

Volume III, Issue 4

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# KOL

# HAMEVASER

The Jewish Thought Magazine of the Yeshiva University Student Body



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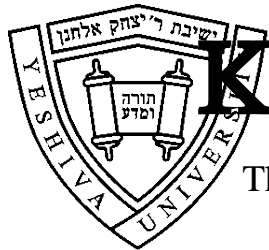
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# Kol Hamevaser

The Student Thought Magazine of the Yeshiva  
University Student body

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## About Kol Hamevaser

*Kol Hamevaser* is a magazine of Jewish thought dedicated to sparking the discussion of Jewish issues on the Yeshiva University campus. It will serve as a forum for the introduction and development of new ideas. The major contributors to *Kol Hamevaser* will be the undergraduate population, along with regular input from RIETS Rashei Yeshivah, YU Professors, educators from Yeshivot and Seminaries in Israel, and outside experts. In addition to the regular editions, *Kol Hamevaser* will be sponsoring in-depth special issues, speakers, discussion groups, *shabbatonim*, and regular web activity. We hope to facilitate the religious and intellectual growth of Yeshiva University and the larger Jewish community.

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This magazine contains words of Torah.  
Please treat it with proper respect.

# Editorial

## Sensitivity in the Face of Controversy: Leviticus 18:22 and Leviticus 19:17

BY: The *Kol Hamevaser* Editorial Board

As anyone following recent events within Yeshiva University knows, the panel of homosexual students who spoke about their experiences in the Orthodox community on December 22 stirred an extensive debate on the topic of homosexuality and whether the panel, as assembled, was appropriate for YU. The event drew about 800 students, which is no mean feat, especially during reading week, and indicates where many students' sympathies lie.<sup>i</sup> Rashei Yeshivah and administrators, in reaction, publicized two letters indirectly condemning the event,<sup>ii</sup> in addition to giving two similar but more direct and extensive *sihot* on the matter.<sup>iii</sup> These responses tagged the panel as projecting a lack of *tzeni'ut*, blurring the line between sympathy and legitimization, creating a *hillul Hashem* (a desecration of God's Name), conflicting with the *tsurat hayeshivah* (the sense of yeshivah life on campus), and reflecting poorly on the institution, all of which are no doubt valid considerations. There was also a certain degree of opposition among students, consisting of a respectful letter signed by many beit midrash students, but also, *le-havdil*, such disrespectful reactions as tearing down posters for the event or posting alongside them satirical posters advertising a panel on bestiality.

It is not our place here to stake a position on the overall propriety of the event as it happened. The factors to weigh are many and complicated, and the complex nature of the question is demonstrated by the fact that sincere and thought-out positions by rabbinical leaders such as Rabbi Blau and Rabbi Twersky end up on opposite sides of the fence. There is, furthermore, no need to rehash the arguments; everyone knows where to find the transcript of the event and the various responses. We also will not discuss the pain or experiences of those who are homosexual in the Orthodox community and are either in or out of the closet; for more on this important issue, people can read the anonymous articles written in *Kol Hamevaser*<sup>iv</sup> and *The Commentator*<sup>v</sup> and read the transcript from the event.

Instead, we would like to address a cer-

tain issue that was raised, to some degree, by the panel itself but has all but disappeared from subsequent discourse on the issue. Some of the speakers discussed their discomfiture in YU as homosexuals and the (assumed) negative public attitude towards them. The aforementioned responses to the panel all presented, in some form, a call for sympathy toward the homosexual students, accompanied by a more emphatic focus on upholding religious principles, but none addressed this most basic issue of homophobia.

The term homophobia encompasses a range of different negative feelings held towards those who define themselves as homosexuals. These sentiments of hatred, fear, bias and other strong and negative feelings are the basis of many hurtful comments toward and

present is not a sufficient justification for hating the person. In our case, possessing a certain orientation is *not* justifiable grounds for deserving hatred. *Va-Yikra* 19:17 presents the *issur* of *lo tisna et ahikha bi-levavekha*, do not hate your fellow in your heart. We must take great care to preserve our revulsion for the *to'evot* that the Torah proscribes while at the same time feeling genuine sympathy and care for those who struggle to keep these laws; in other words: love the homosexual, hate the homosexual act.

We also might learn from this *pasuk* how to judge our fellows only after giving them the benefit of the doubt, in accordance with *Avot* 1:6, and not jump to conclusions about their religiosity based on insufficient facts. Based on *lo tisna et ahikha bi-levavekha*, the Gemara

where they have homosexual urges should deal with the issue discreetly and talk privately to rabbis and psychologists about their struggles. However, that can realistically only occur if homosexuals feel comfortable approaching these people, which in turn requires that the community as a whole foster a sense of support and not hatred or disdain for them. Those closeted homosexuals who do not deal with this issue often find themselves depressed and even suicidal, as some of the panelists discussed, so they need all the support we can offer them if they are to properly cope with their situation.

In the context of controversial, divisive issues, it is only too easy to demonize those who propound other positions and to peg them as insincere and insufficiently religious. At

**“Now that this problem [homophobia] has been exposed as a *bona fide* issue, we must undergo a serious *heshbon ha-nefesh* (soul-searching) as a community...about the fact that these feelings towards gay people exist among us.”**

actions taken against gay people. We would like to stress here that we refer to negative reactions regarding the orientation itself, not the *aveirot* associated with it.<sup>vi</sup> Members of the panel mentioned that crude remarks have been directed at them, and that they at least initially felt uncomfortable speaking with people, including rabbis, about their situation. It is also our contention that a latent homophobia may exist more broadly throughout the YU world. While there are definitely some valid reasons for which one might be opposed to the panel (listed above), it is absolutely deplorable, in our view, that much of the popular negative reaction to the event was a product of base homophobia.

Now that this problem has been exposed as a *bona fide* issue, we must undergo a serious *heshbon ha-nefesh* (soul-searching) as a community – both within the Yeshiva University community in particular and the broader Orthodox community in general – about the fact that these feelings towards gay people exist among us. After all, a primary reason for the *Hurban* was *sin'at hinnam*, baseless hatred,<sup>vii</sup> and this cynical attitude of hatred and negativity has continued to plague Judaism ever since. Of course, as anyone who hates someone will tell you, they do not hate for no reason: “Do you know what this person did to me?” Too often, however, the reason they

in *Pesachim* 113b is unable to justify a situation of one Jew hating another unless there are witnesses that the latter committed a sin. (This of course leaves aside issues such as *tinok she-nishbah* and *ones*, which would also presumably prevent one from being able to halakhically hate a sinner.)<sup>viii</sup> Anyone who simply declares that he has certain feelings or urges and does not discuss whether he acts on them has a *hezkat kashrut* (an *a priori* presumption of halakhic validity), and no one has a right to attack him or hate him simply on the basis of his orientation. In fact, when asked about whether someone suspected of homosexual activity may be called up for an *aliyyah* to the Torah, a prominent *talmid hakham* and *posek* in the Haredi world recently said<sup>ix</sup> that unless there are *edim* who witnessed him engaging in homosexual activity “*ke-makhhol bi-shefoferet*” (the very act of intercourse), he may receive an *aliyyah* to the Torah. We would do well, then, to give these panelists, as well as other closeted individuals in the same position, the benefit of the doubt, and not jump to conclusions because of baseless hatred.

