Reclaiming Orthodox Judaism

View PDF



This article by Rabbi Marc D. Angel originally appeared in issue 12 of Conversations, the journal of the Institute for Jewish Ideas and Ideals.

Orthodox Judaism has a powerful, appealing, and sophisticated message for world Jewry—and for humanity at large. Basing ourselves on the divinely revealed Bible, the authoritative halakhic system, and a worldview rooted in compassion and justice, we have succeeded as a world religion for over 3,000 years. We have weathered physical and spiritual attacks from external enemies; and we have been victorious in sectarian battles within Judaism itself.

While other segments of Jewry stagnate or shrink due to assimilation, low birth rates, and defections from Judaism—Orthodoxy has proven to be remarkably resilient. It has created thriving communities, a positive birth rate, networks of schools, kashruth agencies, mikvaot, social service organizations, and so forth. Thousands of Jews have been attracted to an Orthodox way of life, and the “ba’al teshuva” schools and institutions continue to flourish dramatically.

With all its strengths and successes, though, Orthodoxy is being transformed into something more akin to a sect or cult than a world religion. The turn to the “right” has cast Orthodoxy into a dilemma. On the one hand, the growing Orthodox religious extremism stems from faith and spiritual vitality. It reflects an understandable rejection of the prevalent materialistic, hedonistic, and amoral/immoral values that pervade society at large. Right-wing Orthodoxy has chosen to insulate itself as much as possible from the corrosive forces of modern secular culture. By emphasizing strict religious observance and the centrality of Torah learning, it has sought to inure itself from what it perceives to be negative external pressures.

On the other hand, the turn to the right has manifested itself in some highly problematic features. The Hareidi (insular right-wing) communities are dominated by cult-like authoritarian leaders who control public opinion among their followers. Conformity is encouraged in thought, behavior, and manner of dress. People who are perceived to be threats to Hareidi values are vilified. The valid range of religious opinion, even within halakhic boundaries, has been sharply curtailed.

The Modern Orthodox community has largely been swept up in the move to the right. Its spokespeople are generally apologetic about the term “Modern Orthodox” and have tried alternative phrases such as Centrist Orthodoxy or Open Orthodoxy. An American organization that was avowedly proud of being “modern and Orthodox,” Edah, lasted less than ten years before closing its doors. In Israel, the Modern Orthodox are generally identified as Religious Zionists, although the two terms are not entirely synonymous. Israeli Religious Zionism is itself embroiled in a spiritual battle with Hareidism, and has ceded much authority to the Hareidi rabbinic leadership.

Yet, there are many thousands of Orthodox Jews scattered around the world who feel alienated by Hareidism and betrayed by Modern Orthodoxy. These Orthodox Jews share a vision of Judaism rooted in Torah and mitzvoth, a commitment to individual freedom and responsibility, a dedication to the highest ideals of social justice, and a responsive attitude to the challenges of the world.

This group of Orthodox Jews, in spite of the grandness of their religious commitment and vision, are relegated to the periphery of Orthodox life today. The “yeshiva world” is thoroughly dominated by Hareidi ideology. Whether in Israel, the United States, or other centers of Jewish life, key halakhic (Jewish law) and hashkafic (religious worldview) decisions are being made by proponents of the Hareidi viewpoints.

Halakhic authorities, known popularly as “gedolim” (great ones), are drawn almost exclusively from the Hareidi orbit. The Orthodox masses generally defer—whether willingly, sheepishly, or unwillingly—to Hareidi authorities in almost every area of Jewish religious life. The “gedolim” associated with Modern Orthodox institutions tend to present themselves in Hareidi terms. They may be more Zionistic and more receptive to secular studies, but—with a few notable exceptions—they have not fostered a clear independence from the dictates of the Hareidi world.

Whatever the historical and sociological reasons, the Orthodox pendulum has swung far to the right. Presumably, it will one day swing back; but meanwhile

considerable damage is being done to Orthodoxy—and to the Jewish people in general—while Orthodoxy increasingly is being dominated by fundamentalist, obscurantist, authoritarian leaders and teachers.

We need a reasonable, intelligent, compassionate, and inclusive view of Orthodoxy—Classic Orthodoxy—that offers a legitimate Orthodox view of life different from that promoted by the Hareidi community. How can we achieve this?

As a prelude, let it be noted that Hareidim are not all the same; there is plenty of diversity within the Hareidi world. Let it also be noted that the Hareidim have as much right as anyone else to organize their communities as they see fit. Problems arise, though, when they impose their views on the rest of us and negate the legitimacy of differing views—even when the differing views are themselves soundly rooted in Jewish tradition.

In characterizing the negative features of Hareidism, the following list must be considered:

1. authoritarianism—relying on the rulings and opinions of cult-like leaders, whether those leaders are Hassidic rebbes, Lithuanian or Sephardic “gedolim,” or heads of yeshivot

2. conformity—following the “accepted” patterns of behavior and thought of the Hareidi world, with the subsequent constriction of valid religious options

3. fundamentalism—relying on the literal meanings of biblical and rabbinic texts, even when these texts contradict reason or the findings of science

4. obscurantism—relying on the traditional wisdom of Judaism as they understand it, and limiting exposure to new ideas and knowledge—especially if drawn from non-Jewish or non-religious sources

5. xenophobia—seeing the world almost exclusively in terms of Hareidism, with non-concern or even disdain for those who are not part of the Hareidi world

6. extremism—promoting the Hareidi worldview through extreme statements, suppression of those who dissent from the “establishment,” curses of enemies, and even physical violence

7. anti-Zionism or neutral-Zionism—refusing to recognize the religious significance of the State of Israel

8. restriction of women’s rights—insisting on a male-dominated social structure, and imposing restrictive “modesty” rules on females

These manifestations of Orthodoxy’s turn to the right are not mandated by the thousands of years of Jewish religious tradition. On the contrary, Hareidism should be viewed as a deviation from classic normative Judaism. It is time—well past time—to reclaim Orthodox Judaism.

