

Defensive in the Center

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In 1998, I wrote a paper in which I presented a number of sociological factors that inevitably lead Orthodoxy in modern society to greater ritualistic stringency. I then referred to the process as “hareidization,” but because some of the patterns are very different from what is typically associated with Hareidim in Israel, I subsequently suggested labeling the process as “humrazation.” Recent developments in American “Centrist Orthodoxy” seem to validate both my original thesis and my relabeling the process as “humrazation.” What I am referring to is not hareidization because American Centrist Orthodox Jews, by and large, do not deprecate general education. Most value higher education, even if largely for its utilitarian value. Also, most are engaged to one degree or another with the larger Jewish community and the larger general society. They are overwhelmingly not only pro-Israel but view the State of Israel as having religious significance and, thus, pray in synagogues that recite the prayers for the Welfare of the State and for the Israel Defense Forces. At the same time, some leaders of Centrist Orthodoxy have become increasingly assertive and acerbic, and they attempt to define Centrist Orthodoxy in more rigid terms.

Let me begin with the observation that, strange as it may initially seem, American Orthodoxy is more rigid than its Israeli counterpart. We are used to thinking of Israeli Orthodoxy as more rigid, primarily because of the greater gap

there—qualitatively and quantitatively—between the Hareidi and religious-Zionist communities. Indeed, the gap is greater in Israel because of several key factors:

1. Whether or not one views the State of Israel as having religious significance, it is located in Eretz Yisrael, which has religious significance even to the staunchest anti-Zionist Orthodox Jew. What takes place there has religious significance, even if the state has none.
2. Religious significance aside, Israel is a Jewish country by virtue of its population and governance. It is therefore home even to non-Zionist Jews. Individuals behave much more openly, freely, and passionately at home than they do in an environment where they do not feel completely at home. That is one reason that ultra-Orthodox Jews in the United States feel free to hold demonstrations in New York but would not in the Midwest.
3. The primary issues that divide in Israel are economics and the military. In both cases, there is much more of a zero-sum relationship between the Hareidim and the religious Zionists than there is between "right-wing" or "ultra" or "yeshivish" or "hassidish"

Orthodox and the Centrist Orthodox in the United States. In the United States, Jews are a very small percentage of the overall population, and Orthodox Jews are less than a third of one percent of the American population. Whether or not a Jew or group of Jews earns a living and pays taxes is much less of a direct concern to most others than is the case in Israel, where Orthodox Jews—"hareidim" and "dati'im"—are almost 20 percent of the population. According to Israel's Central Bureau of Statistics, 8.8 percent of Israel's Jewish population are "ultra-Orthodox" (hareidim), 10 percent are "Orthodox" (dati'im), and another 15.1 percent are "Traditional-religious" (masortim dati'im).[1] All three groups are relatively large ones. They are somewhat in competition with each other over control of the political offices and financial budgets that define the religious standards of portions of both the public and private spheres, and they are significant proportions of the population whose behavior affects the entire society.

As a result, the gap, including the ideological antagonism between the Hareidim and religious Zionist communities, is much deeper and louder in Israel than it is in the United States.

At the same time, however, non-Hareidi Orthodoxy in Israel is considerably broader and more inclusive than is Centrist Orthodoxy in the United States. There is nothing in American Orthodoxy akin to the openness of, for example, the "Shabbat" literary supplement of the "Makor Rishon" newspaper. Almost every

Friday, the “Shabbat” literary supplement contains articles, reviews, and letters from a wide variety of knowledgeable writers; these pieces frequently challenge and probe in depth a range of issues of interest to religious/observant Jews. The candid public discussions of religion-related matters by respected religious personalities with a range of perspectives is almost unthinkable in American Orthodoxy. Perhaps it exists in Israel precisely because neither Makor Rishon nor its literary supplement are, formally, religious publications, even though the majority of their readership is religious/dati.

Israeli Orthodoxy’s broadness was made even more evident to me when, about five years ago I wrote an article in this very publication in which I wrote that the second season of the popular Israeli television series about Modern Orthodox Jews, *Serugim*, would include homosexuals, and that there are several openly gay Orthodox groups in Israel.[2] In fact, I wrote, one such group had recently held its first anniversary event in Jerusalem and the guest of honor was one of the heads of a very highly respected Hesder yeshiva, and a number of other prominent Orthodox religious personalities also participated in that event. Shortly after my article appeared, I received a message from a friend who is a scholar and a professional in the Jewish community and who writes regularly on developments in the Orthodox community. He said that he had been unaware of a number of matters on the Israeli scene of which I had written and, in particular, the Rosh Yeshiva attending a gay Orthodox gathering. “This is impossible to conceive in the U.S. and shows that at least some sectors of Israeli Religious Zionism don’t have the inferiority complex vis-à-vis Hareidim that Modern Orthodoxy in the U.S. does,” he wrote. Being a sociologist, I suspect that there is more than American Modern (Centrist) Orthodoxy’s inferiority complex involved. There are also structural factors that account for the greater openness in Israeli Orthodoxy than in the United States.