Aside from the halakhic and ethical problems with homophobia, there is a serious practical price paid for that discriminatory orientation as well. Several of the aforementioned responders to the panel commented that individuals who find themselves in a situation

at least one Rosh Yeshivah who spoke about this issue in his *shi'ur yomi* claimed that, among other student publications,

*Kol Hamevaser* has an agenda with regard to the gay issue, namely to push in the direction of legitimizing the practice of homosexuality. He is right, in part: *Kol Hamevaser* definitely has an agenda. But its agenda is not to subtract one iota from the gravity of the *issur* of *mishkav zakhur* (homosexual activity); the agenda is merely to attempt to increase sensitivity and minimize *sin'at hinnam* towards those faced with the immense *nissayon* (trial) of having homosexual urges and trying to remain *frum*. The feelings we should harbor towards people in this extremely difficult position should be those of the profoundly Jewish *rahamanut*<sup>x</sup> and not the serpentine *akhzariyyut*.<sup>xi</sup>

So, yes, we all know about Leviticus 18:22 and its unequivocal condemnation of the homosexual act. But we must, at the same time, be brave enough as a community to make sure that it does not cause us to forget Leviticus 19:17 and its unequivocal condemnation of baseless hatred.

<sup>i</sup> Michael Cinnamon, “Out of the Closet,” *The Commentator*, December 23, 2009. Available at: <http://www.yucommentator.com/news/out-of-the-closet-1.995729>.

<sup>ii</sup> The texts of each of these messages can be found in the above *Commentator* article.

# Letters-to-the-Editor

<sup>iii</sup> The audio file of Rabbi Twersky's *sihah* can be accessed at: [http://www.torahweb.org/audioFrameset.html#audio=rtwe\\_122809](http://www.torahweb.org/audioFrameset.html#audio=rtwe_122809).

<sup>iv</sup> Anonymous, "A Burning Fire and a River of Tears: One Day in My Shoes," *Kol Hamevaser* 2,6 (April 2009): 13-14. Available at: <http://www.kolhamevaser.com/?p=65>.

<sup>v</sup> Unknown, "The Gay Question: Time for Modern Orthodoxy to Take Off the Blindfold," *The Commentator*, November 1, 2009. Available at: <http://www.yucommentator.com/opinion/the-gay-question-1.855249>.

<sup>vi</sup> Some liberals claim that it is homophobic and unacceptable to assert behavioral norms of any kind; Judaism obviously opposes this.

<sup>vii</sup> *Yoma* 9b.

<sup>viii</sup> This is implied by Rambam, *Mishneh Torah, Hilkhoh Rotse'ah* 13:14 and *Shulhan Arukh, Hoshen Mishpat* 272:11, which both mention *hatra'ah* (forewarning) as part of the process of someone becoming a person worthy of hatred.

<sup>ix</sup> This paraphrase was obtained based on a conversation of one of the editors with someone who spoke directly with this rav about the issue.

<sup>x</sup> *Yevamot* 79a.

<sup>xi</sup> *Devarim* 32:33.

Dear Editor,

In the United States, the rabbinic response to the phenomenon of *yo'atsot* has been varied. There are many Orthodox rabbis who fully support the concept and practice of utilizing this cadre of seriously educated and rigorously trained women for their communities' needs, but others have opted out of giving their imprimatur and have even gone as far as to limit these women's access to their communities. This, I believe, is a sad and unfortunate failure amongst parts of the American rabbinate.

Sharing authority is not something that any system based on a hierarchical structure embraces easily. The halakhic framework within Orthodoxy clearly places power and authority in the hands of those with extensive Talmudic knowledge. Women's access to that knowledge has long been a point of contention within Orthodoxy. It has even evolved, in certain institutions, into the absurdity of allowing only photocopied materials into class, as opposed to bound books; somehow, the information studied while contained in an actual book is perceived as more unsafe or subject to scrutiny than when it is simply selected and distributed.

However, things have certainly improved. Women at Stern College are given support to pursue rigorous Talmud study, and, most importantly, women's intellectual interest in Torah is deeply respected. How shocking it was for me, after graduating from Stern over twenty years ago, to read in this paper ["An Interview with Rabbi Yaakov Neuberger," *Kol Hamevaser* 3,2 (November 2009): 11-13, at p. 12] that the *Yo'atsot* Program represents a barrier in the relationship between a female congregant and her rabbi!

It is ironic that when rabbis are told that women are more comfortable discussing intimate areas of their lives with another woman than with a man, they respond with extreme defensiveness: how can it be that just by nature of who they are, namely male, they are not as equipped to handle the hypersensitive areas of *Taharat ha-Mishpahah*? Many rabbis are, in fact, quite sensitive, and, in their own minds, fully cognizant of the psychological and emotional factors that come into play in rendering a *pesak Halakhah* in these areas. However, reality rears its ugly head and screams, "Alas, you are not a woman! In addition to many other obvious differences, you have never physically experienced a monthly menses!" Although personal experience is not a necessity in halakhic decision-making, it certainly does not hurt. As Mrs. Shani Taragin stated in her recent interview in the same issue, "As many *rabbanim* have attested and as we see in the end of the *Perishah*'s introduction to *Yoreh De'ah*, women understand the *metsei'ut* (realia) of these halakhic phenomena a little more clearly than men do, and they can explain them to other women more easily."<sup>i</sup> Every day of a

religious woman's life, she is confronted with and must accept the fact of her limitations based on gender. Orthodox women have been doing this with tremendous dignity for generations. The rabbis can and should learn from their female congregants what it means to hold yourself back from something that you feel you are qualified for and deserve to be a part of.

Hopefully, the objective or fundamental organizing principle of every rabbinic leader is to make *shemirat mitsvot* a meaningful and necessary part of every congregant's experience. Access to *yo'atsot* has increased the number of women who are asking questions and getting answers. This is a reality that anxiety about change will not cause to disappear. Having a halakhic relationship with someone other than the rav of one's *shul* does not discount or dilute many other opportunities for connection with him as a *posek*. It is imperative, I believe, for rabbis to review the notion of healthy relationships in this context. In our most significant experiences and connections with other people, we must always allow for learning and access to information from other sources. Ultimately, this strengthens and validates those relationships. This is true for parents and children, teachers and students, and rabbis and congregants.

I am writing this to the young readers of this paper. Do not be afraid to accept the appropriate halakhic innovations that many *rabbanim* in Eretz Yisrael have already fully endorsed. Change in any system is scary and threatening. However, a healthy system incorporates new information and people's real-life experiences to allow for proper development. The presence of *yo'atsot* in our communities is a model of growth and opportunities for women to study within a serious halakhic framework. Celebrate the chance for yourselves, your spouses, and your sisters to seize this moment in Jewish history and to be full contributors to the wondrous and beautiful experience of living a life immersed in Torah values and study. This is not a radicalization of Orthodoxy. It is merely a response to the real-life experience and spiritual yearnings of many women. The student body at Yeshiva University represents the future of Orthodoxy in this country. Be brave, and remember: "*In a place where there are no men, strive to be a man.*"<sup>iii</sup>

Sincerely,  
Suri Halpern, SCW '86, CSL '89

<sup>i</sup> "An Interview with Mrs. Shani Taragin: Part One," *Kol Hamevaser* 3,2 (November 2009): 14-17, at p. 15.

