, can never reach the highest rung.

Because of this pattern, it was somewhat of a surprise when people heard that Kamenetsky's *Making of a Godol*, a book that emanated from the *haredi* world, had come under attack. The story, accompanied by all sorts of rumors, quickly spread on the Internet. When the official *herem* finally appeared, with R. Yosef Shalom Elyashiv's name featured at the top of the signatories, the book became an immediate collector's item. Most *seforim* stores would not even carry it.

Before even discussing the book itself, a word must be said about the figure of R. Yosef Shalom Elyashiv. Over the last ten years, he has become the supreme authority in the *haredi* world, the final word on all matters of importance. R. Elyashiv stands as clear evidence that the institution of the *Mo'etset Gedolei ha-Torah*, a group of Torah scholars who are supposed to decide matters for the *hare-*

<sup>17</sup>Translation in Rapoport, *The Messiah Problem*, p. 93.

<sup>18</sup>See *Itturei Kohanim* (Heshvan, 5763), p. 44. R. Zvi Yehudah told him: "What is permitted for me to say, is not permitted for you." R. Zvi Yehudah could indeed speak sharply about *gedolim* when they did not accept his religious-national perspective. For example, R. Zvi Yehudah downplayed the significance of the *Hazon Ish*, whose non-Zionism and suspicious view of the State prevents him from being embraced by the religious nationalists. R. Zvi Yehudah wrote: "The *Hazon Ish* was not the *gadol ha-dor*. The *gadol ha-dor* and halakhic decisor *par excellence* was my father of blessed memory. In Vilna there were other laymen who were *ge'onim*, R. Shalom David Rabinowitz, R. Yerucham Fishel Perla, R. Moses Kreines, and others. . . . Even if he [i. e., *Hazon Ish*] was a *gadol* [!], he was not the halakhic decisor for this generation and generations to come." See Avraham Remer, *Gadol Shimushah* (Jerusalem), 1984), p. 68 (I am citing from the uncensored version. A censored version of this work, lacking this passage, appeared in Jerusalem, 1994.)

<sup>19</sup>This is a common theme in R. Aviner's letters, which appear monthly in *Itturei Kohanim*.

<sup>20</sup>May, 1993, p. 43. The "eulogy" is actually omitted from the table of contents

<sup>21</sup>*Mi-Katovitz ad Heh be-Iyyar* (Jerusalem, 1995).

*di* community, remains a fiction. In fact, as the *haredi* historian Zvi Weinman has documented,<sup>21</sup> throughout most of its existence the *Mo`etset* has had no real significance, and when rabbinic authority was required, it became the role of individual *gedolim* to offer guidance. Today, this position is filled by R. Elyashiv.

Although R. Elyashiv assumed R. Shakh's role, the course of R. Elyashiv's life, in contrast to that of R. Shakh, for the most part has not followed the typical *haredi* model. He is the grandson of R. Shelomo Elyashiv, the famed Kabbalist and author of *Leshem Shevo ve-Ahlahamah*, and the son-in-law of R. Aryeh Levin, both of whom were close to R. Kook. R. Elyashiv himself served for many years as a *dayyan* in the Israeli Chief Rabbinate, the same rabbinate condemned by R. Shakh.<sup>22</sup> It was only when R. Shelomo Goren was elected chief rabbi in 1972 that R. Elyashiv, then serving as a member of the rabbinate's Supreme *Beit Din*, resigned. He regarded R. Goren's approach as a threat to the integrity of the halakhic system and refused to serve under him. In retrospect, this was a very significant step, for only with his ties to the official rabbinate removed would he be able to emerge, twenty years later, as the supreme leader of the *haredim*.

Because R. Elyashiv had not always been regarded as part of the *haredi* world, and had not engaged in sharp attacks on the other segments of Orthodoxy, he remained well respected in the religious Zionist community even after he began to publicly identify with the *haredi* ideology. Thus, despite his increasing politicization in the last decade, he is still regarded as a *gadol* whose reputation transcends the *haredi* world. As such, R. Elyashiv's views on various communal matters should certainly be taken seriously, even if not ultimately accepted, by all segments of the Orthodox world.

Having offered this background, we can now ask what was so problematic about *Making of a Godol* that this great sage was forced to issue his condemnation. Furthermore, what can we say about the book in general, since lost in all the hubbub has been any discussion of its quality and general approach? The book is subtitled, "A Study of Episodes in the Lives of Great Torah Personalities," and this is certainly an apt description. Filling some 1400 pages, Kamenetsky uses the biography of his father to discuss many *gedolim* and aspects of the yeshiva world, focusing on the late nineteenth and early twentieth centuries. There is a basic text, of less than a hundred pages, and numerous excursuses and notes. It is in the latter section that the book's real significance lies.

It is not an easy book to read, as it has been organized very poorly and there are far too many cross-references—some of which lead to nowhere. A good editor could have improved matters immeasurably. Also, the author's method of transliteration is downright foolish, as is his manner of sometimes referring to people by the Yiddish pronunciation of their names, e. g., Ya`akov becomes Yankev or Yankel, Mosheh becomes Maisheh, Yehezqel becomes Hatzqel, Avraham becomes Avrohm, Yosef becomes Yoshe, etc. Here too, an editor would have been very helpful. Yet even though he did not have such assistance, the book is beautifully typeset with helpful maps at the beginning and end. I did not find one typo, which is no small achievement considering the length of this book. There are pictures of twenty-one *gedolim* on the front and back book jackets. Unfortunately, none of them are identified, and the average reader will not realize that one of the pictures is of a youthful and very stylishly dressed R. Aaron Kotler. There is also a picture of R. Joseph B. Soloveitchik, showing that the author's view of who qualifies as a *gadol* is wider than that of much of

<sup>22</sup>His own *mehuttan*, R. Jacob Israel Kanevsky, the famed Steipler Rav, and R. Shakh both urged their followers not to take the examinations to become a government *dayyan*. See R. Kanevsky, *Karyana de-Iggarta* (Benei Berak, 1986), vol. 1, p. 263; R. Shakh, *Mikhtavim u-Ma'amarim*, vols. 1-2, p. 165.

<sup>23</sup>In R. Shakh's *Mikhtavim u-Ma'amarim*, vol. 4, p. 107, R. Soloveitchik is referred to as a *gadol* with quotation marks around the word, after which his ideas are described as *mammash divrei kefirah*. While not usually going as far as this, *haredi* denigration of the Rav was common during his lifetime, and was made most vivid by the widespread *haredi* boycott of his funeral. Regarding the boycott, see Eliezer (Louis) Bernstein, "Ve-Lamashmitsim lo Tihye Tiqvah," *Ha-Tsofeh*, Oct. 29, 1993.

the *haredi* world.<sup>23</sup> On the book jacket, we are informed that the author "has accumulated much more material on this general subject, and this volume is the first in an anticipated series." One wonders whether with all the controversy that has ensued, this will ever come to pass. Certainly, if more volumes do appear, they are not likely to be similar to the first one.

In the forward to the book, Kamenetsky discusses two ways history has been written in the Orthodox community: the hagiographic and the realistic. He tells us that he intends to write real history and justifies this choice, which no longer is an obvious one in *haredi* circles.<sup>24</sup> While portraying *gedolim* as the outstanding figures they were, he also notes that "if a minor blemish – and on a truly great man it is never more than minor—also exists, it does not ruin the grace of the outstanding personality" (p. xxvii). By calling attention to imperfections, he does not believe that he is diminishing these *gedolim* in any way.

Here, of course, is the problem in the eyes of the *haredi* world. While most of them would admit that even *gedolim* have their faults, it is regarded as improper for these faults to be pointed out. Now it is true that stories of the sort recorded by Kamenetsky have always been part of yeshiva lore, but they have always been transmitted orally. To see them written down, recorded for posterity, is, I admit, a little jarring. I submit that it is this, rather than any beliefs in the supposed infallibility of *gedolim*, that brought out the fury of the *haredi* leadership and is reflected in the text of the ban:

We were appalled to hear from reliable *talmidei chachomim* about the distribution and sale of a book called *Making of a Godol* which is full of severely debasing remarks, derisiveness, degradation and *hot-zo'as shem ra* against several figures among *gedolei horabbonim*, the leading lights of Yisroel in recent

generations and the *rishonim kemal'ochim* whose words guide the lives of all Beis Yisroel, whose elucidations of the Torah we imbibe and whose greatness, veneration and holiness are rooted in the hearts of all Jews with a fear of Heaven. This is what the book seeks to negate, by discrediting, disgracing and debasing their illustrious honor, which is also the honor of *Hashem yisborach* and the holy Torah. . . . This is not a book of tales about *gedolei Yisroel*, but just the opposite. It is wholly filled with a chilling spirit that distances one from the true purpose in life that can have unforeseen and grave consequences.<sup>25</sup>

The ban also mentions that the book is dangerous for it "blemishes the proper *hashkofoh*" that condemns "blending external studies together with the pure study of our holy Torah." Here I must confess that I don't know what the ban is referring to, for nowhere in the book does the author criticize the Torah-only perspective of the yeshiva world in favor of some sort of Hirschian *Torah im Derekh Erets* approach. I would assume that a few references to his father being acquainted with Modern Hebrew and Russian literature, as well as having some awareness of Aristotle, Plato, and Kant, are not so terrible as to bring about such a strong denunciation.<sup>26</sup> Neither is the report that R. Jacob Kamenetsky recommended to the principal of the secular department at Yeshivat Torah Vodaath that students study certain Shakespeare plays "because in olden times there was less reference to topics to which yeshiva bahurim should not be exposed" (p. 264). I could be wrong about this, and it is possible that *haredi* society has now reached the point where *gedolim* are supposed to have absolutely no knowledge of matters other than Torah. Yet it is also possible that the signers of the *herem*, none of whom could read the book in the original, were misinformed about its content in this regard.<sup>27</sup>

<sup>24</sup>See Jacob J. Schacter, "Facing the Truths of History," *Torah u-Madda Journal* 8 (1998-1999): 200-276.

<sup>25</sup>See *De'ah ve-Dibbur*, Dec. 25, 2002 (found at [www.shemayisrael.com](http://www.shemayisrael.com)).

<sup>26</sup>Kamenetsky also discusses the secular knowledge of R. Aaron Kotler (pp. 305ff.)

<sup>27</sup>In addition to the *herem* by the Israeli *haredi* leaders, a number of American Roshei Yeshivah signed another *herem*, which mentions nothing about Torah and secular studies.

In *Making of a Godol*, Kamenetsky shows himself to be a master of the Lithuanian yeshiva world. One won't find here sociological analysis of the sort in Shaul Stampfer's book on the subject,<sup>28</sup> but it is impossible not to be struck by the incredible amount of information the author amassed during his fifteen years of research. It is a true labor of love, and there is hardly anyone who can match Kamenetsky's sheer knowledge of this world and its rabbinic figures, most of whom are completely forgotten today. Using this knowledge, the author is able to bring a wide range of sources to each issue and personality he discusses.<sup>29</sup>

Yet the book suffers from some serious flaws. I would not mention them if *Making of a Godol* were a typical *haredi* hagiography, but Kamenetsky is at pains to point out that his book is the exact opposite. We see this not only in the text itself, but even in the book's layout. It includes a book jacket with a picture of the author and a short description, much like one finds in "regular" books but which are conspicuously absent in *haredi* works.

As such, it is important to point out that despite the author's great erudition, this is not a properly synthesized book that flows neatly from one topic to another. It is rather a smorgasbord of facts, impressive indeed, but without any sight of the big picture. What we get instead are attempts, some very clumsy, at illuminating selected episodes and personalities. A trained historian could have done wonders with the information Kamenetsky provides.

Another serious shortcoming is his use of sources—in particular, the hundreds of personal communications he records. While oral history can be valuable, it has to be used carefully and must yield when faced with documentary evidence to the contrary.<sup>30</sup> The *haredi* culture is in

many respects an oral culture, with stories of *gedolim* told and retold, and with this come distortions and falsehoods. Kamenetsky at times shows that he is aware of this, but only when the oral history is contradicted by another version of oral history or by a reliable written source. Otherwise, he chooses to rely on all sorts of tales.

It is one thing when oral history focuses on an event or an oral exchange witnessed by a particular individual—and there are numerous such examples in the book—but often Kamenetsky will record a story he heard from X who heard from Y who heard from Z, sometimes about an event that happened 100 years ago! Clearly, this does not qualify as history. Again, if this were a book of hagiography, one would expect this type of thing. In that sort of book we would anticipate being told what R. Hayyim Soloveitchik said when he was on a train or how the Rogochover rebuked another *godol* in the privacy of their hotel room. But Kamenetsky wants his book to be judged by the standards of historical scholarship, and in this respect it is sorely lacking.

This failure to recognize the unreliability of oral history leads Kamenetsky to take different versions of the same story and try to determine what actually occurred. While there is no doubt a kernel of truth in the basic story, a historian must acknowledge that at this late date it is simply impossible to come to any firm conclusions. Similarly, his detailed and tedious analysis of events, most notably the mission of Max Lilienthal in Russia (pp. 188-257), combine what is best about the book – a gathering together of widely scattered material – with the book's weakness, a reliance on stories and traditions, together with hypotheses, which, at the end of the day, have no basis.

This criticism, however, does not mean that the author's

<sup>28</sup> *Ha-Yeshivah ha-Lita'it be-Hithavutah* (Jerusalem, 1995).

<sup>29</sup> I find it surprising, however, that there is no mention of Rav Tsair's autobiography (*Pirkei Hayyim* [New York, 1954]), which contains much relevant material.

<sup>30</sup> This point is stressed by Zvi Weinman, a contemporary *haredi* historian who works with original documents and whose writing is far removed from hagiography. See *Mi-Katovitz ad Heh be-Iyyar*, pp. 10, 165 n. 12.

hypotheses are never compelling or at least thought provoking. For example, he questions whether the unusual paths of men such as R. Jehiel Jacob Weinberg, Prof. Saul Lieberman and Prof. Samuel Atlas<sup>31</sup> had something to do with their being childless and thus feeling free to make unconventional choices (p. 820). This, I think, is a compelling insight.

Another problematic element of the book, admittedly found only on occasion, is its use of unnamed sources. This is acceptable in journalism, but not in scholarship. For example, the evidence for one of the most controversial passages in the book, concerning R. Aaron Kotler, his future wife, and his future father-in-law, R. Isser Zalman Meltzer, is "a reliable source" (p. 802).<sup>32</sup> I understand why the source would not want his or her name to be given, but when repeating such a loaded story, which one knows will be controversial and its veracity challenged, the author is obligated to name the source, thus allowing the reader to judge its reliability. After all, if the source is R. Kotler's daughter, its authenticity is more apparent than if it is another example of what X heard from Y. If the source does not wish to go on the record, it is best for the story to be omitted. (In my own biography of R. Weinberg, I was forced to leave out a number of "juicy" details, precisely for this reason.)

As for the controversial elements in *Making of a Godol*, which are only a very small portion of the book, I will leave it to others to judge whether they should have been

included. One can easily understand, especially in our day and age, why the *haredi* leaders would react so sharply to any book that portrays *gedolim* in a non-hagiographic light, discusses conflicts these *gedolim* had with one another, and repeats stories that portray some of them as having made errors and even as possessing personality flaws.<sup>33</sup>

Since my own work has been the subject of a major dispute in this regard, I have given these issues a good deal of thought. Every biography involves choosing from a mass of information in order to portray various characters. When dealing with potentially controversial matters, my own yardstick has always been whether the information will help in one's assessment of the individuals concerned, or if it is simply voyeuristic gossip. Kamenetsky would no doubt reply that this is a judgment call, and he was not writing an intellectual biography but seeking to portray personalities. Indeed, the *gedolim* do come to life in *Making of a Godol*, and the stories are always entertaining, sometimes even shocking. Yet, in the final analysis, one must wonder whether they are true.

## II.

Sacks's book is in a completely different category and the reasons for the controversy are much more fundamental, indeed reaching to the heart of what traditional Judaism affirms.<sup>34</sup> The controversy over the work forced Sacks to issue a new, soft-cover edition of the book, in which he has rephrased the disputed passages,<sup>35</sup> but he has refused

<sup>31</sup>An example of the unreliability of oral history and yeshiva lore is Kamenetsky's identification of Atlas as the youngest son of R. Meir Atlas, the rav of Shavli (p. 820). The dedication at the beginning of Atlas' edition of *Hiddushei Rabad on Bava Kamma* (London, 1940) identifies his father, and it is not R. Meir Atlas.

<sup>32</sup>That there was some tension between R. Kotler and R. Meltzer, specifically with regard to Zionism, has recently been documented. See Yoel Finkelman, "Haredi Isolation in Changing Environments: A Case Study in Yeshiva Immigration," *Modern Judaism* 22 (2002), pp. 63-64.

<sup>33</sup>To be sure, it is not only *gedolim* revered in the *haredi* world who are the focus in this regard. Thus, Kamenetsky cites R. Joseph B. Soloveitchik's report that R. Hayyim Soloveitchik regarded R. Isaac Jacob Reines, the founder of Mizrahi, as a heretic (p. 479). The Rav himself is known to have made some very sharp comments about certain *gedolim*, most notably R. Jacob David Willovsky (*Ridbaz*), whose harsh criticism of R. Hayyim Soloveitchik is well known. I would be surprised if these appeared in any future biography of the Rav.

