Welcome to the Tevet 5762 edition of The Edah Journal. Last July the journal’s editors met with the Edah’s executive staff to plan our future editions. We decided to devote the Tevet edition to the ideas presented at The Second International Edah Conference held in February in New York on the theme, “Qedushah: The Quest for Holiness.”

The meeting feels like the distant past. It occurred before the terrorist attack of September 11 dramatically changed American life. The United States now has new political priorities, and its economics, media, popular and high cultures all have been transformed by the trauma of that horrific event.

Religious life, too, cannot remain oblivious to the attack. Anyone who has been to Ground Zero knows it to be an intensely spiritual experience: Standing in that grisly spot immediately confronts us with the realities of death and life’s fragility. Ground Zero is also stark testimony to the presence of unmitigated evil in the world. It echoes loudly the wisdom of our rabbinic sages, who frequently remind us that human beings can be either saintly or demonic. Still more disturbing is the fact that the death and destruction that pervades that spot were wrought in the name of God by “jihadis,” ones engaged in holy war. They too were questing for “holiness.”

So it is more important than we ever imagined in July for Jews to study, reflect, and analyze what Jewish tradition teaches about qedushah and the way to live a holy life. Such reflection—and the behavior it inspires—are fitting religious responses to the evil that misguided religious passion visits upon us all. In a departure from our normal scholarly studies, therefore, The Edah Journal is here publishing transcripts of presentations from the 2001 Conference.

The Torah commands us, “Qedoshim tihiyu” — You shall be holy. (Leviticus 19:2) Yet it never defines holiness, and our greatest rabbinic minds were left to struggle with the legal, religious and moral meaning of this grammatically simple but spiritually complex mitsvah. (See Ramban’s commentary on this passage and Rambam’s Sefer Ha-Mitzvot Sha’ar 4.) Many of the following articles are in the hallowed tradition of exploring the spiritual and practical meaning of qedushah.

In his keynote address Rabbi Saul Berman reminds us that there is no there is no quick path to holy living. Despite popular trends, neither mantra nor meditation nor melody can successfully engender meaning. Following Rambam, he suggests that holiness is attained by imitateo dei, emulating God’s attributes in our daily lives. Qedushah resides in objects, in time, in human relationships. The holiness that the Torah demands of us is achieved when we invest our lives with meaning and responsibility in each of these realms by acting in accordance with divine middot. We bring holiness into being on the stage of human affairs. It does not reside in some supernal transcendent realm.

Rabbi Marc Angel observes that religion has two opposite faces: one of righteousness and compassion, and one of self-righteousness and hate. He finds holiness in the hasidut of King David, who was known for loving God, assuming responsibility for others, pursuing truth at any cost, and his willingness to learn from others. These traits point to genuine righteousness rather than the false self-righteousness of yuharah, which entails public piety at another’s expense.

Ricky Cohen and Barry Shrage focus on qedushah as ethical behavior in arenas not typically described as “holy;” business transactions and fund-raising. If R. Berman is correct and holiness is to be lived in all aspects of life, then meeting the moral challenges naturally embedded in making and raising money are also intrinsic dimensions of the quest for qedushah. Mr. Cohen discusses leadership principles and techniques for successfully
confronting ethical dilemmas in business, while Mr. Shrage discusses setting higher objectives to the enterprise of fundraising and the need to resist the idolatry of allowing fundraising to be an end in itself.

Professors Daniel Sperber and Richard Schwartz discuss the responsibilities that ensue from living in a world created by God. If we are but stewards in our God-given universe, then surely we have religious obligations to safeguard nature, the animal kingdom and humanity. We emulate God by becoming partners and protectors of His divine creation.

If holiness is a property of the world of human affairs, then historical truth must play a role in any pursuit of qedushah. Perhaps this is what hazal intended when they proclaimed that in Sanhedrin 64a that, “The seal of the Holy One is Truth.” Rabbi David Bigman and Professors Barry Levy and Jonathan Helfand discuss the religious issues entailed in approaching tradition and its sacred texts while utilizing the criteria of modern historical-critical methods.

Joseph Kaplan points out the difference in worldview between ‘modern Orthodox’ and ‘Modern Orthodox,’ the latter implying a healthy integration of modernity and Orthodox commitment. Mirroring the ideal of unifying God’s name, should not our lives also attain holiness through the unification of our values, and behaviors?

The Tevet edition concludes with review essays of two very different yet important books for Modern Orthodoxy. Rabbi Alan Yuter reviews Rabbi Chaim Jachter’s volume, “Grey Matter,” which addresses contemporary halakhic issues and methodology. R. Yuter sees R. Jachter as a modern thinking Jew’s poseq, who approaches issues in modern spirit while struggling to remain within classic rabbinic and contemporary communal consensus. I review Rabbi David Hartman’s recent book on Rav Soloveitchik, “Love and Terror in the God Encounter,” the first systematic attempt to understand the Rav’s theological legacy and to articulate some of the implications of the Rav’s philosophic thinking for modern religious life.

Once again I invite you to share your responses to this stimulating material with the Edah community by contacting me at journal@edah.org.

The next edition of The Edah Journal will appear in the Spring of 2002. It is devoted to studies of ethical issues in Orthodox life. Please direct your submissions to the same address.

We at Edah look forward to hearing from you.

B’vrakhah,

Eugene Korn
Holiness, Meaning and Spirituality

Saul J. Berman

Biography: Rabbi Saul J. Berman is the Director of Edah, Associate Professor at Stern College and Adjunct Professor at Columbia University School of Law.
Holiness, Meaning and Spirituality

Saul J. Berman

There are many words that we use repeatedly, such as “holiness” and “spirituality”, that mean different things to different people depending on the sensibilities that underlie their understanding. This is well illustrated by the wonderful story about a shul in the Midwest, built with a huge dome in which the members intended to place a large chandelier. As they built the shul, they ran out of money and were unable to install the chandelier. So they lived without a chandelier for many decades, but after almost half a century, through no fault of their own, the shul came into some money.

At a meeting of the Board of Directors one of the members of the Board stood up and said, “Now that we have the funds, I would like to make a motion that we install a chandelier.” There seemed to be some consensus around the table that that should be done. Yet in the midst of the conversation about it, an elderly gentleman, Mr. Goldberg, stood up and, red in the face, pounded on the table and said, “No. This is an Orthodox shul. It was built as an Orthodox shul, it will always remain an Orthodox shul, and there will be no chandelier.”

Nobody could quite understand why he was so upset, but out of respect for Mr. Goldberg, they voted down the installation of the chandelier. A number of years passed and some younger people came onto the Board, who couldn’t understand why, with so much money in the bank, the shul didn’t install the chandelier. They renewed the motion to install it, and again, in the midst of the discussion, Mr. Goldberg, red in the face, pounded on the table and said, “This has always been an Orthodox shul. As long as I’m alive it will remain an Orthodox shul. And there will be no chandelier.” The members of the Board sat around stunned, but this time, despite Mr. Goldberg’s objections, they voted to install the chandelier. And after the vote was taken, Mr. Goldberg, broken, stood at the table, leaned over, and said, “Okay. You’ll have your chandelier. Now, tell me. Who is going to play it?”

I often feel that when people talk about issues of holiness and spirituality, they act in the same manner as the people in that story. Somehow one person is talking about one thing and somebody else is talking about something else, and there’s never a meeting of the minds that makes it possible for people to move further and advance the fundamental agenda of the community. If the word spirituality calls to mind some flaky new age figure, dressed in white and floating about two feet off the ground in some ascetic form, then its use will obviously not encourage those of us who tend to be relatively middle class and solidly grounded to want to move in that direction. Indeed, it will tend to make us avoid engaging with the idea altogether. Spirituality is generally understood as the opponent of materiality and as therefore offering the remedy to the collapse of meaning in Western materialism. We have been living that materialism for the past forty years. Western culture has tried to persuade us that we are the automobile that we are going to buy; that we are the kitchen that we are going to renovate in our homes; that somehow our material possessions are really the essence of who we are. That process, one hopes, is beginning to wind down, but in doing so it is leaving large numbers of people who no longer seem to know where to discover meaning in their lives and yet are still searching for alternatives. Even the Material Girl thinks that she can import meaning into her life by occasionally engaging in meditation. And within our own community, meditation and melody are also being used by some people in an effort to contend with the absence of adequate meaning.

I suggest that, at least as those approaches are commonly undertaken, they may simply be the latest steps in a long sequence of failed attempts to invest meaning.
Let’s start with Rambam’s assumption about the purpose of Torah. Rambam has a relatively simple and elegant assertion to make in The Guide of the Perplexed, Book III, Chapters 27 and 28. Rambam contends that every mitzvah of the Torah, without exception, has one of three purposes at its core. First, the mitzvah may be intended to teach us some truth, enabling us to guide our lives in consonance with what is true in the world and to avoid falsity. Second, the mitzvah may be designed to enable us to transform ourselves and achieve moral perfection through the integration of noble moral qualities into our identities and avoid the correlative false and destructive qualities. Finally, says Rambam, a mitzvah may be designed to help us achieve a just society and avoid the correlative injustices in human relationships.

Rambam notes that some people see mitzvot that appear to serve none of these purposes and conclude that they exist only to force our obedience. Rambam disagrees, denying that any of the mitzvot are designed simply to inculcate obedience. In his view, careful study and analysis will show that each mitzvah in the Torah, not only those that improve society in obvious ways but ritual mitzvot as well, serves one or more of these three purposes, even when that is not immediately obvious to us.

It has long been recognized by our sages that people engaged in performing a mitzvah often fail to connect clearly and effectively with its underlying purpose. Hazal regularly responded to that failing. Perhaps the first systematic response to that was the invention of birkhot ha-mitzvot, blessings over the performance of commandments. The rabbis envisioned, and regarded as intolerable, the prospect of a person taking the etrog, lulav and other species and simply waving them in all sorts of directions, performing the mitzvah with no identity-transforming thought whatsoever. To deal with that prospect, they came up with a brilliant idea: Before we pick up the etrog and lulav, we stop for a moment and utter the following words: “Blessed art Thou, O Lord our God, King of the Universe, who sanctified us with his commandments.” The blessing recognizes that the act about to be done is a medium for the achievement of sanctity in one’s life. It not only links us to God, who is the Author of this command, but it links us to this search for the sense of meaning in the act that we are about to do. “Asher giddeshannu be-mitzvotav ve-tsivranu”—He commanded us to do this act. The rabbis hoped that by pausing to utter these words before performing the act, the individual would be stunned into thinking about what the act means. What does it do to me when I do it? How does it transform me? How does it shape my understanding of the reality? How does it shape my values? How does it promote justice in society?

But does the utterance really have that effect? And if so, how? It was a valiant attempt by the hakhamim, but we are a stiff-necked people, and in our stiff-neckedness we managed to learn to recite (or mutter) the berakhah itself with as much rote as we brought to the act of the mitzvah. We managed in our great capacity to resist the struggle for meaning to totally routinize the berakhah. Alternatively, if we stop to think about it once in a while, we say, “Oh, that’s nice.” Yet we still don’t allow it to spark that inner search. The hakhamim eventually recognized that, and tried again, adding, before recitation of the berakhah, an explicit statement of intention to fulfill God’s command (“Hineni mukhan u-mezuman...”). They hoped this statement, with its clarity, would really spark that inner drive to understand what the mitzvah is. But we have managed to mumble that off in even less time than it takes us to mumble the berakhah. So the Kabbalists added another layer, specifying the recitation of “le-shem yihud qadesha...” (the act about to be performed is for the sake of uniting the fragmented God), before the recitation of “Hineni mukhan u-mezuman.”

Let’s face it, there are not too many endeavors in life that could be of such extraordinary universal significance as the merging of the fragmented God, of the repair of the entire world, “with fear and with awe.” The two halves of God’s name will be somehow brought together in my doing this act. Nobody could possibly resist the power of that—except us.

So we have resisted, and that resistance is a major contributor to the bulk of the siddur. If we were not so resistant, we could have had a much shorter siddur, but because we keep muttering what is there, the hakhamim, kept adding more, in the hope of catching us by surprise and getting us to recognize that there is meaning in this. I am afraid that the new patterns of meditation and melody may simply be another step in this process of failed attempts and wind up merely producing a siddur even thicker than our current one. That is, if the goal of all of this is to change the way in which we
think about the elements of meaning in our lives, then somehow these preliminary preparations don't seem to have worked all that well. I have some particular feelings about why what commonly passes for spirituality may not work. But I will come back to that in a little while.

Let me first pursue further the approach that Rambam laid out for us with respect to understanding the nature of meaning. There is no biblical or even rabbinic word for spirituality. So what is the biblical, the Rabbinic understanding of what it means to be engaged in a quest to link to God? The term, of course, is “ qedushah,” holiness. Rambam himself offers us an explanation of why the words “Qedoshim Tihyu” (Lev. 19:2), the divine command to be holy is not counted as a separate mitsvah even though the Torah is here speaking in normative language: “Be holy. Become holy.” Rambam declines to count this as a separate mitsvah because it is a global mitsvah; it is the purpose of the entire Torah. The whole of the Torah is designed to make us holy.

How do we do that? Obviously through the mitsvot, but let’s look more closely. What are the midlalot, the personality qualities that would make us holy? Rambam asserts that there is a fundamental mitsvah, which he lists as the eighth of the mitsvot asei (positive commandments) of imitating God: the mitsvah of vehalakhta bi-derakhav (“You shall walk in His ways”). The imitation of God, says Rambam, is the fundamental mechanism by which we achieve the goal of bringing God’s values into the world. That, of course, is what qedushab is about. Qedushab, holiness, is not about the process of taking ourselves out of the world; rather, it is all about the process bringing God’s values into the world. We do this through direct behavior and through symbolic representation of those values within our lives.

Hazal say a number of times that the critical nature of the mitsvah of imitatio dei, the imitation of God, requires that we first define what qualities of God we want to imitate. Hazal tell us that not all of the qualities of God are appropriate for imitation by humans. What qualities of God should we imitate? Those qualities of God that are contained within the divine midloah, the thirteen attributes by which God identifies his relational qualities. They are set out in Exod. 24, immediately after the account of the sin of the golden calf, when God instructs Moshe that the search for God’s presence in life is possible and identifies God’s qualities. Those are the qualities that we need to imitate.

What are those qualities? They seem opaque in the text of the Torah. They are contained in two verses, eight of them in the first and five in the second. They are the subject of a host of different interpretations. Let me present an outline of what those qualities are, based on the various midrashim that deal with them, many of which are quoted by Rashi.

A-donai, the first quality, is the quality of productivity, the drive to add to the good of the world. When God created the world, He left it incomplete, so that our contribution could continue to be felt. It’s not accidental that the rabbis discussed this when commenting on the exemptions to military service in discretionary wars (milhemot reshub). The Torah lists a series of exempt men: one who has built a house but has not yet dedicated it; one who has planted a vineyard and not yet eaten of it; one who has betrothed a woman but has not yet consummated the marriage (Duet. 20:5-7). To all of these the Torah says: Stay home and continue the productive endeavor you were engaged in. The gemara asks why are they in this particular order and answers that the Torah is teaching us normalcy. The Torah teaches us the normal conduct that God expects of humanity—to build homes, to plant vineyards, to marry and build a family. These are fundamental components of human productivity that are essential to any human being. It’s not accidental that Rambam levels so extraordinary a critique somehow these preliminary preparations don’t seem to have worked all that well. I have some particular feelings about why what commonly passes for spirituality may not work. But I will come back to that in a little while.

The second A-donai is the attribute of interdependence. It is the structure that the Torah puts into place by which we Jews live interdependent lives. We live interdependently with the rest of humanity and with nature. In gorbanot tsibbur, the sacrifices of the entire community, communal interdependence is affirmed. Hazal insist that the gorban tamid cannot be the offering of a single person. It has to be the offering of the total community,
because we all have to understand that we cannot act as individuals in bringing an offering of ourselves to God. No one can do it for himself; we are totally interdependent.

The third is E-l, which is the loyalty of love and the capacity to both give and receive love. The fourth is rahum, which is the quality of responsibility—arevut. It is that whole network of mitsvot through which the Torah demands that we assume responsibility, not merely for ourselves, but also for the well-being of others. The inculcation of that value and the understanding that we need to live with that value deep in ourselves are essential elements of our imitation of God’s character and relational qualities.

The fifth quality is hatum, from hein, referring to the process of sharing joy and pleasure. We are not complete as human beings unless we have the capacity not only to experience joy and pleasure but to share them as well. That is the quality that Hazal understood was present in God’s hein toward us—that God shared in our joy, that, to use anthropomorphic language, God himself experiences joy in our joy. Similarly, we need to experience joy in each other’s joy.

Erekh apayim is obvious: It is the quality of patience, of tolerance. It is the recognition that we need to be tolerant of diversity up to, but not including, complete evil. We need to be intolerant of evil, but that is a different issue that we must address at another time. In all other contexts, that quality of patience, the capacity to wait out the process, the ability to be tolerant of others and of their imperfections, as well as of ourselves and our own imperfections, is an essential Godly quality that we need to imitate in our lives.

The seventh quality is besed, the quality of mercy, extended to every individual. Why is God’s besed called ”ra” (great)? It is because God has different besed for each person. That is the quality of mercy that we need to have, one that is capable of being different for each person, recognizing what that individual needs and how we can shape ourselves, our communities, our structures, and our institutions in a way that ensures the extension of that quality of mercy to each individual.

The eighth quality—the last in the first verse is the quality of emet, of truthfulness and honesty. This is the fundamental source for the Torah’s demand that we imitate God by distancing ourselves from falsehood and deception and by not engaging in activities that undermine the capacity of others to understand what is true and what is real in the world.

The second set of attributes begins with noseir besed, which is the quality of gratitude, of loyalty. It is manifested throughout the Torah: God’s quality of gratitude, God’s loyalty to the patriarchs, and God’s loyalty to the Jewish people. This quality needs to be echoed in our own loyalty and in our capacity to offer gratitude when we are the beneficiaries of the good of others.

Next is nosei avon, the capacity for forgiveness. The Torah mandates us, repeatedly, lo tigron; not to take vengeance, lo titor, not to harbour grudges—not to harbour that sense of hatred toward others in your heart—but, rather, to possess the capacity for forgiveness.

Then comes, pesha, God’s capacity to bear our rebellion. On our part, it demands the courage to see the world go in directions that we did not expect, to see things that appear to be in a state of rebellion against everything that we value, everything that we think ought to be. It is precisely in such moments that we need to have God’s quality of courage to be capable of confronting that reality and, ultimately, dealing with it.

Next there is ve-hata’ah, the quality of persistence. God is persistent in the face of all of the indications that we will never quite submit fully to what He wants. Nevertheless, God is persistent, and we, too, need to be persistent.

Finally, Ve-naqeh, striving for justice. In Rambam’s scheme of things, striving for justice accounts for fully two-thirds of the mitsvot of the Torah. All these mitsvot are addressed to the attempt to create justice in the world. But the foregoing qualities—productivity, interdependence, love, responsibility, shared pleasure, tolerance, mercy, honesty, loyalty, forgiveness, courage, persistence and justice—are reflected not only in the mitsvot that concretize them in the reality of people’s lives but also in all of the symbolic, ritual mitsvot. They are at the core of all of the manifestations of qedushab in the Torah.

Where does qedushab exist in the Torah? What is qadosh
in the Torah? Qedushab is found in time. Shabbat is qadosh and the mo’adim, the festivals, are defined as qadosh. Places also are deemed qadosh in the Torah. Har ha-bayit, the temple mount, is the locus of God’s presence. Erets yisra’el, the entire land of Israel is holy. Persons, such the kohanim, also manifest qedushab. Also Israel is characterized as goi qadosh, a holy nation.

Where else can we find qedushab in the Torah? Obviously, qedushab resides in God Himself. God repeats, more often than any other claim about himself, “I, the Lord your God, am qadosh.” God is the source of all qedushab in the world. Finally, qedushab can reside in objects, such as the ritual objects in the sanctuary. And it is noteworthy that God makes none of those objects. We make them, and we do so precisely because we have to understand that we are the ones whose productivity depends upon our ability to achieve these values in them and through them. If we use our time and our persons with responsibility and productivity, if we engage in relationships in which the sense of individualized mercy, of loyalty, is powerful, then we bring qedushab into the reality of our worlds.

The locus of holiness is in the material world, not in the transcendent realm. The Torah records that we were created with bodies because God understood and desired that we use our bodies as the vehicle for achieving qedushab. We achieve qedushab, not by escaping our bodies but through our bodies and through all of the material existence in which we live as human beings. If God wanted another category of mal’akhim (angels), He would have created another category of qadosh. He would have created another category of disembodied souls that would have been able to sing to Him, all day long, “Qadosh, Qadosh, Qadosh.” But He obviously didn’t want that for us, for He created us with bodies surrounded by material goods so that we could learn from his relational qualities how to conduct all of these aspects of our existence with a sense of holiness.

The world is where meaning resides. If spirituality drives us away from the real world, if our approach to this notion of spirituality involves the mystical merger with God and drives us away from the awareness of the need to govern the reality of our bodily and material existence, then it will do no more than, “Heneni nukhan przezman.” It will bring us no closer to God. To achieve holiness requires work, and there are no quick solutions in notions of Jewish spirituality. Every time you pick up the lulav you must think about what it means and what it does. Every time you do a mitsvah, be it putting on tefillin or going to the miqra, you must have a deep consciousness of the transformative qualities of the act. Does the act link me to truth? How does it inform my personality, shape who I am, strengthen and affirm my noble qualities? What does it do to help me think about justice and how justice is to be achieved? There is no cheap way out, no short path. Holiness requires work. It requires effort. It requires study. It requires consciousness. It requires attentiveness.
It requires awareness at a deeper level, perhaps deeper than we have ever tried to experience it before.

Torah requires such consciousness—and not only in regard to the ritual mitzvot. One of the great tragedies is that we have arrived at the point where even the behavioral mitzvot that bear these meanings explicitly, which hazal assumed did not require a berakhah, have come to be performed meaninglessly. A person today can actually give tsedaqah without understanding what that means to his or her personality and to the production of justice in the world. Can you imagine someone returning a lost piece of property without deeply understanding the meaning and the value of that assumption of responsibility? We spend a year teaching our children the talmudic chapter of “Eilu Metsi’ot” (BT Bava Metsi’a) relating to lost property, yet we fail to encourage them to think about what that means for their holiness and how they achieve holiness in the world. Yet that is the work we must be doing—in our learning, in our symbolic mitzvot and in our practical mitzvot. When we begin to focus that way, we will begin to think differently about ourselves, about the world at large, and about our Jewish world.

Moreover, when we begin to think that way about justice we may be able to stop thinking about why other people are not producing justice. We would ask, rather, what we ourselves are doing to produce justice. For example, the agunah problem is not just a problem of justice for our community or for our communal leaders and rabbis who need to resolve instances of injustice. Only some 3% of us are members of congregations in which the rabbi will refuse to perform a wedding unless the couple agrees to the use of a pre-nuptial agreement. Where are the rest of us? In our assumption of responsibility for justice, how many of us are members of congregations that actually have and implement sanctions against spouses who are recalcitrant in regard to the issuance of a get? Perhaps a few more, but not many. This is not nearly enough. Where are the rest of us? Is justice only for Rabbi Rackman to achieve? Rabbi Rackman may have done extraordinary things. There are many of us who may disagree with him, but it is not his responsibility alone to produce justice. It is our responsibility, every one of us. We have the capacity to produce justice if we assume responsibility and understand that this is part of our holiness.

Without that assumption of responsibility, my holiness is incomplete. When we think about the quality of interdependence and we think about what that means in regard to living with all other Jews, we realize that we cannot survive as Jews if we are isolated and fragmented. We have to think differently about what it means when, for example, loyalty comes into conflict with justice. We have all been reading about that a lot recently. What happens when loyalty and gratitude comes into conflict with a sense of justice? Some say it’s a simple question. You go for justice, and if the result will be injustice then you walk away from it. It does not seem to me to be quite that simple, that you should walk away from loyalty and from a sense of gratitude. If it were, then why are all those who are critical of the Squarer basidim not similarly critical of honoring tobacco merchants who serve as heads of federations? Those merchants are certainly responsible for more deaths and disabilities than any particular group of Jews. But those critical voices are not raised because everybody understands that the balance between loyalty and justice is a very complex matter. One cannot condemn people on the basis of over-simplification of the issue.

We know that there is enormous richness available to us in the quest for qedushah. The challenge of holiness is a great challenge that lies before us as individuals and as a community. The challenge is to develop, on both a cognitive and an emotional level, an awareness of God’s values that we want to integrate into our lives as tools for the transformation of our daily lives. The fact is that holiness does not only exist in the synagogue and it does not only exist on har ha-bayit. It exists in the daily lives of every one of us, and our investment in creating holiness can create a depth of meaning that we may never previously have experienced, a depth of meaning in our daily existence that is powerful. It keeps us conscious of who God is, who we are, and what our mission is in the world. It is the shaping of real holiness in every aspect of our material existence. If we merely will it, it will not happen. But if we work at it, it might happen—for us as individuals and for us as a community.

Ken yehi ratson.
Righteousness and Self-Righteousness: Reflections on the Nature of Genuine Religiosity

Marc D. Angel

Biography: Rabbi Marc D. Angel is Rabbi of Congregation Shearith Israel in New York City and a member of Edah's Board of Directors. His recent book, *Loving Truth and Peace*, was reviewed in the *Tevet 5762* edition of The Edah Journal.
Religion produces the very best type of people: saintly, humble, compassionate, and genuinely pious. I think we have all come across or read about such individuals, and we are inspired by their goodness and sweetness.

But we cannot help but notice that religion also produces—or at least harbors—the very worst type of people: terrorists, bigoted zealots, and self-righteous egotists. I think we have all come across or read about such individuals, and we are repelled by their ugly and corrupt misuse of religion.