<sup>ii</sup> *Avot* 2:5.

Dear Editor,

While reading the last edition of *Kol Hamevaser* [3,3 (December 2009)], I was distressed by certain authors' tendencies towards subjectivism, which I judge to constitute a dangerous disdain for the truth, especially within a religious setting where certain cardinal beliefs must be upheld. This subjective tendency may grow out of a desire for tolerance for others. While admirable, one must not allow this impulse to override the truth. Instead, one must, I believe, first discover where reality lies and then make decisions about how to tolerate others who disagree.

While I strongly support Dovid Halpern's call for greater study of Jewish Philosophy ("Not by Day and Not by Night: Jewish Philosophy's Place Reexamined," pp. 23-24), I take serious issue with his (mis)use of the dictum "*Eilu ve-eilu divrei E-lohim Hayyim* (these and those are the words of the Living God)." Halpern interprets this principle to mean that all positions held by sincere Orthodox Jews are legitimate and "equally valid" (p. 23). However, the original context of "*Eilu ve-eilu*" is a halakhic, not philosophical, dispute. Indeed, both Ritva<sup>i</sup> and Rashi<sup>ii</sup> limit the scope of this statement to halakhic questions of *sevara*. Whereas one can say that halakhic questions intrinsically have no definite answer and that both sides of a given debate are possible, the same is not true of many philosophical questions of a factual nature. When such fundamental questions as the corporeality of God come up, we must not downplay the real differences that exist; instead, we must realize the serious consequences of choosing one side over the other (such as being labeled a heretic, or *min*<sup>iii</sup>) and then decide which side is correct.

Similarly, Ori Kanefsky's article ("Bible Study: Interpretation and Experience," pp. 19-20) inappropriately applies modern literary theory to the Bible in a very damaging manner. While reader-response criticism may have value when reading secular literature, it definitely cannot be applied to the word of God. God intended to convey certain ideas in the Bible and it is those we should be studying, not "creating" (p. 19) our own limited human meanings, thereby equating ourselves with God. Indeed, I do not find it demeaning at all to be "reduced" to detectives with the task of revealing God's message to humanity (ibid.). The proper role of *mefarshim* and contemporary readers is to uncover the multiple meanings of the Bible, and it is to this endeavor that *shiv'im panim la-Torah* (there are seventy faces to the Torah)<sup>iv</sup> refers, not to the creation of new "meaning" by inserting ourselves into the text (ibid.).

Sincerely,  
Yehoshua Blumenkopf, YC '13

<sup>i</sup> *Eiruvin* 13b, s.v. "*Eilu ve-eilu*."

<sup>ii</sup> *Ketubbot* 57a, s.v. "*Ha ka-mashma lan*."

<sup>iii</sup> Rambam, *Mishneh Torah, Hilkhoh Teshuvah* 3:7 (*contra* Ra'avad ad loc., s.v. "*Ve-ha-omer*").

<sup>iv</sup> *Zohar to Parashat Be-Reshit* 2:1 or Ibn Ezra, *Hakdamah la-Torah*.

# Jewish Denominations and Sects

## The Philosophical Implications of Division

BY: Jonathan Ziring

The history of religion is filled with strife, divisiveness and schism. Judaism has been no exception, whether it be the Perushim and the Tsedukim, or the Orthodox and Reform, Judaism has split into factions with distinct philosophies and perspectives.<sup>i</sup> Beyond the emotional pain that these splits have caused, there are halakhic problems as well. As many people are aware, Hazal seem to have felt there was an absolute prohibition against creating schisms within Judaism. Hazal, playing on the verse of *lo titgodedu*,<sup>ii</sup> the prohibition against cutting oneself in mourning, derive that it is also forbidden to make “*aguddot aguddot*,” to divide into groups.<sup>iii</sup> While it is possible (and even probable) that there are some circumstances in which schism is justifiable, schism is overall

**“As long as we remain part of one community and keep ourselves in check by ‘looking over our shoulders,’ we recognize that there is one Torah, and we are both trying to keep it as best as we can.”**

something that should be avoided at much as possible.<sup>iv</sup>

The reason this is important is that many people believe that Orthodoxy may be headed towards a schism. Most people believe that there is no reason for it, and as such it would be a terrible thing. However, I was recently disturbed by a blog post by Maharat Sara Hurwitz that suggested the opposite. She claimed: “The Haredi and Modern Orthodox communities are already at odds on so many issues, and a formal split between the movements may be inevitable. *And this may not be a bad thing.*” A critique I often hear about the Modern Orthodox world is its supposed dearth of leaders and leadership... I actually think there are many leading voices within the Modern Orthodox community; however, some of those voices are often hushed in fear of retribution and ostracism from Haredi Jews. Thus, some leaders from the Modern Orthodox camp who may want to come out in support of women in spiritual leadership or a decentralized approach to conversions may be reticent to publicly voice opinions lest they alienate our brothers and sisters on the right.

“But imagine how liberating it would be if some of our Modern Orthodox leaders were not fearful of the reaction to the right. Imagine if our leaders were able to embrace and teach Modern Orthodox ideals based on equality and spiritual

growth, all while still grounded in a deep understanding of halakha. Then, Haredi and Modern Orthodox Jews can acknowledge our differences without trying to “save” the other from falling into the abyss of secularism or fanaticism. Those who ascribe to separatism will ride their buses, with men in front and women in the back without having to defend their ideals. And those who embrace modernity while remaining grounded in halakha will celebrate equality, and continue to ride their own bus, without looking over their right shoulders.”<sup>vi</sup>

After reading this, I was horrified, to say the least. But I do admit that sometimes schism is justified. So I had to give thought as to the reason for the *issur* to form *aguddot*.

Many people assume that it is simply a problem of causing *mahaloket*, and this is the position taken by Rambam.<sup>vii</sup> When different

people do different things, fights emerge.<sup>viii</sup> Some commentaries<sup>ix</sup> conflate this *issur* with the lament of the Talmud over the state that the Jewish people were left in by the students of Hillel and Shammai: “When the number of Shammai and Hillel’s students who had not trained as much as was necessary, strife increased in Israel and the Torah became like two Torahs [*ve-na’aseit ha-Torah ki-shetei Torot*].”<sup>x</sup> This may be understood as support for the view of Rambam. However, R. Aryeh Klapper points out that a close reading of this source seems to imply the opposite.<sup>xi</sup> *Mahaloket* usually arises when several groups think they should all be doing or thinking the same thing, but they disagree about what that standard should be. If that would be the case, then when there is an argument about a halakhah, the Torah will look like one Torah, though we may be unclear about what it is supposed to look like. However, “the Torah becoming two Torahs” seems to imply that there will be two traditions recognized as legitimate options. This truly makes Judaism look like two Torahs.