<sup>34</sup>I am grateful to Rabbi Chaim Rapoport for sending me relevant clippings from the *Jewish Chronicle* and the *Jewish Tribune*

<sup>35</sup>This review was written before the soft-cover edition appeared. Both versions remain in print.

<sup>36</sup>The very fact that Sacks submitted to *haredi* pressure and, instead of defending his position, agreed to issue a "revised" edition, leads Geoffrey Alderman to assert that the real leader of English Orthodoxy today is not the Chief Rabbi and his *Bet Din*, but the *rav* of Gateshead, R. Bezalel Rakow. See the *Jewish Chronicle*, Nov. 15, 2002

to retract anything that appeared in the first edition.<sup>36</sup> What has made the book so controversial is that Sacks stakes out an ecumenical position that apparently breaks new theological ground, which understandably is anathema in *haredi* circles. What must be considered, and what Sacks shockingly does not do, is whether there is any support in the Jewish tradition for his approach.

Before discussing this let me briefly describe Sacks's general position. The book is an attempt to provide guidance in the era of globalization, so that we can avoid the much talked about "Clash of Civilizations." In addition to religion, Sacks focuses on charity, education, and the value and problems of capitalism. Yet it is his theory of religion that is most original, and that led R. Elyashiv, in a letter to the *rav* of Gateshead, to characterize the book as "containing heresy and matters that are against our faith in the holy Torah, and it is forbidden to have such a book in one's home."<sup>37</sup>

According to Sacks, in our current post-September 11 climate, we must do more than have tolerance for other cultures and religions, and do more than search for common values and give other religions basic respect.<sup>38</sup> Rather, we must *celebrate* the diverse world we live in. Such a celebration of the diversity of God's world is more than tolerance and even more than pluralism; it is a recognition of the truth found in all religions.

Forty years ago, at the height of the ecumenical movement, a number of Jewish religious leaders were asked the following question: "Is Judaism the one true religion,

or is it one of several true religions?"<sup>39</sup> It is significant that none of the Orthodox respondents were willing to grant that there is any truth in other religions, other than those truths that Mendelssohn would describe as the product of reason.<sup>40</sup> In other words, everyone grants that if Christianity teaches that murder is wrong, then this is a truth, but it is not a religious truth particular to this faith, and it is not what Sacks has in mind.

Sacks is a child of a different era, one in which post-modern ideas are now prevalent, and this explains his alternative view of religion and truth. In fact, he attempts to locate "the celebration of [religious] diversity at the very heart of the monotheistic imagination" (p. xi). He begins his book by describing an interfaith service that took place at Ground Zero in New York City, at which the Archbishop of Canterbury, a Muslim Imam, and a Hindu Guru recited prayers and meditations, and the Chief Rabbi of Israel read a reflection. This is a model of how religions should co-exist, according to Sacks. He sees our era as one in which:

The great faiths must now become an active force for peace and for the justice and compassion on which peace ultimately depends. That will require great courage and perhaps something more than courage: a candid admission that, more than at any time in the past, we need to search – each faith in its own way – for a way of living with, and acknowledging the integrity of, those who are not of our faith. Can we make space for difference? Can we hear the voice of God in a language, a sensibility, a

<sup>36</sup>See the text of his letter in the *Jewish Tribune*, Nov. 7, 2002. Some *haredi* fundamentalists also objected to Sacks's departing from the traditional notion that the world is under six thousand years old (p. 69); see, e. g., Ben Yitzchok in the *Jewish Tribune*, Nov. 21, 2002. Surprisingly, none of the fundamentalist critics seem to have noted the passage on p. 50, where Sacks refers to events at the beginning of Genesis, including the Flood and Tower of Babel, as "not *simply* an etiological myth" (emphasis added). In these circles, the notion that any biblical stories portray non-historical archetypes is regarded as heretical.

<sup>38</sup>Not noted by Sacks is that such respect is almost always absent in traditional Jewish texts. For example, one outstanding *poseq* routinely refers to churches as *beit tiffah*. If a leading Christian figure spoke of synagogues in this fashion, the response of the ADL and other Jewish organizations would be fast and furious, and rightfully so.

<sup>39</sup>*The Condition of Jewish Belief* (New York, 1966), p. 7.

<sup>40</sup>Sacks's predecessor as Chief Rabbi, Immanuel Jakobovits, was most adamant: "As a professing Jew, I obviously consider Judaism the only true religion, just as I would expect the adherents of any other faith to defend a similar claim for their religion." *Ibid.*, p. 112.

culture not our own? (pp. 4-5.)

In other words, Sacks is asking us to see God not merely in the peoples of the world, but even in their varying religions. This is a very bold stance when one considers Judaism's monotheistic tradition. Sacks himself acknowledges: "I have not hesitated to be radical, and I have deliberately chosen to express that radicalism in religious terms" (p. 17). As he puts it, our faith can give rise "to a generosity of spirit capable of recognizing the integrity—yes, even the sanctity—of worlds outside our faith" (p. 9). In pre-modern times "it was possible to believe that our truth was the only truth; our way the only way" (p. 10). Today, the challenge is: "Can I, a Jew, hear the echoes of God's voice in that of a Hindu or Sikh or Christian or Muslim. . . . Can I do so and feel not diminished but enlarged? What then becomes of my faith which until then had encompassed the world and must now make space for another faith, another way of interpreting the world?" (pp. 17-18).<sup>41</sup>

Sacks' conclusion is to reject the notion that "one God

entails one faith, one truth, one covenant" (p. 200). In other words, while God's covenant at Sinai remains true for the Jewish people, other religions are expressions of alternative covenants with God, each of which represent its own truth. In Sacks's words, "God has spoken to mankind in many languages: through Judaism to Jews, Christianity to Christians, Islam to Muslims . . . *God is God of all humanity, but no single faith is or should be the faith of all humanity.*" (p. 55, italics in original).<sup>42</sup>

Although he claims that his position is *not* an endorsement of polytheism (p. 65), Sacks never explains why not. He himself tells us that truth on earth is not the whole truth: "When two propositions conflict it is not necessarily because one is true [and] the other false. It may be, and often is, that each represents a different perspective on reality, an alternative way of structuring order. . . . In heaven there is truth; on earth there are truths." (p. 64).<sup>43</sup> Who then is to say that a polytheistic conception is not the truth of another culture—"a different perspective on reality"—while monotheism is the truth of the Jews? After all, as Sacks further notes, "God is greater than reli-

<sup>41</sup>I would also ask, what becomes of the liturgy, which in a number of places expresses a very exclusivist approach? Unfortunately, Sacks does not discuss whether he would be open to liturgical alterations in accord with his ecumenical vision. At the very least, it is impossible for his vision to coexist with the (often excised) words of *Aleinu*: "For they bow to vanity and emptiness and pray to a god which helps not."

<sup>42</sup> Sacks also writes that, "There is no equivalent in Judaism to the doctrine that *extra ecclesium non est salus*, outside the Church there is no salvation." This is, however, incorrect, and it is none other than Maimonides who asserts it, when he declares in *Mishneh Torah, Hilkhoh Melakhim* 8:11 that even Noahides must accept the binding authority of God's revelation to Moses in order to receive a share in the World to Come (though, admittedly, he doesn't require Gentiles to actually convert to Judaism). In his commentary to this passage, R. Joseph Karo expresses agreement with Maimonides' view. See Steven S. Schwarzschild, "Do Noahites Have to Believe in Revelation," *Jewish Quarterly Review* 52 (1962): 297-308, *ibid.*, 53 (1962): 30-65. According to Maimonides, any non-Jewish system of religious ritual is illicit; the only alternatives for Gentiles are conversion or observance of the Noahide laws, which by definition exclude any Gentile system of ritual. See *Hilkhoh Melakhim* 10: 9; Gerald Blidstein, "Maimonides and Me'iri on the Legitimacy of Non-Judaic Religion," in Leo Landman, ed., *Scholars and Scholarship: The Interaction Between Judaism and Other Cultures* (New York, 1990), pp. 28-33. See also R. Zvi Hirsch Chajes, *Kol Sifrei Maharatz Chajes* (Jerusalem, 1958), vol. 2 p. 1036; Moshe Feinstein, *Iggerot Moshe* (New York, 1973), *Yoreh Deah* II, p. 9.

<sup>43</sup> Sacks is here following the path advocated by the philosopher of religion, John Hick, in his influential book *An Interpretation of Religion: Human Responses to the Transcendent* (New Haven, 1989). According to Hick, the truth formulations of all religions should be viewed as "incomplete attempts at expressing the ineffable, i. e., 'truths' only in a very weak sense of the term." See Tamar Ross, "Reflections on the Possibilities of Interfaith Communication in our Day," *The Edah Journal* 1 (5761; available at [www.edah.org](http://www.edah.org)). The quote is Ross's summary of Hick's position.) Ross's discussion of interfaith communication, which is a philosophically more sophisticated analysis and covers much of the same ground as Sacks's, is not reticent about acknowledging that even so-called idolatrous religions must be included when truth is understood with a small "t", that is, as a subjective portrayal of how we see the divine. The corollary to this, as Ross makes clear yet Sacks does not, is that there can no longer be a hierarchy of religions, with Judaism at the top, containing Truth, and the other religions below it. As Ross puts it, "The varieties of religious particularism teach us the infinite range of possibilities open to the human spirit rather than the wealth of the one track to be taken by all."

gion" and "He is only partially comprehended by any faith" (p. 65).

I see no way to accept Sacks' basic propositions and at the same time to discount the legitimacy of polytheism for those cultures which approach the divine in this fashion. Sacks himself says, with reference to religious truth, that "each culture has something to contribute" (pp. 64-65, italics added). In other words, he explicitly includes even polytheistic societies. Once Sacks is prepared to understand truth in a non-absolutist sense, then it is not merely Christianity and Islam that become part of the great circle of truth, but *all* religious expression.

Does the Jewish tradition have room for such a position, one that speaks of multiple religious truths? In formulating this question I speak of the Jewish tradition in its widest sense, obviously much broader than that recognized by the *haredi* world, which, for instance, does not regard R. Kook's theological views as legitimate. In fact, Sacks could have looked to R. Kook in support of what he states regarding the differences between truth on earth and Divine truth. R. Kook wrote: "In relation to the highest Divine truth, there is no difference between formulated religion and heresy. Both do not yield the truth, because whatever positive assertion a person makes is a step removed from the truth of the Divine."<sup>44</sup>

Yet even with such a passage, we still do not have a precedent for Sacks's overall thesis. Since the outlook he describes is a product of new intellectual approaches, many will wonder how sages of previous generations could possibly provide support. To be sure, new positions can be offered in Jewish theology, but unless there is some support in the tradition both the new position, and the individual advocating it, will probably be read out of the fold.

Sacks himself acknowledges that his approach is radical, and he notes that "God is summoning us to a new act of listening, going back to the sources of our faith and hearing in them something we missed before, because we did not face these challenges, this configuration of dilemmas before. In religions of revelation, discoveries are rediscoveries, a discernment of something that was always there but not necessarily audible from where our ancestors stood" (p. 19). Clearly, we are faced with a controversial position when the author admits that what he is advocating was not—indeed, could not—have been known previously. Since he posits that a basic religious truth was unknown to the greats of previous generations but has now been revealed to us, one understands why there was such a strong reaction to Sacks' words.

If we are to conclude, as Sacks himself seems to, that while his position has biblical roots, it is absent from the rabbinic tradition, then we would be forced to agree with the *haredi* critique. Some might argue that there are lots of things that we know today that the greats of previous generations did not know. Yet those are matters in the realms of history and science. On the other hand, Sacks is referring to a basic theological assumption. If he can show that we now recognize facts that must change our perceptions of other religions, facts that earlier generations were unaware of, this would be important. Yet he does not do this. Rather, he simply asserts that there is a need to go back to the sources of our faith and hear something that wasn't heard in previous generations. This assertion, that earlier generations lacked our multicultural perspective, is simply begging the point, for he has not established that our multicultural perspective is positive in and of itself and can thus be the springboard for a new ecumenical theology, for what Sacks acknowledges to be "a paradigm shift in our understanding of our commonalities and differences" (p. 48). As such, any effort in this

<sup>44</sup>*Arpelei Tohar* (Jerusalem, 1983), p. 45; translation in Tamar Ross, "The Cognitive Value of Religious Truth Statements: Rabbi A. I. Kook and Postmodernism," in Yaakov Elman and Jeffrey S. Gurock, eds. *Hazon Nahum* (New York, 1997), p. 491.

<sup>45</sup>Sacks' religious ecumenism is actually anticipated to a certain extent by the late British Chief Rabbi Joseph Hertz, who wrote that according to the Sages, the heathens were not held responsible for a false conception of God and "were judged by God purely by their moral life." *Pentateuch and Haftorahs* (London, 1980), p. 759. Hertz also declares that pagan worship of the sun, moon, and stars, albeit as a first stage of religious belief, "forms part of God's guidance of humanity" (*ibid.*).

direction must proceed on the basis of Jewish sources, rather than on *ex cathedra*, post-modern declarations.<sup>45</sup>

Let us then take up the question of whether there is any basis in traditional Jewish sources for Sacks's assertion that there is truth, indeed sanctity, in other religions. Nowhere does Sacks discuss the issue of *avodah zarah*. This is crucial, because the concept stands in contradiction to his claim that the truth of Judaism need not mean the falsehood of other religions. If the other religions fall into the category of *avodah zarah*, how can one not affirm their falsehood? At first glance, there appears to be no room for speaking of such religions as wonderful ingredients in God's great mosaic. Rather than honoring these religions for what they provide their adherents, as Sacks wishes to do, *halakhah* would seem to require that these religions be condemned for teaching a non-monotheistic theology. Needless to say, such an approach is hardly the friendly perspective Sacks wants Judaism to project in our multicultural world.

But this assumption that religions of *avodah zarah* are deserving of condemnation, though seemingly the Talmudic approach and codified as such by Maimonides, is not the only perspective our tradition offers. An opening for a more tolerant approach is seen in the writings of Meiri. Although Meiri is often cited as the source for the notion that Christianity is not a form of idolatry, he actually can be read as saying a lot more than this. An examination of his various statements, as has been expertly done by Moshe Halbertal, shows that as far as Gentiles are concerned, Meiri essentially regards idolatry as a moral error, not a theological error.<sup>46</sup> To put it another way, the main problem with Gentile idolatry is that it leads to a society not bound by norms of civilized behav-

ior.

Although in one place Meiri describes Christianity as affirming the unity of God,<sup>47</sup> leading J. David Bleich to a restrictive understanding of Meiri's view,<sup>48</sup> elsewhere Meiri's tolerance appears much broader. For example, he describes the idolatrous nations, those not "restricted by the ways of religion," as violent people "who are possessed of no religion in the world and do not yield to fear of the Divinity and, instead, burn incense to the heavenly bodies and worship idols, paying no heed to any sin."<sup>49</sup> Elsewhere he states, concerning the idolators of old: "They were not restricted by the ways of religion. On the contrary, every sin and everything repulsive was fit in their eyes."<sup>50</sup> These formulations put the focus on the idolators' lack of any fear of divine punishment, which in turn leads to a society not restrained by moral standards. As Moshe Halbertal has recently written, "Intolerance for idolators has its source, therefore, not in their being members of another religion, but in their being members of no religion at all because they are not restricted by the ways of religion. The Meiri is the first thinker to suggest a concept of inter-religious tolerance built on the functional value common to all religion."<sup>51</sup>

To be sure, Meiri identified polytheistic societies as also being barbaric. But today it is obvious that we can indeed speak of societies that are "restricted by the ways of religion," that is, civilized, even if these societies' religions are, from a strict theological standpoint, idolatrous. In one place, Meiri himself actually refers to the nations who are restricted by the ways of religion as "worshipping the divinity in any way, even if their faith is far from ours."<sup>52</sup> It is certainly possible to construct an interpretation of Meiri's approach to idolatry that would enable

<sup>46</sup> *Bein Torah le-Hokhmah: Rabbi Menahem ha-Meiri u-Va'alei ha-Halakhah ha-Maimonim be-Provence* (Jerusalem, 2000), ch. 3. An English version of this chapter appears in *The Edah Journal* 1 (5761; available at [www.edah.org](http://www.edah.org)).

<sup>47</sup> *Beit ha-Behirah to Gittin* (ed. Schlesinger), pp. 257-258.

<sup>48</sup> J. David Bleich, "Divine Unity in Maimonides, The Tosafists and Me'iri," in Lenn E. Goodman, ed., *Neoplatonism and Jewish Thought* (Albany, 1992), pp. 243ff.

<sup>49</sup> *Beit ha-Behirah to Avodah Zarah* (ed. Sofer) p. 39.

<sup>50</sup> *Ibid.*, p. 59

<sup>51</sup> *Bein Torah le-Hokhmah*, p. 102.