So religion has two faces: one that is righteous and compassionate; and one that is self-righteous and hate-filled. But we may be fairly confident that all (or nearly all) religionists believe that they are serving God in the best possible way. The righteous certainly aspire to walk in God’s ways, as manifested in the thirteen Divine attributes of mercy. The zealots, though, also think they act for the glory of God. In their eyes, their extremism for the sake of God is no vice. On the contrary, it is evidence that they alone have the true faith and courage to fight for God against all enemies.

One basic truth about human nature is that we tend to see ourselves as being basically good and upstanding. Yes, we know we commit sins—that is why we have the laws of repentance and that is why we have Yom Kippur. We know we have some character flaws and some religious shortcomings. Yet, overall, we think of ourselves as being good people. On the other hand, we can point to others who are really bad, non-religious, and even sacrilegious. We walk in God’s ways, but they don’t.

Let us focus on us, not on them. We want to know honestly and candidly how to evaluate our own religious levels. What are the criteria by which we can determine whether we represent the sweet, gentle and righteous face of religion, or the harsh, self-righteous face of religion? How can we improve ourselves? Essentially, this is a shi’ur in musar, the development of Jewish ethical qualities.

We will begin by studying a short, insightful text from the Talmud (Berakhot 4a):

“A prayer of David... Keep my soul, for I am pious (ki hasid ani)” [Ps. 86:1-1]. Levi and R. Isaac [offer interpretations]. The one says: Thus spoke David before the Holy One blessed be He: “Master of the universe, am I not pious (hasid)? All the kings of the East and West sleep to the third hour [of the day], but I — at midnight I rise to give thanks unto You.”

This passage appears jarred by a presumptuous statement by King David. David asks God to guard his soul because, David asserts, “I am hasid.” The word hasid connotes genuine piety; it is religion at its best. How could David dare to present himself before God in this manner? How could he be so sure of his blameless piety?

The passage offers an interpretation. David proves that he is genuinely pious by the fact that all other kings sleep late, while he arises in the middle of the night to sing praises to the Almighty. David was a king. He could have behaved like all other kings, pampering himself, sleeping late, focusing on his own honor and glory. But David was not that way. He demonstrated that his commitment to God was his primary concern. He was hasid because he was theocentric, not egocentric. This is an essential ingredient in genuine piety.
The Talmudic passage continues:

The other one says: Thus spoke David before the Holy One blessed be He: “Master of the universe, am I not hasid? All the kings of the East and the West sit with all their pomp among their company, whereas my hands are soiled with the blood, with the fetus and the placenta, in order to declare a woman pure for her husband.”

According to this interpretation, David proves his piety by the fact that all other kings insist on pomp and self-adulation; they like people to surround them and praise them and heed their words. But David is different. He deals with complicated halakhic questions, very technical issues that involve the laws of ritual purity and impurity. David gets his own hands dirty. He takes personal responsibility for others. As a king, David surely could have ordered his underlings to attend to such questions. He could have avoided issuing rulings and kept his own hands clean. But he did not shirk responsibility. He was hasid because he did not think it was beneath his dignity to serve his people, even in sensitive matters of ritual purity.

The Talmudic passage continues:

And what is more, in all that I do I consult my teacher, Mefiboshet, and I say to him: “My teacher Mefiboshet, is my decision right? Did I correctly convict, correctly acquit, correctly declare pure, correctly declare impure? And I am not ashamed....”

David was a king. He had the right to issue rulings and decrees without asking anyone else for permission or approval. As a king, he might have felt embarrassed submitting his decisions for the approval of others. Yet David was not that way. He was interested in achieving a true judgment, a ruling faithful to the Torah. He was not ashamed to ask Mefiboshet to review his decisions and to correct them. What awesome qualities are displayed here by David: the quality of pursuing truth at any cost, the quality of humility in the presence of one who may know more, the quality of being able to admit error. A king did not have to subject himself to judicial review, but David did! The truth was more important to him than his own honor.

Thus, the Talmud suggests three characteristics of being hasid, three qualities necessary for those who would represent religion at its best. First, David was theocentric rather than egocentric, and did not insist on his own comfort and privilege. Second, David was not afraid to take responsibility, to get his hands dirty. He did not try to take the easy way out by letting others make the tough decisions. Third, he was not ashamed to ask for advice, and not ashamed to admit that he had erred. He did not believe in being authoritarian, although—as king—he was certainly invested with great authority.

This Talmudic passage, I believe, is telling us the criteria of genuine piety: love of God, humility, the assumption of personal responsibility, and commitment to truth, willingness to learn from others. Our egos must not get in the way of our service to God. We must never feel that we have everything right; rather, we must be honest enough to admit failings. We must strive to be authoritative, without being authoritarian.

Even though we acknowledge these criteria of being hasid, it is still fairly easy and fairly common to assume that we, in fact, do fulfill these qualities. And although all of us, no doubt, do see these virtues in ourselves, we must always be wary of being complacent in our levels of religiosity. We all have room for improvement and personal spiritual growth. None of us has yet reached the level of King David!

One of the problems in religious development is embodied in a concept known in rabbinic literature as yuharah, presumptuousness. Is our behavior genuinely religious, or are we simply acting as though we are religious? Is our motive in fulfilling Torah the pure desire to serve God, or is our motive tainted by egotistic considerations? For some people, religion is a framework for spiritual growth; for others, religion is a place to hide. It is not uncommon for people with bad character traits to try to pass themselves off as servants of the Lord. They delude themselves. What they find in religion is not humble devotion to God, but a framework for self-aggrandizement, influence over others, an outlet for aggression. They use religion to build themselves up. Our rabbis may have had such individuals in mind when they referred to the angel of Esau as being dressed in the garb of a talmid hakham, a rabbinic sage.

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Angel

Yuharah is an important concept for us because it explores the line—often a fine line—between genuine and counterfeit piety. And it deals with the self-deception that may (and probably does) affect all of us.

Let us consider another Talmudic passage (Bava Qama 81b). The Talmud records that Joshua, on his entry into the land of Israel, instituted rules to govern the use of private and public property. One of the rules was that it was permitted to turn aside and walk on private sidewalks in order to avoid road-pegs on the public roads. Thus, travelers had the right to walk on private property if the public road was not easily passable; the owners of the private property had no right to stop these travelers.

The Talmud tells us the following story:

As Rabbi [Yehudah Ha-Nasi] and Rabbi Hiyya were once walking on the road, they turned aside to the private sidewalks, while Rabbi Yehuda ben Qenosa went striding along the main road in front of them. Rabbi thereupon said to Rabbi Hiyya: “Who is that man who wants to show off in front of us?” Rabbi Hiyya replied: “He might perhaps be Rabbi Yehuda ben Qenosa who is my disciple and who does all his deeds out of pure piety.” When they drew near to him they saw him and Rabbi Hiyya said to him: “Had you not been Yehudah ben Qenosa, I would have sawed your joints with an iron saw [i.e. excommunicated you].”

In this text Rabbi and Rabbi Hiyya were following the rule set by Joshua. They moved to the private sidewalks as was allowed. But then they noticed that Rabbi Yehuda ben Qenosa did not follow Joshua’s rule, but rather continued to walk on the main public road, in spite of the apparent obstacles. Rabbi took offense at the behavior of Rabbi Yehuda ben Qenosa, annoyed by the latter’s show of public piety. If Rabbi and Rabbi Hiyya—who were both great sages—walked on the private sidewalks in compliance with Joshua’s rule, why did Rabbi Yehuda ben Qenosa refuse to do so? Did he think himself more pious than the others? In fact, Rabbi Yehuda ben Qenosa’s offense was so great that he deserved to be excommunicated!

Rabbi Hiyya pointed out to Rabbi that Rabbi Yehuda ben Qenosa was his student and was genuinely a pious person. He was not trying to show off. Everything he did was for the sake of Heaven, without ulterior motives, without egocentric considerations. Hence excommunication was not warranted.

The assumption of this passage is that, while Rabbi Yehuda ben Qenosa was an exceptional person, everyone else (i.e. all those not as absolutely pious as Rabbi Yehuda ben Qenosa) would have been worthy of excommunication in that situation. But what would be their sin? They simply chose to walk on the public road rather than to turn off to the private sidewalk. Is that a transgression worthy of excommunication?

Here we come to the issue of yuharah. The law allows one to walk on the private sidewalks. Two great sages, indeed, were doing just that. Now comes another person who declines to take advantage of Joshua’s ruling. He does not want to follow that “leniency.” Yes, he knows that other pious and righteous people follow Joshua’s rule; but he wants to take the “stringent” view by staying on the public road.

We must ask: What is this person thinking? What are his inner psychological motives? We are told that Rabbi Yehuda ben Qenosa had pure motives, but implied is that almost everyone else lacks such pure motives. For almost everyone else, such behavior is presumptuous and worthy of excommunication. Why? Because the person is guilty of false piety! He takes upon himself an unnecessary stringency, as though to show that he is more conscientious than everyone else. In so doing, he insults everyone else—including Joshua, who instituted the rule. Moreover, he shows disdain to those sages who do rely on Joshua’s rule, by presenting himself as being more scrupulous in his religious observance than they are. While the person does not openly say these things, his behavior implies a certain arrogance and presumptuousness. In subtle ways, the person sees himself as better, more pious than others. This attitude, though, is a sure sign of counterfeit religion. It reflects contentment with oneself and a desire to show off one’s piety, rather than a humble, self-effacing religiosity. This is the danger of yuharah: On the surface it appears “religious,” but in essence it reflects egotism.

Let me offer another illustration. It is customary in most Sephardic congregations for congregants to remain seated when the Ten Commandments are read as part of
the morning’s Torah reading. The logic of this custom is that the entire Torah is holy; to stand up for this particular section would imply that the rest of the Torah is of lesser status. On the other hand, the usual custom among Ashkenazim is for the congregation to rise for the reading of the Ten Commandments. This custom calls for the symbolic re-enactment of the original revelation at Mt. Sinai, when the people of Israel were standing. Both customs are perfectly legitimate and deeply rooted in Jewish tradition.

During the eighteenth century, a question came to Rabbi Eliyahu Israel. Rabbi Israel, who was raised in the community of the Island of Rhodes—his father Rabbi Moshe Israel was its Chief Rabbi—served as rabbi in Alexandria, Egypt. The question involved several young men who decided to stand up for the reading of the Ten Commandments, even though the congregation’s custom was to remain seated. These young men obviously felt they were demonstrating respect to the Torah. Rabbi Israel, though, ruled that these individuals were guilty of haughtiness and disrespect for the congregation. They were worthy of excommunication, and should desist from these shows of false piety. (See Qol Eliyahu, [Livorno, 5552], no. 5.)

If we could ask these young men if they had intended to demonstrate false piety, if they had meant to show disrespect to the congregation—they would surely reply in the negative. They would say that they were simply trying to perform a pious deed, honoring the Ten Commandments by rising to their feet. But Rabbi Israel, drawing on the concept of yuharah, cut through their rationalizations. In disregarding the community’s custom, they were saying (through their action) that they showed more respect to the Torah. Rabbi Israel, though, ruled that these individuals were guilty of haughtiness and disrespect for the congregation. They were worthy of excommunication, and should desist from these shows of false piety. (See Qol Eliyahu, [Livorno, 5552], no. 5.)

Rabbi Eliezer Papo, in his classic book of moral guidance Pele Yo’ets, identifies three guidelines relating to yuharah:

- If one is performing a mitzvah, even one that most people ignore, it is not considered presumptuousness on his part. After all, he is following the law and need not be ashamed of this.

- But if most authorities permit an activity and some forbid it, one should not follow the stricter view in public, unless he is well known for genuine piety. (Very few, if any, should so consider themselves!) One may, though, observe the stringency in private.

- If one wishes to adopt a practice that the law does not require, then he should do so privately. This is especially true of one who is not stringent in all his observances; people will ridicule his hypocritical behavior, and this will lead to desecration of God’s name.

Rabbi Papo reminds us: God knows a person’s heart. If one acts piously in secret, God will judge him favorably. Even a person known to be pious should not perform acts of excessive piety that the leaders of the generation do not do. One should not behave in such a way as to call attention to his piety in contrast to that of other pious and learned individuals.

Here is the nub of the matter: God knows our inner thoughts, our real intentions. We may fool others, we may even fool ourselves; but we certainly cannot fool God. We are supposed to conduct ourselves with this idea constantly in mind. Our goal must be to achieve the highest level of purity in our service of God, to make all our deeds for the sake of Heaven. We need to be absolutely honest with ourselves, constantly cutting through our own rationalizations and egocentric concerns. We should strive to be genuinely in the category of hasid and always keep in mind that religious life entails a constant striving for further spiritual growth. If we think we are hasidim, if we think we do everything for the sake of Heaven—we can be fairly certain that we are spiritually deficient! We are very likely guilty of yuharah.

The following question is discussed in halakhic literature (see Sedei Hemed 3:28): May a person perform an act of excessive piety when he is alone in his own home, when no one else can possibly see him? The general opinion is that such behavior is permissible, since no one else witnesses it. How can it be in the category of showing off, if no one sees it? Yet, there is an opinion that even
in such a case a person is guilty of yuharah. How can this be? Evidently such activity is likely to fill the person with feelings of self-righteousness—even if no one else knows about his actions. Even if a person’s behavior does not involve showing off to others, it may still involve showing off to oneself. This, too, is presumptuousness and arrogance. It feeds a feeling of self-importance and self-righteousness. This frame of mind reflects egocentrism, self-satisfaction, and a sense of ultra-piety; thus, it is not reflective of religion at its best.

Our discussion of the qualities that made King David hasid, and our discussion of the concept of yuharah, should help each of us focus more clearly on our missions as religious personalities. There is a fine line between genuine righteousness and self-righteousness. Our judgment is easily clouded by self-delusion, rationalizations, and feelings of contentment with ourselves. Our constant task is to guide our actions for the sake of Heaven, not for our own sakes. Ultimately, we are not answerable for our lives to other people, not even to ourselves; we are answerable to the Almighty.
When A Leader Incurs Guilt: Fundraising, Community Building And The Ethics Of Change

Barry Shrage

Biography: Barry Shrage is President of Combined Jewish Philanthropies Of Greater Boston.
Ethics in leadership requires more than avoidance of unethical behavior. In fact, there are times when ethical behavior requires change and risk-taking to move an organization to achieve new goals—particularly at times of crisis in the life of an organization, a community or a people. At such times the status quo itself may be unethical because it is an avoidance of choice that misses opportunities and allows leaders to operate on automatic pilot. Over time, institutions can become ethically frozen, forget their mission and allow means to become confused with ends.

When fundraising becomes the end as well as the means we can come to believe that anything we do to sustain our campaign is justifiable. Writing a letter urging clemency is the most obvious manifestation of the problem, but in my view it is not the most serious one. Every time we turn away from needed change to avoid “rocking the boat,” and “hurting the campaign,” we endanger our mission and our community. Frozen institutions are inherently unethical.

The Federation movement is particularly susceptible to this kind of ethical blindness, especially at times like this when we face a time of radical change requiring a paradigm shift in our thinking and our work. In other words, we have become deeply embedded in a way of doing business that has done much good but has now hit a crisis. The end of the crisis must be ethical revival through a painful process of personal and communal change.

This process is always difficult, but will be particularly challenging and interesting in an organization as complex as a Federation. It is also challenging and frightening for leaders. Not only the Federation, but many Orthodox and other Jewish institutions now face hard ethical questions. Last year the newspapers were filled with stories about respected leaders who wrote letters of support for Mark Rich. The Boston Globe called and asked what I thought about those people and those actions. What could I say? Some of the people involved are the very best people in the Jewish world. Ethical people and decent people, my friends and mentors. These are people who I love, yet they wrote those letters.

If we work in communities or organizations for many years we come to respect and love our donors and constituents. The people who wrote those letters did not only claim that the men they wrote about were rehabilitated. I would go so far as to say that they may have come to have real affection for the men in exile or prison who had been charitable to their organizations and the causes they represented. Such is the complexity of the tasks we face. This is not to rationalize anyone’s actions, but it is to say that none of us can afford to be self-righteous. In the real world, all of us face difficult challenges and not all of our actions will be above reproach.

The ethical vision of a Federation can be very beautiful, but also quite complicated. Is a Federation in business to help develop and help implement a vision of the Jewish future, or is the Federation in business simply to raise money? Allow me to state the obvious: You cannot implement the vision without the money. Since funding is required to implement even the loftiest vision, it is fair to say that a highly motivated individual who has a vision of the kind of world he or she wants
to create may be more susceptible to “doing whatever it takes” to raise the money to accomplish the goal than a person who is just carrying out the old institutional paradigm in the usual way. Either way, “sin crouches at the door” and as our tradition tells us, Jewish leadership carries with it the inevitability of sin through action or inaction (“When a leader incurs guilt…” Lev. 4:22).

A personal note: I have always found it difficult to conduct “business as usual” as a Federation professional. I came from a middle class Bronx family that had little to do with the Federation. The most important organizational experiences I had before I became involved in the Jewish community were as a member of the New Left during the 60s. Inevitably, I found myself asking these questions: “What is this work really all about? What is the meaning in this enterprise? How do we find the meaning in this work? What is our mission? How do we find our way?”

In parshat beshalah we see the problem of a Jewish community trying to wrestle with decision-making in the absence of a compelling moral vision. In other words, they don’t have the Torah yet. They literally do not know where they are going. They are thirsty, and the rabbinic interpretation of thirst is always, “Thirsty for Torah.” They were thirsty for a direction, for a vision, for a mission, and in the absence of these, their moral compass was deeply confused. The moral ethical vision of Egypt was dead and discredited, but the new moral vision of Torah had not yet been received. I would say that the American Jewish community today is really very much in that position. In other words, we had a certain vision, indeed several visions, of what we were in business for. Those visions have disintegrated.

The first vision of the Jewish Federation developed when our grandparents and great grandparents came here between 1890 and 1910. The vision was of communities and institutions helping immigrants settle in this country and in an organized way and, of course, raising the money necessary to accomplish these charitable goals. That first period was very much about assimilation, which was not a dirty word in those days. It was about helping American Jews to become fully American. We did what we had to do to raise the money to make that happen. Now I would say that the ethical balance—the ability to be ethical in our fundraising—was probably stronger in that period than in the second “sacred survival” era of Jewish communal life, simply because the stakes seemed much lower in the first part of the twentieth century than in the second.

Jonathan Woocher described the second era of American Jewish life, “the era of sacred survival.” as the era of “sacred survival.” It dramatically raised the stakes in our fundraising. The sacred survival era began in 1967 with the Six-Day War and it raised Jewish pride to a tremendous level. Not only the Six-Day War, but also the Black Power Movement changed the zeitgeist of the American Jewish community. For the first time we were encouraged to be proud of being what we were. For the first time, it became a good thing to be a hyphenated American. But it wasn’t cultural pride that emerged from the sacred survival era after the Six-Day War. It was, instead, a deep concern about Jewish physical survival. It was a commitment to making Israel strong enough to withstand all its enemies so that there would never be another Holocaust and so that the Jews would survive. The Six-Day War began with fear of annihilation and ended in triumph, and the 1973 War began with fear of annihilation and ended in uncertainty. When you are in that mode, you can do anything you want to raise money. In the sacred survival era we were of course meticulous about following the law, but beyond that almost any kind of pressure was acceptable. We were, after all, raising money to save lives, so when one donor solicited another, it seemed acceptable to use almost any kind of pressure to get the prospect to give far more than he or she ever dreamed of giving.

The vision of the modern federation movement and its purpose was built in those days. Its persona and the way it is perceived to this very day developed during the sacred survival era. How many people do we run into who say something like, “I will not give the Federation a damn penny because I remember how the president of the Federation, humiliated my father thirty years ago. He brought my father to tears.” This is not an unusual story. If you wanted to be a good Jew in those days you gave a hundred dollars. If you wanted to be a great Jew, you gave a thousand dollars. If you wanted to be the best Jew in the world, you gave a million dollars. The level of honor—of kovod—was related to the amount of money you gave. This has always been true and of course the money did save many lives, but the long-term results were also deeply problematic from a communal standpoint.
There is a church outside Chicago called the Willow Creek Community Church that teaches an important lesson. My friend Len Schlesinger developed a Harvard Business School case study based on the Church and its market research. What did the Willow Creek Community Church discover? Why did people hate the church before it restructured itself and changed its culture? They rejected the Church because they felt that it cared more about their money than about their souls or about them as human beings. Of course, this sounds familiar. Let’s think about the paradox here. We are trying to strengthen the Jewish community. We are trying to build a strong State of Israel. We are trying to raise every penny we can to strengthen Israel and to rescue Jews and in the course of doing this we are alienating them! We are bringing some people in and we are alienating thousands of others. They feel less and less connected because they believe that their connection is largely based on money. When community organizing becomes synonymous with fundraising, we become risk averse, vision disappears and the community is weakened.

I make it a point to try to see two or three people a day, at least one or two who I have never met before. I cannot tell you how many people say, “I know what the Federation is all about. It’s all about money.” This includes people who have a lot of money and give us a lot of money. Yet it is not the most beautiful vision in the world or a prescription for success in the 21st century.

Now that the sacred survival period has ended, the question for the Jewish community regarding our mission becomes even more intense. Part of the problem with the UJC merger, which generally is a good thing, is that a huge proportion of the leadership continues to focus on, “How much money do we raise and what proportion of it goes overseas?” to the exclusion of almost every other serious discussion. The idea that everything in the Federation world is measured by how much money we raise—or similarly that an Orthodox organization is measured only by the number of souls it saves—leads to problems. It can lead to moral blindness and it can lead to ethical narrowness.

The Federation movement raises nearly a billion dollars a year. It has enormous potential power to define a vision for the American Jewish community and that power brings with it enormous responsibility.

The Boston Federation raises over $26 million for the annual fund and millions more for endowments and capital campaigns of various kinds. This level of resource demands responsibility and vision. The failure to give leadership under these conditions is itself an unethical act. That is why we must ask ourselves each day what we stand for, what kind of community we want, what our communities teach, what kind of story we want to tell our children. And most importantly: What do we need to do and how we need to use resources to implement our vision?

This ethical decision-making is not easy, not at all easy. When we make decisions, we must ask ourselves which ethical worldview motivates us. Are we operating out of professional ethics as social workers who are value free and interested only in the good of the individual? Are we operating out of Jewish values? Are we operating out of Orthodox Jewish values? Are we operating out of communal values that are created by the Federation system and the Federation world? Which set of ethics are we operating out for any given decision? Ultimately it comes down to: What kind of community are we trying to create? What does Jewish history and the God of Israel demand?

In the course of our last Boston Strategic Plan, it became absolutely imperative to enunciate some kind of vision of Jewish life, even if it was bound to alienate some portion of the Jewish community. In other words, we needed to risk some of the stability that is essential to fundraising in order to move toward a new vision and new priorities.

Underneath it all were always the core questions: What are we raising this money for? What is the vision of the Jewish community that we want to create?

Our strategic planning process was organized to create dialogue with as many people as possible, to share the vision we had developed over the prior few years, and to listen to the concerns of the community. It would be wrong if I told you that we achieved complete community consensus. If twenty percent of the Jews of Boston have the vaguest idea of what we are doing, I would say that we are ahead of the game. Yet we did
make an attempt to bring several thousands of people into the dialogue. We made a commitment to do this by going to every grassroots institution and organization we could find. Outreach into the synagogues. Outreach into the Community Centers. And our vision in Boston actually evolved as we created our Strategic Plan. Outreach to inter-married was not part of the vision at the beginning. It was integrated because we listened to what people were saying. We tried to listen to what people were saying and integrate new ideas into an evolving vision for our community.

But our vision was not completely open-ended. We began with a vision based on a conception of Jewish history and a critique of our Federation at the end of the sacred survival era. We believed that Jewish learning and culture and synagogue renewal were central to our Jewish renaissance and we had learned that there was a real hunger for Jewish learning and community within the leadership and at the grassroots. Our Strategic Plan called upon our community to create a norm of Jewish literacy and Jewish learning starting with adults and families. We have made real progress—not just because of what we’re doing, but because the times are right for a vision that emphasizes meaning and roots and engagement with our tradition as a way of finding meaning in the world.

In addition to creating communities of Torah, we committed ourselves to creating communities of hesed (caring). We believe that the very idea of community is disintegrating in America. This is a disaster for the Jewish people and it can only be remedied by strengthening grassroots, face-to-face communities. This means that communities can only be strengthened by providing volunteer energy at the grass-roots of the Jewish community so that every synagogue—even a synagogue with twelve hundred family members—can actually feel like it cares about a disabled member, about an elderly member, about a person who needs help. There is no such thing as communities of Torah, if they are not embedded in a real sense of community where human beings care about each other.

That is one of the things that we as an Orthodox community have to share. Most of our communities actually do function more or less as communities of caring. Perhaps this is because most Orthodox congregations are small or because we live near each other or because Shabbat is a ready-made part of what it means to create a real sense of community, or because our children go to the same schools. For all kinds of reasons we know how to create caring communities.

Finally, we stated that as a community of Torah and a community of hesed, we could never be complete unless we were also a community of social justice. This demands serious outreach into the inner city and extensive engagement in creating a better world for all the people of Greater Boston.

In the end, we were able to create a real consensus, a broad consensus around the need to accomplish all these goals at the same time. Create warm, caring communities. Create communities of Torah where Jewish literacy is a norm, and create within those communities of Torah and hesed a commitment and a norm for engagement in the world and for social justice.

All together we tried to create a complete philosophy of Jewish life. We tried to develop a vision and not just a series of programs. We tried to develop a vision of commitment to a Jewish life not just a Jewish lifestyle and a commitment to real community within which Jewish values could be lived and where Jewish learning could be transmitted to a new generation. We took risks and helped change our organization and our community. None of this guarantees ethical leadership but it is I think a prerequisite for ethical leadership. As my friend Michael Hammer is fond of saying, “If you don’t know where you’re going, any road will get you there.”