To clarify, imagine a situation in which two groups are arguing about a given halakhah, but peacefully agree to tolerate each other. If one thinks that “becoming two Torahs” means that there will be strife, then the problem is solved. However, *Mori ve-Rabbi* R. Aharon Lichtenstein points out that there is a sentiment that looks like tolerance practically, but is actually philosophically dis-

tinct, namely pluralism. He writes:

“Toleration is not to be equated with pluralism. Indeed, in a sense, it is its very antithesis. Full-blown religious pluralism acknowledges the radical legitimacy of conflicting faith commitments. As such, it need not, it cannot, ‘tolerate’ them. To tolerate is to suffer the pressure of what is not only different but, by my lights, thoroughly erroneous; and to refrain, nonetheless, from the exercise of power to coerce its devotees to cease and desist.”<sup>xii</sup>

While accepting the validity of two traditions may solve the problem of *mahaloket*, it brings along with it the philosophical problems of pluralism, namely making “the Torah into two Torahs.”

This being the case, I return to Maharat Hurwitz’s claims. It is true that Modern Orthodoxy disagrees with Haredi Judaism on many grounds. However, as long as we remain part of one community and keep ourselves in check by “looking over our shoulders,” we recognize that there is one Torah, and we are both trying to keep it as best as we can. We recognize that they emphasize elements of our tradition more than we do, and we can aspire to emulate them. However, to claim that it is worth a schism is to claim that we do not belong to one tradition, that there are two Torahs. If we do this, we deny the truth of the elements of our tradition they exemplify. As I have heard many times from R. Lichtenstein, even if we often do not agree with the Haredim, we must recognize the *kevod ha-Torah* (honor for the Torah) that their community projects, something which is immediately palpable when talking to them. Not to mention the scrupulous adherence to every detail of Halakhah, which unfortunately we

**“Pluralism is not an option, but toleration is. We still must prevent the problem of *mahaloket*. And then we must decide what problems we can agree to disagree about, what is beyond the pale and what is within.”**

often lack in our own communities. The notion that we should split so that we will no longer have to defend our ideals from one another is to admit that we are not the same type of Jew, that fundamentally there are two kinds of Jews each with their own tradition. Do we really want to claim that we do not share one history, one tradition?

However, if we remain one community, then pluralism is not an option, but toleration is. We still must prevent the problem of *mahaloket*. And then we must decide what problems we can agree to disagree about, what is

beyond the pale and what is within. This gets very difficult, as the *Sefer ha-Hinnukh* makes clear in his analysis of the *issur* of *lo titgodedu*. After quoting Rambam, he writes:

“From my teacher, may Hashem protect him, I learned that this prohibition applies only within one fellowship where some are divided against others and they are equivalent in wisdom, that it is forbidden for each group among them to act in accordance with its own opinion as this causes division among them. Rather, they should converse extensively about the matter until they all agree to one opinion, and if this is impossible they should all act in accordance with the more stringent opinion if it is a matter of Biblical law, but two separate rabbinic courts, equal in wisdom, ‘*lo titgodedu*’ was not said with regard to them.”<sup>xiii</sup>

As the *Sefer ha-Hinnukh* is working within Rambam’s framework of preventing strife, his parameters seem reasonable. Only those who are within one group must act uniformly, but those that are legitimately separate in some sense of the word can act differently. However, if you think about the practical implications of his conditions, their implausibility becomes apparent. As R. Klapper comments:

“Sefer HaChinnukh’s qualifications illustrate the fundamental impossibility of making effective rules against fighting. What if one party thinks they are of equivalent wisdom, but the second thinks themselves much wiser? What if the dispute is about whether an issue is *deoraita* or *derabanan*? Most importantly, what if one group sees the second as part of it, but the second sees itself as always having been independent, or declares itself now independent?”<sup>xiv</sup>

I think this highlights some of the most basic problems. First of all, many fights in the Orthodox community are exacerbated because one side refuses to accept the credentials of the other, thereby claiming that their opponents are not only wrong, but have no right to even argue in the first place. Prominent members of all communities are often quoted as claiming that there are no *talmidei hakhamim* (Torah scholars) in the groups that disagree with them. On the other hand, often there are no *talmidei hakhamim* in a given group, and the group lacks the humility to admit it. This

further undermines that group's image and its future goals. It is incumbent upon both sides to be honest with themselves, to recognize strengths and weaknesses where they exist. This is especially true when someone is introducing a new idea, and even more so when it is perceived as a *kulla* (leniency). Rashi, when describing why it is greater to be lenient than strict, says that "[the lenient one] relies on his learning and is not afraid to permit, but the strength of the strict one does not prove [his greatness], as anyone can forbid even by something that is permitted."<sup>xv</sup> Whether we like it or not, those people who are innovating must prove their status as *talmidei hakhamim* more than those who are keeping the status quo. In other words, anyone can keep the status quo even if there is no reason to, but to innovate one must show his mastery of the halakhic system. Unfortunately individuals who attempt to innovate within Halakhah are often not knowledgeable enough in the halakhic system, which increases tension and strife. Maharat Hurwitz's comments, which support innovation, are a great example. R. Yosef Blau said in a recent *Commentator* article:

"Frankly, if you talk about the program [Yeshivat Mahara't], and not about women being rabbis *per se*, my concern is that it's not on a higher level, and there is nothing about it that indicates that it really is...I don't see major *talmidei chachamim* teaching there." He also noted that the program, "by starting something that is very controversial, not having the standards that one would hope they have, causes people to question the legitimate [women's] programs that *have* shown they have high standards."<sup>xvi</sup>

It takes broad shoulders to call for something as drastic as schism, and people should be hesitant before making statements that imply they have such authority.

While there may be reasons to support a formal split, the cons clearly far outweigh the pros. The risks of "*ve-na'aseit ha-Torah kishetei Torot*" and "*yirbu mahalokot be-Yisrael*" (arguments will increase among Israel) are, to use Maharat Hurwitz's formulation, such "a bad thing." And perhaps it is not such a bad thing to look over our shoulders – with all our differences, there is still plenty we can learn from all members of the Jewish community.

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<sup>iv</sup> Of course, historically, the breaks were not quite as absolute at the time as they seem in retrospect.

<sup>v</sup> Emphasis mine.

<sup>vi</sup> Sara Hurwitz, "Orthodox Jews Ride Different Buses," "Morethodoxy," July 2, 2009. Available at: <http://morethodoxy.org/2009/07/02/orthodox-jews-ride-different-buses-maharat-sara-hurwitz/>.

<sup>vii</sup> Rambam, *Mishneh Torah, Hilkhos Avodah Zarah* 12:14.

<sup>viii</sup> See also *Kiddushin* 30b with Meiri's comments with regards to arguments in Torah. See the parallel in his *Hibbur ha-Teshuvah* as well.

<sup>ix</sup> See Rashi to *Yevamot* ibid.

<sup>x</sup> *Sotah* 47b and *Sanhedrin* 88b.

<sup>xi</sup> R. Aryeh Klapper, "Yom Tov Sheni be-Erets Yisrael le-Ben Hu'L," *Beit Yitshak* 37 (2005): 369-378.