Challenges of Modernity

The modern period has been extraordinarily difficult for the survival of the bearers of the Sinaitic Revelation. The Nazis and their collaborators murdered 6 million Jewish men, women, and children during World War II. One-third of world Jewry perished, and the other two-thirds were traumatized. Bastions of traditional religious life in Europe were wiped off the face of the earth.

Due to Arab animosity toward the newly established State of Israel, life became impossible for hundreds of thousands of Jews who had been living in Arab countries for many centuries. These Jews from Africa and Asia emigrated to Israel in vast numbers— and the traditional frameworks of their communities were shaken as they attempted to adapt to the new, secularized, modern Jewish State. If the State’s political and social “establishment” was largely composed of secularized Ashkenazim, its religious “establishment” was largely composed of Ashkenazic Orthodox rabbis. Whichever way the Sephardic newcomers turned, they risked losing the rich religious culture that had characterized their communities for generations.

While the Jewish people underwent these cataclysmic demographic changes, they also had to deal with disorienting sociological and spiritual changes. The process of modernity, already beginning in the late eighteenth century, led to a growing number of Jews who abandoned traditional religious beliefs and observances. Whether they opted out of Judaism altogether, or identified themselves with non-Orthodox patterns of life, millions of Jews stopped seeing themselves as heirs of the Revelation at Sinai. They became messengers who had forgotten their message—or who simply chose to quit being messengers.

Adherents of Jewish Orthodoxy felt embattled. How were they to maintain their beliefs and practices in a world that was increasingly non-religious, even anti-religious? How could they raise their children to be loyal to the Torah traditions when Jews were such a tiny minority in the world, and when so many Jews were moving away from religious traditionalism?

Two major approaches developed. The Hareidi view was that Orthodoxy had little chance of surviving in an open society; the forces of assimilation and secularization were simply too overwhelming. The best strategy was for Orthodox Jews to insulate their communities to the extent possible from the corrosive influences of the outside world. This could be accomplished by having adherents live in tightly knit neighborhoods, where Hareidim were a large percentage (preferably the clear majority) of residents; by maintaining a distinctive style of dress that separated Hareidim from other groups; by sending their children to Hareidi schools that sharply limited instruction in secular subjects; by not interacting in any official way with non-Orthodox movements or their leaders; by operating their own religious, social, and communal institutions so as to limit contacts with “outsiders”; and to use every possible sociological means to reinforce their beliefs and traditions. To be an “insider,” one had to conform to Hareidi standards. One who deviated in dress, practice, or belief was subject to being rejected, humiliated, and even physically attacked by Hareidi loyalists. It would be difficult for non-conformists to find spouses for their children among the fine Hareidi families.

The advantage of the Hareidi approach is that it generally has proven to be effective in maintaining a traditional way of life. People living within the system know that they are part of a larger Hareidi community that sees itself as God’s chosen group, that only they—through the wisdom and authority of their rabbinic leaders—are following the Torah of Sinai. The Hareidim have been growing in numbers, strength, and communal influence in Israel, and wherever they have communities in the Diaspora.

If the many thousands of Hareidim formed one ideal community characterized by perfect piety and righteousness, then perhaps the case for Hareidism would be more compelling. However, the Hareidim are fractured into many sub-groups, often at odds with each other. Rivalries and hatred among various Hassidic sects are rampant. The Lithuanian-style Hareidim have many bones of contention with Hassidic Hareidim. The Ashkenazic Hareidi “establishment” has fostered negative attitudes toward Sephardic Hareidim, even to the extent of limiting (or excluding) children of Sephardic background from their schools and not allowing their children to marry Sephardim. Sephardic Hareidim (a relatively new phenomenon) have their own share of rivalries among themselves and between themselves and the Ashkenazic Hareidim. The Hareidi press is notoriously vicious in its attacks on those it deems to be religiously deficient. In short, the Hareidi community is filled with all the strife, egotistical leadership, gossip, and backbiting that could be expected in any other human community. Hareidi leaders and political figures do

not seem to be any more moral or honest than non-religious leaders and political figures.

For most Jews, including most Orthodox Jews, the Hareidi approach is not appealing. It is too narrow, too intellectually stifling, too authoritarian, too sectarian. So let us consider the Modern Orthodox approach.

In the Ashkenazic world, figures such as Rabbi Samson Raphael Hirsch of nineteenth-century Germany and Rabbi Bernard Revel of twentieth-century America emerged as representatives of an Orthodoxy that retained its traditionalism but also its commitment to live in the modern world. Rabbi Hirsch's motto was "Torah im derekh erets," Torah with culture. He argued that the ideal religious Jew should be steeped in Torah knowledge and observance, and also be comfortable interacting with the "outside" world. The Torah personality was viewed as a pious Jew, who was well mannered and cultured, familiar with the intellectual currents of the time. Similarly, Rabbi Revel adopted the motto of "Torah uMada," Torah and Science (or better, Torah and general knowledge). In founding Yeshiva College (later to become Yeshiva University), Rabbi Revel strove to implement his view that Orthodox Jews could be pious and learned Torah scholars, while at the same time being lawyers and doctors and businesspeople. Although Yeshiva College did produce students who went on to become rabbis, the large majority of graduates entered other fields. They functioned as Orthodox Jews in the professions, in the workplace, and in the public arena. They were ambassadors of a Torah Judaism that lived "in" the world, and that did not seek to isolate itself within sectarian confines.

In the Sephardic world, figures such as Rabbis Eliyhahu Benamozegh, Eliyahu Hazan, and Benzion Uziel reflected a worldview imbued with religious tradition, but at the same time open to general knowledge. Sephardim did not splinter into religious movements, but managed to maintain a traditional communal structure even as individuals adopted different levels of belief and observance. The Sephardic model, though, diminished in influence as Sephardim came increasingly under the sway of Ashkenazic models.

Moderation: Weakness or Virtue?