<sup>52</sup> *Beit ha-Behirah to Bava Kamma* (ed. Schlesinger), p. 330 (emphasis added).

religious acceptance even of the archetypal pagan from the Orient, so often referred to on the first page of seforim published in Eastern Europe. Such an interpretation would be especially valuable in modern times, since we now live with polytheists and can observe that they are not evil people. Perhaps such an interpretation was in the mind of R. Jehiel Jacob Weinberg, who was particularly adamant about the need to accept Meiri's view so that we could "put an end to the hatred of the religions for one another."<sup>53</sup> Elsewhere, Weinberg himself wrote quite ecumenically: "We believe that a Gentile can also be blessed, when he remains true to his religion and faithfully fulfills its precepts."<sup>54</sup>

The common assumption is that Meiri's view has no source in any talmudic or midrashic text. Yet there is one *midrash* that actually expresses a remarkable tolerance of non-monotheistic theologies. *Exod. Rabbah* 15:23 reads as follows:

It is written: *Let them be only thine own, and not strangers' with thee* (Prov. 5:17). The Holy One blessed by He said, "I do not warn idolators concerning idolatry, but you," as it is said: *Ye shall make you no idols* (Lev. 26:1). Only to you have I given judgment, for it says: *Hear this, O ye priests, and attend, ye house of Israel, and give ear, O house of the King, for unto you pertaineth the judgment* (Hos. 5:1).

It would be hard to find a more clear declaration that idolatry is only a prohibition as far as Jews are concerned.

We must also call attention to Deut. 4:19, which states: "And lest thou lift up thine eyes unto heaven and when thou seest the sun and the moon and the stars, even all the host of heaven, thou be drawn away and worship

them and serve them, which the Lord thy God hath allotted unto all the peoples under the whole heaven." The implication appears clear, and is noted as such by Rashbam, namely, that the stars are intended to be worshipped by the nations.<sup>55</sup>

Mal. 1:11 similarly states: "For from the rising of the sun even unto the going down of the same My name is great among the nations, and in every place offerings are presented unto My name, even pure libations; for My name is great among the nations, saith the Lord of Hosts." This verse seemingly recognizes the religious legitimacy of non-Israelite worship. In other words, although the adherents of other faiths offer sacrifices to their gods, God regards this worship as also being directed to him, even though He per se is not yet recognized. In the words of the late Chief Rabbi Hertz, "Even the heathen nations that worship the heavenly hosts pay tribute to a Supreme Being, and in this way honour My name; and the offerings which they thus present (indirectly) unto Me are animated by a pure spirit, God looking to the heart of the worshipper. This wonderful thought was further developed by the Rabbis, and is characteristic of the universalism of Judaism."<sup>56</sup>

This notion, that gentiles are not bound by a prohibition on idolatry, is also affirmed by two important medieval commentators, R. Isaac Abarbanel and R. Isaac Arama. They agree precisely with the passage from *Exod. Rabbah* cited above, although neither of them cites this text. In discussing the Jonah story and the actions of the people of Nineveh, Abarbanel cites the verse from Deut. 4:19 and concludes from it that the Ninevites were not to be punished for their idolatry. They did not know any better and indeed were never commanded against idolatry.<sup>57</sup> This understanding of Abarbanel is also found in

<sup>53</sup>See my "Scholars and Friends: Rabbi Jehiel Jacob Weinberg and Professor Samuel Atlas," *Torah u-Madda Journal*, 7 (1997), p. 118

<sup>54</sup>"Zum Proselytproblem," *Jüdische Rundschau-Maccabi*, Sep. 8, 1950, p. 4.

<sup>55</sup>The Talmud, *Megillah* 9b and *Avodah Zarah* 55a, specifically rejects such a reading.

<sup>56</sup>*Pentateuch and Haftorahs.*, p. 103.

<sup>57</sup>Commentary to Jon. 4:11

his commentary to 1 Kings chapter 3, where he again cites the verse from Deut. 4:19 in the context of Solomon informing the nations how best to worship the stars of the heavens. Since this is permitted for Gentiles, Solomon did no wrong in this.<sup>58</sup>

R. Isaac Arama also cites the verse from Deut. 4:19, as well as some other biblical passages, and is explicit that "the nations are not obligated in the prohibition against idolatry."<sup>59</sup> He also points to a passage in *Bava Kamma* 38a: "R. Joseph said: *He stood and measured the earth he beheld [and drove asunder (va-yatter) the nations*<sup>60</sup>]. What did He behold? He beheld the seven commandments which had been accepted by all the descendants of Noah, but since they did not observe them, He rose up and granted them exemption (*ve-hittiran lahem*)." While the Talmud records a couple of amoraic understandings of what R. Joseph meant, Arama holds to the simple meaning, which is that Gentiles are no longer obligated in the Noahide Laws. Not noted by Arama is that *Lev. Rabbah* 13:2 is also explicit that since the Gentiles "were unable to endure even the seven precepts accepted by the descendants of Noah, God took these off them and put them on Israel."

This notion, that God no longer requires obedience to the Noahide Laws, is, of course, quite surprising.

According to this view, law is based on convention rather than revelation. Each society is therefore free to establish its own standards in all areas, including religion. With such an understanding, even gentile idolatrous worship would cease to be objectionable. In addition to Arama, this view concerning the current non-binding nature of the Noahide Laws is shared by at least one of the Tosafists, who distinguishes between the period prior to the giving of the Torah, when Gentiles were obligated by these laws, and the time subsequent to the revelation at Sinai, when they were freed from them.<sup>61</sup> Others who assert that the Noahide laws are no longer binding include R. Solomon ben Abraham Algazi<sup>62</sup> and R. Meir Azariah da Fano<sup>63</sup>. R. Joseph Trani is quoted by R. Hayyim Abulafia as having held the identical position, and, based upon it, disputed Maimonides' ruling that it is a capital offense for Gentiles to violate the Noahide Laws.<sup>64</sup> R. Isaac Palache too regards the Noahide Laws as no longer binding on Gentiles by virtue of divine law, although he argues that one is still permitted (!) to instruct them in these laws because they have a strong utilitarian purpose, in that they make for a civilized society (*tiqqun ha-olam*).<sup>65</sup>

Finally, in his earliest work, R. Samson Raphael Hirsch also implies that Gentiles are not obligated by the prohi-

<sup>58</sup>Pp. 475-476 in the standard editions. This latter text (as well as the texts from Arama discussed forthwith) are cited by David Berger, "'The Wisest of All Men': Solomon's Wisdom in Medieval Jewish Commentaries on the Book of Kings," in Elman and Gurock, eds. *Hazon Nahum*, p. 107, n. 39. In his article "*Al Tadmitam shel ha-Goyim ba-Sifrut ha-Pulmusit ha-Ashkenazit*," in Yom Tov Assis, et al. eds., *Yehudim mul ha-Tselav*, p. 90, Berger discusses Abarbanel's assertion that God will wipe out the Christians for their sin of attributing corporeality to God. I don't see how this latter position can be squared with the position cited in the text, which frees Gentiles from culpability for idolatry. In private communication Professor Berger has commented, "Arguably, we have there a remarkable position that some forms of paganism are less blameworthy than Christianity. I am tempted to say, '*Benei Noah lo huzharu al avodah zarah shel ammei kedem* (or at least some forms of it), *aval huzharu al ha-Natzrut*.'"

<sup>59</sup>*Akedat Yitzhak*, ed. Pollak (Israel, 1974), Deut., ch. 88, p. 17a, *Hazut Qashah*, ch. 12, pp. 32a-32b.

<sup>60</sup>Hab. 3:6

<sup>61</sup>See the version of *Tosafot in Ein YaIaqov, Hagigah* 13a, s. v., ein. This *Tosafot* is quoted by R. Joel Sirkes, *Haggahot ha-Bah to Hagigah* 13a.

<sup>62</sup>*Ahavat Olam* (Dyhenfurth, 1693), pp. 27a-b.

<sup>63</sup>See *She'elot u-Teshuvot ha-Rama mi-Fano* (Jerusalem, no date), no. 123 (pp. 256-257). He himself contradicts this position *ibid.*, no. 30

<sup>64</sup>*Miqra'ei Qodesh* (Jerusalem, 1993), p. 184. Abulafia does not cite where Trani expressed this view, and it doesn't seem to be found in his published works, but many of his writings were lost. I assume that when Abulafia refers to Maharit, he has Trani in mind, but it is also possible that he means R. Joseph Taitatzak.

<sup>65</sup>*Yafeh la-Lev* (Izmir, 1889), vol. 5, *Yoreh De'ah* 446:9.

bition against idolatry. He writes, with reference to the Jews being regarded as the Chosen People, "This designation does not imply, as some have falsely interpreted it, that Israel has a monopoly on God's love and favor. On the contrary, it proclaims that God has the sole and exclusive claim to Israel's devotion and service; that Israel may not render Divine homage to any other being."<sup>66</sup> The implication of the final comment is that whereas Israel, as the Chosen People, may not render Divine homage to any other being, the nations of the world are permitted to do so.

To be sure, these are minority views, but minority views have a place in the tradition. This is especially so when dealing with matters of Jewish thought, which, by their nature, do not require a practical halakhic ruling. Since Sacks wishes to develop a radical idea, it is crucial that he have at least some support for it in the tradition. The sources cited here can perhaps be of some assistance in this regard.

So far we have only spoken of the negative, and shown why the common notion that idolatry is prohibited for Gentiles is not without dissent. But what about the positive side, which Sacks stresses, that other religions have

real, objective truth? Can we also find support for this notion in the tradition?

Here too there are some passages that could assist Sacks. The most famous is found at the end of the *Mishneh Torah*, where Maimonides notes that both Christianity—which, according to Maimonides, is an idolatrous religion<sup>67</sup>—and Islam "served to clear the way for King Messiah, to prepare the whole world to worship God with one accord." In other words, both of these religions in fact contain truth, and serve to move society closer to a pure view of God. To be sure, Maimonides sees their truth as provisional, and this is hardly identical with Sacks's understanding. Yet the passage is still significant in that it recognizes that other religions, even idolatrous ones, can indeed contain truth.

What about Sacks's more extreme assertion, that other religions also contain sanctity?<sup>68</sup> The Talmud speaks of prophets who were sent to the nations of the world (*Bava Batra* 15b). Their role was to bring God's word, and it is certainly possible that this word could exist in the framework of another religion. Furthermore, one need not assume that the prophets mentioned in the Talmud are all that have appeared among the Gentiles. Although there

<sup>66</sup>*Nineteen Letters*, tr. Jacob Breuer (New York, 1969), pp. 96-97. R. Joseph ben Joshua of Krakow's position is not entirely clear, but he, too, believes that the Noahide Laws are not currently binding, or perhaps only binding rabbinically. See *She'elot u-Teshuvot Penei Yehoshu'a* (Lvov, 1860), vol. 1, *Yoreh De'ah*, no. 3, vol. 2, *Even ha-Ezer*, no. 43, and the criticism of R. Moses Sofer, *She'elot u-Teshuvot Hatam Sofer* (Jerusalem, 1991), *Hoshen Mishpat*, no. 185.

<sup>67</sup>See his commentary to *Avodah Zarah* 1:3-4, *Mishneh Torah, Hilkhot Avodah Zarah* 9:4 (uncensored version). For responsa that permit Jews to contribute to the building of a church (some more grudgingly than others), see R. Marcus Horovitz, *Matteh Levi* (Frankfurt, 1933), vol. 2, *Yoreh De'ah*, no. 28; R. Isaac Unna, *Sho'alin ve-Dorshin* (Tel Aviv, 1964), no. 35; R. Yehudah Herzl Henkin, *Benei Vanim* (Jerusalem, 1997), vol. 3, no. 36; R. Shalom Messas, *Shemesh u-Magen* (Jerusalem, 2000), vol. 3, *Orah Hayyim*, nos. 30-31. Messas is the recently deceased Sephardic Chief Rabbi of Jerusalem. After this essay was completed I discovered that the Zohar, *Pekudei* 237a, refers to the kingdom of Greece as having been "near the true faith". Zohar, Introduction 13a, after noting that the *Shekhinah* takes under its wings those who separate themselves from impurity, states: "Let the earth bring forth a living soul according to its kind [put verse in italics]. The expression 'after its kind' denotes that there are many compartments and enclosures one within the other in that region which is called 'living', beneath its [the *Shekhinah*'s] wings. The right wing has two compartments, which branch out from it for two other nations who are most closely related to Israel [in their monotheistic belief], and therefore have entrance into these compartments. Underneath the left wing there are two other compartments which are divided between two other nations, namely Ammon and Moab. All these are included in the term 'soul of the living'." As for Islamic monotheism, Maimonides positive evaluation was also shared by Nahmanides, commentary to Genesis 2:3 (end).

<sup>68</sup>Eugene Korn, in an essay that parallels Sacks in many ways, also speaks of the "Jewish conception of covenantal pluralism [that] lays the groundwork for *multiple sacred covenants* that all moral people can follow" (emphasis added). See his "One God: Many Faiths - A Jewish Theology of Covenantal Pluralism," [www.bc.edu/research/cjl/meta-elements/texts/articles/Korn\\_13Mar03.htm](http://www.bc.edu/research/cjl/meta-elements/texts/articles/Korn_13Mar03.htm).

are rabbinic passages that state that once the Torah was given, *ruah ha-qodesh* was removed from the nations, this is not a unanimous view, and Maimonides indeed rejects it.<sup>69</sup>

The clearest support for Sacks' position is provided by R. Netanel ben al-Fayyumi (twelfth century), who maintains that "God sent different prophets to the various nations of the world with legislations suited to the particular temperament of each individual nation."<sup>70</sup> Although Sacks is motivated by a post-modern vision, the medieval R. Netanel also claimed that God's truth was not encompassed by Judaism alone. According to R. Netanel, various religions are to be viewed by their adherents, and correctly so, as sanctified.<sup>71</sup>

I do not intend to argue that Sacks' position is reflective of the main trend of rabbinic thought, for it certainly is not. But, as been demonstrated here, it is also the case that some precedent can be found even for his most radical statements. There is no question that he has gone beyond these earlier sources and offered a more complete theory of ecumenism than could possibly have been found in previous generations. One can certainly disagree with it, and I for one am not comfortable with many aspects of Sacks's presentation, in particular his obvious enthrallment with multiculturalism. Yet, by the same token, *haredi* assertions that the Chief Rabbi's comments are a denial of a foundational Jewish belief also strike me as wide of the mark.

<sup>69</sup>See *Iggerot ha-Rambam*, ed. Kafih (Jerusalem, 1994), p. 38

<sup>70</sup>Encyclopedia Judaica XII, col. 971. The most recent discussion of R. Netanel is Mordechai Akiva Friedman, *Ha-Rambam, ha-Mashiah be-Teman, ve-ha-Shemad* (Jerusalem, 2002), pp. 94ff

<sup>71</sup>See *Gan ha-Sekhalim*, ed. Kafih (Jerusalem, 1984), ch. 6.

***CULTURAL DIVERSITY WITHOUT MORAL RELATIVISM: A REVIEW ESSAY OF THE DIGNITY OF DIFFERENCE: HOW TO AVOID THE CLASH OF CIVILIZATIONS, BY RABBI JONATHAN SACKS***

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# ***CULTURAL DIVERSITY WITHOUT MORAL RELATIVISM: A REVIEW ESSAY OF THE DIGNITY OF DIFFERENCE: HOW TO AVOID THE CLASH OF CIVILIZATIONS, BY RABBI JONATHAN SACKS (N.Y.: Continuum Books, 2002) 216pp.***

***David Shasha***

The great classical historian Arnaldo Momigliano, in his book *Alien Wisdom: The Limits of Hellenization*, meditates on the sense of monolingualism that set Hellenistic culture in isolation from other cultures in the Mediterranean. According to Momigliano:

No Greek read the Upanishads, the Gathas and the Egyptian wisdom books. It was indeed very difficult to find somebody non-Jewish reading the Bible in Greek even when it was made available in that language. Greek remained the only language of civilization for every Greek-speaking man. Even in the first century AD the author of the *Periplus maris Erythraei* cannot find a better accomplishment for a king of Ethiopia — to counterbalance his notorious greed for money — than his knowledge of Greek.<sup>1</sup>

Momigliano sees that non-Greeks had to adopt a Greek worldview in order to participate in the "universal" Hellenistic civilization.

The essential challenge of Western civilization has always been framed by this sense of monolingualism; a predication of a deep and rich culture that is utterly insulated and

cut off from other languages and cultures. Jose Faur, in a particularly trenchant analysis of Momigliano's text, writes the following:

Eventually, monolingualism resolves itself into a peculiar form of circular reasoning: Western thought alone is truly "philosophical," that is, it may evaluate all other systems but it cannot be evaluated by any other system.<sup>2</sup>

Monolingualism is a co-opting of a pluralistic sense of culture and civilization into a hermetically sealed rubric of univocal thought - speech without multiple meanings, thought without divergent opinions.

This concept of absolute truth has permeated Western civilization since the age of Plato.

