



Reclaiming Orthodox Judaism

Essays by
Rabbi Marc D. Angel

A Special Issue of

CONVERSATIONS



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SUBMISSION OF ARTICLES

If you wish to submit an article to *Conversations*, please send the editor (mdangel@jewishideas.org) a short description of the essay you plan to write. Articles should be written in a conversational style, without footnotes, and should be submitted typed, double spaced, as word documents.

Articles reflect the views of their authors, and do not represent official positions of the Institute for Jewish Ideas and Ideals.

Conversations welcomes “letters to the editor,” commenting on articles that appear in its pages. Letters should be emailed to the Editor.

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Editor's Introduction

In 1994, my son Rabbi Hayyim Angel edited a collection of my articles, published in a volume entitled *Seeking Good, Speaking Peace* (Ktav Publishing House). That book (now out of print) included essays on Jewish thought, halakha, Sephardic history and culture, and contemporary issues.

Most of the articles in this issue of *Conversations* were written after the appearance of *Seeking Good, Speaking Peace*. One article (“Modern Orthodoxy and Halakha: An Inquiry”) appeared in the 1994 volume, but in a slightly edited version. The article is reprinted here in full. The article entitled “Teaching the Wholeness of the Jewish People” also appeared in the earlier volume of my essays. “A Modesty Proposal” is a new essay, published for the first time in this issue of *Conversations*. I thank my daughter, Ronda Angel Arking, for editing this collection of my articles as a special issue of *Conversations*.

This issue begins with four articles that explore basic issues in contemporary halakha, pointing to the need to approach halakha from a Modern Orthodox vantage point. Too often, halakhic issues are presented narrowly, without adequate attention paid to contemporary realities. Halakhic positions are espoused as though they reflect “the” halakha, when in fact other viable opinions exist—and are sometimes to be preferred. It is time—well past time—to reclaim Orthodox Judaism, to be faithful to our halakhic traditions while also being sensitive to the claims of modernity. It is imperative that we recognize and appreciate the diversity of opinions within the halakhic system. We ought not view halakha as a closed system controlled by a handful of self-appointed authorities, many of whom are openly hostile to Modern Orthodox approaches.

A serious problem within contemporary religious life is a tendency toward fundamentalism, obscurantism, and authoritarianism. The next three articles argue for an intellectually vibrant Orthodoxy that does not call on us to shut off our brains. We should foster genuine religion, not superstition. We should embrace the findings of science, not bury our

heads in the sand. We should study and teach our classic rabbinic texts with literary and intellectual sophistication. Orthodoxy is not an escape from reality, but a dynamic and creative way to confront reality.

The next two essays relate to universalistic teachings within Judaism and to the development of ethical personalities. Orthodoxy needs to encompass broad spiritual horizons, allowing us to grow not only as religious Jews but as religious human beings.

Next, there are two essays reflecting on the ways hashkafa impacts on halakha. Halakhists do not work in vacuums. Rather, they bring to their topics a host of assumptions, preferences, and sensitivities. They work within the context of what they learned from their teachers, and how they interact with their peers. Both of these essays relate to the issue of conversion to Judaism, and show how different sages approach the same halakhic sources, and yet arrive at very different conclusions.

This issue concludes with four articles relating to Sephardic history and culture. My essential argument is for inclusiveness: All Jews, with their varying histories and traditions, have much to contribute to the spiritual treasures of the Jewish people. It is a vast mistake for Orthodoxy (and Jews in general) to ignore the monumental contributions of Sephardic Judaism. The Jewish people is strengthened and spiritually enriched by drawing on the wisdom of all our communities through all the generations.

The Institute for Jewish Ideas and Ideals fosters an intellectually vibrant, compassionate, and inclusive Orthodox Judaism. It strives for an Orthodoxy that is engaged with the entire Jewish people and that seeks to create a better world for all people. The articles in this volume of *Conversations* reflect the Institute's ideas and ideals.

We are pleased to acknowledge those who have enabled the Institute to publish this volume and to make it available to a large audience of readers. Mr. S. Daniel Abraham has supported the publication of *Conversations* since its inception. Additional funding for this issue has been graciously provided by the Norman S. Benzaquen Publication Fund of the Institute for Jewish Ideas and Ideals; Jack and Susan Rudin; and Ezra and Cecile Zilkha.

We hope that this issue of *Conversations* will generate discussion and productive conversations among our thousands of readers. If we can raise our voices, if we can open avenues for re-thinking and re-evaluation, if we can break the yoke of authoritarianism and narrow-mindedness—we can together refashion a lively and creative Jewish Orthodoxy.

Marc D. Angel

Please visit our Institute's website at jewishideas.org. If you are a member and supporter of the Institute, I thank you. If you are not yet a member and supporter, please join our growing community by contributing online at jewishideas.org.

Together we can accomplish great things.

Reclaiming Orthodox Judaism

*(This article is scheduled to appear in a volume tentatively entitled
De'ot Torah, under the auspices of Mavoi Satum in Jerusalem.)*

 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.¹ 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 ways. 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 mitzvot, 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 Zionist 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.² 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 phenom-

enon) 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.³

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 Eliyahu 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.⁴

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 that 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.”⁵

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."⁶

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, Zechariah 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, Zechariah 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. Zechariah b. Abkulas as the villain of the story. R. Zechariah 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. Zechariah'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 percent 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.⁷ 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.⁸ 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.⁹

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.”¹⁰ 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 reassert 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; must foster 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 b. 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. Zechariah 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.

Modern Orthodoxy and Halakha: An Inquiry

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In his book, *The Perspective of Civilization*, Fernand Braudel utilizes a concept that he calls “world-time.” Braudel notes that at any given point in history, all societies are not at the same level of advancement. The leading countries exist in world-time; that is, their level of advancement is correlated to the actual date in history. However, there also are countries and civilizations which are far behind world-time, whose way of life may be centuries or even millennia behind the advanced societies. In this year of 5745, for example, the advanced technological countries exist in world-time while underdeveloped countries lag generations behind; some societies are still living as their ancestors did centuries ago. In short, everyone in the world may be living at the same chronological date, but different societies may be far from each other in terms of world-time.

Braudel’s analysis also can be extended to the way people think. Even though people may be alive at the same time, their patterns of thinking may be separated by generations or even centuries.

The characteristic of Modern Orthodoxy is that it is *modern*, that it is correlated to the contemporary world-time. Being part of contemporary world-time, it draws on the teachings of modern scholarship, it is open to modern philosophy and literature, and it relates Jewish law to contemporary world realities. On the other hand, “non-modern” Orthodoxy does not operate in the present world-time. Its way of thinking and dealing

with contemporary reality are pre-modern, generations behind contemporary world-time. Thus, there are deep mental gulfs of time between such Orthodox people as Rabbi Joseph Soloveitchik and the Satmar Rebbe, or between many members of the Rabbinical Council of America and many members of the Agudath haRabbanim. It is not that one is more Orthodox than the other: their belief in God, *Torah min haShamayim* (divine revelation of the Torah), and the sanctity of the Written and Oral Law are shared commitments. The differences between so-called right-wing Orthodoxy and Modern Orthodoxy are not differences in sincerity or in authentic commitment. Rather, the differences stem from different world views, from living in different world-times.

A Modern Orthodox rabbi does not wish to think like a medieval rabbi, even though he wishes to fully understand what the medieval rabbi wrote and believed. The Modern Orthodox halakhist wishes to draw on the wisdom of the past, not to be part of the past.

The philosophy of Modern Orthodoxy is not at all new. Rather, it is a basic feature of Jewish thought throughout the centuries. In matters of halakha, for example, it is axiomatic that contemporary authorities are obligated to evaluate halakhic questions from their own immediate perspective, rather than to rely exclusively on the opinions of rabbis of previous generations. Rambam (*Hilkhot Mamrim* 2: 1) writes: “A great court—*bet din gadol*—when interpreting the Torah with one of the hermeneutic principles, found that the law on a certain matter was such-and-such, and then another court came afterward and found a reason to reject the ruling of the first court—the second *bet din* rejects the ruling of the first *bet din* and rules according to what it deems correct. As it is said (*Devarim* 17:9) ‘To the judge who will be in office at that time’—you are not obligated to go except to the *bet din* of your generation.” The well-known phrase that “Yiftah in his generation is like Shemuel in his generation” (*Rosh haShanah* 25b) expresses the need to rely on contemporary authorities, even if they are not of the stature of the authorities of previous generations. We are obligated to be “Modern Orthodox,” to recognize present reality and to participate in contemporary world-time.

Rabbi Haim David Halevy (*Aseh Lekha Rav*, 2:61) deals with the case of a judge who had reached a certain halakhic conclusion and gave a ruling on it. The judge then learned that another judge greater than he ruled on the same case but came to another conclusion. Should the first judge

change his decision and rely on the authority of the greater one, or is he obligated to maintain his own position if he truly believes it to be correct? Rabbi Halevy quotes Rambam (*Hilkhhot Sanhedrin* 23:9), who states the principle that *En leDayan ella mah sheEnav ro'ot*—a judge has only what his eyes see. Rabbi Halevy states that the decision of a judge must be based solely on his own understanding of the case he is considering. “And no legal precedent obligates him, even if it is a decision of courts greater than he, even of his own teachers.” Later in the same responsum, Rabbi Halevy writes: “Not only does a judge have the right to rule against his rabbis; he also has an obligation to do so (if he believes their decision to be incorrect, and he has strong proofs to support his own position). If the decision of those greater than he does not seem right to him, and he is not comfortable following it, and yet he follows that decision (in deference to their authority), then it is almost certain that he has rendered a false judgment (*din sheker*).”

The key principle here is that each judge must make a decision based on what his own eyes see. Obviously, a judge will want to understand the reasons why the greater rabbis and courts came to their conclusions. Perhaps by studying them, he will realize that he has erred and subsequently change his opinion. However, if after all his studying and analyzing the previous decisions he still maintains that his opinion is the correct one, he is then obligated to rule according to his own conclusion. He is not bound by precedent or by the weight of greater authorities.

One of the weaknesses of contemporary Orthodoxy is that it is not “modern” in the sense just discussed. There is a prevailing attitude that teaches us to revere the opinions of the sages of previous generations, and to defer to those contemporary sages who occupy a world-time contemporary with those sages. Who is addressing halakhic questions today on the basis of what his own eyes see? Who are the sages of the present world-time, who absorb the contemporary reality, the contemporary ways of thinking and analyzing?

It is a common lament among Modern Orthodox Jews that Modern Orthodoxy lacks courage. Modern Orthodoxy is intimidated by the so-called right-wing, by the group of Jews that is pre-modern. Modern Orthodox scholars are reluctant to express their opinions and rulings for fear of losing religious stature in the eyes of the more fundamentalistic Orthodox Jews. When Modern Orthodox scholars do express their own

opinions, they are often criticized sharply by the pre-Modern Orthodox, and they are not adequately supported by the Modern Orthodox. The spiritual climate of today makes it very easy to remain quiet rather than risk lonely spiritual battle against forces that are more militant and more vocal.

We need to understand that the difference between Modern Orthodoxy and pre-Modern Orthodoxy is not one of religious validity. And we also must understand that being Modern Orthodox or pre-Modern Orthodox does not make our decisions necessarily right or wrong. To be Modern Orthodox Jews means to accept our limitations, but it also means that we must accept our responsibility to judge according to what our own eyes see, according to our own understanding. It means to have the self-respect to accept that responsibility. Modern Orthodoxy and pre-Modern Orthodoxy do not engage in intelligent dialogue because they operate on separate time waves. They follow different assumptions.

In a recent discussion concerning the adoption of a pre-nuptial agreement to avoid the *agunah* (abandoned wife) problem, a pre-modern opinion has been expressed that we should not initiate a new procedure, since this would seem to imply that we are more sensitive and creative than the sages of previous generations who did not initiate such a procedure. This kind of argument cannot be countered with a reasonable discussion. This is an argument from a different world-time. The argument, which is fairly widespread, is essentially ludicrous. Throughout the centuries, our sages have initiated *takanot* (corrective decrees) in their communities to meet the contemporary needs of their people. Did they think it was an insult to their predecessors to be responsive to contemporary needs? Did Rabbenu Gershom slander all previous generations of rabbis by instituting his *takanot*?

The fact is that rabbis in all generations have had to face the serious responsibility of leading their communities in the ways of Torah. They have drawn on the wisdom and holiness of our sages of previous generations, but they ultimately have had to rely on their own judgment and on what their own eyes saw. The sages of each generation are influenced by the social and political realities of their time. If many of our sages believed in demons and witches, if they thought that the sun revolved around the earth, or if they assigned inferior status to women and slaves—we can understand that they were part of a world that accepted these notions. We do not show disrespect for them by understanding the context in which they lived and thought. On the contrary, we are able to understand their

words better, and thus we may determine how they may or may not be applied to our own contemporary situation. It is not disrespectful to our sages if we disagree with their understanding of physics, psychology, sociology, or politics. On the contrary, it would be foolish not to draw on the advances in these fields that have been made throughout the generations, including those of our own time. There is no sense in forcing ourselves into an earlier world-time in order to mold our ways of thinking into harmony with modes of thought of sages who lived several hundred or even several thousand years ago.

Modern Orthodoxy requires us to live in the present world-time, knowing full well that many of the notions that we consider true and basic may become discredited in future centuries. We do not want those future generations of rabbis to be limited in their thinking to what we are thinking and teaching today. We want them to be respectful of our teachings and to consider our words seriously; but it is they who must lead their generation. Our time is now, and only now. The Torah, which is eternal, requires Jews to go to the judge who lives and serves in their own time.

Specific Examples

If we take Modern Orthodoxy seriously, then we will study talmudic passages and halakhic sources with an eye to understanding their historical and intellectual context. Sometimes we will come across texts that have broad halakhic implications but whose application to the contemporary situation is problematic. The following are several specific examples of the conflict that arises.

Shabbat Desecrators

There is a well-known rabbinic dictum: “One who desecrates the Shabbat in public is as an idol worshipper” (*Hullin* 5a). This statement underscores the importance of Shabbat in Jewish thought and practice. To desecrate Shabbat publicly is an open statement that one denies that God created the world in six days and ceased working on the seventh. By extension, one who blasphemes God as Creator by desecrating Shabbat is indeed like an idol worshipper, i.e., he does not recognize the one true God, Creator of heaven and earth (see Rashi, *ad loc.*).

Flowing from this statement are a host of halakhot. A *mehallel Shabbat* (Shabbat desecrator) is disqualified from serving as a *shohet* (ritual slaughterer). Even if he slaughters an animal entirely in accordance with Jewish law, the meat may not be eaten by Jews (Rambam, *Hilkhot Shehitah* 4:14). A *mehallel Shabbat* may not serve as a witness, since he is in the category of *rasha* (evildoer). If he touches wine, we may not drink it, just as if the wine were touched by an idol worshipper. Rabbi Haim David Halevy (*Aseh Lekha Rav*, 5: 1) discusses whether a *mehallel Shabbat* may be counted as part of a *minyan*. He quotes the *Peri Megadim*, who stated that “a *mumar* (willful transgressor) to *avodah zarah* (idol worship), one who desecrates Shabbat, or one who violates any commandment *lehakhis* (willfully), behold he is as an idolater and is not included (in the *minyan*).” Moreover, following this principle to its conclusion, a *mehallel Shabbat* may not be given an *aliya* to the Torah, just as we may not call an idolater to the Torah.

There are several options available to us on how to deal with this set of halakhot and the principle on which they are based.

We may accept the statement at face value that in fact a *mehallel Shabbat* is like an idolater, and is subject to the aforementioned disqualifications. To hold this position, we must posit that the talmudic statement and the halakhic development of that statement transcend all generations, and are as applicable now as when first stated. Consequently, we should maintain the ancient standard without compromise, regardless of ramifications. If the talmudic characterization of a *mehallel Shabbat* is equally applicable to our time, then we should fight heroically to defend the principle and the laws based on it. This is essentially the opinion of the “pre-modern” Orthodox.

The Modern Orthodox position is that this statement simply cannot be taken at face value in our time. The number of Jews who violate Shabbat far exceeds the number of those who observe Shabbat.

One approach is to express loyalty to the original statement while finding extenuating circumstances so that the implications of the original statement need not be fully applied. For example, Rabbi Haim David Halevy was asked a question (*Aseh Lekha Rav* 5:1) that posed the problem of a small synagogue that had a *minyan* only if Shabbat desecrators were included. Should the Shabbat desecrators be counted for *minyan*, even though this would be against the basic law? Or should the synagogue be closed due to a lack of a proper *minyan*? Rabbi Halevy writes. “It is incum-

bent upon us to find a way of being lenient.” It bothers him that a synagogue should have to close because of the technicality of the *mehallel Shabbat*. He offers several arguments to justify his position. As an extra point, he gives the following analysis:

A *mehallel Shabbat* in public who is disqualified from being counted into a minyan of ten—this refers only to those early days when they understood and valued the seriousness of the prohibition [of Shabbat] and also nearly everyone was scrupulous in observing Shabbat according to the law, so that one who ‘breaches the fence’ was disqualified. But this is not true in our time. Our eyes see a multitude of Shabbat desecrators, and the overwhelming majority do not understand and do not realize the seriousness of the prohibition. Behold: they come to the synagogue and pray and read in the Torah, and do not understand and do not realize—they walk in darkness—and afterwards they desecrate the Shabbat. And perhaps such as these are as a *tinok sheNishbah* (a child who was captured and then grew up among heathens, and is not held accountable for his transgressions, for he never knew any differently).

In another responsum (*Aseh Lekha Rav*, 3:16) Rabbi Halevy deals with the question whether a Bar Mitzvah and his family may be called to the Torah, if they come to the synagogue on Shabbat in a car. His answer is that we must try to bring the young boy and his family closer to the Torah, and not reject them. He quotes his own earlier work, *Mekor Hayyim haShalem*, (vol. 3, 122:20), where he wrote that according to the technicality of the law, those who desecrate Shabbat in public should not be called to the Torah; yet, if there is a fear that this will cause bad feelings, then such people should be called to the Torah as *hosafot* (those called to the Torah beyond the required seven). This is so “since in our generation, an orphan generation, it is proper to be lenient in such circumstances, and it is our obligation to bring them closer and not to push them further away, and God in His goodness will have mercy on us.”

Rabbi David Tzevi Hoffmann (*Melammed Leho’il*, no. 29) deals with the question of whether a *mehallel Shabbat* in public may be counted in a *minyan*. He first lists sources that forbid such a man from being counted. Then he goes on to say: “In our time it is customary to be lenient in this, even in Hungary, and certainly in Germany.” He mentions the case of a man who kept his business open on Shabbat who wanted to serve as the *sheli’ah tsibbur* (leader of public prayer services) during his period of

mourning. He was allowed to do this in a synagogue even though the *gabbai* (one in charge of delegating responsibilities during services) who let him lead the service was a learned and God-fearing man. Rabbi Hoffmann asked the *gabbai* why he did not prevent the man from leading the service. The *gabbai* answered that it had long been the custom not to prevent such people from leading services. Since the rabbis of that synagogue were outstanding scholars and they allowed this practice, Rabbi Hoffmann concludes that they must have had a good reason. He suggests that perhaps they relied on a responsum of *Binyan Tziyyon haHadashot*, no. 23, which stated that “*Mehallelei Shabbat* in our time are considered somewhat like a *tinok sheNishbah*, since—due to our great iniquities—the majority of Jews in our country are *mehallelei Shabbat*, and it is not their intention to deny the basic tenets of our faith.”

Rabbi Hoffmann then writes that he was told by Rabbi Meshulam Zalman Hakohen in the name of the author of *Sho’el uMeshiv*, who wrote: “The people in America are not disqualified because of their *hillul Shabbat*, since they are as *tinok sheNishbah*.” Although it would be better to pray among Jews who were all Shabbat-observant, there is enough precedent to be lenient in this matter.

Rabbi Hoffmann concludes by offering the following analysis: In our time, such people are not called

mehallel Shabbat in public, because the majority of Jews violate the laws of Shabbat. If the majority of Jews were observant and a few of them were arrogant enough to violate Shabbat, then this minority would be guilty of denying the Torah and of committing a disgraceful act and of removing themselves from the community of Israel. [This is obviously the original context of the talmudic statement.] However, since the contemporary reality is that the majority of Jews violate Shabbat, the individual does not think that violating Shabbat is such a terrible crime. His public transgression today is equated to *beTsinah* (transgressions of the Shabbat done in private).

Rabbi Hoffmann concludes by lamenting that in our times, those who observe Shabbat are considered separatists, while the transgressors are considered to be following the normal pattern.

Rabbi Hoffmann’s concluding discussion makes it clear that the original context of the talmudic statement equating a Shabbat violator with an idolater cannot be applied to the contemporary situation. We cannot judge someone to be a desecrator of Shabbat if he does not realize the true sanc-

tity of the day. There are a great many Jews who transgress Shabbat laws, but who consider themselves to be perfectly upright Jews. They do not view themselves as denying God as Creator or as repudiating the basic principles of our faith.

The challenge of Modern Orthodoxy is to review the true status of Jews who violate Shabbat today. If someone had been religious and had studied the laws of Shabbat—and then consciously decided to violate Shabbat as a sign of rebellion against the Torah—then such a person may fit into the talmudic category and should be penalized accordingly. If, however, a person never understood the sanctity of Shabbat, his violation of the laws of Shabbat does not reflect heresy or hatred of Torah. On the contrary, it reflects his ignorance and his being part of a Jewish community that largely does not observe Shabbat properly. Such a person is like a *tinok sheNishbah*, and should not be subject to the penalties accorded to a true *mehallel Shabbat* in public. This position is stated not as a compromise with the authentic halakha; this is *the* actual halakha. The Talmud simply was not referring to the situation we have today. And we must judge according to the present world-time, according to what our own eyes see.

Another insight into this question may be drawn from the laws of *shehitah*. Rambam (*Hilkhot Shehitah* 4:14) rules that a *mehallel Shabbat* is disqualified from serving as a *shohet*. Even if he performs the *shehitah* perfectly in accordance with halakha, and even if there are reliable religious Jews overseeing his *shehitah*, the meat is still not considered to be kosher. In halakha 4:16, though, Rambam rules that a Sadducee or another person who denies the Oral Torah may not serve as a *shohet*; but if he does slaughter an animal in the presence of a trustworthy Jew, then the meat may be eaten. The Sadducee is not totally disqualified from performing *shehitah*. Yet, a problem arises. According to us, a Sadducee is definitely a *mehallel Shabbat*. Sadducees do not accept the Oral Torah; since many of the laws of Shabbat are known only from the *Torah sheBe'al peh*, it is inevitable that a Sadducee will not observe Shabbat as we do. He will be transgressing rules that we consider basic to Shabbat observance.

It seems, then, that a Sadducee—though he violates the laws of Shabbat in public—does not become disqualified as a desecrator of Shabbat. His lack of observance is based on a lack of knowledge, or on misguided teachings he has received. But he does not perceive himself at

all as one who desecrates the Shabbat, even though from our point of view he is violating many laws. The rulings pertaining to a *mehallel Shabbat* are applied only to an individual who recognizes the severity of his actions and who desecrates Shabbat as a sign of his rejection of God and Torah.

The Status of Women

Let us move on to another area of discussion. In several places (*Kiddushin* 80b, *Shabbat* 33b) we find the statement that *Nashim da'atan kalah*. Generally, this statement is translated to mean that women are temperamentally lightheaded or that women's understanding is light. We also have the remarkable statement of Rabbi Eliezer (*Sotah* 20a) that whoever teaches his daughter Torah teaches her *tiflut* (foolishness or obscenity). These statements reflect a cultural bias against women that was pervasive in ancient society, and which still can be found in less-advanced societies today. These statements reflect the world-time of their authors. From a literary or historical standpoint, it would be fairly easy to dismiss these and similar comments by arguing that they belong to a particular time and a certain way of thought.

The problem arises, though, in that these sentiments were not left merely as opinions of rabbis on the nature of women; they were incorporated into practical halakha. The following is a quotation from Rambam, *Hilkhot Talmud Torah* (I:13):

A woman who learns Torah receives a reward, but not the same reward as a man, since she was not commanded (to study Torah); and anyone who does something for which he [she] was not commanded does not receive reward on the same level as someone who was commanded and who performed it, but rather receives less. And although she does have a reward, our sages commanded that a man must not teach his daughter Torah since the intelligence of the majority of women is not geared to be instructed; rather, they reduce the words of Torah to matters of foolishness according to the poverty of their understanding. Our sages said: one who teaches his daughter Torah is as though he taught her foolishness. To what does this refer? To the Oral Torah; as for the Written Torah, he should not teach her. However, if he did teach her, it is not as though he taught her foolishness.

Once talmudic statements are incorporated into halakhic codes, they transcend their own original world-time and become a factor in the thinking

of all later generations. The modern sensibility that accords women equal intellect with men comes into conflict not only with ancient talmudic statements, but also with practical halakha. How are we to deal with this dilemma?

We may submit ourselves to the talmudic world-time. We may argue that the statements of our sages are true and binding on all future generations. Since Rambam rules that women may not be taught Torah and that their ability to learn is poor, we should see to it that our daughters receive no formal Torah education, except in the mitzvot that concern them directly. Moreover, when we teach girls, we should treat them as being intellectually inferior compared to boys, and therefore we should have different curricula for girls and for boys. This point of view is adopted by pre-modern Orthodox.

There are schools for girls where the girls do not learn Talmud and where their curriculum is different from that in boys' schools. There is no yeshiva for girls in the same sense as there are yeshivot for boys who wish to devote their days and nights to the study of Torah.

Among the Modern Orthodox, though, there is a general recognition that our social situation is radically different from that of previous generations. The need to educate our daughters in Torah has been widely recognized, even though there is still great difference of opinion as to how they should be educated. Rabbi Ovadiah Yosef wrote a responsum (*Shanah beShanah*, 5743, pp. 157–161) in which he permitted the celebration of Bat Mitzvah for girls who have reached the age of twelve. In the course of the responsum, he quotes Rabbi Yehiel Yaakov Weinberg (*Seridei Esh*, 3:93), who wrote that it was perfectly proper to celebrate a Bat Mitzvah.

And concerning those who argue against this because this was not practiced in previous generations: this is no argument at all, since in the generations before us they did not have to engage in the education of their daughters because every Jew was filled with Torah and fear of God, and the entire environment was filled with a pure spirit and the holiness of Judaism. . . . But now, due to our many sins, the generations have undergone a very great change. The influence of the street destroys and uproots all attachment to Judaism from the hearts of Jewish girls. It is incumbent upon us to rally all our strength for the education of girls; and to our joy, the sages of the previous generation already took a stand and established educational institutions of Torah and understanding for Jewish girls. . . . And if the distinction that is made between boys and girls [in terms of Bar or Bat Mitzvah] severe-

ly damages the human sensibility of the girl, it is permissible to have a party and celebration at home for girls who celebrate their Bat Mitzvah.

Since times and conditions have changed, we must adapt to the new realities.

The Modern Orthodox approach calls on us to re-evaluate the original sources and the halakhot based on those sources. We need to determine whether those statements refer to us at all. If they do then we must follow them regardless of the social consequences and implications. If they do not, then we have the freedom to deal with the reality before us without having to apologize.

The idea that women's intelligence is inferior, that girls should not learn Torah because it is too complicated for them—this is a notion that generally is discredited among intelligent people in our world-time. What possible value can there be in arguing in defense of untenable attitudes? General evidence in modern education shows that girls are perfectly able to learn and to make great intellectual achievements. If women can win Nobel Prizes, if they can become doctors and lawyers and judges and engineers—why should they be unable to tackle the complexities of Talmud and halakha? Our eyes see that the understanding of women is not any lighter than that of men. We can understand why ancient and medieval rabbis wrote the way they did, because they lived in an environment where women generally were relegated to inferior status. But we cannot apply those outgrown attitudes to our contemporary life. We need to say: We are not “compromising” on halakha by educating our daughters in Torah; rather, we are establishing the halakha that women and girls must learn Torah commensurate with their abilities, which are equal to those of men and boys. (See R. Haim David Halevy, *Aseh Lekha Rav*, 2:52.)

It is difficult for Modern Orthodoxy to muster the courage to deal with such cases in a straightforward way. It is easier to surrender to an earlier world-time; or even to work out gradual compromises, which take a long time and which create much dissatisfaction. It is easier not to assume the responsibility for our generation. Because of the extreme caution of Orthodoxy not to “insult” the rabbis of previous generations, there is a reluctance to make any changes or to move in new directions.

This paralysis may be exemplified by the well-known blessing in our siddur, “*sheLo assani isha*.” Based on a talmudic statement (*Menahot* 43b), a man is obligated to bless God each day “for not having made me a

woman.” This statement has been subject to much commentary, apologetics, and controversy. In trying to explicate the real meaning of the statement, we can state that the blessing is not supposed to be anti-woman; rather, it is a way of thanking God for having given men extra mitzvot that are not incumbent upon women. Granted that this statement was made with this meaning and that it intended no harm, the reality is that the statement in its present form is offensive to modern sensibilities. Trying to explain this blessing to daughters, to girls in religious schools, is not the easiest of tasks. In spite of all our apologetics, girls and women—if they are encouraged to think independently—resent the formulation of the blessing. Moreover, boys and men who recite the text may absorb, consciously or unconsciously, anti-female attitudes.

But once the text is in the siddur—and has been there for centuries—who is willing to take responsibility to change it or to eliminate it? The right-wing Orthodox may believe that the statement is perfectly innocuous and reflects a genuine truth. Others may offer interpretations of the blessing to try to make it more acceptable to modern sensibilities. But isn't it ludicrous for intelligent people today to argue in defense of a statement that is quite problematic, to say the least? A true Modern Orthodox position would be to change the blessing to a more suitable formula, one that does not cast negative aspersions on women. Making such a change does not imply that we are more sensitive or more intelligent than our predecessors; it only reflects the fact that we are living in a different world-time and that we are responding to the needs of our generation (as the rabbinic saying goes, “*Yiftah beDoro kiShmuel beDoro*”). We should not be hampered by the fact that the Conservative movement has made a change in the blessing's formulation (in which men and women both say “*sheAsani beTsalmu*,” “who has made me in God's image”). We should be concerned with the situation, not with labels.

The Nahem Prayer

Let us consider one further example of the dissonance between ancient texts and contemporary reality. Rabbi Haim David Halevy initiated a change in a text of a prayer for Tisha b'Av—a change that was eminently intelligent. Yet he was criticized sharply by many people. On Tisha b'Av, we have the prayer that begins *Nahem*, which describes Jerusalem as a

destroyed, and desolate city without its children. Rabbi Halevy said that the statement is no longer true. Jerusalem is filled with Jews, and is definitely *not* destroyed, humiliated, and desolate. How, therefore, can someone recite the traditional prayer when in fact the prayer is false? To recite this text would make us guilty of reciting falsehoods before God. Therefore, Rabbi Halevy changed parts of the *Nahem* text to the past tense, asking God to console the city that *was* destroyed, humiliated, and desolate (*Aseh Lehha Rav*, 1: 14). Rabbi Halevy defends his position eloquently (*Aseh Lekha Rav*, 2:36–39). It is indeed amazing that his position should have been criticized at all, since it is so perfectly sensible and understandable. Yet, such is the fear of change, that many were ready to criticize this ruling. The same critics have no problem reciting a prayer to God that in fact includes an obvious lie: Jerusalem is not destroyed, humiliated, nor desolate of its children.

For Modern Orthodoxy to succeed in meeting its responsibility, it will be necessary for us to recognize that we are part of the contemporary world-time. We should have a blue ribbon panel composed of Modern Orthodox rabbinic scholars who will be willing to evaluate the above examples as well as so many others, and to come up with specific halakhic rulings for our generation. If we have the confidence and good sense to lead, we may be surprised to find that many people are ready to follow. It is up to us to bring Orthodoxy into the modern generation and world-time.

A Modesty Proposal: Rethinking *Tseniut*

The Torah provides a framework for sexual morality. Its legal prescriptions specify forbidden relationships; its narratives describe behavior and dress that reflect attitudes relating to sexuality and modesty.

The Torah's view of sexual relationships might best be seen as fulfilling the overarching command that we be a holy people (*vaYikra* 19:2). Indeed, Rashi, in his commentary on this verse, identifies holiness with separation from forbidden sexual relationships.

However, the Torah does not enumerate rules relating to modesty in thought, dress, and speech. For example, it does not state how much of a person's body needs to be covered, and gives no measurements for sleeve lengths or skirt sizes. Nor does it present specific rules relating to "*hirhurim*"—erotic thoughts; nor to "*mehitsot*" separating men and women at public gatherings; nor to the general—non-sexual—interrelationships of men and women. Rather, these rules are inferred from the mandate to be holy—to separate ourselves from sin, including sin of a sexual nature.

The Philosophy of Tseniut

The Talmud and later rabbinic literature provide additional material relating to sexual conduct in general, and *tseniut* (modesty) in particular. An aim of *tseniut* is to diminish the possibility of improper sexual temptations that could lead to sinful behavior. The human sexual drive is quite powerful, and the *tseniut* laws are intended to keep that drive under control.

Tseniut, though, is not simply a system of prevention from sin. Rather, it encompasses a positive philosophy relating to the nature of human beings. While acknowledging the power of human sexuality, *tseniut* teaches that human beings are more than mere sexual beings.

In his famous book, *I and Thou*, the philosopher Martin Buber pointed out that ideal human relationships involve mutual knowledge and respect, where people treat themselves and others as valuable persons—not as things. *Tseniut*, in fact, seeks to foster the highest form of I-Thou relationship. By insisting on modest dress and behavior, the laws of *tseniut* promote a framework for human relationships that transcends the physical/sexual aspects.

Non-*tseniut* behavior signals a person's desire to be seen as an object of sexual attraction. People who dress in a sexually provocative way are interested in being noticed, in exciting the sexual interest of others. When people dress provocatively, what they are communicating is: notice me, I crave your attention, please don't ignore me. Underlying this non-vocalized plea is the feeling that one will not be noticed unless he/she is prepared to become an object of attention or unless he/she conforms to the prevailing fashions, even if those fashions violate one's sense of decency and propriety.¹

It is normal and natural for people to want to appear pleasing to others. That is why they spend so much time and money on clothing and grooming. If one dresses nicely, neatly, and modestly, one may take pride and satisfaction in his/her appearance. If, though, one specifically dresses or behaves in a manner that is aimed at arousing sexual attention, then he/she has crossed into the non-*tseniut* mode. One has chosen to be an object—a thing, rather than a Thou.

Why would people willingly dress or act in a manner as to make themselves into objects? The answer is that they want to be noticed, admired, longed for. They think that by presenting themselves as objects, they will more likely achieve these goals. They demand less of themselves and of others; no commitment or serious dialogue is invited or expected.

Human beings all have feelings of insecurity; we need to be needed, appreciated, and loved. Although these tendencies are often exacerbated in teenagers, they continue to exist throughout adult life. Exhibitionism is a short-cut to gaining the attention—and hopefully the affection—of others. Yet, underneath the veneer of showiness is a layer of essential insecurity, loneliness, and dissatisfaction with self. Exhibitionism may gain the attention of others, but it does not gain their respect and love.

Dr. Norman Lamm has written: "One who lacks the sense of inner dignity and worth will expose himself [or herself], as if to say, 'Look at me. Am I not beautiful? Am I not smart? Do you not like me?' The lack of

inner dignity leads to exhibitionism, the opposite of modesty, whereas a sense of inner dignity will normally result in the practice of modesty.”²

Tseniut, then, should be understood as a framework for maintaining our human dignity. It teaches us to treat ourselves and others as valuable human beings, not as objects. Non-*tseniut* behavior and dress serve to diminish our full humanity, reducing us to the level of objects of sexuality. *Tseniut* is a manifestation of holiness. Exhibitionism is a manifestation of crudeness and feelings of insecurity.

The Technicalities of Tseniut

It is important for us to understand the underlying assumptions of the ancient and medieval halakhic sources. The early rabbinic opinions on the topic of *tseniut* emerged from a context where women—Jewish and non-Jewish—were deemed to be subservient to men. The operative principle was that the honor of a princess, i.e. a dignified woman, is for her to remain in private. Women were to stay home to the extent possible. When they appeared in public, they were to be dressed in such a way as not to attract the attention of men. Women generally were not given the same educational opportunities as men, nor were they encouraged or generally allowed to participate in public life or to have authority over men. Women’s role was to care for the household, have children, and maintain piety and modesty.

