

[View PDF](#)



Rabbi Greenberg is Co-Director of the Seif Learning Initiative on Campus at Harvard University, and is the Orthodox Rabbinic Advisor at Harvard. This article appears in issue 7 of *Conversations*, the journal of the Institute for Jewish Ideas and Ideals.

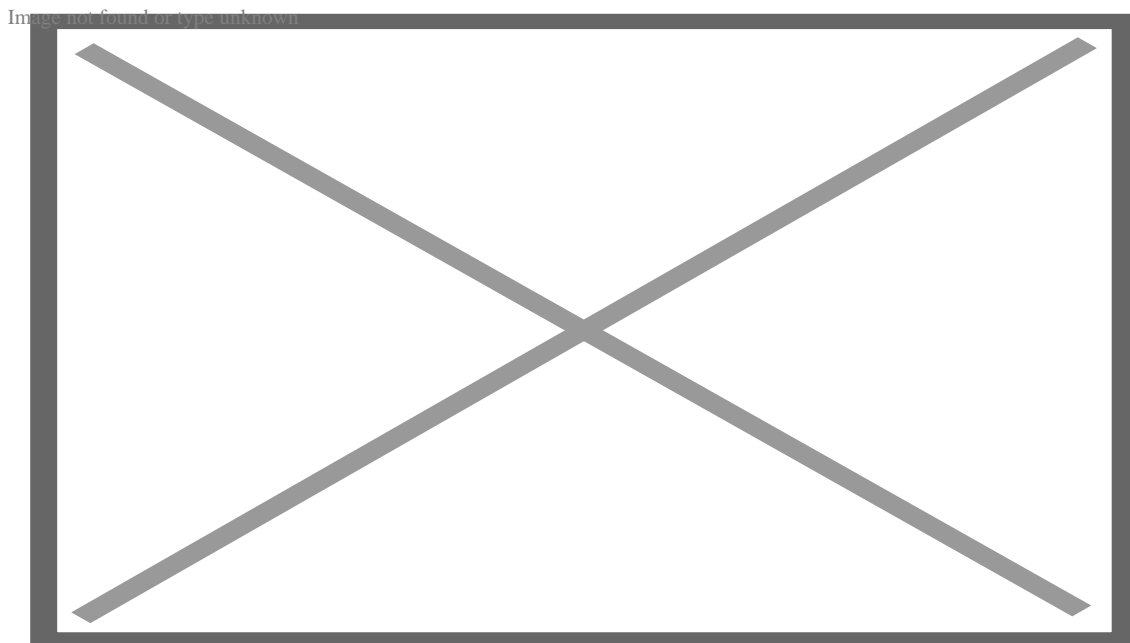
The *halakhic* status of Jews who publicly violate Shabbat and/or publicly deny key elements of the Jewish faith (e.g. Torah mi-Sinai[i]) is well known. Those Jews are not to be counted towards the quorum for public prayer, nor are they to be learned from or with. It is even questionable whether one should perform the public mourning rituals upon their passing[ii]. The question that became pressing for the 19th century European rabbinate[iii] was how to interpret within a *halakhic* framework the unprecedented amount of public desecration of Shabbat, coupled with open rejection of key tenets of traditional Judaism. If this new reality were to be treated in a similar way as in previous times, the end result would be that many Jews – actually the vast majority – would be ineligible to be counted for a quorum.

Rabbi Yaakov Ettlinger (1798-1871) was the Chief Rabbi of the German town of Altona, and was considered one of the most prominent German Orthodox rabbis of his era. He also was one of the first rabbis to have received academic training, having studied at the University of Wurzburg in Bavaria. It is worth mentioning that he would become a teacher to both Rabbi Azriel Hildesheimer and Rabbi Samson Raphael Hirsch. Rabbi Ettlinger was asked the question of how to consider wine that was touched by non-observant Jews[iv]. The standard practice was to consider the wine *stam yeinam*, that is to say, forbidden to consume. The wine in question was considered to be the same as wine that was touched by idolaters.