Rarely has the concept of absolute truth been conceptualized in contradistinction to a religious framework. I can think of few other books than *Golden Doves With Silver Dots*<sup>3</sup> that have tried to analyze Western culture outside of its own hermeneutical codes and structures. It is quite true that the movement of Jacques Derrida, Michel Foucault and others to examine and refocus the founda-

<sup>1</sup>Arnaldo Momigliano, *Alien Wisdom: The Limits of Hellenization* (Cambridge: Cambridge University Press, 1971), pp. 7-8.

<sup>2</sup>Jose Faur, *Golden Doves With Silver Dots: Semiotics and Textuality in Rabbinic Tradition* (Bloomington: Indiana University Press, 1986), p. 8

tions of Western civilization has permitted new ways of thinking.<sup>3</sup> But these new ways of thinking have only served to rekindle skepticism and forms of nihilism that preclude any possibility of active truths and responsibilities.<sup>4</sup>

Post-modernism has done a tremendous service to breaching the walls of Platonic "truth," but it has not been able to set into place an alternative epistemological system that would account for the manner in which human beings communicate with one another and create a healthy and strong society. By and large, post-modern philosophy with its critique of foundationalism has not been linked to the concepts of modern liberal democracy. This cleavage between Derrida and Berlin, Barthes and Rawls, Foucault and Hayek, has been disastrous for the study of modern political theory.

It is into this void that Jonathan Sacks, the Chief Rabbi of the United Kingdom, has published his new and vital work, *The Dignity of Difference: How To Avoid The Clash of Civilizations*.<sup>5</sup> Rabbi Sacks has read deeply into the sources of modern political thought and has created a work that examines all facets of modern life within the context of religious absolutes.

But rather than merely set religion in opposition to the modern secular world, as has been done countless numbers of times in polemical works, Sacks looks for the ways that religion can complement and extract the positive sense of diversity within the massive changes that have been inflicted upon our world by the traumas of globalism:

Religion can be a source of discord. It can also be a form of conflict resolution. We are familiar with the former; the second is far too little tried. Yet it is here, if anywhere, that hope must lie if we are to create a human solidarity strong enough to bear the strains that lie ahead. The great faiths must now become an active force for peace and for the justice and compassion on which peace ultimately depends. That will require great courage, and perhaps something more than courage: a candid admission that, more than at any time in the past, we need to search—each faith in its own way—for a way of living with, and acknowledging the integrity of, those who are not of our own faith. Can we make space for difference? Can we hear the voice of God in a language, a sensibility, a culture not our own? Can we see the presence of God in the face of a stranger?<sup>6</sup>

Thus Sacks does something unique in the way religious thinkers have presented their ideas in modern times: he does not assert the finality of any religious construct, but demands the role of religion in generic terms in our lives. Rather than proclaim the tenets of an impervious Orthodox value-system, Sacks sees that religious orthodoxies can make space for difference and diversity.

This point is a key in the development of a post-9/11 world. Religion, coupled with secular nationalism, has been at the very core of the issues that divide cultures and civilizations. Going a step past Momigliano and Faur, and a quantum leap away from the relativism of Derrida and the deconstructionists, Sacks attempts to

<sup>3</sup>For a discussion of Post-Modernism in a Jewish framework see Susan Handelman, *The Slayers of Moses: The Emergence of Rabbinic Interpretation in Modern Literary Theory* (Albany: State University of New York Press, 1981). A critique of Faur and Handelman might be found in Daniel Boyarin, *Intertextuality and the Reading of Midrash* (Bloomington: University of Indiana Press, 1990), particularly p. xii.

<sup>4</sup>For instance, the arguments of Jedediah Purdy, *For Common Things: Irony, Trust, and Commitment in America Today* (New York: Random House, 1999).

<sup>5</sup>Jonathan Sacks, *The Dignity of Difference: How to Avoid the Clash of Civilizations* (New York: Continuum Books, 2002).

<sup>6</sup>*Ibid.*, pp. 4-5.

<sup>7</sup>Orthodox Judaism has continually had a problem with the term "humanism." Jose Faur has written extensively on the relationship between Sephardic Jewish thought and humanistic ideas, highlighting the relationship between the Maimonidean tradition and the thought of the Italian humanist Giambattista Vico. See his classic formulation of the relationship in "Vico, Religious Humanism and the Sephardic Tradition," *Judaism* 27:1 (Winter, 1978) pp. 63-71.

piece together and articulate a religious humanism<sup>7</sup> that is predicated upon justice, ethics and conciliation. In his words: "If religion is not part of a solution, it will certainly be part of the problem."

Sacks begins his story with the great conundrum inherent in the liberal project: liberal democracies can create free markets and personal freedoms but they cannot instill a sense of moral permanence and obligation within their citizenries. The capitalist free market, perhaps the great innovation of the modern economic system, a system that has triumphed over its socialist and totalitarian foes, permits the individual to exert a good deal of control over his own private world. But capitalism is ill-equipped to redress injustice and inequity; in fact inequity is front-loaded into the system:

The liberal democracies of the West are ill-equipped to deal with such problems. That is not because they are heartless—they are not; they care—but because they have adopted mechanisms that marginalize moral conditions. Western politics have become more procedural and managerial. Not completely: Britain still has a National Health Service, and most Western countries have some form of welfare provision. But increasingly, governments are reluctant to enact a vision of the common good because—so libertarian thinkers argue—there is little substance we can give to the idea of the good we share. We differ too greatly. The best that can be done is to deliver the maximum possible freedom to individuals to make their own choices, and the means best suited to this is the unfettered market where we can buy whatever lifestyle suits us, this year, this month. Beyond the freedom to do what we like and can afford, contemporary politics and economics have little to say about the human condition.<sup>8</sup>

This dilemma has been exacerbated by the seeming lack

<sup>8</sup>*The Dignity of Difference*, p. 11.

<sup>9</sup>*Ibid.*, p. 28.

of ethical dimensions in the thought of Derrida. Having eschewed any possibility of moral absolutes, post-modernism has unwittingly linked itself to the intolerance and moral apathy of the marketplace. When there are no "right" ways to live a life, then anything goes – injustice and relativism go hand in hand.

Sacks accepts the salient value of the marketplace and modern capitalism; but he does not accept the totalizing nature of the marketplace. He insists that ethical concerns, truly the provenance of religious thinking, break the monolingual apparatus that has been constructed by the globalist phenomenon: our relations to the environment, to the poor, to the disenfranchised, must rise in import as the imbalances and imperfections of the new global marketplace take root.

To relate the myriad points of his argument, Sacks must first set out the construction of the new market-driven realities. He examines the historical framework of the new capitalism and contrasts it in temporal terms:

In one sense, then, the world we inhabit is a logical outcome of the legacy of our ancestors, the latest stage in a journey begun millennia ago. But there are changes in degree which become changes in kind. The speed and scope of advances in modern communications technology have altered conditions of existence for many, perhaps most, of the world's six billion inhabitants. The power of instantaneous global communication, the sheer volume of international monetary movements, the internationalization of processes and products and the ease with which jobs can be switched from country to country have meant that our interconnectedness has become more immediate, vivid and consequential than before.

What is missing from the new globalism is a **language** that might be able to help us account for the massive dis-

location created by the new technologies; technology is a value-neutral language. Our languages have lagged behind our material abilities to create new and sometimes frightening realities that empower us, but also serve to destabilize our inherited realities.

Sacks presents a list of statistics that lay out the massive inequities that the new global economy has created for us. The rich are richer; the poor, poorer. Medical care and other resources are lavished upon the elites while an ever-growing global underclass seethes with discontent. Inbuilt into the economic system is an apathy towards the moral — we might protect our individual concerns for a personal social ethic, but generally we seek our own good — a new and totalizing universal monolingualism, a monolingualism that has been buttressed by rampant materialism and a malignant political hegemonic system (i.e., the IMF and World Bank).

Not only has the dominance of the market had a corrosive effect on the social landscape. It has also eroded our moral vocabulary, arguably the most important resource in thinking about the future. In one of the most influential books of recent times, *After Virtue*, Alasdair MacIntyre argued that 'We possess indeed simulacra of morality, we continue to use many of the key expressions. But we have—very largely, if not entirely—lost our comprehension, both theoretical and practical, of morality.' The very concept of ethics (Bernard Williams called it 'that peculiar institution') has become incoherent. Increasingly, we have moved to talking about efficiency (how to get what you want) and therapy (how not to feel bad about what you want). What is common to both is that they have more to do with the mentality of marketing (the stimulation and satisfaction of desire) than of morality (what ought we to desire).<sup>10</sup>

In this context morality becomes an adjunct to the marketplace and has affected the way in which we see ourselves and others. Religion becomes an admixture of pro-market forces (what Marx once called the "opiate of the masses") or anti-market atavistic forces; the forces that set into motion the primitivism of Osama Bin Laden and other terrorist cadres. These new cells, created by the failure of ethnic nationalisms to take root in the global marketplace, a world that has rejected the particularist identities of the fundamentalists, utilize the technologies and mechanisms of the new capitalism, are funded by global market enterprises, but link their cosmopolitan materialism to an outmoded religious monolingualism that eliminates pluralism and tolerance.

Religion thus has a tricky role to play in modern societies: it can unleash forces of hate and intolerance as we have seen; but without it, the moral lexicon of globalism is utterly impoverished. This is the paradox of religious fundamentalisms; on the one hand groups like Hamas and Hezbollah and the Protestant Evangelicals provide desperately needed social services and a sense of community in a spiritually impoverished era. They provide food for the hungry, clothes to the needy and medical services to those without insurance. On the other hand, these movements have adopted a hard-line religious intolerance, an intolerance that was supposed to have disappeared since the days of the Enlightenment, a philosophical revolution that envisioned the end of religion as a pillar of civilization.<sup>11</sup>

Sacks rightly sees a problem in the way that we have blurred the lines between religion and politics and have not understood their role in the post-Enlightenment world:

Religion and politics are different enterprises. They arose in response to different needs: in the one case

<sup>10</sup>*Ibid.*, p. 32.

<sup>11</sup>For a critique of Enlightenment philosophy in a Jewish context see Emil Fackenheim, *To Mend the World: Foundations of Post-Holocaust Jewish Thought* (Bloomington: Indiana University Press, 1994, originally published in 1982 by New York: Schocken Books), particularly chapters 2 and 3.

to bind people together in their commonality, in the other to mediate peaceably between their differences. The great tragedies of the twentieth century came when politics was turned into a religion, when the nation (in the case of fascism) or system (communism) was absolutized and turned into a god. The single greatest risk of the twenty-first century is that the opposite may occur: not when politics is religionized but when religion is politicized.<sup>12</sup>

There is a dialectical interrelation between the totalizing systems: religion, smarting from its defeat at the hands of the Enlightenment philosophers, began to remodel itself along the contoured lines of the new philosophy; religion sought to make itself that very model of Enlightenment that had previously been rejected by Descartes and Spinoza.<sup>13</sup> But in this transition, religion absorbed many of the responsibilities of politics and served to sever religious man from the manner in which the new system was able to break man's chains of religious idolatry.

Sacks traces this political and religious fundamentalism back to perhaps the most controversial figure in modern thought: Plato.<sup>14</sup> Plato, along the lines of Momigliano's analysis of Hellenistic monolingualism, created a system that abstracted real life from the ideal life of the philosopher-kings. Platonic philosophy has been the metaphysical and theoretical underpinning of Western culture for thousands of years:

It is a wondrous dream, that of Plato, and one that has never ceased to appeal to his philosophical and religious heirs: the dream of reason, a world of order set against the chaos of life, an eternity beyond the here and now. Its single most powerful

idea is that truth—reality, the essence of things—is universal. How could it be otherwise? What is true is true for everyone at all times, and the more universal a culture is, the closer to truth it comes.<sup>15</sup>

It is in Platonic thought that we find the merging of difference into sameness. Once merged with religious thought, most pointedly into the Christian synthesis of Augustine,<sup>16</sup> Platonic universalism mitigates against pluralism and tolerance. The world is one, we must all be of the same mind, thus collapsing the multiple languages and foci of religious truth as a humanism.

It is here that Sacks presents the model of Judaism as a counter to Platonism:

Against Plato and his followers, the Bible argues that universalism is the first, not the last, phase in the growth of the moral imagination. The world of the first eleven chapters of Genesis is global, a monoculture ('the whole world had one language and a common speech'). It is to this world that God first speaks.<sup>17</sup>

This world, step-by-step, begins to break down into tribalisms. With the failure of the universal model, Adamic civilization, the Bible fixes its sights on the Israelites, one branch of the human family. God's covenant with the Israelites becomes a new paradigm of civilization:

The essential message of the book of Genesis is that universality—the covenant with Noah—is only the context and prelude to the irreducible multiplicity of cultures, those systems of meaning by which human beings have sought to understand their rela-

<sup>12</sup> *The Dignity of Difference*, p. 42.

<sup>13</sup> Jose Faur discusses this turn in religion in his book *In the Shadow of History: Jews and Conversos at the Dawn of Modernity* (Albany: State University of New York Press, 1992). See pp. 142-175 where Faur discusses Spinoza and modern Jewish thought.

<sup>14</sup> There is the classic study of Plato by Jacques Derrida, "Plato's Pharmacy" included in his *Dissemination* (Chicago: University of Chicago Press, 1981).

<sup>15</sup> *The Dignity of Difference*, p. 49.

<sup>16</sup> For a lucid exposition of Augustine and the Platonic context see George Foot Moore, *History of Religions* (New York: Scribner's Publishers, 1941) Volume 2, pp. 194 ff.

<sup>17</sup> *The Dignity of Difference*, p. 51.

tionship to one another, the world and the source of being. Plato's assertion of the universality of truth is valid when applied to science and the description of what is. It is invalid when applied to ethics, spirituality and our sense of what ought to be. There is a difference between physis and nomos, description and prescription, nature and culture, or—to put it in biblical terms—between creation and revelation. Cultures are like languages. The world they describe is the same but the ways they do so are almost infinitely varied.<sup>18</sup>

In Sacks' profoundly salient phrase: "This means that religious truth is not universal."<sup>19</sup> As we will see later on, this phrase is not merely a rhetorical challenge to current religious norms, it is a profoundly distressing epistemological blow to orthodoxy.

The breakthrough of this knowledge permits religion to be multilingual as opposed to monolingual. When religion adopts a monolingualism, inherent to the codes of scientific thought—a tree is a tree after all—it predicates its ethics on an morality of **exclusion**; you are either like us or you become an unwanted and unassimilable alien.

In this sense, the concept of the alien and its biblical resonance becomes a major factor in God's teaching to the Israelites:

Indeed, it is hard to avoid the conclusion that this is precisely the reason why the Israelites have to undergo exile and slavery prior to their birth as a nation. They have to learn from the inside and never lose the memory of what it feels like to be an outsider, an alien, a stranger. It is their formative experience, re-enacted every year in the drama of

Passover—as if to say that only those who know what it is to be slaves, understand at the core of their being why it is wrong to enslave others. Only those who have felt the loneliness of being a stranger find it natural to identify with strangers.<sup>20</sup>

The concept of the Other, one who is at the periphery of things, translates into the philosophical concept of **difference**, a concept which does not have to be divorced from the certainty of the religious moment (as deconstruction does), but can be elevated into a religious value in itself.<sup>21</sup>

This concept of difference is hard-wired into our post-modern existence. The idea of a central philosophical authority that controls the world and its sub-systems has been rejected. The factors that once anchored our lives have become unhinged in a maelstrom of market choices—a seemingly endless barrage of information and technologies. This frightening emergence of multiplicity has not been matched by a concomitant updating of our social network of civic institutions:

In the past, people were able to cope with change because they had what Alvin Toffler calls 'personal stability zones.' There were aspects of lives that did not change. Of these, the most important were a job for life, a marriage for life and a place for life. Not everyone had them, but they were not rare. They gave people a sense of economic, personal and geographical continuity. They were the familiar that gave individuals strength to cope with the unfamiliar. Today these things are becoming ever harder to find.<sup>22</sup>

Modern man has gained the opportunity to be ever freer

<sup>18</sup> *Ibid.*, p. 54.

<sup>19</sup> *Ibid.*, p. 55.

<sup>20</sup> *Ibid.*, p. 59.

<sup>21</sup> The concept of the Other in Jewish thought has been masterfully explored in the many works of Emmanuel Levinas. See his book of essays *Difficult Freedom* (Baltimore: Johns Hopkins University Press, 1990) and his classic essay "Toward the Other" in *Nine Talmudic Readings* (Bloomington: Indiana University Press, 1990), pp. 12-29.

<sup>22</sup> *The Dignity of Difference*, pp. 70-71.

and make opportunity for himself. But the things that made life rich and worth living, the things that once made us happy and secure, the certainties of God and country, are fast disappearing.