Not only is American Orthodoxy more rigid than its Israeli counterpart, but it is becoming increasingly so. I am not referring only to the institutional shift in the major rabbinic organization, the Rabbinical Council of America (RCA), which, as Rabbis Marc Angel and Avi Weiss have argued, is currently more restrictive than it once was, especially with respect to the area of conversion. [3] They point to a letter sent to the Office of the Chief Rabbinate in which the Beth Din of America, founded by the RCA, averred that “we cannot accept the conversion of any rabbi who served in a synagogue without a mehitza [a partition between men and women].” Such a policy flies in the face of the not-uncommon practice prior to the 1980s, of Yeshiva University-ordained and placed rabbis in good standing within the RCA, serving in mixed-seating congregations. As Gerald/Yaacov Blidstein

points out, even Rabbi Joseph B. Soloveitchik, the Rav, who “uncompromisingly rejected synagogues that did not seat men and women separately, . . . did not insist—as far as I know—on excluding rabbis who served such synagogues from the Rabbinical Council of America.”[4] Although previously accepted, the conversions of any of those rabbis are now rejected, and that can have horrible consequences for the children and grandchildren of and of those converts.

That is an institutional shift that parallels and, indeed, reflects the shift in the Chief Rabbinate in Israel. As the Israeli Rabbinate has become dominated by Hareidim, their conversion policies have become more restrictive—which is why there are now intense political efforts to remove conversion from the exclusive control of the Rabbinate. The RCA and the Beth Din of America fear that their conversions will not be accepted by the Rabbinate, so, rather than challenge it, they accede to its demands.

But the shift in American Centrist Orthodoxy goes beyond issues related to the Israeli Rabbinate and was starkly apparent in the recent controversy concerning a letter implicitly reprimanding a semikha-ordination student at Yeshiva University’s Rabbi Isaac Elchanan Theological Seminary (RIETS). The letter, sent by the (then-Acting) Dean, asserts that graduates of RIETS

"are certainly expected to discuss sensitive halakhic issues with their rebbeim muvhakim [established teachers] and look to the psak of individuals who would be recognized by their Roshei Yeshiva as legitimate poskim [decisors]. Following the halakhic opinion of a scholar or rabbi who is not recognized as a posek would represent a fundamental breach in the mesorah [tradition] of the establishment of normative halakhah."

The letter continues to assert that “the communal authority vested in each musmakh [ordainee] demands that decisions, and certainly decisions in controversial areas of Jewish thought and practice, be made in consultation with the proper authorities” and “they are expected to defer, in matters of normative practice, to the opinions of recognized poskim.” Finally, the student was requested to respond “in writing, affirming or denying [his] ability to agree to these principles.” The issue which prompted the letter was sanctioning and participating in a so-called partnership minyan. Leaving aside the matter of whether such minyanim are halakhically legitimate—they have received more approval than mixed-seating congregations—the requirement that a student at RIETS sign a document affirming the principles spelled out in the letter is unprecedented. Following strong public reaction to the entire incident, Yeshiva University (YU) and its RIETS affiliate issued a statement assuring that the student

in question would be ordained along with 225 other at the forthcoming Hag haSemikhah. The statement explained that the letter was in response to previous discussions with the student over issues that raised questions about his views of the halakhic process, and the student asked that the expectations of the yeshiva be set in writing so he could carefully consider his commitment to them.

The statement did not, however, dispel the perception that there are afoot in RIETS both a retrenchment process and an attempt to expand the area of exclusive control. The RIETS letter asserted that, "Following the halakhic opinion of a scholar or rabbi who is not recognized as a posek would represent a fundamental breach in the mesorah of the establishment of normative halakhah . . . even when there are no purely halakhic issues at stake." To some this was seen as the Hareidi-like assertion of exclusive authority over all arenas under the banner of "da'as Torah." [5] Hitherto, Modern Orthodoxy has dissented from the relatively recent Hareidi assertion that rabbis have authority over all areas, even non-halakhic ones. To see affirmation of this concept stipulated by RIETS as a prerequisite for receiving semikha was very surprising, to put it mildly.