None of this is easy. I know many will perceive conflicts for an Orthodox person helping to develop a vision that includes Torah, tzedek and hesed, but also outreach to interfaith families. There are conflicts and there are tensions, but they are positive conflicts and tensions. Engaging these tensions allows for the possibility of success. Avoiding them assures only failure.
Ethics In Business

Ricky Cohen

**Biography:** Ricky Cohen is Vice Chairman of Conway Stores, and chairman of Cohen Lierman Courageous Learning, an educational company teaching personal excellence to corporations, educational institutions and government. He is a board member of several philanthropic organizations.
Ethics In Business

Ricky Cohen

My background is that of a businessperson and an educator, and I want to address the question of ethical behavior from the practical educational perspective: What are the points that we have to consider in making ethical decisions in our lives? We can call these points “self-leadership criteria.” They are the considerations that we have to hold dear and in the forefront of our thought as we consider the ethical issues that challenge us.

Halakhah is the minimum threshold for an individual’s behavior. This is self-leadership criterion number one. That is, halakhic requirements are not things to be strived towards; they are things to be built from. They describe the minimum requirements for interaction with those around us. Acting lifnim mi-shurat ha-din (going beyond the minimum requirement) is the goal we must pursue. We do not strive for the bare-bones minimum. We strive to look at what halakhah depicts for us and then work from there.

A practical derivative of this is the important tautology that “Stealing is stealing, period!” In our day, as we become more clever, more intelligent, and more articulate, we find interesting ways to rationalize things. We find ways to argue that if we take money from the government, we must in fact be entitled to it. They describe the minimum requirements for interaction with those around us. Acting lifnim mi-shurat ha-din (going beyond the minimum requirement) is the goal we must pursue. We do not strive for the bare-bones minimum. We strive to look at what halakhah depicts for us and then work from there.

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I’ve heard people say time and again that stealing from an insurance company is not improper. “I had a loss of X dollars and I’ll take that loss and I’ll multiply it by two or three times. In fact, I’ve been paying insurance premiums for twenty-five years and I’ve never gotten anything back, and it is a multi-billion-dollar insurance company. Who knows the difference anyway? They are going to charge me back in the higher premiums and get back the money that I get from them. So let me take what I want to take.” These things go on and on. Supposedly God-fearing businesspeople get the international phone company’s codes and conduct their international business without paying for it. This is unacceptable on all levels. Halakhah is the minimum threshold from which we work, but this behavior is explicitly forbidden by this halakhic minimum. Quite simply, it is stealing. When we speak today about ethics, we are not speaking about taking something that is not yours. That is basic, and we need to go beyond that.

Another key consideration is that there is a basic distinction between civil law and halakhah. Civil law serves the purpose of creating social order. It enables us to live together and avoid hurting one another and to ensure respect for one another’s needs. Halakhic observance, in contrast, has a broader goal. It, too, mandates social governance and requires a certain level of behavior among us, but it goes further. Its goal is to refine and perfect us, to bring us to a level as close to Godliness as possible. When we relate to ethical considerations from a Jewish perspective and take account of the demands of halakhah, we are involved in something far beyond mere social governance. We are dealing with a system through which we can grow, be refined, and blossom into our true selves. That is self-leadership criterion number two.

Ethical questions frequently revolve around money. People who have no difficulty acting ethically when they are not challenged by money find things becoming
more complicated when there is a huge dollar sign hanging over their heads. Should this company relocate or not? Should I fire this person or not? There are dollar signs there. Should I look the other way when this executive does something inappropriate on the Internet? I’ve trained an executive and there are dollar signs there. We often face ethical challenges when there is a financial kicker to what’s happening. This brings us to the third principle: Faith in God is a day-to-day commitment.

Faith is active; it has to be worked and not simply felt or assumed. We all say we believe in God. We have faith in God. We pray to God. We do countless ritualistic things that express our commitment to the Almighty. Yet when an ethical challenge related to money comes up, something often happens to the faith. Something happens to the belief. Something happens to the confidence. So one of the criteria I am suggesting for business people to use as a practical guide in dealing with their daily ethical challenges is the principle that faith is an active thing. It is something you have to work at. It is something that has to be kept in mind. It is not passive. It doesn’t sit some place in the back of your psyche and just sort of hang around. It is not merely felt or assumed. If that is the reality, if you really are working your faith, if it is something that is active for you, then those ethical decisions will be much easier. You will turn away from improper financial incentives because of your active faith, your real trust in God, your willingness to rely completely on something beyond the ordinary.

There is another common mind-set. I often hear people say, “Well, he or she did something nice,” or, “So-and-so did something ethical or righteous. Wasn’t that great?” But we have a different perspective on justice and righteousness, on tsedeq. Tsedeq does not reside in discrete actions. Rather, it is a whole mind-set, a world-view. I should wake up in the morning and reclaim the perspective that I’m going to do things right. That’s very different from thinking simply that I’m going to get along, work through my day, build my business, and deal with matters as they arise. Tsedeq is a state of mind. It is how you think. It is where your thoughts start from, not something that you bump into every so often.

What we are doing is building a structure that will enable us to meet daily ethical challenges and succeed in dealing with them. The component of that structure is the notion that, “Halakhah is the basis, the beginning point, not the end.” A related component is that. “Stealing is stealing, period!” As clever as we might be in characterizing an action, stealing is stealing. The next component of the structure is that there is a distinction between halakhah and civil law, in that the purpose of halakhah is personal ethical growth, for me to become a better person. There is a lot more at stake there than simply doing the right thing so that society may exist. Another principle is that faith in God is a moving, living thing. It is not a dormant, passive mind-set. It is something that has to be worked and tested and fought for. We all say we believe in God; we express it in our words and our prayers. But we don’t embrace it seriously when we are challenged. We are not frightened. The truth of the matter is when we are challenged by serious things, we are frightened. We are not frightened because our faith is not as intense and deep as it should be.

The next point is that tsedeq is not something that we do only from time to time. It is the attitude with which we wake up in the morning. It is what frames every thought and every action, how we begin and end every day. There is a kabbalistic teaching that as time proceeds, as mankind develops, more and more of God’s wisdom in the world becomes uncovered. From that point of view, humanity becomes finer and more civil as it matures. There is some truth to that, for we live in a much less barbaric world than ever before. A corollary is that the more we know and understand, the better we must behave. To put it differently, we have greater responsibility. For example, in eighteenth-century America, children were regularly beaten, by parents and teachers alike. Hitting a child was acceptable, regarded as necessary part of proper child-rearing. Today, in contrast, we have matured and understand more. We communicate differently. Child-beating is regarded as improper and perhaps criminal. This suggests that regarding this question more of God’s wisdom has been unveiled, and therefore we are required to act differently.

The term “ba’al teshuvah” has crept into our contemporary lingo. The street version of this term refers to someone with a limited Jewish background who has recently embraced Judaism. But the classical definition of ba’al teshuvah is quite different, referring to someone engaged in continual introspection and self-development. And in order to meet ethical challenges successfully, one has to be a ba’al teshuvah in this traditional sense. One must think constantly about one’s own
moral growth. Am I a finer person than I was last year? Am I kinder, more aware and more sensitive, more considerate? Am I closer to Godliness in the way I behave and the way I think? A person with this orientation will find it much easier to meet the ethical challenges that arise. He or she will ask, “Who am I?” “Where am I going?” And the answer will be, “I’m a ba’al teshuvah. I want to reach the highest level possible.” And the introspection proceeds: “Will this act help fulfill my role as a ba’al teshuvah, a master of growth and self-development or will it detract from my growth? Is it going to enhance my efforts or drain my efforts?” That analysis is yet another part of the structure that enables us to deal with ethical challenges.

There is another kabbalistic teaching that everything a person does affects that person on a number of levels. Let me touch on four of them. First, an action creates a new fact on the ground. It touches someone on a practical level. Beyond that, it has an intellectual effect: When you perform an act, it shapes how you think. Next, an action or a statement touches you on a formative or emotional level, affecting how you feel about yourself. Finally, it affects your destiny—who you are ultimately and what you turn into. Here again, consider an ethical challenge: Should I allow this executive to continue to look at child pornography on his computer when he’s in my employ? He’s a top executive, very valuable to my company. What should I do? I know that my actions will affect me on a number of levels: how I think, how I feel, who I ultimately am. This is the key principle: You are what you do. Our sages have recognized that, and we must keep it in mind. I will become that action. My feelings will be shaped by those words. With that perspective, we will think very carefully about what we do and what we say.

Let me offer an analogy. If I hold a kaleidoscope and look up at the light and just move the kaleidoscope around a little bit, what would I see? Someone might describe it as, “a bracelet of buttons.” If I turn it slightly what do I see then? Someone might say “a pink brooch,” or “a cluster of different changing colors.” Turning it again, I would see different geometric patterns, a dynamic array of changing shapes and colors, sometimes a chain of flowers, sometimes stones.

Webster defines a kaleidoscope as, “an optical instrument displaying varying symmetrical colorful patterns in rotation.” In other words, as you turn the same object, you see things a little differently. The varied colors and shapes come from the same forms. The contents do not change for no materials are added or removed. Yet a subtle turn of the kaleidoscope makes things look very different.

So too with ethics: A subtle tweaking of awareness or sensitivity, a subtle manipulation of thought, can create an altogether new understanding. The least new understanding or bit of honesty creates a whole new view of what is happening. Recalling and applying all of the principles mentioned earlier is similar to turning the kaleidoscope. Doing so provides a liberating new awareness that encourages us to deal with the ethical challenges we confront. It teaches us to ask the important questions: What is the meaning of my faith in God? Is it active or merely passive and latent? Am I really a champion of faith in God, or is it something that I use only while engaged in interludes of prayer, or is it an active motivator in my life? Do I have a state of mind of tsedeq? Do I want to be a righteous person in my essence, or do I merely act nicely and righteously every so often? Am I growing as the world around me grows? Do I know that humanity is maturing in a way that makes us demand more of ourselves? Am I demanding more of myself? Am I really a ba’al teshuvah? Do I really want to stand on the uppermost level humanity can attain? Do I want to be the greatest man or woman that can be? Am I constantly challenging myself? Did I grow? Did I learn from this act?

These are the criteria. They are the subtle little turns, subtle nuances that we see in the kaleidoscope that give us an altogether different perspective on ethics. They are suggested self-leadership criteria that will embolden you to face the ethical challenges that will invariably confront you. They are supposed to come at you. It is great that they do, because if you use the ethical challenges right, you will grow and be refined as a result. When the ethical challenges come at you, test yourself on the self-leadership criteria. Where am I? How am I thinking? Am I up to this? Then ask yourselves three simple groups of questions. First: Who am I? Who am I to the world around me? What does it have to do with my decision? Am I the leader of a family? That demands a certain responsibility. Am I the leader of a community? Am I a rabbi or someone looked up to? Am I a business leader? That is a real question. I am judged by who I am. Second: Where am I? Have I ful-
filled a mitsvah bein adam le-atsmo, a responsibility that I have toward myself? Where am I in terms of my self-development? Is this decision going to help strengthen me and move me forward or will it do the opposite? Third: What will society think? Have I acted in a way that will be properly understood? We are responsible for how people understand our actions. Ethics are not absolute. They are interpreted. They are dynamic. They move. They develop and evolve. Our responsibility to ourselves is to arm ourselves with as much self-leadership strength as we possibly can so that when these issues come at us, we confront them and grow through them.

Let me conclude with examples of just such a challenge. A number of years ago, our company was going through a difficult period. We had flood damage in our warehouse. When there is flood damage in a building of that size the fire department is called immediately, and when the fire department is called insurance adjusters are automatically contacted and on the case. Our loss was relatively small—in the tens of thousands of dollars. From the day of the fire, I was inundated with phone calls from insurance adjusters. The gist of their calls was, “Listen, Ricky, your loss was twenty-five thousand dollars. I can get you seven hundred and fifty thousand dollars. You’ve been paying premiums for sixty some-odd years. You’ve never had a substantial loss. By the way, they’ll get the money back through you in the future premium rates anyway. So what do you say?” And when would God choose to test us with this challenge? Just when we were going through a difficult business period! So for days I kept getting the calls. I kept saying that we weren’t interested and that we would file a claim limited to the extent of our damage. Finally, the most persistent insurance adjuster told me to take the beanie off my head and start acting like a businessman. That was our final communication. So I have to tell you, we all have had our ethical challenges. We succeed in some; we fail in others. This one was particularly difficult, because of all its circumstances.

Here is another example: I had a loss at my home. I filed for exactly what my loss was. The insurance company had their way of discounting everything, so I ended up paying for about half of my actual loss. As things would happen, a couple of years later we had another flood and there was another loss. This time I had figured out the formula, so I padded the loss and filed for the padded amount. Lo and behold, they paid me the whole thing. So here I was with money that didn’t belong to me. That was a real problem.

I leave it to you to decide how to resolve that one.
Environmental Ethics and Spiritual Consciousness

Richard Schwartz

**Biography:** Dr. Richard H. Schwartz is Professor Emeritus of Mathematics at the College of Staten Island, and author of *Judaism and Vegetarianism*, *Judaism and Global Survival*, and *Mathematics and Global Survival*. He speaks and writes scholarly articles frequently on environmental and health issues.
When God created the world, He was able to say, “It is very good” (Gen. 1:31). Everything was in harmony as God had planned, the waters were clean, and the air was pure. But what must God think about the world today?

What must God think when the rain He provided to nourish our crops is often acid rain, due to the many chemicals emitted into the air by industries and automobiles; when the ozone layer He provided to separate the heavens from the earth to protect all life on earth from the sun's radiation is being depleted; when the abundance of species of plants and animals that He created are becoming extinct at such an alarming rate in tropical rain forests and other threatened habitats, before we have even been able to study and catalog many of them; when the abundant fertile soil He provided is quickly being eroded; when the climatic conditions that He designed to meet our needs are threatened by global warming?

CURRENT ENVIRONMENTAL THREATS

Current environmental threats bring to mind the biblical ten plagues that appear in the Torah portions that are read in synagogues in the weeks before the ecological holiday of Tu Bi-Shevat:

- When we consider the threats to our land, waters, and air due to pesticides and other chemical pollutants, resource scarcities, acid rain, threats to our climate, etc., we can easily enumerate ten modern “plagues.”

- The Egyptians were subjected to one plague at a time, while the modern plagues threaten us all at once.

- The Jews in Goshen were spared most of the biblical plagues, while every person on earth is imperiled by the modern plagues.

- Instead of an ancient Pharaoh’s heart being hardened, our hearts today have been hardened by the greed, materialism, and waste that are at the root of current environmental threats.

- God provided the biblical plagues to free the Israelites, while today we must apply God's teachings in order to save ourselves and our precious but endangered planet from modern plagues.

A midrash aptly summarizes the situation today. It states that when God created the world, He took the first human being, Adam, to see the wonders of creation and He said to Adam, “Do not corrupt or destroy this world. For if you do, there will be nobody after you to restore it” (Eccles. Rabbah 7:28). Throughout history, people may have wondered what this midrash meant, but it is very relevant today.

There is a need for major changes if the world is to avoid increasingly severe environmental threats. In 1992, over 1,670 scientists, including 104 Nobel laureates — a majority of the living recipients of the Prizes in the sciences — signed a “World Scientists’ Warning To Humanity.” Their introduction states:

Human beings and the natural world are on a collision course. Human activities inflict harsh and often irreversible damage on the environment and on critical resources. If not checked, many of our current practices put at serious risk the future that we wish for human
society and the plant and animal kingdoms, and may so alter the living world that it will be unable to sustain life in the manner that we know.

Their warning: “A great change in our stewardship of the earth and the life on it is required, if vast human misery is to be avoided and our global home on this planet is not to be irretrievably mutilated.”

Global climate change may be the most critical problem the world will face in the next few decades. There is a growing scientific consensus that we are already experiencing the effects of global warming, and that human actions are playing a significant role. Global average temperatures have increased about one degree Fahrenheit since 1900. This doesn’t sound like much, but it is causing major changes in our weather patterns. The warmest decade in recorded history was the 1990s. The ten warmest years on record have all occurred since 1983, with seven of them since 1990. The global temperature in 1998 was the warmest in recorded history.

In the year 2000, in its Third Assessment Report, the Intergovernmental Panel on Climate Change (IPCC), a U.N.-sponsored group of leading climate scientists from over 100 nations estimated that by 2100, the average world temperature could rise between 2.5 and 10.4 degrees Fahrenheit. The IPCC report, which runs to over 1,000 pages, was written by 123 lead authors from many countries, drawing on 516 contributing experts, and is one of the most comprehensive studies produced on global warming. Hence, the conclusions of the report represent an unprecedented consensus among hundreds of climate scientists from all over the world. This makes their summary statement that “Projected climate changes during the 21st century have the potential to lead to future large-scale and possible irreversible changes in Earth systems,” with “continental and global consequences,” especially ominous.

In 1999, seven environmental groups, including the Union of Concerned Scientists, produced a world map showing 89 “Global Warming Early Warning Signs.” The groups conclude, “the earth is heating up.” Their ten categories of “early warning signs” include: heat waves and periods of unusually warm weather, spreading disease, the earlier arrival of spring, sea level rise and coastal flooding, coral reef bleaching, melting of glaciers, Arctic and Antarctic warming, severe storms, and droughts and fires.

JEWISH TEACHINGS ON THE ENVIRONMENT

Judaism has very strong teachings on responding to environmental problems. Perhaps most important is, “The earth is the Lord’s and the fullness thereof.” (Ps. 24:1) The Jewish tradition teaches us that we are to be co-workers and partners with God in preserving the earth. One of the big problems facing the world today is the frequent and unfortunate clash between Jewish environmental values on one hand and the realities of the world. Certainly, the world doesn’t put the idea of the Earth as the Lord’s first, but rather, emphasizes what is most profitable.

Since “the earth is the Lord’s,” the Torah mandates bal tashhit: that we are not to waste or unnecessarily destroy anything of value (Deut. 20:19,20). God has given us enough for our needs. We are, of course, to use things properly, but this is not generally the case today. The United States, with less than 5% of the world’s people, uses at least a quarter of the world’s resources, causes about a quarter of the global warming, and produces a third to a half of the industrial pollution.

APPLYING JEWISH VALUES

I will briefly relate Jewish values to two issues, consistent with Rabbi Saul Berman’s statement in his keynote talk earlier, about introducing qedushah (holiness) in all aspects of our lives. One is a broad, general public policy issue, energy policies. The second is a very personal issue, related to our diets.

As long ago as the 1970s, energy expert Amory Lovins argued that there were two primary approaches to obtaining adequate energy: the “hard” path and the “soft” path. The hard path assumes that we need to obtain energy from coal, oil, uranium, and synthetic sources to continue our historic increase in energy use and that, in fact, such increased energy consumption is necessary for our country to prosper. Advocates of the soft energy path assert that energy efficiency and conservation are the primary answers to current problems, and that renewable energy sources based on sun, wind, flowing water, and biomass should be used to provide much of our energy, without the dangers associated with hard
energy fuels.

What criteria should Jews use to select a proper energy path? They should include such Jewish values as bal tashhit, “the earth is the Lord’s,” the sanctity of human life, concern for the needs and circumstances of future generations, the dignity of labor, and proper use of the cycles of sun, water, and wind which God has provided for us. Let us consider future energy choices in light of each of these considerations:

*BAL TASHHIT*: Consistent with the Torah mandate not to waste or unnecessarily destroy anything of value, supporters of the soft energy path advocate a strong reliance on conservation.

The United States is extremely wasteful of energy. With about 4.5% of the world’s people, we are responsible for about 24% of its energy use (the highest per capita consumption in the world). Europe and Japan use about half the energy relative to Gross Domestic Product (GDP) as the United States. Yet European and Japanese people have comfortable standards of living. Partly because of wasteful energy use, United States electrical energy demand doubled about every ten years for much of the twentieth century. Energy made available through conservation is cheaper, safer, more reliable, less polluting, and more job-creating than energy obtained from any other source. Several studies have shown that we can continue to grow economically and to maintain, even improve, our way of life while reducing our use of energy.

*THE EARTH IS THE LORD’S AND THE FULLNESS THEREOF*

Soft energy methods based on renewable resources and conservation have relatively minor impacts on the environment. The hard energy path, on the other hand, contributes to many threats to already fragile ecosystems:

* THE SANCTITY OF HUMAN LIFE: Soft energy methods involve minimal or no danger to human life. The hard energy path, in contrast, endangers life in several ways. Among other things, underground coal mining is still the most dangerous job, despite numerous health and safety advances in the last ten years; and air pollution from fossil-fuel power plants causes disease and death.

Soft energy methods do not endanger future generations. Conservation is actually an investment in the future, since saved energy and resources can help meet the needs of future generations. Use of renewable sources such as sun, wind, and water avoids future scarcities, which could result in inflation and conflicts.

* THE DIGNITY OF LABOR: Unlike many ancient societies, such as those of Greece and Rome, in which manual labor was done by slaves, Judaism recognizes the dignity of creative labor. Work is considered a character-developing process that gives an individual self-respect and respect from others.

Many soft energy methods are labor-intensive. Jobs are created through such endeavors as weatherization of homes to make them more energy efficient, recycling of products, and construction of equipment for the production and distribution of renewable energy. By contrast, hard energy paths are generally capital intensive. They require sophisticated, expensive equipment, but relatively few workers.

* PROPER USE OF GOD’S CYCLES OF SUN, WIND, AND WATER: A major cause of pollution and resource shortages in recent years is our inattention to God’s cycles of sun, wind, and water. According to energy expert Denis Hayes, the U.S. could reduce carbon dioxide emissions by 80% in our lifetime by converting to the most efficient technologies currently available, and switching as much as practical to solar energy, wind power, bio-fuels, and other renewable sources of energy. Hence, in partnership with good conservation practices, the second major element of the soft energy path is use of sun, wind, and water, as well as renewable fuels.

There are many “hidden” benefits of renewable energy sources: they are generally pollution-free, undepletable, dependable, abundant, decentralized, safe, job-creating, and inflation-resistant.

In summary, our nation and the world can best be
served by an energy policy based on Jewish values embodied in the acronym CARE (Conservation and Renewable Energy). Such a policy would involve turning away from sources of energy that have become environmentally destructive and extremely costly; adopting simpler technology instead of reliance on inefficient central electrical generating plants; decreasing dependence on large energy companies and foreign governments, which can cut off supplies or sharply raise prices. This could help create a simpler, healthier world, with more conservation of energy and resources; a safer world, with less competition for scarce fuels and other commodities; a more stable economy; less unemployment; and more money available for education, health, housing, transportation, nutrition, and social services. For all these profoundly Jewish reasons, the Jewish community must take a leading role in advocating energy policies that will help usher in this safer, saner future.

The other issue I wanted to briefly discuss is dietary connections to the environment and other issues. There is a widely accepted aspect of modern life that contradicts many Jewish teachings and harms people, communities, and the planet — the mass production and widespread consumption of meat. High meat consumption and the ways in which meat is produced today conflict with Judaism in at least six important areas:

1. While Judaism mandates that people should be very careful about preserving their health and their lives, numerous scientific studies have linked animal-based diets directly to heart disease, stroke, many forms of cancer, and other chronic degenerative diseases.

2. While Judaism forbids ts'ar ba'alei hayyim, inflicting unnecessary pain on animals, most farm animals — including those raised for kosher consumers — are raised on “factory farms” where they live in cramped, confined spaces, and are often drugged, mutilated, and denied fresh air, sunlight, exercise, and any enjoyment of life, before they are slaughtered and eaten.

3. While Judaism teaches that “the Earth is the Lord’s” (Ps. 24:1) and that we are to be God’s partners and co-workers in preserving the world, modern intensive livestock agriculture contributes substantially to soil erosion and depletion, air and water pollution, overuse of chemical fertilizers and pesticides, the destruction of tropical rain forests and other habitats, global warming, and other environmental damage. While recent increased concern about global warming is very welcome, the many connections between typical American (and other Western) diets and global warming have generally been overlooked. Current modern intensive livestock agriculture and the consumption of meat contribute greatly to the four major gases associated with the greenhouse effect: carbon dioxide, methane, nitrous oxides, and chlorofluorocarbons.

The burning of tropical forests releases tons of carbon dioxide into the atmosphere and eliminates the ability of these trees to absorb carbon dioxide. Also, the highly mechanized agricultural sector uses an enormous amount of fossil fuel to produce pesticides, chemical fertilizer, and other agricultural resources, and this also contributes to carbon dioxide emissions. Cattle emit methane as part of their digestive process, as do termites who feast on the charred remains of trees that were burned to create grazing land and land to grow feed crops for farmed animals. The large amounts of petrochemical fertilizers used to produce feed crops create significant quantities of nitrous oxides. Likewise, the increased refrigeration necessary to prevent animal products from spoiling adds chlorofluorocarbons to the atmosphere.

4. While Judaism mandates bal tashhit, — not wasting or unnecessarily destroying anything of value, and not using more than is needed to accomplish a purpose — animal agriculture requires the wasteful use of food, land, water, energy, and other resources.

5. While Judaism stresses that we are to assist the poor and share our bread with hungry people, over 70% of the grain grown in the United States is fed to animals destined for slaughter (it takes about 9 pounds of grain to produce one pound of edible beef), while an estimated 20 million people worldwide die because of hunger and its effects each year.

6. While Judaism stresses that we must seek and pursue peace and that violence results from unjust conditions, animal-centered diets, by wasting valuable resources, help to perpetuate the widespread hunger and poverty that eventually lead to instability and war.