<sup>xii</sup> R. Aharon Lichtenstein, *Leaves of Faith Volume 2: The World of Jewish Living* (Jersey City, NJ: Ktav, 2004), pp. 87-88.

<sup>xiii</sup> *Sefer ha-Hinnukh*, mitsvah 467.

<sup>xiv</sup> R. Aryeh Klapper, "Re'eh/Lo Titgodedu," *Weekly Dvar Torah*. Available at: <http://www.torahleadership.org/articles.html#weekly-dvar-torah>.

<sup>xv</sup> Rashi to *Beitsah* 2b, s.v., "*De-Hetteira adif leih*."

<sup>xvi</sup> Nathaniel Jaret, "Mahara't Sara Hurwitz Speaks at Stern College," *The Commentator*, November 23, 2009. Available at: <http://www.yucommentator.com/news/mahara-t-sara-hurwitz-speaks-at-stern-college-1.944315>.

# Monopolizing Marriage: The Rabbinat's Control of Marriage in Israel

BY: Tzivia Traube

In March of 2008, journalist Gershom Gorenberg, in an article for the *New York Times Magazine*, recounted the story of Sharon, an Israeli secular woman, who had to prove she was Jewish before she would be allowed to marry. The Israeli Rabbinat told Sharon, who was born in Tel Aviv and had served in the Israeli army, that she would need to submit a letter from an Orthodox rabbi asserting that her American-born mother was Jewish. However, like Sharon, her mother was irreligious and did not know an Orthodox rabbi who could testify to her Jewish status. After long months of expensive genealogy sleuthing, Sharon finally authenticated her Jewish status with the Rabbinat and began the long, intricate process of getting married in Israel.<sup>i</sup>

Unfortunately, Sharon's story is quite commonplace in Israel, for the Israeli Rabbinat exercises a stranglehold on the legal proceedings of marriage in the country. As a result of this rabbinic monopoly, all Israelis – secular and religious – must apply to the Rabbinat for religious marriage licenses.

According to the Rabbinat, only Jews can marry Jews, so prospective Jewish couples must prove they are Jewish in order to get married. They must register for a marriage certificate with the Rabbinat of one of their cities and present proof. Then, the couple must agree to have an Orthodox ceremony officiated by an Orthodox rabbi who is approved by the Rabbinat. The women, regardless of religiosity, must attend bridal classes teaching family ritual purity before the wedding.<sup>ii</sup> Before she can remarry, a childless widow must submit a letter of *halitsah* (the ceremonial release from levirate marriage) obtained from her deceased husband's brother. In accordance with Halakhah, the Rabbinat prohibits marriages between *ko-hanim* and divorcees, even if they are secular.

Complicating matters, the Rabbinat only recognizes converts that were converted according to Orthodox standards. On the surface, this does not seem to be very problematic, as there is a National Conversion Authority in Israel that oversees all Orthodox conversions. Presumably, a non-Jew who undergoes such a conversion would be deemed Jewish enough to marry in Israel. However, in the spring of 2008, the Rabbinical Supreme Court, led by R. Avraham Sherman, nullified many of the Orthodox conversions performed since 1999 by the conversion courts headed by R. Chaim Druckman (the head of the State Conversion

Authority) and R. Yosef Avior, because these converts were supposedly not adhering to Halakhah. R. Sherman alleged that R. Druckman's conversions were invalid because he did not insist on *kabbalat ol ha-mitsvot* (acceptance of the yoke of mitzvot) as a requirement for the conversions, which rendered him unfit to judge. Shortly thereafter, regarding a married couple in Ashdod seeking divorce, the court invalidated the wife's conversion by R. Druckman, retroactively nullified the marriage, and declared the couple's children non-Jews. These rulings split the Religious Rabbinat, with R. Amar, the Sephardic Chief Rabbi, defending R. Druckman against the charges levied against him. He expressly forbade them from issuing a verdict, and accused the Rabbinical Court of "underhanded opportunism"<sup>iii</sup> when they ignored his order. The legitimacy of the Ashdod ruling was further questioned when R. Druckman said that he was only called to testify in Ashdod once the ruling had been rendered against the couple. He refused to testify on the halakhic grounds that once a verdict is

## "The Israeli Rabbinat exercises a stranglehold on the legal proceedings of marriage in the country."

rendered, further testimony is prohibited.<sup>iv</sup> Clearly, the confusion and squabbling among the rabbis regarding the legitimacy of their conversions belie their insistence on overseeing Orthodox conversions for prospective couples.

The question of recognizing Jewish status deepens when at least one of the parties is an immigrant convert. In those cases, the Rabbinat often challenges the Orthodoxy of the foreign supervising rabbi. This suspicion even extends to American and English Orthodox rabbis. The foreign Orthodox rabbi must submit a letter asserting that the applicant is in fact Orthodox to the local Rabbinat in Israel. The foreign rabbi's authority is then verified based on an unpublicized list of recognized Orthodox rabbis from abroad maintained by the Sephardic Chief Rabbi of Israel. In 2006, R. Amar stated that Israel would not automatically recognize the conversions performed by the Rabbinical Council of America (RCA). The RCA established regional conversion courts in the early 1990s, but did not link these courts into a formal network. The RCA responded to R. Amar's statement by forming a central authority tasked with supervising the local conversion courts and implementing a system, called "Geirus Policies and Standards" in an effort to streamline conversion.<sup>v</sup> Despite these measures, the Chief Rabbinat of Israel still

<sup>i</sup> See Michael K. Silber, "The Emergence of Ultra-Orthodoxy: The Invention of a Tradition," in Jack Wertheimer (ed.), *The Uses of Tradition* (New York: JTSA, 1992), pp. 23-84.

<sup>ii</sup> *Devarim* 14:1.

<sup>iii</sup> *Yevamot* 13b-14a.

does not automatically recognize these conversions as valid and states that such converts must strictly adhere to Orthodox law if they wish to be married in Israel. Several Orthodox rabbis have publicized their discontent with the Chief Rabbinate's stipulations. R. Marc Angel, a former President of the RCA and the recent founder of the International Rabbinic Fellowship, a competing Rabbinic council, was quoted by the New York Times as saying that

**“The introduction of civil marriage would alleviate the complications regarding conversions and ease the bitter disputes among leading Orthodox rabbis.”**

Israel should institute civil marriage and sever ties with the Rabbinate.<sup>vi</sup> Angel believes that strict adherence to mitsvot is not a prerequisite for Orthodox Conversion. He states,

“While converts must ‘accept the mitzvot,’ or commandments, there is wide latitude in understanding what this phrase means. The Talmud itself says that we must instruct the candidate for conversion in ‘some of the major and some of the minor commandments.’”