What once made relationships constitutive of personal identity and self-respect is precisely the fact that they stood outside the world of contracts and market exchange. Family, friends, neighbors, mentors, were people to whom you were bound by moral reciprocity. What was important is that they were there in bad times as well as good; when you needed them, not when you could pay for them.<sup>23</sup>

It is Sacks' contention that we are reliving the terrors of an ancient time, a time prior to the discovery that we can transcend the ills of nature by creating communities and institutions that can permit individuals to work together and maintain their hope and dignity in the face of the horrors of this world:

Against just such a backdrop, some 4,000 years ago, there emerged a different conception of human life. It suggested that individuals are not powerless in the face of the impersonal. We can create families, communities, even societies, around the ideals of love and fellowship and trust. In such societies, individuals are valued not for what they own or the power they wield, but for what they are. They are not immune to conflict or tragedy, but when these strike, the individual is not alone.<sup>24</sup>

It was religion and not the marketplace that created these structures of feeling. It is therefore the job of religion to inculcate into us a sense of what is just as opposed to what is right. Justice, a key term in the religious lexicon, is one step above right or truth, but is beneath yet another term, compassion, which elevates our morality another step.

<sup>23</sup> *Ibid.* p. 77.

<sup>24</sup> *Ibid.* p. 79.

<sup>25</sup> *Ibid.* pp. 94-95.

Compassion links members of a society to one another in a pact of grace. There is a layer of responsibility in this covenant that forces us to see that human beings, with their vast differences of culture, are linked by a higher truth, the truth of God (not that of Plato), that helps us to establish networks of interdependence – this in spite of our lack of similarity to one another.

If religion is to succeed it must transcend what separates us rather than force all of humanity to be cast into a single mold.

This is the logic of our first social relationship: the inter-relatedness of our economic system. Sacks devotes a chapter showing how Judaism developed its notion of freedom as freedom from want and need. Objecting to other systems of thought, particularly the Christian monastic ideal, which deny the work ethic, Sacks sees that Judaism bequeathed to the world the sanctity of work:

Labor elevates man, for by it he earns his food. What concerned the rabbis was the self-respect that came from work as against unearned income. To eat without working was not a boon but an escape from the human condition. Animals find sustenance; only mankind creates it. As the thirteenth-century commentator Rabbenu Bachya put it, 'The active participation of man in the creation of his own wealth is a sign of his spiritual greatness.' Jewish law invalidates gamblers from serving as witnesses since they are not members of the productive economy. They do not 'contribute to the settlement of the world.'<sup>25</sup>

This Jewish respect for free markets and the dignity of labor further instills the concept of the "dignity of difference." While Greek philosophy disdained the sanctity of work and the commonplace life of the laborer, elevating the life of the philosopher, a man who did not productively contribute to society, but lived off of the labor

of others (thus linking Marx's *Das Kapital* to the parasitic culture of the modern speculator and the Judaic underpinnings of Marx's thought), Jewish sages continued to work in trades and professions, forcing themselves to become at one with the demands and the conflicts of the marketplace.

But the advantage of the Jewish economic ideal over its Western counterpart is that it was embedded within a larger system of ethical morality. The cornerstone of Jewish ethics is the value of *tsedaqah*, a conception of charity that is unique to Judaism:

The two words, *tsedaqah* and *mishpat*, signify different forms of justice. *Mishpat* means retributive justice or the rule of law. A free society must be governed by law, impartially administered, through which the guilty are punished, the innocent acquitted and human rights secured. *Tsedaqah*, by contrast, refers to distributive justice, a less procedural and more substantive idea.<sup>26</sup>

Sacks then attempts to translate and explain the idea of charity in the Jewish tradition:

It is difficult to translate *tsedaqah* because it combines in a single word two notions normally opposed to one another, namely charity and justice. Suppose, for example, that I give someone \$100. Either he is entitled to it, or he is not. If he is, then my act is a form of justice. If he is not, it is an act of charity. In English (as with the Latin terms *caritas* and *iustitia*) a gesture of charity cannot be an act of justice, nor can an act of justice be described as charity. *Tsedaqah* is therefore an unusual term, because it means both.<sup>27</sup>

The Jewish concept of charity is therefore alien to modern Western civilization in the age of globalism. Western culture has, as we have indicated before, drawn rather stark lines between the public and the private. Privacy is

seen as a cardinal right of Western man. Public morality is seen as a private option. We can choose to give charity but we are not obligated to do so.

Hence, our freedom includes the freedom to live without – there is no exclusively moral guarantee that we be allowed to have the basic elements to subsist physically—food, clothing, shelter, medical care and the like.

It is here that the object lesson of Judaism and other religions comes into play:

Tzedakah is a concept for our times. The retreat, set in motion by Reaganomics and Thatcherism, from a welfare state, together with the deregulation of financial markets throughout the world, has led to increased and increasing inequalities both in developed countries and the developing world. The importance of tzedakah is that it does not mean 'charity.' It is not optional, nor does it depend on the goodwill of those who give it to others. It is a legally enforceable obligation.<sup>28</sup>

It is this counterbalance that makes Sacks' argument so compelling: On the one hand, he affirms his belief in the bugaboo of the organized Left, the free market. Yet on the other hand, he affirms the primacy of a welfare system that makes sure that the wealthy elite has an **obligatory** stance towards the underprivileged. This obligation is not the disinterestedness of the welfare state as practiced in Western democracies, but is the sense of compassionate interconnectedness of the Jewish system whereby elites are able to integrate the have-nots into the system and prevent them from drowning in debt and need.

This sense of public welfare is linked to providing not merely for material needs, but to ensure that the individual has access to the market through compulsory education and the acquisition of skills basic to economic inde-

<sup>26</sup> *Ibid.* p. 113.

<sup>27</sup> *Ibid.*

<sup>28</sup> *Ibid.*, p. 122.

pendence.

It is here that Sacks examines the various technological revolutions that have undergirded the march of civilization. We are led through the advances in communication that have allowed man to develop his culture and civilization.

These advances are the following:

1. The development of writing
2. The development of the alphabet
3. The development of the printing press
4. The development of the global exchange of information

Writing first began back in the ancient Near East when the modes of inscription, cave drawings and the like, became incapable of representing more complex phenomena. Sacks sees in the development of writing, an urbanizing tendency:

The settlement of populations, the development of agriculture and the birth of complex economies with their division of labor and growth of exchange, gave writing its earliest and most immediately practical use, namely to record transactions. But the power of the system was soon apparent. It could do more than keep a note of who owed what to whom. It could capture for posterity the great narratives— myths, cosmologies and epic histories—that explained the present in terms of the past, and whose telling in oral form had been a central feature of ancient religious rituals.<sup>29</sup>

<sup>29</sup> *Ibid.*, p. 129.

<sup>30</sup> The most insightful discussion of writing in current philosophical thought comes from Jacques Derrida's *Of Grammatology* (Baltimore: Johns Hopkins University Press, 1976). See especially "The End of the Book and the Beginning of Writing," pp. 3-26. See also the work of the Egyptian-Jewish poet Edmond Jabes; Jabes speaks extensively about his poetics of writing in *From the Desert to the Book: Conversations with Marcel Cohen* (Tarrytown: Station Hill Press, 1990).

<sup>31</sup> *The Dignity of Difference*, p. 132.

Writing was far more than an abstraction; it created a sense of time and history that permitted its exponents to understand and internalize more clearly a sense of their own humanity; it created a new sense of consciousness that permitted man to be reflective, to look at himself in a new manner.<sup>30</sup>

But the invention of the alphabet took this consciousness to a new level:

The alphabet created the possibility of profound social and political change. As already noted, the pre-alphabetical world was, and could not be other than, hierarchical. At the apex of Mesopotamian or Egyptian society was a ruler, king or pharaoh, seen as a god, or child of the gods, or the prime intermediary between the people and the gods. Below him and holding much of the day-to-day power was the cognitive elite, the administrative class. Below them was the mass of people, conceived as a vast work- or military force. The cultures of the ancient world were mythological, or what Eric Voegelin called 'cosmological.' What this meant was that the divisions in society were seen as mirroring the hierarchy of the gods or planets or elemental forces. They were written into the structure of the universe itself.<sup>31</sup>

Along the lines that he has continued to trace throughout the book, Sacks sees history as an ongoing process of forces, created by man, that lead us to breakthroughs and usher us into a greater insight into who we are and a more precise knowledge of the world we live in.

The role of Judaism and the Bible is central to the argument. Judaism is not represented as the initiator of the discoveries, but is shown to have made some startling

uses of them:

The politics of ancient Israel begins with an act inconceivable to the cosmological mind, namely that God, creator of the universe, intervenes in history to liberate slaves. It reaches a climax in the nineteenth chapter of the Book of Exodus with an event unique in religious history, in which God reveals Himself to an entire people at Mount Sinai and enters into a covenant with them.<sup>32</sup>

Sacks thus links the technology of writing and book production with the history of ancient Israel, the first real history inscribed in a book. With the technological ability to **write down** what has happened to them, creating an everlasting trace of this experience, the Israelites are able to inscribe the fact of their encounter with the Divine — a Divine presented as absolutely Other — and allow the meeting its role in the development of Man's own self-image; the idea that God and Man form a covenantal bond that grounds the development of science and culture.

It is the emergence of education as an ultimate value that destroys the pagan culture of old; a culture that is marked by its fear of nature and its mythologization of natural phenomena. Under the covenantal system, Man develops his rational sense, a sense that is tied to concepts of stewardship and interpersonal obligation.

Thus:

Education – the ability not merely to read and write but to master and apply information and have open access to knowledge – is essential to human dignity. I have suggested that it is the basis of a free society. Because knowledge is power, equal access to knowledge is a precondition of equal access to power. It is also the key to creativity, and creativity is itself one of the most important gifts with which any

<sup>32</sup> *Ibid.*, p. 133.

<sup>33</sup> *Ibid.*, p. 137

socioeconomic group can be endowed.<sup>33</sup>

Once human consciousness took this quantum leap, the idea that interpersonal obligations, obligations that would in effect mirror the Divine-Human encounter, led men to create unions that would allow them to share power for the greater good that the collective could provide over and above the individual.

And it is here that we run into the paradox that drives the modern economic system: man must have an internal impetus, be it greed or something else, that spurs him onto his economic and social activity. This impetus is encapsulated in the concept of competition – a world where one man puts his own interests ahead of others. The paradox is that human progress and creativity are linked to mankind's selfish impulses. We have seen the positive aspect of this in our discussion of labor and work.

How then to create a counterbalance to the forces of greed and selfishness?

According to Sacks, the market and its impulses are a necessary good/evil that drives the engine of progress and creativity, something that Judaism is wholly supportive of, but how do we evade the brutal circularity of a world in which difference is obliterated and support networks eviscerated by an economy of greed and brutality?

Sacks again goes back to the model of Covenant:

It is this conception of personal identity that lies behind the concept of covenant. Covenant is a bond, not of interest or advantage, but of belonging. Covenants are made when two or more people come together to create a 'We.' They differ from contracts in that they tend to be open-ended and enduring. They involve the commitment of a person to another, or to several others. They involve a

substantive notion of loyalty – of staying together even in difficult times. They may call, at times, for self-sacrifice. People bound by a covenant are 'obligated to respond to one another beyond the letter of the law rather than to limit their obligations to the narrowest contractual requirements.'<sup>34</sup>

The realization that we are all in the same boat, the boat of the universe, forces us to come to terms with the fact that no man can live alone and that no man can be his own universe.

The destruction of civil society in the wake of material and technological advances is thus a disaster of the highest order. This collapse circumscribes the biblical ethos of altruism, an altruism that is, again, not an absolutism. It is a carefully calibrated balance of selfish and altruistic tendencies that man must integrate, tendencies that are leavened by our sense of difference and multivalence.

We have seen no greater need for this counterbalancing of human impulses than in the realm of the environment. Sacks recounts a number of rabbinical statements that relate to environmental concerns:

One day Honi [ha-Me'aggel] was journeying on the road and saw a man planting a carob tree. He asked him, 'How long does it take for a carob tree to bear fruit?' the man replied, 'Seventy years.' Honi asked, 'Are you sure that you will live another seventy years?' The man answered, 'I found carob trees in the world. As my forefathers planted them for me, so I too will plant them for my children.'<sup>35</sup>

This Jewish sensitivity to the ecological balance of the world is represented by the startling fact that it was a Jew, Lewis Gomerz, who founded the RSPCA, the first world organization to protect the rights of animals.

<sup>34</sup> *Ibid.*, p. 151.

<sup>35</sup> *Ibid.*, pp. 169-170, after Maimonides, *Hilkhot De'ot* 6:6.

<sup>36</sup> *Ibid.*, p. 172.

<sup>37</sup> *Ibid.*, p. 180.

<sup>38</sup> *Ibid.*

Religion has a significant and decisive role to play in this regard:

Every technological civilization faces two opposing dangers. One is the hubris that says: we have god-like powers, therefore let us take the place of God. The other is the fear that says: in the name of God, let us not use these godlike powers at all. Each technological advance carries with it the possibility of diminishing or enhancing human dignity. What matters is how we use it. The way to use it is in covenant with God, honoring His image that is mankind.<sup>36</sup>

It is this theme that runs as a constant throughout this most unique of books: the constant interweaving of difference(s) to create a plural and variegated – and enriched – reality. The apotheosis of such a pluralistic reality is the overarching concept of forgiveness-conciliation.

At the heart of the concept of forgiveness is the idea of love– not abstract [i.e. Platonic — D.S.] love but the real, concrete attachment of one being for another. Love distinguishes between the person and the deed. An act may be evil, but since the person is free, he or she is not inseparably joined to that evil. Wrongdoing damages the structures of our world. It creates an injustice. It damages a relationship. But these things are not beyond repair. Wrongs can be rectified and harms healed.<sup>37</sup>

It is this sense of forgiveness and conciliation that ultimately recognizes the importance of religion in our lives:

Forgiveness is, in origin, a religious virtue. There is no such thing as forgiveness in nature. The elements are blind, and the laws of nature inexorable. Famine, drought, disease, starvation, make no

exceptions for the virtuous or the penitent.<sup>38</sup>

The ultimate success or failure of humanity is dependent upon the interaction of forces both secular and sacred. Modern Western culture, increasingly becoming a monolingualism, an array of elite forces arrayed against the concepts of pluralism and tolerance, against the weak who cannot bridge the material and scientific advances of a progressively alienated elite, needs to rediscover the power of God and of the salient aspects of religion.

This does not mean, in Sacks' account, that religion is to become a part of that sense of elitism – as it seems to have become in much of Western religion – particularly that of exclusionary Christianity.<sup>39</sup> Religion must hear that faint voice, *qol demamha daqqah*, the voice of the poor, hurt and oppressed.

Sacks ends the book with an examination of one moment of conciliation, a moment that has great import for Jews and for others who look to solve some of the more intractable conflicts that we face in these troubled and troubling times. The story is that of Laura Blumenfeld, whose father was murdered by Palestinian terrorists in 1986 while he was visiting Jerusalem.

Encapsulated in the story of Rabbi Blumenfeld and his daughter's search for justice is a detail as ennobling as it is compelling:

*She attends the trial [of the suspects] and persuades counsel – still without revealing who she is – to let her give testimony. On the witness stand she finally discloses the fact that she is the victim's daughter and that she has come to know the gunman and his family so that they can put a personal face to the family of the injured man and understand that there is no such thing as an impersonal victim of violence. In the middle of her cross-examination, she is interrupted by another voice:*

*A woman stood up at the back of the courtroom. She blurted out in English, in a loud, shaking voice, 'I forgive Omar for what he did.'*

*Forgive? It was my mother. This was not about forgiveness; didn't she understand? This was my revenge.*

*'And if the Blumenfeld family can forgive Omar,' my mother continued, 'it's time for the State of Israel to forgive him.'*<sup>40</sup>

This extraordinary story ties together the main themes of The Dignity of Difference and provides a coda that is as rare as it is enlightening: The ultimate fate of mankind will not be provided by our sense of revenge and its entitlements; our ultimate fate will be in our ability to distinguish that we are all different, members of different nations and languages, members of different classes and socio-economic groupings, members of different religions.

As Sacks finally puts it:

The test of faith is whether I can make space for difference. Can I recognize God's image in someone who is not in my image; whose language, faith, ideals, are different from mine? If I cannot, then I have made God in my image instead of allowing him to remake me in his. Can Israeli make space for Palestinian, and Palestinian for Israeli? Can Muslims, Hindus, Sikhs, Confucians, Orthodox, Catholics and Protestants make space for one another in India, Sri Lanka, Chechnya, Kosovo and dozens of other places in which different ethnic and religious groups exist in close proximity? Can we create a paradigm shift through which we come to recognize that we are enlarged, not diminished, by the 6,000 languages that exist today, each with its unique sensibilities, art forms and literary expres-

<sup>39</sup>For a brilliant discussion of the Catholic Church's legacy of anti-Semitism see James Carroll, *Constantine's Sword: The Church and the Jews* (New York: Houghton Mifflin, 2001), particularly his appendix, pp. 547-604, a call for a "Vatican III."

<sup>40</sup>*Ibid.*, pp. 188-189.

sions? This is not the cosmopolitanism of those who belong nowhere, but the deep human understanding that passes between people who, knowing how important their attachments are to them, understand how deeply someone else's different attachments matter to them also.<sup>41</sup>

*The Dignity of Difference* is a landmark of the first order in modern humanistic studies. There have been other works that have treated individual points discussed in the book, but I cannot think of another book that has brought together the moral tenets of religious humanism while keeping at its fingertips the vast and complex literature of the modern social and biological sciences.