Rabbi Ettlinger responded to the inquirer with a revolutionary new way of framing non-Orthodox observance in the modern era. At first he suggested the category offered in several passages in the Talmud of *omer mutar*[v], one who thinks something is permissible when in actuality it is not. The status of the person who is within the parameters of *omer mutar* varies from *karov le-meizid*, ‘close to intentional sin’, to *ones*, someone ‘compelled’ or ‘forced’ into an action. However, Rabbi Ettlinger settles on the framework of *tinok she-nishbah*, one who has been captured and raised by idolaters – and thus not to be held responsible for his actions[vi]. By extension, those who had been raised in a household of Reformers were not to be blamed for their incorrect actions, and thus not to be placed within the categories of “public violators of Shabbat,” “heretics” or “deniers.” Rabbi Abraham Isaac Kook, the first Ashkenazic Chief Rabbi of British Mandatory Palestine, extended this ruling even to those raised within traditional homes[vii]. Rabbi Kook understood general society to be so utterly

pervasive that it infiltrated even the most pious family. The end result of these rulings is that one would be hard-pressed in modern society to find any person who would fit the original categories deemed worthy of rejection.

In recent times, Rabbi Dov Linzer, the Rosh HaYeshivah and Dean of Yeshivat Chovevei Torah Rabbinical School, has argued that we look to operating with the *omer mutar* category more, and rely less on the *tinok she-nishbah* framework^[viii]. He reasons that the *omer mutar* category allows for preserving the internal integrity of those who do not practice Orthodox Judaism while still maintaining our assertion that Orthodox Judaism is the correct and true form of Judaism:



Whether one agrees with Rabbi Linzer's preference for the *omer mutar* framework, or prefers to remain with the more common *tinok she-nishbah* paradigm, the result of either category is that those people who were once excluded from counting towards a quorum and receiving honors in the synagogue are no longer treated in that manner. These people, in effect, are no longer classified as *mumar le-khol ha-Torah kulah*, 'deniers of the entire Torah.' The restrictions and limits that at one time were placed on them and towards them no longer apply^[ix].

The Talmud^[x] has a fascinating account of a complicated relationship between rabbinic Judaism's most famous apostate, Elisha ben Abuyah (also known as *Aher*) and one of the most important *Tannaitic* figures, Rabbi Meir. The story is recorded of Rabbi Meir running after Elisha ben Abuyah while the latter is riding a horse on the Sabbath. The purpose of Rabbi Meir's chase after Elisha ben Abuyah is, as the Talmud states, to "learn Torah from his mouth." The fact that Elisha ben Abuyah was publicly violating the Sabbath did not give Rabbi Meir pause in his desire to gain from the wisdom and insight he had to offer. One can visualize the scenario of the exhausted *Tanna*, Rabbi Meir, literally chasing the apostate Elisha ben Abuyah to learn Torah from him.

I suggest that beside the obvious point about Rabbi Meir's enthusiastic willingness to learn from Elisha ben Abuyah there is an important lesson to be learned about the environment necessary in which a *Tanna* can learn from an avowed heretic. It is when the pursuit seems to have no end that Elisha ben Abuyah turns to Rabbi Meir and states: "Meir, return from running after me; for I have measured the steps of my horse, and at this point is the *tehum*, the 'boundary,' of Shabbat." The element that made their relationship possible was mutual respect. There was not one person during their generation or

today who could assert with even a shred of credence that Rabbi Meir was legitimizing Elisha ben Abuyah's violation of traditional practice. Similarly, Elisha ben Abuyah was able to find his own sense of self-worth not in attempting to disprove or insult traditional Judaism but rather in his own sense of self. In other words, Elisha ben Abuyah did not need to engage in harsh polemics with Rabbi Meir or need to convince him to follow his ways. Their dynamic relationship existed in a state of respectful interaction and dialogue. The permissibility to learn from a heretic like Elisha ben Abuyah was not just extended to Rabbi Meir but indeed generations of Jews for two millennia have learned from him and generations more will continue to do so[xi].