In view of these important Jewish mandates to preserve human health, attend to the welfare of animals, protect
the environment, conserve resources, help feed hungry people, and pursue peace, contrasted with the harm that animal-centered diets do in each of these areas, I believe that committed Jews (and others) should sharply reduce or eliminate their consumption of animal products.

One could say “

\textit{dayyeinu} \ (it would be enough)” after any of the arguments above, because each one constitutes by itself a serious conflict between Jewish values and current practice that should impel Jews to seriously consider a plant-based diet. Combined, they make an urgent and compelling case for the Jewish community to address these issues.

This conference should be the beginning of applying Jewish values and teachings current environmental threats. Former Vice-President Al Gore stated in his book, \textit{Earth in the Balance}, “The saving of the global environment should be the central organizing principle for civilization today.” In everything we do, we should consider the effects on the environment. As Jews with “the courage to be modern and Orthodox,” I believe that we should make \textit{tikun olam} (the mandate to heal and repair the world) a central organizing principle for moving the world from its present perilous path to a more sustainable one.

\textbf{SOURCES FOR FURTHER INFORMATION:}


Schwartz, Richard H. \textit{Judaism and Vegetarianism}. New York: Lantern, 2001. Argues that Jewish mandates to show compassion to animals, preserve health, help feed the hungry, preserve the earth, conserve resources, and pursue peace point to vegetarianism as the ideal diet.


\textbf{VALUABLE WEBSITES:}

*\textit{Adam Teva V'Din}: The Israel Union for Environmental Defense at http://www.iued.org/il
*Coalition on the Environment and Jewish Life (COEJL) at http://www.coejl.org
*Society for the Protection of Nature in Israel at http://www.spni.org.il
*Judaism and Vegetarianism at http://www.jewishveg.com
Jewish Environmental Ethics

Daniel Sperber

Biography: Daniel Sperber is Professor of Talmud at Bar Ilan University. He is the author of numerous books, including the six volume work, Minhagei Yisrael, and a recipient of the prestigious Israel Prize.
A little more than thirty-five years ago, I served as a rabbi in India. When one went to India at that time, of course, one went to Nepal. So I took a week off and went to Katmandu. It was an absolute paradise. From this ancient, beautiful city, one could see the Himalayas covered in snow against pure blue skies. Running through the city was a pristine river called the Bagmati. It is a holy river, where people bathed. The waters were so limpid and pure, you could drink them. The city was small and you could take a bicycle and ride eight or ten kilometers out to the surrounding, even smaller townships. These were ancient townships with gorgeous temples such as Badgaon. I thought then that if there is a Gan Eden Alei Adamot, —a garden of Eden on earth— this would be it. If I wished to live in a land outside of Israel, it would be Katmandu. I was offered very attractive jobs there. At that time, very few Europeans were in this part of the world.

A little over a month ago, my wife and I were invited to an international conference in Katmandu on conservation. It was planned by two organizations, the World Wildlife Fund, which is a massive well-known global organization, and the Alliance of Religions for Conservation (ARC), which consisted of representatives of twelve major religions, each trying to demonstrate that his respective religion had a clear interest in conservation and ecology. It was not the sort of conference in which participants tried to persuade one another of the higher ethical principles inherent in their respective religions. Instead, we were united in our goal of dealing with the challenges and dangers to the planet that we all inhabit.

The earth is, at least so far, the only home we have. I am reminded of the midrash about a ship in which many people were sailing. When one of the passengers started to drill a hole underneath his seat, the others began to protest: “What are you doing? You’re making a hole in the bottom of the ship.” He replied, “Well, it’s only under my seat.” And so when I came to Katmandu, I came back to a completely different place. You couldn’t see the sky. It was overcast, darkened by dirty, smelly clouds. The Bagmati was a cesspool and very much smaller that I had known it to be previously. It had shrunk to a size smaller than the Jordan and it reeked. When you walked through the streets, you could smell the kerosene being used for cheap fuels in cars. My wife bought a pashmina— which is apparently what one has to get when one goes to this part of the world—and it smelled of paraffin. It had to be rinsed out. You couldn’t see the mountains at all. You didn’t realize that you were in the valley of Katmandu, surrounded by the highest and the most beautiful mountains in the world. You had to go out of the valley and climb another thousand meters or so in order to be able to see the actual mountains.

The city is now a huge, sprawling metropolis of over two and one-half million souls. Over a quarter of the population of Nepal is now concentrated in this urban sprawl. Those little townships ten miles away that I used to visit by bicycle are all a part of the same city. They are linked up with no boundaries to demarcate borders. The roads are rutted. People walk around with cloth masks around their faces. If there was an ideal venue for an international conference to discuss conservation and ecology, this was it. Katmandu is now an example of how you can ruin the house in which you live, the garden you’re meant to be enjoying.

It is very clear to me that this is an issue that we as Orthodox Jews have to relate to. I do not know what the situation is here in the United States, but in Israel the conservationists, the Greenpeace people, are seen as political leftists, anti-religious people who have created an alternative religion. Theirs is not a theocentric faith, but a geocentric one; it might be called geotheism, the...
Earth as god, a god dictating to us how we must live. Orthodox Jews are not involved in this enterprise, for they identify these movements with non-religious, even anti-religious, elements and automatically reject them, ascribing to them no value whatsoever. They recognize that “Ladonai ha-arets u-melo’ah” (Ps. 24:1) but stress its counterpoint: “Ha-arets natan li-venai adam.” (Ps. 115:16; see BT Berakhot 35a) In other words, humanity is the pinnacle of creation and the world is there for us to use and even exploit. The materials that are available to us are for our own pleasure and benefit. If one is a religious person, one could even say that the earth is given to humanity to serve its higher spiritual needs.

Because of this perspective, the idea that we have to be concerned about the only home that we have is a notion that doesn’t seem to have penetrated the Orthodox community.

Nevertheless, some segments of the community are beginning to involve themselves in these issues. I’d like to talk not on the practical level, as does Dr. Schwartz, but on the theoretical, ideological level. He mentioned, albeit parenthetically, kile-ahar yad, a very important concept. He spoke of “stewardship.” I see the first chapter of Genesis, the story of creation, as a very deep and penetrating message to all Jews, particularly all Orthodox Jews. The picture of Gan Eden (paradise) that Genesis presents us with is a picture of an ideal ecological state of affairs. Scripture mentions fresh air, pure water, rivers going out in different directions; gefilte fish available to whoever wanted to take it! This was an ecologically balanced framework. In many ways this is the Torah’s ideal vision. One did not have to labor in order to obtain what one wanted. One picked one’s fruit, one ate it, the animals lived harmoniously with the few human beings that were to be found there. Man is placed in a framework of ecological harmony and balance, in which all his needs are readily met. It appears that everything is there to serve him: the trees to feed him; the leaves to clothe him. But this can lead him to the foolish notion that he is actually the owner, the lord of the manor, the person who has dominion over the entire world in which he finds himself. To offset this possible misunderstanding of man’s position within the framework in which he’s been placed, God tells him that there’s something—one tree, one fruit—that he’s not to partake of. The midrashim offer various suggestions as to what it is: wheat, olives, vine. But its identity doesn’t matter; the point is that something was unavailable for man’s personal use. This limitation was meant to teach that man is not the master. Somebody—Something—else is the master; man is only a steward. His mandate is “le-’ovdah u le-shomrah” (Gen. 2:15), to tend the Garden and to preserve it, to look after it and to keep it. He is a “gardener,” neither the owner, nor the master. He has no dominion.

Adam sinned when he thought that he could take over everything for himself. When he used that which had been forbidden to him, he denied his stewardship and expressed his sense of absolute dominion over the whole of his realm. That was the reason that he had to be expelled. Upon his expulsion, the whole ecological balance was subverted and a new imbalance arose: qots ve-dardar (Gen. 3:18), weeds and thorns were to grow. One now has to labor hard in order to get one’s food. It becomes very, very evident that man is no longer master, no longer in absolute control, and that one has to live in accord with certain rules and regulations that have been given by the One who is above man. By keeping to them, one will be able to survive at a certain minimal level.

The biblical text describes how this continued for a number of generations but that people again became egotistical. They began to think, “Yes, well, we really are masters. We can take things over.” The concept of property, of ownership, of personal responsibility, doesn’t really exist in a totally hedonistic and egotistical ideology. One takes whatever one can get. Kol de-alim gevar: Whoever is stronger will take and own things. Nature is no longer something one has to preserve. One can modify it. One can change it. One can do genetic engineering. The Torah tells us that “vattimalei ha-arets hamm’ar” (The earth was filled with harmos. Gen. 6:11). Rashi explains “hamos” as the loss of the concept of duty regarding another’s ownership rights. One takes what one can, gets what one can, owns what one can. It doesn’t matter how one gets it; it all must be possessed. “Ki hishibbit kol basar et darko al ha-arets.” (“All flesh had corrupted their way upon the earth.” Gen. 6:12). Rashi says

1 See accompanying article.
that they started kil’ayim, improper cross-fertilization of certain species. In other words, they began to change the laws of nature—possibly through genetic engineering. They thought, “It’s all in our hands. We can do with it as we wish.” In their view, homer be-yad ha-yotser, anu yotserim: We are the people who are in charge. We can alter things. We can change things according to our own vision and our own path. But the Torah tells us that there ensued what in modern terms is called an eco-disaster: a flood. As soon as these basic values were done away with, were abolished, ceased to be a part of the mandate that man was meant to keep, a disaster fell upon mankind. These messages, which might sound like drush, are not. They are very basic to Judaism and they reverberate throughout the whole of the halakhab.

Let us consider just one simple example, shemittah, the sabbatical year. This year is a shemittah year, and it has much to teach us. It functions on three levels. First is the strictly agricultural level. It is impossible to exploit the earth without pause. The soil cannot generate crops year after year without losing its nutrients. You have to let the earth, the soil, rest—"az tirtseh ha-arets et shabbatotehah". ("Then shall the land be paid her sabbaths". Lev. 26:34). We know that in the medieval era, the feudal system divided parcels of land into three fields, one of which would be left fallow at any given time. This made for a double shemittah, as it were. It similarly appears that fields in the Land of Israel in rabbinic times were similarly left fallow once every three years, and not merely in the seventh, as reported in Yerushalmi Shevi`it. The earth had to gather its strength, had to re-charge its batteries in order to be able to produce crops and to remain fertile.

The second level, beyond the agricultural, is the socio-logical. What distinguishes the classes of society from one another is wealth and possessions. People thought that they owned their own fields. They were more powerful because they had authority and control over the earth. But every seventh year, there was an equalization, a quasi-socialist whittling away of the classes. It was a sort of mystical, almost Marxist solution in which everybody had equal right to take from the land and there was no absolute ownership on the part of any one person. This was reinforced by the annulment of debts at the same time, so that what makes a person poor—his debt to someone else—is suddenly cancelled. Likewise, slaves are freed. These sociological implications of shemittah are clear and understandable.

Of course, the most important but also the simplest lesson this teaches is that we do not own the lands we think we own. We work it. We’re its stewards. We’re its guardians. We use it for six years and we come to think of it as our own land. We have absolute rights over it. We can do with what we want with it. But the seventh year teaches us that this is not so. Suddenly the land becomes no longer ours. Nobody can come and take from it as much as he wishes, (subject only to some limitations). Hence the concept that the land on which we live, Erets yisrael, is a place given to us le-ovdah u-le-shomrah, to work and preserve. We are guardians over it, not masters over it. This is very clearly implied in the halakhot of shevi’it.

Bal tashhit, the prohibition of wasting resources, is one of the basic mandates of the conservationists. Yet bal tashhit teaches us something else: One does not have the right to destroy things that are in one’s possession.

Similarly, there is a prohibition against harming oneself bodily: ve-nishmartem me’od le-nafsiboteikhem (Deut. 4:15). So, too, you cannot take something that belongs to you and randomly destroy it. From the point of view of the laws of ownership, bilkhon kinyanim, I can take anything I own and destroy it, throw it away. Why not? It is mine. Yet from the point of view of bal tashhit, I may not do so. It is not permitted because what we think is ours, is not ours. We are all tenants. We must be aware of that and we must think also of the future.

We all know the very famous story of Honi Ha-Magel, who saw an old man planting a carob tree said to him, “How long does it take until you get carobs?” “Seventy years,” the old man replied, “but I came to the world and I found carob trees that were planted by my grandparents. I am planting trees for my grandchildren.” So we dare not think only of ourselves and of our immediate benefit. We must think ahead precisely because there is a mandate of horashah, of bequeathing: a person must transmit what he has received to coming generations. Because it is not yours, you do not have the right to decline to pass it on to the next generation. In Erets Yisrael we fight to keep every meter of land. We des-tone the hills. We have hitnahaluyot and, at the same time, we’re planning a transnational highway, which is going to have a dire ecological effect upon the whole
country. The whole of our coastal plain is becoming an urban sprawl at the expense of agricultural land. If it continues this way, Haifa, with its industrial complexes, oil refineries, qiryat ha-peladah, may become, Heaven forbid, something like Katmandu is now. One won’t be able to see the skies and one won’t be able to see Mount Carmel. Even now, it’s not particularly pleasant to walk around the docks. If you blow your nose, your handkerchief - or whatever you use - will become grey.

You have been introduced to a number of directions of a practical nature, of how to face some of these challenges. The challenges are enormous and cannot be dealt with by a single individual or even a single government. They can only be dealt with at the global levels. The problems are even more complex than I have suggested here. As I said, Orthodoxy in Israel has not yet involved itself in these issues, nor has it even come to realize that these are problems it must face or should face.

One of the great challenges of the present world is population growth. Dr. Schwartz mentioned the problem of food, i.e. how much food has to be produced in order to feed the global population. The population is growing exponentially. When I was in India, there were four hundred million people there. Now there are over a billion. It has not been a long time, only a generation and a half. China then had less than one billion and now it has more than two billion. These countries are not large areas as a percentage of the globe. Population control may be one of the answers, but Jewish religious people don’t like to talk about that issue because it’s problematic. It doesn’t really pertain to us because we’re a small nation that recently lost an enormous portion of its membership. And yet this is another reason why we push these issues aside and we blind ourselves to what’s going on around us. We must find solutions, but before we search for solutions we have to realize that there exist problems and there exist challenges. They are probably the most important challenges that are facing the global community, and we are part of that community. We cannot make a hole in the boat beneath our own seats and claim it affects only us. The time has come—indeed the time came long ago—when Orthodox Jewry, or Modern Orthodox Jewry, or Jewry in general needs to wake up to the need to confront these issues.

These are issues that are of a basic Jewish religious spiritual nature. The message from our classic texts is clear. I cannot say that the answers are simple, but the warnings are blatant. If we develop sensitivity to these challenges, and if we collectively seek solutions within our communities and our congregations, we will surely find those solutions.
Finding A Home for Critical Talmud Study

David Bigman

Biography: Rabbi David Bigman is Rosh Yeshivah, Yeshivat Ma’ale Gilboa.
Our method for learning Talmud can be summarized in the following question: "What is it saying and what is it saying?" In order to make this question intelligible, we have to define what we mean by three crucial terms, "it", "saying", and "saying". The first two have been well developed by the academic world. However, since that consensus is not widespread in the yeshivah world, I will summarize them here. It is the third where we have something to contribute to the discourses both of the yeshivah and of the academy. Through defining these terms, we will see that the method consists of 1) identifying the different layers of the Talmudic sugya, 2) reading each layer in its own context, and 3) evaluating what values are reflected by each particular statement and the larger editorial structure of the sugya. Through this approach, we get a glimpse of the intellectual history of the sugya and, more importantly, we inherit a wide range of halakhic values that operate in the Talmud—values that guide the binding halakhic interpretations of the Talmud and that can and should operate in our own thinking and decision-making.

"It"
The Talmud is a composite document reflecting numerous voices from various places, spanning over 500 years. Consciousness of this fact is the crux of the method. It bears emphasizing that the Talmud does not attempt to hide this feature of its composition. The formal sources of the Talmud—mishnayot, baraitot, and memrot of amoraim—are formulated in terse, legal format and in the enterprise’s “official” language, Hebrew. Later glosses, comments, and discussions—the stama de-gemara—are recorded in conversational style and in the colloquial language of the time, Aramaic (just as today, students of Talmud discuss and comment on the text in English, modern Hebrew, Yiddish, etc.). Furthermore, not only are the individual sources linguistically distinct, but the editors of the Talmud even use specific terminology for the kind of sources they are bringing (e.g., de-tanya, tenan, teno rabbanan, itmar). The first task in learning a sugya is identifying its component parts.

Comparison of the printed edition to manuscripts reinforces sensitivity to this characteristic of the literature. One rarely finds significant variations in halakhic sources of the tanna'im or amoraim. One constantly finds variations—often substantial—among different textual witnesses for the stammaitic give-and-take of the sugya. Knowing this, we read the tannaitic and amoraic sections differently than the stammaitic ones. The former are legal source material, fastidiously transmitted in an official format. The latter are commentarial glue that

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1 I gratefully acknowledge my student, Aryeh Bernstein, for his hard work in bringing this article to fruition. I also thank my colleague, Rav Elisha Ancselovits, for his astute editorial comments.

2 I will not attempt to rehash here a full methodological program for identifying and reading the layers of the Talmud. The most basic and thorough presentation of such a program that I know of is Prof. Shamma Friedman’s seminal “Mavo Kelali ‘al Derekh Heqer ha-Sugya”, in Mehqarim u-Meqorot, vol. 1, ed. H.Z. Dimitrovsky, New York: Jewish Theological Seminary, 1978.

3 I am neither describing the historical process of the composition of the stam nor indicating who these editors/commentators were. We still lack an answer to this enigma. For example, it remains an open question whether all of the stam is the latest editorial layer of the Talmud or if there are also earlier stammaitic sections. Since we already find Aramaic and give-and-take between Abbaye and Rava, my own intuition is that there are different layers of stam, a small portion of which already date to around their time.
interpret and contextualize the source material as they transmit it. These layers of commentary and scrutiny—the *stam*—are already embodiments of the learning process, and are, phenomenologically, the same process in which we engage in our *batei midrash.* Awareness of this distinction invites a different conception of the genre of the Talmud.

"Saying"

Once we comprehend the Talmud’s genre ("it"), our first task in learning a *sugya* is to identify and separate its strata. As we do so, we listen to what each voice is "saying", that is, what each one means in its own context. This task requires expanding our study of primary texts, including the Tosefta, midrashic literature, and the Bavli *Yerushalmi.* We learn the positions found in a *mishnah* in the context of relevant parallels—not only in *baraitot* in the Bavli, but also in the Tosefta and the halakhic *midrashim*—in order to appreciate the nuances and range of tannaitic positions. We can then understand what Rabbi Yehudah ha-Nasi was saying by recording certain positions and not others, and by recording them in certain contexts and not others. The same goes for amoraic statements. Instead of accepting recording certain positions and not others, and by

In the course of identifying original voices, the learner should utilize the wide corpus of manuscripts of the Bavli and other Rabbinic texts. Not infrequently, one finds variants that clarify difficult passages in a *sugya.*

The printers of the Talmud did, indeed, perform an invaluable service to the Jewish world in their stunning accomplishment of preparing editions of our most important literature that could be accessible to the masses. However, they made interpretive choices in deciding among variants in the manuscripts before them. They also frequently emended the texts on the basis of the "corrections" of the Maharsha"l, whose notes were insightful, but not necessarily based on textual traditions. Since Daniel Bromberg, the widow Romm of Vilna and all those in between did not have *Ruah ba-Qodesh,* we should read their texts alongside other textual possibilities that stood before them (and before the *rishonim* and *aharonim,* for that matter). In this way we can come closer to reclaiming the original voices.

Using these lower-critical tools is important, but insufficient without the appropriate consciousness in reading. The linchpins of our method are paying attention to the strata of the text and reading each stratum in its own context, without the comments or qualifications of later voices. Reading an amoraic source in the dressing given to it by the *stam* prevents the learner from understanding the *amora* himself. It further shrouds perception of just what was bothering the stam and what legal or conceptual development he heralded. The same is true regarding amoraic extensions of tannaitic sources and

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4 I am forever indebted to my teacher, Rav Yisrael Ze’ev Gustman, zt”l, for bringing to my attention the importance of learning the Tosefta, *midreshei halakhah,* and the Yerushalmi. Only years later could I appreciate the deepest implications of this commitment to understanding *peshat.*

5 I am perplexed to no end by the taboo that accompanies manuscripts in much of the contemporary *halakhah* to Rav Raphael Natan Nata Rabinowitz’s *Diqdugei Soferim* to be impressed by what a radical innovation this taboo is and how valued manuscript comparison was to many of the *gedolim* of a century ago. This work, published between 5627 and 5646 (1867-1886), lists variants between the printed edition and the significant Munich manuscript of the Talmud and scattered other manuscript references, and includes his long essay on the history of printing of the Bavli.

6 Not infrequently, one finds variants that clarify difficult passages in a *sugya.* The printers of the Talmud did, indeed, perform an invaluable service to the Jewish world in their stunning accomplishment of preparing editions of our most important literature that could be accessible to the masses. However, they made interpretive choices in deciding among variants in the manuscripts before them. They also frequently emended the texts on the basis of the "corrections" of the Maharsha"l, whose notes were insightful, but not necessarily based on textual traditions. Since Daniel Bromberg, the widow Romm of Vilna and all those in between did not have *Ruah ba-Qodesh,* we should read their texts alongside other textual possibilities that stood before them (and before the *rishonim* and *aharonim,* for that matter). In this way we can come closer to reclaiming the original voices.

7 The Christian Daniel Bromberg printed the first full edition of the Talmud in Venice between 5280-83 (1520-23).

8 The widow Deborah Romm and her brothers-in-law printed the Vilna Sh”as, which we use to this day, between 5640-46 (1880-86).

9 Opponents of the academic method sometimes criticize it for showing disrespect to *hazzal* and the Talmud. I think the opposite. It is *because* of our reverence for the *tannaim,* *amoraim* and the editors, that we insist on understanding all of them. If they spoke up, they deserve to be heard and appreciated.
Rashi’s commentary on the “final” text. Reading the Talmud synchronically misunderstands the genre and loses the nuances, or even the entire thrust, of many of Hazal’s voices.

“Saying” The contemporary learner is deeply indebted to the insights of academics for focusing our attention on what the Talmud—“it”—is and on what its sources are “saying”. However, Talmudic scholarship exposes itself to a potent critique, articulated often in the yeshivah world: “So what?”. Too often, academics labor to identify the contextual meaning (peshat) of every source and to trace the arrangement of the sugya without asking what halakhic concept is adduced or what values are at play in a legal ruling, textual interpretation, or editorial choice. Sometimes this lack is merely a missing step that we can fill to supplement the critical analysis. Sometimes, though, it challenges the veracity of their conclusions, because they have reached them without attending to the issue at hand. In our eyes, any explanation of a ruling or interpretation that is unconscious of the issue at hand is suspect. The core question on any text is, “What is it saying?” Our employment of all other features of the critical method is ultimately to enable us to address this question most responsibly and confidently.

“What is it saying?” is the nucleus of our method regarding each stratum of the sugya and is even more at hand in reading the edited sugya’s literary gestalt. After identifying the peshat of each source, we can see that the meanings of these texts change through layers of interpretation, such as when the stam limits the applicability of a memra with an ‘uqimta. Academics often read these statements only structurally: the editor had two opposing traditions and could not discard one, so he reconciled them. Such an analysis is correct, but does not go far enough. It is true that the editor aimed to square away the material. But why did he do it this way and not another? Alternative editorial possibilities are often readily apparent; influencing the particular editorial moves are assumptions and values awaiting our analysis.

My approach is admittedly intuitive, which irks many academics, who demand strict proof and objectivity. On the other hand, their methodological reduction ends up eliminating the main objective and sanctifying means as an end to themselves. In any case, I agree that it is important to distinguish between readings about which we feel fairly certain and those that are more speculative. I constantly repeat to my students the unforgettable slogan of one of the prominent rashei yeshivah in Skokie, Rav Starr, zt”l: “Know what you know and know what you don’t know, and know the difference!” However, I argue that admitting the gaps in our knowledge into the equation furthers discourse and engenders the possibility of increased knowledge through the interaction of the beit midrash.

In this way, we fill a crucial gap in prominent academic protocol, but we also differ from the dominant learning approaches of the yeshivah world. Today, most yeshivot proliferate the “Brisker derekh”, the elegant and rigorous

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10 I have no formal, academic training in Talmud. The earliest seeds of my academic orientation were planted by Lithuanian rashei yeshivah who insisted that Rashi be read as a commentator, and not as a seamless part of the gemara. When I was in high school at the Skokie Yeshivah, then under the leadership of Rav Ahron Soloveitchik, zt”l, the beit midrash rang with a pedagogic slogan: “Rashi is a rishon!” When I was in yeshivah gevoha in Detroit, the rosh yeshivah, Rav Leib Bacht, shli’a, put it a little differently: “Rashi did not have Rashi!” Both rashei yeshivah were warning us to pay careful attention to the Talmudic text itself before turning to the commentaries. Looking at Rashi as a commentator and not as the decisive read of every line allows for an awareness of the difficulties in the text. If Rashi needed to smooth out the Talmud, that means that the Talmud itself is rough. Confronting that roughness enables the learner to uncover worlds of interpretive possibility and to evaluate and appreciate the interpretive choices of Rashi and the other commentators. This reading attitude is Prof. Nehama Leibowitz, zt”l’s contribution to the world of Bible study, where it is now the convention. We urge similar developments in Talmud study.

11 “Uqimta” is a conventional term for an interpretive comment that limits the applicability of an authoritative statement to a particular range of situations.

12 This is a frequent critique of Prof. David Weiss Halivni’s work by his academic colleagues. In this regard, I side with Prof. Halivni. I frequently disagree with his conclusions, but intuitive speculation furthers discourse and engenders greater understanding. To refrain from it is to avoid our most important task.