The Modern Orthodox perspective has been criticized by its antagonists as being unprincipled, wishy-washy, and religiously dubious. It has been charged with compromising with modernity, selling out on basic religious tenets, looking for the most lenient halakhic rulings. Yet, Modern Orthodoxy sees itself in quite different terms. It is highly principled, highly idealistic, and highly sensitive to the needs of

the Jewish public. Indeed, it is the ideal expression of religious Orthodoxy.

A rabbinic teaching has it that the way of the Torah is a narrow path. On the right is fire, and on the left is ice. One who veers from the path is doomed to be burnt or frozen. The Torah way of life is balanced, harmonious and sensible. It imbues life with depth, meaning, and true happiness. To be fulfilled properly, it must maintain its balance on the narrow path.

Veering to the left freezes the soul of Judaism. It robs the Torah of warmth and harmony. Abandoning or watering down Jewish belief and religious observance is a turn toward ice, a spiritless charade of religion.

Veering to the right leads to the dangers of fire—excessive zeal, extremism, fanaticism. Losing the harmony of the true path of Torah, the extremists pursue a xenophobic ghettoized Judaism that is hostile to or suspicious of the outside world.

“Her ways are the ways of pleasantness and all her paths are peace (Proverbs 3:17).” Classic rabbinic literature takes this verse as a descriptive view of Torah. The Torah way of life is characterized by kindness, harmony, and sweetness. The verse is also prescriptive: It reminds us that religious life must take into consideration the qualities of pleasantness and peace.

The Talmud (Yoma 86a) offers the insight of the great sage Abbaye, that the Torah’s commandment to love God entails “that the name of God be beloved because of you. If someone studies Scripture and Mishnah, and attends on the disciples of the wise, is honest in business, and speaks pleasantly to persons, what do people then say concerning him? ‘Happy the parent who taught him Torah, happy the teacher who taught him Torah; woe unto those who have not studied the Torah; for this man has studied the Torah—look how fine are his ways, how righteous his deeds.’ On the other hand, if a person studies Torah and yet behaves in an unpleasant, unrighteous manner, people will say: ‘Woe unto him who studied the Torah, woe unto his father who taught him Torah; woe unto his teacher who taught him Torah. This man studied the Torah: look how corrupt are his deeds, how ugly his ways.’”

Maimonides (Yesodei haTorah 5:11) notes that if a Torah scholar, known for piety, does things that make people talk against him—even though these things are not sins—he thereby profanes the Name of God. One’s conduct is expected to be impeccable, free from any taint of inappropriateness.

If the scholar has been scrupulous in his conduct, gentle in his conversation, sociable, and receiving fellow men cheerfully, without insulting those who embarrass him, but showing courtesy to all, even to those who treat him disrespectfully, and conducting his business affairs with integrity…traits for which he is admired and loved by all who desire to follow his example, he sanctifies the Name of God.

Pleasantness and peace matter. They are not peripheral adornments to the Torah way of life, but are essential and central ingredients. Without these qualities, Orthodoxy is false to its mission and misrepresents the ideal Torah way of life.

Moderation, good manners, gentleness in dealing with others—these are not compromise positions, but are the mainstream foundations of Torah Judaism. Those who live according to these ideals are in fact walking piously on the Torah path, avoiding the ice on the left and the fire on the right.

Rabbinic Responsibility: Talmidei Hakhamim Marbim Shalom BaOlam

The role and responsibility of rabbinic leadership is central to a discussion of the state of Orthodoxy. Let us consider several classic rabbinic texts that relate to our topic.

“Rabbi Elazar said in the name of Rabbi Haninah: Rabbinic scholars increase peace in the world” (end of tractate Berakhot). The hallmark of a rabbi must be the commitment to increase peace and harmony among the Jewish people and within society at large. Without this guiding focus, rabbinic scholars betray their responsibility.

How do rabbis go about “increasing peace in the world”? How is this general truism translated into specific action? The answer may be found in the commentary of the Maharsha on the closing passages in Berakhot and Yebamoth. The Maharsha states that rabbis are obliged to bring peace between the people of Israel and their God. By teaching Torah, the prayers and blessings, as well as by imbuing reverence and love of God, rabbis thereby lead Jews to find peace in their relationship with God. The rabbinic mission demands a spiritual outlook, an overwhelming desire to bring Jews closer to their God and Torah. This mission can only be properly fulfilled in a spirit of love, compassion, inclusivity—and much patience.

The rabbi must see himself—and must be seen by others—as a selfless religious leader who places the public’s interests before his own. He must not be a self-serving, manipulative bureaucrat who is more interested in advancing his own

career than in serving the public in truth.

The Maharsha points to another rabbinic characteristic that results in increasing peace in the world. That is the application of halakha in a way that reflects understanding and sensitivity to the human predicament. Our talmudic sages, for example, offered lenient rulings in order to save women from suffering the plight of an agunah. They were willing to deviate from the technical letter of the law—even to be oker davar min haTorah (to uproot a Torah law)—when they felt this was necessary. Rabbi Yohanan taught in the name of Rabbi Shimon ben Yehozadak: “It is proper that a letter be rooted out of the Torah so that thereby the heavenly Name shall be publicly hallowed” (Yebamoth 79a). The sages recognized overarching principles which guided halakhic rulings—principles such as sanctifying God’s Name; avoiding desecration of God’s name; making decisions based on the fact that the ways of Torah are pleasant, and all its paths are peace.

To increase peace in the world, rabbinical scholars must be sensitive to the needs of the public and must see themselves as integral members of the public. In addressing his rabbinic colleagues at a 1919 conference in Jerusalem, Rabbi Benzion Uziel underscored the responsibility of rabbis to lead the community “with words of pleasantness, and with love of each individual Jew.” Rabbis are not to isolate themselves in their study halls. “Let us walk on our path together with all the people and among the people, to love and appreciate, to learn and to teach the Torah of Israel in the presence of all.”