Classic rabbinic literature assumes that women are primarily a source of sexual temptation to men, and that women should therefore dress and conduct themselves so as not to arouse men’s passions. Discussions of the laws of *tseniut* often tend to focus on specific details of what constitutes modest and immodest dress and behavior. Rabbi Yehuda Henkin, in his book *Understanding Tzniut*, cites talmudic and later rabbinic sources dealing with such issues as what parts of a woman’s body constitute nakedness; how much of a woman’s body needs to be covered; the *ervah* (nakedness) of a woman’s leg, voice, and hair. He also discusses sociological conditions that may impact on the boundaries of modesty.³

The discussion in *Berakhot* 24a is reflective of the prevailing talmudic attitude:

Rabbi Yitzhak said: An [uncovered] *tefah* (hand’s breadth) in a woman is nakedness (*ervah*). . . . Did not Rabbi Shesheth say that anyone [i.e. any man] who gazes even at a woman’s little finger is as though he gazes at her

private parts? . . . Rabbi Hisda said a woman's leg (*shok*) is *ervah*. . . . Shemuel said that a woman's voice is *ervah*. . . . Rabbi Shesheth said a woman's hair is *ervah*.⁴

This passage, and others of the same tenor, operate with the following tacit assumption. Because women's body, hair, and voice are so alluring to men, women are to cover themselves up to the extent possible, and are not to use their voices in a way that might arouse men. Halakhic literature contains various opinions as to how to apply the *tсениut* rulings—but by and large, the general assumptions outlined above are taken for granted.

Yet, let us delve a bit more carefully into these assumptions.

1. Women today are no longer relegated to the home, but are involved in all aspects of society. Women interact regularly, and in many contexts, with men; women often hold positions of responsibility, including having authority over men. Few today would agree with the notion that the honor of a woman is to remain in the privacy of her home. Few today would agree that women are or must be subservient to men.

2. If we are concerned lest men be erotically aroused by women's body, hair, and voice, shouldn't we also be concerned lest women be erotically aroused by men's body, hair, and voice? Although halakhic sources spell out in detail the various restrictions on the manner of women's dress and behavior, there is very little relating to men's dress and behavior. The assumption is that men are far more passionate and uncontrollable than women. Whether or not this assumption is correct, it is surely not correct to assume that women lack strong sexual feelings for men. They are subject to erotic arousal by men's manner of dress and behavior. Thus, all discussions of *tсениut* should deal with both sides of the equation, not just with women's mode of dress and behavior.

3. If the rules of *tсениut* are to protect men from falling into sexual sin, why are most of the restrictions placed on women? The rules could have been formulated in an entirely different way. Since men are so passionate and women are so arousing, then men should cover their eyes in the presence of women and should avoid public places where women might be seen. If men have the problem, why should women be forced to pay the price for men's weaknesses? Let the women conduct themselves as they wish, and let men guard themselves from falling prey to temptation!

The Philosophy of Tseniut and Its Technicalities

The philosophy of *tseniut* teaches self-respect, respect for others, and the importance of not treating oneself or others as objects. The goal of *tseniut* is to maintain human dignity, and to foster respectful and meaningful human relationships.

The technicalities of *tseniut* should aim at fulfilling the ideals of the philosophy of *tseniut*. In popular discussions of the subject, though, there often is a serious disconnect between philosophy and technicalities. Here are a few items that underscore the gap between the concept of *tseniut* and the technical halakhic rules that are supposed to foster *tseniut*.

1. “Women’s hair is considered *ervah*, nakedness.” Normative halakha applies this statement only to married women. Single women need not cover their hair, since men are used to seeing them with uncovered hair and will not be aroused. Is this a valid argument? In olden times when girls were married off at an early age, this assumption may have held true. Seeing girls up to the age of early teens with uncovered hair may have been a normal feature of life, not generating untoward thoughts on the part of men. Yet, today most women do not get married while they are still children. If a woman in her 20s or 30s has her hair uncovered, what difference would it make to men whether she is single or married? Most men would not be able to tell whether such a woman is single or married. Yet, halakha allows the single woman to go bare-headed, while a married woman must cover her hair. If the purpose of head covering is to foster *tseniut* and to prevent men from looking at women’s “nakedness,” then there is no substantial reason today to differentiate between married and single women. Either all women of marriageable age should cover their hair, or none of them need cover their hair because men are accustomed to seeing women with uncovered hair.⁵ Indeed, Rabbi Yosef Mesas rules that married women need not cover their hair in our days, since the normal practice of women in our society is to go with hair uncovered.⁶ He wrote: “Since in our time all the women of the world have voided the previous practice and have returned to the simple practice of uncovering their hair, and there is nothing in this that constitutes brazenness or lack of modesty . . . therefore the prohibition of covering one’s hair has been lifted.”

2. “Women’s hair is considered *ervah*.” Yet various posekim allow women to cover their own natural hair with a wig. As long as they have fulfilled the technicality of covering their hair, they are not in violation of halakha. In some circles, it is expected that married women wear wigs; if they do not do so, they are considered to be religiously deficient. Does this make any sense? Women will spend thousands of dollars to buy wigs that often look better than their own hair. They will wear these wigs, which can be quite attractive, and be considered to be within the laws of *tzeniut*. However, if a woman “wears” her own hair, in a modest fashion, such a woman is deemed (by many) to be in violation of halakha. If a woman’s hair is indeed nakedness, how can it possibly be permitted for them to wear wigs—also made of hair? Would anyone suggest that a woman is permitted to wear a skin-colored dress that is printed with the design of her private body parts? Of course not. Such clothing is obviously anti-*tzeniut*. Likewise, if a woman’s hair is nakedness, covering it with a wig is anti-*tzeniut*.

3. “A woman’s voice is *ervah*.” This is generally applied to her singing voice, not to her usual speaking voice. But there are strong halakhic sources that permit men to hear women singing religious songs, or lullabies to their children, or other songs that have no erotic intent or content.⁷ When the prohibition of “*kol islah*” is applied to all instances of women singing in the presence of men, this is a distortion of the intent of the halakha. The prohibition forbids licentiousness. Moreover, it should be applied not only to men hearing lewd songs sung by women, but also to women hearing lewd songs sung by men. The concept of “*kol ish*” is just as valid and just as important as “*kol islah*.” If men sing in a manner that is sexually provocative to women, this constitutes a breach in *tzeniut* and a breach in holiness.

4. “An uncovered *tefah* of a woman is nakedness.” Surely, it will be agreed that it is proper for women to cover the parts of their bodies that are particularly arousing to men. It should be equally agreed that men be required to cover parts of their bodies that are particularly arousing to women. But the real issue is not how long skirts and sleeves must be, nor how buttoned up a man’s shirt should be. Rather, the question is: What constitutes sexually provocative dress that is forbidden by the philosophy and rules of *tzeniut*? A person might be covered from head to toe, and yet the clothing may be too tight, too clingy, too enticing. A person’s clothing might be entirely within the rules of

tсениut, yet the person may use seductive gestures, facial expressions, or body movements. In many cases, an uncovered *tefah* of a woman (or a man) is not sexually arousing at all; rather it may be repulsive, an example of very bad taste. Likewise when people wear clothing that is too tight or too revealing. These are violations of *tсениut*, not because they are sexually arousing, but because they compromise one's dignity—even if one does not want to realize this. They reflect a person's conscious or subconscious desire to be seen as an object, rather than as a dignified person.

Confronting Reality

A number of *tсениut* rules in classic halakhic literature have come into conflict with changing societal realities. These rules have been modified or dropped by large groups of Torah-observant Jews. Here are a few examples.

1. . . . Our sages commanded that a man must not teach his daughter Torah, since the intelligence of the majority of women is not geared to be instructed; rather, they reduce the words of Torah to matters of foolishness according to the poverty of their understanding. Our sages said: One who teaches his daughter Torah is as though he taught her foolishness. To what does this refer? To the Oral Torah; but as concerns the Written Torah, he should not teach her; but if he did teach her it is not as though he taught her foolishness. (Rambam, *Hilkhot Talmud Torah* 1:13)

Despite Rambam's ruling, in many Orthodox schools today, girls/women do study Talmud. Indeed, Stern College for Women of Yeshiva University has an advanced program of Talmudic Studies for women, instituted with the blessing of Rabbi Joseph B. Soloveitchik. Programs for women who wish to pursue advanced study of Talmud and halakha have blossomed in the United States and Israel. Modern Orthodox institutions reject the assumption that women's intelligence is unfit to absorb the wisdom of Talmud. Moreover, even if Hareidi schools do not teach girls/women Talmud, they do teach the Written Torah—in spite of Rambam's ruling not to do so.

2. It is unseemly for a woman constantly to be going abroad and in the streets, and the husband should prevent his wife from this. He should

not let her leave [home] except once or twice per month, according to the need. There is no beauty for a woman except in dwelling in the corner of her home, for so it is written, “All the glory of the king’s daughter is within (Psalm 45:14)” (Rambam, *Hilkhot Ishut* 13:11).

Very few, if any, Orthodox communities today follow this halakha of the Rambam. Very few, if any, accept the notion that a woman should live most of her life in the confines of her own home.

3. An unmarried man may not teach children because of the mothers who bring their children [and we fear possible immoral thoughts or conduct between teacher and the children’s mothers]. . . . A woman may not teach children because of the fathers who bring their children [and we fear possible immoral thoughts or conduct between teacher and the children’s fathers]. (*Shulhan Arukh, Yoreh Deah*, 245:20–21).

Few, if any, Orthodox schools follow this halakha. It is quite common for single men to teach in Day Schools and yeshivot. It is also quite prevalent for women to teach in Day Schools and yeshivot. Indeed, Hareidi girls’ schools tend to encourage students to become teachers.

4. A man must distance himself from women very very much. . . . It is forbidden to look at her beauty and even to smell perfume that is on her. . . . It is forbidden to look at colorful clothes of a woman with whom he is acquainted, even when she isn’t wearing [these clothes], lest this lead him to think about her. If a man comes across a woman in the marketplace, it is forbidden for him to walk behind her; rather he should run so as to divert her to his side or behind him. . . . One who looks even at a woman’s little finger with the intention of deriving pleasure from this, it is as though he looked at her private parts. It is forbidden to hear an *ervah* voice or look at her hair. One who intends to do any one of these things is subject to lashes [*makat mardut*]. . . . (*Shulhan Arukh, Even haEzer* 21:4).

In discussing the ruling that a man must run from a woman if he meets her in the market place, Rabbi Haim David Halevy asserted that this law refers to former times when women generally stayed home and were not often found walking in public. But in our day, many women walk in the public thoroughfares and marketplaces. If a man ran away every time he found a woman in front of him, people would think he was a fool. In his

seeming piety, he would actually subject religion to ridicule in the eyes of the public. Rabbi Halevy concluded that a man who found himself walking behind a woman should simply try to keep his eyes from looking at her.⁸

The above examples demonstrate that there is a disconnect between various technical halakhot relating to *tсениut*, and the reality of the societal conditions in which we live. As a result, these halakhot—and others like them—have been generally modified or discarded among Torah-observant Jews. Sometimes apologetic explanations have been given and sometimes not.

Tсениut Today

We need to return to the underlying philosophy of *tсениut*: the expectation that we be holy, that we live dignified lives, that we not present ourselves as sexual objects. How these aims are actually fulfilled very much depends on the societal conditions in which we live. In ancient and medieval times, when women lived highly restricted lives, the rules of *tсениut* were applied accordingly. In our times, when women function openly and freely in society, the rules of *tсениut* also must be applied with this reality in mind.

The following are some proposed applications of the rules of *tсениut* in our modern societies:

1. Neither men nor women should dress, speak, or act in a licentious manner that will arouse the sexual attention of others. It is a violation of *tсениut* to wear skimpy, overly tight, or other clothing that is designed to highlight one's sexuality.

2. It is proper for men and women to dress nicely, neatly, and modestly. It is fine to dress fashionably, as long as those fashions do not violate the philosophy of *tсениut*.

3. In our society, it is normal for upstanding and proper women to wear pants/pants suits; short sleeved dresses/blouses; clothes with colorful designs. Wearing these things is not a violation of *tсениut*, as long as these items are not fashioned in such a way as to highlight one's sexuality.

4. Married women need not cover their hair, as long as their hair is maintained in a modest style. The wearing of wigs does not constitute

a proper hair-covering for those married women who wish to cover their hair. Rather, such women should wear hats or other head coverings that actually cover their hair.

5. Men and women may sing in the presence of those of the other gender, as long as the songs are of a religious nature, or of a general cultural nature (e.g., opera, folk songs, lullabies). People should neither sing nor listen to songs that have vulgar language or erotic content that will lead to improper thoughts or behavior.

6. If a person dresses, speaks, and acts in a proper, dignified manner, it is not his/her responsibility if others are sexually aroused by him/her. That is their problem. It is their responsibility to control their thoughts and emotions, and/or to remove themselves from situations that they find to be sexually provocative.

7. Normal interactions between men and women are a feature of our societies. Women may serve in positions of authority over men, just as men may serve in positions of authority over women.⁹ The key point is this: holiness and *tсениut* should characterize all contexts where men and women mingle and work together. Co-ed youth groups and schools are permitted, but must be maintained with high standards of *tсениut*.¹⁰

Conclusion

Rabbi Avraham Shammah, who teaches at the Herzog Teachers' College in Israel, stated: "Women and men should behave in a manner that reflects great respect for one another; they should not consider one another in a crude manner such as sexual objects; they should not dress provocatively, nor should their body language be provocative. . . ." ¹¹ This is a fine formulation of the guidelines of *tсениut*.

It makes little sense to pretend that our living conditions today are identical to those of antiquity and the middle ages. Women's roles in society have changed radically. The interrelationships of men and women today are far more common and far more frequent than in former times. Fashions have changed dramatically. Definitions of brazenness and immodesty are far different today than they were in olden days. Recognizing these changes is essential to formulating a proper application of *tсениut* rules.

It must also be recognized, though, that modern-day fashions often reflect very non-*tzeniut* standards. Clothing that is designed to be sexually provocative—low cut in front or back, dresses or skirts above knee-length, clothing that is too tight, men's pants that are worn below the belt line, and so forth—are clearly in violation of the philosophy and rules of *tzeniut*.

Our goal as thinking halakhic Jews is to be clear on our responsibility to be holy, and to treat ourselves and others as fellow human beings—not as sexual objects. When we live as *tzeniut* human beings, we enhance our own dignity and the dignity we show to others. This is not an inconsiderable accomplishment.

NOTES

1. See my book, *Losing the Rat Race, Winning at Life*, Urim Publications, Jerusalem, 2005, especially chapter 4.
2. Norman Lamm, "Tzeniut: A Universal Concept," in *Haham Gaon Memorial Volume*, ed. M.D. Angel, Sephardic House and Sepher Hermon Press, New York, 1997, p. 155.
3. Yehuda Henkin, *Understanding Tzeniut*, Urim Publications, Jerusalem, 2008.
4. I am not going into the discussion about improperly seeing or hearing women during one's recitation of the Shema, nor distinctions between seeing or hearing one's wife or other women.
5. See Rabbi Henkin's discussion of hair-covering for women, pp. 29f; and article by Michael Broyde, "Hair Covering and Jewish Law," *Tradition*, Fall 2009, 42:3, pp.97-179. It is understood that married women must adhere to a higher standard of *tzeniut* than single women, since married women are subject to the laws of adultery for illicit relations. Nonetheless, both married and unmarried women are bound by the rules of *tzeniut* and obviously are not allowed to comport themselves in a way that will entice improper thoughts or deeds on the part of men who see them.
6. Rabbi Yosef Mesas, *Mayyim Hayyim*, vol. 2, no. 110.
7. For a discussion of sources relating to *kol isha*, see Saul Berman, "Kol Isha," in *Rabbi Joseph H. Lookstein Memorial Volume*, ed. Leo Landman, Ktav Publishing House, New York, 1980, pp. 45–66; and the responsum of Rabbi David Bigman, "A New Analysis of Kol B'Isha Erva," in the Responsa section of jewishideas.org. Michael Makovi collected many sources on the topic in his article "A New Hearing for Kol Ishah," in the Articles section of jewishideas.org
8. H. D. Halevy, *Mayyim Hayyim* 2:45.
9. See Benzion Uziel, *Piskei Uziel*, Jerusalem, Mossad HaRav Kook, 5737, no.

- 44, where Rabbi Uziel argues that women may vote in elections, and may be elected to public office where they have authority over men.
10. See the excellent pamphlet by Rabbi Yuval Cherlow and Ron Hori, *Hevra Sheleimah: Hevrah Tsenuah Me'orevet leKhathila*," published by *Neemanei Torah vaAvodah* and *HaKibbutz HaDati*, Tel Aviv, 2011.
 11. Rabbi Shammah's paper was originally published in Hebrew and can be found at <http://www.kolech.org.il/show.asp?id=25484>. It was published in English in the bulletin of JOFA.

Orthodoxy and Diversity

(This article originally appeared in *Liber Amicorum*,
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The Talmud (*Berakhot* 58a) teaches that one is required to recite a special blessing when witnessing a vast throng of Jews, praising the Almighty who is *hakham haRazim*, the One who understands the root and inner thoughts of each individual. “Their thoughts are not alike and their appearance is not alike.” The Creator made each person as a unique being. God expected and wanted diversity of thought, and we bless God for having created this diversity among us.

The antithesis of this ideal is represented by the evil city of Sodom. Rabbinic teaching has it that the Sodomites placed visitors in a bed. If the person was too short, he was stretched until he fit the bed. If he was too tall, his legs were cut off so that he fit the bed. This parable is not, I think, merely referring to the desire for physical uniformity; the people of Sodom wanted everyone to fit the same pattern, to think alike, to conform to the mores of the Sodomites. They fostered and enforced conformity in an extreme way.

Respect for individuality and diversity is a *sine qua non* of healthy human life. We each have unique talents and insights, and we need the spiritual climate that allows us to grow, to be creative, to contribute to humanity’s treasury of ideas and knowledge.

Societies struggle to find a balance between individual freedom and communal standards of conduct. The Torah, while granting much freedom, also provides boundaries beyond which the individual may not trespass. When freedom becomes license, it can unsettle society. On the other hand, when authoritarianism quashes individual freedom, the dignity and sanctity of the individual are violated. I wish to focus on this latter tendency as it relates to contemporary Orthodox Jewish life.

Some years ago, I visited a great Torah luminary in Israel, Rabbi Haim David Halevy. He had given a *shiur* (Torah lecture) for rabbis and rabbini-

cal judges in which he suggested introducing civil marriage in the State of Israel. He offered cogent arguments in support of this view, and many of those present actually thanked him for having the courage to put this issue on the rabbinic agenda. His suggestion, though, was vehemently opposed by the rabbinic establishment, and he was sharply criticized in the media. Efforts were made to isolate him and limit his influence as much as possible. Students of the rabbi were told not to attend his classes any longer. This rabbi lamented to me: "Have you heard of the mafia? Well, we have a rabbinic mafia here." This, of course, is an indictment of the greatest seriousness. It is not an issue of whether or not one favors civil marriage. The issue is whether a rabbinic scholar has the right and responsibility to explore and discuss unpopular ideas. If his suggestions are valid, they should be accepted. If they are incorrect, they should be refuted. But to apply crude pressure to silence open discussion is dangerous, and inimical to the best interests of the Torah community.

Similar cases abound where pressure has been brought to bear on rabbis and scholars who espouse views not in conformity with the prevailing opinions of an inner circle of Orthodox rabbinic leaders. As one example of this phenomenon, a certain rabbi permitted women to study Talmud in his class at his synagogue. One of the women in his congregation consulted a Rosh Yeshiva who promptly branded the synagogue rabbi as a heretic (*apikores*) for having allowed women to study Talmud. The Rosh Yeshiva told the woman she was not permitted to pray in the synagogue as long as that rabbi was there. When the synagogue rabbi was informed of this, he wrote a respectful letter to the Rosh Yeshiva and explained the halakhic basis for women studying Talmud. The Rosh Yeshiva refused to answer, and told the woman congregant that he would not enter into a correspondence with a heretic. The woman stopped attending the rabbi's synagogue.

Is this the way of Torah, whose ways are the ways of pleasantness? Does this kind of behavior shed honor on Orthodoxy? Shouldn't learned people be able to speak with each other, argue a point of halakha, disagree with each other? Shouldn't the Torah world be able to deal with controversy without engaging in name-calling and delegitimation?

Over the years, I have been involved in the planning of a number of rabbinic conferences and conventions. Invariably questions are raised concerning who will be invited to speak. Some say: If Rabbi so-and-so is

put on the program, then certain other rabbis and speakers will refuse to participate. Some say: If such-and-such a group is among the sponsors of the conference, the other groups will boycott the event. What is happening in such instances is a subtle—and not so subtle—process of coercion. Decisions are being made as to which Orthodox individuals and groups are “acceptable” and which are not.

This process is insidious and is unhealthy for Orthodoxy. It deprives us of meaningful discussion and debate. It intimidates people from taking independent or original positions for fear of being ostracized or isolated.

Many times I have heard intelligent people say: I believe thus-and-so but I can't say so openly for fear of being attacked by the “right.” I support such-and-such proposal, but can't put my name in public support for fear of being reviled or discredited by this group or that group.

We must face this problem squarely and candidly: The narrowing of horizons is a reality within contemporary Orthodoxy. The fear to dissent from “acceptable” positions is palpable. But if individuals are not allowed to think independently, if they may not ask questions and raise alternatives—then we as a community suffer a loss of vitality and dynamism. Fear and timidity become our hallmark.

This situation contrasts with the way a vibrant Torah community should function. Rabbi Yehiel Mikhel Epstein, in the introduction to *Hoshen Misphat* of his *Arukh haShulhan*, notes that difference of opinion among our sages constitutes the glory of Torah. “The entire Torah is called a song (*shira*), and the glory of a song is when the voices differ one from the other. This is the essence of its pleasantness.”

Debates and disagreements have long been an accepted and valued part of the Jewish tradition. The Rama (see *Shulhan Arukh*, Y.D. 242:2,3) notes that it is even permissible for a student to dissent from his rabbi's ruling if he has proofs and arguments to uphold his opinion. Rabbi Hayyim Palachi, the great halakhic authority of nineteenth-century Izmir, wrote that

the Torah gave permission to each person to express his opinion according to his understanding. . . . It is not good for a sage to withhold his words out of deference to the sages who preceded him if he finds in their words a clear contradiction. . . . A sage who wishes to write his proofs against the kings and giants of Torah should not withhold his words nor suppress his prophecy, but should give his analysis as he has been guided by Heaven.¹

The great twentieth-century sage, Rabbi Haim David Halevy, ruled:

Not only does a judge have the right to rule against his rabbis; he also has an obligation to do so [if he believes their decision to be incorrect and he has strong proofs to support his own position]. If the decision of those greater than he does not seem right to him, and he is not comfortable following it, and yet he follows that decision [in deference to their authority], then it is almost certain that he has rendered a false judgment.²

Rabbi Moshe Feinstein, in rejecting an opinion of Rabbi Shelomo Kluger, wrote that “one must love truth more than anything.”³

Orthodoxy needs to foster the love of truth. It must be alive to different intellectual currents and receptive to open discussion. How do we, as a Modern Orthodox community, combat the tendency toward blind authoritarianism and obscurantism?

First, we must stand up and be counted on the side of freedom of expression. We, as a community, must give encouragement to all who have legitimate opinions to share. We must not tolerate intolerance. We must not yield to the tactics of coercion and intimidation.

Our schools and institutions must foster legitimate diversity within Orthodoxy. We must insist on intellectual openness, and resist efforts to impose conformity. We will not be fitted into the bed of Sodom. We must give communal support to diversity within the halakhic framework, so that people will not feel intimidated to say things publicly or sign their names to public documents.

Let me add another dimension to the topic of diversity within Orthodoxy. Too often, Orthodox schools and books ignore the teachings and traditions of Jews of non-Ashkenazic backgrounds. Information is presented as though Jews of Turkey, the Balkans, North Africa, and the Middle East simply did not exist. Little or no effort is made to draw from the vast wellsprings of knowledge and inspiration maintained by these communities for many centuries. Yet, these communities—deeply steeped in tradition—produced many rabbis and many books, rich folklore, and religious customs; and these spiritual treasures belong to all Jews. To ignore the experience and teachings of these communities is to deprive ourselves and our children of a valuable part of the Jewish heritage.

Why, then, isn't there a concerted effort to be inclusive in the teaching of Jewish tradition? Among the reasons are: narrowness of scope, a ten-

dency toward conformity, lack of interest in reaching beyond the familiar. However, unless we overcome these handicaps, we rob Orthodoxy of vitality and strength, creativity and breadth.

Orthodoxy is large enough and great enough to include the Rambam and the Ari; the Baal Shem Tov and the Gaon of Vilna; Rabbi Eliyahu Benamozegh and Rabbi Samson Raphael Hirsch; Rabbi Abraham Isaac Kook and Rabbi Benzion Uziel; Dona Gracia Nasi and Sarah Schnirer. We draw on the wisdom and inspiration of men and women spanning the generations, from communities throughout the world. The wide variety of Orthodox models deepens our own religiosity and understanding, thereby giving us a living, dynamic, intellectually alive way of life.

If the Modern Orthodox community does not have the will or courage to foster diversity, then who will? And if we do not do it now, we are missing a unique challenge of our generation.

NOTES

1. *Hikekei Lev*, O.H. 6; and Y.D. 42.
2. *Aseh Lekha Rav*, 2:61.
3. *Iggrot Moshe*, Y. D., 3:88.

Religion and Superstition: A Maimonidean Approach

*(This article is largely drawn from Chapter 6 of Marc D. Angel,
Maimonides, Spinoza, and Us, Woodstock: Jewish Lights, 2009.*

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Judaism seeks to bring us closer to God through proper thought and deed. Superstition seeks to circumvent God's power through the use of magical formulae or rituals. Whereas Judaism demands intellectual and moral excellence and a direct relationship with God, superstition provides purported means of bypassing or manipulating God in order to ward off evil or to achieve some other desired goal.

Since religion and superstition ultimately transcend the domain of human reason, it is possible to blur the lines between the two. The Torah is emphatic in commanding that we not turn to shamans or wonderworkers, but that we stay focused on our personal relationship with God. "There shall not be found among you anyone . . . who uses divination, a soothsayer, or an enchanter, or a sorcerer, or a charmer, or one who consults a ghost or a familiar spirit, or a necromancer. For whoever does these things is an abomination unto the Lord" (*Devarim* 18:10–12).

The Rambam clarifies the boundaries between religion and superstition in his discussion about using incantations to heal a wound:

Anyone who whispers a charm over a wound and reads a verse from the Torah, or one who recites a biblical verse over a child lest he be terrified, or one who places a Torah scroll or tefillin over an infant to enable him to sleep, are not only included in the category of sorcerers and charmers, but are included among those who repudiate the Torah. They use the words of the Torah as a physical cure, whereas they are exclusively a cure for the soul, as it is written, "They will be life to your soul." On the other hand, one who is enjoying good health is permitted to recite biblical verses, or a

psalm, that he may be shielded and saved from affliction and damage by virtue of the reading. (*Hilkhot Avoda Zara*, 11:12)

What are the characteristics of those individuals who “repudiate the Torah”? 1) They treat biblical verses as though they are magic formulae that can effect a cure. 2) They use religious objects, such as Torah scrolls or tefillin, as though they are endowed with independent magical powers. 3) They resort to incantations and magical rituals, rather than turning directly to God. In short, they behave superstitiously, rather than religiously.

If we were to confront these individuals, though, they would be surprised to be placed in the category of those who “repudiate the Torah.” They might well think of themselves as being pious, Torah-true Jews. After all, they have not gone to soothsayers or diviners for help; they have recited the holy words of the Bible and have used religious items of our own Jewish tradition. Wherein have they sinned? The Rambam would answer: Even if a person employs Torah words and symbols, he or she may yet be guilty of sinful behavior. To use the Torah’s words and symbols in a superstitious way is also superstition! Indeed, such behavior repudiates the Torah’s express teaching that we turn directly to God and that we not engage in magical practices.

The Rambam notes that if a healthy person chants biblical verses in the hope that the merit of this mitzvah will invite God’s protection, this is still on the correct side of the line separating religion from superstition. The person is not attributing intrinsic supernatural power to the biblical verses; rather, he or she is directing his thoughts to God and hopes that the merit of his or her biblical readings will engender God’s protection. Although this may not be an example of religion at its best, it is permissible—and not in the category of repudiating the Torah.

In the laws of Mezuzah (5:4), the Rambam cites another case in which he distinguishes between religious and superstitious behavior.

There is a widespread custom to write the word *Shaddai* on the outer side of the mezuzah, opposite the blank space between the two sections. Since it is written on the outside, there is no harm done. On the other hand, those who write inside the mezuzah names of angels or names of saintly men, some biblical verse or some charms—they are included among those who have no share in the world to come. Those fools not only fail to fulfill the commandment, but they treat an important precept, which conveys God’s Oneness as well as the love and worship of God, as if it were an amulet to

benefit themselves, since they foolishly believe that the mezuzah is something advantageous for the vain pleasures of this world.

Here, too, the Rambam chastises those who treat a religious object as though it were a magical charm. People are included among “those who have no share in the world to come” even if they themselves may think they are acting piously. The Rambam makes it clear that superstitious behavior—even if cloaked in traditional religious symbols—is a serious transgression of the Torah’s teachings.

What leads people to superstitious behavior? Why doesn’t everyone realize the foolishness of employing magical incantations and rites? Why would people rely on superstitious behavior rather than turning directly to God with their prayers?

Here are a few reasons:

1. True religion demands a lot from us. Superstition demands very little. True religion requires that we confront God directly. Superstition offers shortcuts, ways to bypass that awe-inspiring confrontation with God.

2. Superstitious practices have been sanctioned by generations of people who seem to have religious credibility. If these great ones believed in demons and made amulets, then these things must be permissible (in spite of the Rambam’s rulings).

3. When people are afraid and desperate, they may suspend their reason in order to adopt superstitious practices—“just in case” these might be efficacious. Why take chances by not trying everything?

A great challenge for religious leadership is to wean people from superstitious tendencies and bring them closer to God. People need to be reminded to use their reason, rather than to surrender to a mindless supernaturalism. The Torah itself was well aware of the human weakness of turning to diviners and magicians—and the Torah strictly forbade such practices that obstruct a direct relationship with God. Religion teaches responsibility, careful thinking, and reliance on God. Superstition promotes avoidance of personal responsibility, suspension of rational thinking, and reliance on supernatural forces other than God.

There are pressures within contemporary Orthodox Jewish life that foster a superstitious, rather than a true religious, view of Judaism. On the surface, these negative factors appear in the garb of religious words and

symbols; yet, just as in the misuse of Torah scrolls, tefillin, and mezuzot cited earlier in the passages from the Rambam, these tendencies reflect the unfortunate and misguided features of superstition. That these behaviors pass themselves off as being authentic Orthodox Judaism should be a source of concern and anguish to all thinking Orthodox Jews.

Here are some examples:

1. I (along with many others) periodically receive a brochure from an organization that provides charity to needy individuals and families. The brochure includes abundant pictures of saintly-looking men with long white beards, engaged in Torah study and prayer, and signing their names on behalf of this charity. The brochure promises us that “the Gedolei Hador [great ones of our generation] are the official members of the organization.” One of the Gedolei Hador is quoted as saying: “All who contribute to [this charity] merit to see open miracles.” We are asked to contribute to this cause so that the Gedolei Hador will pray on our behalf. We even are given choices of what merit we would like to receive from these prayers: to have *nahat* (pride) from our children; to have children; to find a worthy mate; to earn an easy livelihood. “Urgent requests are immediately forwarded to the homes of the Gedolei Hador.” If we are willing to contribute so much per name, we are guaranteed that a minyan of outstanding *talmidei hakhamim* (Torah scholars) will pray for us at the Kotel. If we contribute a lesser amount, we only will have the prayer recited by one outstanding *talmid hakham*. We are also told that we can write our request as a *kvitel* (a small note), and it will be placed in the Kotel for forty days; we can even transmit our prayer requests by telephone hotline, after we have made a contribution via credit card.

This charity purports not only to be Torah-true, but to have the involvement and backing of the Gedolei Hador. Anyone looking at the brochure would see this as an Orthodox Jewish charity operated by highly religious individuals.

Let us grant that this is indeed a worthy charity that provides assistance to needy Jews. Let us grant that the people who operate this charity see themselves as pious Jews of the highest caliber, literally linked to the Gedolei Hador. Yet, the brochure is not an example of true religion at all, but of something far more akin to superstition.

Is it appropriate for a Gadol Hador to assure contributors that they will be worthy of open miracles? Can anyone rightfully speak on behalf of

the Almighty's decisions relating to doing open miracles? Doesn't this statement reflect a belief that prayers uttered by so-called sages (similar to incantations uttered by shamans?!) can control God's actions, even to the extent of making God do miracles?

Moreover, why should people be made to feel that they are not qualified to pray to God directly? Why should "religious leaders" promote the notion that if people will pay money, some pious individual will recite a prayer at the Kotel—and that the prayer uttered by such an individual at the Kotel is more efficacious than one's own prayers? How tasteless and contrary to religious values is the notion that a minyan of outstanding *talmidei hakhamim* will pray if you pay enough; but only one will pray for you if you choose to contribute less than the recommended sum?

In this brochure, dressed as it is in the garb of Torah-true religion, we have a blatant example of superstition-tainted Judaism. The leaders of this organization assume:

1) Gedolei Hador (we are not told who decides who is a Gadol Hador, nor why any Gadol Hador would want to run to the Kotel to pray every time a donor called in an "urgent request") have greater powers to pray than anyone else. 2) A Gadol Hador can promise us open miracles if we send in a donation. 3) A prayer uttered at the holy site of the Kotel has more value than a prayer uttered elsewhere, that is to say, the Kotel is treated as a sacred, magical entity. 4) A *kvitel* placed in a crevice in the Kotel has religious value and efficacy. This brochure relies on the public's gullible belief in the supernatural powers of Gedolei Hador and the Kotel.

Lest one think this charity is the only Orthodox Jewish group that promotes a superstitious (rather than truly religious) viewpoint, one may do a Google search and find others who do pretty much the same thing. The Wailing Wall Kvitel Service advertises that it will deliver your personal prayers or requests to the Lord "even if you cannot travel to the holy land to visit Jerusalem in person." We are assured that once this organization receives our *kvitel* and donation, the *kvitel* will be placed between the stones of the Kotel and "you will receive a postcard from the Wailing Wall."

Nor is this behavior restricted to the so-called Hareidi sector of Orthodoxy. One website informs us that Jews and non-Jews have long had the practice of writing their private thoughts and prayers and having them inserted into the cracks of the Kotel "in the firm belief that at this holiest of locales God is always present and listening." (Doesn't Judaism believe

that God is always present and listening everywhere?) The sponsors of this website, which promises to insert the *kvitels* “on a same day basis,” have also arranged with a kollel in Jerusalem to have Psalms recited for the ill or to have Torah studied in someone’s memory. This program is staffed by volunteers of the Orthodox Union, a mainstream Orthodox organization!

The Jewish Press of March 19, 2008 reported on the trip to Israel by Senator John McCain who traveled with Senator Joe Lieberman. The article included a photograph of Senator McCain placing a *kvitel* in the Kotel! He obviously was told that this was the “religiously correct” thing to do, bringing this practice to another level of public acceptance. During his 2008 trip to Israel, Barack Obama also placed a *kvitel* in the Kotel, also having been advised that this was the proper thing to do.

The Jerusalem Post (April 15, 2008) ran a news item reporting that the Rabbi of the Kotel and his assistants clean out the *kvitels* from the Kotel twice a year, before Pesah and Rosh HaShanah. They do so in order to make room for the millions of *kvitels* that come in from all over the world, from Jews and non-Jews. The removed *kvitels* are put into plastic-lined bins and then brought to the Mount of Olives cemetery for burial. The custom of the *kvitels* is raised to a level of holiness.

Certainly, those who write *kvitels* do so with a sense of piety, with a sincere desire to get their prayers to God. Yet, shouldn’t religious leaders be telling people that they ought to bring their prayers to God—directly from their mouths and hearts? There is no need whatsoever to write out prayers for deposit in the Kotel. On the contrary, this practice smacks of superstition, relying on magical powers that are attributed to the Kotel rather than on direct prayer to God.

Defenders of the *kvitel* practice will argue: this is an age-old custom, approved or tolerated by great sages; this is a harmless custom that doesn’t hurt anyone; this is a way for people to feel that their words will have a better chance of reaching God. In response, we can say that there are various beliefs and practices that were approved or tolerated by great sages in the past—but that are more akin to superstition than religion, much like the belief in demons (*sheidim* and *mazikim*), the writing and wearing of magical amulets, or the ceremonies conducted to ward off evil spirits. The fact that great people believed or did these things does not make these things correct. The Rambam condemned those who used Torah scrolls, tefillin, or mezuzot as magical charms—and I would assume that there

were rabbis before (and after) his time who approved or tolerated these practices. The Rambam attempted to make people see the difference between religion and superstition; unfortunately, not everyone wanted to accept this distinction, but preferred to remain attached to superstitious beliefs and practices.

Superstitious practices *do* cause harm. According to the Rambam, severe punishments (including loss of one's portion in the world to come!) are meted out to those who engage in superstitious rites. Moreover, a superstitious approach to Judaism undermines its intellectual and rational foundations, treating it more as a cult than a religion. This is a vast disservice to Judaism, and turns intelligent and reasonable people away from Torah.