Rabbi Shlomo Kluger (b. 1783 d. 1869) was the *dayan* and rabbi of the town of Brody in Galicia (currently in western Ukraine) for more than 50 years. He was also the teacher of Rabbi Yosef Dov Soloveitchik, the author of the seminal work *Beit HaLevi* (and great-grandfather of the 20th century American Modern Orthodox leader who shared his name). Rabbi Kluger was asked about the permissibility to study Moses Mendelssohn's work *Bi'ur[xii]*, which served as both a translation of Tanakh into High German and a commentary on it. Rabbi Kluger commented that the ability to learn with and from works of heretics all depends on "the circumstances of the time," and cites the example of Elisha ben Abuyah as proof of his assertion. When, according to Rabbi Kluger, is it appropriate to distance ourselves from the teachings of non-Orthodox Jews? Rabbi Kluger recounted his personal experience with one such person to illustrate the conditions that would mandate a separation from them: "... and we saw that he was very wicked, and he used to make fun of liturgical poetry and penitential prayers, and turned penitential prayers into Purim; and in this way he mocked the Sages, and he turned their words into a laughingstock, and so in these [instances] it is obviously the circumstances of the time which causes one to distance from their writings, a very far distance..."

The circumstances that would warrant, in the opinion of Rabbi Kluger, one to "distance oneself from their writings" is an atmosphere of derision and mockery, where the non-Orthodox Jews attempted to make the words of the Sages "into a laughingstock." Conversely, the situation where one could learn from the teachings of non-Orthodox Jews, even those who are confirmed heretics, is similar to the encounter recorded between Elisha ben Abuyah and Rabbi Meir, i.e. a time and place where there exists an environment of respect for all those involved.

How do we Orthodox Jews today deal with current reality? Is this a time that calls for greater understanding and dialogue, or a time for distancing and a circling of the wagons? Rabbi Yehiel Yaakov Weinberg (1884-1966) was the Rosh HaYeshivah and Dean of the Hildesheimer Rabbinical Seminary in Berlin. In his youth he studied at both the Mir and Slobodka *yeshivot*. He received a PhD from the University of Giessen, having written his dissertation on the Masoretic Text. His students included Rabbi Menahem Mendel Schneerson and Rabbi Eliezer Berkovits. Rabbi Weinberg is considered one of the greatest and most authoritative *posekim* of the 20th century.

Rabbi Weinberg maintained a deep friendship with Professor Samuel Atlas, who taught at the Hebrew Union College-Jewish Institute of Religion. The Hebrew Union College is the flagship rabbinical seminary of Reform Judaism, and Professor Atlas was an active and important figure in the development of Reform Judaism in America. Rabbi Weinberg corresponded with Professor Atlas over the course of many years through the medium of the written letter. These letters were stored for safekeeping in the library of the Jewish Theological Seminary and were recently translated into English by Rabbi Dr. Marc Shapiro of the University of Scranton[xiii]. These letters portray a rabbinic *gadol* who is deeply troubled by trends occurring in the Orthodox community, particularly in its relationship to both non-Orthodox Jewry and to the larger world. Rabbi Weinberg wrote:

September, 19, 1957

I am very distressed at the great fanaticism which has increased in strength in the Orthodox camp. Read the last issue of *Ha-Ma'or* [Tamuz, 5717] and see the blindness which is afflicting it. The Satmar rebbe forbids studying Hebrew and others say the formation of the Hebrew state was a sin which cannot be repented for. In *She'arim* [30 Av, 5717, p. 2] one writer protested that R. Saul Lieberman was given the Rav Kook prize, due to the fact that he works with the Reformers. See the article; you will enjoy it. On the one hand, they proclaim every "rebbe," whom everyone knows is not outstanding in Torah knowledge, as *gaon* and *rosh kol benei ha-golah*. For the members of the Agudah, every unimportant rabbi who joins them is considered a great *gaon*.