Kamtsa and Bar Kamtsa

The Talmud records a poignant story relating to the destruction of the Temple in Jerusalem by the Romans in 70 CE. Although historians describe various political, sociological, and military explanations for the Roman war against the Jews, the Talmud—through the story of Kamtsa and Bar Kamtsa—points to a moral/spiritual cause of the destruction:

R. Johanan said: The destruction of Jerusalem came through Kamtsa and Bar Kamtsa in this way. A certain man had a friend Kamtsa and an enemy Bar Kamtsa. He once made a party and said to his servant, Go and bring Kamtsa. The man went and brought Bar Kamtsa. When the man [who gave the party] found him there he said, See, you tell tales about me; what are you doing here? Get out. Said the other: Since I am here, let me stay and I will pay you for whatever I eat and drink. He said, I won't. Then let me give you half the cost of the party. No, said the other. Then let me pay for the whole party. He still said, No, and he took

him by the hand and put him out. Said the other, Since the rabbis were sitting there and did not stop him, this shows that they agreed with him. I will go and inform against them to the Government. He went and said to the Emperor, The Jews are rebelling against you. He said, How can I tell? He said to him: Send them an offering and see whether they will offer it [on the altar]. So he sent with him a fine calf. While on the way he [Bar Kamtsa] made a blemish on its upper lip, or as some say on the white of its eye, in a place where we [Jews] count it a blemish but they [the Romans] do not. The rabbis were inclined to offer it in order not to offend the Government. Said R. Zechariah b. Abkulas to them: People will say that blemished animals are offered on the altar. They then proposed to kill Bar Kamtsa so that he should not go and inform against them, but R. Zechariah b. Abkulas said to them, Is one who makes a blemish on consecrated animals to be put to death? R. Johanan thereupon remarked: Through the scrupulousness of R. Zechariah b. Abkulas our House has been destroyed, our Temple burnt and we ourselves exiled from our land. (Gittin 55b–56a)

The story tells of a host—apparently a wealthy man—who throws a party and wants his friend Kamtsa to be brought to it. The servant makes a mistake and brings Bar Kamtsa—a person the host despises. When the host sees Bar Kamtsa, he orders him to leave. Even though Bar Kamtsa pleads not to be humiliated by being sent away, the host is unbending. Bar Kamtsa offers to pay for whatever he eats, for half the expenses of the entire party, for the entire party—but the host unceremoniously leads Bar Kamtsa out of his home.

The story reflects a lack of peace among the Jewish community in Jerusalem. The antagonism between the host and Bar Kamtsa is palpable. The unpleasant scene at the party was witnessed by others—including “the rabbis”; obviously, “the rabbis” were included on the party’s guest list. They were part of the host’s social network. When Bar Kamtsa was ejected from the party, he did not express rage at the host. Rather, he was deeply wounded by the fact that rabbis had been silent in the face of the humiliation he had suffered: “Since the rabbis were sitting there and did not stop him, this shows that they agreed with him.” He might have understood the host’s uncouth behavior, since the host hated him. But he could not understand why the rabbis, through their silence, would go along with the host. Why didn’t they stand up and protest on behalf of Bar Kamtsa? Why didn’t they attempt to increase peace? Bar Kamtsa was so disgusted with the rabbis that he decided to stir up the Roman Emperor against the Jewish people. If the rabbinic leadership itself was corrupt, then the entire community had to suffer.

Why didn’t the rabbis speak up on behalf of Bar Kamtsa?

Apparently, the rabbis kept silent because they did not want to offend their host. If the host wanted to expel a mistakenly invited person, that was his business—not theirs. The host seems to have been a wealthy patron of the rabbis; he obviously wanted them included on his invitation list. Why should the rabbis offend their patron, in defense of an enemy of their patron? That might jeopardize their relationship with the host and could cost them future patronage.

The rabbis kept silent because they thought it socially and economically prudent for their own interests. They could not muster the courage to confront the host and try to intervene on behalf of Bar Kamtsa. By looking out for their own selfish interests, the rabbis chose to look the other way when Bar Kamtsa was publicly humiliated.

Rabbi Binyamin Lau, in his review of the rabbinical and historical sources of that period, came to the inescapable conclusion that “the rabbis were supported by the wealthy [members of the community], and consequently were unable to oppose their deeds. There is here a situation of economic pressure that enslaved the elders of the generation to the officials and the wealthy….The Torah infrastructure depended on the generosity of the rich.”

When rabbis lost the spirit of independence, they also lost their moral compass. They were beholden to the rich, and could not afford to antagonize their patrons. They remained silent even when their patrons behaved badly, even when their silence allowed their patrons to humiliate others. Bar Kamtsa was outraged by the moral cowardice of the rabbis to such an extent that he turned traitor against the entire Jewish people.

The story goes on to say that Bar Kamtsa told the Emperor that the Jews were rebelling. To verify this, the Emperor sent an offering to be sacrificed in the Temple. If the Jews offered it up, that proved they were not rebelling. If the Jews refused to offer it up, this meant that they were defying the Emperor and were rising in rebellion. Bar Kamtsa took a fine calf on behalf of the Emperor, and put a slight blemish on it. He was learned enough to know that this blemish—while of no consequence to the Romans—would disqualify the animal from being offered according to Jewish law.

When Bar Kamtsa presented the offering at the Temple, the rabbis were inclined to allow it to be offered. They fully realized that if they rejected it, this would be construed by the Emperor as a sign of disloyalty and rebellion. Since there was so much at stake, the rabbis preferred to offer a blemished animal rather than incur the Emperor’s wrath. This was a sound, prudent course of action. But one of the

rabbis, Zecharyah b, Abkulas, objected. He insisted that the rabbis follow the letter of the law and not allow the offering of a blemished animal. He cited public opinion (“people will say”) that the rabbis did not adhere to the law and therefore allowed a forbidden offering. The rabbis then considered the extreme possibility of murdering Bar Kamtsa, so that this traitor would not be able to return to the Emperor to report that the offering had been refused. Again, Zecharyah b. Abkulas objected. The halakha does not allow the death penalty for one who brings a blemished offering for sacrifice in the Temple. Murdering Bar Kamtsa, thus, would be unjustified and illegal. This was “check mate.” The rabbis offered no further ideas on how to avoid antagonizing the Emperor. The offering was rejected, and Bar Kamtsa reported this to the Emperor. The result was the Roman destruction of Jerusalem and razing of the Temple. “R. Johanan thereupon remarked: Through the scrupulousness of R. Zechariah b. Abkulas our House has been destroyed, our Temple burnt and we ourselves exiled from our land.”