People may feel that superstitious behavior is a way to gain supernatural results—but this feeling is repudiated by the Torah. Rabbis and teachers need to remind the community that one need not—and should not—seek superstitious means of controlling or appeasing God. Rather, people should be reminded of their right and responsibility to pray directly to God on their own, without needing to resort to the supposed powers of holy men, holy objects, or holy places.

2. Another example of the fostering of superstition over religion relates to the recitation of the mourner's Kaddish. The Kaddish is a beautiful prayer, glorifying God's greatness and redemptive power. The text of the Kaddish is ancient, and originally was recited as a prayer following a Torah study session (*Sotah* 49a). It seems to have been adopted as a mourner's prayer only in the thirteenth century, and became a widespread practice throughout the Jewish world with the passage of time.

Certainly, the Kaddish has become imbued with deep emotion and religious feeling among mourners. It is meritorious for a mourner to chant this prayer, as a means of showing respect for the memory of a loved one and even as a way to add merit to the soul of the deceased.

Yet, it must be remembered that the Kaddish is a prayer, not a magical incantation. A member of my Congregation, originally from Israel, recently returned to Israel for the burial of his father and for the Shiva period. A rabbi of the Hevra Kaddisha there informed him that he was obligated to say Kaddish each day in order to get his father into heaven. If the mourner was not sure he could say Kaddish each day, he should pay the Hevra Kaddisha a certain sum, and they would guarantee a daily recital of Kaddish—thereby ensuring the father's acceptance into heaven.

My congregant called me to ascertain whether the rabbi of the Hevra Kaddisha was giving him correct information. The answer: It is virtuous to recite the Kaddish, and it is virtuous to give charity. When a mourner does virtuous deeds in memory of a deceased loved one, this is a tribute to the deceased. In some spiritual sense, the righteous deeds of the mourners may bring repose to the soul of the loved one. Moreover, the recitation of Kaddish helps the mourner cope more meaningfully with the loss of a loved one.

However, it is not correct to treat the Kaddish as a magic formula. Until the thirteenth century, Kaddish was not recited for deceased loved ones—and yet surely God did not deprive them of their eternal reward! Also, God is the One who alone deals with the souls of the departed, and surely God judges people fairly. It would be ludicrous to think that God withholds justice depending on whether a mourner recites Kaddish or not.

For many Jews, including pious Orthodox Jews, Kaddish is treated as though it is a magic incantation rather than a prayer glorifying God's greatness. People go to extraordinary lengths to recite the Kaddish in a minyan. In itself, this is a virtue. Yet, if they do so because they believe the Kaddish is a magic formula to gain entry to heaven for the deceased, then the practice obviously passes into the domain of superstition.

3. Another indication of superstitious trends in Jewish life is the tendency to rely on "good luck" charms, such as a red string tied around the wrist, or food or drink blessed by certain kabbalistic sages. I have known cases of otherwise rational people who have turned to "wonder workers" for help in saving a mortally ill loved one. Medical doctors have been unable to save the patient; out of desperation, relatives have asked for "spiritual" cures. In one case, a "saintly" rabbi was flown in from Israel to pray at the bedside of a dying child. (The child unfortunately died.) In another case, a "saintly" rabbi received a contribution after which he sent to a sick patient a bottle of Arak that he had blessed. (That patient also died.) It happens sometimes that people recover from their illnesses. When they do, they are ready to swear that the cure was the result of intervention by the saintly person who prayed for them or sent them holy things to eat or drink. This gives further fuel for desperately ill people to turn to magic workers for help; after all, it might do some good!

Although we can understand—and even sympathize—with this attitude, we must also state clearly that it represents a turn away from true

religion and a turn toward superstition. As such, we should be teaching people to avoid falling into this way of thought and behavior. We should be urging people not to rely on red strings, or amulets, or foods/drinks blessed by “saintly” people: rather, they should turn their hearts and minds and souls entirely to God.

The Rambam stressed the need for human beings to use their power of reason. Superstition is the antithesis of reason, and therefore a false path to truth. Although philosophers surely understand this, what are we supposed to do with the masses who are more prone to fall into the ways of superstition? The answer is this: We must teach the masses a philosophically sound and rational approach to religion. We must encourage people to use their powers of reason.

The Rambam disdained those who were content to espouse truth on the basis of blind faith, without attempting to establish the intellectual foundations of truth. People who do not use their reason are deficient even in their faith; they are prone to superstition and are gullible to the pronouncements of charismatic (even if misguided) authority figures.

The Rambam pointed out that there are things accepted as truth—which are not in fact true. Human reason is necessary as a constant and reliable agent to challenge, verify or reject long-held “truths.” Just because a great authority taught something does not ensure that it is true. Indeed, truth stands on its own merit, not on the basis of the opinions of human beings.

For when something has been demonstrated, the correctness of the matter is not increased and certainty regarding it is not strengthened by the consensus of all men of knowledge with regard to it. Nor could its correctness be diminished and certainty regarding it be weakened even if all the people on earth disagreed with it. (*Guide*, II:13)

In his *Mishneh Torah* (*Hilkhhot Kiddush haHodesh*, 17:24), the Rambam states that many books on astronomy and mathematics were composed by Greek sages. Similar works by ancient Jewish sages of the tribe of Issachar have not come down to us.

Since all these rules have been established by sound and clear proofs, free from any flaw and irrefutable, we need not be concerned about the identity of their authors, whether they be Hebrew Prophets or Gentile sages. For when we have to do with rules and propositions that have been

demonstrated by good reasons and have been verified to be true by sound and flawless proofs, we rely upon the author who has discovered them or transmitted them only because of his demonstrated proofs and verified reasoning.

Intelligent people need to distinguish between what is true and what is spurious. Surely, we may rely on the wisdom of the prophets and rabbinic sages, just as we rely on the advice of skilled physicians or experts in other fields. Yet, even when receiving advice from these authorities, we should not suspend personal judgment altogether. In his *Epistle to Yemen*, the Rambam warns:

Do not consider a statement true because you find it in a book, for the prevaricator is as little restrained with his pen as with his tongue. For the untutored and uninstructed are convinced of the veracity of a statement by the mere fact that it is written; nevertheless its accuracy must be demonstrated in another manner.

Just because “authorities” and “scholars” have claimed something to be true does not make it true. The Rambam, in his *Letter on Astrology*, remarks that “fools have composed thousands of books of nothingness and emptiness.” (See Isadore Twersky, *A Maimonides Reader*, Springfield: Behrman House, 1972, pp. 454, 464–465.) Men “great in years but not in wisdom” wasted much time studying these worthless books and came to think of themselves as experts. They taught nonsense to the public, imagining that they were conveying truth. Unsuspecting people believed these “experts” because they seemed to be erudite and convincing.

The Rambam explains that we should only accept something as reliably true if it belongs to one of three categories. 1) It is proven clearly by human reasoning such as arithmetic, geometry, and astronomy. 2) It is perceived with certainty through one of the five senses. 3) It is received from the prophets or the righteous. In considering whether or not something is true, we must determine through which category we have derived its truthfulness. If we cannot verify something through one of these three categories, we cannot accept it as being true.

A dilemma arises. The Rambam categorically rejects the validity of astrology, considering it a foolish superstition rather than a bona fide science. Yet, the Talmud and Midrashim record the opinions of righteous sages who themselves seemed to ascribe veracity to astrology! Thus, by

Rambam's own standards of determining truth, shouldn't we believe in astrology since we have received this belief from the righteous? The Rambam resolves this seeming problem:

It is not proper to abandon matters of reason that have already been verified by proofs, shake loose of them, and depend on the words of a single one of the sages from whom possibly the matter was hidden. Or there may be an allusion in those words; or they may have been said with a view to the times and the business before him. You surely know how many of the verses of the holy Torah are not to be taken literally. Since it is known through proofs of reason that it is impossible for the thing to be literally so, the Targum [Aramaic translator of the Torah] rendered it in a form that reason will abide. A man should never cast his reason behind him, for the eyes are set in front, not in back. (Twersky, *A Maimonides Reader*, p. 472)

Once we have verified the truth of something on the basis of reason, we should not accept the literal meaning of texts that contradict this verified truth. If a sage has made a statement that violates a proven truth, then either 1) he was mistaken; 2) he was speaking in allegorical or poetic language, not to be taken literally; 3) he was speaking within the context of his time and place. If the Torah itself—which is Truth—records something that contradicts verified truth, then the Torah must be interpreted to conform to this established truth. For Rambam, it is axiomatic that the Torah of Truth cannot teach something that violates rational truth.

The Rambam argued that reason was the best antidote to falling into a superstitious mindset. With all the risks of allowing people to use their reason, he thought it was essential to put religion on a philosophically sound basis. It was religiously and intellectually wrong to foster a fundamentalist, obscurantist, literalist view of religion that ascribed irrational teachings to the Bible and our sages. If it is dangerous to rely on reason, it is even more dangerous to violate reason.

There are strong tendencies in our day (evident in other religions, as well as Judaism) that foster authoritarianism, obscurantism, and fundamentalism. These tendencies promote uncritical thinking, surrender of autonomy, and reliance on holy “authorities.” These are ingredients that make for a superstitious worldview rather than a truly religious worldview.

The Rambam's insistence on our use of reason is of vital importance to all who would like to reclaim a philosophically sound Judaism. The Rambam teaches us to separate between true religion and superstition;

between direct confrontation with God and spurious use of magical charms and incantations; between proper teachers of Torah and counterfeit “sages” who play on human weakness and ignorance.

It is a central challenge of Modern Orthodoxy to foster an intellectually meaningful Judaism; to combat tendencies toward superstitious belief and action; to encourage individual responsibility and direct relationship with God. It is time to reclaim the lofty vision of Rambam of a Torah Judaism rooted in reason, which leads to a life of “loving-kindness, righteousness, and judgment” (*Guide* 3:54).

For further reading, see Marc B. Shapiro’s excellent essay, “Maimonidean Halakhah and Superstition,” in his book *Studies in Maimonides and His Interpreters* (Scranton and London: University of Scranton Press, 2008), pp. 95–150.

Reflections on Torah Education and Mis-Education

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 Our community is deeply committed to the transmission of Torah from one generation to the next. We devote tremendous resources to ensure that our children and grandchildren become steeped in Torah knowledge and grow into Torah observant Jews. A critical concern must be how we and our schools transmit the words of Hazal to our students. Obviously, the teachings of our sages are of central importance; it is unfortunate, then, when the words of Hazal are taught inappropriately. Religious education becomes mis-education.

In his introduction to *Perek Helek*, Rambam criticized a literalist, fundamentalist approach to the words of Hazal. Since the sages were wise and reasonable, their words obviously were filled with wisdom and rationality. When their statements seem to veer from reason, we must understand them as being symbolic, homiletical, or hyperbolic—not literally true. It would be absurd to call for an acceptance of the literal truth of aggadic and midrashic statements that violate reason or that have later been shown to be factually incorrect.

According to the Rambam, those who insist on the literal truth of all the statements of Hazal are not only doing a disservice to our sages, but are corrupting our religion.

This group of impoverished understanding—one must pity their foolishness. According to their understanding, they are honoring and elevating our sages; in fact they are lowering them to the end of lowliness. They do not even understand this. By Heaven! This group is dissipating the glory

of the Torah and clouding its lights, placing the Torah of God opposite of its intention.

The Rambam believed that demanding acceptance of Hazal's words even when they were patently unreasonable or incorrect, was not a demonstration of loyalty to the rabbis; rather it was a serious demeaning of their intellectual credibility. Reasonable people would come to dismiss the rabbis as serious thinkers, and would lose confidence in their religious authority.

Rabbi Abraham, son of the Rambam, noted that one must not accept the truth of a statement simply on the authority of the person who stated it. Rather, we must use our reason to determine its validity. Moreover, it is intellectually unsound to accept blindly the teachings of our sages in matters of medicine and natural science, since these were not their areas of expertise.

We and every intelligent and wise person, are obligated to evaluate each idea and each statement, to find the way in which to understand it; to prove the truth and establish that which is worthy of being established, and to annul that which is worthy of being annulled....We see that our sages themselves said: if it is a halakha [universally accepted legal tradition] we will accept it; but if it is a ruling [based on individual opinion], there is room for discussion.¹

The Rambam and his son argued that one need not and must not suppress reason to be a religious person. We should not be expected to surrender reason when we evaluate rabbinical statements. Nor should we teach Torah to our children and students in a manner that demands blind obedience and suspension of reason. Otherwise, they will grow up one day and realize that we have taught them irrational or incorrect things; this will cause them to mistrust everything we have taught them.

These thoughts have come to mind recently due to a number of specific cases.

1. A fifth-grade Day School class was told by their Torah teacher that dinosaurs never existed. Since rabbinic tradition teaches that the world is less than 6,000 years old, it is not possible that scientists can be correct when they state that dinosaurs lived on earth millions of years ago. One boy in the class told his teacher that he recently visited the Museum of Natural History in New York City and saw

dinosaur bones with his own eyes! How could the teacher deny that dinosaurs existed? The teacher responded: “You did not see dinosaur bones. What you saw were dog bones that became swollen during Noah’s flood.”

2. A science teacher in a Modern Orthodox Day School was dissecting a sheep’s larynx as part of a science lesson for her eighth-grade class. Some students noticed that the wind pipe was in front and the food pipe was behind it. The students said: This can’t be correct. We learned in Torah class that the food pipe is on the left and the wind pipe is on the right. That is why we recline to the left on Passover eve at the seder, so that the food will go straight down the food pipe. If we leaned to the right, the food would go to the wind pipe and we could choke. The teacher asked the students to look at the sheep’s larynx: they could see for themselves that the pipes were located one behind the other, not side by side. A student suggested that this may be true for sheep, but could not be true for humans. The teacher pointed out that the physiology for humans was the same. After class, the teacher discussed this issue with various Jewish studies teachers and administration members. Most had assumed that the pipes were side by side. Even when presented with the scientific facts, they were reluctant to accept this information. One teacher said: “I would find it difficult to teach something that goes against Hazal.” (But he apparently would not find it difficult to teach something that was demonstrably false!)

3. A junior high school class was studying the laws relating to washing hands in the morning. The teacher explained, following the *Shulhan Arukh* (O.H. 4:2–3), that the hands are washed in order to eliminate an evil spirit (*ruah ra’ah*). One is not allowed to touch the eyes or other sensitive parts of the body before washing hands, otherwise there is a danger that the evil spirit will cause harm. One student asked: What is the meaning of evil spirit? Most people in the world don’t wash their hands in the ritually prescribed way first thing in the morning. They touch their eyes and ears—but no harm seems to happen to them! Does the evil spirit only affect religious Jews, and no one else? The teacher told the student he was being impudent, and that it was a principle of faith that we should trust the wisdom of our sages. If the *Shulhan Arukh* says that there is a dangerous evil spirit on our hands in the morning, then that is absolute fact, not subject to doubt on our part.

4. While studying the Torah portion dealing with the marriage of Yitzhak and Rivka, students were told by their teacher that Rivka was three years old when she provided water to the camels of Abraham's servant, and when she soon thereafter married Yitzhak. This, of course, is a midrashic teaching. A student asked: How was it possible for a three-year-old girl to water camels? It would have required far too much strength for any child so young. Moreover, if she were only three years old, why did her father ask her if she were willing to leave home to marry Abraham's son; she would have been far too young to make such a decision. Also, is it reasonable to think that a forty-year-old man like Yitzhak would actually marry a three-year-old girl? The Torah's description of Rivka certainly implies that she was much older than three. The rabbi responded: If Hazal say that Rivka was three years old, that's how old she was! There is no room for further discussion.

5. A kindergarten student brought home a packet with pictures describing the story of Megillat Esther. One of the pictures depicted Vashti with pimples and a green tail. The child's parent asked the teacher why she had included such an odd picture, when there was nothing in the text of the Megillah that warranted such a bizarre rendition of Vashti. The teacher replied that that is how she had learned the story, and that it was based on a midrashic description of Vashti. The parent asked why the teacher did not tell the students that this was from the midrash, and not in the text of the Megillah. The teacher responded that the teachings of Hazal in the midrash provide the true meaning of the text, and that there is no need to differentiate between the biblical text and rabbinic interpretation.

The above cases, reflective of the educational approach of many religious schools and individuals, are symptomatic of serious problems in the way our community transmits Torah teachings. The fundamentalist, literalist position—so vehemently criticized by the Rambam—still holds sway among many Orthodox Jews. It is incumbent upon rabbis, teachers, and parents to steer Torah education toward a reasonable understanding of the words of our sages.

Torah and Science

Since One God created both Torah and science, it is axiomatic that Torah and science can never be in fundamental conflict. Torah and science are

manifestations of One God, the Author of truth. If Torah and science appear to be at odds on certain points, then either we have not understood Torah properly or we have not done our science correctly.

Scientific knowledge has progressed tremendously since ancient times. Each generation has contributed to the cumulative knowledge of humanity, and this process continues in our generation; it will continue in future generations as well. With the advent of new tools of research, scientists have been able to expand the horizon of scientific knowledge. If ancient or medieval sages believed that the earth is flat, that the earth is the center of the universe, or that the sun orbits around the earth—this can hardly be surprising, since that is what their level of scientific knowledge was in those times. Nor can they be faulted for not knowing things that were discovered or theorized long after their deaths. Rashi thought that the Atlantic Ocean was “the end of the world”; the Rambam believed that the Ptolemaic system of astronomy was correct; Hazal thought that eclipses were signs of divine wrath rather than predictable natural phenomena. It would be absurd to defend the outdated scientific views of these sages, since we now know that their views have proven to be incorrect. The sages based themselves on the best available scientific information; but later research and discoveries have led to more precise and accurate information. We need to address issues based on the current level of scientific knowledge. Let us turn to the question of the age of the universe, in light of Torah tradition and modern science.

Ancient Jewish sages calculated the age of humanity by adding up the ages of biblical characters from the time of Adam. There were differences of opinion as to the exact age, since the biblical account leaves some room for interpretation.² The Bible itself does not use the *anno mundi* (from the creation of the world) dating system, and the dating system that we currently use (5766 at the writing of this article) seems to have become widespread only after talmudic times. The Tosafot (*Gittin* 80b, *Zo Divrei Rabbi Meir*) wonders why it is permissible to date bills of divorce from *beriat olam*, when in fact early divorces (and other documents) were dated based on the year of the ruling king of the land in which Jews resided.³

In fact, though, the current dating system does not date from the creation of the world, but from the creation of Adam. Literalists assume that the age of the world is reached by adding the first five days of creation to Adam’s age. This would mean that the world was created less than 6,000

years ago—hence the impossibility of anything existing before that time. But we have unequivocal fossil evidence of beings that existed millions of years ago, and other scientific evidence that the universe came into being billions of years ago. The literalists solve the dilemma by denying the existence of anything prior to 5,766 years ago. They dismiss scientific evidence as inaccurate, false, or based on wrong scientific assumptions. They stake their faith on the truth of the world being 5,766 years old. Dinosaurs could not have existed millions of years ago; when we see dinosaur bones, we are really seeing “dog bones that were swollen during Noah’s flood”; or bones that God planted just to fool us into thinking the world was older than 5,766; or bones that have been dated wrongly due to the ineptitude of scientists.

Does the Torah really require us to deny scientific evidence in order to justify the *anno mundi* dating system? The Rambam would argue that the opposite is true, namely that we should seek truth and thereby come closer to the Author of truth. If science has demonstrated beyond reasonable doubt that dinosaurs existed millions of years ago, then we need to reject the literalist view that the universe is 5,766 years old.

It has been pointed out that the six days of creation were not 24-hour days. Indeed, the sun was not created until the fourth day, so there could not have been a sunset or sunrise on the first three “days.” The word “days” might better be understood to mean “periods” of indeterminate length. At each period of the creation, there was a development from a simpler stage to a more complex stage. Since these six “days” of creation could have lasted billions of years by human calculation, then dinosaurs had ample time to live and become extinct before Adam and Eve were created on the sixth “day.”

Rabbi Aryeh Kaplan has cited classic rabbinic texts asserting that the world is much older than the 5,766 years implied by our current dating system. The *Sefer haTemunah*, attributed to the Tanna Rabbi Nehunya ben haKanaḥ, suggests that there were other worlds before Adam was created. The Midrash Rabba on *Bereishith* 1:5 teaches that there were “orders of time” prior to the first day of creation recorded in the Torah. The Talmud records the view that there were 974 generations before Adam (*Hagigah* 13b).

Most interesting is the view of Rabbi Yitzhak of Akko, a student and colleague of the Ramban and one of the foremost kabbalists of his time. In

examining one of Rabbi Yitzhak's important works, *Ozar haHayyim*, Rabbi Kaplan discovered that Rabbi Yitzhak adduced that the universe is a bit over 15.3 billion years old! This theory by a medieval kabbalist, based on interpretations of biblical and rabbinic texts, is remarkably close to the calculations of modern science that dates the "Big Bang" at approximately 15 billion years ago.⁴ Rabbi Yitzhak felt no need to offer farfetched explanations to keep the universe within the 6,000 year range. He, and his many pious colleagues and students, had no problem at all positing a universe that was billions of years old; they did not see this calculation as in any way impinging on the truth of Torah. It is significant, then, that we have legitimate traditions in Torah Judaism that view the universe as being far older than 5,766 years.

Our schools should not be teaching our children that dinosaurs did not exist. They should not be telling children that the dinosaur bones are just "dog bones swollen in the flood of Noah's time." This is not Torah education, but mis-education. Not only is there no religious necessity to teach such nonsense; it is a religious mandate *not* to teach falsehood. To cloak falsity in the clothing of religion is to undermine true religion.

Likewise, in the matter of the location of the wind pipe and food pipe, it is educationally and morally unsound to teach patently false information in order to "validate" the mistaken notions of sages of earlier generations. The Talmud (*Pesahim* 108a) states that reclining backward or to the right is not a valid way of reclining, adding the explanation that leaning incorrectly may endanger a person by causing the food to go down the wind pipe. Rashi states that this explanation refers to leaning backward. Rashbam, though, takes issue with Rashi and cites his teachers who claimed that the esophagus was on the right; when a person reclines to the right, this causes the epiglottis to open, increasing the possibility of choking. (The more usual explanation is that the wind pipe is on the right, so that leaning to the right may result in choking.) Although neither the Rambam nor the *Shulhan Arukh* cite this explanation, it was cited by the Magen Abraham and the Taz—and became a widespread teaching.⁵ Yet, it is factually incorrect—and therefore certainly should not be taught as the reason why we recline to the left.

When teaching children to recline to the left at the seder, a suitable explanation is that in antiquity free people ate while sitting on couches. They reclined to the left so that their right hand would be available to hold

their food. If someone should ask: Don't we lean to the left because that is where our food pipe is, the answer should be: Some people mistakenly thought this was the reason, but it is not the correct reason. The food pipe and wind pipe are not side by side.

As a general principle, we need to emphasize to our children and students that Hazal's statements on science were based on their level of scientific knowledge. Our sages themselves admitted that the wise men of the non-Jews had greater knowledge in some scientific matters (*Pesahim* 94b). Rabbi Haim David Halevy observed: "If it becomes clear through precise scientific method that a specific idea expressed by our sages is not entirely correct, this does not mar their greatness, Heaven forbid, and their greatness as sages of Torah. Their words relating to Torah were stated with the power of the holiness of Torah with a kind of divine inspiration; but their other words on general topics were stated from the depth of their human wisdom only."⁶

Ruah Ra'ah

Many of our sages in earlier generations believed in demons (*shedim*), malevolent metaphysical forces (for example *ayin haRa*, or the "evil eye"), astrology, and other such things. So did many of the wise and learned non-Jews of those times. These beliefs are not only cited in the Talmud but in some cases also have entered into a number of standard halakhic codes. How are we to understand these sources, and how are we to explain them to our children and students? Let us consider one such concept, *ruah ra'ah*, as an illustration of how to address this issue.

The *Shulhan Arukh* (O.H. 4:2) rules that one must pour water three times on each hand upon awakening, in order to remove the *ruah ra'ah*, an evil spirit that clings to the hands. In 4:3, the *Shulhan Arukh* states that before washing the hands, a person should not touch his mouth, nose, ears, or eyes. Since the unwashed fingers have a *ruah ra'ah* on them, touching these sensitive organs is dangerous.

Various commentators have offered explanations of the nature of this *ruah ra'ah*. Some say that it clings to the hands because during sleep a person's hands may touch various parts of the body and become unclean (physically and/or spiritually). Others say that sleeping is akin to death; just as one needs purification when coming into contact with death, so one

needs purification when awakening from sleep. The Zohar states: “For when a person is sleeping, his spirit flies away from him, and as his spirit flies off, an impure spirit is ready to settle on his hands, defiling them. So it is forbidden to offer a blessing with them without first washing.”⁷

Although the halakha mandates the ritual washing of hands in the morning, is the belief in *ruah ra’ah* a religious requirement? Can the washing of hands be explained in another way?

The Rambam cites the rule of washing in the morning, in the laws of prayer (4:2–3). Washing of the hands (and face and legs as well) is part of the proper preparation for coming before the Almighty in prayer. The Rambam does not mention *ruah ra’ah* at all! He apparently believed that the obligation to wash before prayer was a matter of physical cleanliness and ritual purification, but was not connected to *ruah ra’ah*. Taking the Rambam’s approach, then, we can observe and teach the practice of ritual washing in the morning without conditioning it on a belief in *ruah ra’ah*.⁸

Although the Rambam dismissed the notion of *ruah ra’ah* as the reason for washing hands in the morning, other sages were not as forthright. Though doubting that *ruah ra’ah* can cause bodily injury, they were reluctant to reject a belief recorded in the Talmud and other rabbinic texts. They resolved the problem by proposing that the *ruah ra’ah* existed in past times, but has lost its efficacy in modern times. The Maharam ben Habib, for example, pointed out:

In our times, we have never seen nor heard of anyone touching his eyes with unwashed hands in the morning, who then became blind [because of this]; therefore [it must be that] *ruah ra’ah* of the morning is no longer found among us.⁹

The opinion that *ruah ra’ah* has lost its efficacy in our times was also expressed by the MaharShaL, Eliyah Rabbah and others.¹⁰

Rabbi Haim David Halevy, a great posek who was also devoted to the Zohar, noted that there are many topics that transcend our understanding, including the concept of *ruah ra’ah*. The *ruah ra’ah* refers to matters in the spiritual world that are beyond our power of reason to comprehend. Yet, when he describes the fulfillment of the hand-washing, Rabbi Halevy provides a meaningful and reasonable explanation:

Since the intention of the heart is the essence of fulfilling commandments, it is fitting that one should think at the time of washing that in this way he

prepares himself for the service of the Creator, just as a priest who washed his hands in the Temple.¹¹

Obviously, we must observe and teach the halakha of the ritual washing of hands in the morning. But we are not obliged to believe or inculcate a belief in *ruah ra'ah*. When teaching the *Shulhan Arukh's* text on *ruah ra'ah*, we can explain that many people believed in this concept in those days; that the Rambam did not even mention the term in his codification of the rules of washing in the morning; that it is not religiously required to believe in this concept. It can also be pointed out that various sages suggested that *ruah ra'ah* has lost its efficacy in our times, that it is no longer a relevant concept for us. We can explain hand-washing as a ritual purification after sleeping at night; or as a ritual purification in preparation for prayer. It is inappropriate to insist that children believe in *ruah ra'ah* as a tenet of our religious tradition. It is wrong to teach that touching one's eyes, nose, mouth, or ears with unwashed hands will cause bodily harm. It is pedagogically and intellectually unsound to compel students to accept things that are demonstrably false, and to dress such teachings in the garb of religious truth. This can only lead to the degradation of religion in the eyes of the students as they grow older and more sophisticated in their thinking. They may come to equate religion and superstition—a very dangerous and unfortunate eventuality.

The Nature of Midrashic/Aggadic Statements

Although some rabbinic opinion has favored a literalist interpretation of the words of Hazal, other rabbinic opinion has sharply rejected this approach.¹² Rabbi Zvi Hirsch Chajes, an ardent defender of the wisdom of Hazal, made an obvious point:

There are several subjects in the Gemara whose meaning cannot be taken in a literal sense, because the text expounded literally would depict God as a corporeal being, and would also at times involve an act of blasphemy. We should, and we are, indeed, duty-bound to believe that the transmitters of the true Kabbalah, who are known to us as righteous and saintly men and also as accomplished scholars, would not speak merely in an odd manner. We must therefore believe that their words were uttered with an allegorical or mystical sense and that they point to matters of the most elevated significance, far beyond our mental grasp.¹³

Rabbi Chajes offered examples of rabbinic teachings that were stated rhetorically in order to stir the curiosity of listeners; that expressed profound ideas in figurative style; that employed parables and hyperbole. To take these midrashim literally would be to misunderstand totally the methods and the messages of Hazal.¹⁴

Rabbi Haim David Halevy pointed out that Hazal often disagreed with each other in their midrashic interpretations. It is impossible that two opposite opinions can both be historically true. For example, the Torah reports that after the death of Yosef a new Pharaoh arose over Egypt. Rav suggested that this referred to an actual new Pharaoh. Shemuel, though, interpreted this to mean that the same Pharaoh made new decrees against the Israelites. These statements cannot both be true.¹⁵ Neither Rav nor Shemuel offered historical evidence or tradition to support his view; rather, their opinions flowed from their own reading of the biblical text.

Hazal's interpretations were often made to convey a moral lesson, not to comment on actual historical events. For example, Rav Nahman suggests that Yaacov and family, on their way to Egypt to reunite with Yosef, stopped at Beer Sheva and chopped down trees that had been planted by Abraham. They took this wood with them to Egypt, and kept it throughout the centuries of their captivity. When they left Egypt, they brought this wood with them, and used it in building the Mishkan in the wilderness.¹⁶ This is a beautiful way of tying together the history of the Israelites with their original ancestor, Abraham. However, there is no reason to assume that Rav Nahman did historical research that led to this interpretation, and there is no compelling reason to believe that he had an ancient oral tradition on this point; nor did he claim to have one. The significance of his interpretation has nothing to do with its historicity, but everything to do with the lasting influence of Abraham on the children of Israel.

Since Hazal utilized various literary and rhetorical techniques, it is essential to approach their statements with care. It is also essential to recognize that their interpretations reflect their own particular views, rather than a clearly defined, divinely ordained oral tradition.

Hai Gaon taught that the aggada included statements by rabbis where "each one interpreted whatever came to his heart." We do not rely on the words of aggada, but view them as personal opinions.¹⁷ Sherira Gaon taught that aggada, midrash, and homiletical interpretations of the Bible were in the category of *umdena*, personal opinion and speculation.¹⁸ The

Gaon Shemuel ben Hofni stated: "If the words of the ancients contradict reason, we are not obligated to accept them."¹⁹

The non-literalist view of Hazal's statements has a long and distinguished tradition including the Gaonim, Shemuel haNaggid, the Rambam and his son, the Ramban and so many others. In more recent times, the view was well expressed by Rabbi Samson Raphael Hirsch, who noted that "aggadic sayings do not have Sinaitic origin. . . . Nor must someone whose opinion differs from that of our sages in a matter of aggada be deemed a heretic, especially as the sages themselves frequently differ."²⁰

When we teach midrashim/aggadot, we must be sophisticated enough to view these passages in their literary and rhetorical context. We must not force a literalist interpretation, especially when such an interpretation violates reason, or when alternative valid interpretations are also available.

Some sages examined the biblical stories and calculated that Rivka was three years old when she watered the camels of Abraham's servant. This calculation, recorded in *Seder Olam*, assumes that Abraham sent his servant to find a wife for Yitzhak immediately after the Akedah. Yet, the Torah itself does not specify if this occurred immediately after the Akedah or if there was a lapse of some years between stories. The Tosafot (*Yebamoth* 61b, *vekhein hu omer*) reports a rabbinic calculation that concludes that Rivka was 14 years old at the time she watered the camels! Thus, even within classic rabbinic literature there is a difference of opinion as to how old Rivka was. The view that she was three years old apparently wishes to underscore the unusual, even miraculous, qualities of Rivka. The view that she was 14 years old apparently wishes to understand the text in a more realistic light. Rivka obviously was old enough and mature enough to water camels, to decide to leave home to be married, and to marry Yitzhak.

When discussing the age of Rivka, then, it is fine to relate the rabbinic tradition that she was three, as a midrashic way of underscoring the unusual qualities of Rivka, just as a midrash has Abraham discovering God at the age of three. But it should also be noted that a valid rabbinic tradition holds that Rivka was actually 14 at the time (and that Abraham was 40, 48, or 52 when he discovered God). This view, of course, is more reasonable. No parent or teacher should insist that a child or student must believe that Rivka was three "because Hazal said so." Hazal also said she was 14! Midrashic statements are often made to convey a lesson, not to

record historical truth. In presenting midrashim, we need to examine their underlying lessons.

When the midrash is taught as though it is an integral part of the biblical text, this does violence to the biblical text—and also to the midrash. Students should always be able to differentiate between what is stated in the text, and what is later rabbinic interpretation. This is especially true when midrashim present supernatural or very odd details; students may come to believe that these midrashic elements are actually part of the Bible. If they later reject these strange midrashim, they may feel they are actually rejecting the Bible itself—and this may lead to much spiritual turmoil.

A well known tendency of midrash is to glorify the righteous characters and to vilify the wicked characters. Biblical heroes become larger than life in their goodness; and biblical villains are characterized by all sorts of vices and defects. This is part of the story-telling and moralizing method of midrashic literature. This midrashic method should be taught to students, so that they become familiar with the style of Hazal in praising the righteous and condemning the wicked. This method will help us to understand the midrash's presentation of Vashti.

The text of the Megillah tells us very little about Vashti. We do not know why she refuses to appear at the command of the king. Her refusal could be interpreted very positively: she was modest, and she was courageous in refusing her husband's inappropriate command. But the midrashic mindset wants to vilify Ahashverosh—and also his wife. It is suggested that Vashti descends from the wicked Nebuchadnezzar; that is why she is a “good” match for Ahashverosh. They are both corrupt people. If she is part of Nebuchadnezzar's evil family, she too must be evil. Then why didn't she appear at Ahashverosh's command? The reason could not be because she was modest or courageous; that would impute virtues to her. So the midrash suggests, perhaps with outlandish humor, that Vashti was stricken with hideous physical defects—pimples and a tail—so that she was embarrassed to appear before the king and his retinue. That is why she refused to come. This depiction deprives Vashti of moral virtue, and makes her a comical character punished with physical defects symbolic of her wicked soul.

I wonder what the point is of teaching this midrashic interpretation to kindergarten children. It is unlikely that they will understand the midrashic method underlying this description of Vashti. Teachers may like

to teach this in order to make the children laugh and have their imaginations aroused. Yet, in the long run this lesson does damage to the children unless the teacher makes it very clear that this is a midrashic vilification of Vashti, not the description found in the Megillah's text. Hazal never claimed that their midrashim were to be indistinguishable from the biblical text, nor should we make that claim for them.

The points made in this essay should seem fairly clear and obvious to all those interested in proper Torah education. Yet, the fact is that much mis-education is found in our homes, synagogues, and schools. A simplistic, literalist approach to the words of Hazal continues to be influential—and very widespread. This is not only intellectually and pedagogically unsound: it is a degradation of Torah and Hazal, as pointed out by the Rambam. We all need to raise our voices for the sake of Torah, truth, and the religious wellbeing of our future generations.

NOTES

1. See his *Ma-amar Odot Derashot Hazal*, printed in the introductory section of the *Ein Yaacov*.
2. Azariah de Rossi (1511–1578) pointed out the discrepancies in the rabbinic calculations in his *Meor Enayim*, Vilna, 1865, in the section *Yemei Olam*. See especially pp. 64f and pp. 223f.
3. See Isaac S. D. Sassoon, *Destination Torah*, Ktav Publishing House, Hoboken, 2001, pp. 4–5.
4. Aryeh Kaplan, *Immortality, Resurrection and the Age of the Universe: A Kabbalistic View*, Ktav Publishing House, Hoboken, 1993, p. 9. See also Nathan Aviezer, *In the Beginning*, Ktav Publishing House, Hoboken, 1990.
5. Rambam, *Hilkhot Hamets U-Matsah* 7:8; *Shulhan Arukh*, O.H. 472:3, and the Magen Abraham and Taz on this passage. The *Tur*, O.H. 472, inverses the opinions of Rashi and Rashbam.
6. *Asei Lekha Rav*, Tel Aviv, 5743, 5:49.
7. *The Zohar*, translation and commentary by Daniel C. Matt, Stanford University Press, Stanford, 2004, vol. 1, p. 70. See also note 524 on p. 69.
8. See the discussion of the *Arukh haShulhan*, O.H. 4, where he cites others who view the hand-washing as preparation for prayer.
9. Cited in note 8 of *Yalkut Yosef*, by Yitzhak Yosef, Jerusalem, 5745, volume one of *Tefillah*, pp. 9–10.
10. *Ibid.*
11. *Mekor Hayyim*, Jerusalem, 5743, vol. 1, 2:5. For a discussion of Rabbi Halevy's approach to halakha and kabbala, see Marc D. Angel with Hayyim Angel, *Rabbi Haim David Halevy: Gentle Scholar and Courageous Thinker*,

- Urim Publications, Jerusalem, 2006.
12. For a discussion of both traditions in rabbinic literature, see my article "Authority and Dissent: A Discussion of Boundaries," in *Tradition*, 25:2, Winter 1990, pp. 22f.
 13. *The Student's Guide to the Talmud*, London, 1952, p. 201. See also his discussion on p. 208f.
 14. *Ibid.*, chapters 26–30.
 15. *Asei Lekha Rav* 5:49.
 16. *Midrash Rabbah ha-Mevoar*, Jerusalem, 5748, vol.4, *Bereishith* 94:4
 17. *Ozar ha-Geonim*, ed. B. M. Lewin, Jerusalem, 5692, vol. 4 (*Hagigah*), pp. 59–60.
 18. *Ibid.*, p. 60.
 19. *Ibid.*, pp. 4–5,
 20. Joseph Munk, "Two Letters of Samson Raphael Hirsch, a Translation," *L'Eylah*, April, 1989, pp. 30–35.