*The Dignity of Difference* is a masterpiece that teaches us not only who we are, but how we got here and where we should be going. It is unafraid to cobble together the pieces of its highly sophisticated yet elegantly stated argument from varying and not ordinarily mutually sympathetic philosophies.

As an Orthodox Jew Rabbi Sacks has taken many chances by appealing to science and history as authoritative

sources. The malignant impulses that have overtaken Orthodox Judaism at present, be it in its Zionist or fundamentalist variant, have eschewed the literary and scientific arts — or, worse, have forced those arts to fit into an Orthodox Jewish mold, abusing them in the process.<sup>42</sup>

Rabbi Sacks constructs his argument proudly utilizing the humanistic disciplines: evolutionary biology, historicism and the social sciences — disciplines anathema to others in his position as an Orthodox Jew. And, most significantly, he has courageously articulated his deeply felt Zionism by defending the rights of the Palestinian Arabs who too have suffered in this brutally violent century; a stand that someone such as Elie Wiesel, a man has espoused the values of humanism, has yet to really come to terms with.<sup>43</sup>

For this he has borne the scorn and ire of Jews in England, America and Israel. Rabbi Sacks has been the object of a hate campaign that has become all-too-common in the extremist wing of the Jewish community, but has rarely been aimed at a fellow Orthodox figure — especially one as prominent as the Chief Rabbi of the United Kingdom.<sup>44</sup>

<sup>41</sup>*Ibid.*, pp. 201-202.

<sup>42</sup>It is crucial to understand that in the aftermath of the 1967 Arab-Israeli war, the religious significance of the modern State of Israel has metamorphosed into an activist and exclusivist ideology that has penetrated the ranks of Modern Orthodox Judaism. This notion, signified by the Talmudic term *athalta di-ge'ulah* would have it that Jews are now in the throes of the Messianic era. This ideology, promoted by the late Rabbi Zvi Yehudah Kook and articulated by a militant political movement following in his wake, the *Gush Emunim*, has permeated the precincts of Modern Orthodox Jewish life the world over. For an incisive examination of this religious phenomenon see Aviezer Ravitzky's *Messianism, Zionism, and Jewish Religious Radicalism* (Chicago: University of Chicago Press, 1996) where he states: "The nationalist ideology of Rabbi Kook and his followers views the history of Zionism as an inevitable and decidedly messianic process, leading to the realization of prophetic predictions: 'the State of Israel as the fulfillment of the biblical vision of redemption.'" (p. 80). In Ravitzky's trenchant and singular analysis, the Zionist movement has become linked to a fundamentalist messianism that presents itself in modern guise in counterdistinction to the more conservative messianism of the *haredim*. For a discussion of the Haredi approach see Daniel Boyarin and Jonathan Boyarin, "Diaspora and the Ground of Jewish Identity," *Critical Inquiry* 19 (Summer, 1993), pp. 693-726. For an earlier critique of nationalist Zionism from a Diasporist point of view see Simon Dubnow, *Nationalism and History: Essays on Old and New Judaism* (Philadelphia: Meridian Books/The Jewish Publication Society, 1958), especially the letter "Reality and Fantasy in Zionism," pp. 155-166. For a Sephardic point of view see Ella Shohat, "Sephardim in Israel: Zionism from the Standpoint of its Jewish Victims," *Social Text* 19-20, 1988, pp. 1-34 and Ammiel Alcalay, *After Jews and Arabs: Remaking Levantine Culture* (Minneapolis: University of Minnesota Press, 1993) along with the argument in Laurence J. Silberstein, *The Post-Zionism Debates: Knowledge and Power in Israeli Culture* (London: Routledge Press, 1999), pp. 47-66.

<sup>43</sup>See Norman G. Finkelstein's incisive discussion of Wiesel's approbation of Joan Peters' vicious work against the Palestinians *From Time Immemorial in his Image and Reality of the Israel-Palestine Conflict* (London: Verso Books, 1995), p. 48. Wiesel has consistently maintained his ambivalence towards the Palestine issue within his larger mission regarding global human rights.

<sup>44</sup>Prior to the publication of *The Dignity of Difference*, Rabbi Sacks conducted an interview with *The Guardian of London* and allowed the paper to excerpt portions of the book. The article appeared written by Jonathan Freedman entitled "The Prophet of Hope" August 27, 2002. The controversy has been addressed in two articles, David Landau, "Will Sacks Stand by his Statements

But, contrary to the warped visions of religious fundamentalists of all stripes, the principal argument of *The Dignity of Difference*, a book that should become mandatory reading for everyone is that we all have a moral obligation to protect one another and in so doing will bring peace and prosperity to our universe.

Such a universal message, leavened by the religious foundationalism that is so crucial to Sacks' prophetic message, is a radical reconstruction of the way in which we have, since Platonic essentialism, been taught to think of the state of humanity. This radical reconstruction is an assemblage of ideas – from the Bible to Maimonides to Karl Marx to Isaiah Berlin to Robert Reich and Francis Fukuyama – that focuses on the essential dissimilarity between human beings and the need for us to bridge these differences with respect and tolerance.

The final word must come from Rabbi Sacks himself:

We encounter God in the face of a stranger. That, I believe, is the Hebrew Bible's single greatest and counterintuitive contribution to ethics. God creates difference; therefore it is in one-who-is-different that we meet God. Abraham encounters God when he invites three strangers into his tent. Jacob meets God when he wrestles with an unnamed adversary alone at night. The Book of Ruth, which tells the prehistory of David, Israel's greatest king, reaches

its climax when Ruth says to Boaz (her 'redeemer') 'Why have I found favor in your eyes such that you recognize me though I am a stranger?' The human other is a trace of the Divine Other. As an ancient Jewish teaching puts it: 'When a human being makes many coins in the same mint, they all come out the same. God makes every person in the same image— His image — and each is different.' The supreme religious challenge is to see God's image in one who is not in our image. That is the converse of tribalism. But it is also something other than universalism. It takes difference seriously. It recognizes the integrity of other cultures, other civilizations, other paths to the presence of God.<sup>45</sup>

Elegantly written for the common reader, *The Dignity of Difference* will proudly take its place in the rich library of Hebrew humanism. This library has been made relevant for our own times by Primo Levi,<sup>46</sup> Abraham Joshua Heschel,<sup>47</sup> Leo Baeck,<sup>48</sup> Edmond Jabes;<sup>49</sup> writers who so deeply understood and internalized the dignity of difference. It is in this spirit that I publicly endorse the central ethos of this brilliant work and recommend it to anyone who respects their place in the circle of life, a circle that is maintained by the interaction of all living forms and which has been bequeathed to us by our Father in heaven.

on Israel?" *Ha'aretz*, September 2, 2002 and Gerald Kaufman, "The Chief Rabbi Must Not Back Down on Israel," *The Independent* (UK), September 3, 2002. The controversy centered around Rabbi Sacks' critical remarks concerning the IDF's occupation forces on the West Bank and Gaza. He states: "You cannot ignore a command that is repeated 36 times in the Mosaic books: 'You were exiled in order to know what it feels like to be an exile.' I regard that as one of the core projects of a state that is true to Judaic principle. And therefore I regard the current situation as nothing less than tragic, because it is forcing Israel into postures that are incompatible in the long-run with our deepest ideals." Sadly, Rabbi Sacks wrote a letter to Israel's Chief Rabbi Meir Lau rescinding the comments and defusing the controversy. But in the opinion of this writer, the statements originally made in *The Guardian* are in perfect consonance with Rabbi Sacks' ideas of pluralism and diversity. It is thus lamentable that the monolingualism that we have discussed in this essay has been carried out with a vengeance in the Modern Orthodox Jewish world by its vicious behavior toward Rabbi Sacks.

<sup>45</sup> *The Dignity of Difference*, pp. 59-60.

<sup>46</sup> *The Periodic Table*, (New York: Schocken Books, 1984).

<sup>47</sup> *Man is Not Alone: A Philosophy of Religion*, (New York: Farrar, Straus, Giroux, 1951) and *God in Search of Man: A Philosophy of Judaism*, (New York: Farrar, Straus, Giroux, 1955).

<sup>48</sup> *The Essence of Judaism*, (New York: Schocken Books, 1941)

<sup>49</sup> *The Book of Questions* (Middletown: Wesleyan University Press, 1976-1984), Seven Volumes.

***VALUES, HALAKHAH AND PESAQ: CONTINUED DISCUSSION OF “HALAKHIC VALUES, PESAQ OR PERSUASION”***

Gil Student, Reuven Singer

***MYSTICISM, HASIDISM AND ESCAPISM: CONTINUED DISCUSSION OF “JEWISH MYSTICISM: MEDIEVAL ROOTS CONTEMPORARY DANGERS AND PROSPECTIVE CHALLENGES”***

Yehuda Gellman, Lippman Bodoff



# *Values, Halakhah and Pesaq:* Continued Discussion Of "*Halakhic Values: Pesaq or Persuasion*"

The following interchange sheds light on Rabbi Reuven Matityahu Singer's important article, "*Halakhic Values: Pesaq or Persuasion*," published in the *Tevet* 5763 edition of *The Edah Journal*. Mr. Gil Student, formerly a student at Rabbi Isaac Elchanan Theological Seminary and currently working as a quantitative analyst in finance, challenges R. Singer's central contentions in that article regarding the character of non-formal values within *halakhah*. R. Singer is Rabbi of Shaarey Tefilah Synagogue in Vancouver, British Columbia. Because of the importance and length of the exchange, we present both Mr. Student's and R. Singer's comments here in full—editor.

## Mr. Gil Student Comments on "*Halakhic Values: Pesaq or Persuasion*"

### I. *Halakhic Values*

Rabbi Reuven Matityahu Singer does readers a great service by presenting and analyzing the views of the renowned giant of Torah scholarship Rabbi Yosef Dov Soloveitchik (henceforth, the Rav) on the one hand, as explained by his grandson and close student Rabbi Mayer Twersky, and Rabbi Saul Berman on the other hand, regarding the topic of enforcing halakhic values<sup>1</sup>. May conceptions of halakhic values—of the "spirit of the law"<sup>2</sup>—render an otherwise permissible act forbidden? Does such an act become "*assur*"? As presented by Rabbi Singer, the Rav would allow, or even demand, a halakhic decisor to prohibit an activity that is technically permissible but against the values of *halakhah*, while R. Berman would give a permissive ruling based on the technical *halakhah* and separately advise based on the "spirit" of *halakhah*. It is left to the reader to decide whether these two scholars bear equal authority in this matter, although this reader finds the suggestion that R. Berman's view has

similar weight as the Rav's to be highly implausible.

However, I submit that the Rav's position, as recorded by R. Twersky, is somewhat subtler than R. Singer presents. R. Singer writes, "As we will see, R. Twersky [in the name of the Rav] has staked out a position claiming that halakhic values have binding force in the halakhic system and can engender legal prohibitions of behaviors that are permissible on a formal and technical level" (p. 3). Furthermore, pointing out a contrary report of the Rav's view by Rabbis Aryeh and Dov Frimer, R. Singer writes, "R. Twersky rejects the distinction between 'strict *halakhah*' and '*hashkafah*' drawn in the Frimer article" (p. 4).

My reading of R. Twersky's carefully written article is that his report of his grandfather's nuanced views is consistent with the facts presented in the Frimer article. The Rav's approach to a technically permissible activity that runs counter to the "spirit of the law" is that, while it is

<sup>1</sup> Rabbi Reuven Matityahu Singer, "*Halakhic Values: Pesaq or Persuasion*" in *The Edah Journal* 3:1 (*Tevet* 5763).

<sup>2</sup> I prefer to co-opt this Christian term that is familiar to readers and is, I believe, equivalent to the term "halakhic values".

clearly impermissible, its status is not described by *Hazal* with the term "*assur*". *Hazal* reserved the word "*assur*" for technical violations and instead used terms such as "*ein ruah hakhamim nohe mimenu*" to describe activities that violate the values of *halakhah*. Since technical *halakhah* does not forbid such an activity we cannot call it "forbidden" and, thereby, blur the line between strict *halakhah* and halakhic values, i.e. misclassify different types of halakhic violations. However, it is nevertheless not permitted because halakhic values—the "spirit" of God's commandment—are normative and binding. This, I believe, can be discerned in R. Twersky's article. He writes:

The Rav consistently ruled that these [women's *tefillah*] groups were wrong, but did not invoke the term *assur*. The reason for the Rav's nuanced formulation is that *Hazal* in many instances highlighted the difference between technical and axiological infractions by delineating different categories of impermissible behavior. Whereas the former are always labeled *assur*, the latter, though categorically wrong and impermissible, are classified as *ein ruah hakhamim nohe mimenu*, or alternatively without classification unequivocally censured.<sup>3</sup>

Women's *tefillah* groups may not be a technical violation of *halakhah* and, as such, are not subject to the terminology of *issur*. But they are contrary to the binding "spirit of the law" and are, therefore, unequivocally impermissible. They are "censured" by *Hazal*, i.e. the Sages would disapprove of and disallow these groups, because they violate the implicit values of *halakhah*. While this is clearly a statement that they are not permitted, this is not the same as stating that they are *assur*, which would imply a technical rather than axiological issue.

It is not surprising, then, that the Rav's son-in-law, R.

Aharon Lichtenstein, recently responded to those who wish to utilize technicalities to avoid the obligation of dwelling in a *sukkah* as follows: Even though he concludes that on a purely technical level this is permissible, he nevertheless adds, without using the term "*assur*", that it is not allowed based *inter alia* on the idea at the base of Ramban's famous expression "*naval b'reshut ha-Torah*" (scoundrel with Torah license). Citing another precedent, R. Lichtenstein declares that "[t]his is not just a *derush* or a pious custom, but mainstream halakha. This principle reflects a halakhic approach in all of its power and scope, beyond the restricted formal plane."<sup>4</sup>

Like the Rav, R. Lichtenstein makes clear that the activity can be considered permissible only on a technical level and, when viewed from the over-arching vantage of *halakhic* values, may not be performed. Even if avoiding the obligation of *sukkah* is technically allowed in the situation under question, the activity is still not halakhically allowed for axiological reasons.

## II. Women's *Tefillah* Groups

Regarding women's *tefillah* groups, R. Singer describes how R. Twersky quotes and summarizes the Rav's description of prayer "from the depths" and extends this disapproval of ceremonialism to women's *tefillah* groups. This halakhic value of "from the depths" seems to be in direct opposition to women's *tefillah* groups. However, R. Singer objects that "R. Soloveitchik's beautiful words seem to be a description of the phenomenology of prayer, not an explicit halakhic directive that prayer must be categorized as 'from the depths'" (p. 6). This is a somewhat difficult objection because the Rav's essay was intended to explain the halakhic opposition to ceremonialism in prayer. As the Rav ends his remarks, "[T]herefore the great opposition of halakha to so-called mod-

<sup>3</sup>R. Mayer Twersky, "Halakhic Values and Halakhic Decisions: Rav Soloveitchik's *Pesaq* Regarding Women's Prayer Groups" in *Tradition* 32:3 (Spring 1998), p. 13. The entire article is available online at [http://www.torahweb.org/torah/special/2003/rtwe\\_wtg.html](http://www.torahweb.org/torah/special/2003/rtwe_wtg.html).

<sup>4</sup> <http://www.vbm-torah.org/sukkot/suk-ral.htm>. Cf. R. Aharon Lichtenstein, *Leaves of Faith* (Jersey City:2003), p. 122 where he writes, "Hence, [the *posek*] is painstakingly careful to avoid both outright error and any compromise with either the letter **or** the **spirit** of Halakhah" (emphasis added).

ernization of prayer services which erases the uniquely original in 'worship of the heart.'"<sup>5</sup> Certainly the Rav's explanation of certain *halakhot* can be legitimately extended to other similar issues.

However, what remains absent from R. Singer's analysis is R. Twersky's strongest point. R. Twersky writes, "Women's *tefilla* groups distort not only *tefilla* but also the standing and status of women within *Yahadut*... [W]omen's *tefilla* groups *nolens volens* lead to the inevitable conclusion that the Torah has, God forbid, shortchanged women" (p. 14). When we emphasize the externalities of prayer rather than the dominant inner expression we misrepresent Judaism by implying that the halakhic reality of women's exclusion from certain public aspects of *tefillah* means that they are missing an element from their *avodat ha-Shem*. We are saying that leading *tefillah*, *kaddish*, *qedushah*, etc. enhances one's prayer and, therefore, since women may not do so their ability to pray is handicapped. This is nothing short of a *ziyuf ha-Torah*, a sacrilegious twisting of Jewish values. The truth is the exact opposite, that the heartfelt private prayers of devout women are an integral part of what has sustained us as a people for thousands of years.