Rabbi Johanan casts R. Zecharyah b. Abkulas as the villain of the story. R. Zecharyah was overly scrupulous in insisting on the letter of the law, and he lost sight of the larger issues involved. He did not factor in the consequences of his halakhic ruling; or if he did, he thought it was better to suffer the consequences rather than to violate the halakha. Rabbi Johanan blames R. Zecharyah’s “scrupulousness” for the destruction of Jerusalem, the razing of the Temple, and the exile of the Jewish people. The moral of the story, according to Rabbi Johanan, is that rabbis need to have a grander vision when making halakhic decisions. It is not proper—and can be very dangerous—to rule purely on the basis of the letter of the law, without taking into consideration the larger issues and the consequences of these decisions. Technical correctness does not always make a halakhic ruling correct. On the contrary, technical correctness can lead to catastrophic results. To follow the precedent of Rabbi Zecharyah b. Abkulas is a dangerous mistake.

Yes, Rabbi Zecharyah b. Abkulas was overly scrupulous in his application of halakha, when other larger considerations should have been factored in. His narrow commitment to legal technicalities caused inexpressible suffering and destruction for the Jewish people. But is he the real villain of the story?

Rabbi Zecharyah was only one man. The other rabbis formed the majority. Why didn’t they overrule Rabbi Zecharyah? The rabbis surely realized the implications of rejecting the Emperor’s offering. They were even willing to commit murder to keep Bar Kamtsa from returning to the Emperor with a negative report. Why did the majority of the rabbis submit to Rabbi Zecharyah’s “scrupulousness”?

The story is teaching not only about the mistaken attitude of Rabbi Zecharyah b. Abkulas, but about the weakness and cowardice of the rest of the rabbis. The other rabbis were intimidated by Rabbi Zecharyah. They were afraid that people would accuse them of being laxer in halakha than Rabbi Zecharyah. They worried lest their halakhic credibility would be called into question. Rabbi Zecharyah might be perceived by the public as the “really religious” rabbi, or the “fervently religious” rabbi; the other rabbis would be perceived as compromisers, as religiously defective. They recognized that Rabbi Zecharyah, after all, had technical halakhic justification for his positions. On the other hand, they would have to be innovative and utilize meta-halakhic considerations to justify their rulings. That approach—even if ultimately correct—requires considerable confidence in one’s ability to make rulings that go beyond the letter of the law. Rabbi Zecharyah’s position was safe: it had support in the halakhic texts and traditions. The rabbis’ position was risky: it required breaking new ground, making innovative rulings based on extreme circumstances. The rabbis simply were not up to the challenge. They deferred to Rabbi Zecharyah because they lacked the courage and confidence to take responsibility for bold halakhic decision-making.

When Rabbis Do Not Increase Peace in the World

When rabbis lose sight of their core responsibility to bring peace into the world, the consequences are profoundly troubling. The public’s respect for religion and religious leadership decreases. The rabbis themselves become narrower in outlook, more authoritarian, more identified with a rabbinic/political bureaucracy than with idealistic rabbinic service. They become agents of the status quo, curriers of favor from the rich and politically well-connected.
When rabbis lack independence and moral courage, the tendencies toward conformity and extremism arise. They adopt the strictest and most fundamentalist positions, because they do not want to appear “less fervent” than the extremist rabbinic authorities.

When rabbis fear to express moral indignation so as not to jeopardize their financial or political situation, then the forces of injustice and disharmony increase. When rabbis adopt the narrow halakhic vision of Rabbi Zecharyah b. Abkulas, they invite catastrophe on the community. When the “silent majority” of rabbis allow the R. Zecharyahs to prevail, they forfeit their responsibility as religious leaders.

The contemporary Hareidization of Orthodox Judaism, both in Israel and the Diaspora, has tended to foster a narrow and extreme approach to halakha. This

phenomenon has been accompanied by a widespread acquiescence on the part of Orthodox rabbis who are afraid to stand up against the growing extremism.

In the summer of 1984, I met with Rabbi Haim David Halevy, then Sephardic Chief Rabbi of Tel Aviv. He was a particularly independent thinker, who much regretted the narrowness and extremism that had arisen within Orthodox rabbinic circles. He lamented what he called the rabbinic “mafia” that served as a thought police, rooting out and ostracizing rabbis who did not go along with the official policies of a small group of “gedolim,” rabbinic authorities who are thought to have the ultimate power to decide halakhic policies. When honest discussion and diversity of opinion are quashed, the religious enterprise suffers.

The Orthodox rabbinic establishment in Israel, through the offices of the Chief Rabbinate, has had the sole official religious authority to determine matters relating to Jewish identity, conversion, marriage, and divorce. It has also wielded its authority in kashruth supervision and other areas of religious law relating to Jewish life in the State of Israel. This religious “monopoly” has been in place since the State of Israel was established in 1948. With so much power at their disposal, one would have expected—and might have hoped—that the rabbinate would have won a warm and respectful attitude among the population at large. The rabbis, after all, are charged with increasing peace between the people of Israel and their God; with applying halakha in a spirit of love, compassion, and understanding; with creating within the Jewish public a recognition that the rabbis are public servants working in the public’s interest.