Rabbi Joseph B. Soloveitchik: Judaism and Modernity

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The modern era in the Western world has witnessed numerous assaults on the patterns of traditional religious life. Science has changed the way people think; technology has changed the way they live. Autonomous, human-centered theology has come to replace heteronomous, God-centered theology. Rationalism and positivism have constricted metaphysics. Respect for authority and hierarchies has been replaced by an emphasis on individuality and egalitarianism. The challenges of modernity are symbolized by such names as Darwin, Schleiermacher, Freud, Einstein, Ayn Rand.

The modern era has also seen dramatic changes in the physical patterns of life: vast migrations from the farms to the cities; mass emigration (often as refugees) from one country or continent to another; shrinking family size; increased mobility; expansion of educational opportunities; phenomenal technological change.

Peter Berger has described modern individuals as suffering from “spiritual homelessness.” People have lost their sense of being part of a comprehensive, cohesive, and understandable world.

For the Jewish people, the modern period has been particularly challenging. Jews were given the possibility of entering the mainstream of Western civilization. As the first winds of change swept into Jewish neighborhoods and ghettos, many Jews were enticed to leave traditional Jewish

life behind. They hoped to gain acceptance into the general society by abandoning or modifying their religious beliefs and observances. Some went so far as to convert to other religions. The Haskalah—Jewish “enlightenment”—attracted numerous intellectuals who sought to modernize Jewish culture. The result was a secularization and objectification of Judaism.

The traditional religious framework was threatened by the Reform movement. Reform was an attempt of nineteenth-century Western European Jews to “sanitize” Judaism by discarding Jewish laws and traditions. Reform wanted to make Judaism appear more “cultured” and socially respectable.

Whereas in previous eras, the masses of Jews accepted the authority of Torah and halakha, the modern period experienced a transition to the opposite situation—the masses of Western Jews no longer accepted the authority of Torah and halakha. In their desire to succeed in the modern world, many were ready to cast aside the claims of Jewish tradition. When large numbers of European Jews came to the United States during the late nineteenth and early twentieth centuries, this phenomenon continued and expanded. A sizeable majority of American Jews came to be affiliated with non-Orthodox movements or chose to remain unaffiliated with any movement at all.

In the face of tremendous defections from classic halakhic Judaism, the Orthodox community fought valiantly to maintain the time-honored beliefs and observances that they had inherited from their ancestors. But the Orthodox responses to the challenges of the modern situation were not monolithic. Some advocated a rejectionist stand, arguing that modern Western culture was to be eschewed to the extent possible. The “outside world,” including non-Orthodox society, presented a danger to the purity of Jewish religious tradition; isolation was the best approach for Jews who wished to remain loyal to Torah and halakha. On the other hand, another Orthodox approach called for the active participation of Jews in general society while at the same time maintaining a strict allegiance to halakha. The task was to keep a balance of Torah with *derekh eretz* (worldly concerns/culture), Torah with *madda* (general knowledge). These attitudes within Orthodoxy, as well as variations within the themes, have characterized Orthodox Jewish life since the mid-nineteenth century.

The strength of Orthodoxy has been its heroic devotion to Torah and halakha, even in the face of criticism and hostility. Orthodoxy alone maintains a total commitment to the divine nature of the Torah and the binding authority of halakha. Orthodoxy is inextricably bound to all past generations of Torah observant Jews, and is faithfully confident that with the coming of the Messiah all Jews will return to traditional Torah life. Yet, it is the peculiar genius of Modern Orthodoxy to be thoroughly loyal to Torah and halakha while being open to modern thought and participating creatively in society.

Non-Orthodox detractors accuse Orthodoxy of being too bound by tradition, inflexible, unreceptive to modernity. Non-Orthodox Jews have often found it expedient to stereotype Orthodox Jews as being “pre-modern,” narrow-minded, irrational, insular, those who use religion as an escape from the realities of the world. They criticize Jewish law as being dry and tedious. They describe followers of halakha as unthinking slaves of ritual and detail, lacking in deeper spiritual feelings.

These criticisms and stereotypes are refuted in one name: Rabbi Joseph Baer Soloveitchik.

The Rav and Modernity

Rabbi Joseph B. Soloveitchik, known to his students and followers as the Rav (the rabbi par excellence), is Orthodoxy’s most eloquent response to the challenges of modernity and to the critics of Modern Orthodoxy. A Torah giant of the highest caliber, the Rav was also a world-class philosopher. In his studies in Lithuania, he attained the stature of a rabbinic luminary. At the University of Berlin, he achieved the erudition of a philosophical prodigy.

A talmudic dictum teaches that the path of Torah is flanked on the right by fire and on the left by ice. If one moves too far to the right, he is consumed by fire. If he moves too close to the left, he freezes to death. Rabbi Soloveitchik was that model personality who walked the path of the Torah, veering neither to the right nor to the left.

The Rav’s unique greatness made him the ideal symbol and spokesperson of Modern Orthodoxy. In his own person, he demonstrated that the ideal Torah sage is creative, open-minded, compassionate, righteous, visionary, realistic, and idealistic. He showed that one could be profoundly committed to the world of Torah and halakha and at the same time be a

sophisticated modern thinker. Rabbi Soloveitchik was the paradigmatic twentieth-century figure for those seeking mediation between classic halakhic Judaism and Western modernity. He was the spiritual and intellectual leader of Yeshiva University, the Rabbinical Council of America, and Mizrachi; his influence, directly and through his students, has been ubiquitous within Modern Orthodox Jewish life. He was the singular rabbinic sage of his generation who was deeply steeped in modern intellectual life, who understood modernity on its own terms; he was, therefore, uniquely qualified to guide Orthodoxy in its relationship with modernity.

The Rav was appreciative of many of the achievements of Western civilization. But he could not ignore the shortcomings of modernity. He was pained by the discrepancy between dominant modern values and the values of traditional religion. It is lonely being a person of faith in “modern society which is technically-minded, self-centered, and self-loving, almost in a sickly narcissistic fashion, scoring honor upon honor, piling up victory upon victory, reaching for the distant galaxies, and seeing in the here-and-now sensible world the only manifestation of being” (“The Lonely Man of Faith,” p. 8). Utilitarianism and materialism, as manifestations of the modern worldview, are inimical to the values of religion.

In pondering the dilemma of a person of faith, the Rav explores a universal dilemma of human beings: inner conflict. He draws on the Torah’s descriptions of the creation of Adam to shed light on human nature. Adam I is majestic; he wants to build, to control, to succeed. He is dedicated to attaining dignity. Adam II is covenantal; he is introspective, lonely, in search of community and meaning. He seeks a redeemed existence. Each human being, like Adam, is an amalgam of these conflicting tendencies. In creating humans in this way, God thereby underscored the dual aspect of the human personality. Human fulfillment involves the awareness of both Adams within, and the ability to balance their claims.

The Rav suggests that Western society errs in giving too much weight to Adam I. The stress is on success and control, pragmatic benefits. Even when it comes to religion, people seem to be more concerned with operating quantifiably successful institutions rather than coming into a relationship with God. In the words of the Rav: “Western man diabolically insists on being successful. Alas, he wants to be successful even in his adventure with God. If he gives of himself to God, he expects reciprocity. He also reaches a covenant with God, but this covenant is a mercantile one. . . . The gesture of faith for him is a give-and-take affair” (“The Lonely

Man of Faith,” p. 64). This attitude is antithetical to authentic religion. True religious experience necessitates surrender to God, feelings of being defeated—qualities identified with Adam II.

By extension, the Rav is critical of modernizers and liberalizers of Judaism who have tried to “market” Judaism by changing its content. Any philosophy of Judaism not firmly rooted in halakha is simply not true to Judaism. The non-halakhic movements did not grow out of classic Judaism; rather, they emerged as compromising responses to modernity. Had it not been for the external influences on Western Jews, non-halakhic movements would not have arisen as they did. The litmus test of an authentic philosophy of Judaism is: is it true to Torah and halakha, does it spring naturally and directly from them, is it faithful to their teachings? If Torah and halakha are made subservient to external pressures of modernity, this results in a corruption of Judaism.

Modernity, then, poses serious problems for traditional religion. However, counter-currents within modernity offer opportunities. Already in the early 1940s, Rabbi Soloveitchik felt that the time had come for a new approach to the philosophy of religion. The “uncertainty principle” of quantum physics was an anodyne to the certainty of Newtonian physics. Thinkers in psychology, art, and religion were proclaiming that human beings are not machines, but are complex organisms with religious, emotional, and aesthetic sensibilities. Rationalism could not sustain and nourish the human soul. The Holocaust exploded the idealized myths of Western humanism and culture. Western civilization was moving into a postmodern phase, which should be far more sympathetic to the spiritual character of human beings, more receptive to the eternal teachings of religion.

The Rav felt that a philosophy of Judaism rooted in Torah and halakha needed to be expressed in modern terms. Orthodox Jews needed to penetrate the eternal wisdom of the halakhic tradition, deepening their ability to cope with the challenges and opportunities of modernity and postmodernity. And non-Orthodox Jews needed to study classic Judaism on its own terms, freed from the negative propaganda of anti-Orthodox critics. After all, Torah and halakha are the patrimony of all Jews.

In his various lectures and writings, the Rav has provided a meaningful and powerful exposition of halakhic Judaism. He is a modern thinker, rooted in tradition, who has laid the foundation for postmodern Jewish thought.

Conflict and Creativity

The Rav has stated that “man is a great and creative being because he is torn by conflict and is always in a state of ontological tenseness and perplexity.” The creative gesture is associated with agony (“Majesty and Humility,” p. 25). As the Rav pointed out in “The Lonely Man of Faith,” God created human beings with a built-in set of conflicts and tensions; this inner turmoil is a basic feature of the human predicament.

Religion is not an escape from conflict: it is a way of confronting and balancing the tensions that go with being a thinking human being. One must learn to be a creative free agent and, at the same time, an obedient servant of God.

Detractors of religion often portray religionists as seeking peace of mind by losing themselves in the spiritual realm. Critics say: “it is easy to be religious; you do not have to think; you only have to accept the tenets of faith and you can avoid the responsibility of making decisions and facing conflict.” To such critics, the Rav would say simply: you do not understand the true nature of religion. Religion is not a place for cowards to hide; it is a place for courageous people to face a totally honest revelation of their own inner being. Halakhic Judaism does not shield the Jew from ontological conflict: it compels him to face it directly, heroically.

It is precisely this inner tension and struggle that generates a lofty and creative understanding of life. Rabbi Soloveitchik’s writings and lectures are vivid examples of religious struggle and creativity at their best. His use of typologies, his first-person reminiscences, his powerfully emotive use of language—all contribute to express his singular message: a religious person must live a creative, heroic life.

In his *Ish haHalakha* (*Halakhic Man*), the Rav notes that the halakhic Jew approaches reality with the Torah, given at Sinai, in hand. “Halakhic man, well furnished with rules, judgments, and fundamental principles, draws near the world with an a priori relation. His approach begins with an ideal creation and concludes with a real one” (*Halakhic Man*, p. 19). Intellectual effort is the hallmark of the ideal religious personality, and is a sine qua non of understanding the halakhic enterprise.

The Rav compares the domain of theoretical halakha with mathematics. The mathematical theoretician develops a system in the abstract; this theoretical construct is then applied to the practical world. The theoretical system helps define and shape practical reality. So it is with

halakha. The classic halakhists immerse themselves in the world of theoretical halakha and apply halakhic constructs to the mundane world. The Rav observes that “both the halakhist and the mathematician live in an ideal realm and enjoy the radiance of their own creations” (*Halakhic Man*, p. 25).

The ideal halakhic personality lives in constant intimacy with halakha. Halakha is as natural and central to him as breathing. His concern for theoretical halakha is an expression of profound love and commitment to the entire halakhic worldview. This love and commitment are manifested in a scrupulous concern for the observance of the rules of practical halakha.

The sage who attains the highest level of relationship with halakha is one “to whom the Torah is married.” This level is achieved not merely by intellectual acumen, but by imagination and creativity. “The purely logical mode of halakhic reasoning draws its sustenance from the pre-rational perception and vision which erupt stormily from the depths of this personality, a personality which is enveloped with the aura of holiness. This mysterious intuition is the source of halakhic creativity and innovative insight Creative halakhic activity begins not with intellectual calculation, but with vision; not with clear formulations, but with unease; not in the clear light of rational discourse, but in the pre-rational darkness” (*Besod haYahid ve-haYahad*, p. 219). The halakhic personality, then, is characterized by conflict, creativity, imagination, vision. The world of halakha is vast and all-encompassing. One who reaches the level of being “married” to the Torah and halakha has come as close to eternal truth as is possible for a human being.

Halakhic Activism

Rabbi Soloveitchik emphasized the Torah’s focus on this-worldly concerns. “The ideal of halakhic man is the redemption of the world not via a higher world but via the world itself, via the adaptation of empirical reality to the ideal patterns of halakha. . . . A lowly world is elevated through the halakha to the level of a divine world” (*Halakhic Man*, pp. 37–38).

Whereas the universal *homo religiosus* believes that the lower spiritual domain of this world must yearn for the higher spiritual realms, halakhic man declares that “the higher longs and pines for the lower.” God

created human beings to live in this world; in so doing, He endowed human life in this world with dignity and meaning.

Halakha can be actualized only in the real world. "Halakhic man's most fervent desire is the perfection of the world under the dominion of righteousness and loving-kindness—the realization of the a priori, ideal creation, whose name is Torah (or halakha), in the realm of concrete life" (*Halakhic Man*, p. 94). The halakhic life, thus, is necessarily committed to this-worldly activism; the halakhic personality is devoted to the creation of a righteous society.

The halakha is not confined to sanctuaries, but "penetrates into every nook and cranny of life." Halakha is in the home, the marketplace, the banquet hall, the street, the office—everywhere. As important as the synagogue is, it does not occupy the central place in halakhic Judaism. Halakha is too vast and comprehensive to be confined to a synagogue.

Rabbi Soloveitchik argues that non-halakhic Judaism erred grievously in putting the temple at the heart of religion. "The halakha, the Judaism that is faithful to itself . . . which brings the Divine Presence into the midst of empirical reality, does not center about the synagogue or study house. These are minor sanctuaries. The true sanctuary is the sphere of our daily, mundane activities, for it is there that the realization of the halakha takes place" (*Halakhic Man*, pp. 94–95).

Consequently, halakhic Judaism is realistic, idealistic, and demanding. Halakha is concerned with every moment, with every place. Its sanctity fills the universe.

Halakha is unequivocally committed to righteous, ethical life. The Rav points out that the great sages of halakha have always been known for their lofty ethical standards. The halakha demands high respect for the dignity of others. "To recognize a person is not just to identify him physically. It is more than that: it is an act of identifying him existentially, as a person who has a job to do, that only he can do properly. To recognize a person means to affirm that he is irreplaceable. To hurt a person means to tell him that he is expendable, that there is no need for him. The halakha equated the act of publicly embarrassing a person with murder" ("The Community," p. 16).

The ethical demands of halakha are exacting. One's personal life must be guided by halakhic teachings in every situation, in every relationship. The halakhic worldview opposes mystical quietism, which is tolerant of

pain and suffering. On the contrary, halakhic Judaism “wants man to cry out aloud against any kind of pain, to react indignantly to all kinds of injustice or unfairness” (“Redemption, Prayer, Talmud Torah,” p. 65; see also, *U-Vikkashtem mi-Sham*, p. 16). The Rav’s stress on ethical activism manifested itself in his views on religious Zionism. He accepted upon himself the mantle of leadership for religious Zionism; this placed him at odds with many Orthodox leaders who did not ascribe religious legitimacy to the State of Israel. Rabbi Soloveitchik eloquently insists that the halakha prohibits the missing of opportunities. After the Holocaust, the Jewish people were given the miraculous opportunity to re-establish a Jewish state in the land of Israel. For centuries, Jews had prayed for the return of Jewish sovereignty in Israel. Now, in this generation, the opportunity was being offered. For the Rav, it would be tragic and unforgivable to miss the gift of the moment. Not to respond to “the knocking of the beloved,” not to respond to God’s message to the suffering people of Israel—this would be a tragic error of terrible magnitude. This was not a time for hesitation: this was a time to embrace the opportunity of a Jewish State, an opportunity granted to us by the Almighty. The Rav conveyed a certain impatience with those who did not respond religiously to the new Jewish State. Like the Shulamith maiden in the Song of Songs, they were drowsy and hesitant at the very moment the beloved had returned. They were not fully awake to the significance of the moment, and the halakhic and ethical imperatives that flowed from it.

Interiority

All true religious action must be accompanied by appropriate inner feelings and thoughts. The exterior features of religious behavior must be expressions of one’s interior spiritual sensibilities.

Yet in non-Orthodox circles, it has long been fashionable to deride halakhic Jews as automatons who slavishly adhere to a myriad of ancient rules and regulations. They depict Orthodox Jews as unspiritual beings who only care about the letter of the law, who nitpick over trifling details, whose souls are lost in a labyrinth of medieval codes of law. To such critics, Rabbi Soloveitchik would answer quite simply: you do not understand the halakha; you do not understand the nature of halakhic Judaism. Interiority is a basic feature of the halakhic way of life.

Halakha relates not merely to an external pattern of behavior. Rather, it infuses and shapes one's inner life. "The halakha wishes to objectify religiosity not only through introducing the external act and the psychophysical deed into the world of religion, but also through the structuring and ordering of the inner correlative in the realm of man's spirit" (*Halakhic Man*, p. 59).

For the halakhic Jew, halakha is not a compilation of random laws; it is the expression of God's will. Through halakha, God provides a means of drawing nearer to Him, even of developing a sense of intimacy with Him. To the outsider, a person fulfilling a halakhic prescription may seem like an unthinking robot; but this skewed view totally ignores the inner life of the halakhic Jew. It does not see or sense the inner world of thought, emotion, spiritual elevation.

The halakhic Jew must expect to be misunderstood. How can others who do not live in the world of halakha possibly understand the profundity of halakhic life? How can those who judge others by surface behavior be expected to penetrate into the mysterious depths of a halakhic Jew's inner life? Those who stereotype Orthodoxy are thereby revealing their own ignorance of the true halakhic personality.

"Halakhic man does not quiver before any man; he does not seek out compliments, nor does he require public approval. ... He knows that the truth is a lamp unto his feet and the halakha a light unto his path" (*Halakhic Man*, p. 89). The halakhic personality strives to maintain and develop inner strength. One must have the courage and self-confidence to be able to stand alone. Self-validation comes from within one's self, not from others. "Heroism is the central category in practical Judaism." The halakhic Jew needs the inner confidence "which makes it possible for him to be different" ("The Community," p. 13).

Kenesset Israel

Halakhic Jews feel inextricably bound to all Jews, even those who are unsympathetic to them and their beliefs. "Judaism has stressed the wholeness and the unity of Keneset Israel, the Jewish community. The latter is not a conglomerate. It is an autonomous entity, endowed with a life of its own. . . . However strange such a concept may appear to the empirical sociologist, it is not at all a strange experience for the halakhist and the

mystic, to whom Keneset Israel is a living, loving and suffering mother” (“The Community,” p. 9). In one of his *teshuvah* lectures, Rabbi Soloveitchik stated that “the Jew who believes in Keneset Israel is the Jew who lives as part of it wherever it is and is willing to give his life for it, feels its pain, rejoices with it, fights in its wars, groans at its defeats and celebrates its victories” (*Al ha-Teshuvah*, p. 98). By binding oneself to the Torah, which embodies the spirit and destiny of Israel, the believer in Keneset Israel thereby is bound to all the generations of the community of Israel, past, present and future.

The Rav speaks of two types of covenant which bind Jews to Keneset Israel. The *berit goral*, the covenant of fate, is that which makes a Jew identify with Jewishness due to external pressure. Such a Jew is made conscious of Jewish identity when under attack by anti-Semites; when Israel is threatened by its enemies; when Jews around the world are endangered because of their Jewishness. The *berit goral* is connected to Jewish ethnicity and nationalism; it reminds the Jew that, like it or not, he is a Jew by fate.

The *berit yeud*, the covenant of mission and destiny, links the Jew to the positive content of Jewishness. He is Jewish because he chooses the Jewish way of life, the Torah and halakha; he seeks a living relationship with the God of Israel. The *berit yeud* is connected with Jewish ideals, values, beliefs, observances; it inspires the Jew to choose to live as a Jew. The *berit goral* is clearly on a much lower spiritual level than the *berit yeud*; the ideal Jew should see Jewish identity primarily in the positive terms of the *berit yeud*. However, the Rav does not negate the significance of the *berit goral*. Even if a Jew relates to Jewishness only on the ethnic level, this at least manifests some connection to the Jewish people. Such individuals should not be discounted from Keneset Israel, nor should they be disdained as hopelessly lost as Jews. Halakhic Jews, although they cling to the *berit yeud*, must recognize their necessary relationship with those Jews whose connection to Jewishness is on the level of *berit goral*.

Ultimately, though, Jewish tradition is passed from generation to generation by those Jews who are committed to Torah and halakha. Thus, it is critical that all Jews be brought into the category of those for whom Jewishness is a positive, living commitment. Jewishness based on ethnicity will not ensure Jewish continuity. The Rav credited the *masorah* community with transmitting Judaism from generation to generation. The *masorah* community is composed of those Jews for whom transmission of

Torah and halakha is the central purpose of life. It was founded by Moses and will continue into the times of the Messiah. Members of the *masorah* community draw on the traditions of former generations, teach the present generation, plan for future generations. “The *masorah* community cuts across the centuries, indeed millenia, of calendaric time and unites those who already played their part, delivered their message, acquired fame, and withdrew from the covenantal stage quietly and humbly, with those who have not yet been given the opportunity to appear on the covenantal stage and who wait for their turn in the anonymity of the ‘about to be’” (“The Lonely Man of Faith,” p. 47).

The *masorah* community actually embodies two dimensions—the *masorah* community of the fathers and that of the mothers. The Rav clarifies this point by a personal reminiscence. “The laws of Shabbat, for instance, were passed on to me by my father; they are part of *mussar avikha*. The Shabbat as a living entity, as a queen, was revealed to me by my mother; it is a part of *torat imekha*. The fathers *knew* much about the Shabbat; the mothers *lived* the Shabbat, experienced her presence, and perceived her beauty and splendor. The fathers taught generations how to observe the Shabbat; mothers taught generations how to greet the Shabbat and how to enjoy her twenty-four hour presence” (“Tribute to the Rebbitzen of Talne,” p. 77).

The Rav teaches that Keneset Israel is a prayerful community and a charitable community. “It is not enough to feel the pain of many, nor is it sufficient to pray for the many, if this does not lead to charitable action” (“The Community,” p. 22). A responsible member of Keneset Israel must be spiritually awake, must be concerned for others, must work to help those in need. “The prayerful-charity community rises to a higher sense of communion in the teaching community, where teacher and disciple are fully united” (“The Community,” p. 23). The community must engage in teaching, in transmitting, in passing the teachings of Torah to new generations.

The Rav, Our Teacher

The Rav, through his lectures and writings, was the most powerful and effective teacher of Orthodoxy of our times. In his lectures, he was able to spellbind huge audiences for hours on end. His talmudic and halakhic les-

sons pushed his students to the limits of their intellects, challenging them to think analytically. His insights in Torah were breathtaking in their depth and scope. Those who were privileged to study with him cherish their memories of the Rav. And those who have read his writings have been grateful for the privilege of learning Torah from one of the Torah giants of our time.

The Rav described his own experience when he studied Talmud. “When I sit to ‘learn’ I find myself immediately in the fellowship of the sages of tradition. The relationship is personal. Maimonides is at my right. Rabbenu Tam at the left. Rashi sits at the head and explicates the text. Rabbenu Tam objects, the Rambam decides, the Ra’abad attacks. They are all in my small room, sitting around my table.”

Learning Torah is a trans-generational experience. It links the student with the sages of all previous generations. It creates a fellowship, a special tie of friendship and common cause. It binds together the community in a profound bond of love, and provides the foundation for future generations. Halakhic Judaism represents a millennial Jewish tradition dedicated to Torah and halakha, truth and righteousness, love and fear of God. It demands—and yearns to bring out—the best in us. One who strives to be a member of the trans-generational community does not suffer from spiritual homelessness.

When we and future generations sit down to study Torah, we will be privileged to share our room with Rashi and Maimonides, with Rabbenu Tam and the Rashba. And sitting right next to us will be Rabbi Joseph B. Soloveitchik, his penetrating insights leading us to greater heights in our quest to become “married” to the Torah.

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The Universalistic Vision of Judaism

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At the Revelation at Mount Sinai, God chose the people of Israel to receive the Torah. This unique and unprecedented covenant between God and a group of human beings was to have an immense influence on human civilization. The Torah prescribed a specific way of life for the Jewish people. Yet, the Revelation—though experienced directly by Israel—was also concerned with humanity as a whole.

A fascinating Midrash points out that at the time of the Revelation, the voice of God split into 70 languages, representing the 70 nations of the world, i.e., all of humanity. The Torah, while containing a particular message for the people of Israel, also includes a universal message for all human beings.

Paul Johnson, in his *History of the Jews* (Harper Perennial, NY, 1988, p. 585) noted that

the world without the Jews would have been a radically different place. . . . To them we owe the idea of equality before the law, both divine and human; of the sanctity of life and the dignity of the human person; of the individual conscience and so of personal redemption; of the collective conscience and so of social responsibility; of peace as an abstract ideal and love as a foundation of justice, and many other items which constitute the basic moral furniture of the human mind. Without the Jews, it might have been a much emptier place.

The Jewish enterprise, then, has been both particularistic and universalistic. The Torah and rabbinic tradition have been the guiding forces animating Jewish life over the millennia. The halakha (Jewish law) has been

understood by the Jewish people as a divinely bestowed way of life. Through living a life of righteousness based on Torah and halakha, Jews thereby serve as “a light unto the nations.” The achievement of this ideal is dependent upon faithfulness to the particular teachings of the Torah—as well as on a universalistic vision for the well-being of all humanity.

Maintaining this equilibrium is a basic desideratum of Judaism. This vital balance, however, is threatened by various trends in modern Jewish life.

On the one hand are those who stress universalism, while playing down particularism as much as possible. They advocate Jewish ethics, but denigrate the need to fulfill the specific ritual commandments of the Torah. On the other hand are those who are devoted to the ceremonial rituals, but who are very little involved with the world at large. They retreat into their own spiritual and physical ghettos, often trying to drive as many wedges as possible between themselves and the rest of society. Both of these approaches represent a deviation from the harmonious balance implicit in classic Judaism. Our ethical teachings are rooted in the mitzvot. An ethical universalism outside the context of observance of the mitzvot is not true to the Jewish religious genius. Likewise, a parochial commitment to rituals, without a concomitant concern for universalistic ethics, is also an aberration. Judaism emptied of its particularistic mitzvot is hollow; Judaism robbed of its universalistic vision is cult-like, rather than a world religion.

The current tendency within the traditionally-observant community has been toward particularism. This tendency manifests itself in the phenomenal growth of the Hareidi (right-wing) community, and in Hareidism’s pervasive influence throughout contemporary Orthodox Jewish life. Religious self-sufficiency and spiritual isolationism are dominant themes in the right-wing Orthodox way of thinking.

The turn inward within contemporary traditional Judaism actually has deep roots in Jewish history. It reflects centuries of anti-Jewish persecution. In the face of vast hostility and cruelty committed against Jews since antiquity, it was natural for Jews to turn inward, and to develop negative attitudes toward their non-Jewish oppressors. Could Jews fully trust non-Jews whose societies denigrated Jews and Judaism, forced Jews into ghettos, compelled Jews to forsake Judaism by converting to the dominant religion of the land, and deprived Jews of basic civil rights? Centuries of

persecution taught Jews to be suspicious of the non-Jewish world, to focus on their own internal Jewish needs, and leave the non-Jews to take care of themselves.

This negative attitude toward the non-Jewish world found expression in rabbinic literature. For example, the Mishna (*Sanhedrin* 4:5) teaches that God began humanity by creating an individual human being, Adam, “to teach that if anyone destroy a single soul from humankind, Scripture charges him as though he had destroyed a whole world, and whoever saves a single soul from humankind, Scripture credits him as though he had saved a whole world.” This is certainly a universalistic teaching on the value of human life. Even so, at some point, the text of this Mishna was revised, so that many editions read that Adam was created alone “to teach that if anyone destroy a single soul from Israel, Scripture charges him as though he had destroyed a whole world, and whoever saves a single soul from Israel, Scripture credits him as though he had saved a whole world.” The text has thus been transformed to a quite particularist teaching about the value of a *Jewish* life, rather than the value of all human life.

The negative attitudes toward the non-Jewish world have led to a serious distortion of the original teachings of Judaism. A narrow, xenophobic approach has developed, especially among those Jews who have felt most alienated and threatened by non-Jews.

Rabbi Aharon Soloveitchik offered a more nuanced approach in an address to a conference of the Union of Orthodox Jewish Congregations of America in 1966, in which he dealt with the extent of Jewish responsibility toward non-Jews. He argued that Jews are obliged to love fellow Jews unconditionally, and are absolutely responsible for the welfare of all Jews. When it comes to non-Jews, though, the obligation is not identical. Since all human beings are created in the image of God, Jews obviously have to respect this fact when dealing with non-Jews. Still, the extent of responsibility toward non-Jews is conditional: If they act properly toward us, we are obliged to act properly toward them. But if non-Jews hate us or persecute us, we have no obligation to be kind to them or work for their well-being. These sentiments reflect Jewish caution when dealing with a non-Jewish world that has a long history of persecuting Jews.

During the modern period, when Jews have full civil rights in Western countries, efforts have been made to shake off the mistrust of the centuries, and to strengthen the universalistic impulse within Judaism.

However, these efforts have met resistance in the more traditionally-oriented Jewish communities. Those modern Jews who have been most identified with universalistic attitudes have also tended to be those who have moved away from traditional religious beliefs and observances. Thus, universalism has been identified with assimilation and loss of Jewish religious integrity.

Although the tendency toward isolationism may be understandable from a historical and sociological perspective, nevertheless, it is a tendency that needs to be corrected. Vibrant religious Jewish life needs to look outward as well as inward, and to regain its spiritual vision that focuses on all humanity.

The Torah (*Devarim* 4:6–7) tells the Israelites to observe and fulfill the commandments: “For this is your wisdom and your understanding in the sight of the peoples, that, when they hear all these statutes shall say: ‘surely this great nation is a wise and understanding people’; for what great nation is there that has God so near unto them, as the Lord our God is whenever we call upon Him?” Interestingly, the Torah is concerned that the Israelites be perceived in a positive light by the nations of the world. The medieval Italian commentator, Rabbi Obadia Seforno, comments on verse seven:

The reason it is appropriate to be concerned that you should be considered wise and understanding in the eyes of the nations is that God, may He be blessed, is close to us when we call upon Him. This shows that He chose us from all the nations. And if the nations should think that you are fools, it will be a desecration of God’s Name, for they will say: ‘This is God’s people.’ Since the people of the world look upon the Jews as the bearers of God’s Torah, the Israelites’ behavior reflects back upon the Almighty. If the Israelites are righteous and wise, then they sanctify God’s name; conversely, if they are foolish and unrighteous, they profane God’s name.

The Israelites, thus, are not given the option of living in isolation without caring about the opinions of others. On the contrary, they need to see themselves as emissaries of the Almighty.

These passages in *Devarim* are cited by a great nineteenth-century sage, Rabbi Eliyahu Hazan (*Ta’alumot Lev* 1:4). Rabbi Hazan had opened a school in Tripoli in which Jewish children were given instruction in religious topics, as well as in other subjects, including several languages. He pointed out that

it is the praise of our holy nation that the peoples of the world will say that this is surely a wise and understanding great nation with righteous laws and statutes, who should live among them. And if the scattered Jewish people would not know or understand the language of the people (among whom they live), they would be—Heaven forbid—a laughing stock, a derision and a shame among the nations.

In this Responsum, Rabbi Hazan indicates that Torah law requires that Jews be perceived as a wise people. They are obligated to be understood by their non-Jewish neighbors. Although Jews have their own distinctive religious way of life, they nevertheless must interrelate constructively with the non-Jewish community.

But the Jewish responsibility to the non-Jewish world is not merely that of setting a good example of wisdom and righteousness. The Jewish tradition teaches a principled and active responsibility for all people. All human beings are created in the image of God.

The Midrash, commenting on Song of Songs (4:1), observes that the people of Israel offered 70 sacrifices in the holy Temple during the festival of Sukkoth. These sacrifices were offered by the Jewish people to seek atonement for all the nations of the world (symbolized by the number 70). Praying for the well-being of the nations is a powerful statement of concern and responsibility.

The Talmud (*Gittin* 61a) records the law that Jews are obligated to support the poor of the non-Jews along with the poor of the Jewish community. Moreover, Jews are obligated to visit the non-Jewish sick and to bury their dead. The Talmud specifies that these deeds of compassion and loving-kindness are to be done “because of the ways of peace.” In order to maintain a harmonious society, people need to care for each other and to offer help to those in need. Rabbi Haim David Halevy, late Sephardic Chief Rabbi of Tel Aviv, has pointed out that our responsibility toward Muslims and Christians (as well as other non-idolaters) does not stem from expedience, but rather from a firmly established ethical imperative (*Aseh Lekha Rav*, 9:30 and 9:33).

Jews are commanded to be constructive members of society. The Torah demands that we be righteous and compassionate. This responsibility is not confined merely to the broad category of social justice, but extends to the general building up of human civilization as a whole. Rabbi Benzion Uziel (*Hegyonei Uziel*, Vol. 2, p. 98) discussed the classic concept

of “*yishuvo shel olam*,” responsibility to help in the building up of human civilization. This involves practical society building, but also includes expanding human knowledge. Scientific research, for example, helps us gain a deeper appreciation of God’s wisdom. It also leads to technological discoveries that improve the quality of life. Working to improve the human condition is a Jewish religious imperative.

As noted earlier, the Jewish impact on human civilization has been vast. We have given the world many ideas and ideals. On the other hand, we have also learned from the non-Jewish world—and we have been strengthened by non-Jews who have converted to Judaism. In the words of Rabbi Eliyahu Benamozegh (*Israel and Humanity*, trans. Maxwell Luria, New York, Paulist Press, 1995), “each proselyte in becoming converted has contributed his own impulses and personal sentiments to the Israelite heritage” (p. 72). Furthermore, Rabbi Benamozegh argues that

in order to achieve the concept of a universal Providence extending to all peoples and sanctioning the legitimate rights of each, men must cease to believe that the national or ethnic group is all that counts, that mankind has no significant existence apart from the nation or tribe....We should not be surprised that such has not been the case with Hebraism, which teaches that all mankind has the same origin and thus that a single Providence looks over all. (Benamozegh, p. 132)

Victor Hugo observed that “narrow horizons beget stunted ideas.” Classic Judaism has included an idealistic universalistic worldview. Judaism’s horizons have been great; and it has begotten great ideas. The challenge to modern Jews is to remain faithful to their distinctive mitzvot while at the same time maintaining a universalistic ethical idealism.

Righteousness and Self-Righteousness: Reflections on the Nature of Genuine Religiosity

*(This is a slightly edited version of an article that appeared
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Religion produces the very best types of people—saintly, humble, compassionate, and genuinely pious. I think we have all come across or read about such individuals, and we are inspired by their goodness and sweetness.

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

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

One basic truth about human nature is that we tend to see ourselves as being basically good and upstanding. Yes, we know we commit sins; that is why we have the laws of repentance and Yom Kippur. We know we

have some character flaws and some religious shortcomings. Yet, overall, we think of ourselves as being good people. On the other hand, we can point to others who are *really* bad, non-religious, and even sacrilegious. We walk in God's ways, but *they* do not!