13 Moreover, as we pointed out earlier, by eliminating the essential questions—and, therefore, the issue at hand—they may open themselves up to interpretive errors.
analytical system innovated by Rav Hayim Soloveichik of Brisk, zt”l. This method seeks the classification and description of the conceptual world of halakhah, without, generally, admitting the subjective world of values into the system.\(^{14}\) In Rav Mosheh Lichtenstein’s terms, it focuses on the “what”, but not the “why”.\(^{15}\) However, even his recent proposal to consider the “why” after the “what” has been determined misses the point, because it assumes the independence of these two categories, in asking “why” only after “what” has been established. We differ, first, in offering different tools for how to analyze “what”, as discussed above in the “It” and “Saying” sections. Second, it is our claim that the “why” is an integral component of the “what”. The tanna’im and amoraim were not legal theorists proposing metaphorical systems. They were interpreters and jurists. True, it is often unclear whether the stage for an halakhic dictum is primarily the beit din, where the sage has to issue a practical ruling, or the beit midrash, where the sage has to interpret a difficult text. Either way, though, the ruling is local. Legal rulings are legal rulings before they can hope to be neo-Platonic abstractions.\(^{16}\)

“So what?” is not the only challenging question asked by non-academics of academics. Others challenge critical method as being disruptive to halakhah. According to this claim, if the academics intend for their peshat of Rav Huna’s memra to be available for contemporary halakhic adjudication, the analysis becomes disharmonious to the halakhic process, since no tradition exists for such a reading. Alternatively, if it is to have no bearing on practical halakhah, its revelation is irrelevant. Our response to this assertion is that it is coherent only if one looks at the ruling as a legal bottom line and nothing more. Such a view misunderstands the nature of law. All legal thought is, by its nature, an embodiment of values, so Rav Huna’s statement is, actually, a translation of some nexus of values into the setting at hand. These values can be economic, social, political, moral, cultural, or spiritual, and usually some combination thereof. They can be conscious, when a tanna or amora actively grapples with a practical need in the community, or unconscious, when his general outlook informs how he interprets a text or situation.\(^{17}\)

The bottom line of our method of learning is that the sages of the Talmud—those named and those anonymous—knew how to express themselves. We, as committed, Rabbinic Jews, have to train ourselves to hear them. That requires marshalling all available tools toward understanding the discussion at hand in a sugya. It requires sharpening our consciousness of the textual history of a sugya and of its conceptual underpinnings and remembering that before a memra is a text (according to academics) or a metaphysic (according to lamdanim), it is a legal ruling, which means that it is intimately connected to local concerns. When we ask, “What is it saying and what is it saying?”, we equip ourselves to

\(^{14}\) It is not within the scope of this article to present a thorough description or analysis of the Brisker derekh, nor am I the person most fit to do so. Rav Hayim’s great-great grandson and my friend, Rav Mosheh Lichtenstein, recently published an insightful article on this topic, “‘What’ Hath Brisk Wrought: The Brisker Derekh Revisited”, in The Torah U-Madda Journal, Volume 9 (2000). To my knowledge, the most important statement of the philosophical world reflected by the Brisker derekh remains Rav Joseph B. Soloveitchik, zt”l’s, Halakhic Man.

\(^{15}\) This is not to say that all yeshinah “lomedus” ignores asking “why?”. Rav Shimon Shkop, zt”l, and his disciple and my teacher, Rav Yisrael Ze’ev Gustman, zt”l, do emphasize “why” and, in my opinion, often carry their analytical, conceptual method to a more fruitful conclusion than do Rav Hayim or his descendants. I focus on the latter method, though, since it, in its different shadings, dominates contemporary yeshivah learning.

\(^{16}\) I am not claiming that memra are always restricted to their local contexts. However, when the amora wishes to make extractions to other contexts, he will tell us so. We see this phenomenon especially in statements of Rava and Abbaye and their disciples. A few examples come readily to mind. On Sukkah 7b, Abbaye sums up eight ostensibly unrelated positions regarding sukkah with the common denominator “Sukkah dirat qeva’ ha’tinan” (the sukkah must be a permanent structure). On Qiddushin 6b, Rava teaches that giving money to another person on the condition that s/he return it is ineffective for sales, betrothal, and redemption of the first-born son, while it is effective but prohibited for giving terumah. In BT Nedarim 6b-7a, Rav Pappa apparently connects five areas of halakhah—betrothal, separating the corner of one’s field for the poor, tzedakah, unowned property, establishing a room as a lavatory—by asking whether a yad (an abbreviated expression) is effective in all of them. The academic Talmudists I know who actively engage the religious questions steadfastly deny any applicability of their studies to halakhah. This position seems naive to me. If one thinks of one’s learning at all in truth constructs, it is hard for it not to affect one’s evaluation of halakhic positions, either in the direction of decision-making or, if not, in the direction of dissonance-building. Briskers often maintain the independence of their sugyot from practical halakhah as well, but this is equally illusory. Perusal of Rav Herschel Schachter’s book Nefesh ha-Rav will illustrate this point sufficiently.

\(^{17}\) This approach, which sees halakhah as expressions of values, begins to answer a deeper critique of academic Talmud study as undermining of one’s confidence in the worth or truth of the accepted halakhah. I hope to address this issue in the future.  

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hear the voices of the Talmud express themselves as translations of God's will into the setting at hand. This sensitivity not only affords the strongest reading of the Talmud, but also best enables us to locate ourselves on the map of halakhic discourse.18

18 The academic Talmudists I know who actively engage the religious question steadfastly deny any applicability of their studies to halakhah. This position seems naïve to me. If one thinks of one's learning at all in truth constructs, it is hard for it not to affect one's evaluation of halakhic positions, either in the direction of decision-making or, if not, in the direction of dissonance-building. Briskers often maintain the independence of their haqirim from practical halakhah as well, but this is equally illusory. Perusal of Rav Herschel Schachter's book *Nefesh ha-Rav* will illustrate this point sufficiently.
Text and Context: Torah and Historical Truth

B. Barry Levy

Biography: Dr. B. Barry Levy, a member of the editorial board of The Edah Journal, is Professor of Biblical and Jewish Studies and Dean of the Faculty of Religious Studies at McGill University.
Many observers see religion as a system of beliefs espoused by people who would describe themselves as believers. These beliefs and believers are perceived to stand at one pole, opposite an alternative called heresy, which is accepted by individuals often called heretics, usually by self-designated believers who disagree with them. Much of the religious world divides the range of religious ideas and their adherents into these opposing categories, reminiscent of the Sons of Light and the Sons of Darkness, eschatological enemies depicted in a military text discovered among the Dead Sea Scrolls.

It is relatively easy to call people heretics. It is much harder, for some reason, for believers to acknowledge that others, particularly those outside their own religious community, are also believers. The believers and the heretics often disagree with each other quite forcefully. Whatever names the combatants actually bear, many of the internal debates among Jews—which pit the Orthodox against the non-Orthodox, or the Modern Orthodox against the hasidim—focus on what is a proper belief or a heretical one, or who is a believer and who is a heretic.

For many people the distinction ends there, but even in the popular mindset—which is what I am attempting to describe here—this duality does not adequately describe the full extent of religion-related discourse. In fact, we can identify not two poles, but three foci. To the first two classifications, one can add the critics, who on any particular issue may agree with the believers or the heretics. One should speak, then, not about believers and heretics, but about believers, heretics, and critics. It is even possible for an individual to carry two or all three of these designations. I frequently do, depending as much on where I am as on what I say.

Significant differences exist among these three groups, yet believers regard the heretics and the critics as essentially one group. Similarly, the heretics sometimes see the believers and the critics as too closely aligned and distance themselves from both. Finally, the critics may see the believers and the heretics as sharing an excessive devotion to doctrine, albeit of very different sorts, and may regard only themselves as clear-thinking.

This tri-partite array of believers and heretics and critics can be pictured as the three corners of a triangle. If one draws a line separating the believers from the others, the heretics from the others and the critics from the others, one creates a six-pointed star. This does not explain, of course, the historical origins of the Magen David, but it can serve to symbolize the ways in which one can group and interrelate many ideas essential to the study of Judaism.

Debates about substantive matters reveal the difficulty in defining a position espoused by only one of the three groups. And attempts to determine who actually deserves to be categorized as believer, heretic, or critic often depend on issues of reputation. For example, most Orthodox Jews today, if given the opportunity to examine anonymous selections from writings by rabbis whom they would unhesitatingly acknowledge as believers, would quickly label those writings as heresy or criticism. A highly learned reader may be more successful, but even relative sophisticates—day school graduates and others who have lived in the Orthodox community for decades and whose lives reflect its teachings and values—would be surprised by the critical or heretical-sounding statements of recognized authorities. Despite their vividness and seeming relevance, therefore, one should be very wary of employing these three terms in any systematic way. And even though I believe this to be a helpful way to introduce the subject, I prefer to break down these artificial barriers.

Questions regarding historical-critical method ostensibly
partake of criticism, but may be included in the other categories as well. Orthodox Jews face specific problems with this method that can differentiate them from other religious Jews. Some are classic issues of Jewish learning that have engaged traditionalists for several millennia; others are not. Here the methodological questions surrounding learning begin to pose a serious challenge. Among the assumptions underlying historical-critical method is the need to approach a text with a degree of subjectivity. From an Orthodox point of view, however, it is all very nice for someone to study the Bible or the Talmud in order to determine what a particular text is going to mean to him or her, but the real meaning is dictated—or at least suggested—by traditional sources. To approach a problem or text critically, one must be willing to think outside the traditional framework, as it is regularly presented today. In order to do that, one must be openly subjective and apply strategies that may lead to conclusions differing significantly from those normally taught. The key is thinking critically and subjectively about the material, rather than simply accepting what one reads.

Another important aspect of historical-critical analysis is the effort to contextualize all texts and ideas, on the premise that any text or idea can be understand best if placed in its original context. This assumption does not preclude applying other approaches to the same text, but it does mean that contextual influences play a major role in the critical thinker’s perception of how the text came to be, what it says, what it originally meant, and arguably what it could or should mean today.

For example, the attitudes towards government and its polity in various Jewish cultures were developed in response to the treatment of Jews by particular governments. In one context, the attitude toward the state may be positive, in another it may be negative. Any understanding of rabbinic thinking, halakhic rulings, and general public attitudes about this question must be understood in context.

A third form of historical-critical analysis deals with what is often called lower criticism: the determination of the correct text. Simply put, before we actually get to the point of making decisions based on specific texts, we must determine with precision what the correct text is. One of the great challenges in dealing with Rashi’s Torah commentary is the great uncertainty about exactly what he wrote. Rashi exists in Ashkenazic and Sephardic editions, or at least in editions that one could associate with medieval Ashkenazic and Sephardic readers. Recent research demonstrates that, at least once every chapter on average, his commentary has been changed by the Tosafists or in response to their criticisms. Before doing anything else, one must know what the text is.

Similarly, the ancient Greek version of Jeremiah differs significantly from the Hebrew one and is based on (or textually related to) a variant Hebrew version of the book discovered in part among the Dead Sea Scrolls. While we assume the canonical form of the book is correct for ritual considerations, i.e. no one would advocate reading a haftarah from the Dead Sea Scroll version, for historical purposes we need to know more about the text of Jeremiah than the canonical Hebrew version alone can tell us.

I recently published a book entitled Fixing God’s Torah.

The title surprises many people who wonder how I can write about “fixing” the Torah. Indeed, how can I even use the two words together? But “fixing” and Torah really do go together. Scribes who write Torah scrolls use books called tiqqunim (related to the Hebrew word meaning “fix”), and people who prepare to read the Torah on Shabbat do likewise. In fact, my book discusses the extent to which the great medieval and post-medieval rabbis were engaged in determining the proper text of the Torah, a subject that may strike some readers as purely critical and others as downright heretical. Actually it is neither.

Dealing with what the text is must precede saying anything else about it—its importance, its impact, and its potential uses. Until we figure out what the text of Rashi actually contains, we should probably stop making it the cornerstone of our educational programs. Instead, we should allow its place to be shared with other rabbinic commentaries that are equally useful. I make this com-
ment not to disparage Rashi, but in recognition of Rashbam's report in his commentary on Gen. 37:2 of his grandfather's wish to have had the time to write additional commentary on the basis of novel understandings of *peshat*, and because much of what has been written about Rashi and the details of his commentaries may need to be re-done with a proper text available.

Finally, we come to the question of history. When I first started studying at Yeshiva University, history had a bad name. Even then, some people, especially some rabbis, did not appreciate history. In the last twenty-five or thirty years, the religious world reacted against historical thinking. History assumes the importance of context, even as it organizes and explains events systematically, categorically, and through universal causes and effects. It prioritizes types of evidence and develops positions not necessarily identical to those assumed in conceptual or thematic decision-making. A historical-critical analysis of *halakhah*, for example, assumes different perspectives, and therefore differs from a conceptual analysis in how it sees influences and process.

For this reason, historical-critical method really does present Modern Orthodox Jews with a serious dilemma. They are not only eager to develop their intellectual quests in new and interesting ways. They are also compelled by issues in the broader intellectual world to pursue this quest in historical-critical ways, even when such attempts seem to run counter to other rabbinic thinking. Post-modernism may help change that, because it favors approaches to thinking that are more subjective and less dependent on historical and text-critical assumptions. But even post-modernism admits the theoretical value of many historical-critical assumptions.

Orthodox Jews are confronted by serious challenges in how they understand, in how they teach, and in how they explain the paths Judaism took on its complex journey from antiquity to today. Indeed, Orthodox Judaism needs to ask the self-reflective question about why it has the character it does, and why its adherents think as they do. We should look at this question historically and critically and explore the origins of many of the seemingly pious assumptions that underlie much of what we do, but may not have been equally significant to previous generations of rabbinic leaders and their followers. Why, for example, has ritual rather than ethics come to be the overarching concern of the Orthodox world?

Why are dietary restrictions based on previously unheard of halakhic minutiae of greater moment than those related to general well-being, e.g. how can a food be given kosher certification when we know its contents to be unhealthful?

Many of the individual components that make up Orthodox doctrine are of relatively recent vintage. The mix of contemporary attitudes—perhaps most significantly the intellectual isolationism evident in much of the Orthodox world today—is actually one of the most radical rabbinic innovations of all time.

To confront the impact of contemporary rabbinic thinking through the historical-critical challenge, one must scour the classical rabbinic literature, find models of the strategies that we believe are appropriate, and exploit them in our own contexts and in our own particular ways. In the *Guide for the Perplexed* (III: 29, 37), Maimonides observed that, if we knew more about ancient times, we would better understand the rationales behind the Torah's laws. This argument attempts to contextualize divine law, and it suggests the value of historical reasoning in religious thinking. Maimonides also wrote about his reading of contemporary pagan books to learn about the ancient pagan world, so he could understand the culture and the practices to which the Torah seemed to be responding. This is very much a modern sounding argument, but it is not. It is an old strategy that has become a cornerstone of historical-critical thinking, and it is decidedly unpopular in certain circles. Yet it allows, perhaps even demands, that historical contextualizing be explored and developed.

Similarly, text-critical work is a natural and important part of many classical rabbinic books; in fact, anyone who studies Mishnah, Talmud, *midrash*, and the like, finds rabbinic discussions of textual variants virtually everywhere. The editors of the Mishnah printed the variants right on the page; the printers of Babylonian Talmud did likewise. The Vilna Gaon, Rabbi Baruch Halevi Epstein (author of the *Torah Temimah*), and many other respected writers concerned themselves with textual details and inconsistencies.

These are classic attempts to fix the texts, to correct them, to establish them, and to deal with inconsistencies in a text-critical way. Early commentators on the Talmud were more sensitive to issues surrounding the
accuracy of texts than are most moderns, because they studied from manuscripts that often differed from one another in relatively significant and insignificant ways. Studying any text was predicated on first determining what it was.

Rabbinic culture today is generally far removed from such endeavors, and those who challenge the textual integrity of any holy book are often branded as heretics. The medieval rabbis studied from manuscripts, and they knew that manuscripts differ from one another. To see this applied to the Bible text, read any page of Norzi’s Minhat Shai. To see it applied to rabbinic texts, particularly the Babylonian Talmud, examine the notes and commentaries of the Vilna Gaon, and Rabbis Hayyim Bachrach and Samuel Strashun, and Diqduqi Soférim, written by Raphael Rabinovich and supported by letters of approbation by seven rabbis, including Solomon Kluger, Joseph Saul Nathanson, Jacob Ettinger, and Isaac Elchanan.

When the learning public shifted from studying manuscripts to studying printed books (mainly in the sixteenth century), much of this interest in fixing the text died out, partly because the job was done by printers (however inadequately) and partly because people for the most part now had identical texts and were not confronted daily with questions of textual inconsistency. While some people continued to improve on these texts, such matters came to be ignored, and the dynamics of learning moved to other considerations. As a result, the attitude towards the importance and sanctity of this work declined, and the popular response now is largely to avoid the subject, lest it somehow undermine the faithful.

The simple question about historical-critical thinking that confronts us is this: To what extent can we exploit these critical lines of argumentation in formulating an independent, responsible, authentically Orthodox approach to rabbinic learning?

We must see this as a legitimate educational problem, an issue in the training of teachers and rabbis and in the expectations we have of our religious leaders. Can we—dare we—accept teachers and rabbis who do not share a commitment to this historical-critical outlook, not to the exclusion of all other forms of learning but in addition to them? If they cannot appreciate the significant role such modes of thought played in classical rabbinic literature, and its potential value to the contemporary world, how can they satisfy modern Orthodox intellectual needs?

Let me illustrate with a story about a congregation in Montreal. Some years ago, a synagogue not far from where I live was between rabbis and it called on me before Passover to address the congregation some five or six times before and during the holiday. The members of this congregation knew me, because I had spoken there, but they asked come to an interview. When I arrived, they bluntly asked me whether I would say anything heretical from the bimah. I assured them I would not, but then added that I might say something controversial. They asked me what I meant. I said, “Suppose on Pesah I said that when the Hebrews were in Egypt they did not build the pyramids?” They were shocked and wanted to know why I would say such a thing. I replied that the pyramids were over a thousand years old when Abraham went to Egypt, and therefore they could not have been built Jewish slaves. In fact, no one who knows anything about ancient history believes the Hebrews built the pyramids. The Torah does not say they did; it says they built “store cities.” Yet this error has somehow captured the popular consciousness. At Camp David, Begin lectured Sadat about how his Jewish ancestors had built the pyramids, and Sadat stood there shaking his head in affirmation. Neither man seems to have known the historical truth.

The notion that our ancestors built the pyramids is complete fiction with no religious concern underlying it, and yet here was a well meaning Orthodox synagogue whose leaders worried that my saying this in public on Pesah of all times would be a scandal and somehow weaken people’s faith. In the end, with the rabbi’s encouragement they accepted that I might be correct and they hired me, but they also insisted I not discuss the matter from the bimah. Fantasy, it seems, can be more important than fact, and even mistakes that do not matter religiously are hard to correct. This was not a rightist synagogue. It was populated by sincere people who were committed to Judaism and wanted to avoid having anyone rock the boat.

To counter this type of response and gain the ability to correct both trivial and serious mistakes of this type, Orthodoxy must insure that historical-critical thinking
develops grass-roots acceptance. It needs to weed out the errors and fallacies in popular thinking, the mistaken assumptions and their results. Orthodoxy must eschew those approaches it finds unsuccessful, yet it must value the historical-critical method and integrate it with the classical rabbinical learning to which it is so indebted. It must do this not merely because it is the most appropriate way for thinking members of the present generation to respond to the intellectual challenges that confront them. It also needs to do so because such thinking represents a significant part of the classical rabbinic approach that deserves to be followed. If we cannot do this, some Modern Orthodox Jews will never be comfortable feeling that the Torah in which we are engaged actually does approach truth.

The texts, and the strategic models needed to study them fully and properly, are in place. But while some of its members may do so, as a community Modern Orthodoxy lacks the critical mass of people and the commitment of its convictions to take advantage of them. This is less of a problem in Israel, because there one finds an Orthodox intelligentsia populous enough and stubborn enough to do what it thinks is appropriate. In North America we lack that critical mass of people. The few of us who work as Bible scholars are so rare that the religious community does not know what to do with us. No more than a half-dozen Orthodox Bible scholars roam the campuses of North America, and some of those who rightfully hold that title spend most of their time researching other things.

The fact is that the Talmud speaks about Joshua’s writing the end of the Torah, and a list of medieval writers including Yehuda he-Hasid and Abraham Ibn Ezra were quite content to suggest not only post-Mosaic additions to the Torah but a human component to it. Some midrashim attribute the existence of unusually large or small letters to Moses’ attempts to convey some message, as if it were his decision how these things should be done.

Critical sounding sources are plentiful. The problem is that we as a community do not talk about them. Our teachers are not trained to discuss them with students, and our rabbis are uninterested or actively discouraged from making these issues public. If the teachers and preachers are not sharing a highly significant segment of authentic rabbinic knowledge, it will be left to a few seemingly eccentric professors who are trying to change the world from their tenured positions in secular universities. We need you to help in the campaign.

It is important to do two things with regard to higher biblical criticism. On the one hand, it is crucial that people study the documentary hypothesis. I do not mean simply hearing a lecture or reading an article about it. And surely I do not suggest they bow low at the waist and say, “I believe in the documentary hypothesis.” One must study it and the related challenges and problems. One must look at the text the way the critics look at it. One should see how the tradition responded to those same concerns, because those concerns were there all along. Believe it or not, the midrashim saw them all.

The question really is: How does one understand the history of grappling with certain kinds of textual inconsistencies, and what should this mean to us today? I assure you that Wellhausen, who made much of changes in the use of God’s names from one passage in the Torah to another, did not discover the problem. It has a very long and distinguished history of discussion.

We must see where this theory came from, how it developed, what other possible solutions exist within the tradition, and whether a better suggestion can be put forth. Such historical study is not a simple thing, but it must be done.

Similarly, one must understand that there is a documented history of several millennia of Jewish answers to most critical and exegetical questions. The history of criticism is not quite as long, and the task of mastering it is actually less intimidating than mastering the relevant rabbinic literature. The Orthodox community cannot bridge these gaps in one generation, but every generation must be engaged in a study of these literatures and their underlying issues—both their relevance today and their evolution—and only then it can begin to grapple with the question.

When we talk about Judaism, we talk about the way we teach it, the way we live it, and the way we try to understand it. In general American culture, young children learn about the Easter Bunny, Santa Claus, George Washington’s chopping down the cherry tree, and the like. As they mature, they learn that these characters and
the deeds attributed to them fit into a category of knowledge that is not necessarily the cornerstone of personal or political identity or history.

One of the problems Orthodoxy faces is that its educational system—which extends from the time the child learns to talk until late in life—has not developed the terminology to differentiate between history and folklore, between serious things and peripheral ones, between those issues on which it is willing to take a stand and those considered to be non-essential, between those that should be understood historically and those best taken some other way. Our greatest challenge today is not Reform, or Reconstructionism, or Conservatism, or Liberal Orthodoxy, or Centrist Orthodoxy, or Hasidism, or “Harediism.” Our greatest collective problem—though it affects different groups in different ways—is Mindless Orthodoxy. This is the uncritical following of a fixed religious life whose most minute details are controlled or invented for us, that avoids rational debate in favor of faithful adherence to rituals, and that imagines salvation to be the guaranteed outcome of being both frum and wealthy.

Many of the greatest medieval rabbis were sensitive to some of these issues and, in their presentations and analyses, they reacted to them in ways that might cost many a contemporary rabbi his congregation’s trust, if not his job. The problem is that such language is foreign to contemporary Orthodox religious ethos and, as a result, thinking people are constantly drawn back to this same problem.

To use scientific terminology, with which many of you may be comfortable, “Torah u-madda,” the long-standing slogan of Yeshiva University, is not the simple presence of two elements, Torah and madda, in proximity. Torah u-madda is a new compound that differs in many of its properties from torah plus madda, just as the two independent elements, hydrogen and oxygen, differ from water. The torah u-madda that I take as the basis of Modern Orthodox philosophy is the water. It is neither solely the hydrogen nor solely the oxygen of which it is composed, nor is it the mixture of the two, both of which are essential gases, but not much more. Torah u-madda is a compound product, to be valued over “elemental Torah,” because the latter lacks the human component that enriches Torah once it has been placed by Heaven squarely in our hands.
Striving for Truth: Struggling with the Historical Critical Method

Jonathan Helfand

Biography: Dr. Jonathan Helfand is Professor of Modern Jewish History at the Department of Judaic Studies, Brooklyn College of the City University of New York. He has published numerous studies on the social and religious history of French Jewry. His most recent contribution was an essay on "The Aborted Candidacy of Rabbi Asher Ginsburg: A Failed Attempt at Modernization," Jewish History, 15 (2001).
Holiness and history – like oil and water – would seem to be an immiscible pair. Of course, both the quest for holiness and the pursuit of history are conducted in the name of truth. But there the resemblance ends. Things equal to the same thing are not always equal to each other. Holiness is transcendental; history is cognizable. Holiness is subjective and incomunicable; history is objective and intelligible. Holiness speaks to the soul; history addresses the mind. Our topic, however, entails more than a juxtaposition of unlike elements; it embodies a profound conflict. History placed at the service of faith (or any other ideology) can have volatile, if not dangerous consequences. When theologies or ideologies make history their servant, the ensuing distortions and falsifications make dissenters and non-believers their victims. No people should be more sensitive to this peril than the Jews, who have been victimized by historians of hate, from Bible bashers to Holocaust deniers.