Regrettably, these things have not transpired. Although the Chief Rabbinate began with the creative leadership of Rabbis Benzion Uziel and Yitzchak Herzog, it gradually sank into a bureaucratic mire, in which rabbis struggled to gain political power and financial reward for themselves and/or for the institutions they represent. The Chief Rabbinate is not held as the ultimate religious authority in Israel by the Hareidi population. It is not respected by the non-Orthodox public. It has scant support within the Religious Zionist camp, since the Chief Rabbinate seems more interested in pandering to Hareidi interests than in promoting a genuine Religious Zionist vision and program for the Jewish State.

Recent polls in Israel have reflected a growing backlash against the Hareidization of religious life and against the political/social/religious coercion that has been fostered by Hareidi leadership. Seventy percent of Jewish Israelis are opposed to new religious legislation. Fifty-three pecert oppose all religiously coercive legislation. Forty-two percent believe that the tension between the Hareidim and the general public is the most serious internal schism in Israeli Jewish

society—nearly twice as many as those who think the most serious tension is between the political left and political right. Sixty-five percent think the tensions between Hareidim and the general public are the most serious, or second most serious, problem facing the Israeli Jewish community. An increasing number of Israelis are in favor of a complete separation of religion and State, reflecting growing frustration with the religious status quo. The Jerusalem Post (November 24, 2010) reported on a poll taken by the Smith Institute for the Hiddush Foundation in Israel: 80 percent of Israelis are dissatisfied with the government's policies on religion and state. A significant majority favor a government coalition that eliminates the Hareidi religious parties. Clearly, the Orthodox rabbinate has not won the hearts and minds of many of the citizens of Israel, and has also alienated large segments of the Jewish Diaspora.

Narrow and Hurtful Policies

In 2006, the Israeli Chief Rabbinate declared that it would no longer accept the validity of conversions performed by Orthodox rabbis in the Diaspora, unless the rabbis were approved by them and adhered to their—Hareidi—standards. In one fell swoop, the Chief Rabbis disenfranchised their most reliable allies in the Diaspora, Modern Orthodox rabbis whose conversions had always been accepted in Israel in prior years.

The Hareidization process went further. Some Israeli rabbinic courts invalidated conversions performed by various Orthodox rabbis in Israel; invalidated conversions retroactively, even many years after the conversions took place; raised questions about the validity of conversions performed by Orthodox rabbis in the Israeli military forces; raised questions about conversions performed by Israeli Orthodox rabbis under the government's own conversion authority. This undermining of the conversion process has had a chilling effect on Orthodox rabbis worldwide, who now either avoid performing conversions or feel compelled to follow the needlessly stringent views of the Hareidi rabbinic establishment. They fear that if they do not bend to Hareidi pressure, their conversions will not be accepted by the Israeli Chief Rabbinate and its rabbinic courts.

The Hareidi policies are demonstrably refuted by centuries of halakhic tradition. These policies represent a clinging to the narrowest, most xenophobic elements of rabbinic thought—and the setting aside of the vast corpus of mainstream halakhic tradition. It has been clearly shown that halakha allows for an inclusive, compassionate approach to conversion. Indeed, Israel's first Sephardic Chief Rabbi, Benzion Uziel, gave far-reaching halakhic decisions that insisted on the rabbinic responsibility to perform conversions, even when it was expected the

converts would not be fully observant of Jewish law. He had a halakhic vision that took into consideration the needs of the converts, the children of the converts, and the wellbeing of the Jewish people as a whole.

The currently prevailing policies of the Hareidi-dominated Orthodox rabbinic establishment are not only halakhically misguided, but serve to alienate large numbers of Jews and potential Jews from Judaism and the Jewish people. The rabbis who promote and enforce these policies are surely not increasing peace in the world, and are not applying Torah law in a way that is true to the spirit of pleasantness and peace. They inflict needless suffering on thousands of converts, children of converts, and potential converts. Instead of recognizing the historic obligation of drawing on the power of halakha to resolve the serious issues relating to conversion, the rabbinic establishment has become even more obstinate and obstructionist. And while the rabbinic establishment follows the mindset of R. Zecharyah b. Abkulas, much of the Orthodox rabbinate remains silent, afraid to lose its own perceived rabbinic credibility. Like the silent rabbis in the days of Bar Kamtsa, the rabbis look on at injustice—and do not object.

If the situation relating to conversion is problematic, the situation concerning agunot is also heartbreaking. Organizations such as Mavoi Satum and the Center for Women's Justice deal on a regular basis with a rabbinic bureaucracy that not only does not solve the problem in a systemic way, but exacerbates the problem by causing many agunot to suffer unnecessarily. It is reported (and I have personally dealt with this phenomenon) that rabbis encourage agunot to pay off their husbands, or give up their rights, in order to receive a get (religious bill of divorce)—even if the husbands had been abusive and don't deserve any "rewards" for their improper behavior. There are cases where agunot have waited years in order to receive a get. How can such women ever be repaid for their suffering, and for their loss of productive years of married life to a new husband? How can they—or anyone who knows of their plight—feel kindly toward the rabbinate? How many have been turned away from the Torah due to the injustices and humiliations perpetrated against agunot?

The rabbinic establishment can enforce prenuptial agreements; can implement various halakhic proposals to free agunot from recalcitrant husbands; can launch a serious and thorough educational program in every yeshiva on the sin of withholding a get or of blackmailing a wife into paying ransom to receive a get when a marriage has broken down; can see to it that the public is warned not to deal with recalcitrant husbands; can dismiss rabbinic judges who demonstrate insensitivity to agunot and/or who encourage women to pay off their husbands for

a get. A strong, unequivocal commitment to solving this problem must be a priority responsibility of the rabbinic establishment. As long as this problem festers, the public is left to believe either that the rabbis do not want to solve the problem, or that halakha is incapable of dealing with this problem in a meaningful way. Every agunah case is an indictment of the halakhic system and the rabbis who claim to uphold it.

