Embracing Tradition and Modernity: The Religious Vision of Rabbi Haim David Halevi

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Introduction

Rabbi Haim David Halevi (1923–1998) was born in Jerusalem, served as Chief Rabbi of Rishon LeTzion from 1951 to1973, and then served as Sephardic Chief Rabbi of Tel Aviv-Jaffa from 1973 until his death in 1998. He learned Torah at Yeshivat Porat Yosef in Jerusalem, where Rabbi Benzion Uziel was the official Rosh Yeshiva. Most rabbis who taught in the yeshiva were less Zionist, and looked askance at Rabbi Uziel's stress on Jewish thought and philosophy. These other teachers stressed study of Talmud and halakhah.[1]

As a student, Rabbi Halevi viewed Rabbi Uziel as the exemplary rabbi, who combined intellect, knowledge, communication, leadership, moral stature, commitment to his people, love, and compassion. Throughout his life, Rabbi Halevi maintained that Rabbi Uziel modeled the ideal religious position of the school of Hillel, as he combined halakhic expertise with a deep sensitivity to the human predicament (*Asei Lekha Rav* 5:48; 8:97[2]).[3]

Rabbi Halevi also espoused Rabbi Abraham Isaac Kook's diagnosis of contemporary Jewish society. Many spiritual ills derive from the artificial

separation of halakhah and aggadah. In his introduction to *Mekor Hayyim HaShalem* (pp. 9–20), he stressed the urgent need to bring halakhah and aggadah together to infuse Jewish life with the proper spirit. In his extensive writings, Rabbi Halevi also drew heavily from kabbalah, and stressed that human intellect has limitations.[4]

Acceptance of the halakhic system means commitment to eternal principles that apply to every time. Rabbi Halevi taught that rabbis need to have general worldly knowledge and to be in touch with reality to apply Torah properly.

Rabbi Halevi was fairly conservative within classical sources, and deferential to his predecessors. At the same time, he emphasized the inherent flexibility in halakhah, since there are many options within the boundaries of halakhic discourse. If one shuts down legitimate options, one harms the Jewish people and observance.

Science[5]

Rabbi Halevi addressed a wide range of issues pertaining to the interface between science and halakhah. For example, there is a halakhic principle to praise God for natural wonders, such as thunder, lightning, and rainbows. The Talmud codifies blessings for each phenomenon.

However, the Talmud considers solar and lunar eclipses to be signs of divine wrath:

> The Rabbis taught in a Baraita: At the time that the sun is stricken, it is a bad omen for the entire world…. It has been taught in a Baraita: Rabbi Meir says, whenever the luminaries are stricken, it is a bad omen for the Jewish people…. (Sukkah 29a)

Someone asked Rabbi Halevi if we should make a blessing on solar eclipses today, since we now know that they are natural phenomena that are predictable.[6] Rabbi Halevi did not defend the talmudic belief; he agreed that eclipses were natural phenomena and should require a blessing. However, he maintained that we should not create new blessings that are not found in the Talmud. Therefore, he recommended that instead of making a full blessing with God's Name, one should say the beginning of "*Vayevarekh David*," biblical verses containing the essentials of the blessing formula.[7] Thus, while conceding that the ancient rabbis had incomplete scientific data, he was not willing to coin a blessing that the Talmud had not ordained. By advocating a recitation of biblical verses that have a formula

similar to a blessing, Rabbi Halevi was able to remain faithful to the Talmud while accepting current scientific knowledge.[8]

In another example, halakhah insists that people take care of their health, and not harm their bodies. In 1976, someone asked Rabbi Halevi if smoking was permissible, given the growing body of evidence that smoking is harmful to one's health. Despite the fact that many earlier rabbis had permitted smoking, Rabbi Halevi made a landmark ruling prohibiting it.[9] He explained that earlier rabbis had permitted smoking only because the scientific research demonstrating the dangers of smoking was not yet available.[10]

However, Rabbi Halevi did not always fully accept current scientific knowledge. In *Mekor Hayyim HaShalem*,[11] he uncritically cited Rambam's ruling that killing bugs created by spontaneous generation is not a punishable offense on Shabbat (generally, it is a Torah prohibition to take the life of any living creature on Shabbat):

> One who kills insects and worms that are conceived through male-female relations or fleas that came into being from the dust is liable as if he killed an animal or beast. In contrast, one is not liable for killing insects and worms that came into being from dung, rotten fruit, or the like, e.g., the worms found in meat or legumes.
>
> It is permitted to kill lice on Shabbat, for they come into being from sweat. (Rambam, *Laws of Shabbat* 11:2–3)

Someone challenged Rabbi Halevi's ruling based on current scientific knowledge, which has disproven spontaneous generation. Rabbi Halevi responded that he had no clear answer.[12] Perhaps he, like other halakhic decisors, was concerned that there is an additional reason underlying the Talmud's permission to kill lice, in which case we cannot prohibit that which is permitted. Or, perhaps Rabbi Halevi had a more general reluctance to conclude that a talmudic halakhah is based on an error.[13]

Non-Observant Jews

Several classical sources say that the commandment of "Love Your Neighbor as Yourself" (Leviticus 19:18) applies exclusively to a "neighbor" in mitzvah

observance. According to these sources, one should hate violators of the commandments.[14] Adopting the view of a number of halakhic decisors beginning in the nineteenth century, Rabbi Halevi rejected the application of that principle to modern times. Nowadays, many Jews violate the Torah, and are generally not willful transgressors in the classical sense.