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

Let us begin by considering a short, insightful text from the Talmud, *Berakhot* 4a:

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

The Talmud is troubled by the seemingly presumptuous statement of David in which he asserts that he is pious and therefore deserving of God's protection. The word *hassid* connotes genuine piety; it is religion at its best. How could David dare to present himself before God in this manner? How could he be so sure of his blameless piety?

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

The talmudic passage continues:

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

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

The talmudic passage continues: "And what is more, in all that I do I consult my teacher, Mefiboshet, and I say to him: 'My teacher Mefiboshet, is my decision correct? Did I correctly convict, correctly acquit, correctly declare pure, correctly declare impure? And I am not ashamed. . . .'"

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

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

This talmudic passage, I believe, is telling us the criteria of genuine piety: love of God, humility, the assumption of personal responsibility, commitment to truth, and willingness to learn from others. Our egos must not get in the way of our service to God. We must never feel that we have

everything right; rather, we must be honest enough to admit failings. We must strive to be authoritative, without being authoritarian.

Even though we acknowledge these criteria of being *hassid*, it is still fairly easy and fairly common to assume that we, in fact, do have these qualities. And although all of us, no doubt, do see these virtues in ourselves, we must always be wary of being complacent in our levels of religiosity. We all have room for improvement and personal spiritual growth. None of us has yet reached the level of King David. If we actually think that we are *hassid*, then it's likely that we have not yet achieved that status! Being *hassid* should be understood as an ongoing process, not a fixed level of attainment.

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

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

The Talmud (*Baba Kama* 81b) records that Joshua, on his entry into the land of Israel, instituted rules to govern the use of private and public property. One of the rules permitted people to walk on private roadways in order to avoid road-pegs on the public roads. Thus, travelers had the right to walk on private property if the public road was not easily passable; the owners of the private property had no right to stop these travelers. The Talmud tells the following story:

As Rabbi [Yehuda ha-Nasi] and Rabbi Hiyya were once walking on the road, they turned aside to the private sidewalks, while Rabbi Yehuda ben Kenosa

went striding along the main road in front of them. Rabbi thereupon said to Rabbi Hiyya: "Who is that man who wants to show off in front of us?" Rabbi Hiyya replied: "He might perhaps be Rabbi Yehuda ben Kenosa, who is my disciple and who does all his deeds out of pure piety." When they drew near to him they saw him and Rabbi Hiyya said to him: "Had you not been Yehuda ben Kenosa, I would have sawed your joints with an iron saw [i.e. excommunicated you]."

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

Rabbi Hiyya pointed out to Rabbi that Rabbi Yehuda ben Kenosa was his student and was a genuinely pious person. He was not trying to show off. Everything he did was for the sake of Heaven, without ulterior motives, without egocentric considerations. Hence, excommunication was not warranted. The assumption of this passage is that, while Rabbi Yehuda ben Kenosa was an exceptional person, anyone else (i.e. all those not as absolutely pious as Rabbi Yehuda ben Kenosa) would have been worthy of excommunication in that situation. But what would be their sin? They simply chose to walk on the public road rather than to turn off to the private sidewalk. Is that a transgression worthy of excommunication?

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

We must ask: What is this person thinking? What are his inner psychological motives? We are told that Rabbi Yehuda ben Kenosa had pure motives; but it is implied that almost everyone else lacks such purity of intention. For almost everyone else, such behavior is presumptuous and worthy of excommunication. Why? Because the person is guilty of false

piety! He takes upon himself an unnecessary stringency, as though to show that he is more conscientious than everyone else. In so doing, he insults everyone else—including Joshua, who instituted the rule. Moreover, he shows disdain to those sages who do rely on Joshua's rule, by presenting himself as being more scrupulous in his religious observance than they are. Although the person does not openly say these things, his behavior implies a certain arrogance and presumptuousness. In subtle ways, the person sees himself as better, more pious than others. This attitude, though, is a sure sign of counterfeit religion. It reflects contentment with oneself and a desire to show off one's piety, rather than a humble, self-effacing religiosity. This is the danger of *yuhara*: on the surface it appears "religious," but in essence it reflects egotism.

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

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

If we could ask these young men if they had intended to demonstrate false piety, if they had meant to show disrespect to the congregation—they would surely reply in the negative. They would say that they were simply trying to perform a pious deed, honoring the Ten Commandments by ris-

ing to their feet. But Rabbi Israel, drawing on the concept of *yuhara*, cut through their rationalizations. In disregarding the community's custom, they were saying (through their action) that they showed more respect to the Ten Commandments than did everyone else in the synagogue, that they knew better and were more religiously scrupulous than the rabbis and sages of all the communities that remained seated for the reading of the Decalogue. Their motives, thus, were not essentially for the sake of Heaven. They were driven, perhaps subconsciously, by some inner need to display their piety. This is not genuine religion, but is counterfeit religion.

Rabbi Eliezer Papo, in his classic book of moral guidance *Pele Yoetz*, identifies three guidelines relating to *yuhara*:

1. If one is performing a mitzvah, even one that most people ignore, it is not considered presumptuousness. After all, the person is following the law and need not be ashamed of this, nor be accused of false piety.
2. If most authorities permit an activity and some forbid it, one should not follow the stricter view in public, unless he is well known for genuine piety. (Very few, if any, should so consider themselves!) One may, though, observe the stringency in private.
3. If one wishes to adopt a practice that the law does not require, he should do so privately. This is especially true of one who is not stringent in all his observances: people will ridicule his hypocritical behavior, and this will lead to a desecration of God's name.

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

Here is the nub of the matter: God knows our inner thoughts, our real intentions. We may fool others, we may even fool ourselves; but we certainly cannot fool the Almighty. We are supposed to conduct ourselves with this idea constantly in mind. Our goal must be to achieve the highest level of purity in our service to God, to direct all our deeds for the sake of Heaven. We need to be absolutely honest with ourselves, constantly cutting through our own rationalizations and egocentric concerns. We should strive to be genuinely in the category of *hassid* and always keep in

mind that religious life entails a constant striving for further spiritual growth. If we think we are pious and that we act always for the sake of Heaven—we can be fairly certain that we are spiritually deficient! We are very likely guilty of *yuhara*.

A question arises: May a person perform an act of excessive piety when he is alone in his own home, when no one else can possibly see him? The general opinion is that such behavior is permissible, since no one else witnesses it. How can this be in the category of showing off if no one else even knows about it? Yet, there is an opinion that even in such a case a person is guilty of *yuhara*. Why? It is possible that such activity actually fills a person with feelings of self-righteousness—even if no one else knows about his actions. It may feed a feeling of self-importance and spiritual arrogance. This frame of mind reflects egocentrism, self-satisfaction, and a sense of ultra-piety; thus, it is not reflective of religion at its best. (See *Sedei Hemed's* discussion, 3:28.)

Our discussion of the qualities that made King David *hassid* and our discussion of the concept of *yuhara* should help each of us to focus more clearly on our missions as religious personalities. There is a fine line between genuine righteousness and self-righteousness. Our judgment is easily clouded by self-delusion, rationalizations, and feelings of contentment with ourselves. Our constant task is to guide our actions for the sake of Heaven, not for our own sakes. Ultimately, we are not answerable for our lives to other people, not even to ourselves; we are answerable to the Almighty.

Rabbi Kook and Rabbi Uziel: Two Posekim, Two Approaches

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When addressing a halakhic question, each posek (halakhic decisor) attempts to arrive at a decision that is objectively true. The posek will study and analyze the available halakhic literature, with the goal of understanding the halakha as clearly and accurately as possible.

At the same time, halakhic literature is characterized by a variety of decisions regarding the same questions. Different posekim arrive at different conclusions—even though they generally rely on the same source literature. Sometimes these differences are based on alternate readings or interpretations of the source texts. Or, one posek may attribute greater authority to certain halakhists, while another may prefer to depend on others. Differences in local conditions, halakhic traditions, educational backgrounds, hashkafa (religious worldview)—these and many other factors may also result in different decisions from different posekim.

The interrelationship of hashkafa and halakha may be illustrated in how two recent posekim—Rabbi Avraham Yitzhak Kook and Rabbi Bentzion Meir Hai Uziel—dealt with issues involving the understanding of the nature of Jewishness.

Rabbi Kook (1865–1935) was born in Latvia and studied at the yeshiva of Volozhin. In 1904, he emigrated to Israel, where he became the Chief Rabbi of Jaffa. In 1919 he was appointed as the Ashkenazic Chief Rabbi of Jerusalem, and in 1921 he became the first Ashkenazic Chief Rabbi of Eretz Yisrael. Rabbi Uziel (1880–1953) was born in Jerusalem and studied under

the Torah scholars of the city, including his own father, Rabbi Yosef Raphael Uziel, who was the Av Bet Din (chief justice) of the Sephardic community. In 1911, Rabbi Uziel became Chief Rabbi of Jaffa, where he worked closely with Rabbi Kook. In 1921 he became Chief Rabbi of Salonika; in 1923 he returned to Israel to serve as Chief Rabbi of Tel Aviv; and in 1939 he became Rishon leTzion, the Sephardic Chief Rabbi of Erets Yisrael.

Both Rabbi Kook and Rabbi Uziel were strong advocates of religious Zionism. They were outstanding communal leaders, teachers, and scholars. Both were prolific writers who made major contributions in the fields of halakha and hashkafa. But despite these external similarities, their attitudes toward several vital issues are radically different. Their disparate understandings of the nature of Jewish peoplehood are manifested in a number of their halakhic decisions.

Conversion

Let us begin with a discussion of how they dealt with the question of conversion to Judaism. How does a non-Jew enter the Jewish fold? What is the nature of the Jewishness that the convert accepts?

Rabbi Kook and Rabbi Uziel studied the same talmudic and rabbinic sources. That their rulings were diametrically opposed to each other reflects their different hashkafot, their different understanding of the nature of Jewish peoplehood.

Both dealt with the serious problem of what to do with individuals who requested conversion to Judaism, even when it was believed that the converts were not likely to observe all of the mitzvot. For the most part, such converts were interested in *gerut* (conversion) for the sake of marrying a Jewish person, and were not motivated by theological concerns. Obviously, neither Rabbi Kook nor Rabbi Uziel thought that such converts represented the ideal. On the contrary, everyone would agree that it was preferable for converts to choose to join the Jewish people from a belief in the truth of Judaism and a total commitment to observe the mitzvot. However, a great many converts do not come with these ideal credentials.

Rabbi Kook was adamant in his opposition to accepting converts who did not accept to observe all the mitzvot. Even if a convert followed the technical procedure for conversion, but lacked the absolute intention to observe the mitzvot, his conversion is not valid. When the Talmud states

(*Yebamoth* 24b) that *kulam gerim hem* (“they are all converts”; this passage refers to individuals who converted for the sake of marriage or because of other external factors), this refers only to those who did have the intention to accept the mitzvot in full. Rabbis who accept for conversion those candidates who come for worldly reasons, but who will not fulfill the mitzvot, are making an error. Much evil will befall such rabbis. They are guilty of bringing thorns into the house of Israel.

Rabbi Kook argues that rabbis who accept such converts are transgressing the prohibition of *lifnei ivver* (placing a stumbling block in the path of a blind person; by extension, this prohibition includes acts of misleading others). If the conversions are not halakhically valid, then the rabbis are misleading the Jewish public by calling such individuals Jews when in fact they are not Jewish. Such negligence will lead to many problems, including possible intermarriage. On the other hand, if these individuals are to be considered valid converts, then the rabbis are misleading them by not stressing how they will be subject to punishment for violating the mitzvot.¹

In another Responsum, Rabbi Kook again emphasizes that converts who do not commit themselves to keep the mitzvot should not be accepted. If unqualified individuals (*hedyotot*) accepted them, no rabbi should perform weddings for them even after they have been converted in this way. “And happy is the one who stands in the breach to guard the purity of Israel, may a good blessing come to him.”²

For Rabbi Kook, then, the acceptance of mitzvot is the essential ingredient in Jewishness. One who does not accept to observe the mitzvot simply cannot become part of the Jewish people, even if he or she were to go through the technical rituals of conversion. And even if one were to find halakhic justification to validate these conversions, we still should not allow such converts to marry Jews.

Rabbi Uziel also wrote a number of Responsa dealing with would-be converts whose commitment to observance of mitzvot was deficient. While acknowledging that it was most desirable that converts accept all the mitzvot, Rabbi Uziel noted that in our times many individuals seek conversion for the sake of marriage. Instead of disqualifying such conversions, however, Rabbi Uziel actually encouraged them. He felt that it was necessary for us to be stringent in matters of intermarriage, i.e., we should do everything possible to prevent a situation where a marriage involves a

Jew and a non-Jew. If we can convert the non-Jewish partner to Judaism, then we have preserved the wholeness of that family for the Jewish people, and we can hope that their children will be raised as Jews. Given the choice of having an intermarried couple or performing such a conversion, Rabbi Uziel ruled that it is better to perform the conversion. He, of course, believed that rabbis should do everything in their power to break off the projected intermarriage. They should resort to conversion only when it is clear that the couple would not be dissuaded from marriage to each other.³

In another Responsum, Rabbi Uziel explains that the obligation of rabbis is to inform candidates for conversion of some, not all, of the mitzvot (*Yoreh De'ah* 268:2). It is impossible for a Bet Din to know with certainty that any convert will keep all the mitzvot. Conversion, even initially, does not require that the convert accept to observe all the mitzvot. Indeed, the procedure of informing a non-Jew about the basic beliefs and mitzvot is required initially. But if this procedure were not followed, and the non-Jew was converted ritually (circumcision and ritual immersion) without such information, the conversion is valid notwithstanding (*Yoreh De'ah* 268:2, 12).

Rabbi Uziel concludes that it is permissible—and a mitzvah—to accept such converts, even when it is expected that they would not observe all the mitzvot. Our hope is that they will come to observe the mitzvot in the future. We are obligated to give them this opportunity. If they fail to observe the mitzvot, the iniquity is on their own shoulders, not ours. Rabbi Uziel rejects the argument that since a vast majority of converts do not observe the mitzvot, we should not accept converts at all. On the contrary, he argues that it is a mitzvah to accept these converts. We are obligated not only to do these conversions to prevent intermarriage, but we have a special responsibility to the children who will be born of these marriages. Since they are of Jewish stock, even if only one parent is Jewish, they should be reclaimed for our people. Rabbi Uziel writes:

And I fear that if we push them [children] away completely by not accepting their parents for conversion, we shall be brought to judgment and they shall say to us: “You did not bring back those who were driven away, and those who were lost you did not seek” (*Yehzekel* 34:4).⁴

Whereas Rabbi Kook saw the acceptance of mitzvot as the sine qua non of entering the Jewish fold, Rabbi Uziel thought it was not an

absolute requirement at all. Whereas Rabbi Kook believed that the mitzvot are the defining feature of the Jewish people, Rabbi Uziel stressed the importance of maintaining the wholeness of the Jewish people, even when the observance of mitzvot was deficient. The halakhic difference between them can be apprehended on a deeper level if we consider their difference in hashkafa.

The act of conversion, according to Rabbi Kook, requires the convert to join the soul of Keneset Yisrael (a metaphysical representation of the “congregation of Israel”). This can be accomplished only via total acceptance of the mitzvot, which are the essence of the Jewish soul. Rabbi Kook sees Keneset Yisrael as the highest spiritual manifestation of human existence. He propounds a notion found in Kabbalah that there is an essential difference between Jews and non-Jews. Rabbi Kook writes:

The difference between the Jewish soul, its self, its inner desires, aspirations, character and status, and that of all nations, at all their levels, is greater and deeper than the difference between the human soul and the animal soul; between the latter there is merely a quantitative distinction, but between the former an essential qualitative distinction pertains.⁵

Each Jew is connected spiritually to Keneset Yisrael through the fulfillment of mitzvot and the ethical demands of Torah. The nourishment of the Jewish soul “is the study of Torah in all its aspects, which also includes historical study in its fullness, and the observance of the commandments with deep faith illuminated by the light of knowledge and clear awareness.”⁶

In stressing the distinctiveness of the Jewish people and its essential difference from all other nations, Rabbi Kook appears to downplay the ethical universalism implicit in the classic Jewish teaching that human beings were created in the image of God. Instead of focusing on the universal spiritual dignity of all people, Rabbi Kook asserts a radical distinction between Israel and the nations.

On the other hand, Rabbi Kook did recognize the existence of select individuals among the nations who can reach great spiritual heights. Whereas the supreme holiness specific to Israel is not shared by the nations, it is possible for individual non-Jews to imbue themselves with the holiness of Torah and to join the people of Israel.⁷

Rabbi Kook's hashkafa, thus, plays itself out in the halakhic issue of

conversion. For him, a non-Jew needs to undergo a transformation of his soul in order to become part of *Kenesset Yisrael*. Conversion is not just a matter of following a set of prescribed rules and guidelines; rather, it is an all-encompassing spiritual transformation, possible only for a select few spiritually gifted individuals.

Rabbi Kook's *hashkafa* is imbued with mystical elements. Given his understanding of the nature of the Jewish soul, it follows that he takes an elitist position vis-à-vis accepting converts. Only those who are truly qualified spiritually may enter the fold of Israel. To accept converts who are not absolutely committed to *mitzvah* observance is, for Rabbi Kook, a travesty.

Rabbi Uziel, too, stressed the distinctiveness of the people of Israel. Indeed, his *hashkafa* is close to Rabbi Kook's in that he also saw the people of Israel as the ideal model of humanity, embodying the highest form of harmony and spiritual unity.⁸

Although Rabbi Uziel recognized the distinctiveness of the people of Israel, he did not make the same sharp distinction between Jews and non-Jews as did Rabbi Kook. Rather, Rabbi Uziel stressed the connection between Jews and non-Jews, and the responsibility of Jews to set a good example from which the non-Jewish world can learn.

Rabbi Uziel was critical of those Jews who taught that one's Jewishness should be a private matter observed in the home, and who said that one should be a "human being" when in public. He rejected such a notion as being absurd, "since Judaism and humanity are connected and attached to each other like a flame and its coal." The goal of Judaism is to have Jews be the finest possible human beings so that they could influence humanity for the better. Judaism is not a private matter, but is for application in the world at large.⁹

Rabbi Uziel also rejects the position of those who claimed that Judaism was merely a faith. Clearly, the people of Israel constitute a nation with a distinctive national character. Neither the Torah nor our sages ever divorced Jewish faith from Jewish peoplehood.¹⁰

Rabbi Uziel rejects the notion that Judaism can survive only if Jews isolate themselves from the rest of society. Those who limit Jewish life to synagogues and study halls thereby are constricting the real message of Judaism. Rabbi Uziel argues that the Torah is quite capable of confronting all cultures and all peoples, without needing to surrender or hide. A living culture has no fear of borrowing and integrating concepts from other cultures, and it can do so without losing its own identity. Jews can learn from

the non-Jewish world and still remain faithful to their own distinctive mission of holiness and righteousness. Moreover, as a living culture, Judaism has a message to teach others as well. To constrict Judaism into a spiritual and intellectual ghetto is not true to the mission of Israel. The Torah contains within it a full worldview on the individual and the nation; therefore it is our obligation to recognize and teach our spiritual ideal, and to try to increase our spiritual influence on humanity as a whole.¹¹

For Rabbi Uziel, then, the distinctiveness of the Jewish people is not seen as a mystical concept which separates Jews ontologically from non-Jews. Rather, the Jewish people have a positive responsibility of reaching out to the non-Jewish world, to bring them closer to the religious ideals of Judaism.

This hashkafa manifests itself in a greater tolerance and openness when it comes to the halakhic question of conversion. Certainly, it would be best if all Jews and all converts to Judaism observed the mitzvot in full. But since we do not live in an ideal world, we need to strive to attain the best results possible. Our first concern has to be to maintain the integrity of the Jewish people, Jewish families. Non-Jews who wish to become part of the Jewish people are thereby testifying that they wish to come closer to our teachings and traditions. Since Jews and non-Jews are all created in the image of God, the conversion process does not entail an absolute spiritual transformation of the convert's soul, but rather a pragmatic decision to join the Jewish people and to come closer to the ideals and teachings of the Torah. This hashkafa gives greater leeway to the rabbis who must make specific decisions regarding conversion, based on the particular situation of each case. Universalism and pragmatism on behalf of the Jewish people, rather than mystical and metaphysical considerations, should guide the conversion process.

Autopsies

The hashkafic difference between Rabbi Kook and Rabbi Uziel concerning the nature of Jewishness also may be demonstrated in another halakhic area: autopsies. In 1931, Rabbi Kook was asked whether it was permissible to perform autopsies as part of the training of doctors in medical schools. With the expanding Jewish settlement in the land of Israel, there certainly was a need to train Jewish doctors. Medical training entailed autopsies.

Rabbi Kook ruled that disgracing a dead body (*nivul haMet*) is a prohibition unique to the Jewish people, since the Almighty commanded us to maintain the holiness of the body. He then went on to say that there is a sharp difference between Jews and non-Jews with regard to their bodies. Non-Jews consider their bodies only as biological structures. They eat whatever they wish, without restriction. They have no reason to be concerned with the issue of disgracing the dead body, so long as the autopsy was done for a reasonable purpose such as medical study. Rabbi Kook, therefore, recommended that the medical programs purchase non-Jewish bodies for the purpose of scientific research. He then stated that the whole category of disgrace of the dead body stems from the fact that humans were created in the image of God. But this image of God is manifested particularly in Jews due to the holiness of the Torah.¹² The Jewish attachment to Torah and mitzvot, thus, not only characterizes the Jewish soul, but also imparts holiness to the Jewish body.

Rabbi Uziel wrote a lengthy Responsum on the subject of autopsies, although he specified that his Responsum was theoretical rather than a formal legal ruling (*leHalakha veLo leMa'aseh*). In reviewing the halakhic literature on *nivul haMet*, Rabbi Uziel concluded that this category applies only when a dead body is treated disrespectfully. Autopsies performed in a respectful manner for the sake of medical knowledge do not constitute, according to Rabbi Uziel, *nivul haMet*. He points out that there have been many rabbinical sages throughout Jewish history who were also medical doctors. They could not have learned their profession without having performed autopsies. Rabbi Uziel states that “in a situation of great benefit to everyone, where there is an issue of saving lives, we have not found any reason to prohibit [and on the contrary, there are proofs to permit].

Rabbi Uziel considers the question of whether it would be preferable to obtain non-Jewish bodies for the purpose of autopsies. His response is sharp and unequivocal:

Certainly this should not even be said and more certainly should not be written, since the prohibition of *nivul* stems from the humiliation caused to all humans. That is to say, it is a humiliation to cause the body of a human—created in the image of God and graced with knowledge and understanding to master and rule over all creation—to be left disgraced and rotting in public.

There is no difference between Jews and non-Jews, in the sense that all are created in the image of God. The Jew has no claim to higher status in this regard. If one were to prohibit autopsies, then no autopsies could be performed on any body—Jewish or non-Jewish. The result would be that no doctors could be trained, with a consequent result of an increase in illness, suffering, and death.¹³

It is clear, then, that Rabbi Kook understood the nature of Jewishness in kabbalistic, metaphysical terms. For him, there is a definite and almost unbridgeable gap between the people of Israel and the non-Jewish nations. This hashkafa influenced his halakhic decisions in the areas of conversion and autopsy. On the other hand, Rabbi Uziel stressed the human quality of the Jewish people, the essential Godliness of all people. His generally universalistic outlook recognized the distinctiveness of the Jewish people. But the distinctiveness of Israel is manifested not by separating Jews absolutely from everyone else; rather, it is shown when Jews serve as models to draw others closer to the ideals of the Torah. This hashkafa pervades his discussions of conversion and autopsy.

Women in Civic Life

Rabbi Kook and Rabbi Uziel also differed in matters pertaining to the role of women in civic life. Their halakhic decisions reflected their different attitudes toward the role of women in a traditional society.

Women's rights to vote and to be elected to public office were the subject of heated controversy among the Jewish community in the land of Israel in the early part of the twentieth century. In the struggle over women's suffrage (1918–1921), the rabbinical leadership of the old Yishuv generally opposed extending to women the right to vote and hold public office. In contrast, the Sephardic rabbinic leadership generally favored granting women those rights.

Rabbi Kook, the leading Ashkenazic rabbinic personality in this debate, argued that the Torah tradition relegated civic authority only to men, and that women were to remain in the private, domestic domain. He rejected the “modern innovation” calling for an expansion of women's role, believing this was a threat to traditional morality and family life.¹⁴

Rabbi Uziel, the leading Sephardic voice in this debate, argued that innovation was not necessarily bad. On the contrary, it was fine to inno-

vate where there was no clear Torah prohibition involved. On the question of whether women should be permitted to vote, Rabbi Uziel stated that

We have not found any clear foundation to forbid. It is unreasonable to deprive women of this human right, since in these elections we choose our leaders and give our elected representatives the power to speak in our names, to arrange the affairs of our settlement and to tax our property. Women, directly or indirectly, accept the authority of those elected, and obey their rulings and communal and national laws.¹⁵

Rabbi Uziel thought it was unjust to expect women to be bound to decisions over which they had no say.

Some opponents of women's suffrage suggested that women's understanding was limited, and they were not competent to vote. To this, Rabbi Uziel noted that many men had limited understanding: Should they, too, be deprived of the right to vote? Moreover, Rabbi Uziel wrote that women were endowed with intelligence and sound judgment, no less than men. Experience demonstrates this to be true.

Rabbi Uziel rejected the argument that letting women vote would be a threat to morality and family life. This is a baseless claim and should carry no weight in this debate. One opponent thought that women should be excluded from voting or holding office, based on women's status in biblical times. Rabbi Uziel brushed this objection aside, noting that it had no bearing on the question at hand. Women, as well as men, were created in God's image. They had a basic right to be able to vote for those who would have authority to pass laws that would affect them. Not only was there no prohibition to women's suffrage, but depriving women of this right would be unjust and would cause them humiliation and pain.

Having concluded that women had the right to vote, Rabbi Uziel then turned to the question of whether women had the right to be elected to public office. Halakhic literature includes the notion that women should not hold positions of authority over men. After analyzing these sources carefully, Rabbi Uziel found that there was no objection to women being in positions of authority—if the community willingly accepted them in these offices. Therefore, women who were elected to office exert authority on the basis of communal approval. Rabbi Uziel stated that although men and women would be sitting together during the public deliberations, this was no breach of modesty or morality. These were not social

events, but serious discussions and debates in which participants would participate with all due propriety.

In another Responsum, Rabbi Uziel offered halakhic grounds to allow women to serve as civil judges, as long as the community accepted their authority to judge. He did not personally think it was a good idea for women to serve as judges because of their innately compassionate natures, but he presented the halakhic justification for them to be judges.¹⁶

In presenting the opinions and decisions of Rabbi Kook and Rabbi Uziel, it has not been our purpose to determine who is right or who is wrong, or if both are right—*ellu veEllu divrei Elokim hayyim* (“both positions are acceptable in the eyes of God”). Rather, it has been our purpose to illustrate the interrelationship between hashkafa and halakha. The philosophy and worldview of a posek are not only reflected in halakhic decisions—they help shape those halakhic decisions.

NOTES

1. *Da'at Kohen*, Jerusalem, 5745, no. 154. The discussion on conversion and autopsies is drawn from my article, “A Discussion of the Nature of Jewishness in the Teachings of Rabbi Kook and Rabbi Uziel,” in *Seeking Good, Speaking Peace: Collected Essays of Rabbi Marc D. Angel*, edited by Rabbi Hayyim Angel, Ktav, Hoboken, 1994, pp. 112–123.
2. *Ibid.*, no. 155.
3. *Mishpetei Uziel*, Jerusalem, 5724, no. 18.
4. *Ibid.*, no. 20. For a discussion of Rabbi Uziel's rulings on conversion, see my article, “Another Halakhic Approach to Conversions,” *Tradition*, 12 (Winter–Spring 1972), 107–113.
5. *Orot*, Jerusalem, 5745, p. 156. See the article by Rabbi Yoel Ben-Nun, “Nationalism, Humanity and Kenesset Yisrael,” in *The World of Ray Kook's Thought*, published by the Avi Chai Foundation, New York, 1991, pp. 210 f.
6. *Orot*, p. 145; Rabbi Yoel Ben-Nun's article, p. 224.
7. Rabbi Yoel Ben-Nun's article, p. 227.
8. A series of articles by Nissim Yosha, under the title “Yahid ve Umah,” appeared in the journal *ba-Ma 'arakhah*, nos. 300–306, dealing with Rabbi Uziel's understanding of Jewish peoplehood. See also my book, *Voices in Exile*, Ktav, Hoboken, 1991, pp. 202 f.
9. *Hegiyonei Uziel*, vol. 2, Jerusalem, 5714, p. 122.
10. *Ibid.*
11. *Ibid.*, p. 125
12. *Da'at Kohen*, no. 199.

13. *Piskei Uziel*, Jerusalem 5737, no. 32, especially pp. 178–179.
14. *Ma'amarei ha-RaAy'aH*, Jerusalem, 1984, pp. 189–194. See Zvi Zohar's article, "Two Halakhic Positions on Women's Suffrage," pp. 119–133, in *Sephardi and Middle Eastern Jewries*, ed. Harvey E. Goldberg, Indiana University Press, Bloomington, 1996. See also the discussion in my book, *Loving Truth and Peace: The Grand Religious Worldview of Rabbi Benzion Uziel*, Jason Aronson, Northvale, 1999, pp. 204f.
15. *Piskei Uziel*, Mossad haRav Kook, Jerusalem, 5737, no. 44.
16. *Ibid.*, no 43.

Conversion to Judaism: Halakha, Hashkafa, and Historic Challenge

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The Jewish community underwent cataclysmic changes during the course of the nineteenth century. Although most of world Jewry was religiously observant in 1800, a large majority were no longer devoted to halakhic tradition by 1900. Nineteenth-century Orthodox rabbinic leadership had to cope with the rise of Reform Judaism, the spread of the Haskalah, the breakdown of communal authority over its members, and the defection of Jews from Torah and mitzvot—and from Judaism altogether.

The dramatic erosion in religious observance led to various responses among nineteenth-century Orthodox rabbis. Rabbi Moses Sofer (1762–1839), known as the Hatam Sofer, was recognized as the most authoritative Orthodox voice who shaped traditionalist opposition to Reform Judaism and, indeed, to all those who challenged the hegemony of halakha. He believed that deviators forfeited their right to be considered as proper Jews.¹ He wrote:

If we had the power over [those who challenge halakha], my opinion would be to separate them from us [our borders], we should not give our daughters to their sons and their daughters should not be accepted for our sons so as not to be drawn after them. Their sect should be considered like those of Zadok and Boethus, Anan, and Saul, they among themselves and we among ourselves.²

The Hatam Sofer argued forcefully for maintaining the sanctity of every law and tradition. He is famed for his aphorism “*hadash assur min*

haTorah,” by which he meant that the Torah forbids all innovations and reforms. His hashkafa (religious worldview) identified Jewishness with scrupulous observance of Torah and mitzvot and acceptance of the halakhic way of life.

Although the Hatam Sofer’s position was dominant, other Orthodox voices called for a more tolerant attitude toward those who veered away from the halakhic way of life. Rabbi David Zvi Hoffman (1843–1921), the leading figure in Berlin’s Adass Jisroel Orthodox community, favored a “cooperative separatism.” He argued that the Orthodox needed to maintain their distinctiveness—but also had to find ways of cooperating with the non-Orthodox.³ One generation earlier, Rabbi Yaacov Ettlinger (1798–1871) had sought to ameliorate the halakhic status of the non-observant Jew through the classification of “*tinok sheNishba*”—comparing the non-observant Jew to a Jewish child who had been captured and raised by non-Jews and who therefore could not be held responsible for ignorance of Jewish laws and customs.⁴ Thus, although the non-Orthodox masses certainly fell short of Jewish religious requirements, they should not be rejected simply because they lack knowledge of halakha. This halakhic argument fostered a more sympathetic approach than that taken by Orthodox isolationists.

Both the hard-line and the more tolerant Orthodox rabbis were pious and learned Torah scholars. Both groups sought support for their views in the Talmud and halakhic literature. Why did they come to different conclusions? Their differences did not stem, I believe, from different interpretations of halakhic texts. Rather, their halakhic stances reflected different religious worldviews and different evaluations of how to address the challenges that faced them. The Hatam Sofer viewed Torah-observant Jews as the “real” Jews, and the non-observant Jews as betrayers of Judaism who had to be de-legitimized. For true Judaism to flourish, it was necessary for Orthodoxy to separate itself to the extent possible from the non-Orthodox. The spokespeople for a more conciliatory Orthodoxy focused on the principle that all Jews—religiously observant or not—are part of the Jewish people and need to see themselves as members of one nation. Thus, ways had to be found to bridge the gaps between the Orthodox and the non-Orthodox.

As Orthodoxy continued to lose ground to the non-observant Jewish population, the rejectionist position gained traction within the mitzvah-

centered community. And as the hard-line position gained sway regarding non-Orthodox Jews, it also had a profound impact on Orthodox views relating to the acceptance of non-Jews as converts. Since Orthodox rabbis increasingly emphasized mitzvah-observance as the essence of Judaism—in order to differentiate clearly between themselves and the reformers—they came to see the conversion process as entailing a full commitment by the convert to observe all the mitzvot. Eventually, the position arose that any conversion that took place without the convert's total mitzvah commitment was not a valid conversion at all.

Professors Avi Sagi and Zvi Zohar, in their study of halakhic literature relating to conversion, suggested that the first halakhic authority to equate conversion with total commitment to observe mitzvot was Rabbi Yitzchak Schmelkes—and this was not until 1876!⁵ Rabbi Schmelkes wrote:

The basic principle with regard to proselytes in our times is to ensure that they truly take upon themselves to perform the central beliefs of religion, the other commandments, and the Sabbath, which is a central principle because a Sabbath desecrator is an idolater. If he undergoes conversion but does not accept upon himself to observe the Sabbath and the commandments, as mandated by religion, he is not a proselyte. . . .

If he undergoes conversion and accepts upon himself the yoke of the commandments, while in his heart he does not intend to perform them—it is the heart that God wants and [therefore] he has not become a proselyte.⁶

Rabbi Isaac Sassoon's research on the topic of conversion led him to the writings of Rabbi Akiva Joseph Schlesinger (d. 1922), an influential European halakhist whose views were in some ways even more extreme than those of R. Schmelkes.⁷ Rabbi Schlesinger believed a proselyte should not only accept all the mitzvot, but should adopt the appearance of [European] Orthodox Jews:

Make sure, once the checks, searches and intimidations [of the prospective converts] are done, that they take it upon themselves to be of the number of the downtrodden Jews, recognizable by their distinctive names, speech and attire; and where applicable, by *tsitsith*, sidelocks, and beard.⁸

The views of Rabbis Schmelkes, Schlesinger, and others of like mind emerged as “mainstream” Orthodox halakha up to our own day. This is true not only in the “Hareidi” Orthodox world, but also in the establish-

ment institutions of so-called Modern Orthodoxy. When I was a rabbinical student at Yeshiva University (1967–1970), we learned “practical halakha” from Rabbi Melech Schachter. He articulated the position of Rabbi Schmלקes as though it were absolute, uncontested halakha. In a 1965 article, Rabbi Schachter wrote: “Needless to say, conversion to Judaism without commitment to observance has no validity whatever, and the spuriously converted person remains in the eyes of halakha a non-Jew as before.”⁹ When, a generation after me, my son Hayyim studied for *semi-kha* at Yeshiva University (1991–1995), his teacher of “practical rabbinics” told his students not to perform a conversion unless they were willing to bet \$100,000 of their own money that the convert would be totally observant of halakha. Essentially, he was echoing the view that conversion to Judaism equals 100 percent commitment to observe the mitzvot. Without such commitment by the would-be proselyte, the conversion lacks halakhic validity.

The dominance of this view has come to the general public’s attention in recent rulings by Orthodox rabbinic authorities in Israel. In 2006, Rabbi Shlomo Amar—Israel’s Sephardic Chief Rabbi—announced that the Israeli Chief Rabbinate would no longer accept conversions performed by Orthodox rabbis in the Diaspora, unless those rabbis were on an “approved” list. Rabbi Amar made this unprecedented ruling because he—and the rabbis with whom he works—believed that Diaspora rabbis were converting people who did not become religiously observant enough. In order to “raise standards” and to create “uniform standards,” the Chief Rabbinate of Israel decided it would only recognize conversions performed in accordance with the strictest interpretation of *kabbalat haMitzvot* (acceptance of the commandments), and only by Batei Din that pledged to follow the standards espoused by the Chief Rabbinate.