Reclaiming Orthodox Judaism

The Hareidi rabbinic establishment has thrived largely through its success in the political sphere. Because Israeli government coalitions have needed the votes of the Hareidi parties, they have had to cede certain benefits to the Hareidi establishment in return for those votes. The result is that Hareidi institutions receive substantial funding from the State; Hareidi yeshiva students are given exemptions from service in the Israeli military; Hareidi rabbinic figures are pandered to by political candidates seeking the Hareidi vote. Knesset bills that promote religious freedom, and that are seen as a threat by the Hareidi rabbinic/political leadership, are routinely killed. The Israeli political system, which the Hareidi parties have mastered so successfully, allows an unpopular minority group to wield a disproportionate amount of power. Although the overwhelming majority of Israeli Jews are not Hareidim and disapprove of Hareidi religious coercion, the Hareidi stranglehold continues unabated.

Rabbi Haim David Halevy, writing in 1954, already warned against the reliance on political coercion to advance religion in the State of Israel. Although one could not completely discount the importance of religious political parties, Rabbi Halevy thought that “this is not the way of the Torah, and not in this way will we succeed.” Rather, the religious agenda must be based on persuasion, not coercion. We must teach Torah in a way that draws people closer to our religious observances and values. We must demonstrate that the ideals and practices of Torah Judaism represent the best fulfillment of human life for the Jewish people. Political coercion—even if it appears to be successful temporarily—ultimately evokes a strong backlash, and turns people further and further from the teachings of Torah.

As the Hareidi political power in Israel increased, so did its overall influence in Orthodoxy throughout the world. Instead of being viewed as a fringe group on the extreme right, Hareidim have become Orthodoxy’s most visible power brokers and opinion makers. Their institutions in Israel thrive on government-provided grants. Their institutions worldwide draw support from Jews—many of whom are not themselves Hareidi or even Orthodox—who feel Hareidim represent authentic

Jewish religiosity.

The Hareidi community has provided a cadre of rabbis and teachers who staff Orthodox schools, supervise kashruth, control the rabbinic court system—and fill so many other roles in religious life. These personnel bring Hareidi teachings and values to their work, promoting a narrow, authoritarian, and obscurantist vision of Judaism. They follow the stringent halakhic rulings of their “gedolim”; they negate the halakhic authority of non-Hareidi scholars and teachers.

How can the situation be altered for the better? How can an intellectually vibrant, compassionate, and inclusive Orthodox Judaism assert its leadership and religious worldview? How can the Hareidization of Orthodoxy—with its concomitant negative consequences for the entire Jewish people—be stemmed? How can we reclaim an Orthodoxy that avoids extremism, authoritarianism, religious coercion, and unnecessary stringencies in halakha—an Orthodoxy that sees itself in a positive relationship with all Jews, Orthodox or not? How can we reclaim a halakhic/hashkafic program that promotes a grand vision of Judaism that sees Orthodox Judaism as a dynamic religious worldview, rather than as a narrow expression relevant only to a self-enclosed sect?

The answers to these questions will need to be found within the Modern Orthodox/Religious Zionist community, which best represents the ideals we have been discussing in this essay. While not all Modern Orthodox/Religious Zionist individuals think alike, just as not all Hareidi individuals fit the same mold, the essential components of an Orthodox religious renaissance are best manifested in the values and teachings of Modern Orthodoxy/Religious Zionism.

To reclaim Orthodox Judaism, we first need to transform the intellectual climate within Orthodoxy—to foster an intellectually vibrant, compassionate, and inclusive Orthodoxy that sees Judaism as a world religion with world responsibilities. We need to halt the slide to the right, and to battle fundamentalism, authoritarianism, and obscurantism in our homes, our schools, in our communal life. The Modern Orthodox/Religious Zionist community must awaken itself to the challenges of our time, must organize and re-energize itself, and must engage in practical efforts to alter the negative features of the Orthodox status quo in Israel and the Diaspora.

Efforts to create a wiser and grander vision of Orthodoxy must entail active steps on the part of the Modern Orthodox/Religious Zionist community:

1. The Modern Orthodox/Religious Zionist community must re-assert its leadership in all areas of religious life; must create a religious climate that values commitment to the entire Jewish people in general, and to the State of Israel in particular; that fosters intellectual vibrancy, legitimate diversity of opinion, compassion, and inclusiveness.

2. The Modern Orthodox/Religious Zionist rabbinic leadership must make a clear distinction between its vision of Orthodoxy and that of the Hareidi rabbinic leadership; must promote independence among its own rabbinic scholars; must not be intimidated by the spirit of R. Zecharyah ben Abkulas, but rather must have the courage to offer halakhic rulings that take into consideration the broad needs of the Jewish people.

3. Modern Orthodox/Religious Zionist rabbis and teachers must take more active responsibility in schools, rabbinic courts, and in all areas that require Orthodox religious leadership. Rabbis and rabbinic judges must be appointed who are clearly dedicated to the State of Israel, and who seek to apply halakha for the benefit of the entire public, not just for their particularistic communities.

4. The Hareidi stranglehold on political/religious power bases must be broken loose. If the Israeli government, and private donors in the Diaspora, will cut funding to Hareidi institutions, this will lead to a dramatic reduction in their influence. If Hareidim have to support themselves and their own religious infrastructure, they will need to find gainful employment for their men and women, and train their children accordingly. The culture of “we are entitled to be supported by society” will be curbed.

5. Coalition governments in Israel must be formed that can operate successfully without depending on Hareidi political parties. As Hareidi political power in Israel wanes, Hareidism will become less attractive to Orthodox Jews both in Israel and the Diaspora.

6. The Modern Orthodox/Religious Zionist community must recognize the responsibility to teach Torah Judaism in an intellectually open society; must not employ coercion—political or otherwise—to compel people to accept Orthodox teachings and practices; must be confident that the message of Torah is powerful enough to attract many minds and hearts, and that we need not fear competition in the marketplace of ideas.