Rabbi Halevi maintained that observant Jews should be strong in their commitments, but should not show disdain to less observant Jews, nor impose coercive measures to force them to be more observant. Instead, observant Jews should model proper behavior and teach the path of Torah. Perhaps others will be persuaded to return to a Torah lifestyle.

Women

In his ruling prohibiting the teaching of Oral Law to women, Rambam stated that a majority of women were incapable of understanding the concepts involved:

> Even though [a woman studying Torah] will receive reward, the Sages commanded that one should not teach his daughter Torah, because most women cannot concentrate their attention on study, and thus transform the words of Torah into idle matters because of their lack of understanding. The Sages teach that anyone who teaches his daughter Torah teaches her idle things. This statement is in regard to the Oral Law. But [with regard to] the Written Law: Initially, one should not teach one's daughter. However, if one teaches her, it is not considered as if she was taught idle things. (*Laws of Torah Study* 1:13)

Despite Rambam's ruling, however, Rabbi Halevi noted that the success of women in so many academic fields militated against its underlying premise. Already in the eighteenth century, Rabbi Hayyim Yosef David Azulai (HIDA) listed historical instances of learned women who gave halakhic rulings. Rabbi Halevi demonstrated that within Rambam's wording, one could permit women to study Talmud. A woman who demonstrated a willingness and capacity to study the Oral Law was not part of the "incapable majority" described by Rambam.[15] In this responsum, Rabbi Halevi did not attempt to show that Rambam's ruling was no longer applicable. Rather, he worked within the existing textual framework to reach his conclusion.

Rabbi Halevi's commitment to that earlier source became more pronounced in a later discussion, where he responded to members of a religious kibbutz that had begun teaching Talmud to girls.[16] The leaders of the kibbutz had complained that in light of the change in women's social status, rabbis should have addressed the issue of females studying Talmud. Rabbi Halevi responded that (1) he *did* address the matter in his earlier responsum; and (2) his response had *nothing* to do with the current change in the social status of women. He had quoted Rabbi Azulai, who lived in the eighteenth century, to support his permissive ruling. "From here, we see that rabbis in all generations, including before there were changes in the social status of women, never rebuked women who studied Torah." Rabbi Halevi also criticized the kibbutz leaders for suggesting that halakhot may be eliminated on the basis of social change.

In the final analysis, Rabbi Halevi reached the same halakhic decision as the kibbutz leaders, permitting and encouraging women to study the Oral Law—but they arrived at their conclusions from different starting points. Rabbi Halevi represented faithfulness to the precedents of the past, whereas the kibbutz had hoped to bypass those precedents as a result of a new social reality.

At the end of his responsum, Rabbi Halevi exhorted the members of the kibbutz:

> Our rabbis were great of spirit and deep of mind; would that we could even understand their words.... They were not only great in Torah and wisdom, but also in their holiness. Therefore, it is appropriate for a person to relate to their words with all respect due to them.

Rabbi Halevi demonstrated the same consistent balance between faithfulness to Rambam's ruling and finding permissibility for women to study the Oral Law in his guidebook for halakhot pertaining to women, *Mekor Hayyim Livnot Yisrael*.[17] In discussing the halakhic exemption for women to study Torah, Rabbi Halevi quoted Rambam's ruling in full, that a father should not teach his daughters the Oral Law. In the footnote, however, he cited his own responsum (which was subsequently published in *Asei Lekha Rav* 2:52) that explained the permissibility of women studying Oral Law within Rambam's formulation. By citing Rambam's restrictive ruling in the body of the text, and his own permissive ruling in a footnote, Rabbi Halevi presented the fine balance of his educational philosophy: Anyone motivated enough to read his lengthy footnote is indeed qualified to study the

Oral Law! One simply reading his book with the rulings in the body of the text probably would not have sufficient motivation to study halakhah from its roots, including its talmudic underpinnings.[18]

Rabbi Halevi also adopted his mentor Rabbi Uziel's ruling that women may vote and be elected to public office. The halakhic prohibition against women holding positions of authority applies only when people object to having women as leaders. However, if they are democratically elected, they may hold public office.

Rabbi Halevi opposed several ritual innovations for women. For example, he opposed women's prayer groups and women's recitation of *sheva berakhot* at weddings. He viewed these innovations as a break in tradition and a breach of modesty, respectively. At the same time, he stressed that his rulings were based on his assessment of reality, rather than halakhic prohibitions.