While R. Singer (citing R. Dov Linzer) is correct that "[N]ot all values have equal force" (p. 6), a claim to which R. Twersky did not imply the contrary in his article, one

is hard-pressed to accept the suggestion that the particular value germane to this discussion—*ziyuf ha-Torah*—is not halakhically proscribed<sup>6</sup>. This is, then, quite similar to the case facing R. David Zvi Hoffman who R. Twersky cites, regarding conditional *qiddushin* to which R. Hoffman replied that even if conditional *qiddushin* could be done in a technically permissible fashion they would still be impermissible because their institution would give a decidedly incorrect impression that *halakhah* is subordinate to sociological concerns. Otherwise permissible activities may still be disallowed if they distort the Torah. This is why R. Twersky continues, "We must understand and help others to understand that women's *tefilla* groups, sincere intentions notwithstanding, both reflect as well as generate distortions of Torah principles. Instead of forming such groups we must disseminate authentic Torah teachings regarding *tefilla*, thereby fostering genuine, profound religious expression and experience" (p. 15).

### III. Shabbaton

R. Singer proceeds to an analysis of the concept of *shabbaton* to illustrate and provide a precedent for the differing approaches of the Rav and R. Berman. Ramban, and, it should be added, Rambam, Ritva, R. Saadia Gaon and possibly Tosafot<sup>7</sup>, proposes that there is a general *mitzvah* of *shabbaton*—resting on *Shabbat* even from actions that

<sup>5</sup>The entire essay can be found in English translation in Joseph Epstein ed., *Shiurei HaRav* (Hoboken: 1994), pp. 82-5. Cf. the Rav's third explanation for the requirement of a *mehitzah* during prayer in "On Seating and Sanctification" in Baruch Litvin ed., *The Sanctity of the Synagogue* (New York: 1959), p. 116.

<sup>6</sup> Cf. R. Shlomo Luria, *Yam Shel Shomo*, Bava Kama 4:9; R. Yishayahu Horowitz, *Shenei Luhot ha-Berit* (Jerusalem: 1975), *Masekhet Shevuot* 33b; R. Eliyahu ben Shmuel, *Responsa Yad Eliyahu*, no. 48.

<sup>7</sup>Ramban, *Commentary* to Lev. 23:24; idem., *Derashah le-Rosh Hashanah* in *Kitvei Ramban* vol. 1 pp. 217-9; Rambam, *Mishneh Torah*, *Hilkhot Shabbat* 21:1; Ritva, *Novellae* to *Rosh Hashanah* 32b sv *u-ve-ram* (ed. Mossad ha-Rav Kook, cols. 310-1); R. Yeruham Perlow, *Sefer ha-Mitzvot le-Rasag* (Warsaw: 1914), vol. 1 *mitzvah* 34 p. 377; *Tosafot*, Moed Katan 12b sv *makhnis*. Cf. R. Menahem Kasher, *Torah Sheleimah*, Gen. ch. 39 no. 98 (vol. 6 pp. 1500-1), Ex. ch. 12 no. 339 (vol. 11 pp. 142-3) and in the notes.

Regarding the *Maggid Mishneh's* understanding of the Rambam, I believe that his comments to *Hilkhot Shekhenim* 14:5 indicate his belief that certain rabbinic edicts are formalizations of the general biblical commandments but are not the exclusive modes of fulfillment. Their sources are the general biblical edicts but they are only some of the many ways to carry out these principles. As he writes:

In this, it would not have been appropriate to command the details because the commandments of the Torah [apply] constantly, at all times, and in every circumstance and one is obligated to follow them. Whereas man's characteristics and behavior vary depending on the time and the person.

This, and the entire passage, seems to indicate that the *Maggid Mishneh* agrees with Ramban that there are general obligations and that certain rabbinic enactments are examples, but not the sole manifestations, of these general commandments. This is also how

do not involve forbidden labors—that manifests in specific rabbinic prohibitions and in general, non-specified and otherwise permissible areas. This is consistent with Ramban's practice of noting general biblical commandments that do not have specific manifestations but are nevertheless obligatory. For example, Ramban considers "*qedoshim tihyu*" ("Be holy") to be a biblical obligation and even suggests that a rebellious son is punished, in part, for violating this obligation<sup>8</sup>. Similarly, Ramban explains that there are general commandments of doing "the right and the good" and clinging to God<sup>9</sup>. The obligation of *shabbaton* is taken by R. Moshe Sofer, commonly known as *Hatam Sofer*, as a sufficient reason to prohibit train travel on Shabbat<sup>10</sup>. In agreement with *Hatam Sofer's* use of the Ramban's principle as normative *halakahah*, R. Singer cites R. Isaac Herzog, R. Chaim David Halevy and R. Eliezer Waldenberg. One can add to this list R. Ya'akov Prager, R. Ya'akov Breisch, R. Yitzhak Weiss, R. Moshe Feinstein, R. Hayim Elazar Shapira and even the Rav himself<sup>11</sup>. R. Singer also cites R. Benzion Uziel who agrees in principle with Ramban, but disagrees with *Hatam Sofer's* application.

On the other side is R. Mordekhai Horovitz who does not believe that the concept of *shabbaton* empowers contemporary rabbis to forbid otherwise permissible acts.

We thus have not a simple *mahloket ha-poseqim* (dispute among halakhic decisors), but a clear consensus with a lone dissenter. On one side lie some of the leading halakhists of the last century and on the other side is a solitary, relatively unknown rabbi (so unknown that R. Singer even feels the need to introduce him to us). The Rav, in his approach, is in the company of a cadre of well-known and accepted *poseqim* while R. Berman is almost, but not quite, alone. Even if the difference in expertise between the two scholars was not as vast as it is, the fact that the Rav follows such ample precedent while R. Berman has almost none should give us pause.

#### IV. Closing

Another point I believe needs to be made, given the recent implementation of a controversial article in a prior issue of this journal, is that R. Singer's article is solely about variant approaches in issuing halakhic rulings. From the perspective of a layperson there should be no difference between whether the "spirit of the law" is transmitted as part of a *pesaq* or separately. Either way, a religious person should zealously conform to both *halakahah* and halakhic values. Since we, as traditional Jews, believe that our *mesorah* represents the revealed will of God, it behooves us to never consciously—and certainly

R. Eliezer Waldenberg understands the *Maggid Mishneh* in *Tzitz Eliezer* 1:21:23, as do R. Moshe Feinstein in *Iggerot Moshe*, *Orah Hayim* vol. 5 20:20 and R. Aharon Lichtenstein in "Does Jewish Tradition Recognize an Ethic Independent of Halakhah?" in *Contemporary Jewish Ethics*, ed. Menachem Kellner (New York: 1978), pp. 79-80. Cf. however R. Yosef Babad, *Minhat Hinukh*, 297 (ed. Makhon Yerushalayim, vol. 2 p. 430); R. Avraham Bornstein, *Eglei Tal*, *petihah* n. 2; R. Meir Simhah of Dvinsk, *Meshekh Hokhmah*, Deut. 5:12 who limit Ramban's view to rabbinic ordinances. Despite this, none of them present the argument that there cannot be non-specific commandments. They only argue that *shabbaton* is specific.

<sup>8</sup>Ramban, *Commentary* to Lev. 19:2, Deut. 21:18 cited by R. Twersky (pp. 6-7, 17 n. 5). Cf. *Iggerot Moshe*, *ibid.*, *Yoreh Deah* vol. 2 no. 101, vol. 3 no. 35.

<sup>9</sup>Ramban, *Commentary* to Lev. 19:2, Deut. 6:18, 13:5. Cf. *Iggerot Moshe*, *Orah Hayim* *ibid.*; R. Daniel Z. Feldman, *The Right and the Good* (Northvale:1995), p. xviii

<sup>10</sup>*Responsa Hatam Sofer*, 6:97. R. Singer only quotes part of the reason that *Hatam Sofer* believes train travel to be contrary to the principle of *shabbaton*—that one's body is jostled. *Hatam Sofer* adds to this, "[A]nd he cannot be involved in the matters of Shabbat on Shabbat that he is accustomed to do in his house [i.e. *oneg Shabbat*], and he approaches his place of business on Shabbat so that he may be there on the weekday."

<sup>11</sup>R. Ya'akov Prager, *Responsa She'elat Ya'akov*, no. 45; R. Ya'akov Breisch, *Responsa Helkat Ya'akov*, *Orah Hayim* 63:8, 70:2; R. Yitzhak Weiss, *Responsa Minhat Yitzhak*, vol. 2 106:15,18; R. Moshe Feinstein, *Iggerot Moshe*, *Orah Hayim* vol. 5 20:20, R. Hayim Elazar Shapira, *Responsa Minhat Elazar*, 4:18; R. Yosef Dov Soloveitchik, *Shi'urim le-Zekher Abba Mari*, vol. 1 p. 59ff.

not publicly—reject what God wants us to do. Even though we each retain the autonomy to make our own decisions, using our free will to follow *halakhah* in letter and in spirit is the primary job of every Jew. Whether halakhic values are incorporated in a halakhic ruling or not, we are still bidden to "choose life" (Deut. 30:19) or, in the words of Rabban Gamaliel, to "make His will [our will]" (*Avot* 2:4).

I conclude with thanks to R. Singer for raising this important issue in a public forum. May people be enlightened by this ongoing discussion and become inspired to strive to conform with Torah in all its nuances.

## Rabbi Reuven Singer Responds:

I thank Mr. Gil Student for his thoughtful comments on my article. I want to acknowledge that his comments were made in the spirit of *divrei hakhamim benahat nishmaim*. I would like to share these responses to his words in the same spirit.

There is one theme that runs through Mr. Student's comments. He alleges that R. Berman's opinion on halakhic values is an exceedingly weak and isolated position. There are three ways in which Mr. Student suggests this: First, he minimizes R. Berman's stature as an authority. Second, he eliminates any debate over Rav Joseph B. Soloveitchik's position. Third, he adds to the list of contrary positions a number of *rishonim* and *aharonim*, thereby further isolating R. Berman's position. Let me respond to each of these three points in turn.

### I. Rabbi Berman as Halakhic Authority

Mr. Student writes, "this reader finds the suggestion that R. Berman's view has similar weight as the Rav's to be highly implausible," and later "even if the difference in

expertise between the two scholars was not as vast as it is..." It does not seem useful to put *talmidei hakhamim* in competition with each other over "*gadlut*."<sup>12</sup> Obviously Rav Soloveitchik was a towering personality with extreme *yediat ha-Torah* who made unparalleled contributions to Torah learning. Yet it is not constructive to engage in a comparison of R. Berman with the Rav. R. Berman is a formidable *talmid hakham* in his own right, with great breadth of knowledge and tremendous analytical skills. His thoughts and insights bear careful scrutiny, no matter who might disagree with him.

On this point, a *teshuvah*<sup>13</sup> of R. Moshe Feinstein bears noting. A rabbi asked Rav Moshe whether or not he should refrain from moving to Bnei Brak given that he sometimes disagreed with the *pesaq* of the Hazon Ish (of Bnei Brak). Rav Moshe answered that he need not be concerned about disagreeing with *gedolim* as long as it is done with *derekh erets*. Rav Moshe notes that Rava<sup>14</sup> told his own students to feel free to disagree with him when their own positions differed from his decisions. It is essential that rabbis do not refrain from articulating their positions out of deference to the stature of teachers and *gedolim*. It is through inclusion and due respect of all thoughtful and informed opinions that the depths of Torah can be reached.

Rav Moshe goes further in another *teshuvah*.<sup>15</sup> He suggests that in matters of wisdom sometimes the less expert sage has an advantage over the greater expert because "*l'fi hurpa shebashta*"<sup>16</sup> (according to the sharpness is the blunder). Rav Moshe uses this principle to suggest that as many doctors as possible must be involved in determining whether an ill individual is terminal. He states that even doctors of lesser stature should be consulted because sometimes they have insight where greater doctors fall short. This all points to the Rambam's aphorism in his introduction to *Shemoneh Perakin*: "accept the

<sup>12</sup>See R. Yehudah Herzl Henkin, *Bnei Banim*, Vol. II, *mamar alef, siman* 19

<sup>13</sup>*Igrot Moshe* YD 3:83

<sup>14</sup>*Baba Batra* 130

<sup>15</sup>*Igrot Moshe* HM 2:74

<sup>16</sup>*Baba Metzia* 96b

truth from whoever says it."

## II. Understanding Rav Soloveitchik's Position

While I stand by my position that R. Berman's view bears consideration even in the face of Rav Soloveitchik's view, it is not at all clear that he disagrees with his revered teacher. I was careful in my article not to attribute R. Twersky's position to the Rav because there seems to be some controversy over what exactly the Rav's position is. Obviously R. Twersky claims his understanding is equivalent with his grandfather's. Mr. Student also equates the Rav's and R. Twersky's position, but this is not self-evidently true. He goes further and writes that his "reading of R. Twersky's carefully written article is that his report of his grandfather's nuanced views is consistent with the facts presented in the Frimer article." Yet the Rabbis Frimer clearly state "R. Joseph B. Soloveitchik, like R. Feinstein, was of the view that a women's prayer service, if properly structured, could be conducted in accordance with Halakhah." This statement based on R. Frimer's extensive research is at odds with the entire thrust of R. Twersky's position. It is obvious that Rabbis Aryeh and Dov Frimer do not share R. Twersky's analysis of the Rav's position. This important controversy as to the Rav's position is omitted in Mr. Student's comments and he assumes throughout his piece that R. Berman is disagreeing with his teacher, the Rav. Neither R. Twersky's nor Mr. Student's suggestions that the Rav understood his opposition to women's prayer groups as making them legally impermissible are compelling. To be clear, this is not to suggest that the Rav took a position that matches the one outlined by R. Berman. I frankly do not know what the Rav's position is. Nevertheless, I believe Mr. Student's equating Rav Soloveitchik's stance with R. Twersky's and ignoring the controversy does not do justice to the complexity of the debate.

## III. The Rishonim

Mr. Student amasses a long list of *rishonim* and *aharonim* who he suggests disagree with R. Berman's position.

Regarding *rishonim* he writes "Ramban, and it should be added, Rambam, Ritva, R. Saadia Gaon and possible Tosafot, proposes that there is a general mitzvah of *shabbaton* — resting on Shabbat even from actions that do not involve forbidden labors—that that manifests in specific rabbinic prohibitions and in general, non-specified and otherwise permissible areas." Mr. Student pays no heed to my suggestion that the Ramban is ambiguous. I stated that all the examples of *non-shabbaton* activities that the Ramban brings are activities against which prohibitions existed in Talmudic times, at which point *Hazal* had the ability to institute technical prohibitions. For the sake of clarity and emphasis I will list here the sources in the Talmud for each of the Ramban's examples:

Measuring out crops of the field — *Beitzah* 29a (*lo yimod adam seorim*)

Weighing fruits and gifts — *Beitzah* 3:6

Filling the barrels with wine — *Beitzah* 3:8

Clearing away the vessels — *Shabbat* 126b, *Mishnah* and the *Gemara* following

Moving stones from house to house *Shabbat* 46a (*kol tzrorot shebahatzer*) and implicit in laws of *muktseh* scattered throughout *Shas*

Loading heaps on asses-- *Beitzah* 2:4; 5:2; *Eirubin* 100a

All manner of burdens they would bring on a festival- *Beitzah* 4:1

Shopkeepers giving credit — *Shabbat* 23:1

Workers would rise early to go to their work and hire themselves out for such works — *Shabbat* 23:3

It is striking that the Ramban did not bring one example of a violation of *shabbaton* that does not appear in the

Talmud. Clearly Ramban "proposes that there is a general *mitzvah* of *shabbaton*... that manifests in specific rabbinic prohibitions." However it is problematic to suggest with any degree of certainty that the Ramban serves a source to prohibit "non-specified and otherwise permissible areas."

Ritva (*Rosh Hashanah* 32b) records a similar statement to the Ramban's regarding *shabbaton* and indeed quotes this position in the name of the Ramban. Just as on the Ramban's list, Ritva's list of violations of *shabbaton* all are prohibitions instituted by the talmudic rabbis. In fact, Ritva uses this concept of *shabbaton* as a root for *shevut* from the Torah to explain how The Rabbis felt authorized to decree prohibitions that nullified positive biblical precepts. To suggest that Ritva would imagine that contemporary rabbis have the power based on their understanding of the *telos* of *shabbaton* to override *mitzvot aseh* seems farfetched. Ritva does not serve as an explicit source for the authority of contemporary rabbis to render impermissible activity outside of the *telos* of *shabbaton*.

Mr. Student also seems to overlook my analysis of the *Maggid Mishnah*. I noted that the *Magid Mishnah* equates the opinions of the Rambam and the Ramban. He then explains their understanding of *shabbaton*. He states that either the Torah empowered sages to determine the category of *shabbaton* or the sages merely used the *shabbaton* as an *asmakhta* for their rabbinic decrees. Either way, as I noted, the *Magid Mishnah* presumes that all prohibitions flowing from *shabbaton* must be enacted by an authoritative rabbinic body. This would preclude contemporary rabbis from rendering activities impermissible merely because they found certain behaviors outside of the *telos* of *shabbaton*.