7. The Modern Orthodox/Religious Zionist community must demand that the State of Israel—and all Orthodox institutions in the Diaspora—recognize the validity of

conversions performed by duly ordained and recognized Orthodox rabbis. Orthodox rabbis must be authorized to perform conversions according to their evaluation of each case, and to draw on the full range of halakhic opinion—not just the extremely rigid position imposed by the Hareidi rabbinic establishment. The Chief Rabbinate (or any other Orthodox rabbinic body) must not have the authority to invalidate any conversion performed by a Bet Din of Orthodox rabbis, nor may a halakhic conversion ever be annulled retroactively. The Modern Orthodox/Religious Zionist rabbinate must become actively involved in guiding non-Jews who wish to convert to Judaism, helping them to achieve the goal of conversion if they genuinely seek to become members of the Jewish people.

8. The Modern Orthodox/Religious Zionist community must demand immediate resolution of all current agunah cases, in Israel and the Diaspora, and must utilize every halakhic means to accomplish this goal. We must not be intimidated by those who take the approach of R. Zecharyah b. Abkulas, but must see the larger picture of what is at stake.

9. Finally, the Modern Orthodox/Religious Zionist community must insist on the immediate implementation of policies that will address serious social and educational problems exacerbated by the current Hareidization of Orthodoxy in Israel and the Diaspora.

Some will argue that suggestions 7 and 8 will lead to disunity and to halakhic chaos. What, they ask, is the point of creating a group of converts or freed agunot whose halakhic status is rejected by the Hareidi “gedolim”? Won’t this cause more problems than it solves?

The answer is: we do not and should not cede halakhic authority to the Hareidi “gedolim” but should make responsible halakhic decisions within the Modern Orthodox/Religious Zionist rabbinic leadership. If the Hareidim do not accept our rulings, that is their problem; this should not prevent us from doing what is right and proper. If Hareidim prefer to live in their sect-like communes and turn away our converts and freed agunot, the burden of responsibility and sin falls on them—not on us. We must remember that ancient Jerusalem was destroyed not only due to the narrow halakhic vision of R. Zecharyah b. Abkulas, but due to the acquiescence of the majority of rabbis who were afraid to stand up for a grander, more responsible vision.

Conclusion

In recent decades, Orthodox Judaism has become increasingly narrow, authoritarian, and sectarian. In this essay, we have discussed some of the negative ramifications of the growing Hareidization of Orthodoxy. We have argued that the Modern Orthodox/Religious Zionist communities must energize themselves to reclaim Orthodoxy as an intellectually vibrant, compassionate, and inclusive lifestyle that has a meaningful message for all Jews—and for humanity as a whole.

While working to improve the spiritual climate in Israel and the Diaspora, we must concurrently foster specific policies that increase our representation in rabbinic roles, in lay leadership, in Jewish education—and indeed in general involvement in our societies. We must demonstrate our unflinching determination to resolve the halakhic controversies surrounding geirut, agunot, and other problems—by employing the full range of halakhic options, and by keeping in mind the ethical and national dimensions of our decisions.

The ways of the Torah are ways of pleasantness; all its pathways are peace. Orthodox Judaism must cling to this principle, and demonstrate to itself and to the world that the Torah way of life is sweet and beautiful, and that Torah scholars indeed increase peace and harmony in the world.

Notes

1. For a discussion of the situation of American Orthodoxy, see Samuel Heilman, Sliding to the Right, University of California Press, Berkeley, 2006.
2. For a discussion of the struggles within nineteenth-century European Orthodoxy, see Adam Ferziger, Exclusion and Hierarchy, University of Pennsylvania Press, Philadelphia, 2005.
3. For serious discussions of the Hareidim, see Amnon Levy, he-Hareidim. Keter Publishing House, Jerusalem, 1988; and Samuel Heilman, Defenders of the Faith. Schocken Books, New York, 1992.
4. See my books Voices in Exile: A Study in Sephardic Intellectual History, Ktav Publishing House, Hoboken, 1991; and Foundations of Sephardic Spirituality: The Inner Life of Jews of the Ottoman Empire, Jewish Lights, Woodstock, 2006.
5. Benzion Uziel, Mikhmanei Uziel, Tel Aviv, HaPoel HaMizrahi, 5699, p. 329.
6. Binyamin Lau, Hakhamim, vol. 1, Jerusalem, Beit Morashah, 2006, p. 263.
7. As reported in the “Israel Religion and State Index, Spring 2010,” published by Hiddush.
8. See my book, Choosing to Be Jewish: The Orthodox Road to Conversion, Ktav, 2005; and my article “Conversion to Judaism: Halakha, Hashkafa, and Historic Challenge,” in Hakira, vol. 7, Winter 2009, pp. 25–49, reprinted in this volume; Zvi

Zohar and Avi Sagi, Giyyur veZehut Yehudit, Shalom Hartman Institute and Mosad Bialik, Jerusalem, 1997; Zvi Zohar and Avi Sagi, Transforming Identity, Continuum Press, London and New York, 2007. See also the monumental volumes of Rabbi Haim Amselem, Zera Yisrael and Mekor Yisrael, Jerusalem, 5770, where he cites an impressive array of halakhic authorities throughout the ages whose writings foster a much wider and more liberal view on conversion than that current among the Hareidi rabbinic establishment of today. Rabbi Amselem also published an important pamphlet demonstrating the halakhic objections to invalidating a conversion performed by a halakhic Bet Din, Libi leHokekei Yisrael, Jerusalem, 5770.

9. See my book, Loving Truth and Peace: The Grand Religious Worldview of Rabbi Benzion Uziel, Jason Aronson, Northvale, 1999, chapter 7.

10. Bein Yisrael le-Amim, Jerusalem, 5714, p. 82. See a fuller discussion of Rabbi Halevy's views on religious coercion in Marc D. Angel and Hayyim Angel, Rabbi Haim David Halevy: Gentle Scholar and Courageous Thinker, Urim Publications, Jerusalem, 2006, pp. 72–75.