The Rabbinical Council of America, the largest Orthodox rabbinic group in the Diaspora, fell into line with the Israeli Chief Rabbinate. It established a *geirut* (conversion) committee to propound standards that would be found acceptable to Rabbi Amar; it essentially adopted the view that conversion equals 100 percent commitment to observe mitzvot; it set up a system of regional Batei Din, which alone would have the power to certify conversions. Members of the RCA who do conversions outside of this framework will not have their conversions certified by the RCA.

Even more shocking than this blatant undermining of the Diaspora’s

Orthodox rabbinate—and in many ways more horrifying—was the ruling of a Bet Din in Ashdod and upheld by the Rabbinic High Court in Israel. This ruling retroactively annulled the conversion of a woman who had converted 15 years earlier in Israel under the auspices of an Orthodox Bet Din. The rabbinic judges found that this woman had not been religiously observant enough after her conversion. Thus, she and her children (born after her conversion) were deemed to be non-Jews—in spite of the fact that she and her children had been living as Jews in Israel for these past many years, and that her conversion had been performed by Israeli Orthodox rabbis!

At a time when thousands of people are seeking conversion to Judaism, the Orthodox Bet Din establishment is raising increased obstacles to them. Unless converts are willing to promise sincerely to keep all the mitzvot, they will be rejected as candidates for conversion. If they have already converted, they now must fear that a Bet Din might invalidate their conversions retroactively if they do not maintain the proper level of religious observance. The Jewish status of thousands of halakhic converts and their children are placed under a cloud, causing immense grief to the individuals involved and to the Jewish people as a whole.

In their zeal to “raise standards,” current Batei Din have been applying ever more stringencies. Numerous potential converts have contacted me over the past several years, with painful stories of their dealings with Orthodox Batei Din. A 39-year-old woman, converted as an adopted baby, was told that she was not Jewish because the Orthodox rabbi overseeing her conversion had served in a mixed-seating synagogue. Shocked that her Jewish identity was challenged, she nevertheless agreed to undergo another conversion so as to be able to marry her fiancé. She was then told that she would need to enroll in the conversion program and study for two years. When she reminded the rabbis that she had lived her entire life as a Jew, that she was 39 years old, that she wished to be married soon so as to be able to have children—the rabbis responded that “their hands were tied.” Although they wanted to help her, they had to follow the current guidelines. They did not want to lose their credibility in the Orthodox Bet Din world.

Another woman, in her early 40s, had been studying for three years for conversion, and had demonstrated remarkable commitment to halakha. Yet, the Bet Din kept postponing her conversion. Why? Because the dayan-

im felt the man she wished to marry was not religious enough for their standards. To be sure, he was a traditionally observant Jew. But the Bet Din felt he wasn't "frum" enough—so they would not convert her. That she lost three years of her life and may well have lost the possibility of having a baby, did not seem to concern the Bet Din. They were "raising standards."

A young man who wished to convert was told by the Bet Din that he would have to move into the Orthodox neighborhood of town and pay \$5,000 to cover the cost of tutors. When he explained that he came from a poor family, and he could afford neither the rents in the Orthodox neighborhood nor the \$5,000 fee, he was told that the Bet Din could not help him. He went to another Bet Din in that city, but was given the same terms. He then enrolled in a conversion program with a Conservative rabbi. The "raised standards" have turned this young man—and so many more like him—away from Orthodoxy altogether.

Thousands of people from the former Soviet Union live in Israel. Many have Jewish ancestry or Jewish spouses—yet they are halakhically not Jewish. These people and their children live in the Jewish State, speak Hebrew, serve in the military—yet the rabbinic establishment has not found a way to convert a large number of them. The rabbis insist that the converts become religiously observant, or at least pretend to become religiously observant for the sake of conversion. (In the latter instance, these converts could run into the problem of having their conversions invalidated at some later date by a Bet Din, as happened to the woman in Ashdod.) This problem festers in Israel and is the source of heated controversy. The Orthodox Bet Din establishment does not know how to cope with a situation involving so many thousands of people—especially since many of those wishing to convert do not intend to become fully observant of Torah and mitzvot.

The current policies of the Orthodox rabbinic/Bet Din establishment are causing anguish to thousands of would-be converts and their families; are turning would-be converts away from Orthodoxy; are preventing an untold number of Jewish children from being born due to drawn out conversion procedures for women in their late 30s and early 40s; are delegitimizing Orthodox rabbis and converts who do not subscribe to the "establishment" positions; are causing thousands of halakhic converts to fear that their and their children's halakhic status will be undermined. We must ask ourselves some serious questions:

1. Are these current policies relating to conversion absolutely required by halakha, or are there other valid views that must be considered?
2. Are current efforts to “raise standards” focusing on ritual mitzvot, while actually “lowering standards” of mitzvot relating to maintaining Jewish families, treating converts and potential converts with compassion, and other moral considerations?
3. If the current policies are halakhically and morally deficient, how should we be addressing the issue of conversion to Judaism?

Let us address these questions one by one.

1. Are these current policies relating to conversion absolutely required by halakha, or are there other valid views that must be considered?

The answer is: these policies are *not* absolutely mandated by halakha, and in fact represent a “reform” of classic halakha. Other valid halakhic positions are not only available, but are preferable.

Talmudic Sources

The primary sources for the laws of conversion are in the Talmud. The basic description of the conversion process is recorded in *Yebamoth* 47a–b:

Our rabbis taught: If at the present time a person desires to become a proselyte, he is to be addressed as follows: why do you come to be a proselyte? Do you not know that Israel at the present time is persecuted and oppressed, despised, harassed, and overcome by afflictions? If he replies, I know and yet am unworthy [but still wish to convert], he is accepted forthwith, and is given instruction in some of the minor and some of the major commandments. . . . And as he is informed of the punishment for the transgression of the commandments, so is he informed of the reward granted for their fulfillment. . . . He is not, however, to be persuaded or dissuaded too much. If he accepts, he is circumcised forthwith. . . . As soon as he is healed, arrangements are made for his immediate ablution [in a *mikvah*]. When he comes up after his ablution, he is deemed to be an Israelite in all respects. In the case of a woman proselyte, women make her sit in the water up to her neck and two [three] learned men stand outside and give her instruction in some of the minor commandments and some of the major ones.

The candidate for conversion is first told of the dangers confronting the Jewish people in order to ascertain whether s/he is willing to be sub-

jected to these risks as a Jew. This harks back to biblical Ruth, whose conversion declaration began with “your people will be my people,” and only afterward went on with “your God will be my God.”

The Talmud requires us to inform the would-be proselyte of some of the mitzvot—not all of them. Indeed, we are not supposed to belabor the issue of mitzvot, so as not to scare off the person who has already expressed a desire to become a member of the Jewish people. We may neither persuade nor dissuade too much. Rather, we want the person to know that our religion makes demands on us—which entail rewards and punishments. It is up to the person to decide, based on the limited information we have presented, whether or not to become Jewish.

The Talmud makes no reference to the need for the would-be proselyte to spend years studying Torah before being accepted for conversion. It makes no demand that the candidate even know what all the mitzvot are! On the contrary, the talmudic conversion process is fairly straightforward. Once the candidate has expressed willingness to join the Jewish people, and once s/he has been told some of the mitzvot—s/he is accepted forthwith, without delays.

What if the candidate for conversion has ulterior motives, for example, s/he wishes to marry a Jew? In this case, the motivating factor is not purely religious (or not religious at all). Is such a conversion valid? The Talmud discusses this issue in *Yebamoth* 24b.

Mishnah: If a man is suspected of [intercourse] . . . with a heathen who subsequently became a proselyte, he must not marry her. If, however, he did marry her, they need not be separated. Gemara: This implies that she may become a proper proselyte. But against this a contradiction is raised. Both a man who became a proselyte for the sake of a woman and a woman who became a proselyte for the sake of a man . . . are not proper proselytes. These are the words of Rabbi Nehemiah, for Rabbi Nehemiah used to say: Neither lion-proselytes nor dream proselytes nor the proselytes of Mordecai and Esther are proper proselytes unless they become converted as at the present time. . . . Surely concerning this it was stated that Rabbi Isaac bar Samuel bar Martha said in the name of Rab: The halakha is in accordance with the opinion of him who maintained that they are all proper proselytes.

Rabbi Nehemiah argued that conversions with ulterior motives (e.g. to marry a Jew) are not valid. Only conversions motivated by pure spiritual considerations are acceptable. However, the Talmud rejects Rabbi

Nehemiah's opinion. The halakha follows Rab—conversions by those who had ulterior motives are, in fact, valid. These converts are halakhically Jewish.

Rabbi Nehemiah viewed conversion primarily as an unsullied acceptance of Judaism; thus, one whose motives were suspect would not be a suitable proselyte. Rab, though, seemed to view the conversion process as a means of bringing the non-Jew into the Jewish peoplehood. Even if the decision to become Jewish did not stem from purely religious considerations, the proselyte became a full member of the Jewish people by undergoing the conversion procedure. Although this talmudic passage is discussing a de facto situation (*bedi-avad*), great halakhic authorities (as we shall see later) have argued that it is appropriate to accept such converts even initially, due to the unique exigencies of the modern period.

The Talmud (*Shabbat* 31a) records three instances where individuals expressed the desire to convert to Judaism, and who came both to Shammai and Hillel. Since each of the three began his inquiries with improper assumptions—one accepted to follow the Written Torah but not the Oral Torah; one wanted to learn the entire Torah while standing on one foot; and one wanted to convert in order to become the High Priest—Shammai turned them away. Yet, Hillel accepted each of them lovingly, and through his patient and wise instruction he was able to bring them into Judaism. The Talmud relates that these three proselytes faulted Shammai's strictness, and praised the kindness and humility of Hillel for having allowed them to come “under the wings of the Divine Presence.” The point of these aggadic stories is that even if candidates come with mistaken ideas and improper motives, they should be received kindly. By teaching them lovingly, the hope is that they will indeed come to a proper understanding of Jewish traditions and will eventually develop pure motives for conversion.

What if a convert's knowledge of Torah and mitzvot was seriously deficient? Could such a convert be deemed to be Jewish? The Talmud (*Shabbat* 68a) rules that a person, who unknowingly transgresses Sabbath laws many times, is only obligated to bring one sin offering, rather than one offering for each transgression. Rab and Shemuel, the leading sages of their generation, explained that this rule refers to “a child who was captured among non-Jews and a convert who was converted among the gentiles.” Since these individuals simply did not know the Shabbat laws

because they had been raised or converted among non-Jews, they could not be held responsible for all their transgressions. Here we have a case of a non-Jew who became a valid proselyte—but who did not even know the laws of Shabbat! The Talmud never questions the Jewishness of such a proselyte, nor even faintly suggests that the conversion was not valid or could be retroactively annulled. As long as the proselyte underwent the technicalities of conversion (which obviously did not include a full knowledge of mitzvot), the proselyte was a full-fledged Jew.

One talmudic passage is frequently quoted to prove that a proselyte must accept every mitzvah, and that a rejection of even one mitzvah disqualifies him/her from being accepted as a convert. The passage is found in *Bekhorot* 30b.

Our rabbis taught . . . If a heathen is prepared to accept the Torah except one religious law, we must not receive him. R. Jose son of R. Judah says: even [if the exception be] one point of the special minutiae of the Scribes' enactments.

This passage seems to go against the previously mentioned talmudic passages, which clearly do not require the proselyte to know and commit to observe every mitzvah, let alone each point of special minutiae of the Scribes' enactments. Neither the Rambam nor the *Shulhan Arukh* cite this passage as authoritative halakha in regard to the conversion process. Indeed, the Rambam (*Hilkhot Issurei Biah* 14:8) does not believe this passage is discussing a righteous proselyte at all! Rather, it is referring to a resident alien (*ger toshav*).

Even if we were to apply this passage to righteous proselytes (although neither the Rambam nor the *Shulhan Arukh* did so!), it could still be understood in light of the other talmudic passages cited earlier. Rabbi Hayyim Ozer Grodzinski explained: We are supposed to inform the would-be proselyte of the mitzvot. As long as the candidate gives general assent to accept the mitzvot, that is sufficient. If the would-be proselyte specifically rejects a particular mitzvah, only then should s/he not be accepted. "But in the case of one who accepts all the mitzvot, while his intention is to transgress for his own pleasure [*le-tei-avon*] this is not a deficiency in the law of *kabbalat haMitzvot*."¹⁰

Rabbi Benzion Uziel ruled: "If a convert accepts the Torah and the rewards and punishments of the commandments but continues to behave

in the way he was accustomed before conversion, he is a sinning convert, but we do not hesitate to accept him because of this.”¹¹ In other words, what is required is a general statement from the proselyte indicating an acceptance of mitzvot. It is not incumbent upon us to probe too deeply, nor to receive a promise that each and every mitzvah will be fulfilled without exception. As long as the candidate for conversion does not make a formal declaration rejecting a particular halakha, that is sufficient as *kabbalat haMitzvot*.

The Rambam's Rulings

In describing the procedure for accepting converts, the Rambam basically follows the protocol recorded in *Yebamoth* 47a–b. However, he adds the requirement of informing the candidate of the basic principles of our faith, such as the unity of God and the prohibition of idolatry (*Hilkhot Issurei Biah* 14:2). The Rambam, like the Talmud, indicates that we inform the candidate of some of the mitzvot and some of the rewards and punishments—but we do not overly prolong this nor give too many details “lest we cause him anxiety and thereby turn him from the good path to the bad path.” We are supposed to draw him to conversion with goodwill and soft words.

The Rambam does not require—or expect—that would-be converts be given thorough instruction in Torah and mitzvot. This is reflected in the Rambam's discussion of the *hakhel* commandment, when the people of Israel gathered in Jerusalem once in seven years to hear the king read from the Torah. Men, women, and children were to attend this event—even those who could not understand the Torah reading. The Rambam seems to take it for granted that proselytes were among those who would not understand the Torah reading. “As for proselytes who do not know the Torah, they must make ready their heart and give ear attentively to listen in awe and reverence and trembling joy, as on the day when the Torah was given on Sinai” (*Hilkhot Hagigah*, 3:6).

The Rambam noted that potential converts should be examined to see if they have ulterior motives. (*Hilkhot Issurei Biah* 13:14–16.) In the days of King David and King Solomon, the Bet Din did not accept proselytes, since it was assumed that non-Jews came for personal gain rather than religious reasons. Nonetheless, the Rambam writes, numerous converts were made in the days of David and Solomon through “*hedyotot*,” ad hoc

Batei Din of non-experts that were not the official Batei Din of the land. Such converts were neither pushed away nor brought close until it was seen how they turned out, that is, were they really serious in their desire to be Jewish? Having said this, though, the Rambam instructs us not to believe that Samson or Solomon married non-Jewish women. Rather, their “non-Jewish” wives were actually converted by the courts of “*hedyotot*,” so that they were in fact Jewish. Yet, we know that these wives did not convert from religious motivations. We also know that they continued to worship idols after their conversions. Wouldn’t this be a clear indication that their conversions were not valid? Isn’t it obvious that they turned out to be idolaters rather than Jews?

The Rambam (*Hilkhot Issurei Biah* 13:17) rules:

A proselyte who was not examined [as to his motives] or who was not informed of the mitzvot and their punishments, and he was circumcised and immersed in the presence of three laymen—is a proselyte. Even if it is known that he converted for some ulterior motive, once he has been circumcised and immersed he has left the status of being a non-Jew. . . . Even if he recanted and worshipped idols, he is [considered] a Jewish apostate; if he betroths a Jewish woman according to halakha, they are betrothed; and an article he lost must be returned to him as to any other Jew. Having immersed, he is a Jew.

According to the Rambam, a person who undergoes the technical procedures of conversion (circumcision and immersion for a man, immersion for a woman) in the presence of a Bet Din (even one made up of laymen) is a valid convert. Even if the motives for conversion were dubious, and even if the convert reverted to idolatry, the conversion remains valid. We may not want this person to marry into our family. We may suspect his/her sincerity and uprightness of character: but s/he is Jewish all the same. This explains why the wives of Samson and Solomon, idolatrous though they were, were nevertheless Jews and were married to their husbands as Jews.¹²

The Shulhan Arukh

The Talmud, the Rambam, and the *Shulhan Arukh* provide a general framework for the acceptance of converts, but do not give a detailed list of guidelines. These classic halakhic sources recognize that each conversion case is unique, and each must be evaluated by those overseeing the conversions. In the Talmud’s words, *ein leDayan ela ma sheEinav ro’ot*. Each

judge must take responsibility for the cases that come before him, based on his own evaluation. Classic halakha eschewed “uniform standards” in the area of conversion, leaving it up to the individuals in charge to use their own judgment in dealing with each would-be proselyte.

The Talmud, the Rambam, and the *Shulhan Arukh* 1) do not demand nor expect a candidate for conversion to learn all the mitzvot prior to conversion; 2) do not demand nor expect a candidate for conversion to promise to observe all the mitzvot in specific detail; 3) do not demand an extended period of study before conversion; 4) do not equate conversion with a total acceptance to observe Torah and mitzvot, but rather see conversion as a way for a non-Jew to become a member of the Jewish people;¹³ 5) do recognize the validity of conversions even when the convert came with ulterior motives, even when the convert was ignorant of basic laws of Judaism; 6) do not allow for the retroactive annulment of a conversion, even when the convert continues to worship idols after converting to Judaism.

Since the classic halakhic sources allow so much leeway in the acceptance of converts, why have important nineteenth- and twentieth-century halakhic authorities adopted stringent positions that are so antithetical to these sources? Indeed, why has the stringent view become so prevalent within Orthodoxy?

One possible answer has already been suggested. The Orthodox rabbinate has been vastly influenced by the rise of Reform and Conservative Judaism and by the increasing number of Jews who have defected from the halakhic way of life. In seeing Orthodoxy as a bastion of Torah-true Judaism, Orthodox sages have insisted on policies that clearly distinguish between “us” and “them.” “We” are the ones who demand scrupulous observance of halakha. “They” are the ones who have betrayed Torah tradition by undermining mitzvah observance. This attitude carries into the area of acceptance of converts. “We” only want converts who will be like us—truly dedicated to Torah and mitzvot. “We” don’t want to create more non-observant Jews in our communities.¹⁴

Another possible answer is that some in the Orthodox community have a mystical view of Jewishness that deems it quite difficult for a non-Jew to become Jewish. Rabbi Abraham Isaac Kook, for example, believed that the act of conversion requires the convert to join the soul of *Kenesset Yisrael*, a metaphysical representation of the congregation of

Israel. This can be accomplished only through a total acceptance of the mitzvot—since mitzvot are the essence of the Jewish soul. This is not an easy transition, according to Rabbi Kook, since Jewish souls and non-Jewish souls are ontologically different. For a non-Jew to transform his soul into a Jewish soul requires a tremendous connection to Torah and mitzvot.¹⁵ Without belaboring the point, Rabbi Kook's line of thinking can be used to buttress feelings of Jewish "superiority" as well as latent xenophobic tendencies.

Yet, when all is said and done, the Talmud, the Rambam, the *Shulhan Arukh*, and a host of great halakhic authorities do not espouse the stringent, restrictive views relating to conversion. How do proponents of the currently dominant views justify veering from the classic halakhic texts?

One approach has been to cite nineteenth- and twentieth-century halakhic authorities who insist on the stringent, restrictive views relating to acceptance of converts. Since these "*gedolim*" have issued such rulings, we are obligated to follow them. If they veered from or reinterpreted the primary halakhic sources, they had good grounds for doing so. This approach does not attempt to see those stringent rulings in historical context, as the reaction to anti-halakhic tendencies in the Jewish community. It does not consider whether those nineteenth- and early twentieth-century responses are appropriate for our current situation. Moreover, it chooses not to accept the more inclusive and compassionate views of other great modern halakhists who dissent from the stringent views in various ways.¹⁶ Indeed, the more tolerant opinions are far more in line with classic halakhic sources than are the restrictive views espoused by various nineteenth- and twentieth-century rabbis.

The stringent view insists that *kabbalat haMitzvot* entails total commitment to observe all mitzvot in every detail, and that conversions lacking such commitment are not valid. It already has been demonstrated that these views are not mandated by—and are not even compatible with—the rulings of the Talmud, the Rambam, and the *Shulhan Arukh*. However, the proponents of the restrictive view are so convinced of their position, they cannot imagine that classic halakhic sources disagree with them.

I discussed the Rambam's ruling (*Hilkhot Issurei Biah* 13:17) with a prominent dayan in Israel. The Rambam states unequivocally that a proselyte who was circumcised and immersed in the presence of three laymen is a proselyte. Even if the conversion was with ulterior motives and even if

the convert subsequently worshipped idols—he is still to be considered as an apostate Jew. If he betroths a Jewish woman according to halakha, the betrothal is valid. The Rambam does not allow for retroactive annulment of the conversion, nor does he invalidate the conversion of a person with imperfect motives, even one who worshipped idols after the conversion.

The dayan answered: The Rambam was speaking of a proselyte who had studied Torah and mitzvot in advance of being circumcised and immersed. That proselyte fully accepted all the mitzvot to the last detail before immersing in the *mikvah*. Then, after coming out of the *mikvah* he had a change of heart and went to worship idols. But if this proselyte had not known the mitzvot nor accepted sincerely to observe all the mitzvot originally, then the conversion would not have been valid. I asked the dayan: If the Rambam meant what you say he meant, why didn't he say so? The Rambam was quite careful with his use of language, and could easily have presented the scenario as you described. But he did not do so! His language manifestly indicates that he was not operating with your assumptions, but had a quite different view of conversion. The dayan answered: The Rambam could not have meant anything other than what I explained.

This, of course, is circular reasoning. The dayan began with the axiom that conversion equals total commitment to observe all mitzvot. If the Rambam said something in opposition to that axiom, then the Rambam needs to be re-interpreted—regardless of how far-fetched the interpretation is and how untrue it is to the Rambam's own language.

Other rabbis have offered similar responses based on circular reasoning. When I have pointed out that the Talmud, the Rambam, and the *Shulhan Arukh* do not define *kabbalat haMitzvot* as a total commitment to observe all mitzvot in detail (but rather as a general acceptance of mitzvot), proponents of the current stringent view have retorted: The Talmud, the Rambam, and the *Shulhan Arukh* did not have to spell things out, since they assumed that a convert would observe all the mitzvot. It was so obvious to them, they didn't even have to state this. Yet, the fact is that the Talmud, the Rambam, and the *Shulhan Arukh* specifically described the conversion process, and stated that the would-be proselyte should be informed only of some of the major and minor mitzvot. The Talmud discusses the case of a proselyte who did not even know the laws of Shabbat. The Rambam and the *Shulhan Arukh* did not invalidate the

conversion of a proselyte who later worshipped idols. If the Talmud, the Rambam, and the *Shulhan Arukh* accepted the “standards” of Rabbi Schmelkes and others, they would have said so clearly. We must take their words in their context as they were intended. It is not appropriate to read one’s own views into the texts.

2. Let us now turn to the second question: *Are current efforts to “raise standards” focusing on ritual mitzvot, while actually “lowering standards” of mitzvot relating to maintaining Jewish families, treating converts and potential converts with compassion, and other moral considerations?*

In the guise of “raising standards,” the contemporary Orthodox world has stressed—almost exclusively—the details of Shabbat and holiday observances, kashruth, prayer, and *mikvah*. A candidate for conversion who is not ready to give a detailed commitment to these ritual mitzvot has little chance of being accepted for *giyyur*.

Yet, aren’t there other important considerations that need to be factored into the conversion process?

Rabbi Benzion Uziel (1880–1953), late Sephardic Chief Rabbi of Israel, saw himself as being very stringent in applying the prohibitions against intermarriage. Therefore, he believed that rabbis must do everything in their power to prevent intermarriage situations. When a Jew and non-Jew were intending to marry each other, or already were married to each other, Rabbi Uziel urged that rabbis convert the non-Jewish partner to Judaism. He made this ruling even when it was expected that the couple would not be observant of all the mitzvot. He ruled that performing such conversions was not only permitted, but was a mitzvah!¹⁷ He wrote:

From all that has been stated and discussed, the ruling follows that it is permissible and a mitzvah to accept male and female converts even if it is known to us that they will not observe all the mitzvot, because in the end they will come to fulfill them. We are commanded to make this kind of opening for them; and if they do not fulfill the mitzvot, they will bear their own iniquities, and we are innocent.

Rabbi Uziel was deeply concerned about the fate of children born to a Jewish father and a non-Jewish mother. Such children, although of Jewish stock (*zera yisrael*), are not halakhically Jewish. Children raised in such

intermarriages will be lost to the Jewish people entirely. Thus, it is obligatory for rabbis to convert the non-Jewish mother in order to keep the children in the Jewish fold. Rabbi Uziel noted:

I fear that if we push them [the children] away completely by not accepting their parents for conversion, we shall be brought to judgment and they shall say to us: 'You did not bring back those who were driven away, and those who were lost you did not seek.' (*Yehezkel* 34:4).

In another Responsum, Rabbi Uziel wrote:

I admit without embarrassment that my heart is filled with trembling for every Jewish soul that is assimilated among the non-Jews. I feel in myself a duty and mitzvah to open a door to repentance and to save [Jews] from assimilation by [invoking] arguments for leniency. This is the way of Torah, in my humble opinion, and this is what I saw and received from my parents and teachers.¹⁸

Certainly Rabbi Uziel would have liked all Jews—born Jews and converted Jews—to live fully religious lives devoted to Torah and mitzvot. But since we live in an imperfect world, we need to make halakhic judgments based on the realities we face. Since intermarriage is a great sin and leads to the loss of children to the Jewish people, Rabbi Uziel deemed these concerns to outweigh considerations about how religiously observant the converts would be. Surely, candidates for conversion should be taught some of the major and some of the minor mitzvot, and should come to feel as members of the Jewish people. But if they live as non-observant Jews, this is their sin—not ours. By preventing intermarriage situations, we can hope that these couples and their children will be part of the Jewish people, and will ultimately come closer to our Torah traditions. If, however, we turn such converts away, we allow intermarriages to persist, and we undermine the possibility of keeping children of such marriages within the Jewish people.

Other halakhic authorities have raised considerations that warrant leniencies in the area of conversion. If we fear that by not converting a non-Jewish partner, the Jewish partner to the intermarriage (or potential intermarriage) will estrange himself/herself from the Jewish community—we should convert the non-Jewish partner. If we reject them, such couples could be married by civil authorities or by non-Orthodox rabbis. If they

are turning to Orthodox rabbis for the conversion, this itself is an indication that they prefer to be part of the traditionalist Jewish community. If we reject them, we may run the risk of having them live outside the Jewish community, or even of having the Jewish partner convert to the religion of the spouse.¹⁹

The late Ashkenazic Chief Rabbi of Israel, I. Y. Unterman, raised yet another concern. In discussing the appropriate rabbinic attitude toward immigrants to Israel from Russia during the early 1970s—among whom were many intermarried couples—Rabbi Unterman advocated that rabbis demonstrate compassion and kindness. These immigrants should not be made to feel that the rabbis view them unfavorably. If conversions took place when the immigrants had not intended fully to live according to the mitzvot, one should not condemn such conversions lest the public conclude that the rabbis are intransigent when it comes to dealing with conversions.²⁰ Rabbi Unterman was not happy about conversions of this type; but he judged it better not to raise public opposition to them.

Rabbi Zehariah HaCohen was a sage born in Yemen in 1898, who immigrated to Israel and became a rabbi in Nehalal. He dealt with the issue of non-Jewish immigrants to Israel who were married to Jews, and who were not living a strictly religious lifestyle. Should such people be accepted for conversion? Among his concerns, Rabbi HaCohen worried about consequences of not converting these intermarried people. How would they become integrated properly into Jewish Israeli society? What would be the status of their children? He wrote:

We cannot demand that the proselyte observe all the 613 precepts at a time when most of those who are resettling him are themselves far from observing this number or even part of it. . . . How can we demand the proselyte to observe the Sabbath, and the dietary laws, and so forth? Such would be saying: Do as I say, but not as I do!”

Rabbi HaCohen believed that conversions should be performed for the non-Jewish spouses. The hope was that children of these marriages would learn more about Judaism in school, and that they would influence their parents to become more observant religiously.²¹

Rabbi Moshe HaCohen, born in Jerba, immigrated to Israel in the 1950s and became a dayan in the rabbinical court in Teverya. He, too, was concerned about the many Jewish immigrants to Israel who had non-

Jewish spouses. These couples and their children needed to be integrated into Israeli society as Jews. Yet, many of them resided in places where religious laws were not observed. Even after conversion, there was little likelihood that these converts would be religiously observant. Should they be converted anyway? Rabbi HaCohen ruled that they indeed should be converted. He explained that *kabbalat haMitzvoh*

does not mean that [the convert] must commit himself to observe all the commandments. Rather, it means that he accepts all the commandments of the Torah in the sense that, if he transgresses, he will be liable for such punishment as he deserves. . . . And if so, we do not care if at the time he accepts the mitzvoh he intends to transgress a particular commandment and accept the punishment. This is not considered a flaw in his acceptance of the commandments.²²

We see, then, that conversion entails a broader range of considerations than simply whether the would-be convert will observe ritual law to the last detail. Although we surely would like all born Jews and all converts to be fully observant of mitzvoh, conversions may be halakhically sanctioned even when our ideal hopes are not likely to be realized.

The Talmud (*Baba Metsia* 59b) states that one who causes anguish to a proselyte thereby transgresses 36 commandments; some say, 46 commandments. Those who cast doubt on halakhically valid conversions are thereby guilty of a multitude of sins. Those who foster the stringent views, without allowing for other perfectly valid halakhic positions, are not only causing anguish to proselytes and their families; they are also casting aspersions on all those halakhic sages who disagree with them. The rabbi in Ashdod who retroactively annulled the conversion of a woman who had been converted by an Orthodox Bet Din—was not just undermining the Jewish status of this woman and her children. He rejected the possibility that any legitimate rabbis could have an opinion other than his. He believed that conversion must entail absolute commitment to observe all mitzvoh—and that lacking such commitment and observance, the conversion is not valid. Thus, rabbis who rely on the far more tolerant views of the Talmud, the Rambam, the *Shulhan Arukh*, Rabbi Hayyim Ozer Grodzinski, Rabbi Uziel, Rabbi David Zvi Hoffman, and so forth—all such rabbis were themselves invalidated! The dayan of Ashdod could not have been more blunt:

These ‘courts’ permit 100 percent gentiles to marry into the Jewish people, and they cause many people to sin terribly. And they have turned conversions into a joke. The judges [who take the more lenient view] are nothing less than blasphemers and evil-doers. And since the judges are criminals, none of the conversions they perform should be recognized.²³

This statement—so arrogant in self-righteousness and so narrow in its religious worldview—characterizes what is worst in the contemporary Orthodox Bet Din establishment. In one fell swoop, it throws converts and their families into turmoil about their Jewish identities, and undermines the credibility of any rabbis who would disagree with the restrictive views on the topic of conversion. If we are looking for religious leadership among Orthodox rabbis, we should not be looking to this dayan in Ashdod, nor to any other rabbis who foster this halakhically and morally repugnant attitude.

Regrettably, the Orthodox Bet Din establishment functions with the assumptions expressed by the rabbi in Ashdod. Their “raised standards” measure the potential convert on the basis of commitment to observe ritual mitzvot, without factoring in the broader issues that dramatically affect the lives of individuals, couples, children, the Jewish community at large, the State of Israel. They establish “standards” and then refuse to accept the conversions of those upstanding and learned Orthodox rabbis who have more tolerant, compassionate, and inclusive views. This underlies the decision of Israel’s Chief Rabbis not to accept conversions performed by Orthodox rabbis of the Diaspora, except for those on a very limited approved list—approved because they accept the dictates of the Chief Rabbinate on the topic of conversion. This underlies the decision of the Rabbinical Council of America to certify only those conversions done by its own hand-picked dayanim, and not to certify conversions performed by the vast majority of its own members—fine Orthodox rabbis.

The scandal of the current Bet Din establishment position is that it actually invalidates (or casts into doubt) halakhic conversions performed by Orthodox rabbis who follow the teachings of the Talmud, the Rambam, the *Shulhan Arukh*, and a host of halakhic authorities who adhere to those teachings. Thus, halakhic converts and their children are told that they are not Jewish, or that their Jewishness is questionable. This is an egregious example of oppressing converts—*innui haGer*.

The Bet Din establishment claims that they adopt the stringent views

in order to “raise standards.” As has been pointed out, stringency in the areas of ritual observance leads to “lowering standards” in the areas of intermarriage prevention; it leads to a loss of children to families and to the Jewish people; it leads to weakening the Jewish fabric of Jewish communities in the Diaspora and in the State of Israel; it leads potential converts to give up on Orthodoxy—or to become alienated from Judaism altogether; it increases the number of transgressions of oppressing proselytes.

Another claim is that it is necessary to maintain “uniform standards” in conversion policy. The call for “uniform standards” is a code phrase, meaning that all Orthodox rabbis should adopt the most stringent positions. Yet, halakhic literature itself does not present a uniform standard. Various legitimate and valid views are available. To restrict options to a “uniform standard” is false to halakha. Rabbi Haim David Halevy, late Sephardic Chief Rabbi of Tel Aviv, has pointed out that the halakha has purposely left latitude for each rabbi to deal with the particular circumstances of each potential convert. *Ein leDayan ela mah sheEinav ro’ot*, each judge must evaluate each situation according to his own best judgment. He needs to factor in many considerations, and may sometimes feel the need to be stringent and sometimes to be lenient. Whether and when to perform conversions “was left to each judge and leader of his generation to decide according to what his own eyes see, whether toward leniency or strictness.”²⁴ If individual rabbis feel they need to adopt stringent opinions, that is their own decision to make. But such rabbis have no right to impose their views on all other rabbis. They have no right to call into question the halakhic Jewishness of converts who were converted by Orthodox rabbis who, in fact, are following classic halakhic guidelines.

The need of the hour is for Orthodox rabbis to deal with conversions with a “full halakhic toolbox.” We need to draw on the range of halakhic options in order to address the specific circumstances of each *giyyur*, and to confront the larger issues facing the Jewish people and the State of Israel.

Surely, we must take our responsibility seriously. We must teach prospective converts in a spirit of respect and kindness; we must do our best to bring them to an appreciation of Torah and mitzvot; we must help them to strive to become fine members of the Jewish people. We must oppose unequivocally “shotgun” conversions that make a mockery of *giyyur*; rather, we must engage each convert in a serious, life-transforming process. This process is filled with challenges, with emotional highs and

lows. Not every candidate for conversion will or should be accepted. Although our general attitude must be inclusive, there are cases where we feel we must say no. Each case is unique; each prospective candidate presents a different set of issues; each rabbi must weigh carefully how to deal with each situation.

3. If the current policies are halakhically and morally deficient, how should we be addressing the issue of conversion to Judaism?

Here are some suggestions:

- a) Orthodox rabbis must raise their voices to oppose the current restrictive policies of the establishment Orthodox Batei Din. They must express outrage at the mistreatment of potential converts and the abuse of halakhic converts whose Jewish credentials are being cast into doubt.
- b) If we do not resist the current misguided policies, we thereby become accomplices.
- c) The Orthodox public must insist that its Day Schools, yeshivot, and synagogues teach a range of valid halakhic opinions on the topic of *giyyur* (as well as on so many other topics!). If we are supporting institutions that foster an erroneous halakhic position on *giyyur*, then we are accomplices.
- d) Orthodox rabbis must insist that every proselyte converted by Orthodox rabbis is a full Jew in the eyes of halakha, in the eyes of God, and in the eyes of the Jewish community. No proselyte should be black-balled, whether in Israel or the Diaspora, merely because the current Bet Din establishment refuses to endorse the conversion.
- e) The Orthodox public must be vigilant that its schools and other institutions accept all halakhic converts with love and compassion. Orthodox rabbis must make it clear that they view candidates for conversion, as well as converts, as deserving of our respect and affection.
- f) We must have a compassionate, inclusive attitude, and must take into consideration the circumstances that brought these people to us in the first place.
- g) The Orthodox public must support those rabbis who foster legitimate diversity within halakha; must support those institutions that fight for a righteous, compassionate, and inclusive Orthodoxy; must have the moral courage to stand up against the injustices and cruelties perpetrated in the guise of “raising standards” and creating “uniform standards.”

At a time when many thousands of people have converted to Judaism, and many thousands more wish to do so, the Orthodox rabbinate needs to project a framework for *giyyur* that is halakhically sound and ethically responsible. The challenges of the nineteenth century, which generated the restrictive views of the Hatam Sofer, R. Yitzchak Schmelkes, and others, are different from the challenges our community is facing today. We live at a time when a sovereign Jewish State exists and must absorb hundreds of thousands of individuals who are not halakhically Jewish. We live at a time when intermarriage rates in the Diaspora are at an astronomical level and show no signs of declining. We live at a time when thousands of people would be willing to turn to Orthodox rabbis for halakhic conversion—if only we presented a halakhic framework for *giyyur* that is meaningful, accessible, and respectful to the needs and concerns of the proselytes themselves. Local Orthodox rabbis, using their own knowledge of each case on a personal basis, are far better equipped to deal with the challenges of *giyyur* today than rabbinic bureaucracies.