One may, of course, argue that the dichotomy between history and holiness does not apply to Judaism; that our religious tradition affirms the value of history by constantly invoking historical events within the context of religious belief and performance. It demands that we relate to the great defining moments of our national history, from yetzi’at mitsrayim [exodus from Egypt] to the harbân beit ha-miqdash [destruction of the Temple], through the performance of various rituals and obligations. But here we must differentiate between memory and history. When we celebrate the Passover seder or engage in aveilut on Tish‘a be-Âv, we recall the past, even re-enact it, but we certainly are not required to engage in an historical/critical analysis of causal factors, economic circumstances, political conditions, or cultural environments that contributed to these events. And although God introduces himself at Sinai as the Author of the Exodus, it is not at all clear if He means that He is the God of history or the God who sometimes pre-empts history.

Many years ago, while still in yeshivah, I remember the rebbe interrupting the shi‘ur to request some mathematical formula that was relevant to our discussion. When no one came forward, he somewhat sarcastically chided the class, “What happened to your commitment to Torah and madda?” Didn’t we know that we could see the greatness of the Creator through mathematical and scientific principles? As a history major, I took umbrage at his theological preference for the sciences and asked: “But isn’t it equally true that we can see Divine Providence through the study of history?” With a knowing gleam in his eye he answered: “Well, if you study history in order to see the hashgahah [Divine Providence] in every event, then that is O.K. too.” To which the class wit countered (albeit in a stage whisper): “Rebbe, it’s hard to believe that when Louis XIV was choosing a mistress the hashgahah had anything to do with it!” There was a profound truth embodied in that bit of sarcasm.

The endowing of all history with Divine purpose leads to the exclusion of any analytical method. The result is an ahistorical, if not anti-historical approach that obscures truths rather than uncovering them. Worse, eschewing the historical/critical method results in sins of commission: hagiolatry, distortion, and triumphalism. Permit me to explain these categories:

Hagiolatry is the taking the medieval-style “lives of the saints” to an extreme bordering on idolatry. I think that we are all familiar with the cottage industry of “gedolim biographies” that fill the shelves of Jewish bookstores. These stereotypical treatments of great scholars, according to one description,

begin with the saintliness of the gadol’s parents. Then follows a de rigueur description of the gadol as a child prodigy and tzaddik who, as everyone

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could tell, was destined to become a Torah great. He continues his development into precocious adolescence, ultimately marries an equally saintly woman and finally emerges as the towering Torah giant. It is not difficult to understand a certain woman who, after reading a few of these stylized stories, remarked in all seriousness, “How interesting to note that all gedolim lived identical lives.”

Lest this quotation be stigmatized as unfair “haredi-bashing,” let me note that this description is taken from a review in the *Jewish Observer*, published by *Agudat Yisrael*.\(^1\) Such biographies do little to add to our understanding of history or of the human dimension of their subjects. In fact, one of my students, a mother of five who had returned to college, complained that these books set such high standards that they actually frustrated and discouraged some of her children who saw these men as inimitable role models.

The second sin — distortion for the sake of ideological correctness — is usually committed via historic selectivity, though it is sometimes the product of outright prevarication. The recent debate over Efraim Zuroff’s book\(^2\) on the *Va`ad ha-Hatsalah* has produced many such examples. In defending the *Va`ad* and the orthodox community from perceived criticism, one writer describes the various post-war activities of *Agudat Yisrael* to aid the DP’s without once mentioning the darker side of those efforts, including the lack of cooperation and vehement debates among *Agudah*, *Mizrachi*, and the *Va`ad* about policy issues, threats of resignation, and misrepresentation of facts in organizational advertising of the time.\(^3\) The famous controversy over the volume entitled *My Uncle the Netziv* is another prime example of this historic disingenuousness that results from the pairing of religious agenda with historical writing.\(^4\)

Last in this sinful series is triumphalism. Triumphalist versions of history, such as those produced to bolster nationalist causes or political movements, are the bane of serious scholars and — unfortunately — the bread and butter of so-called religious historians. Some of you are familiar with purported histories whose sole purpose is to demonstrate that only Orthodoxy guaranteed Jewish survival, as if creativity and vitality were the exclusive possession of the *frum*. In a recent essay, one such author complains that while the secular historian Heinrich Graetz may have known what color shirt *Rashi* wore, he and his ilk ignored “what *Rashi* really stood for and his immortal contribution to Jewish survival and destiny.”\(^5\) Such pulpit polemics don’t serve history well. Nor do one-sided evaluations of great movements in Judaism, such as Hasidism, that ignore social and religious consequences that may not have had such a salutary effect on Jewish life. A triumphalist “We told you so” is not an acceptable thesis, and uncritical accounts for the sake of religious inspiration cannot pass for history.

I should add, perhaps, that it is not only the religious right that suffers from such lapses in historical credibility. I still remember my professor of American Jewish History, the late Hyman B. Grinstein, criticizing Moshe Davis for his over-zealousness in claiming all English-speaking rabbis of the 19th century as precursors of Conservative Judaism in his published history of that

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2 The *Response of Orthodox Jewry in the United States to the Holocaust: The Activities of the Va`ad ha-Hatzolah Rescue Committee* (New York: Yeshiva University, 2000).


movement.

Why do those who strive for truth as a religious exercise turn their back on the historical enterprise? Why are they wary if not hostile when it comes to this combination of “history and holiness”? I believe they have several compelling arguments. First, they ask, what can history add to the quality of our observance? Would reciting the latent socio-economic factors influencing the enslavement of the Jews in Egypt really enhance our seder experience? Would our mourning for the horban be more meaningful if we read a history of Roman military tactics in conjunction with Eikhab?

Second, the dissection and analysis of historic events deprive them of their aura of mystery and sanctity. The fear of the desacralizing effect of historical analysis is not limited to religious thinkers. Many have argued against the prominent place given to Holocaust studies because they feel it trivializes and even demeans the victims and their martyrdom. In his recent autobiography, Raul Hilberg tells how his history of the Holocaust was first rejected and later attacked for its frankness and some of its embarrassing truths. Referring to Theodor Adorno’s condemnation of those who would write poetry after Auschwitz as barbaric, Hilberg asks rhetorically, “Are footnotes less barbaric?” Ultimately, he observes, academic research will reduce this greatest of Jewish catastrophes into “catastrophology.” Indeed, for many, any critical study of our national past leaves the story of the Jewish struggle for survival spiritually disemboweled.

Third, since the nineteenth century, guilt by association has tainted the study of Jewish history. Religious Jews, and especially rabbinic authorities, have associated the study of Jewish history with Wissenschaft des judenthums, the Science of Judaism, an approach adopted by many who sought to use history to bolster the calls for religious change and reform. The ideologues of the Reform movement used the “objective-scientific approach” to challenge rabbinic law and to promote innovation in synagogue and ritual practice. Indeed, one could say that the Reform movement was the first to abuse history for the sake of ideological initiatives. Little wonder that the late Dr. Samuel Belkin, President of Yeshiva University, once praised himself for never having allowed hakbhat yisra’el [Wissenschaft] within the walls of his yeshivah.

Fourth, in the scale of intellectual priorities, engaging in the study of history is viewed as an unnecessary waste of time better spent on Torah studies, a bittul torah.

Finally, the unflinching search for truth in history is seen by some as being diametrically opposed to traditional religious values. The late Rabbi Shimon Schwab presented the most effective exposition of this view:

There is a vast difference between history and storytelling. History must be truthful; otherwise it does not deserve its name. A book of history must report the bad with the good, the ugly with the beautiful, … the guilt and the virtue. …It cannot spare the righteous if be fails, and it cannot skip the virtues of the villain.

And this, of course is the problem. Only a prophet, speaking in God’s name, says Rabbi Schwab, has the right to record the embarrassing truths of history. Citing the example of pre-Holocaust Germany, he points out that a factual history would have to report uncomplimentary things about the community and its leaders. This would violate the prohibition against lashon ha-ra and, furthermore, would serve no ethical purpose. Instead of the naked truth, he proposes that we teach our children “the good memories,” tell of the good people, their faith, honesty, charity, and reverence for:

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7 Simon Schwab, Selected Writings (Lakewood, N.J., 1988), p. 233. I am grateful to Rabbi Dr. Jacob J. Schacter for drawing my attention to this essay several years ago.
8 Schwab, p. 234.
Torah – not their inadequacies and contradictions:

Every generation has to put a veil over the human failings of its elders...that means that we have to do without a real history book... We do not need realism; we need inspiration from our forefathers in order to pass it on to posterity.8

Have we then reached the point of no return? Is the methodological/theological divide between history and holiness unbridgeable? Must the historian and the Orthodox Jew part ways? I think not. Clearly there are serious issues, some of which we have raised here and others that we have not, and not all of them can be easily resolved. But for lack of an easy answer one need not necessarily give up the entire enterprise.

I would suggest, with all due respect to the memory of Rav Schwab, that the promotion of historical truth within the religious context has educational, moral, and spiritual value, and that repression of such truth poses a far greater danger than its revelation. In his famous essay J’accuse, Emile Zola issued a warning that echoes true today even more than when he wrote it over a century ago:

When truth is buried in the earth, it accumulates there, and assumes so mighty an explosive power that, on the day it bursts forth, it hurls everything into the air. We shall see if they [the suppressers of truth] have not just made preparations for the most resounding of disasters yet to come.

We live in an age where the cover-up no longer works and truth cannot be suppressed. Some years ago in Israel, one bedats [rabbinical court for supervising kashrut] threatened to remove its supervision from some yogurt treat when the company began decorating the containers with pictures of dinosaurs. The campaign to remove the offensive design received wide coverage in the media and, by the time the decorative dinosaurs were removed, the attendant publicity ensured that everyone – including those the bedats wished to shelter from such dangerous ideas – had learned about these prehistoric creatures. The lesson is clear: history and science will not disappear for our religious convenience or comfort, and we cannot hide or protect our children from a truth that cries out from even our yogurt containers. Educationally, then, it would be a grave error to let others, less committed than ourselves, expose our children to the problematic or controversial issues of Jewish history.

It is also a great mistake to create such cults of personality around our leaders and heroes as to make them unreal and unreachable. The Torah injected a note of realism into the narrative because it wanted to encourage our moral development and not portray models of sanctity whose very perfection would discourage emulation. The pursuit of truth in Jewish history offers the opportunity not only to learn from the failings of the past, but also to be encouraged by them to try again when we fall short of the high standards we aspire to.

Finally, there is a great spiritual value in the pursuit of truth, wherever it is to be found. Truth, the rabbis tell us, is the seal of God. The first word that follows our recitation of the shema in the morning and in the evening is emet, true. And if truth is such a basic religious value we should seek its inspiration in all realms of knowledge.

The book “Hut ha-Meshulash,” a classic biography of the Hatam Sofer written by his grandson, offers a refreshing example of such pursuit of historical truth. The author tells us that his revered grandfather gave a historical explanation for the absence of any discussion of Hanukkah in the Mishnah. Rabbi Judah ha-Nasi, editor of the Mishnah, was a descendant of King David, and the Hasmonean dynasty had usurped the Davidic throne. Therefore, when he wrote the Mishnah with divine inspiration, this story was left out of the text. Interestingly, this interpretation did not sit well with some 20th century zealots, one of whom engaged in some historic revisionism of his own, claiming that this could not have been the intention of the Hatam Sofer, since it ascribed less than lofty motives to R. Judah ha-Nasi.9

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With similar honesty, the author records that the Hatam Sofer gave a haskamah [approbation] for a German translation of the Talmud and later rescinded it. The venerable rabbi of Munkatsh, a century after the fact, condemned this account as a lie and part of a modernist plot to sully the reputation of the gedolim. It goes without saying that the story is verifiably true and, as such, it reflects the integrity of the Hatam Sofer. Sadly, it is the attack of the Munkatsher Rav on the truth that brings the rabbinate into disrepute.10

Running away from history is not only a legacy of the religious right. The writer Haim Hazaz in a short story entitled “Ha-Derashah” tells of a reticent kibbutznik who one day rises at a meeting to hesitatingly announce: “I am opposed to Jewish history.” As he warms to his topic he angrily declares:

I would simply forbid teaching our children Jewish history. Why do the devil teach them about our ancestors’ shame? I would just say to them: Boys, from the day we were exiled from our land we have been a people without a history. Class dismissed. Go out and play football.11

Jewish history should be neither an issue of shame nor one of nostalgia but a matter of truth, the whole truth, about our national past – triumphs, tragedies and all.

There are two caveats that must be made. First, as important as historical truth might be, it must not be made to impinge on religious truth or practice. Professor Daniel Sperber, at the conclusion of an essay demonstrating that the minhag to abstain from meat and wine during the “nine days” is based on an erroneous understanding of a text, adds a note saying that this analysis should not form the basis for rejecting the custom. Referring to an opinion of the Meiri, he says that the intrinsic value of the performance is the decisive factor, regardless of the historical fact that it is rooted in a mistaken understanding of a text.12 History should enhance our understanding, and not be used as an arbiter of religious practice.

Second, history should be used as a tool, not a weapon, in our pursuit of truth. There is all too often a temptation to wield an event, a personality, or an anecdote as a bludgeon with which to bash our ideological adversaries. We trumpet the evidence that this rabbi said that or that rebbetzin studied that, as if our singular historical discovery will suffice to resolve complicated matters of faith and practice. Or we gloat at the discovery of embarrassing truths, past and present, that really do little more than show the frailty of the human condition and say nothing of the righteousness of one position or another.

If truth is pursued in a truthful manner – religiously and historically – then I believe that historical integrity can make a significant contribution to our spirituality and our holiness.

10 Ibid. p. 15.
12 Daniel Sperber, Minhagei Yisrael, 1 (Jerusalem, 1990), p. 146, n. 25.
Modern with a Capital "M"

Joseph C. Kaplan

Biography: Joseph C. Kaplan practices law in New York. He has been a frequent contributor to Jewish publications such as Sh’ma and the Baltimore Jewish Times.
About 15 years ago, the phrase “Modern Orthodox,” which had been used to describe Orthodox Jews affiliated with Yeshiva University, the Orthodox Union, Young Israel and other similar institutions and organizations, was replaced by the locution “Centrist.” Recently, though, “Modern Orthodox” has made a comeback, and appears frequently in both the Jewish and, as a result of Senator Lieberman’s vice-presidential campaign, the non-Jewish press.

Indeed, Edah uses this term, albeit in a slightly modified manner in its slogan, “The courage to be modern and Orthodox.” In so doing, Edah has decided to use a lower case “m” in the word “modern,” as do many others who write about Modern Orthodoxy. I, however, deliberately choose to use a capital “M.” Let me explain why.

To be “modern Orthodox” means that our Orthodoxy is modern and that our modern life is Orthodox. As modern Orthodox Jews, we check our Donna Karan dresses and Armani suits for sha’atnez; use Davka and Bar Ilan computer applications to learn daf yomi and research medieval responsa; employ a cell phone and the Kotel Cam to give our children studying in Israel a Rosh Hashanah blessing; go to movies, keep up-to-date on the latest music and best-sellers, and enjoy nouvelle cuisine — but only, of course, if they are glatt kosher. Indeed, the modern Orthodox Jew fully resides in the twenty-first century while adhering to our timeless Torah and mitzvot.

To be “Modern Orthodox,” though, has one important additional feature: Modern Orthodox Jews — modern with a capital “M” — do more than modernize our Orthodoxy and ensure that the modern twenty-first century lives we live are Orthodox; we have a strong affirmative commitment to modernity and certain of its values which we strive to infuse with sanctity. To the Modern Orthodox Jew, “Modern” is not simply an adjective modifying “Orthodox”; rather, it also connotes an extra-halakhic allegiance to certain modern values apart from, in addition to, and – to state the obvious – not in conflict with our Orthodoxy. Let me discuss a few examples.

The Modern Orthodox Jew is strongly devoted to democracy, an allegiance that arises primarily out of our secular values. Our intense devotion to democratic political systems is not grounded in what we learn in the yeshivah. It emanates, rather, from Hobbes, Locke, Mill and Burke, from Adams, Madison, Hamilton and Jefferson, from the Declaration of Independence, the Gettysburg Address and Martin Luther King’s “I Have a Dream.” And it is reinforced daily by what we read on the front pages of our newspapers and see on our television screens.

The Modern Orthodox Jew not only recognizes the evil in despotic or segregationist political systems, but also opposes theocratic governments that impose a “State Religion” to the exclusion of others. We understand that despotic, segregationist, and theocratic systems diminish the value of those they subjugate. We support the democratic ideals of freedom of speech and freedom of religion as basic rights of all peoples. While those among us may differ about how extensive these freedoms should be, we earnestly embrace the idea that the lack of such freedoms results in tyranny and oppression.

The Modern Orthodox Jew believes in being an actor in history. We are avid Zionists not only because we believe God gave the land of Israel to the Jewish People, but also because we cannot sit back passively and wait for God to lead us to the Promised Land. We applaud and feel a strong kinship to those, Orthodox and not, who built and continue to sustain the State of Israel. We send our children to study there so they can learn first hand to love Medinat Yisrael as we do.
The Modern Orthodox Jew believes in the inherent value of secular education. We and our children study in universities not only because such study enables us to make a living, but more importantly, because it opens up to us the grandeur of our God-given world. We value literature, music, history, psychology, mathematics and science because they speak to our soul as they enlighten our minds. Torah study is, of course, of prime importance, but our definition of “sacred” includes much wisdom that cannot be found in our religious texts.

The Modern Orthodox Jew also believes in intellectual honesty and scientific methodology. Other than our faith in God and the few other essential beliefs posited by our sages, we believe little that cannot be proven through logic, control groups, blind studies, statistics and all the other modes of modern rigorous thinking and proof. For example, when confronted with scientific facts that contradict facts posited in the Talmud, we cannot side with those who argue that both are right and the facts have changed from the time of the Talmud to our times. Instead we ask: “Where is the scientific proof - that is, proof that can be tested and challenged - that these facts have changed, that what was scientifically true in generations before us, has now been altered?”

The Modern Orthodox Jew refuses to reject that which has been proven true; refuses to accept answers whose truth cannot be proven; refuses to be intellectually dishonest even in the face of contradictions that appear to challenge aspects of our belief system. Rather, when scientific discrepancies arise we side with those who argue that the rabbis of the Talmud were experts in Torah scholarship and not in science; that in their halakhic debate and decision-making, the rabbis used the best scientific knowledge available to them. And, when the science relied on by rabbis of earlier generations has been proven false, Modern Orthodox Jews believe that, in appropriate situations, the halakhah based on such science must be adapted to reflect the true scientific facts, in order to ensure that halakhah is emet, an indispensable ingredient of Torah. Mosheh emet ve-torato emet.

The Modern Orthodox Jew believes in tolerance. We may disagree strongly with much of what our brethren in other Jewish denominations believe and practice, but we believe it is necessary and proper to treat them as we wish to be treated by the society in which we live. We therefore reach out to and interact with all Jews and their leaders with love and respect.

The Modern Orthodox Jew is not afraid to admit that we are sometimes influenced in our Jewish observance by some of the moral, ethical and political norms of the communities in which we live. For example, those Modern Orthodox Jews who are also Orthodox feminists admit that we have been motivated, in part, by the rise of secular feminism over the last quarter of a century. We do not hide, nor are we ashamed of the fact, that we have been affected by modern values that whisper in our ears and echo in our hearts that women deserve an equal place in our world, including our Jewish world. We are proud of our attempts to sanctify that which has not been traditional.

In this last instance, of course, there are, at times, tensions between what we believe as feminists and what halakhah demands of us; we must accept that there are certain cases where the Modern and the Orthodox cannot co-exist. And, when reconciliation between the two is impossible, halakhah does, as it must, take the day. But when, through effort, the two can exist side by side or be blended into a new synergistic element, we strongly believe that it is of prime importance to expend as much effort as possible on such a task despite the brickbats that are thrown at us.

Being a Modern Orthodox Jew—modern with a capital “M”—presents serious challenges. It means living in two worlds with strong, though not equal, commitments to both. It means having different and sometimes conflicting allegiances and values. It means grappling with issues that some of our compatriots can ignore. It means sometimes living with doubt, stress and angst. But it also means partaking of all that is good in God’s creation.

Alan J. Yuter

Biography: Rabbi Alan J. Yuter is rabbi of Congregation Israel in Springfield, NJ and Adjunct Professor of Jewish History at Touro College.

Alan J. Yuter

Though written in deceptively simple English, this is an important book that charts significant ground. As one who earned the highest rabbinical ordination, yadin yadin, R. Jachter is a Modern Orthodox rabbi who addresses contemporary halakhic issues in this volume, and concurrently teaches the Orthodox lay person about classical Jewish law. Like those of the late sainted R. Moshe Feinstein, R. Jachter's essays are written on two rhetorical levels. For the learning layperson, R. Jachter presents information, policy, concepts and the workings of the halakhic mind and does so in simple, superbly crafted prose; for the halakhic decisor, R. Jachter raises and addresses methodological issues of gravity with an eye to negotiating the tensions created when halakhic norms and conditioned expectations conflict, requiring the poseq to render an unambiguous decision.

The title confronts the reader with a subtle double entente. “Gray matter” is what the Torah decisor must use when applying timeless principles to timely questions. But it also characterizes the area in which he works: unlike the Shulhan Arukh or Mishneh Torah, which are normative compendia, responsa case law deals with the gaps in the law—where issues are neither black nor white, but must be framed in shades of gray. In this review essay, I examine the halakhic reality emerging from R. Jachter's construction as a model for the serious Jew who has the piety to be Orthodox and the integrity to be modern.

Rabbis Ephraim Grunblatt and Mordecai Willig, two leading decisors whose views are generally accepted in both the Modern Orthodox and “yeshivah” worlds, pen the approbations that grace this volume. R. Jachter is concerned with halakhic seriousness, intellectual integrity, and the building of a working consensus within the larger Orthodox world. His sensibilities are also clearly modern, and this combination occasionally raises conflict. When arriving at a decision, R. Jachter applies four considerations: (1) the de jure limits of Jewish law, defined by statute recorded in canonical texts; (2) the development of interpretation and application of those sources in Jewish decision making; (3) the de facto consensus of decisors through the ages; and (4) the claims made by Orthodox Jews in the conditions of modernity.

R. Jachter is a member of the Bet Din of Elizabeth, NJ and a recognized expert in Jewish divorce, a messy, unpleasant yet critical area of Jewish law. Jewish law requires that the husband initiate Jewish divorce proceedings by commissioning the writing of the get, or divorce document. (The word get is derived from the Babylonian gittu, meaning document.) Since a husband must willingly commission the divorce, any implication of coercion raises controversy. R. Jachter deftly cites the canonical instances where Jewish law requires and coerces divorce. Coercive divorce was accepted in most instances in the gaonic tradition, the immediate inheritor of talmudic tradition. Maimonides also ruled (Mishneh Torah, Hilkhot Ishut 14:8) that coercion is appropriate. Tosafot and Rosh (R. Asher b. Yehiel) rule restrictively, and for R. Jachter their rulings are normative because they reflect accepted consensus.
In theory R. Jachter’s Judaism is defined and bound by the oral Torah’s canonical documents, i.e., legal midrash and the Babylonian and Jerusalem Talmuds. In practice, these documents have been subject to differing interpretations and applications by post-talmudic authorities who presided over communities that on occasion added to or subtracted from talmudic norms. The rabbis who endorse these changes have themselves assumed virtual canonicity. Though he allows authoritative documents to define the issue at hand, R. Jachter defers to the canonicity of the post-talmudic consensus, paying thereby his dues to join those determining rabbinic consensus. When R. Jacob Tam legislated the shunning of the recalcitrant husband, his innovation became authoritative and hence an acceptable instrument for obtaining the husband’s necessary authorization for the writing of the get. But sometimes the views of authoritative sages are rejected, as in the case of R. Moses Isserles’ concept of conditional marriage (in R. Isserles’ comment on Shulhan Arukh, Even ha-Ezer 157:4). One objection made to R. Isserles’ conditional marriage construct is that a man does not want his sexual relations to be unrecognized by Jewish law, and therefore the betrothal, but not the marriage (nevu’in), may be conditional. But the original context of that talmudic rule involves a man who has relations with his ex-wife, and the rule would not necessarily apply to other cases. Moreover, there is considerable medieval opinion that this principle applies only when the man engaging in such relations his religiously observant. R. Jachter concludes his discussion by listing the great rabbis who formed the consensus that conditional marriages in practice may not be condoned.

As noted above, when understood against the gaonic tradition, halakhab’s canonical statement regarding coerced divorces is more lenient than current consensus. The tosafists taught in northern Europe and Rosh in Christian Spain, where the Roman Catholic Church provided a religious ethos that opposed divorce. Once this antipathy to divorce entered the northern European Jewish ethos, the inertia of popular religion penetrated halakhic sensibilities. Yet R. Jachter cites R. Isserles, as an authority who supports coercion in certain instances, thereby politely, powerfully, and deftly deflecting those who argue that our tradition no longer supports coercing a recalcitrant husband to commission a get. He could have chosen to ignore R. Isserles (as he did with regard to conditional marriage), but for R. Jachter coercion remains theoretically valid.

To facilitate Jewish divorces of marriages that are hopelessly broken, leading Israeli and American rabbis have developed a prenuptial agreement that provides financial incentives to induce a recalcitrant husband to divorce his wife. Jewish tradition does not authorize this instrument, which is an innovation, but neither does Jewish law forbid it. R. Moses D. Tendler argues that the ketubbah is precisely this instrument, and he has created an English version of the ketubbah to render the document legal, realistic, and meaningful. But R. Jachter told me in a communication that he has reservations regarding R. Tendler’s instrument and prefers an alternate version.

R. Jachter cites R. Isserles, who permits monetary inducements to the issuance of a get, which he does not regard to be coercive, without considering him as a legitimating precedent. Citing contemporary authorities, R. Jachter rules that prenuptial agreements that provide inducements for a husband to authorize the writing of a get, while an innovation in usage, are fully consistent with the letter of Jewish law. A rabbinic consensus endorsing the new instrument is required for this innovation to be legally acceptable.