He concludes by stating that the Israeli Rabbinate's unyielding position regarding *kabbalat ol ha-mitsvot* is a new phenomenon that began in 1876 when R. Yitshak Shmelkes, author of the *Beit Yitshak*, a commentary on the *Shulhan Arukh*, ruled that Orthodox conversions must be accompanied by a complete acceptance of the mitsvot. However the Chief Sephardic Rabbi of Israel from 1938 to 1953, R. Ben-Zion Meir Hai Uziel, did not accept R. Shmelkes' ruling and argued for leniency regarding *kabbalat ol ha-mitsvot* because he worried about intermarriage and *mamzerut* which would occur if stricter conversions were required.<sup>vii,viii</sup>

The introduction of civil marriage would alleviate the complications regarding conversions and ease the bitter disputes among leading Orthodox rabbis. R. David Stav, an opponent of civil marriage in Israel and the founder and chairman of Tzohar, an organization founded to bridge the gap between the secular and religious groups in Israel, gave a lecture at YU's Kollel Yom Rishon and outlined important halakhic opinions regarding civil marriage. He first quoted Rambam, who forbids sexual relations without the purpose of *kiddushin* between couples under the Torah's prohibition against prostitution.<sup>ix</sup> R. Stav concludes from this that Rambam believes that civil marriage falls under the prohibition of prostitution and is therefore not recognized. However, showed R. Stav, Rema disagrees with Rambam's position and quotes Ra'avad, who writes that a man can live with one woman as long as she goes to the *mikveh* regularly. The couple is married according to common law and the woman is a common law wife, or a *pilegesh*.<sup>x</sup>

R. Yosef Eliyyahu Henkin and R. Moshe Feinstein continued to debate the halakhic status of non-halakhic marriages. R. Feinstein refused to recognize the validity of civil marriages, non-Orthodox Jewish marriages,

and conversions. Protesting vehemently, R. Henkin wrote to R. Feinstein that his opinion would lead to *mamzerut*. R. Henkin adopted the opinion of the Rogatchover Gaon, R. Yosef Rosen, who disagreed with Rambam. The Rogatchover wrote that it is impossible that a non-Jewish civil marriage has no halakhic status.<sup>xi</sup> As a result of the halakhic status of civil marriage, the Rogatchover and R. Henkin both compel a couple to obtain a *get* to dissolve

their marriage. And so, civil marriage appears to be possible even within the realm of Halakhah.

Yet the majority of Israelis do not care about the halakhic status of their marriages. Rather, the majority of Israelis, secular Jews, are humiliated as they are forced to adhere to a stringent set of traditions that they do not value. In fact, according to Freedom of Choice in Marriage, an umbrella organization of civil rights groups based in Jerusalem, about one fifth of Israeli couples marry outside the Rabbinate.<sup>xii</sup> In 2008, according to the Cyprus government, 1,533 Israeli couples married there.<sup>xiii</sup> There are even travel agents who specialize in planning wedding packages for Israelis planning to marry in Cyprus. In 2006, the Supreme Court of Israel ruled that the government would recognize marriages from abroad even if they are unlawful in Israel. Therefore, for example, Israel now recognizes interfaith mar-

**“It is strange to think that a democratic, westernized country in the twenty-first century lacks civil marriage and coerces the secular majority to comply with religious traditions.”**

riages, non-Orthodox marriage ceremonies, and same-sex marriages that were performed in foreign lands, yet still not within Israel.

Ironically, some of the secular Jews who do choose to marry in Israel go through the parallel ultra-Orthodox Haredi Rabbinate, or *Badat*'s, because its stipulations are less rigorous. The Haredi Rabbinate assumes that their applicants are ultra-Orthodox, and does not question them as deeply. It is assumed that brides attended *niddah* classes and went to the *mikveh*, that the officiating rabbi is Orthodox and that the parties are Jewish. All the couple needs to do to receive a marriage certificate is submit a letter stating that each of their mothers and grandmothers are Jewish and then pay several hundred shekels.<sup>xiv</sup>

In an effort to ease the difficulty secular Israelis face before marriage, Tzohar, an organization that was founded by *Dati Le'umi* rabbis, works closely with secular couples that resent the need for an Orthodox ceremony and the requirement of *niddah* classes. According to their website, they “transform these experiences into deep, meaningful encounters.”<sup>xv</sup> However, the Rabbinate steadfastly opposes any changes in its system of marital laws. R.

Stav believes that the Rabbinate's obstinacy will lead to the institution of civil marriage in Israel. He has stated that he believes that if the Chief Rabbinate would make marriage more user-friendly, secular Israelis would not be as resentful and angry.<sup>xvi</sup>

Currently, some secular Jews see the Orthodox stranglehold on marriage as a violation of their civil rights. Israel signed the Universal Declaration of Human Rights whose charter declares, “Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family.”<sup>xvii</sup> However, those in Israel without a religion cannot marry. Nearly 300,000 Israelis, many of them recent Soviet immigrants, meet this criterion because they cannot prove to the Rabbinate that they are Jewish.<sup>xviii</sup> In response, Yisrael Beitenu, a political party composed largely of immigrants, made civil unions a platform during the election campaign. Now, their sponsored civil union bill, which is traveling through the Knesset, would grant a civil marriage to couples where both partners cannot prove they are Jewish. Yet, many secular Jews fighting for broader civil marriage believe that this bill does not go far enough, as it does not include marriages where one of the parties is Jewish and the other is not.<sup>xix</sup>

It is strange to think that a democratic, westernized country in the twenty-first century lacks civil marriage and coerces the secular majority to comply with religious traditions. Although Israel is a Jewish state, it is not a religious state. The motivations of the Rabbinate, seemingly well intentioned, have backfired. Instead of streamlining the marriage process,

their practices have divided the Orthodox rabbinate and increased the secular suspicion of the religious minority in Israel. And so, the introduction of civil marriage is logical and long overdue. The legalization of civil marriage would allow secular Jews the freedom to design their own meaningful ceremonies and would not hinder or threaten the religious Israelis' ability to marry according to religious standards.

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/acs/marriage.aspx.

<sup>iii</sup> Yechiel Spiera, “Rav Amar & Rav Druckman Respond Regarding Giyur Controversy,” *Yeshiva World News*, May 6, 2008. Available at: [www.theyeshivaworld.com/article.php?p=17695](http://www.theyeshivaworld.com/article.php?p=17695).

<sup>iv</sup> Ibid.

<sup>v</sup> Moshe Kletenik, “Conversion RCA Style,” *The Jewish Star*, January 15, 2010. Available at: <http://thejewishstar.wordpress.com/2010/01/13/conversion-rca-style/>.

<sup>vi</sup> Gorenberg, *ibid*. Available at: <http://www.nytimes.com/2008/03/02/magazine/02jewishness-t.html?scp=1&sq=how%20do%20you%20prove%20you%27re%20a%20jew&st=cse>.

<sup>vii</sup> Most rabbis disagree with R. Uziel's minority position and believe that halakhic conversion requires complete acceptance of the mitsvot.

<sup>viii</sup> Marc Angel, “Slamming the Door on Converts,” *The Jewish Daily Forward*, November 7, 2007. Available at: [www.forward.com/articles/11985/](http://www.forward.com/articles/11985/).

<sup>ix</sup> Rambam, *Mishneh Torah, Hilkhos Ishut* 1:1-4.

<sup>x</sup> *Shulhan Arukh, Even ha-Ezer* 26:1.

<sup>xi</sup> *Tsofnat Pa'neah*, 1:26-27.