Conclusion

In the areas of modern science, relating to non-observant Jews, and the changing roles of women in the modern era, Rabbi Halevi developed an approach that was faithful to classical halakhah and its sources, while simultaneously having both eyes open to new realities. He sought to apply ancient halakhic principles to the modern period in every arena.

Rabbi Halevi also consciously recognized the critical importance for halakhic decisors to understand earlier halakhic precedents, not as a constraint, but rather to ensure maximal flexibility in interpreting the law in the present:

> And one is very mistaken who thinks that the halakhah is frozen and that one should not veer from it to the right nor to the left. On the contrary, there is no flexibility like the flexibility of halakhah. Only due to the merit of the flexibility of the halakhah has the people of Israel been able—through the power of numerous and useful creative interpretations which were innovated by the sages of Israel in each generation—to walk in the way of Torah observance for thousands of years. And if the fortitude of the sages of our generation will serve them to innovate interpretations of halakhah [getting at the] truth of Torah, with total faithfulness to the bodies of written and transmitted halakhah…, then halakhah will continue to be the way of the people of Israel to the end of all generations. (*Asei Lekha Rav* 7:54)

[1] R. Marc D. Angel with Hayyim Angel, *Rabbi Haim David Halevi: Gentle Scholar, Courageous Thinker* (Jerusalem: Urim, 2006), p. 13.

[2] R. Marc D. Angel translated 8:97 into English, and it is published as "The Love of Israel as a Factor in Halakhic Decision-Making in the Works of Rabbi Benzion Uziel," *Tradition* 24:3 (Spring 1989), pp. 1–20. See also R. Marc D. Angel, *Loving Truth and Peace: The Grand Religious Worldview of Rabbi Benzion Uziel* (Northvale, NJ: Jason Aronson, 1999), pp. 101–107.

[3] See further discussion in *Gentle Scholar, Courageous Thinker*, pp. 54–69.

[4] *Ibid.*, pp. 48–50.

[5] See further discussion in *Gentle Scholar, Courageous Thinker*, pp. 89–91.

[6] *Asei Lekha Rav* 5:7.

[7] "Then David blessed the Lord in the sight of all the congregation and said, 'Blessed be You, Lord God of our father Israel for ever and ever. Yours, O Lord, are the greatness, power, glory, victory and majesty, all that is in the heavens and on earth'" (I Chronicles 29:10–11).

[8] See also *Asei Lekha Rav* 2:1, where Rabbi Halevi emphasized the importance of rabbis following current scientific information. See also *Asei Lekha Rav* 1:61; 5:13; 5:37; 6:44; 8:64; *Mayim Hayyim* 3:24.

[9] R. Shlomo Brody, *A Guide to the Complex: Contemporary Halakhic Debates* (Jerusalem: Maggid, 2014), pp. 24–26.

[10] *Asei Lekha Rav* 2:1; cf. 3:25; 6:58; 7:67. In contrast, R. Moshe Feinstein permitted smoking, because he did not want to criticize earlier generations of rabbis who had permitted smoking (*Iggerot Moshe, Yoreh De'ah* 2:49). For further study of contrasts between R. Halevi and R. Feinstein, see R. Marc D. Angel, "A Study of the Halakhic Approaches of Two Modern *Posekim*," in Angel, *Seeking Good, Speaking Peace: Collected Essays of Rabbi Marc D. Angel*, ed. Hayyim Angel (Hoboken, NJ: Ktav, 1994), pp. 97–111.

[11] Volume 3, chapter 161, p. 291.

[12] *Asei Lekha Rav* 7: short answers 17.

[13] See also *Mekor Hayyim HaShalem* vol. 5, chapter 264, p. 235, where Rabbi Halevi uncritically quotes the talmudic ruling that one may not eat fish and meat together, since that combination poses a health hazard. See *Mayim Hayyim* 3:24, for an elaborate discussion of the interrelationship of traditional teachings and contemporary scientific knowledge.

[14] See, for example, *Avot DeRabbi Natan* A 16, Pesahim 113b, Rashbam (on Leviticus 19:18), Rambam, *Laws of Mourning* 14:1, *Hagahot Maimoniyot* on *Laws of De'ot* 6:3, Or HaHayyim (on Leviticus 19:18). This view reads "Love your neighbor *as yourself*" to mean "love your neighbor who is *like* you." For further discussion, see R. Norman Lamm, "Loving and Hating Jews as Halakhic Categories," *Tradition* 24:2 (Winter, 1989), pp. 98–122.

[15] *Asei Lekha Rav* 2:52.

[16] *Mayim Hayyim* 2:89.

[17] Chapter 50, pp. 205–208.

[18] See further discussion in *Gentle Scholar, Courageous Thinker*, pp. 118–120.