When a Jewish divorce cannot be obtained that would end the marriage, it has been suggested that the principle of ha'afa'at qiddushin, or nullification of the marriage, be invoked. While according to the Talmud, rabbis have the right to invoke the nullification principle of "kol ha-megaddesh al da'at de-rabbanan meqaddesh" ("one who betroths necessarily does so by consent of the rabbis," permitting the rabbis to reserve the right to nullify the betrothal where warranted), in practice this was invoked only in the instance of unethical conduct on the part of the husband in initiating the marriage, or when the husband sent and subsequently nullified the get, allowing his wife to receive what she in good faith error believes is a valid instrument of divorce. R. Jachter maintains that only a supreme court, or a “central, recognized rabbinical court,” may invoke this device.

R. Jachter also suggests that the mechanism for solving the agunah problem today is already in place within Jewish law, but the consensus of the Orthodox rabbinate must be obtained before it can be used. Following R. David H. Hoffman (Melammed Leho’el 3:51) that only a Sanhedrin or similar universally recognized court may invoke this far-reaching principle, R. Jachter implicitly
R. Jachter adopts the view of R. Moshe Feinstein, who concedes that the nullification of marriage may be a valid instrument to end hopelessly broken marriages retroactively. Yet recognizing that the instrument's invocation will not be accepted, he argues that the responsible decisor can act only within the limits of communal consensus.

The responsible and respected decisor, however, may be able to move the consensus by raising issues for discussion. Both R. Jachter and R. Hoffmann are Orthodox accommodations who accept modernity positively, and both recognize that most Orthodox decisors do not share that sensibility. But in order to maintain one's *bona fides* in the professional halakhic community, a probing, probative restraint is sometimes a judicious necessity.

R. Jachter goes to great pains to distance himself from the *bet din* of Rabbi Emanuel Rackman, which utilizes nullification to solve the *agunah* issue. The Orthodox jurist, R. Menahem Elon, also advocated nullification of marriages as a means to solve the *agunah* crisis. Both Rabbis Elon and Rackman study Jewish law historically, while R. Jachter and the community of decisors study Jewish law conceptually and socially. The historical record is "scientific," distant, and (ideally) objective: history does not preach or prescribe. How one translates the "is" of empirical description into the "ought" of normative prescription requires attention not only to the positive law of the statute, but also to the real sensibilities of the committed community for whom the law is to be applied. Neither Rabbi Elon nor Rabbi Rackman is recognized as a halakhic authority for many Orthodox Jews; their suggested innovation jars the community of the committed. Since the decisors who possess communally acclaimed recognition reject nullification, its implementation, for most Orthodox rabbis, remains untenable. And if R. Rackman's proposal is in fact not accepted by the Orthodox community, it cannot be an effective instrument in solving the *agunah* crisis. Peter L. Berger taught that information in the social sciences and humanities is significant only if there is a population that considers the information to be important. In matters of personal status, a communal consensus is an overriding consideration when trying to preserve the unity of the Jewish people. Without a consensus, a ruling will be ineffective, and hence, invalid.

R. Jachter adopts the view of R. Moshe Feinstein, who dispenses with the need for a *get* in cases of civil marriage and Jewish marriage ceremonies performed by non-Orthodox clergy. For Rivash (R. Isaac b. Perfet), the notion that one does not engage in non-marital intercourse applies only to those who observe the rules of family purity. For Maimonides, the doctrine applies only to observant Jews. R. Jachter therefore dismisses the dissenting stricture of R. Yosef Eliyahu Henkin, who regards stable conjugal unions to be marriages that would require a *get*. R. Jachter cites but does not develop the legal doctrine of R. Avraham Shapiro, who holds, to paraphrase R. Jachter's rendering, that "a couple is not halakhically married if the man and woman do not intend to marry according to Torah law." This is the legal equivalent of the doctrine that whoever marries with *qiddushin* does so with the consent of the rabbis. By choosing a non-halakhic venue for their liaison, however permanent, the union is not a *qiddushin* union that requires a *get* for its dissolution.

R. Moshe Feinstein ruled that if a wife gave a ring to her husband as a gift after he betrothed her with a ring, "there is no act of *qiddushin.*" R. Jachter cites R. Chaim Soloveitchik, who contended that the marriage ritual alone does not render the marriage valid, since intention is also required; inasmuch as a double ring ceremony can create confusion, "the marriage is not effective." Most authorities contest this logic, reasoning that once the woman accepts the wedding ring in the presence of proper witnesses, she is married. I suspect that Rabbis Feinstein and Soloveitchik may have rendered innovative rulings to distance uninformed but well-meaning Orthodox laypersons from the influence of non-Orthodox rites that reinforce non-Orthodox habits and heretical theologies. R. Jachter himself witnessed a video of a traditional Conservative rabbi who instructed the groom to give a ring to his wife as an expression of marriage and the bride to give a gift ring to her husband as an expression of love. He assumes that (a) R. Feinstein would recognize this ceremony to be valid, albeit with disapproval, and (b) "traditional Conservative rabbis may actually be functioning within Jewish law," but (c) one does not make this ruling public because of the concern that lay people might be misled by uninformed or unbelieving non-Orthodox clergy.

Like most Orthodox centrists, R. Jachter is a "strict constructionist" when responding to innovative stringencies. R. Feivel Cohen ruled that a pregnant woman whose
water breaks becomes a niddah and "this is the accepted protocol among halakhic authorities." Deftly and firmly, R. Jachter observes that most authorities do not accept this ruling, which enjoys no precedent whatsoever in classical halakhic literature. Only when uterine blood is present is the woman a niddah. A strict constructionist response to this view would require that R. Cohen be censured for (a) for misrepresenting the law, (b) speaking falsely about accepted protocol, and (c) imposing on Jews a folk culture analogy that serves no demonstrated constructively purpose. Ever the gentleman, R. Jachter implies, but does not explicitly state, that R. Cohen violated the canons of Jewish legal interpretation. As a consensus builder, R. Jachter can ill afford to alienate deciders with whom he might have to collaborate.

Two authorities whose views R. Jachter never challenges are Rabbis J. David Bleich and Aharon Lichtenstein. While these two authorities reflect different sensibilities, they are both passionate in their commitment to Jewish law. When a Yeshiva University rabbinical student asked the latter sage if it is permissible for a husband to assist his wife in childbirth since his physical contact with her is not affectionate [dererekh hibbah] (and therefore outside the scope of the prohibition on contact with a niddah), R. Lichtenstein responded that the contact is indeed affectionate and is therefore forbidden. R. Jachter correctly notes that all contact between a man and his wife during niddah is prohibited. Neither R. Jachter nor R. Lichtenstein discusses the husband assisting his wife in childbirth since his physical contact with her is not affectionate [dererekh hibbah] (and therefore outside the scope of the prohibition on contact with a niddah), R. Lichtenstein responded that the contact is indeed affectionate and is therefore forbidden. R. Jachter correctly notes that all contact between a man and his wife during niddah is prohibited. Neither R. Jachter nor R. Lichtenstein discusses the husband assisting his wife in this situation wearing surgical gloves. Any prohibition in this instance would be rabbinic rather than biblical, and in cases of isa`ar, pain, or danger, rabbinic prohibitions are usually waived. Furthermore, while the contact of a husband with his wife in a hospital may be derekh hibbah, Maimonides ruled [Mishneh Torah, Hilkhot Issurei Bi`ah 21:1] that the contact forbidden by law is derekh ta`avah, with erotic intent.

R. Jachter notes that most authorities permit a husband to be present with his delivering wife in the same room with "varying degrees of enthusiasm." Traditional culture did not know the practice, and conditioned habits of modesty often color decisors’ rulings. True to form, R. Jachter notes that (a) there is no explicit talmudic restriction, (b) contemporary women want the comfort of their husbands’ presence, and (c) there are great rabbis who do permit the practice. In this essay, R. Jachter outlines conditions for legitimate innovation within Orthodox: (a) there must be no halakhic impediment in talmudic literature, (b) there must be a pressing need to allow a reconsideration of accepted usage and a return to the letter of the law and (c) a collegial consensus among Orthodox rabbinic authorities must be obtained.

In discussing women's assuming leadership roles, R. Jachter first notes that according to the Sifre and Maimonides (Mishneh Torah, Hilkhot Melakhim 1:5), Jewish law requires the appointment of a king but forbids the appointment of a queen. Maimonides extends this prohibition to exclude women from any leadership position. R. Jachter, and R. Feinstein in his permissive ruling allowing a woman to be a kashrut supervisor, observe that the Sifre did not authorize the Maimonidean extension. Unaddressed by R. Jachter are the facts that (a) Midrash Tannaim did make the Maimonidean extension, but (b) Midrash Tannaim, while reporting the views of early tanna'im, is not a canonical authorized midrash. Only after demonstrating that this rather uncharacteristic Maimonidean ruling is not explicit in canonical sources does R. Jachter then outline the views of major halakhic authorities who disagree with Maimonides, among them R. Chaim David ha-Levi and his mentor, R. Hai Ben Zion Uziel. Noting that R. Yehudah Amital accepted this permissive view when allowing a woman to run for the Knesset on the Meimad list, R. Jachter pointed out that R. Kook would not be so permissive. But again acting as a gentleman, R. Jachter did not mention that R. Kook also opposed women's suffrage, showing thereby that even a great rabbi will be the product of the ethos of his age.

Once more citing R. Amital, R. Jachter argues that a Talmud scholar must also serve as a soldier in Israel. Levites, to be sure, are exempt from military service and based on Mishneh Torah, Hilkhot Shemittah ve-Yovel 13:13, Maimonides is frequently interpreted as ruling that Talmud scholars are exempt as well. This ruling is cited in order to justify the exemption of yeshivah students from serving in the Israeli army. In our times, however, when there is no urim ve-tummim and hence no possibility of a discretionary war (which could be declared only in accordance with a signal from the urim ve-tummim), the dispensations from service, which apply only in a discretionary war, are inoperative. In the case of a milhemet mitzvah, or obligatory, defensive war, the exemptions do not apply, and even the bride and groom are explicitly obliged to serve (Sotah 44b).
R. Jachter cites several authorities that justify the exemption of yeshivah students. R. Eliezer Waldenberg advances the curious hypothesis that the learning of the students enables the soldiers to succeed. But the aggadic passages that condemn the conscription of Torah scholars obviously refer to the now inoperative optional war. R. Jachter concludes his discussion with R. Lichtenstein's claim that one ought to serve in the army because by doing so one observes many Jewish laws.

R. Jachter cites R. Avraham Sherman's claim that military service in the Israeli army undermines young people's religiosity, and, by implication, must be avoided. Because consensus is so critical in R. Jachter's practical halakhic approach, he avoids challenging those Orthodox who raise the concern that exposure to a non-Orthodox environment will undermine communal loyalty and faith, even though their restrictive position regarding military service for both men and women in an obligatory war contradicts explicit talmudic law.

R. Jachter is an internationally renowned expert on the laws of eruv. He is the authority whom I consult when questions arise regarding my own community's eruv. An eruv may be placed only where there is no public access area as a matter of Torah (rather than rabbinic) law, that is, no reshit ha-rabbim de-oraiyta. Some post-talmudic authorities, namely Rashi and Halakhot Gedolot, reconstruct the talmudic definition of a public access area with the claim that (a) only when 600,000 people are present is an area designated as public access, and (b) only in such areas is construction of an eruv precluded. Neither the Talmud nor Maimonides' code provides for this innovation. R. Lichtenstein conceded to R. Jachter that this view "is among the must singularly difficult opinions of Rishonim in all halakhah." In his Tosafot Ki-Feshuta (tractate Shabbat p.2), R. Saul Lieberman expressed amazement at this unconventional interpretation. Nevertheless, R. Isserles and early Ashkenazic culture adopted this opinion, as do most latter-day Ashkenazic authorities. Even the Mishnah Berurah, which recognizes the problematic nature of the 600,000 people theory, merely urges pious people not to rely on the leniency of community eruvim but declines to rebuke those who rely on the lenient view.

Otherwise strict rabbis rely on this and other leniencies, such as considering door openings, or tsurat ha-petah, to be the legal equivalent of walls even though the Talmud requires that a private access area (within which carrying on the Sabbath would be permitted) be more enclosed than open. R. Shaul Yisraeli rules that an eruv can be permitted in metropolitan Tel Aviv, taking into account the contiguity of housing and not municipal boundaries (a modern invention) and the tsurat ha-petah leniency. In addition, the presence of gentiles and non-Jewish residents within the eruv is, according to Jewish law, sufficient to nullify it, but this concern may be dismissed, it is argued, by “purchasing” rights from a mayor. R. Jachter realizes that the popular consensus position violates the plain sense of canonical law, but since Jewish law de facto follows the rabbinic consensus, he operates within that consensus.

This same recognition of the prevailing culture appears in his discussion of the second day of Jewish holidays in Israel and his discussion of women reading the Megillah for men. R. Jachter cites R. Joseph Caro, who rules (Avqat Rokheil 26), based on observation, that diaspora residents visiting Israel must observe two festival days, citing the practice of great rabbis that he had observed. R. Tsevi Ashkenazi (Hakham Tsevi) rules that the second day of yom tov has no significance in Israel, and its observance there violates the biblical prohibition against adding to the Torah. R. Jachter observes that this is a minority view that nonetheless has support. He does not evaluate the logical merits of the case, and instead defers to the great authorities who espoused these differing views. R. Jachter prefers the compromise approach of the Soloveitchik family, which has been reported in more than one version. In this view, one must observe the strictures of both holiday and weekday. Generally, when in doubt regarding rabbinic law one would be lenient. R. Jachter's result suggests that one must accept the cogency of R. Ashkenazi regarding the prohibition of adding to the Torah, but one must show respect for and observe the view of R. Caro, which reflects the majority view. Left unaddressed is why one honors a consensus position if it is less logical, unless one defines the post-talmudic consensus as canonical, and why, if there is no sitting Sanhedrin to vote on the matter, the majority view must be correct.

R. Jachter's treatment of women's Megillah readings reflects the same social and textual concerns. He rules that it is "inappropriate" for women to read the Megillah for men, because an early authority, Halakhot Gedolot, ruled that women have the obligation to hear, but not to
As in the case of the eruv, R. Isserles adopts Halakhot Gedolot's position. A minority of rabbis forbid women to read the Megillah even for women.

R. Jachter realizes that if he is to maintain integrity he may not outlaw a woman's reading of Megillah for men, because the Talmud (Rosh Ha-Shannah 29a; Arakhin 2b-3a) rules women share the obligation of Megillah equally with men. The Tosefta (Megillah 2:7) rules that women are exempt from the obligation. When the Mishnah and Gemara disagree with the Tosefta, the rules of legal interpretation require that the less authoritative Tosefta be dismissed, and not harmonized in a fashion that undermines the plain sense of the Talmud.

Halakhot Gedolot rules that the two opinions, the Talmud's and the Tosefta's, must be harmonized. This suggested harmonization supports popular religion culture, but it does violence to the plain sense of the canonical statute. In order to canonize the withdrawal of a woman's liturgical license granted by the Talmud, Halakhot Gedolot innovates an entirely new blessing for women to recite, "lishmo'a megillah" ("to hear the Megillah"). This puts in the mouths of women a declaration that a woman's obligation regarding the Megillah is unequal to that of a man. Like R. Isserles who endorses this view, Halakhot Gedolot views communal taste as the authoritative equivalent of the canonical document.

It is claimed that the Megillah ought to be read in a minyan, and that women "might" not count in such a minyan. These two claims are unattested in canonical Jewish writing, but by innovating and then applying these innovative requirements, poseqim are able to defend the withdrawal of a woman's right that offends the accepted expectations of men. By ruling that women's Megillah readings are "inappropriate" but not forbidden, R. Jachter contends that, strictly speaking, women may read for men but that the evolving consensus regards the practice with disfavor.

Together, Halakhot Gedolot's ruling regarding women's Megillah blessing and his redefinition of the access area definitions constitute a more radical deviation from antecedent usage than R. Rackman's approach to marriage nullification. One has a right to disagree with R. Rackman, yet it is distressing that rabbis are rude to him. The author of Halakhot Gedolot experienced no such mistreatment, yet his decision regarding the public access areas was no less innovative. It seems even less justifiable on the basis of pure law, for if one relies on his view regarding carrying on the Sabbath in a communal eruv, one is likely a public desecrator of the Sabbath according to Maimonides' close reading of the talmudic text.

Ultimately, a Jew who has the courage to be modern and Orthodox should not defer to "traditions" that violate canonical tradition. The ruling forbidding a woman to read the Megillah for men, with its attached new blessing, is an innovation that were considered heresy were it suggested by a non-Orthodox rabbi. Similarly, R. Sherman's comments regarding exempting yeshivah men (and, for that matter, women) from national service, assumes that Jewish law is for elements of the Orthodox a projection of communal sensibilities, and not the recorded will of God. R. Feivel Cohen's claim that a woman's breaking of water is the equivalent of niddah is simply a bald misstatement of halakhot. R. Waldenberg's claim that the yeshivah student's learning helps the army succeed in its efforts seems to be a social judgment violating an explicit norm of oral law.

Someone who takes God and Torah seriously, who leads a Modern Orthodox life with religious integrity, must look into the holy books before looking over his shoulder and investing current consensus with authority. Jewish law must be determined by the textual record. If the entire Sanhedrin makes an error, the ordained sage who knows better is forbidden to obey the Sanhedrin's ruling. R. Jachter knows that it is forbidden to separate oneself from the community, and he has made a pragmatic judgment that good is achieved by working with maturity, restraint, modesty, and realism within the Orthodox consensus. He raises questions and contradictions, and he offers a legitimate, prudent, and respectful way to negotiate these contradictions. He is disciplined, careful, humane analysis of Jewish law negotiates the ideals of God's statutes, the realities of the historical record, and the conditioned habits—both mental and behavioral—of Orthodox Jews in order to sanctify the gray matter of Orthodox Jews in our time. That remains his contribution to Orthodoxy.

Gray Matter: Discourses in Contemporary Halachah by Rabbi Chaim Jachter is available from the distributor, Israel Book Shop, at e-mail address irbkshp@aol.com, phone 732-901-3099, or fax 732-901-4012.

Eugene Korn

Biography: Dr. Eugene Korn is editor of The Edah Journal, Director of Interfaith Affairs at the Anti-Defamation League and Adjunct Professor of Jewish Thought at Seton Hall University.
Rabbi Joseph B. Soloveitchik (1903-1993), known simply as “The Rav,” was arguably the most important Orthodox figure in the 20th century. He taught at Yeshiva University from 1941 until the 1980s and, more than any other person, established the intellectual basis for Orthodoxy’s critical synthesis with modernity. Because of his singular status, his legacy has become a battleground in the ideological war now raging for the future of Orthodoxy. Those implicitly advocating retreat to the insulated yeshivah culture that shuns modernity question his appreciation of high Western culture, innovation, Zionism and universal issues, while Modern Orthodox Jews see him as the unabashed model of their religious philosophy.

Two great intellectual traditions nurtured the The Rav’s spirit: the analytic Brisker method of Talmud study he inherited from his grandfather R. Hayyim of Brisk and his father R. Moshe, and the Western philosophic tradition, which he mastered at the University of Berlin while earning a Ph.D. in neo-Kantian ethics in 1929. At Yeshiva he taught both Talmud and Jewish philosophy.

The above debate is possible because R. Soloveitchik left two legacies parallel to these dual influences. His talmudic legacy is well-known in the Orthodox community. He ordained more rabbis than any other person in Jewish history, and his Talmud students continue to teach Torah in the Brisker analytic spirit at yeshivot and synagogues in America and Israel. In the last 25 years, numerous books, pamphlets and tapes of his talmudic and halakhic discourses have become available to the public.

By contrast, Rav Soloveitchik’s theological legacy remains relatively unexplored. Many of his best philosophically inclined students, such as Professors Gerald Blidstein and David Hartman, have emigrated to Israel, limiting the presence of the Rav’s philosophic legacy in America. Rabbi Walter Wurzberger and Professor Lawrence Kaplan have written articles analyzing individual aspects of the Rav’s philosophy¹, but to date no one

has attempted a comprehensive explication and assessment of his theological oeuvre. David Hartman assumes this important task in his recent book, *Love and Terror in the God Encounter*. The book is the first of two planned volumes covering R. Soloveitchik’s philosophic legacy.

Hartman is uniquely qualified for this endeavor. Born in 1931 in Brooklyn, Hartman spent his early years at Chaim Berlin, Lubavitch and Lakewood yeshivot. He studied Talmud with the Rav at Yeshiva University from 1951-1960. After receiving semikhah from YU in 1953, Hartman took a pulpit in Bronx, New York, so he could continue to sit at the feet of his rebbe.

Hartman credits the Rav for his philosophy career and is fond of quoting his dialogue with R. Soloveitchik about its pursuit. As a ben torah at Yeshiva, Hartman expressed reluctance to venture into the world of philosophy with its standard of critical rationality for truth and valid belief. When Hartman told the Rav that he feared philosophy might jeopardize his faith, the Rav responded curtly that the spiritual life demands taking risks. Rav Soloveitchik wrote Hartman’s letter of recommendation to Fordham University for Hartman to study with Jesuit scholars from 1955 to 1960. In 1960, Hartman moved to Montreal to serve as rabbi of a large Orthodox congregation until 1971. He then emigrated to Israel, where he taught Jewish philosophy at Hebrew University. He received his doctorate from McGill University in 1973 and founded the Shalom Hartman Institute in Jerusalem in 1976. Named after Hartman’s father, the Institute is the world’s premier Jewish think tank, where scholars probe classical Jewish tradition’s engagement with the challenges of modernity: pluralism, statehood, democracy, autonomy, and ethics. Hartman continues to teach and write as Director of the Institute.

Hartman’s relationship with R. Soloveitchik transcended time and geography. His close studies with the Rav in the 1950s were so influential on his religious and philosophic development that the voice of his teacher accompanied Hartman wherever he traveled thereafter. I studied closely with Hartman, and it is clear that the Rav remains to this day Hartman’s significant intellectual other. Hartman imbibed his teacher’s theocentric passion and philosophic temper, his metaphors, his spiritual independence, his honesty in confronting intellectual challenges and his abiding faith in the spiritual power of Jewish tradition.

II

Hartman uses the traditional hermeneutic to analyze R. Soloveitchik’s writing. He quotes a passage, then subjects it to his commentary: sometimes explicating, sometimes revealing implicit meanings, and sometimes elucidating problematic nuances. He devotes his initial two chapters to an analysis of the content and spirit of *Halakhic Man*, published originally in Hebrew in 1944 and in English translation by Lawrence Kaplan in 1983. Defending his teacher against two contemporary critiques, Hartman argues first that the critique of historical inauthenticity misunderstands the Rav’s enterprise. *Halakhic Man* was intended neither as a historical construction nor as a characterology of the halakhic personality; it is, rather, a phenomenological description of an ideal halakhic type of which R. Hayyim of Brisk was only an approximation. *Halakhic Man* reflects a formalistic perspective, and R. Soloveitchik understands that halakhah is not symbolism of a higher cosmic drama (as hasidic kabbalah interprets it), nor is Judaism an attempt to purge the holy life of sex, death and finitude, as Christian spirituality understood religion. Unlike the Western religious personality, the halakhic person is concerned exclusively with fulfilling his duty through action in the empirical world. He is anchored firmly in society and history rather than in the world to come.

Hartman also defends his teacher against the oft-repeated claim that he uses the Western traditions of philosophy, mathematics and science merely as apologetics. Proponents of that critique maintain that the Rav merely repackages traditional talmudism to make it attractive to those outside the talmudic world, that he makes no conceptual breakthroughs, and that he fails to integrate Judaism and Western intellectual traditions to fashion a new spiritual vision. Quite simply, his writing is old Jewish wine in new Western bottles.

Hartman is strongest exposing the superficiality of this critique—whose advocates often have limited understanding of the philosophic tradition from which R. Soloveitchik draws—and demonstrating that something deeper than apologetics is at work. In fact R. Soloveitchik is articulating (1) the halakhic type’s passion for theoretical inquiry and (2) his spiritual defense against the excesses of romanticism and existentialism.
From the polemical Paul to Spinoza, Kant, Mathew Arnold, and Nietzsche, the Christian and Western intellectual traditions portrayed faithful Jews as concerned exclusively with behavior. Greek and Christian spiritual life, by contrast, quests for truth through contemplative inquiry. For R. Soloveitchik the \textit{talmid hakham} on his deepest level represents a profound theoretical spirit: The pillar of halakhic thought “is not the practical ruling but the determination of the theoretical \textit{halakhah} . . . . .The theoretical \textit{halakhah}, not the empirical one, represents the longing of Halakhic Man.” (\textit{Halakhic Man}, p. 24) This is why Brisker \textit{yeshivot} studied tractates dealing with sacrifices and ritual impurities, which have no contemporary practical relevance. Hartman argues that the devotion to \textit{torah li-shmah} can only be explained by a passion for theoretical inquiry. Like the mathematician, the man of \textit{halakhah} attempts to create an \textit{a priori} logical construct that envelops his religious universe. R. Soloveitchik's invoking the model of mathematics is no \textit{apologia}, but a way to illuminate the inner spiritual life of Halakhic Man.

Understanding the Copernican revolution that R. Soloveitchik achieves, Hartman details how creativity lies at the heart of the Rav's conception of halakhic living. R. Soloveitchik held in disdain intellectual timidity, passivity and blind obedience. From a tradition that begins with the human overpowered by divine revelation, R. Soloveitchik builds a religious ideal of intellectual independence, transforming tradition's primary theme of “He held a mountain over their heads” (\textit{Shabbat} 88a) to “the Torah is not in Heaven” (\textit{Bava Metsi'a} 59b).