In *She'arim*, they proclaimed a ban against participation in the Congress for Jewish Studies in Jerusalem. On the other hand, they argued, why didn't they [the organizers] invite the *geonim* in Israel and the Diaspora, who know so much more than all the academic scholars of Israel and the Diaspora? They made this argument to Professor [Ben-Zion] Dinur, and he responded that the rabbis are not involved with academic studies of Judaism. They poured ignorant scorn on this answer. I see that in the end there will be a split in the body of the nation. They also invited me to come to the Congress and sent me an airplane ticket, but due to my weak health I was prevented from going. **However, in Jerusalem it was publicized that I intended to come, and I was flooded with letters strongly urging me not to come and participate in a gathering of deniers and heretics. I did not pay attention to these warnings and sent a letter of blessing and apology that I could not come. This letter was read in public.**

He also wrote about a particular "Liberal rabbi" whom he had met:

October 16, 1959

I visited this Liberal rabbi in his hotel and was thrilled to see that he is a wonderful man, honest in his heart and mouth. **I have already quipped before the men who surround me that this Liberal rabbi causes a "hillul ha-shem," because in him we see that one can be an upstanding and noble man, full of the spirit of love for Israel, its Torah, and its language, even if one does not belong to the community of zealous Hasidim** and is not punctilious about laws and customs. Yet with those fervent zealots we see the opposite.

These letters need no further comment. They clearly demonstrate a great concern on behalf of Rabbi Weinberg for a "split in the body of the nation," due to the unwillingness of the "fervent zealots" to engage with the academic, and more broadly, non-Orthodox Jewish communities. He affirms the integrity of non-Orthodox rabbis as people who can be "upstanding... full of the spirit of love for Israel, its Torah, and its language..."

In our own time and on our own shores, Rabbi Shmuel Goldin has eloquently addressed the question of pluralism from an Orthodox perspective. Rabbi Goldin is the rabbi of Congregation Ahavath Torah, an Orthodox synagogue of 700 families in Englewood, New Jersey. He is an instructor of Bible and Philosophy at Yeshiva University. He is also the past president of Rabbinic Alumni of Yeshiva University and the past president of the Rabbinical Council of Bergen County[xiv]. Rabbi Goldin addressed members of the academic community at the Jewish Theological Seminary, the flagship rabbinical seminary of the Conservative movement in 2000 on the subject of pluralism from an Orthodox orientation[xv]. A key paragraph in his talk is the following:

At the opposite end of the spectrum, to reach this point of valuing without validating, my own Orthodox community is going to have to make major changes. It is going to have to learn not to be afraid of the non-Orthodox and to stop seeing the Conservative and Reform movements as a threat to its own existence. Sometimes in my own frustration I feel that the Orthodox community is living in the past. Decades ago sociologists were predicting the demise of Orthodoxy in America. The Orthodox community was told that we were not going to last and that we were soon going to be a mere memory, while the Conservative and Reform would inherit the mantle of leadership and existence in America. Because those were the predictions, we within the Orthodox community hunkered down behind the barricades. We said, "We've got to defend our turf; we can't do anything that might appear as legitimizing anyone else. We can't in any way legitimize the Conservative movement. We can't legitimize the Reform movement because otherwise we're going to lose." Well, things have changed. The Orthodox community is strong. It's not perfect—take my word for it—but it is thriving and self-perpetuating. The Conservative and Reform movements are no longer a threat to our existence. Yet, we are still acting as if we are afraid of you. **As far as I'm concerned, we within the Orthodox community have to reach the point where not only are we not afraid, but where we are confident enough in ourselves to admit that we have something to learn from you. Most importantly we must learn that this admission does not entail legitimization of all your religious views. Just as I believe you have much to learn from us.** If we can become confident enough to say this without feeling that we are threatening our own existence, we will have moved much closer to the position of valuing without validating.