<sup>xii</sup> Dina Kraft, “In Israel, Pressure Builds to Legitimize Non-Orthodox Weddings,” *J. the Jewish News Weekly of Northern California*. June 18, 2004. Available at: <http://www.jweekly.com/article/full/22993/in-israel-pressure-builds-to-legitimize-non-orthodox-weddings/>.

<sup>xiii</sup> Associated Press, “In Mideast, Interfaith Couples Travel to Cyprus to Wed,” *USA Today*, October 19, 2009. Available at: [www.usatoday.com/news/world/2009-10-18-cyprus-weddings\\_N.htm](http://www.usatoday.com/news/world/2009-10-18-cyprus-weddings_N.htm).

<sup>xiv</sup> “Who's Going to Break up the Haredi Marriage Monopoly?” *OneJerusalem.com*, October 22, 2009. Available at: <http://www.onejerusalem.com/2009/10/22/whos-going-to-break-up-haredi-marriage-monopoly/>.

<sup>xv</sup> <http://tzohar.org.il/english/kipur.htm>.

<sup>xvi</sup> Yair Ettinger, “Rabbi Offers Unorthodox Solution to Civil Marriage Debate,” *Haaretz*, August 7, 2009. Available at: [www.haaretz.com/hasen/spages/1098606.html](http://www.haaretz.com/hasen/spages/1098606.html).

<sup>xvii</sup> Seth Freedman, “Marriage and Tolerance in Israel,” *The Guardian*, August 13, 2009. Available at: <http://www.guardian.co.uk/comment-isfree/belief/2009/aug/13/religion-judaism>.

<sup>xviii</sup> Gregory Kotler and Yisrael Rosen, “Path to Judaism Paved with Obstacles and Tests,” *YNet*, June 4, 2007. Available at: [www.ynet.co.il/english/articles/0,7340,L-3404428,00.html](http://www.ynet.co.il/english/articles/0,7340,L-3404428,00.html).

<sup>xix</sup> Ruth Eglash, “Many Israel Beiteinu Voters Complain Civil Union Bill Does Not Address Problem,” *The Jerusalem Post*, December 10, 2009. Available at: <http://www.jpost.com/servlet/Satellite?cid=1260447411573&page-name=JPpost%2FJPArticle%2FShowFull>.

<sup>i</sup> Gershon Gorenberg, “How Do You Prove You're a Jew?,” *The New York Times Magazine*, March 2, 2008. Available at: [http://www.nytimes.com/2008/03/02/magazine/02jewishness-t.html?\\_r=1&adxnnl=1&adxnnlx=1261947064-ZrrOuXbCB1DiW215Emqr8g](http://www.nytimes.com/2008/03/02/magazine/02jewishness-t.html?_r=1&adxnnl=1&adxnnlx=1261947064-ZrrOuXbCB1DiW215Emqr8g).

<sup>ii</sup> “Marriage in Israel,” Website of the U.S. Embassy in Tel Aviv, Israel. Available at: <http://usembassy-israel.org.il/consular>

# An Interview with Rabbi Dr. Norman Lamm

BY: Staff

*What is the difference, in your opinion, between Modern Orthodoxy and Centrist Orthodoxy?*

There is absolutely no difference. I think I may have been the first one to insist upon the term “Modern Orthodoxy.” In reaction to this, the Charedim expressed malcontent, asking me not to use this term, but I responded to them that if they kept on espousing positions which were completely at variance with what I believed, and never thought of contacting us in advance, I would have to do this.

The term “Orthodox,” of course, is one I never liked in the first place, since it means “right-thinking,” and that is a *goyish* (non-Jewish) term in many ways. It also gives the impression of having every single thought regulated and so does not account for the fact that there are shades of meaning in Judaism. There are many varieties in the practical, halachic way of thinking, as well as in Hashkafah, even as “tradition” demands certain basics in both areas [as I refer to in my 1986 article “Some Comments on Centrist Orthodoxy” (*Tradition* 22,3)]. In fact, once, in one of the newspapers the OU published many years ago, my brother [R. Maurice Lamm] and I had a debate on this topic.

He wanted to use the term “Tradition” and I wanted to retain the label “Orthodoxy,” with the proviso that I did not like the name at all because it gives you the impression of being caught in a very rigid system. Halachah is not rigid – there is a *machlokes* on almost every issue except the existence of God. “Orthodoxy” is not really us – it was a term given to us by others. Nothing in the Torah speaks about Orthodoxy. But, for lack of a better mode of identification, we are stuck with it.

In any event, later on I began thinking that the label “Modern” was a bit presumptuous, implying “I am modern and you are not.” So we tried the title “Centrist Orthodoxy,” and I quickly saw that it was totally misunderstood. “Centrist” does not mean that you have Conservative and Reform Judaism on one side and “Real Judaism” on the other and we are somewhere in the center. That is nonsense. Rather, it means that we are the center *within* the Orthodoxy community. I now try very much to discourage the use of the word “Centrist,” because it has been misunderstood and has absolutely no noetic content, in contradistinction to “Modern Orthodoxy,” which does.

Some sociologists distinguish between “Modern” and “Centrist” Orthodoxy – which is *narishkayt* (foolishness). Of course there are varieties within Modern Orthodoxy, just as there are varieties within Charedi Judaism;

none of us is monolithic. But there is absolutely no essential difference between these titles in terms of the group they describe.

*How do you see Modern Orthodoxy in relation to other Jewish sects?*

This is a very big question. Included in this discussion are Charedim, Modern Orthodox, and then Conservative, Reform, secularists, and atheists. We have to take a position on all of them, of course, but the position should never be firm because they change and we change, and so we have to reassess the situation constantly.

Let us proceed from the right to the left. Within Orthodoxy, of course, there are many different points of view. The term “Charedim” refers to a very broad category of people, consisting of Chasidim, Misnaggedim, *Yekes* (German Jews), and all kinds of different people whom I respect, as long as they are serious people. I myself come from a background which might be described as semi-Charedi, by which I mean that I learned in Mesivta Torah Vodaath through high school plus one year af-

**“What binds us together is a fundamental commitment to *Kelal Yisrael*, which means we take the People of Israel as a real, halachic category.”**

terwards. But that was in the days when the yeshivah was sort of Charedi, but not strictly so; they were against going to college, but the unofficial policy was, “If you go, don’t tell me,” so a lot of the boys went on to Brooklyn College. This was the Charedi world in which I grew up. How do I feel about them? If they are not in conformity with civilized behavior, like the Neturei Karta who went to Iran, I do not respect them. If, however, they are civilized, in the sense of not being truculent or savage in presenting their views, I do respect them. Still, I deplore Charedi attacks on us. Sometimes, the discussion goes into the gutter instead of into the boxing ring. But, nevertheless, I will make every effort, as I have from the very beginning, to keep dialogue with them open, even as that sometimes becomes very difficult – for them and for us.