At the same time, \textit{halakhah} functions as a moderating principle, enabling R. Soloveitchik to avoid the dangers of modern romanticism and existentialism, for which vitality and authenticity became destructive values (see \textit{Halakhic Man}, note 4). While Halakhic Man strives to sanctify himself through creative action, he is kept within the bounds of morality by the practical norm of \textit{halakhah}. R. Soloveitchik's method is dialectical, and halakhic commitment serves as a counterweight to his individualist passion, thereby saving him from the extremes of absurdity, despair, nihilism, and Dionysian fury so common to Western spiritual testimonies.

Hartman explains how R. Soloveitchik delicately navigates between the distrust of irrationality and the urge to be a hero who rises above mediocrity. This dialectical oscillation produces conflict and complexity, yet it is the only path to spiritual depth. In the end, the religious life is an artistic struggle, and only those capable of intellectual independence and emotional intensity can comprehend the Rav writings.

\textit{Halakhic Man}, then, is an attempt to construct a heroic personality who strives to liberate himself from “the icy darkness of uniformity.” It is, in effect, R. Soloveitchik's response to Nietzsche's “Übermensch,” whom we know R. Soloveitchik read carefully. Yet unlike Nietzsche's and Kierkegaard's models of unrestrained subjectivity, Halakhic Man is guided by the objective halakhic norm that governs his behavior, his emotional life and his conceptualization of God, the world and humanity.

The normative consciousness of Halakhic Man saves him from the perils of Kierkegaardian subjectivity, and his creativity and self-realization help shape the law. Here R. Soloveitchik achieves a linguistic revolution by appropriating Kantian terminology of autonomy, freedom, individuality, and spontaneity when describing \textit{halakhah}. R. Soloveitchik differs from Kant, however, since the autonomy/heteronomy distinction breaks down when Torah and creativity are the central frameworks of religious life. For the Rav, the event of revelation that implies submission on the objective level of phenomena is experienced as independent freedom on the noumenal level \textit{via} intellectual immersion in Torah. This is the authentic phenomenology of the halakhic life, which ends in both self-discovery and self-creation.

Given Hartman's understanding of \textit{Halakhic Man}, it is clear that in blazing his interpretation of the halakhic life through dialogue with Kant, Kierkegaard, Nietzsche, Karl Barth and Rudolph Otto, R. Soloveitchik is not engaging in apologetics, but integrating commitment to tradition with modern conceptions of human freedom and dignity.

\textit{Halakhic Man} is a strange figure to Western religious thought. The \textit{homo religiosus} of Greek and Christian thought “searches for an existence beyond the empirical reality. He is dissatisfied, disappointed and unhappy and craves to rise above the vale of tears, from concrete reality.” (\textit{Halakhic Man}, pp. 13,40) Western religious man yearns to be released from the chains of matter and strives to become pure spirit. “\textit{Soma sema},” says Plato. “The body is a prison house.” God is a consola-
tion for life in the material world and religion merely offers mnemonic symbols of a life in another world. Halakhic Man, however, is filled with confidence borne of the conviction that his partnership with God renders him adequate to understand, appropriate, and apply the divine Word. Although man is but dust and ashes, as a Torah scholar employing rational capacities he is also the crowning achievement of creation. Halakhic Man overcomes the paradox of self-negation and self-affirmation via mitzvot, which constantly testify to God’s confidence in the human ability to build a holy, i.e., meaningful, life. Mitzvot also integrate the body and the spirit, since they bring biological functions into the religious domain. Holiness is a life ordered by mitzvot, which add divine character to sexuality, eating, and the body. Unlike Aristotle and Rambam, who tried to suppress physical drives, R. Soloveitchik affirms the body as holy.

Hartman sees R. Soloveitchik as conceptualizing a unique Jewish version of spirituality. It is not liberation from finitude, but quite the opposite. Finitude, limit, imperfection then are the preconditions to redemption within empirical history; halakhah elevates the lower world to the level of the divine. Instead of rejecting the eschatological elements of Jewish tradition, R. Soloveitchik adopts a Maimonidean stratagem: just as Rambam minimized the centrality of messianism in religious life, R. Soloveitchik similarly emphasizes selectively the worldliness of halakhic norms as the organizing principle of Jewish life. The experience of mitzvot in this life is its own reward.

This affirmation of earthly life and its possibility for holiness reflects R. Soloveitchik’s appreciation of modern disciplines that focus on empirical understanding (science) and social organization (politics and ethics). It also allows R. Soloveitchik to celebrate creativity, joy, and human adequacy and avoid the melancholy of death that mocks those values. This worldly focus also allows Halakhic Man to become a moral activist who “hears the cries of the homeless, the sighs of the orphans and the groans of the destitute.” The holy life consists of human relationships and improving the world, not of mystic meditation or stoic detachment.

Hartman stresses that in R. Soloveitchik’s view creativity is a necessary condition of holiness. This emphasis is an important contribution, since some of R. Soloveitchik’s talmudic students have portrayed the Rav as denying the value and practice of biddush. In fact, Part II of Halakhic Man is a paean to the power—and sanctity—of human creativity. R. Soloveitchik’s philosophical writing has a passionate artistic quality, and never as much as when he rhapsodizes on the redemptive nature of the creative act.

R. Soloveitchik is unique in seeing human creativity as imitatio dei. R. Walter Wurzburger has shown that the Rav leaves the Brisker tradition of R. Hayyim and approaches kabbalistic thought to assert that creativity in society is both possible and religiously desirable. As Hartman explains, creativity is a motif infusing the entire halakhic tradition. Humanity’s divine mandate is to perfect the world through creative endeavors of scientific, political and humanistic inquiry.

It is here that Hartman artfully relates R. Soloveitchik’s affirmation of creativity to his conceptions of teshuvah and prophecy. The highest creative act is to recreate one’s personality and leave sin in the past, for the penitent transforms himself into another person. Divine providence rests upon the individual (hashgahah peratit) as he recreates himself distinct from others. He does not abandon himself to the rule of the species, but blazes his unique trail to become the man of God. The freest, most realized person is the prophet, who energizes his full unique capacities. Hartman correctly notes that unlike the medievals, R. Soloveitchik is not interested in pure theology (i.e., the ‘science’ of God), grace, or metaphysics, but in the personality and anthropology of prophetic experience for modern man.

Self-creation, freedom, providence, repentance, and prophecy thus merge into the prototype of R. Soloveitchik’s ideal religious personality. Creativity is so central in the Rav’s religious phenomenology that to ignore or reject it is to misunderstand R. Soloveitchik’s conception of the holy life and his philosophy of religious experience.

2 Ibid.
It is puzzling why Hartman does not use this opportunity to analyze R. Soloveitchik’s important essay, “U-Biqashtem mi-Sham.” Juxtaposing it with Halakhic Man might further illuminate R. Soloveitchik’s religious anthropology. Though not published until 1979, U-Biqashtem mi-Sham was written in the 1940s, soon after Halakhic Man. It was originally entitled, “Ish ba-Dat” (“Religious Man”), probably as a complement to Halakhic Man. The essay breaks important new ground, ultimately rejecting the pure rationality of Halakhic Man in the spiritual life. U-Biqashtem mi-Sham is important in itself, but since R. Soloveitchik’s thinking is characterized by dialectic, arriving at a complete picture of how R. Soloveitchik understood religious experience would imply analyzing the interaction of these two essays.

III

The personality seeking redemption is the counterpoint to the confident intellectual personality of Halakhic Man. Lonely Man of Faith, written in the early 1960’s, portrays this lonely existential figure. Again Hartman defends his teacher against critics who attempt to explain this via psychology or reductionism or as an effort to speak to different audiences. He labors to prove that these critics underestimate the depth and subtlety of R. Soloveitchik’s writing.

In Hartman’s view, Lonely Man of Faith depicts the universal problematics of faith in a technological and pragmatic culture, while Halakhic Man defends only the halakhic personality. Halakhic points to a uniquely Jewish worldview, but the frame of reference for Adam I and Adam II (the paradigmatic figures of Lonely Man of Faith) is the biblical drama of humanity. Thus R. Soloveitchik’s talmudic and rabbinic quotes in Lonely Man of Faith merge easily with those from Kant and Kierkegaard, since the Rav is there exploring the universal religious experience. This appears to be an obvious point, yet Hartman is the first to note it. It helps explain why Lonely Man of Faith has found resonance among Christian theologians.

Creation is a universal story; Sinai is particular. It is here that Hartman’s philosophic expertise helps uncover R. Soloveitchik’s implicit meaning, as he draws on the medieval philosophic debate regarding the comparative significances of creation vs. revelation. (See Rashi on Gen. 1:1; Halevi, Ibn Ezra and Ramban on Exod. 20:2.) Adam I, the conquering technological personality, seeks control over the energy of the cosmos with quantitative tools and functional relationships. With conquest come dignity and recognition of God as E-lohim. Adam II discovers depth relationship in his existential sense of loneliness. This awareness occasions qualitative experience, uniqueness, personal relationships, and redemptive personal revelation with an intimate God, i.e., a divine covenant with the personal One, called by the Tetragrammaton.

Hartman reads his teacher carefully, which is always an intellectual’s act of great respect. He observes that when R. Soloveitchik employs the term “covenant” in Lonely Man of Faith, he refers to “a perspective through which any religious personality may perceive the world and religious life. “Covenant” is a universal religious encounter. This covenantal relation is always present and not dependent upon particular historical events (e.g. revelation at Sinai). It creates the ground for in-depth human relations. All religious personalities seek intimacy, love and transcending. Covenant, then, becomes the universal category of intimate relationship, of which the halakhic community is only one particular instance.

The bold conceptual breakthrough of Lonely Man of Faith is R. Soloveitchik’s insistence that both Adam I and Adam II fulfill divine mandates. God wills his creatures to oscillate between these two normative behaviors and worldviews. The resultant dialectical movement gives rise to creativity and redeems the religious enterprise. Unbalanced focus on the former corrupts religion as a power-seeking institution; reliance on the latter results in unholy quietism that empties God’s universe of divinity. Either imbalance results in a superficial religious experience (Halakhic Man, note 4) that is so commonplace in contemporary religious revivals.

Hartman explains how R. Soloveitchik explicates doctrinal concepts such as prophecy, revelation, creation, and prayer as normative human behavior. R. Soloveitchik is concerned primarily with neither halakhic detail nor theological conceptualization. His concern is the phenomenon of religious experience. Neither prayer nor prophecy is exclusively a halakhic requirement; both are universal spiritual needs. Mirroring themes in his earlier book, A Living Covenant, Hartman sees R. Soloveitchik as teaching the religious person to become an active covenantal partner with God. The historical transitions
from prophecy to prayer, from revelation to talmudic study, represent the maturation of human spiritual impulse and the fulfillment of human love for God. The full love relationship between man and God is not mediated by historical events, as Martin Buber claimed. It is direct, where the Jewish covenental partner knows God's intimate presence in the experience of mitzvot, prayer, and Torah study.

IV

No work of R. Soloveitchik has had more practical impact than Confrontation. He wrote the essay in 1964, when the Vatican made overtures for reconciliation and dialogue with the Jewish people. In effect, Confrontation became both an authoritative legal ruling against Orthodox participation in interfaith theological dialogue and a rationale for that ban. (It is important to note that R. Soloveitchik rejects only theological dialogue in Confrontation. The document encourages interfaith discussion on social, political and moral issues as “highly desirable.”)

Given his thesis that Lonely Man of Faith portrays a universal existential religious experience, Hartman must explain how R. Soloveitchik can reject interfaith theological dialogue as impossible. Another problem must be addressed: R. Soloveitchik makes clear in his other essays that he was in private dialogue with Kierkegaard, Karl Barth, Max Schiller and Rudolf Otto and that these figures influenced his understanding of both repentance and holiness. Yet in Confrontation, R. Soloveitchik makes the astonishing claim that faith experience cannot be intelligible across faiths.

Hartman perceives an inconsistency between Lonely Man of Faith, where the Rav argues that human love and knowledge of the other can ultimately overcome isolation and the barriers to in-depth communication, and Confrontation, where he alleges that religious communication is impossible. Personal communication between Adam and Eve becomes possible when universal Adam II enters into covenantal relation with God. But in Confrontation, R. Soloveitchik stresses the impossibility of narrowing the gap between individuals: “Even in marriage, the modi existentiae remain totally unique and hence incongruous...The closer two individuals get to know each other, the more aware they become of the metaphysical distance separating them” (Confrontation, p.15).

Following Kierkegaard’s structure, R. Soloveitchik posits three levels of human existence. “Natural man” lives in harmony with nature, not recognizing his distinctness from the natural order. “Cognitive man” stands apart from nature, understanding it as an object to be conquered. The second level also includes “normative man,” who surrenders control to the ethical norm and is defeated by a pragmatic norm calling him to build a pragmatic order with others. The third level involves interpersonal relationships and in-depth encounter with others. As is evident, levels 2 and 3 correspond to Adam I and Adam II. But while in Lonely Man of Faith, Adam II achieves full relationship with Eve, in Confrontation human relationships inevitably descend to “I-It” depersonalized attempts at domination and exploitation. R. Soloveitchik insists that Jews must bear the burden of a double confrontation: they must cooperate with gentiles to conquer nature and improve society, yet must distance themselves to preserve their exclusive covenantal confrontation with God. Modern Jews do not understand the meaning of this double confrontation and misunderstand the uniqueness of Jewish identity.

It is clear that R. Soloveitchik fears that any Jewish-Catholic theological relationship will necessarily end in “Ecclesia triumphant,” with Catholic theology defeating and invalidating Judaism. Reading Confrontation carefully, the reader senses R. Soloveitchik’s palpable fear and defensiveness. Such a posture is warranted, given Jewish historical experience of exploitation and domination at the hands of the Church. Hartman’s claim that R. Soloveitchik was filled with the memory of disputation and Church based anti-Semitism rings true. R. Soloveitchik feared that Jews would compromise their identity in return for acceptance by the Church. R. Soloveitchik argued that for Jews to retain their unique identity, they must believe that “at the end of time all men embrace the faith that this community has been preaching throughout the millennia” (p. 19). Hence, cooperative interfaith theological discourse can never be achieved.

Hartman questions this conclusion. Knowledgeable Jews of firm conviction can simultaneously embrace particularity and universality. Rambam achieved it by embracing Al Farabi and Aristotle, and R. Soloveitchik himself achieved it by integrating the categories of Kant, Kierkegaard, Otto, Schiller, and Barth into his religious worldview. In fact, Lonely Man of Faith represents just such an integration. Hartman concludes that
R. Soloveitchik does not close the door entirely on religious dialogue, but carefully limits it—setting a “fence around the Torah.” There is no identity without uniqueness, and R. Soloveitchik therefore trusts only those proud Jews willing to bear the burden of Jewish solitude and committed to the double confrontation. Hartman sets conditions and warnings for Christian interlocutors: mutual respect, equality of theological frames of reference, understanding Judaism on its own terms, and, most importantly, renunciation of the traditional Christian doctrine of supersessionism, i.e., that Christianity has replaced the need for Judaism. Any failure to abide by these conditions renders theological dialogue impossible and existentially threatening to Judaism.

Hartman insists that R. Soloveitchik’s philosophy, which focuses on experience rather than doctrine, leaves room for religious dialogue. In Halakhic Mind (1986), R. Soloveitchik argues for the need to transform religious inwardness into objectified normative frameworks. He also insists on normative and exoteric categories that can be shared by all faiths. R. Soloveitchik’s arguments against religious subjectivism in Halakhic Mind and Halakhic Man imply that there is some objective phenomenon—“external facticity” in the Rav’s language—to all revelatory religions that is logically open to interfaith discourse.

The issues for medieval theology were doctrinal. Hence interfaith discussion necessarily meant doctrinal disputation. Modern religious discussion—of which R. Soloveitchik’s writing is a prime example—focuses on religious anthropology: how religious values are internalized and how they shape human character. This phenomenology of faith need not be exclusive to the point of rendering interfaith dialogue impossible, nor does it require a surrender of individuality or uniqueness. It can be witness (edut) in the original Jewish understanding of the term: publicly calling God’s name in the world. Confrontation, then, should be understood as a legitimate response to a political dilemma facing Jews in the 1960’s. It was a guiding policy for Jewish survival that assumed that the Vatican’s overture was a new tactic of the traditional Catholic strategy to conquer Judaism. For R. Soloveitchik, the overture was simply a reenactment of Esau’s old confrontation with Jacob. Hartman claims, however, that the Rav’s theology as expressed in Halakhic Man, Lonely Man of Faith, and Halakhic Mind, points logically toward the possibility of fruitful interfaith discussion after careful limits are agreed upon.

Hartman’s analysis points to an important logical inference and a significant historical query. In assuming that Jewish-Catholic dialogue could not be productive because the faithful Catholics could not agree to the preconditions of mutual respect, renunciation of supersessionism and acceptance of Judaism in its own theological frame of reference, R. Soloveitchik implicitly defined the conditions that would make dialogue possible and permissible. Confrontation was written prior to the Vatican issuing its ground-breaking 1965 document, Nostra Aetate. This document proved to be the first of a series of official Vatican documents that changed fundamentally the Church’s doctrine about Judaism and prescribed Catholic behavior toward the Jewish people. In light of these documents, perhaps the significant question for Jews today is to what degree the new Christian teaching about Judaism fulfills R. Soloveitchik’s criteria for fruitful interfaith dialogue.

It should also be noted that while the material Hartman cites from Halakhic Mind is relevant to his argument, Hartman himself has taught us that to properly understand R. Soloveitchik’s writing, one must understand his essays systematically. Citing passages in isolation is a technique used by many of the Rav’s followers who apply his thought tendentiously. A full analysis of Halakhic Mind is necessary for that essay to be properly utilized.

V

Hartman reaches a high point of his book in his treatment of R. Soloveitchik’s understanding of prayer. In contrast to his defense and explication of the Rav earlier in the book, Hartman here respectfully engages R. Soloveitchik as a bar pelugta in theological dissent, offering an alternative conceptualization of tefillah.

Hartman notes that R. Soloveitchik’s description of halakhic experience is often antinomous: sometimes his focus is on human boldness, initiative and autonomy; other times the mood conveys melancholy, doubt and resignation. This contradiction is most conspicuous in the Rav’s treatment of prayer. Lonely Man of Faith proj-
ects the human partner in covenant and prayer as a “Thou” with ontological legitimacy. Covenantal relationship bestows adequacy and optimism. Revelation does not terrify. On the contrary, it energizes, provides self-discovery, and evokes confidence that makes love possible. It is this covenantal confidence that enabled Israel to take the initiative in dialogue with God at the end of the prophetic era. According to R. Soloveitchik, Israel “refused to acquiesce to the end of the covenantal colloquy” and insisted on continued dialogue. At that moment, the Men of the Great Assembly initiated statutory prayer.

R. Soloveitchik insists that prayer as a continuation of prophecy is not to be confused with the objective mechanics of institutionalized prayer. Liturgical language and ritual requirements are merely external forms of prayer’s essence, which is an overwhelming internal awareness of the presence of God (amidah lifnei ha-shekinah). This distinction between essence and technique of implementation is crucial for R. Soloveitchik. Only the precedent of prophetic revelation makes the essence of tefillah possible.

The second common feature of prayer and prophecy is commitment to community. Both the prophet and the praying Jew connect to am yisrael, which explains the plural grammar of statutory prayer. Thirdly, prophecy and prayer are both prologues to a bold commitment to justice and constructive social action. Prayer does not signal resigned quietism, but energetic moral activism.

Yet the Rav also portrays an opposite vision of prayer: the unrestricted offering of one’s whole being, i.e., sacrifice. In “Redemption, Prayer and Talmud Torah” as well as in “Ra’ayonot al ha-Tefillah,” R. Soloveitchik paints prayer as “a casting down of oneself before the Lord,” characterized by an emotion of radical dependence. Prayer is not petition (baqashah) as much as tehinah, suggesting unearned grace. Its paradigm is aqidat Yitzhaq, Isaac being willing to surrender his life, for prayer is admission of ontological insignificance. Hence the nexus between statutory prayer and the obligation of animal sacrifice. It is a man-God encounter that evokes awe and dread, in which man loses his ontological legitimacy and dignity. In the experience of prayer, man is overwhelmed by the superiority of God, and the only proper response is self-negation and silence. Man dares to pray only because of precedent. We pray only as the children of the patriarchs and therefore we are not free to innovate spontaneous prayer. We pray only within the framework of ritual prescription that has fixed our petitional needs. Tifillat nedavah (spontaneous prayer) seems to have no theological legitimacy for Rav Soloveitchik.

Hartman critically evaluates R. Soloveitchik’s model of prayer and develops an alternative model—one that incorporates his religious anthropology of adequacy, creativity, and spontaneity. Hartman anchors his conception in talmudic, halakhic, and Jewish philosophic texts. Abraham and Moses were both assertive when meeting God petitionally (Gen. 18 and Exod. 32). Moreover, as R. Soloveitchik himself argued in Halakhic Man, religious experience is organized by mitsvah, which implies human importance derived from God’s cognizance of each commanded individual. Just as one fulfills mitsvot without terror, so one should be able to pray without terror. Biblical prayer was rooted not exclusively in ecstasy or self-negating dread, but in the everyday experience of Israel. If covenant implies dignified partnership, as R. Soloveitchik claims in Lonely Man of Faith, then so does prayer.

Hartman invokes Rambam to validate his understanding of tefillah. For Rambam (Mishneh Torah, Hilkhot Tefillah 1:1-4), prayer is a reflection of the loving service of God that could be offered in any way at any time. The fixing of prayer language was only to free the ignorant from their inadequate Hebrew—not to emphasize overwhelming terror. Rambam codifies the legitimacy of tefillat nedavah in halakhic terms and expresses prayer as love of God philosophically (Guide of the Perplexed 3:51). Nowhere does he identify prayer with lack of human initiative, human smallness, or terror. It is “service of the heart,” i.e. the yearning to be in God’s presence. Finally, the Talmud (Berakhot 26a) makes clear that prayer as supplication overrides prayer as sacrifice. This is no small point, for it establishes the requirement for women to pray even thought it is a positive time-bound mitsvah.

Hartman attempts to explain why R. Soloveitchik chose a conception of prayer that runs counter to normative biblical, talmudic, and halakhic texts. Jews experience God in two ways: through mitsvah and talmud Torah, and through prayer. The former experience empowers, allowing man to be assertive, creative, and fully accepted. But there is also the numinous experience of small-
ness before the Infinite, in which R. Soloveitchik locates prayer. R. Soloveitchik acknowledges that much of his phenomenology of prayer is indebted to Rudolph Otto’s *The Idea of the Holy*. The religious person desires to draw near to God, yet is also repulsed and terror-stricken. Hence religious experience “explodes into antinomous and sharp dialectical movement.” R. Soloveitchik reads the *amidah* as expressing these contrary moods, but the dominant theme of prayer remains “surrender and self-sacrifice where man stands overwhelmed by the Almighty.”

Drawing on his philosophic background, Hartman deftly sees Rambam as a precedent for R. Soloveitchik’s antinomous characterization of religious experience. *Halakhab* is not the exclusive mediator of spirituality for either Rambam or R. Soloveitchik. Both drink freely from the wellsprings of halakhic and philosophic traditions to shape their spiritual understanding. Maimonides used reflection on nature and philosophic contemplation to inspire his love of God (*Mishneh Torah, Hilkhot Tefillah* 2:1-2). Similarly, R. Soloveitchik finds modern existentialist religious writings compelling, and they helped him develop his understanding of the meaning and quality of prayer. *Halakhab* leads both to an anthropocentric life that validates human adequacy, reason, and assertiveness. Philosophy instills in both a theocentric passion that emphasizes finitude and frailty. Thus, both rabbinic giants used more than one path to approach God.

Those who wish to restrict either rabbinic thinker to one tradition alone can offer only simplistic and distorted accounts. Just as the *Mishneh Torah* stands side-by-side with the *Guide* in Rambam’s life, the rationality of Brisk that shapes *Halakhab* Man is complemented by the universal condition of existential spirituality that R. Soloveitchik draws from the Western philosophic tradition.

VI

Leo Strauss maintained that, “genuine fidelity to a tradi-

tion is not the same as literalist traditionalism, and is in fact incompatible with it. It consists in preserving not simply the tradition, but the continuity of tradition.” Clearly David Hartman has left the insulated worlds of Brisker talmudic study and Orthodox *yeshivah* culture, where he first engaged R. Soloveitchik. He now blazes his own path in the open spiritual world of the Hartman Institute. Hartman’s understanding of Torah and his intimate partnership with God drove him to Israel to probe Zionism and messianism, religious pluralism, interfaith encounter, the necessity of spiritual uncertainty and the celebration of human finitude—areas that R. Soloveitchik never fully explored.

Hartman’s book is a form of poetic gratitude for the incalculable debt he owes R. Soloveitchik. It is only fitting that Hartman philosophically examine the teacher who initiated him into the life of critical thinking. By manifesting the Rav’s impulses of intellectual independence and theological boldness, Hartman demonstrates his abiding commitment to his spiritual parent.

The *Talmud* (*Bava Metzi’a* 59b) describes a remarkable incident when the *hakhamim* overruled a *bat qol* in a halakhic dispute. How did The Holy One feel at that moment, when His students out of their rational conviction parted ways with their Heavenly Teacher, proclaiming, “The Torah is not in Heaven”? God smiled in satisfaction and stated, “Nitzhuni banai. Nitzhuni banai—My children have eternalized me; My children have eternalized Me.”

One can only hope that Volume 2 of “*Love and Terror in the God Encounter*” appears soon, where Hartman can analyze R. Soloveitchik’s *U-Biqashtem mi-Sham, Halakbic Mind* and *Qol Dodi Dofeq*. If similar to Volume I, Volume 2 will further illuminate the Rav’s theology, grant us additional access to David Hartman’s spiritual deliberations, and serve to eternalize his beloved teacher.