#### IV. *The Aharonim*

Bolstering his argument from *aharonim*, Mr. Student writes, "In agreement with *Hatam Sofer's* use of the Ramban's principle as normative *halakhah*, R. Singer cites R. Isaac Herzog, R. Chaim David Halevy and R. Eliezer Waldenberg. One can add to this list R. Ya'akov Prager, R. Ya'akov Breisch, R. Yitzhak Weiss, R. Moshe Feinstein, R. Hayim Elazar Shapira..." While I must admit I am not familiar with the approaches to *shabbaton* of these eminent *gedolim*, I would take issue with the inclusion of R. Moshe Feinstein as an advocate of the Hatam Sofer's position. *Igrot Moshe* (*Yoreh Deah* I:44) suggests that Rav Moshe rejects the use of *shabbaton* to create normative *halakah*. There Rav Moshe addresses the issue of traveling on buses and trains on Shabbat. He rules that it is forbidden for a number of reasons all seemingly technical and not axiological. First *marit ayin*. Those who see individuals traveling on public transportation will suspect that they have paid for a ticket on Shabbat or carried the ticket violating the prohibition of *hotza'ah* or *tiltul muktzeh*. In cases where there is no charge for public transit R. Moshe still forbids. Travel by public transit is known to normally be for purposes of commerce and work, therefore those who avail themselves of bus and train service are guilty of *hillul ha-Shem*. This seems to be a variation on the *marit ayin* of the case where purchasing a ticket is necessary.<sup>17</sup> Rav Moshe then compares traveling by trains and busses to the prohibition in the *gemara* of carrying a man on a chair on Yom Tov in a particular fashion because it is typically used to travel long distances.<sup>18</sup> Rav Moshe reasons that trains and buses also are typically used to travel great distances and therefore fall under the same prohibition. Glaringly absent from this whole discussion is any mention of *shabbaton* and the Ramban's comments thereon. Surely if R. Moshe felt

<sup>17</sup> Presumably this is *hillul ha-Shem* because the appearance of actually going to work on *Shabbat* undermines the whole character of the day. Notice that despite this, the issue remains *marit ayin/hillul ha-Shem* and not *shabbaton*.

<sup>18</sup> Travelling long distances is *uvda d'hol* – weekday activity. One might argue that this is an axiological concern in the spirit of *shabbaton*. However this seems not to be the case. If *uvda d'hol* were sufficient as an axiological concern Rav Moshe would not have needed to cite a *gemara* that uses a parallel case. He could have forbidden riding on buses simply because it is a common weekday activity whether the bus travels near or far. The fact that Rav Moshe felt it necessary to connect public transit travel to the case of *yikatef* through the similarity of great distance shows he felt that axiologically *uvda d'hol* was insufficient to forbid it.

that *shabbaton* had the halakhic import that the Hatam Sofer claims it has, he would have stated so here.

Leaving aside the issue of *shabbaton* and turning to the issue of *qedoshim tihyu* we find an explicit support R. Berman's position. While R. Twersky understands the charge of *qedoshim tihyu* to engender actual halakhic prohibitions, R. Berman suggests that *qedoshim tihyu* "is the vehicle through which we are urged toward the use of our autonomous understanding of God's role in the world." A reading of the Ramhal's *Mesilat Yesharim* (ch. 13) shows that R. Luzzato's approach is closer to that of R. Berman. He writes:

"Know that there are three levels: There are the prohibitions themselves, and there are their fences which are the decrees and safeguards that our sages of blessed memory decreed on all Israel, and there are the distancings that are incumbent upon every single self-denying individual to do to encroach upon his own and to build fences for himself, that is to leave behind the licenses themselves that were not forbidden to all Israel and to separate in order to be far from evil a great distance. And if you will ask, from where may we add on to the prohibitions... The answer is that asceticism is surely necessary and crucial, and our sages of blessed memory admonished (us) concerning this. That is what is

meant when it says "Be holy," – be separated.

For the Ramhal, *qedoshim tihyu* is not directed to the *poseq halakhah*. It is rather directed to the individual to voluntarily and autonomously move beyond the halakhic prohibitions. A wise and sensitive rabbi can surely be of assistance in helping individuals along this path, yet he cannot compel through *halakhah* this directive of *qedoshim tihyu*.

#### IV. Conclusion

R. Berman is a significant *talmid hakham* and his opinion cannot be dismissed because he does not "measure up." Rav Soloveitchik's position on this issue is a matter of debate. According to many of his students, his positions is the same as R. Berman's. R. Berman's general approach to halakhic values as expressed in the directive of *qedoshim tihyu* is supported by none other than the Ramhal. With regard to *shabbaton*, the Ramban's approach is ambiguous and it is not at all clear that R. Berman is working outside of his view of *shabbaton*. What is clear that R. Berman is working within the parameters of the *Magid Mishnah*, the *Matei Levi*, and R. Moshe Feinstein, and thus R. Berman's position is neither weak nor isolated. Rather his approach to the place of the *telos* of *halakhah* in general and in the specific issue of *shabbaton* is grounded in the *rishonim* and *aharonim*.

# Mysticism, Hasidism And Escapism:

## Continued Discussion of "*Jewish Mysticism: Medieval Roots Contemporary Dangers and Prospective Challenges*"

The following interchange extends the discussion of Lippman Bodoff's detailed study of contemporary mysticism published in the *Tevet 5763* edition of *The Edah Journal*. Yehuda Gellman is Professor of Philosophy at Ben-Gurion University of the Negev in Beer Sheva and a Senior Research Fellow at the Shalom Hartman Institute in Jerusalem. He is the author of several books on hasidic masters and hasidic thought. Lippman Bodoff is past Associate Editor of JUDAISM and author of numerous scholarly articles in Jewish thought.

### **LOZ LEIBIN: A REPLY TO LIPPMAN BODOFF ON JEWISH MYSTICISM**

Yehuda Gellman

In the *Tevet 5763* issue of *The Edah Journal* Lippman Bodoff presents a strong attack against mysticism and hasidism in contemporary Jewish life. Bodoff calls for the readership of *Edah* to switch from "admiration" to "revulsion" of these phenomena. While the article is deeply learned and challenging, I cannot agree with the author's main conclusions. In what follows, I will present in a succinct manner the main difficulties I have with Bodhoff's article.

1. Bodoff expresses the view that mysticism as an attempt to escape from the real world became important because of the phenomenon of German Jewry engaging in mass martyrdom in the face of Christian persecution. Mass suicide was an escape from the real world, thus creating legitimization for another escape from the world - mysticism (pp. 5-6). Since those historical circumstances are long gone, what we are left with is a misplaced escapism from the world that should arouse our revulsion.

#### **Reply:**

(a) Bodoff provides insufficient historical basis for linking mysticism and Jewish martyrdom. We are given the "escape" analogy as a major basis, which is not convincing. (More on this below.) If it is historical explana-

tion he is after, Bodoff might consider the rise of mysticism in Christianity, and the age-old adage, "*Vi Iz kriztelzich azoi yidilztich*" ("The way it Christianizes, it Judaizes.")

(b) Even if Bodoff were correct about the historical roots of mysticism as a major force in Jewish life, to judge mysticism throughout the ages and in contemporary times based on its origin commits the "genetic" fallacy. That fallacy exists whenever someone insists that the genesis of an idea determines its truth or falsity or its goodness or badness. There is no substitute for examining closely how mysticism has functioned down the ages after its inception in order to form an evaluation of it. And there is no substitute for examining closely how mysticism, and its offspring, hasidism, functions in Jewish life today. I would call on Bodoff to give more thought to the claimed positive aspects of mysticism throughout Jewish history, to weigh for the reader both the pros and cons, and only then come to his conclusion. His case would be more convincing.

(c) Bodoff's description of "mysticism" as an "escape from the real world" repeats a caricature that does not get at the full truth. The mystic may seek experiences that "take him out of the world," but it hardly follows that all persons who are mystics are driven by a desire to escape the world. Here is an analogy: My friend spends an hour a day in his study with the door closed riding his exercise bike. This effectively cuts him off from other people, his responsibilities, *tikun olam*, and so on. It hardly follows that my friend, as a person, is driven by

a desire to escape all of these things. Indeed, his exercising might be motivated by a desire to be in better physical condition so as to serve the world better. Similarly, while mystical experiences may involve one degree or another of "leaving the world," it hardly follows that in doing so the mystic is driven by an escapist desire. Jewish mystics have always appreciated the "*ritzu*" and "*shav*," the ascent and descent, as the rhythm of the mystical life. Mystical teachings have always taught against the dangers and temptations of escaping from the world. (Reb Levi Yitzchak of Berditchiv attributes the bells on the High Priest's clothes when entering the Holy of Holies on *Yom Kippur* to the necessity of the *kohen* to be grounded in the world by the tinkling sounds of the bells, so that he won't "die," that is, simply escape from the world.) In theosophical Jewish mysticism, the mystical ascent serves to draw the supernal *shefa* into the world for its *tikun*. I am afraid that the escapism issue is more nuanced than Bodoff would have us believe.

(d) Along with Bodoff's charge of escapism, we should recall that many Jewish mystics were deeply involved in the worldly life of the Jewish people. They were married men with families, rabbis of communities, and leaders of movements. When we look at the lives of Jewish mystics we find many figures engaged in the world in most impressive ways. The greatest Jewish mystic of the 20th century, Rav Kook, was a community rabbi, Chief Rabbi of Palestine, and the author of hundreds of halachic decisions concerning life as lived. A mystic of Safed, Rav Yosef Karo, wrote the most popular halachic work in history, the *Shulhan Arukh*, dealing with everything from soup to knots. The Baal Shem Tov, founder of the hasidic movement, treated sick people, traveled from place to place, and displayed an earthy love for all persons. Perhaps the most mystical of the Hassidic Masters, the Admor Hazaken of *Chabad*, wrote his own *Shulhan Arukh* dealing with all facets of life. In impressive activism, hasidic masters spread their movement across Eastern Europe in an astonishingly short time. These hasidic masters can hardly be said to be "escapists" when involving themselves in the lives of hundreds or even thousands of their *hasidim* on a regular basis, when they were active in Europe in forming political movements, and when they are involved in

Israeli political life today through ultra-Orthodox parties. Apparently, Bodoff refers to degenerate mystics in his escapism charge. Again, a more balanced approach would have been appreciated.

2. Bodoff identifies contemporary "zealous Orthodox groups" as having a "predominantly hasidic component," and the *hasidim* as the contemporary incarnation of the escapist ills of mysticism.

**Reply:**

(a) I assume Bodoff refers to the *haredim* when he talks about "zealots." However, *hasidim* make up only one component of that group, and they are not a majority. The other components are the "Lithuanian" *haredim* whose outlook remains that of the yeshiva world of Eastern Europe, and the sephardic *haredim*, who follow Rav Ovadiah Yosef. Secondly, present day hasidim are in some respects less separationist than are their Lithuanian counterparts. For example, hasidic men do not tend to learn in *kollelim* for extended periods, as do the "Lithuanians."

(b) The connection between contemporary hasidism and mysticism is tenuous. While Chabad and Breslov stand out as strongly oriented around mystical texts most other hasidic courts are not. The hasidic court of Gur, the largest group in Israel, has a weak connection, as a reading of the Sfat Emet will show. The same applies to the hasidic courts of Slonim, Belz, and many others. When it comes to mystical practices, of inducing mystical illuminations and the like, the connection between mysticism and hasidism today hardly exists. This might be a new reason to reject hasidism (They aren't even doing anymore what they were founded to do!), but that argument has to be made.

3. When Bodoff refers to scholarship, he depends almost exclusively upon secular researchers for his evaluation of *qabbalah* and hasidism.

**Reply:**

(a) As an academic myself, I am not about to urge an obscuratinist rejection of secular scholars. Their scholar-

ship is indispensable for understanding Jewish mysticism. But for religious people, to whom *Edah* speaks, they are not sufficient. When evaluating a phenomenon we are invoking values and background beliefs. Those of the Orthodox will be different from those of secularist scholars. Here is one example where the difference will surface: As religious people, we should not be eager to reduce the explanation of religious phenomena to historical explanation. We should be ready to recognize a "religious impulse" at work, both on the national and individual level, non-reducible to socio-political realities. There is no doubt in my mind that Jewish mysticism and hasidism satisfy for many people dimensions of religious yearning not satisfied otherwise. This fact is independent of any story about how it all began. A secular scholar is not likely to recognize a *sui generis* religious impulse or allow it much historical value. Religious people must factor such an impulse into their theological reckoning.

(b) The history of Jewish mysticism is controversial, and the experts are divided on basic issues. For example, while Gershom Scholem found the roots of *qabbalah* almost entirely in Gnostic thought, Moshe Idel traces its ancestry to the Rabbis. While Bodoff is entitled to be convinced by one scholar or another, I would have liked him to explain why he depends on one view rather than another.

4. Bodoff blames Jewish mysticism for Jewish xenophobia and the resultant resistance to modernizing Orthodoxy.

**Reply:**

(a) There is some truth in this claim. (Though I would not use the term "xenophobia" here. The Jews suffered enormously at the hands of the *goyim*, and their negative attitude had much to ground itself on.) On the other hand, we don't need mysticism to find xenophobia in Jewish tradition. There is plenty elsewhere. Nevertheless, clearly the Jewish philosophical tradition affords a more congenial starting point for Modern Orthodoxy. The mystical tradition did not only follow rabbinic exclusion of non-Jews, it froze the category of "non-Jew" into an eternal metaphysical category. This in

turn resists change pursuant to political and social changes on the ground. However, the other groups in the *haredi* world, historically and today, do not differ from the hasidic world in their resistance and even venom against general culture. So while Bodoff has a good point here, it does not serve to single out mysticism for special condemnation.

The attitude toward non-Jewish culture can change while staying within mysticism. Witness the writings of Rav Kook, whose world-view was a clear break from the past. There is no reason why this cannot be developed further yet, while retaining the spiritual power that so many find attractive today in Jewish mysticism.

3. Bodoff believes that those who disagree with him must be thinking that mysticism offers "unmitigated" "benefit and enrichment" to Judaism (p. 23).

**Reply:**

(a) That is not my view, as can be already discerned by my partial agreement with Bodoff's thoughts on mystical "xenophobia." Bodoff might also have included mysticism's raising the male-female dichotomy to a metaphysical principle, a move impeding the modernizing of Judaism with regard to women. In addition, Bodoff is certainly right to see the mass defection from Judaism in the 19th century as due in part to hasidic resistance to change. We must ask, however, what could have been demanded of hasidic leaders ill equipped to deal with the flood of modernity that no one, who was not omniscient, could have foreseen. And we are entitled to ask Bodoff to compare the hasidic reaction to the *mitnagid* one.

(b) My problem is not with someone leveling criticism at the Jewish mystical tradition, but with the Bodoff's seeming overly eager to condemn mysticism in the blanket way he does. A careful weighing of good and bad would have been in order, rather than a one sided extreme condemnation.

I would like to close by expressing my wish that Lippman Bodoff further development his line of reasoning, taking into account my comments, so that the

important issues he raises can be further engaged in by those, like him, so concerned for the future of *kelal yisrael*.

#### LIPPMAN BODOFF REPLIES:

At the end of my paper I wrote:

The view of Gershom Scholem, probably the greatest objective scholarly defender of Jewish mysticism, is that it is caused by terror, and fear of evil in the world which is viewed as coming from demonic forces, which Scholem considers "one of the most dangerous factors in the development of *qabbalah*." He concludes: "Anyone who concerns himself seriously with the thinking of the great qabbalists will be torn between feelings of admiration and revulsion." It is time, I believe to begin to move from the former to the latter.

At the very beginning of his response, Yehudah Gellman writes:

"Bodoff calls for the readership of *Edah* to switch from "admiration" to "revulsion" against "mysticism and hasidism."

There is a continuum clearly implied by my suggestion, on which we *begin to move* from one end toward the other. Readers of my paper will have difficulty, as I did, recognizing what I wrote in Gellman's purported paraphrase. Moreover, I *concluded* my paper with my observa-

tion, after spelling out and documenting my case, so Scholem's words had a very long, concrete, heavily annotated context for my readers. Gellman begins his paper with his "paraphrase," which sheds more heat than light on the issues between us.

The rest of Gellman's objections are fully answered in my paper, and I see no point in repeating them for my readers. Gellman's chief complaint seems to be that I did not adequately present the "pros" of Jewish mysticism and hasidism. I am not aware of any, except for Dan's claim that attaching Luria's mythical and magical imperatives to observance of the commandments, to mend a broken God (*sid*) who is also in exile, is a benefit; See Dan's *Jewish Mysticism and Jewish Ethics*. It was once, evidently, a great balm to Jews who could not understand their tragic *galut* plight of continued vulnerability and oppression, and far too many periodic outbreaks of persecution. I doubt this was a benefit or virtue, because there were too many opportunities when a more rational accommodation to the *galut* trauma seemed possible and were discarded or rejected, as I point out in my paper. It provides a reason for what happened, not a benefit. In any case, I believe that magic and myth, insularity and anti-rationality are dangers, not virtues, in today's world.

Moreover, If Gellman is aware of any important benefits of Jewish mysticism, past or present, I would have expected him to mention them, at least, in his long response. I can't find any such claims. I think that tells the whole story.