Halakha provides leeway and multiple views about the nature of the conversion process. Halakhic Judaism should not be constricted to only one halakhic view, and certainly not to the most rigid and restrictive view. It must be recognized that different legitimate halakhic positions are available just as there are different legitimate hashkafic opinions. At this period of historic challenge, the Orthodox rabbinate can either rise to greatness or shrink into self-righteous isolationism. Thus far, the rabbinic/Bet Din establishment has chosen the latter course. It is not too late to turn things around. The honor of God, Torah, and the Jewish people are at stake.

NOTES

*Since this article appeared, two new volumes by Rabbi Haim Amsellem have been published: *Zera Yisrael*, Jerusalem, 5770, and *Mekor Yisrael*, Jerusalem 5770. These impressive works provide a thorough discussion of conversion to Judaism, as found in halakhic literature. Rabbi Amsellem provides the actual texts of key responsa on the topic. He demonstrates convincingly that the halakhic mainstream has fostered an inclusive and compassionate view of conversion, very much in line with the position outlined in my article.

1. See Adam Ferziger's book, *Exclusion and Hierarchy: Orthodoxy, Nonobservance, and the Emergence of Modern Jewish Identity*, University of Pennsylvania Press, Philadelphia, 2005, pp. 61f.

2. Quoted by Ferziger, p. 73.
3. *Ibid.*, pp. 152f.
4. *Binyan Zion haHadashot*, no. 23.
5. Avi Sagi and Zvi Zohar, *Transforming Identity*, Continuum Press, London and New York, 2007, pp. 234f. See their original Hebrew edition of this book, *Giyur veZehut Yehudit*, Shalom Hartman Institute and Mosad Bialik, Jerusalem, 1997.
6. Yitzchak Schmלקes, *Beit Yitzchak*, Y.D. 100.
7. See Isaac Sassoon, "The Proselyte Who Comes," in the Articles section of www.jewishideas.org.
8. Akiva Joseph Schlesinger, *Lev Halvri, Kitvei R. Akiva Yosef Schlesinger*, Jerusalem, 1989, vol. 2, pp. 291–292.
9. See his article in *Jewish Life Magazine*, May–June 1965, p. 7. See also p. 11 under the heading "commitment to total observance."
10. *Ahiezer*, vol. 3, no. 26, sec. 4.
11. *Mishpetei Uziel*, vol. 2, Y.D. 58. See also R. Shelomo Zalman b. Isaac, *Hemdut Shelomo*, Warsaw 1876, Y.D. 29, where he indicates that *kabbalat haMitzvot* is accomplished in a general way, by the proselyte's entering the *mikvah* with the desire to become Jewish and to adopt the Jewish religion.
12. See also *Shulhan Arukh*, Y.D. 268:12, where R. Yosef Karo also rules that a person who fulfilled the technical requirements of circumcision and immersion—even if the process lacked examination of motives and indication of rewards and punishments of the mitzvot—is a valid convert. Even if s/he subsequently worshipped idols, s/he is to be considered a Jewish apostate—but a Jew nevertheless.
13. See Rabbi Shlomo Goren's responsum in *Shanah beShanah*, 5743, pp. 149–156, where he rejects the possibility of conversion for a non-Jew who accepted all the mitzvot but who did not accept to be part of the Jewish people.
14. For a discussion of the rigidity that set into halakha as a reaction to the rise of Reform, see Daniel Sperber, *Darka shel Halakha*, Reuven Mass Publishers, Jerusalem, 2007, pp. 102ff.
15. *Orot*, Jerusalem, 5745, p. 156. See the article by Rabbi Yoel Bin-Nun, "Nationalism, Humanity and Kenesset Yisrael," in *The World of Rav Kook's Thought* Avi Chai Foundation, New York, 1991, pp. 210f.
16. Shmuel Shilo, in "Halakhic Leniency in Modern Responsa Regarding Conversion," *Israel Law Review*, vol. 22, 1988, pp. 353 ff, cites the lenient views of Rabbis Shlomo Kluger, Shlomo Yehuda of Sighet, Shalom Shvadron, David Zvi Hoffman, Haim Ozer Grodzinski, Yehiel Weinberg, Benzion Uziel, Isser Yehuda Unterman, and Ovadia Yosef.
17. See *Mishpetei Uziel*, E.H., Jerusalem, 5724, nos. 18, 20, 22. For a discussion of R. Uziel's views on conversion, see my book, *Loving Truth and Peace: The Grand Religious Worldview of Rabbi Benzion Uziel*, Jason Aronson, Northvale, 1999, chapter 7.
18. *Mishpetei Uziel*, 5698, no. 26.
19. These concerns are raised in the following sources: R. Shlomo Kluger, *Tuv*

- Ta'am Ve'da'at*, vol. 1, no. 230; R. Shalom Shvadron, *Responsa Maharsham*, vol. 6, Y.d. 109; R. David Zvi Hoffman, *Melamed leHo'il*, Y.D. 85.
20. Rabbi Unterman discusses this issue in "The Laws of Conversion and their Practical Application," *Noam*, vol. 1, 1971.
21. Cited in Baruch Litvin, *Jewish Identity*, New York, 1965, p. 62.
22. Cited by Sagi and Zohar, *Transforming Identity*, p. 230.
23. As quoted in the *Jerusalem Post*, May 18, 2007.
24. *Asei Lekha Rav*, vol. 1, no. 23.

Folk Wisdom and Intellectual Wisdom: A Study in Sephardic Culture

(This article originally appeared in “Sephardica: Hommage a Haim Vidal Sephiha,” Peter Lang Publishers, Berne, 1996.)

Professor Haim Vidal Sephiha has made monumental contributions to the study of Judeo-Spanish civilization. It is a pleasure to dedicate this essay to him, in recognition of his singular accomplishments.

When thinking about Judeo-Spanish culture, many people naturally tend to focus on the folk elements. Indeed, the Judeo-Spanish tradition is rich in folk traditions, as manifested in proverbs, stories, songs, and customs.

Folk tradition, by definition, is the domain of the common people. It reflects their wit and wisdom, their way of comprehending life. But along with the folk culture, the Sephardim maintained a vital intellectual life. An intellectual elite produced a sophisticated literature that reflected the best thinking of the best educated members of the community. In order to understand Sephardic culture, one must be attuned to the contributions both of the folk and of the elite.

The folk wisdom and the intellectual wisdom of the Sephardim derive from the same roots. Although they differ in expression, they articulate many similar ideas. A culture is a living organism. It is to be expected that all who are part of it—whether tending more to the folk or to the intellectuals—will share in the culture’s general worldview.

In this essay, I will consider three themes in Sephardic culture, and consider how they reflect themselves in the folk wisdom and intellectual wisdom of our people.

1. Inwardness

A dominant feature in Sephardic culture is the respect for inwardness. A strong inner life is necessary to develop self-confidence and self-respect; these lead to self-reliance. On the folk level, this value expresses itself in a number of proverbs:

“Consejo de tu companiero toma y el de tu corason non dexes.” (Take the advice of your companion—but do not leave behind that of your heart.)

“Poco que sea, mio que sea.” (Let it be small, but let it be mine.)

“El diamante briya, pero al fin y at cavo es una piedra.” (A diamond glitters, but ultimately it is only a rock.)

These popular sentiments found expression in the *Me'am Lo'ez*, the classic Judeo-Spanish biblical anthology initiated by Rabbi Yaacov Huli. In recounting the story of Moses receiving the Ten Commandments, the *Me'am Lo'ez* cites a relevant rabbinic teaching. When Moses first received the Ten Commandments, he ascended Mount Sinai alone. The people of Israel were gathered around the mountain. The revelation was accompanied by thunder, lightning, and the sound of the ram's horn. This was a highly dramatic event. Yet, when Moses came down the mountain and found the Israelites dancing around the golden calf, he threw the tablets of the law from his hands, and they were shattered. Moses then ascended the mountain a second time. On this occasion, there was no public fanfare, no miraculous sounds and lights. God told Moses that he himself would have to carve out the stone on which the Ten Commandments were to be inscribed. This second set of the Ten Commandments, which Moses received alone and through his own labor, was preserved. The first tablets, which were given with much dramatic flair, were destroyed, while the second tablets, which were given privately and quietly, survived. From this, the *Me'am Lo'ez* teaches that the private exertions of an individual are greater and more effective than things done with much publicity and sensationalism. This lesson underscores the need for each person to have self-respect and self-reliance (*Me'am Lo'ez* on Exodus 34: 1–3).

This idea also is developed in the teachings of Rabbi Yitzhak Luria of sixteenth-century Safed. A central theme in his kabbalistic system was *tikun*, “correction.” Each Jew participates in the correction of the world by liberating sparks of holiness and lessening the forces of impurity. By per-

forming the commandments of the Torah, Jews thus play a major role in preserving the cosmos. Regardless of one's degree of wealth or wisdom or social status, one is able to participate in the correction of the universe. This idea, widely adopted among Sephardim, inculcates a sense of self-worth and personal responsibility.

Another element in the quality of inwardness is the awareness of holiness. Even simple and relatively uneducated Sephardim recognized the dimension of holiness in life. This very recognition has led to an inner spiritual humility, a sense of connection with the Eternal God.

On the folk level, this recognition of holiness was manifested in various ways. It was a widespread practice to read from the *Zohar*, the classic book of kabbalah. The *Zohar* was read with great devotion even by those who could not understand the words, nor even pronounce them correctly. Rabbi Hayyim Yosef David Azulai, a great eighteenth-century Sephardic sage, praised the value of reading the *Zohar* even by people who could not read it properly. The very reading of this holy text was a way of deepening a person's awareness of the holy (Azulai 1879: 6).

In many communities, it was customary to kiss the hand of the rabbi as a sign of respect. In turn, the rabbi would offer his blessing. This custom reflects respect for what the rabbi represents, that is, Torah, God, holiness. Reverence shown to the rabbi was symbolic of reverence felt toward all that is sacred in Judaism. The outward fulfillment of this custom inculcated an inward respect for holiness.

On the intellectual level, this thirst for holiness showed itself in a number of ways. The great scholars of halakha saw in their study a direct link between themselves and the will of God. Rabbi Yosef Karo, author of the classic *Shulhan Arukh*, reported receiving angelic messages, prodding him to utilize his talents to study and teach halakha.

Throughout the generations, Sephardic intellectuals produced significant works of Jewish ethics and moral guidance. Among the classic authors in this genre were such figures as Rabbis Eliezer Azicri, Eliyahu de Vidas, Hayyim Yosef David Azulai, Moshe Hayyim Luzzatto, Eliyahu ha-Cohen, and Eliezer Papo. A chief characteristic of this moral literature is its stress on spiritual inwardness.

Each person has the possibility of improving himself spiritually. One may not be able to control the world, or his society, or even his own family: but he does have the possibility of learning to control himself. The

ethical literature emphasizes the need for each individual to be strong from within.

One of the concepts in kabbalah and ethical literature is known as *hibodedut*—"meditation." This principle teaches that an individual must intellectually and spiritually isolate himself periodically, in order to focus completely on the ultimate truths. If the kabbalistic elite were able to master this practice, the masses were at least able to appreciate its value.

The folk wisdom and intellectual wisdom of the Sephardim were interrelated, each influencing the other, and both reflecting shared ideas and values.

2. Optimism, Joy in Life

The Sephardic spirit is generally optimistic, valuing the joy of life. On the folk level, this shows itself in the many celebrations held among Sephardic families, for almost any occasion. These celebrations include a wonderful variety of foods, fragrances, songs, dances. The Sephardic aesthetic sense appreciates a variety of colors. Even in food presentation, Sephardim utilize many vegetables of different colors.

The Sephardic attitude is reflected in an incident that occurred in the latter part of the eighteenth century. An Ashkenazic rabbi, Simhah ben Joshua of Zalozhtsy, made a pilgrimage to Israel. Many Sephardic Jews were on the same ship with him. The trip took place during the month of *Ellul*, just prior to *Rosh Hashanah*. This, of course, is the month when Jews recite *selihot*, special prayers seeking repentance for our sins. The month of *Ellul* is devoted to serious thought, prayers, and acts of repentance. The Ashkenazic rabbi noted, apparently with surprise, that the pious Sephardim awoke each morning before daybreak in order to chant the *selihot* prayers. Yet, "during the day, they eat and rejoice and are happy at heart" (Eisenstein 1969: 241). Even during this relatively serious season, the religious Sephardic Jews maintained the spirit of optimism and celebration.

This attitude is also evident in the synagogue melodies for the High Holy Days. In general, the music is upbeat and optimistic. The services almost totally lack music that sounds melancholy or tearful.

This attitude of optimism is reflected in an important work by Rabbi Eliyahu ha-Cohen of eighteenth-century Izmir. In his book, *Midrash*

Talpiot, Rabbi ha-Cohen explains a talmudic passage that lauds two jokesters who were said to have been granted eternal reward in the world to come. Rabbi ha-Cohen wrote:

Anyone who is happy all his days thereby indicates the greatness of his trust in God. This is why they (the jokesters) were always happy. . . . This quality (of accepting life with happiness) is enough to give a person merit to have a place in the world to come; for great is trust (in the Lord), even if a person is not perfect in all other moral perfections. (ha-Cohen 1860: 73a)

3. Gracefulness, Good Manners

Many customs and practices underscore the importance of gracefulness and good manners. When a man is called to the Torah during synagogue services, his younger relatives stand in his honor. Youngsters kiss the hand of their parents and grandparents as a sign of respect. In return, they are given words of blessing. It is not polite for younger people to look directly into the eyes of older people. Rather, the younger person should keep his eyes lowered, as a sign of respect.

Among the women, it was common to have *visitas*, little social gatherings during the course of the week. The hostess would invite some of her relatives and friends. She would prepare a good variety of baked goods and other specialties, and would serve everything on her best set of dishes. The women would attend, dressed in their best clothes, as though they were going to a formal party, rather than to the home of a friend or relative.

My mother explained to us the custom that when the hostess wanted the guests to leave, she offered them a certain confection made of marzipan. In popular parlance, this confection was known as the *passoporto* and was a signal to the guests that the party was over. This was a polite and respectful way to deal with a difficult social situation.

On the intellectual level, the importance of good manners and gracefulness was emphasized in works of Jewish law and especially in works of Jewish ethical behavior. A classic sixteenth-century work, *Regimiento de La Vida* by Rabbi Moshe Almosnino, gives specific rules of etiquette that must govern one's life. Good manners were not seen as a superficial frill, but as a basic component of proper living.

The Sephardic model was idealized among nineteenth-century German Jewish intellectuals. Moritz Kayserling asserted that the religious behavior of Sephardim

was always so pure, so free of all hypocrisy, remaining forever one and the same, far removed from all incursions of vapid rationalizing, because it emerged united with science, which in turn kept it from ever losing its way. We must constantly acknowledge the benefit that wherever Spanish and Portuguese Jews settled, they spread culture, knowledge and solid learning.

Eduard Gans believed that Sephardim “are marked by less discrepancy in morality, purer speech, greater order in the synagogue, and in fact better taste.”

Indeed, as a general rule it can be stated that Sephardim did lay stress on aesthetic considerations and orderliness. They have always taken pride in the beauty of their synagogues. Even the simplest and poorest synagogues are maintained with devotion; they are neat, clean, and pleasing to behold.

Concern for etiquette and aesthetics reflects the deeper concern for self-respect and respect of others. And, of course, it reflects respect for God.

This general tendency underlies the notion that Jews must function as ethical human beings, models of excellence who can be emulated by others. This idea found full expression in the writings of Rabbi Eliyahu Benamozegh, one of the important Sephardic intellectuals of the nineteenth century. In one of his books, *In Ethical Paths*, Rabbi Benamozegh demonstrates the profundity of the Jewish ethical system. In his work, *Israel and Humanity*, he thoughtfully argues on behalf of the universalism of Judaism. The ultimate teachings of the Torah are relevant to all peoples, not only to the Jews.

Rabbi Benzion Uziel, in his various writings, also articulates the ethical teachings of Judaism. All human beings, whether Jewish or not, are created in the image of God, and are therefore entitled to respect and dignity. Jewish teachings imbue the Jewish people with a strong ethical sense, enabling them to inspire others similarly to strive to live their lives on a high ethical plane.

Another related idea is the Sephardic discomfort with ideological confrontations. The natural tendency has been to try to maintain harmony, peacefulness, and balance.

Sephardim, whether belonging to the world of intellectuals or the world of the folk, have tended to see the Sephardic approach to life as being imbued with compassion and tolerance. Rabbi Michael Molho, in his study of the customs and practices of the Sephardim of Salonika, has noted that Sephardic religious life shuns extremism and showy displays of religious observance (Molho 1950: 155).

This Sephardic attitude led to the maintenance of cohesive, traditional communities. At a time when the Enlightenment and Emancipation were tearing the fabric of Jewish life in Europe, the Sephardim maintained themselves as islands of respectful traditionalism. Whereas Ashkenazic Jewry divided itself into ideological movements—Orthodox, Conservative, Reform, and others—Sephardim rejected this approach. Rather, they stressed the importance of maintaining a united community, avoiding ideological confrontation and divisiveness. For the sake of keeping harmony and balance in the community, individuals recognized the need to reject ideological factionalism.

The above examples illustrate how basic ideas imbued the masses of Sephardim as well as the intellectual elite. They cannot be understood as peripheral ideas held only by one group or the other. Rather, they can be seen to be basic ingredients in Sephardic culture as a whole. These attitudes and ideas, which have been fostered by our ancestors for generations, are still vitally relevant to us and to future generations. Our task is to understand Sephardic culture at its best and to convey its message to Sephardim and non-Sephardim alike.

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Teaching the Wholeness of the Jewish People

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ur heritage is rich and vast, and we claim that we teach it. But do we truly understand the wholeness of the Jewish people, or is our knowledge really limited and fragmented? Do we—indeed can we—inculcate the concept of Jewish unity in our students? If we as educators are unaware of or disinterested in Jews who have had different historic experiences than we have had, how can we convey the richness of Judaism? How can we, in fact, demonstrate the sheer wonder of halakhic Jewry without a sense of awe at the halakhic contributions of all our diverse communities throughout the world, throughout the ages?

We may study the Talmud of Babylonia and Israel; the codes of sages in Spain; the commentaries of scholars of France, Germany, Italy; the Responsa of rabbis of Turkey, the Middle East, and North Africa; the novellae of sages of Eastern Europe; the traditions and customs of Jewish communities throughout the world. We study this diverse and rich literature and confront the phenomenon that all these Jewish sages and their communities operated with the identical assumptions—that God gave the Torah to the people of Israel, that halakha is our way of following God's ways. As we contemplate the vast scope of the halakhic enterprise—and its essential unity—we begin to sense the wholeness of the Jewish people.

If, for example, we were to study only the contributions and history of the Jews of America, we would have a narrow view of Judaism. If we limited our Jewish sources only to a particular century or to a particular geographic location, we would be parochial. We would be experts in a segment of Jewish experience; but we would be ignorant of everything outside our narrow focus.

In order to teach the wholeness of the Jewish people, we need to have a broad knowledge and vision of the Jewish people. We cannot limit ourselves to sources only from Europe, just as we cannot limit ourselves to sources only from Asia or Africa. Often enough, however, Jewish education today fails to include in a serious way the Jewish experiences in Asia and Africa. How many educators can name ten great Jewish personalities who lived in Turkey, Morocco, or Syria during the seventeenth, eighteenth, and nineteenth centuries? How many Jewish Studies teachers have studied any works of authors who lived in Muslim lands over the past four to five centuries? And how many have taught this information to their students? And have they learned?

There is a vital need to teach “whole-istic” Judaism, drawing on the great teachings of our people in all the lands and periods of their dispersion. To do this, we ourselves need to study, to think very seriously, to feel genuine excitement in gathering the exiles of our people into our minds and consciousnesses. When we are engaged in this process, we can help our students share the excitement with us. Jews who are “not like us,” whose families came from countries other than “ours,” should not be viewed as being exotic or quaint. There is more to a Jewish community than a set of interesting customs or folkways. We need to be able to speak of the Jews of Vilna and of Istanbul and of Berlin and of Tangiers with the same degree of naturalness, with no change in the inflection of our voices. We need to see Jews of all these—and all the other—communities as though they are part of “our” community.

Consider the standard *Mikra’ot Gedolot*, a common edition of the Bible. There are commentaries by Rashi (France); Ibn Ezra and Ramban (Spain); R. Hayyim ben Attar, the Ohr haHayyim (Morocco); R. Ovadia Seforno (Italy), and many others. The commentaries of the Talmud, the Rambam, and *Shulhan Arukh* are also a diverse group, stemming from different places and times. It is important for teachers to make their students aware of the backgrounds of the various commentators. In this relatively simple way, students are introduced to the vastness of the Torah enterprise—and of the value of all communities that have engaged in maintaining the Torah. To quote Sephardic sages together with Ashkenazic sages, naturally and easily, is to achieve an important goal in the teaching of wholeness of the Jewish people.

Most teachers teach what they themselves have learned. They tend to draw heavily on the sources that their teachers valued. It is difficult and challenging to try to reach out into new sources, to gain knowledge and inspiration from Jewish communities that one originally had not considered to be one's own.

The majority of Jews living in Israel are of African and Asian backgrounds. Students who gain no knowledge of the history and culture of the Jews of Africa and Asia are being seriously deprived. They will be unable to grasp the cultural context of the majority of Jews in Israel, or they will trivialize it or think it exotic. But if Jews are to be a whole people, then all Jews need to understand, in a deep and serious way, about other Jews. This is not for "enrichment" programs or for special "Sephardic days;" this is basic Jewish teaching, basic Jewish learning.

I am saddened by the general narrowness I have seen in some schools. There is a reluctance to grasp the need for wholeness on a serious level. Time is too short. Teachers don't want more responsibilities. But Judaism goes far beyond the sources of Europe and America. Giving lip service to the beauty of Sephardic culture; or singing a Yemenite tune with the school choir; or explaining a custom now and then—these "token lessons" don't represent a genuine openness, a positive education.

Standard textbooks don't teach much about the Jews of Africa and Asia, their vast cultural and spiritual achievements, their contributions to Jewish life and to Torah scholarship. Schools often do not make the effort to incorporate serious study of these topics, so our children grow up with a fragmented Jewish education.

To raise awareness and sensitivity, teachers should utilize the resources within the community—including students, community members, and synagogues representing diverse backgrounds, customs, and history that can enlighten students. Spending Shabbat with diverse communities, within the United States as well as when visiting Israel, can be a moving way of sharing cultures and customs.

Attaining wholeness in Jewish education entails considerable work on the part of administrators, teachers, and students. It may cost time and money. But can we really afford to continue to deprive our children and our people of wholeness?

Sephardic Haskalah

(This is a slightly edited version of Chapter Ten in Rabbi Marc D. Angel's book, Voices in Exile: A Study in Sephardic Intellectual History, Ktav Publishing House, Hoboken, 1991.)

One manifestation of the confrontation with modernity among the Jews of Europe was known as the Haskalah, or Enlightenment. Proponents of the Haskalah held that Jews should study Judaism and its classic texts in a modern, scientific fashion. They argued for a modernization of education for Jews to include secular subjects. The Haskalah witnessed a rebirth of literary creativity among Jews. Generally, Haskalah figures were critical of the traditional, talmudic/rabbinic structure of Jewish life.

Moses Mendelssohn (1729–1786) was the guiding light of early Haskalah thought. He attempted to harmonize Jewish teachings with modern philosophy. He felt that if Jews presented their religious ideas to the non-Jewish world in a sophisticated manner, the non-Jews would come to respect Judaism and appreciate the Jews. Realizing that increasing numbers of young Jews were seeking and receiving a secular education, Mendelssohn wanted to demonstrate that Judaism could be respectable even to those who studied philosophy and other academic subjects.

Within the Ashkenazic world, there was considerable controversy between the proponents of Haskalah and the traditionalists who opposed it. The Jews in Europe were facing a serious dilemma: How could they adapt and survive in a Christian society that was giving them more freedom than they had ever had before? When they had been restricted to ghettos and had few civil rights, they had lived according to their traditions and found satisfaction in them. But now that they had been given the possibility of participating in the larger society around them, they had to make critical decisions. Jews who entered the non-Jewish world very often came to abandon their religious heritage. They adopted the customs and ideas of the non-Jews. After all, they wanted to be like the dominant majority, not old-fashioned or identifiably different.

Traditionalists, seeing how quickly Jews assimilated into the non-Jewish culture, were alarmed that the Jews were so willing to abandon their distinct religious identity. They therefore strenuously resisted any tendency that they felt would weaken the hold of biblical and rabbinic tradition. They saw the Haskalah as a negative force, a direct threat to traditional authority.

Although the Haskalah movement itself called for modernization rather than assimilation, it did shake the foundations of traditional religious authority. In this sense, it contributed to the tendency of Jews to give up Orthodox beliefs and practices.

The Haskalah was a phenomenon primarily among Ashkenazic Jews. Nevertheless, it did have an impact on the Sephardic communities of Western Europe. As European cultural influence in Muslim lands increased, Sephardim in Turkey, Egypt, Morocco, and other countries also came into contact with the teachings of the Haskalah.

The ideology and impact of the Haskalah, however, were generally not the same among Sephardim as among Ashkenazim. For the Ashkenazim, Enlightenment represented a way to enter mainstream European culture in a respectable fashion. In a sense, Haskalah thought was an apologetic for Judaism, an attempt to present it scientifically, universally. It wanted to shake off the non-modern aspects of traditional Judaism. An underlying hope was that enlightened Jews would be able to function successfully in non-Jewish society, accepted as equals.

The Sephardim of Western Europe, though, already felt relatively comfortable in their non-Jewish milieu. They had a tradition of adaptability. They spoke the languages of the lands in which they lived; some had risen to prominence in various professional fields. Their synagogues were prestigious; their services were elegant and dignified. Western Sephardim maintained their institutions according to their ancient traditions and were not inclined to “modernize.” Haskalah issues were not central to their concerns.

This was even truer for the vast majority of Sephardim who lived in Muslim lands. They did not feel that the Jewish culture was in any way inferior to the culture of the Muslims among whom they lived. They had no compelling reason to abandon traditional religious patterns as a means of adapting to the non-Jewish society around them. Indeed, they functioned as autonomous communities within the broader Muslim world, and were not motivated to strive for emancipation and legal equality.¹

At the same time, the ideas and tendencies of the Haskalah movement did manifest themselves among Sephardim. From the second half of the nineteenth century, Haskalah ideas filtered into the Sephardic communities in Muslim lands, especially through the efforts of the schools of the Alliance Israelite Universelle—bastions of French culture. The influence of European colonial powers in North Africa and the Middle East was also an important factor in Sephardic intellectual life. The impact of the Haskalah could not be altogether ignored.

Grace Aguilar: Jewish Spirituality

Grace Aguilar (1816–1847) belonged to the Sephardic community of London. Although her life was cut short by an untimely death, she left a remarkable literary legacy. Aside from a number of novels, she also wrote several works relating to Jewish religious teachings.

She was concerned that the wave of modernism was undermining the foundations of traditional religious life. Jews were seeking success in the secular world; the bond of religion was weakening. She was particularly aware of the spiritual turmoil among Jewish youth, and she sought to address their religious questions to thereby strengthen their faith.

Grace Aguilar corresponded with Isaac Leeser, spiritual leader of the Spanish and Portuguese Congregation Mikveh Israel in Philadelphia, and he was of much help to her. Indeed, he edited several of her works for publication, including *The Spirit of Judaism*. This work reflected Aguilar's deep concern that Jewish youth were not receiving a proper spiritual education in Judaism. She feared that they would be attracted to Christianity, which was popularly portrayed as a religion of the spirit. In contrast, Judaism was described as a religion of numerous detailed observances. Presented as an elaborate commentary on the first paragraph of the *Shema* (which she transliterated in the Spanish and Portuguese style as *Shemang*), the book dealt with a wide range of religious topics, emphasizing the profound spirituality inherent in Judaism.

Grace Aguilar argued that if Jews understood the true power and beauty of their religion, they would proudly assert their Jewishness instead of trying to conceal it. The repetition of the *Shema* itself is a source of holy comfort. If recited regularly “we shall go forth, no longer striving to conceal our religion through *shame* (for it can only be such a

base emotion prompting us to conceal it in free and happy England); but strengthened, sanctified by its blessed spirit, we shall feel the soul elevated within us.”²

Aguilar stressed the need for Jews to devote themselves to the study of the Bible, the foundation of Judaism. In so doing, she made some pejorative remarks about “tradition,” apparently referring to the traditional stress on fulfilling the details of the law. (Isaac Leeser, in his notes to the book, took her to task on several occasions for her detraction of “tradition.”³) However, Aguilar can hardly be accused of being unorthodox and opposed to the observance of mitzvot. She consistently called for the faithful observance of the commandments in their details:

Instead then of seeking to find excuses for their non-performance, should we not rather glory in the minutest observance which would stamp us as so peculiarly the Lord's own, and deem it a glorious privilege to be thus marked out not only in feature and in faith, but in our civil and religious code, as the chosen of God?⁴

It may be argued that Grace Aguilar's stress on the Bible and seeming deprecation of “tradition” was her way of trying to appeal to the religious needs of her audience. She perceived her readers as being under the influence of Christian notions of what a religion should be. By asking Jews to read the Bible, she was asking them to do something that was desirable even for Christians, who also venerated the Bible. By emphasizing the spirit of Judaism, she wished to convey to Jews seeking spirituality that they had no need whatsoever to turn to Christianity. But in the process of stressing the Jewish spirit, she found it necessary at times to downplay the details of the laws of Judaism as transmitted by tradition. These details themselves had to be framed within a context of spirituality and not be seen as ends in themselves.⁵

In *The Jewish Faith: Its Spiritual Consolation, Moral Guidance, and Immortal Hope*, completed shortly before her death, Grace Aguilar presented her arguments in the form of a series of letters from a knowledgeable Jewish woman to her beloved young friend, an orphan with little Jewish education. Aguilar felt that this style of presentation would be more interesting for her readers, especially younger readers whom she hoped to influence.

In the introduction to the book, she emphasized the need to present

sophisticated religious educational materials to young people. Youth were easily influenced by outside sources; unless they had a proper understanding of Judaism, they would be tempted to abandon it. Indeed, the orphan to whom the letters in the book were addressed had been considering the possibility of converting to Christianity, believing that Christianity offered more spirituality than Judaism. The author, of course, forcefully refuted this claim; in the end, the orphan did not convert, but rather became a more devoted Jew.

Grace Aguilar expressed the conviction that it was necessary to provide Jewish education for girls as well as boys. She lamented the fact that the education of Jewish girls had not been given adequate attention. She described her book as “an humble help in supplying the painful want of Anglo-Jewish literature, to elucidate for our female youth the tenets of their own, and so remove all danger from the perusal of abler and better works by spiritual Christians.”⁶

Arguing that the new knowledge and ideas brought about by the advances in science did not contradict the truth of the divinely revealed Torah, Aguilar wrote: “So simple, so easy appears to me the union of Revelation and all science, that how any mind can reject the one as contradicting the other is as utterly incomprehensible as it is fearful.”⁷ Scoffers who scorned the truth of religion were guilty of arrogance; they did not have a proper understanding of religion. Aguilar was obviously troubled by the increase in skepticism among Jews and by their intellectual surrender to the antireligious proponents of modern science and philosophy. If Jews received an enlightened Jewish education, they would hold fast to their own religious traditions.

Moreover, Jews were not learning the spiritual aspects of Judaism. They were taught laws and customs, but often had no insight into the deeper meanings and ideas of Jewish tradition. Aguilar noted that the Spanish and Portuguese Jews tended to stress the external forms of religious ceremony, giving the impression that these forms were the essence of Judaism. While she recognized the reasons for the emphasis on form, she argued for the necessity of emphasizing the spiritual aspects of Jewish teachings. She warned, however, that people should not abandon religious observance, thinking that spirituality was of higher value. On the contrary, the observances gave expression to the spiritual feelings of love of God. She wrote that

every spiritual Hebrew, instead of disregarding the outward ceremonies, will delight in obeying them for the love he bears his God, welcoming them as immediate instructions from Him, even as a child obeys with joy and gladness the slightest bidding of those he loves.⁸

Grace Aguilar was troubled by the phenomenon of Jews who achieved success in general society but in the process moved away from Jewish commitment.

Many, indeed, have lately distinguished themselves in the law, and in the fine arts of the English world; but why will not these gifted spirits do something for Judaism as well as England? There is no need to neglect the interests of the latter, in attending to the need of the former. We want Jewish writers, Jewish books.⁹

Aguilar was convinced that if the best and most enlightened Jewish minds devoted themselves to presenting Judaism at its best, the non-Jewish world would be duly impressed. Hatred of Jews would diminish as non-Jews came to learn about and respect Judaism and Jews.

Grace Aguilar's writings reflected major issues of modernism: the education of women, the need for spirituality, the renewed interest in the Bible, the critique of blind obedience to details of the law without understanding its deeper meanings. They also shed light on the religiosity of her reading audience: relatively unversed in Jewish learning, skeptical about the mitzvot, susceptible to the spiritual charm of Christianity. (Leeser challenged the latter point, believing that it was very rare for a Jew to convert to Christianity. As he saw the problem, Jews were simply becoming apathetic to their own spiritual heritage.¹⁰) Grace Aguilar's essential goal was to demonstrate that loyalty to traditional Judaism was not antipathetic to success in the modern world. By studying the classic sources of their religion and maintaining observance of the commandments, Jews would be secure in their own faith and could function more confidently in the general non-Jewish society.

Eliyahu Benamozegh: Jewish Ethics

The impact of the Haskalah was also evidenced in the writings of Rabbi Eliyahu Benamozegh (1822–1900). Born in Livorno, Italy, to a family of Moroccan Sephardic background, Benamozegh was a major figure in

Jewish intellectual life during the nineteenth century. He served as rabbi in Livorno and was a professor of theology in the rabbinical school there. He published works in Hebrew, French, and Italian.

R. Benamozegh was well steeped in rabbinic learning, including the kabbalah. He also was educated in general academic disciplines; his writings reflect his knowledge of archaeological research, philology, history, Christianity, and philosophy.

Like Aguilar, R. Benamozegh was concerned with the relationship of the Jews to the larger Christian society in Europe. In his book, *In Ethical Paths*, he attempted to clarify Jewish teachings on ethics and demonstrate their superiority to the seemingly more spiritual ethics of Christianity. He, too, felt that Jews needed to have a better grounding in the moral teachings of their own religion in order to withstand the influence of Christian society. He argued that it was unfair of Christians to insist that their system of ethics was superior to Jewish ethics. After all, Christianity was based on Judaism, and many of its main teachings were of Jewish origin. Moreover, the Christian claim to have superseded Judaism was not sound. Why would God—who chose Israel and gave them the Torah—suddenly change His mind and establish a new religion to replace Judaism? Since God was omniscient, such a change in plans would seem absurd. But even using Christian logic, there was no reason to believe that Christianity had become the ultimate expression of God's will. If, as Christians claimed, God had changed His mind once, then what would preclude Him from doing so again, choosing another religion to replace Christianity? In short, Christianity's argument on this issue was untenable.¹¹

In describing Jewish ethics, R. Benamozegh noted that Judaism encompassed two factors: the national (*mediniyut*) and the ethical (*mussar*). Thus, Jewish ethics is grounded in practical reality. It is not ethereal or over-idealized but is based on the real considerations of a real nation. In contrast, Christian ethics is not applicable to national life in the same way. Christians speak of humility, suffering, compassion, and other such concepts in unrealistic ways. Which nation on earth would allow itself to be attacked and not defend itself or strike back? Which nation would forgive debts or ignore insults and cruelties committed against its people? Christianity cannot adequately satisfy the natural human need and attachment for a homeland. On the other hand, Judaism is realistic in linking ethical teachings to national and practical concerns. Religion and nationality cannot be separated.¹²

In his elaboration of the Jewish ethical tradition, R. Benamozegh stressed the universalism of Judaism. The Torah described humanity as deriving from common ancestors, Adam and Eve. Humanity has a common destiny—the messianic time.¹³ Jewish ethics shows respect for non-Jews and does not preclude them from God's love and salvation. Judaism's goal is not to punish the wicked but to bring them back to righteousness. Since Jewish faith is necessarily contingent on the performance of practical works, it provides the most realistic framework for the creation of an ethical society.¹⁴

R. Benamozegh published this work in French, intending it for both Jewish and Christian readers. For the Jews, he hoped this work would strengthen their commitment to their own tradition. For the Christians, he hoped that they would gain a new understanding of Judaism and would come to appreciate it better. He recognized the growing influence of Christianity over the emancipated and enlightened Jews; he offered his book as an anodyne to that influence. As a man of broad Jewish and general culture, he was eminently qualified for the task he had set himself.