I believe we are indeed in the era that Rabbi Goldin described. It is quite possible to value some of the opinions and teachings of a person or a movement without validating or legitimizing all the opinions and teachings of that person or movement. Furthermore, the walls of absolute separation that some in the Orthodox community have built to protect themselves from the non-Orthodox and the larger world have bred distrust, misunderstanding and hatred within the Jewish people. I believe that Orthodox Judaism, when represented properly within the marketplace of ideas, will not only survive but thrive and demonstrate its spiritual and intellectual integrity. I argue that learning with non-Orthodox Jews will not cause the masses of Orthodox Judaism to defect. In fact, the opposite is true. The transformation of non-Orthodox forms of Judaism into the unreachable "forbidden fruit" only serves to heighten its seductive power and allure. Furthermore, as Rabbi Goldin suggested, "we have something to learn" from the non-Orthodox just as they can learn from us. When a Jew cannot sit down with another Jew to learn our sacred texts together, the Jewish people, as a whole, is at a profound loss [\[xvi\]](#).

[\[i\]](#) See for example Rambam, Laws of Repentance 3:8

[\[ii\]](#) Rambam, Laws of Mourning 1:10

[\[iii\]](#) For a larger discussion on the 19th century European Jewish community see [A House Divided: Orthodoxy and Schism in Nineteenth Century Central European Jewry](#) (Brandeis: 1998) and [Tradition and Crisis: Jewish Society at the End of the Middle Ages](#) (Syracuse: 2000), both by Professor Jacob Katz.

[\[iv\]](#) She'elot U-Teshuvot Binyan Tziyon Ha-Hadashot 23

[\[v\]](#) TB Shabbat 72b; TB Makkot 7b; TB Makkot 9a

[\[vi\]](#) See for example TB Shabbat 68b

[\[vii\]](#) Iggerot Re'ayah 1:138

[\[viii\]](#) "Discourse of Halakhic Inclusiveness," *Conversations* 5768

[\[ix\]](#) See for example She'elot U-Teshuvot Melamed Le-Ho'il Orah Hayim 29. For an interesting related conversation see the Me'iri (Beit Ha-Behirah to Gittin, pp. 257-258, Beit Ha-Behirah to Avodah Zarah, p. 39 and Beit Ha-Behirah to Bava Kamma p. 330) in discussion on how to frame non-Jewish religion in his time.

[\[x\]](#) TB Hagigah 15a

[xi] Avot 4:20

[xii] She'elot U-Teshuvot Ha-Elef Lekha Shelomo Yoreh De'ah 257

[xiii] "Scholars and Friends: Rabbi Jehiel Jacob Weinberg and Professor Samuel Atlas," Marc Shapiro, *Torah U'Madda Journal* vol. 7

[xiv] See his biography on the Rabbinical Council of America's website for a more complete background:

<http://www.rabbis.org/news/article.cfm?id=100794>

[xv] "Why Can't We All Just Get Along? An Orthodox Rabbi's Perspective on Pluralism," *Edah Journal* 1:1

[xvi] The overriding thesis of this article is that inter-denominational learning can only occur when the parties involved respect the religious integrity of each other and there is a non-coercive environment. While the vast majority of non-Orthodox rabbis and scholars nowadays do not have as their agenda the disproving of Orthodox Judaism, there are a few individuals that do. Similarly, there are those in the Orthodox community who approach the non-Orthodox with derision and mockery. Neither approach can be tolerated. It is ultimately the responsibility of the community Orthodox rabbi to determine whether or not it is appropriate to learn from any individual teacher, Orthodox or non-Orthodox. The need to make these decisions is one of the reasons a community hires a rabbi.