The threat to withhold ordination over the issue of sanctioning and participating in a partnership minyan may have also been a reaction to an institutional issue. Some faculty and graduates of Yeshivat Chovevei Torah (YCT) have expressed their approval of partnership minyanim, and, since YCT is viewed as competition to RIETS, RIETS may have been wishing to distinguish itself entirely from YCT and implicitly disparage it in terms of its halakhic competence. Ironically, the empirical evidence suggests that, in fact, YCT is not a threat to RIETS. According to a press release from YU, the 2014 Hag haSemikhah was comprised of the largest cohort ever, more than 230 musmakhim (ordained rabbis). This just a few months before YCT celebrates its tenth Hag haSemikhah. The 10 years of YCT's existence obviously have not had any negative impact on the RIETS semikhah program.

Apparently there is more than just institutional competition at play, a sense that is strengthened when one looks at the handling of the two most recent episodes in what is perceived as the gender status quo, namely, partnership minyanim and women putting on tefilin, phylacteries. Aaron Koller, an Associate Professor and Associate Dean at YU, asserts that the opposition to both of these by Rabbi Herschel Schachter, a leading Rosh Yeshiva and halakhic authority at RIETS, as expressed in his two responsa on them, is essentially sociological and political. [6] He argued that Rabbi Schachter asserts that halakhic authorities have the ability and right to determine the validity of partnership minyanim and women wearing

tefilin, that they have determined them to be unacceptable.[7] Rabbi Schachter also argued, he continues, that they are dangerous and part of the threat of Conservative Judaism, which is the contemporary “Korach rebellion.” This threat, according to Rabbi Schachter, is as serious today as it was in the mid-twentieth century when the Rav vociferously condemned deviations from Orthodox practice advocated by Conservative Judaism. Koller responds that those who sanction both of the innovations for women rely on their own halakhic sources and do not automatically submit to the authorities recognized by Rabbi Schachter. As for prohibiting innovations due to the threat of Conservative Judaism, that may have been valid a half-century ago but may now produce diminishing returns and thus be counterproductive.

The two major published responses to Koller did little to detract from his basic arguments.[8] The first was oblivious of the history and sociology of pesika, halakhic decision-making, but was significant for its title, which indicated the structural underpinning of the controversy. This response, “The Boundaries and Essence of Orthodoxy” is reflective of the concern in Centrist Orthodoxy to establish boundaries. Lest it be assumed that this was simply one individual’s concern, an opinion piece in the Jewish Week several weeks later highlighted what its author sees as the necessity of “Determining the Parameters of Modern Orthodoxy.”[9]

Why, one may ask, this fixation with setting boundaries and establishing parameters? That may have made sense for Judaism in mid-twentieth-century America, when it was comprised of competing denominations, each of which claimed legitimacy and authenticity and threatened the others.[10] In such a situation, there may well be a need for each to develop techniques of boundary maintenance, to clearly distinguish itself from other denominations. But this is the twenty-first century, and the denominational character of American Judaism has changed dramatically. As the recent Pew report indicates, the biggest challenge is the increasing number of Jews who do not identify religiously, period. Orthodoxy is growing—among those who identify as Jewish by religion they are now 12 percent, up 2 percent since the 2001 and 6 percent since 1990, according to the National Jewish Population Surveys for those years. Moreover, the Pew study indicates that the fact that American Orthodox Jews “are much younger, on average, and tend to have much larger families than the overall Jewish population, . . . suggests that their share of the Jewish population will grow.”[11] Orthodoxy thus has little to fear from Conservative Judaism, a movement that is apparently shrinking quickly, and there is no longer (assuming there once was) any need build a solid barrier against other denominations. Quite the contrary,

those for whom Judaism is meaningful are seeking to intensify their religiosity and many want to identify with Orthodoxy. Does Orthodoxy need to fear that people who might not otherwise daven, pray, will now do so in earnest? It also appears that, with respect to the issues under discussion, Orthodoxy need not fear the old “slippery slope” that legitimated so many humrot in the past. Why, then, the concern about boundaries? [12]

This, of course, does not mean agreeing with everything that passes or tries to pass as acceptable. There are many things that other observant people do that I don’t care for. One may have no desire to daven in a Shira Hadasha-type congregation and even feel uncomfortable doing so without questioning the religious sincerity of those who do. Similarly, there are Modern Orthodox women who have neither need nor desire to don tefillin, but can readily understand that there are sincere, religious women who do. Indeed, castigating them derisively contrasts with the sage and constructive advice of Kohelet (9:17), “The words of the wise are heard [when spoken] softly,” and will almost certainly not bring them any closer what their detractors view as “authentic” Orthodoxy. A concern solely with what is deemed to be “authentic,” regardless of what consequences that may have for others, is much more characteristic of the Hareidi “saving remnant” approach, i.e., the “purists” who view the majority as hopelessly lost and concern themselves with solely with preserving their own purity.