Rabbi Israel Moshe Hazan

One of the most influential Sephardic thinkers of the nineteenth century was Rabbi Israel Moshe Hazan (1808–1863).¹⁵ Born in Izmir, Turkey, his family moved to Jerusalem when he was still a small child. He studied there in the yeshiva of his grandfather, Rabbi Yosef Refael Hazan. In 1842 he was appointed to the rabbinical court in Jerusalem, a testimony to his scholarship and stature in the community. In 1844 he traveled as an emissary to London. He subsequently held rabbinic positions in Rome, Corfu, and Alexandria.

Rabbi Hazan was deeply committed to maintaining Judaism in its traditional form. During his stay in London, he wrote a pamphlet attacking the recently established Reform movement in England. He also joined a group of traditionalists who were opposed to the teachings of Reform.

Rabbi Hazan argued that the Jewish people should conduct themselves according to their own laws and traditions. They should not abandon their religious and national autonomy by succumbing to the temptations of emancipation and enlightenment. He complained that European Jews tended to polarize, either assimilating readily into non-

Jewish culture or fiercely isolating themselves against its influence. He represented the classic Sephardic model—maintaining traditional religious autonomy while at the same time being open to the best teachings of the non-Jewish world.

In his *Nahalah leYisrael*, Rabbi Hazan contended that Jews should adhere to their own laws, including the laws of inheritance. The non-Jewish governments did not require Jews to abandon their own legal system; why then should they do so voluntarily? Anyone who studied Jewish history would quickly realize that

from the time of the exile of Judah from his land, [the Jews] followed the laws of the Torah of Moses their teacher! Even when they lived in foreign lands, some here and some there, they sacrificed themselves in order to fulfill all that was written in the book of the Torah.¹⁶

This was true when Jews lived among pagans; so much more should it be true when they lived among those who believed in God and in the divinity of the Torah. Indeed, Christianity and Islam had both acknowledged the basic principles of Judaism and the sacred nature of the Jewish Bible. Judaism had taught the world vital social values, love of fellow human beings. The non-Jewish world had not asked Jews to forfeit their autonomous religious life. Therefore, the Jews should certainly maintain their own laws and traditions in all areas, including inheritance, marriage, and divorce.

Rabbi Hazan expressed rage at those who followed non-Jewish civil laws of inheritance instead of relying on the rules of Judaism. “Those Jews who seek inheritance contrary to the Torah of Moses are adjudged as heretics, Sadducees, uprooters of Torah, notorious thieves. If you investigate them, you will find that they violate other commandments arrogantly.”¹⁷

Calling on his fellow rabbis to fight against those who advocated following the civil law in matters of inheritance, Rabbi Hazan warned that if this section of Jewish law were forfeited, it would only lead to further undermining of the Torah and its legal authority.

Know truly that if at this time we are silent, the laws of inheritance will be completely uprooted, as though the Torah had never been written. Woe unto us! Woe unto us, what will be our end! It is as though we were almost dead, almost lost; it is as though a Torah scroll had been burnt . . . in which case all Jews in all places should rend their garments never to be re sewn.¹⁸

Considering the gravity of the threat to Jewish religious hegemony, Rabbi Hazan called on rabbis to struggle courageously against those who were willing to compromise Jewish law. He received approbation for his position from leading Sephardic rabbis in Izmir, Salonika, Istanbul, Vienna, and other communities.

Rabbi Yehudah Yaacov Nehama: Defending Tradition

The tide of modernism and Europeanization made itself felt in the domains of the Ottoman Empire during the nineteenth century. The Turkish authorities instituted a number of reforms (*tanzimat*), indicating their desire to shake off past stagnation and become a modern society. European culture, especially in its French form, seemed particularly attractive to the Ottoman rulers.¹⁹

The wave of Europeanization also had an effect on the Jews of the Empire. Sephardic intellectuals were receptive to French influence. Schools operated by the Alliance Israelite Universelle sprang up throughout the Ottoman Empire, the Middle East, and North Africa. They eagerly promoted the glories of French language and culture. They also introduced modern educational techniques. In short, an intellectual transformation was occurring among the Sephardim, bringing them into contact with European modernism.

Rabbi Yehudah Yaacov Nehama (1825–1899) was an influential figure in Salonika. His life and works are a reflection of the impact of Haskalah thought on Sephardic thinkers. He wrote three major works that were destroyed in a fire and thus never published. One of these was a history of the Jewish people, one was a volume of rabbinic Responsa, and one was a history of the Jews of Salonika. The scope of these works reflects Nehama's wide-ranging interests and knowledge. He was not only deeply learned in classic rabbinic literature, but was also a historian of Jewry in general and of his own community in particular. Historical research was an important feature of the Jewish Haskalah.

Two volumes of Rabbi Nehama's letters were published. They reflect his knowledge in many fields. He corresponded with leading Jewish intellectuals of his time, Sephardic and Ashkenazic. His interest in books and bibliographic information was formidable.

Like Aguilar, Benamozegh, and Hazan, Nehama was well versed in

contemporary culture and was also committed to maintaining the traditional structure of religious observance. In a letter written in the year 5614 (1854), he responded to Rabbi Mordecai Halevi Mortara and Rabbi Shelomo Nissim of Mantua, who had written to inform him that some members of their community were agitating to abolish the observance of the second day of festivals. (According to rabbinic law, communities outside the land of Israel are obligated to observe two festival days, whereas the communities in Israel observe one day.) Rabbi Nehama was infuriated by this suggestion, since it undermined age-old Jewish practice. He condemned those who called for reforms in Judaism, referring to the spirit of reform as a leprous plague. Such recommendations were divisive and would lead to factionalism. “My brothers and my people, beware of heeding the words of those who love reform and heresy; take heed of the custom of your ancestors and do not turn from it.”²⁰

Rabbi Henry Pereira Mendes

A leading religious and communal figure in American Jewish life during the late-nineteenth and early-twentieth centuries was Dr. Henry Pereira Mendes (1852–1937).²¹ Born in Birmingham, England, he was the son of Abraham Mendes, who was minister of the Sephardic congregation there. On both his father’s and his mother’s side, he was the product of a long line of religious leaders.

Rabbi Mendes served as minister of the historic Congregation Shearith Israel, the Spanish and Portuguese Synagogue in New York City, the oldest Jewish congregation in North America (founded in 1654). His service began in 1877, and he was associated with the congregation until his death 60 years later. Aside from his training in Jewish studies, he received the degree of medical doctor from New York University in 1884.

Dr. Mendes was tireless in his work on behalf of Jewish tradition. He was a founder of the Union of Orthodox Jewish Congregations of America, believing it necessary for the Orthodox community to be united. He also was a co-founder, together with his colleague Rabbi Sabato Morais of Philadelphia, of the Jewish Theological Seminary of America. He and Morais envisioned the institution as a training ground for American-bred traditional rabbis who could serve Jewish communities in the United States. When the Seminary later identified itself with the Conservative

movement, Dr. Mendes dropped his association with it. His goal had been to strengthen Orthodoxy and to combat Reform.

An energetic communal leader and humanitarian, Dr. Mendes was also involved in the establishment of such institutions as the Young Women's Hebrew Association in New York, Montefiore Hospital, and the Lexington School for the Deaf. He was a leader in such organizations as the Union of Orthodox Jewish Congregations of America, the New York Board of Jewish Ministers, the Federation of American Zionists, and the World Zionist Organization. He also was a prolific author of religious textbooks for children, dramatic works, poetry, books on Jewish history and ethics, and more.

Dr. Bernard Drachman, a colleague of Dr. Mendes, described him as "an ideal representative of Orthodox Judaism." He praised Dr. Mendes' "absolute freedom . . . from anything approaching narrowness of sectarian bias within the Jewish community."²²

Indeed, Dr. Mendes was a universally respected figure, whether among the Sephardim of America, the Yiddish-speaking Ashkenazim, the non-Orthodox community, or the non-Jewish community. He was urbane, highly educated, principled, hard-working. His sermons and literary works demonstrate his devotion to the Bible. He did not consider himself a scholar of Talmud and halakha, although he certainly was comfortable studying the classic rabbinic texts.

Dr. Mendes viewed himself as a spokesman for the Sephardic outlook on Judaism. In a guest sermon, which he delivered in the Sephardic synagogue on Lauderdale Road in London (July 27, 1901), he was effusive in his praise of the Sephardic religious tradition, which was able to blend loyalty to the past with an openness to new thinking. He called for "a revival of Sephardic activity, a renewal of Sephardic energy, an earnest demonstration of fidelity to God and Torah, a continued proof by our own lives that culture and fidelity can go hand in hand."²³

Stressing that faithfulness to tradition could go hand-in-hand with modern culture, Dr. Mendes strenuously opposed Reform Judaism, believing that it was an incorrect diagnosis for the spiritual malaise of the Jewish people. Instead of breaking with tradition, Jews actually needed to come closer to it, to find peace and contentment in the age-old laws and customs of the Jewish people. Reform led to a weakening of the hold of tradition. It engendered more apathy and irreligion among Jews. If each individual did

as s/he chose without taking the claims of Jewish law and tradition into consideration, then the structure of Jewish life would be seriously weakened. Dr. Mendes criticized this “everyone-doing-as-he-pleases-religion” as the source of ignorance, apathy, and disregard of religious restrictions.²⁴

In 1891 some suggestions for ritual changes were made in his own Congregation Shearith Israel. Dr. Mendes reacted with characteristic eloquence.

I say it is a very solemn thing for this Congregation with its centuries of proud adherence to historic Judaism to approach the subject of change at all. . . . Are those who have enlisted under the banner of change distinguished for a better observance of the Sabbath? Are they in any way improved religiously? Are their homes more Jewish? Are their children more devoted to Judaism and better exponents of its teachings? . . . No new virtues have been created in the heart of the Reform Jew which are not found in the heart of the Orthodox Jew. Nor is the cultured Reformer more respected than is the cultured Orthodox brother.²⁵

Dr. Mendes prevailed and the changes were averted.

Traditional Communal Framework

Religious leaders and intellectuals throughout the Sephardic Diaspora advocated loyalty to Jewish tradition. Although they were well aware of the spirit of modernism and of the challenges to religious patterns, they felt that the Jewish people could best be served by remaining faithful to its own distinctive way of life. Reform was not acceptable. It was a surrender to the whims of European modernity, and it could only lead to a breakdown in Jewish religious life, to assimilation.

Whereas the issues of emancipation and enlightenment led to the formation of religious movements within Ashkenazic Jewry, Sephardic Jewry did not fragment itself into Orthodox, Conservative, Reform, or other movements. Ashkenazic Jewry was torn apart by feuding among the ideological movements. It established separate communities, institutions, even cemeteries. Sephardic Jewry was spared this internecine religious struggle.

Certainly, not all Sephardic Jews adhered to all the details of traditional halakha. Laxity in observance was growing. A lessening of reverence for rabbinic authority was also apparent in many communities. Yet the general Sephardic attitude was respectful to tradition. The religious intellectu-

als, as well as the masses, were desirous of maintaining a traditional religious framework for their communities. The Sephardim found a *modus vivendi* characterized by respect for tradition and tolerance for those whose observance of halakha fell short. Whereas some individuals might not be personally observant, the synagogue and community structure were to operate according to halakha.

The Haskalah movement, then, did have an impact on the Sephardic world. But the Sephardic communities generally remained loyal to the traditional halakhic communal framework. This was not a small accomplishment.

NOTES

1. See David Benveniste, "Rabbi Yehudah Yaacov Nehama: *Mevaser Tekufat haHaskalah beSaloniki*," in *The Sephardic and Oriental Jewish Heritage*, ed. Issachar Ben-Ami (Jerusalem, 1982), p. 30. See also Jose Faur, *Harav Yisrael Moseh Hazan: haIsh uMishnato* (Jerusalem, 5738), esp. pp. 3–17.
2. Grace Aguilar, *The Spirit of Judaism* (Philadelphia, 5602), p. 9.
3. See for example, Leiser's comments on pp. vii, 21, 100, and 104.
4. *Ibid.*, pp. 225–26.
5. See the discussion of Grace Aguilar's thought in Philip M. Weinberger, *The Social and Religious Thought of Grace Aguilar* (New York, 1970); see also Beth-Zion Lask Abrahams, "Grace Aguilar: a Centenary Tribute," *Jewish Historical Society of England Transactions* 16(1952): 137–48. See also, Ronda Angel Arking, "A Spirit of Inquiry: Grace Aguilar's Private Spirituality," in Issue 3 (Winter 2009), of *Conversations*, 31–41.
6. Grace Aguilar, *The Jewish Faith: Its Spiritual Consolation, Moral Guidance and Immortal Hope* (Philadelphia, 1864), p. 10.
7. *Ibid.*, p. 124.
8. *Ibid.*, p. 221.
9. *Ibid.*, p. 264.
10. *Spirit of Judaism*, pp. viii, 165.
11. Eliyahu Benamozegh *BiShvilei Musar* (Jerusalem, 1966), pp. 21–27.
12. *Ibid.*, pp. 28–30, 33.
13. *Ibid.*, pp. 120–121.
14. *Ibid.*, pp. 124–125, 132–133, 148, 166. See also R. Benamozegh's book, *Israel and Humanity*, trans. and ed. Maxwell Luria. New York: Paulist Press, 1995.
15. See Faur, *Harav Yisrael Moshe Hazan*.
16. I. M. Hazan, *Nahalat leYisrael* (Alexandria, 1862), pp. 53–54.
17. *Ibid.*, p. 55.
18. *Ibid.*, p. 61.
19. The changes in the taxation system are reflected in Rabbi Michael Yaacov

- Israel, *Yad Yemin* (Izmir, 5619), *Hoshen Mishpat*, no. 25; and Hayyim Palache, *Hikei Lev* (Izmir, 5609), *Hoshen Mishpat*, no. 6.
20. Yehudah Yaacov Nehama, *Mikhtevei Dodim miYayin*, vol. 1, (Salonika, 5653) pp. 48–49.
21. For information on Dr. Mendes, see David de Sola Pool, *H. Pereira Mendes: A Biography* (New York, 1938); and David and Tamar de Sola Pool, *An Old Faith in the New World* (New York, 1955), pp. 192–201. See also Eugene Markovits, *Henry Pereira Mendes: Builder of Traditional Judaism in America*, doctoral dissertation, Yeshiva University, 1961; and Eugene Markovits, “Henry Pereira Mendes: Architect of the Union of Orthodox Jewish Congregations of America,” *American Jewish Historical Quarterly* 55, no. 3, pp. 364–84.
22. B. Drachman, “Forty Years of Loyal Service,” *Orthodox Union* 7, no. 6.
23. See Markovits, “Henry Pereira Mendes Builder of Traditional Judaism,” p. 250.
24. *Ibid.*, p. 86.
25. Dr. Mendes’ remarks are found in the archives of Congregation Shearith Israel, and are quoted in M. D. Angel, “Thoughts about Early American Jewry,” *Tradition*, 16 (1976), p. 21.

Models of Sephardic Rabbinic Leadership

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In the early 1970s, shortly after I had begun my rabbinical service at Congregation Shearith Israel, the historic Spanish and Portuguese Synagogue of New York City, I attended a shiur, a lecture, at Yeshiva University given by the recently elected Rishon leZion, Rabbi Ovadya Yosef. As a young Sephardic rabbi, I was eager to hear the words of this prominent and erudite Sephardic rabbinic leader. The message of that shiur made a great impression on me and has remained with me to this day.

Rabbi Yosef, drawing on a passage from the Hidah (Rabbi Hayyim Yosef David Azulai), suggested a distinction between the Ashkenazic and Sephardic approaches to halakha. Historically, the Hidah noted, the Ashkenazim tended toward the quality of “*gevurah*,” strength. They viewed halakhic stringencies as a positive expression of love of God. The stricter the demands of halakha, the more self-sacrifice and heroism were entailed in fulfilling the commandments. In contrast, the Sephardim tended toward the quality of “*hessed*,” compassion. They viewed halakha as a loving means of serving God. Whereas Ashkenazim veered toward halakhic stringency, Sephardim tilted toward halakhic leniency. As Rabbi Yosef said: “The Sephardic rabbis are of the school of Hillel, tending toward *hessed*, and they do not have stringencies; they walk on the ‘king’s highway.’ However, Ashkenazic rabbis tend toward *gevurah*, and are from the school of Shammai who were strict.” Rabbi Yosef assured his audience that he himself was of the school of Hillel, and wished that “the Ashkenazim would be in order as we are.”¹

Rabbi Yosef’s description of Sephardic and Ashkenazic halakhic attitudes was surely stereotypical. Throughout the ages, Ashkenazic sages could be counted among those who ruled leniently; and Sephardic sages

could be included among those who favored stringencies. Still, the generalized view of Rabbi Yosef is important because it sheds light on how Sephardic sages (and Ashkenazic sages) viewed themselves and their roles. If a rabbi saw himself as part of a tradition that had a particular halakhic tendency, he was more likely to adopt that tendency himself. Rabbis whose tradition stressed a *gevurah* approach would consciously or unconsciously tilt toward stringent rulings and interpretations; rabbis whose tradition placed a premium on *hessed* would consciously or unconsciously tilt toward lenient rulings and interpretations.

Justice Benjamin Nathan Cardozo, in a lecture he delivered at Yale University, observed that no judge can be entirely objective and impartial. He said,

There is in each of us a stream of tendency, whether you choose to call it philosophy or not, which gives coherence and direction to thought and action. Judges cannot escape that current any more than other mortals. All their lives, forces which they do not recognize and cannot name, have been tugging at them—inherited instincts, traditional beliefs, acquired convictions; and the resultant is an outlook on life, a conception of social needs...which, when reasons are nicely balanced, must determine where choice shall fall. . . . We may try to see things as objectively as we please. None the less, we can never see them with any eyes except our own.²

Part of the “stream of tendency” within the Sephardic rabbinic tradition is the emphasis on *hessed*. Sephardic rabbis and laity alike have the general feeling that the Sephardic tradition is compassionate, tolerant, and sympathetic to the human predicament. This self-image serves as a self-fulfilling prophecy; because we have this view of our tradition, this leads us to conduct ourselves and make decisions staying true to this idealized self-image. When Rabbi Ovadya Yosef, echoing earlier generations of Sephardic sages, stated that Sephardim are followers of the school of Hillel, then the new generations of Sephardic rabbis absorb this attitude from the very civilization of which they are part. They see themselves as agents of *hessed*—and thus they internalize the value of *hessed* in their views on life and law.

I pondered the words of Rabbi Yosef in the context of my own upbringing in the Sephardic community of Seattle, Washington, among Jews of Judeo-Spanish background. It seemed eminently true to me that the Sephardic approach to religion and life was characterized by *hessed*,

optimism, and a spirit of inclusiveness and hospitality. This is what I learned from my parents and grandparents; this is what I learned from my elders and my rabbis.

After hearing Rabbi Yosef's shiur, I decided to move beyond personal reminiscences and to try to address this issue in a more objective, scholarly fashion. I wrote an article for *Midstream Magazine* (August/September, 1975) entitled "A Sephardic Approach to Halakhah," in which I drew on the comments by Rabbi Yosef and on Responsa by a number of Sephardic sages. I noted:

The Sephardic approach to halakhah stressed the idea that the law is a practical guide to human behavior. It is not an ivory tower subject, not a metaphysical system, not the preserve of an intellectual elite....Since Sephardic scholars studied texts with the goal of applying their rules directly to actual situations, they had to remain sensitive to the needs of people. This very sensitivity kept the quality of *hessed* alive.³

As I continued my studies on this topic—especially through the writings of Rabbis Eliyahu Hazan, Benzion Uziel, and Haim David Halevy—I conceived of two ways for a rabbi to answer a halakhic question.⁴ In one scenario, the rabbi hears the question and then goes to his library of halakhic volumes to do research and to seek an answer. In the other scenario, the rabbi hears the question and then looks carefully into the eyes of the person who has asked the question. What is this person's situation? How will the rabbi's answer impact on his or her life? What are the broader ramifications of the answer on the individual's family and community? In the first case, the rabbi views a halakhic question as an abstract search for truth; the books have the answer. In the second case, the rabbi views a halakhic question in the context of the questioner's life, and only then goes to his halakhic tomes. The sages who are my models of halakhic integrity and *hessed* would, I imagine, first look into the eyes of the questioners, and only then consult the halakhic books.

In this essay, I elaborate on models of Sephardic rabbinic leadership—models that have so much to say to contemporary rabbis and laypeople of all backgrounds. This is not an "ethnic study," but an exploration of a vital aspect of Jewish religious life relevant to the entire Jewish people. I draw on my own observations as a Sephardic rabbi with over 41 years of experience, as well as on what I have learned from my years of research and writing in the field.

The late Professor Meir Benayahu published a book on the nature of the rabbinate in the Sephardic world.⁵ He listed various titles by which Sephardic rabbis were known, and described the rabbinic functions and responsibilities.

One of the rabbinic titles was *Marbitz Torah*—a disseminator of Torah. The rabbi was expected to be thoroughly steeped in rabbinic literature, to be competent to serve as a decisor of halakhic questions, to serve on the local rabbinical court (Bet Din), to be responsible for matters relating to kashruth, *mikvah*, *eruv*, and so forth. He was expected to teach Torah to the community and to oversee the community's education system. The function of rabbi as *Marbitz Torah* was well-described by Rabbi Benzion Uziel:

Every Jewish community is obligated to appoint a distinguished rabbi, an expert in legal opinions and rulings, to teach them the law of the Torah in all questions of what is forbidden and permitted, impure and pure, right and wrong; to teach them the ways of Torah and mitzvah, kindness and generosity in their personal and communal lives; to bring them closer to Torah and to the love of God, His Torah, the people and land of Israel; and to dedicate himself body and soul to all the spiritual possessions of the people, so that the name of Heaven and the name of Israel will be sanctified by his work; to unify the entire community and to gather them together for Torah study and prayer in the synagogue and study hall; and to work with the public on behalf of all communal needs and charitable institutions.⁶

Another title applied to Sephardic rabbis was “Hakham,” or “wise one.” A Hakham was certainly expected to be learned in the sacred texts of Judaism—but the title implies more than mere erudition. The Hakham was a wise man who had keen insight into human psychology; he could draw on the Bible, Talmud, Midrash, Kabbalah, and Mussar literature, but he also had the innate sense to know how to apply these texts to real-life situations. He had a rational bent and a mystical bent; he was aware of the larger problems and issues confronting his society. People knew they could turn to the Hakham for proper guidance, for counseling on matters of deep concern.

Sephardic rabbis were also known as “*Haver haIr*,” literally, “friend of the city.” Although “*haver*” has the talmudic connotation of someone known for punctiliousness in the laws of ritual purity and impurity, the word also reflects the popular usage—a friend. The rabbi was not to be an

aloof scholar, but a person of the people and with the people. His life was bound up with the lives of his community. In a very real and direct sense, the rabbi was a friend to his community; he cared for them, looked out for their well-being, and identified with their needs and aspirations.

In 1968, when I was still a rabbinical student, my wife and I travelled to Europe and Israel. One of our stops was Istanbul. We had the honor of spending Shabbat with Rabbi Nissim Behar, one of the community's outstanding rabbinic personalities. Rabbi Behar, although earning his living in business, devoted numerous hours to teaching young and old. He wrote books in Ladino, presenting the teachings, laws, and customs of Judaism in a language that was accessible to his community. He taught young men who aspired to become learned in Torah, some of whom went on to become rabbis in their own rights.

Rabbi Behar asked my wife and me to accompany him on Friday as he shopped for Shabbat groceries. He stopped at one produce stand and bought some potatoes and onions. He stopped at another shop to buy apples and pears. He stopped yet again at another little market to buy tomatoes and cucumbers. I asked him, "Why are you stopping at so many stores? You could have bought all these things at the first place and saved a lot of time and trouble?" Rabbi Behar looked at me kindly and replied, "All these merchants are members of our community. They all need *par-nasah* (income). They all need to know that the rabbi supports their work." Rabbi Nissim Behar was not just a "*Marbitz Torah*," and not merely a "Hakham;" he was a "*Haver halr*," a friend, a person who genuinely cared about his community members. He worried not only about their spiritual needs, but also about their material well-being.

As a young rabbi, I learned much from my teacher Haham Solomon Gaon, with whom I studied at Yeshiva University, and to whom I turned for guidance for many years thereafter. I once complained to Haham Gaon that I was called upon by various organizations and committees to attend their events and meetings. I felt I should be exempt from these communal responsibilities, so that I could devote more time to my studies. I thought the Haham would support my request. Instead, he gently rebuked me. He said: the people who devote their time and effort on behalf of the community need to know that the rabbi is with them. They need to see the rabbi, to hear the rabbi's suggestions, to know that the rabbi appreciates and participates in their work. Yes, you need time to study; but you also need to

devote time to working with members of the community. Haham Gaon, like Rabbi Behar, was a *Haver haIr*, a friend of the community.

Rabbi Behar and Haham Gaon were living examples of a Sephardic rabbinic tradition that placed high value on the rabbi's role as a participant in the life of the community. Rabbi Eliyahu Zini of Haifa wrote an important article in which he lamented the gradual disappearance of this kind of rabbinic model. He referred to his grandfather, who had been a rabbi in various Sephardic communities, who would "visit each Jew of the community in his place of work, in order to become familiar with his problems and needs, and to guide him accordingly."⁷ Rabbi Zini pointed out that many Sephardic rabbis earned their livings in businesses and trades, and did not rely on the rabbinate for their incomes. When rabbis are engaged in business, or when they at least become familiar with the business lives of the members of their community, they have a better grasp of reality than those rabbis who spend their days in the study hall. They are better able to reflect *hessed* in their halakhic rulings, in their interpersonal relationships, in their outlook on life.⁸ Rabbi Zini noted that the contemporary trend in the "yeshiva world" idealizes the rabbinic scholar who studies Torah day and night, who is provided sustenance from charity rather than from his own labor. Such rabbis are disconnected from the "real world" and from the general public. They may become learned in the ancient texts, but they do not naturally achieve the insights of a Hakham or the loving-kindness of a *Haver haIr*. When Torah is divorced from life, it becomes an artificial construct relevant only to self-selected scholars who function within a narrow, self-contained society of their own.

Whereas Sephardic models of rabbinic leadership stressed involvement in all aspects of the life of the community, non-Sephardic models have often followed a different track. In some circles, it was considered to be beneath the rabbi's dignity to engage in business, to spend time on the nitty-gritty details of communal life. Rather, the rabbi was supposed to devote himself to Torah study, and to be above the fray of public life. Dr. Isidore Epstein reflects this attitude in his description of the role of rabbi in fourteenth-century Algeria. Dr. Epstein noted that the rabbis had multifarious functions, and this fact testifies

to the low standard of Jewish culture of North African Jewry. In advertent to Jewish past and present day history, we cannot fail to notice that wher-

ever there is a strong, virile, and advanced Jewish life, there the tendency is to keep the rabbinical office distinct from other callings; and the combination of rabbinical charges with other functions is a sign of decadence and of lack of appreciation of learning as such.⁹

Dr. Epstein thought it was a sign of spiritual decadence if the rabbi had to function as a school teacher, ritual slaughterer, and leader of prayers, and that such a rabbi suffered from “a consequent lowering in his prestige and rabbinical authority.”

Yet, viewed from a different perspective, Dr. Epstein’s comments might be paraphrased in an entirely different manner. The rabbis of North Africa were not an insulated, isolated elite who dwelled in ivory towers. Rather, they were involved in all facets of their community’s life, and therefore were close to the people and their needs. A virtue of these rabbis was that they were not aloof from the people, but they were the ones who taught school, who prepared kasher meat, who led the synagogue prayers and read the Torah portions to the public. It is no shame to be in the model of *Haver haIr*; on the contrary, this model helps the rabbi attain the qualities of Hakham and *Marbitz Torah* on a more profound level.

In recent years, the classic nature of Sephardic rabbinic leadership has lost much of its historic luster. For a variety of sociological and psychological reasons, there has been a sea change in Orthodox rabbinic leadership in general—and an even more profound change in Sephardic rabbinic leadership. The upsurge in the influence of extreme Hareidi religious authorities has dragged much of Orthodoxy “to the right.” The so-called Modern Orthodox or Religious Zionist rabbis have all but ceded total authority to the Hareidi rabbinate in almost every area of religious life. Modern Orthodox/Religious Zionist rabbinic figures have increasingly adopted Hareidi halakhic positions, styles of leadership—even Hareidi styles of dress. Israel’s Chief Rabbinate, long a bastion of Religious Zionism, has become “hareidized” to a significant extent, and no longer can be said to represent a Modern Orthodox/Religious Zionist agenda. On the contrary, it constantly seems to seek approval from the Hareidi world, rather than strengthening and promoting its Religious Zionist base.

The Sephardic rabbinic world has been strongly affected by the general shift to the right. Indeed, many (most?) Sephardic rabbis have been trained in Ashkenazic yeshivot; have adopted Ashkenazic modes of Torah study and halakhic decision-making, and even have adopted Ashkenazic garb. They

have moved more and more away from “*hessed*” and more and more toward “*gevurah*.” They have come to stress the rabbinic role of *Marbitz Torah*, and to under-appreciate the roles of *Hakham* and *Haver halv*.

Over the years, many Sephardic rabbis from Israel have visited my community in New York in order to raise funds for their institutions. Often, these rabbis have come dressed in long black coats and black hats, in the Ashkenazic Hareidi style. When I have asked them about their garb, invariably they have responded: we wear these clothes because this is the uniform of rabbinic scholars; if we dressed differently, we wouldn’t be taken seriously. In the early 1990s, I met with the Sephardic Chief Rabbi Mordecai Eliyahu, and I asked him why the Sephardic rabbis in Israel tend to dress in the Ashkenazic style. He smiled benevolently, and said that this was the generally accepted mode of dress for rabbis. When I urged him to raise his voice on this issue and to encourage Sephardic rabbis not to capitulate to Ashkenazic fashion dictates, he indicated that the battle was already lost and it would be a waste of time to try to fight the status quo.

The Sephardic adoption of external Hareidi garb is a reflection of the adoption of Hareidi attitudes as well. This includes the glorification of the “*Kollel*” system, where students receive stipends to study Torah day and night rather than find gainful employment; where they receive little or no general education outside of Torah study; where they avoid military service in Israel; where they become isolated from the life and concerns of the general public. I have been visited by Israeli Sephardic rabbis who have wanted donations to their Hareidi-type yeshivot, including one who asked for money for his “*Sefardishe Koylel*.”

Rabbi Ovadya Yosef, although surely still a representative of the *hessed* tradition of Sephardic sages in matters of halakha, became a political figure with the establishment of the Shas party in Israel. Political life often entails getting one’s hands dirty with compromises, with back-room maneuvering and negotiating. In order to gain positions of power and government funding for the institutions of Shas, trade-offs had to be made. These political dealings have tended to tarnish Rabbi Yosef’s reputation among segments of the population who have come to view him as another political hack fighting for his own piece of the political pie. Moreover, he has made many public statements reflecting a very narrow worldview, for example, that women’s place is in the kitchen; that Israeli soldiers died in Lebanon because of sins; that non-Jews were created to

serve Jews, and so forth. He has promoted an educational approach that stresses Torah study and the Kollel system, rather than an educational system that seriously teaches general subjects and trains students for future university study and and/or gainful employment.

Rabbi Yosef's example has been followed by many Sephardic rabbis in Israel and the Diaspora. Sephardic Hareidim, no less than Ashkenazic Hareidim, have promoted an obscurantist, authoritarian, and fundamentalist view of religion.

Some popular Sephardic rabbis have taken on the roles of wonder workers—ready to write magical amulets, to bless water or whiskey with healing powers, to recite kabbalistic incantations for the benefit of those who patronize them. They have promoted a folk religion steeped in superstition. While attracting a following among some elements of the population, they have repelled thinking, rational Jews, and have alienated the educated classes from religion.

At a time when the Jewish people in Israel and the Diaspora desperately need intellectually sophisticated rabbinic leadership, the current trends in Orthodox—Ashkenazic and Sephardic—rabbinic circles are moving in the wrong direction. While stressing the role of *Marbitz Torah*, the roles of Hakham and *Haver haIr* have been downplayed—much to the detriment of the rabbinate and the spiritual health of the Jewish people. Rabbis have increasingly tilted toward *gevurah* instead of *hessed*; stringency in Jewish law has become fashionable even among Sephardic rabbis. Instead of Hakhamim and *Havrei haIr* who feel close to the people, and who strive to understand the real world in which people live, modern-day rabbis have grown more distant from the general public outside their own immediate group of followers and their financial supporters (whether or not these wealthy people are religious themselves). They seem to feel that they have the Truth, and they sense little affection or responsibility for those who do not share this Truth. They preach a midrashic/kabbalistic/authoritarian brand of religion that appeals to those satisfied with a simplistic religious worldview—but that alienates thinking, independent, and educated Jews. They are raising a generation of intellectual sheep, fostering a religious way of life that is divorced from the greater needs of society. They are encouraging a way of life that leads young men to study in a Kollel rather than to earn a livelihood in the market place, and are sheltering students from serving in the Israeli military.

They limit intellectual and social options for women by insisting on the narrowest interpretations of Jewish law and custom. They create a Judaism that is more like a sect than a world religion.

To change the deficiencies in the status quo of Sephardic rabbinic leadership, the community as a whole needs to take action and responsibility. We need to support and encourage those rabbis who personify the best in our tradition, rabbis who fulfill the roles of *Marbitz Torah*, *Hakham*, and *Haver haIr*. We need to give strength to those rabbis who stand for *hessed*, rather than *gevurah*; who devote themselves to the well-being of their communities in a loving and inclusive manner; who espouse an intellectually vibrant and compassionate Judaism. We ought not support those rabbis and institutions which seek to “hareidize” the Sephardic community, nor ought we donate our funds or lend credibility to wonder-working rabbis who foster a pseudo-kabbalistic, superstition-prone brand of religion. Are we up to this historic responsibility, or will we allow ourselves and our coming generations to continue the slide into an obscurantist, authoritarian, superstition-ridden Judaism?

When I was a young rabbi, I believed that the classic models of Sephardic rabbinic leadership provided a responsible and meaningful example for all of world Jewry. Forty years later, I still believe this to be true. In spite of all the negative signs that abound, I still believe this to be true.

NOTES

1. Rabbi Yosef's words, which were later published in the Hebrew journal, *BaMa'arakha*, Adar I, 5733, are quoted by Rabbi Binyamin Lau, *Hakhamim*, vol. 1, Beit Morasha, Jerusalem, 2007, p. 196.
2. Benjamin Nathan Cardozo, *The Nature of the Judicial Process*, Yale University Press, New Haven, 1921, pp. 12–13.
3. *Ibid.*, p. 68.
4. I have written about a Sephardic approach to halakha and life in my books, *The Rhythms of Jewish Living: A Sephardic Approach*, Sepher-Hermon Press, New York, 1986; *Voices in Exile: A Study in Sephardic Intellectual History*, Ktav Publishing House, Hoboken, 1991; *Loving Truth and Peace: The Grand Religious Worldview of Rabbi Benzion Uziel*, Jason Aronson, Northvale, 1999; *Rabbi Haim David Halevy: Gentle Scholar and Courageous Thinker*, Urim Publications, Jerusalem, 2006; and *Foundations of Sephardic Spirituality: The Inner Life of Jews of the Ottoman Empire*, Jewish Lights, Woodstock, 2006. On

- Rabbi Eliyahu Hazan and other Sephardic sages, see Norman A. Stillman, *Sephardi Religious Responses to Modernity*, University of Oklahoma Press, 1995; and Zvi Zohar, *He'iru Penei haMizrah*, HaKibbutz HaMeuchad, Israel, 2001.
5. Meir Benayahu, *Marbitz Torah*, Jerusalem, 1953. Although I refer to rabbinic titles cited by Prof. Benayahu, the elaborations in this essay are my own.
 6. Benzion Uziel, *Shaarei Uziel*, vol. 1, Jerusalem, 5751, pp. 51–52. See also my book on Rabbi Uziel, chapter 4.
 7. Eliyahu Zini, “Kera’ beAhdut,” in Yehuda Shaviv, ed., *Mamlekhet Kohanim veGoy Kaddosh*, Jerusalem, 5749, p. 72.
 8. Rabbi Haim Amsellem wrote an important monograph, *Gadol haNehene miYegio*, Jerusalem, 5770, in which he cites numerous rabbinic sources lauding the virtue of working for a living. Rabbi Amsellem opposes the Kollel system, which encourages men to study Torah day and night, and not earn their livelihoods through work in the marketplace. Although some especially gifted students might be maintained in the Kollelim, the majority of the students should be encouraged to find gainful employment. Because of this “radical” position, Rabbi Amsellem has been vilified by the Hareidi world, Sephardic and Ashkenazic!
 9. Isidore Epstein, *The Responsa of Rabbi Simon b. Zemah Duran as a Source of the History of the Jews in North Africa*, Hermon Press, New York, 1968, pp. 58–59.