Ironically, although the emphasis is on establishing boundaries on the left, the real issue is on the right. Looking at the numbers, my friend may well have been correct when he referred to Centrist/Modern Orthodoxy’s “inferiority complex” vis-à-vis Hareidim. Much to the chagrin of most of its constituents, the proportion of Centrist/Modern Orthodoxy is decreasing. Until recently, it was estimated that the Modern Orthodox comprise as much as two-thirds of American Orthodox Jewry. The ratio has apparently now changed. According to the 2011 UJA-Federation of New York’s Jewish Community Study of New York, in the city with the largest Orthodox population in the country, the Modern Orthodox are a minority, comprising only 43 percent of the city’s Orthodox population. The majority, 57 percent, are “Hasidic & Yeshivish.”[13] Further, the Pew Center found the proportion of Modern Orthodox to be even lower in the country as a whole. Of those identified as Orthodox, two-thirds are “Ultra-Orthodox” and one-third are “Modern Orthodox.” [14]

If Centrist/Modern Orthodoxy’s increasing minority status is the reason that has an inferiority complex, one might expect it to be much more open and welcoming to those on its left flank. It is the traditionalists in non-Orthodoxy that are the

most likely candidates for joining Modern Orthodoxy, but they would only do so if they felt welcome. That does not mean that Centrist/Modern Orthodoxy needs to agree with everything that some of its constituents do. No one is forced to join a partnership minyan, and no women are forced to don tefilin. At the same time, it is counterproductive to dispassionately and sneeringly castigate and reject those who sincerely want to be draw closer to God and do mitzvot as they view them.

In earlier times, Modern Orthodox manifested the credo of Rabbi Akiva, "Love thy neighbor as thyself." Modern Orthodoxy was much more open and, indeed, reached out to the non-Orthodox with compassion. Ironically, as Adam Ferziger has shown, it is now the products of Lakewood who, in addition to Chabad, are the ones engaged in outreach.[15] Modern Orthodoxy has pulled back from outreach and many seem to have adopted the interpretation of Rabbi Akiva's 24,000 students, whose death is commemorated during the days of the Counting of the Omer. They allegedly interpreted their teacher's credo as, "Love thy neighbor when he is as thyself," when he thinks and acts as you do, but not when he thinks and acts differently.

[1] Statistical Abstract of Israel 2013, p. 340, Table 7.1.

[2] "It's All Relative: The Contemporary Orthodox Jewish Family in America," Conversations, No. 5, Autumn 2009, pp. 1-17.

[3] Rabbi Marc Angel and Rabbi Avi Weiss, "'And you shall love the proselyte,'" Jerusalem Post, April 22, 2014, p. 13.

[4] Gerald J. Blidstein, "Rabbi Joseph B. Soloveitchik's Letters on Public Affairs," Torah u-Madda Journal 15, 2008-09, p. 15. A Hebrew version appears in Yosef Da'at: Studies in Modern Jewish History in Honor of Yosef Salmon, Yossi Goldstein, ed., Beer Sheva: Ben-Gurion University of the Negev Press, 2010, pp. 67-84.

[5] On the ideology of Da'as Torah, see Lawrence Kaplan, "Daas Torah: A Modern Conception of Rabbinic Authority," in Moshe Sokol, ed., Rabbinic Authority and Personal Autonomy (Orthodox Forum Series), Northvale, NJ: Jason Aronson, 1992, pp. 1-60.

[6] "Women in Tefillin and Partnership Minyanim: A Response to Rabbi Herschel Schachter," The Commentator, Feb. 19, 2014.

[7]

http://www.rcarabbis.org/pdf/Rabbi_Schachter_new_letter.pdf and <http://www.joshyuter.com/content/uploads/2014/02/RHS-on-Women-Wearing-Tefill...>

[8] The Commentator, Feb. 21, 2014 and March 4, 2014.

[9] The Jewish Week, March 24, 2014.

[10] Another reason that there is greater tolerance among dat'im in Israel is the much greater ethnic heterogeneity among Israel's Jews and the fact that Ashkenazim are the numerical minority there. In contrast to Ashkenazi

denominationalism, Sephardim, the Edot Mizrah, Yemenites, and others never experienced denominationalism in their cultures.

[11] Pew Research Center, "A Portrait of Jewish American," Oct. 1, 2013, p. 10.

[12] Some are so fixated on boundaries that they are ready to exclude from Orthodoxy an entire movement that is arguably contributing more to it than any of its other components.

[13] UJA-Federation of New York, "Jewish Community Study of New York: 2011, Comprehensive Report," Exhibit 7-1, p. 212.

[14] Pew, "A Portrait of Jewish American," p. 48.

[15] Adam Ferziger, "From Lubavitch to Lakewood: The Chabadization of American Orthodoxy," *Modern Judaism*, Vol. 33, No. 2, May 2013, pp. 101-124.