Connected with Charedi Orthodoxy is an anti-Zionist, or at least non-Zionist, tendency. There is a difference between the two: Satmar Chasidim, it is true, are anti-Zionists, but most other Charedi groups are simply non-Zionist – some more so and others less so. Another aspect of Charedi Orthodoxy is an emphasis on *talmud Torah*. I have often deplored the fact that in the 40’s and 50’s, official Orthodoxy made such a big issue of the required size of a *mechitsah* in a *shul*. It is definitely an issue, but it should not have been *the* issue. What

should have been more prominent is the question of how much Torah an Orthodox Jew learns and his *kevi’as ittum la-Torah* – whether he learns once a week, three times a week, or every day. That is so much more of a respectable criterion for the definition of a person as Orthodox than is the size of the *mechitsah* in his *shul*. *Talmud Torah* is and should be the essence of Orthodoxy.

With regard to Conservatism, it is very hard to define a movement which exists by reason of negating others. I am not sure what Conservatism means, and I do not think they are sure what it means. “I’m not Reform and I’m not Orthodox, so what am I? I must be Conservative.” I am exaggerating, of course. There is a lot of good work done in the Conservative Movement. But fundamentally, it defines itself as the distance between two points. It is not enough to give them a *raison d’être* from a historical point of view. Look at what happened to them this past year: they lost the membership of 100 temples in their movement, and for them, a temple is the ultimate criterion of religious success. For us, of course, it is not. You can *daven* in a *shtibl*, a synagogue, or at home. For them, though, there is hardly such a thing as *davening* at home as an institution, and so this loss of temples becomes a major problem for them.

Early Reform was, in some ways, far worse from our point of view than modern Reform, but in some ways much better, too, be-

cause it all began slowly with the 1817 Hamburg Temple and the 1885 Pittsburgh Platform, etc. Today, Reform Judaism is going in two opposite directions at the same time – one more intensely religiously committed, the other religiously more indifferent.

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I will tell you a story that happened to me as a rabbi in Springfield, Massachusetts in 1954. The president of my *shul*, a widower, after a long search, finally remarried a lovely, fine Reform Jewish woman. She promised her husband that she would be Orthodox, keep a kosher home, and go to *shul* with him: Friday night, he accompanied her to a Reform temple, and Shabbos morning, she accompanied him to my Orthodox *shul*. (Interestingly, before she came to *shul* to *daven* with us, she read her Reform prayers at home, which in many ways mirrors what we Orthodox Jews do when we have a bar mitzvah or wedding in a Reform or Conservative congregation.) One day, though, they had a *machlokes* and they came to me. What was the problem? He opened up and said, “Tell her she’s overdoing it: she so much insists on separating *milchigs* and *fleyshigs* that she uses different matchboxes to light the stove.”

What you see, then, from this story is that there is a lot of variance within Reform and there are Reform Jews who are very serious about it. Most of us see Reform Judaism as a

social institution, in which people get together and go to a golf club, without much observance. But that is not the real Reform. Real Reform Jews believe that their *derech* is the real *retson Hashem*. I have not met many Reform Jews like this woman and I suspect there are very few, but, then again, not so many Orthodox Jews are beyond reproach...

*Fifty years ago, pundits predicted that Orthodoxy would die, but it did just the opposite. What do you see as the trajectories of the various denominations in Judaism over the next 50 years?*

This past April, Bar-Ilan University invited me to receive an honorary degree, and I accepted. They asked me to give several lectures the day of the ceremony, and so, in preparing a lecture the day before, I got a call from the *Jerusalem Post* asking me if they could send over a reporter for an immediate interview. I agreed, though in retrospect I should not have, since in any interview a lot of us say things which we later regret – not because they are wrong but because they probably will be taken the wrong way. In the course of the interview, one of the questions the inter-

viewer asked me was: “What do you think about the future of religious Jewry, especially Conservative and Reform?” And I allowed myself to be completely open, which was, of course, a mistake, because I should have avoided that trap. I said – these are *mamesh* my words – “With a heavy heart, we will soon say *Kaddish* on the Reform and Conservative Movements.”<sup>i</sup> Of course, this set off an avalanche of criticism – some of it gentle and polite, and some of it awful, especially among Conservatives. It did not bother Reform Jews too much, because we are too far away from them. There is a sociological principle at play here: ideologically, your greatest enemy is the group right next to you, because you have to differentiate between seemingly close or even identical commitments. So Conservatives kept on speaking about my insult to them, the fact that we do not give them any credit – anything under the sun. One fellow said I was hateful.

Overall, they felt insulted and disrespected and claimed that I was triumphalistic in my predictions.<sup>ii</sup> That is, of course, nonsense – apparently, they do not read English. I said I was “heartbroken.” What should I say – that I think they have a glorious future? I do not believe that. When they told us 50-60 years ago that Orthodoxy was about to disappear – when Ben-Gurion gave in to the many requests that the Israeli Army keep kosher be-

cause, he said, “Don’t worry – in 50 years, no one is going to care about this” – we felt bad, but we did not feel insulted. In fact, we thought that he and the others might be right and that they had certainly posed a challenge to us. In the case of the Conservative and Reform Movements, though, this is what is happening, and we, as Orthodox Jews, should feel aggrieved and have to hope that this loss of Jews does not take place. Having sat in the driver’s seat in terms of numbers for so long, the Conservative and Reform Movements naturally felt terribly endangered by this statement, but having openly declared that I was broken-hearted by this historic development, I refused to retract because there is nothing to retract.

## **“I understood that you cannot make any progress by insulting people. We have to be honest with and respectful of each other, even when we disagree.”**

In addition, one Reform rabbi wrote in a journal that I had claimed that Conservative Judaism will collapse under its own weight and Reform Judaism is now the largest movement. That is only true, though, if you count everyone who comes to a Reform temple, a significant number of whom are not actually Jewish according to halachic standards. In that context, I used the word “*goyim*.” One fellow said, “What an insult to use such vulgar terms!” Vulgar terms? “*Goyim*” is in the Torah and in the Talmud! What is vulgar about the word “*goyim*?” I remember when Secretary of State Colin Powell started a speech by saying proudly that when he was a youngster, he was a Shabbos goy in the Bronx. *Goyim* know that they are *goyim* – it is the Jews who do not know that they are *goyim*. Yes, we Jews, too, constitute a “*goy*.”

When I visited a congregation in New Zealand some time ago, I noticed that there was not a single recognizable Jewish face in the women’s balcony. I see the same thing in many other places as well. I think the acceptance of patrilineal descent is the worst thing Reform Judaism could have done in all its history, and the problems have already started coming up when people today want to marry Jews raised in the Reform Movement. They have erased a real fundamental of *Yidishkayt* that should have been a uniting principle for all of us.

In any event, I have made it crystal clear through everything I have written since 1955 that I have respect for other Jewish movements. Before that point, I had grown up with a very strong anti-non-Orthodox feeling that anything relating to Jews of other denominations was *treyf*. That is the way it was. I grew up in Williamsburg – what more can I say? This was the prevalent attitude, and I tried to justify it to myself.

Later on, though, I changed my mind completely. It was early in my career in Springfield when I heard that there was a *minhag le-doros* that on a particular day every year, the Reform Temple Sinai had services at

the local congregational church. When I first found out, I was terribly upset. I got up that Shabbos and thundered from the pulpit, as only a young, brash rabbi can: “Sinai at the church! Sinai, where we heard the words, ‘*Anochi Hashem E-lohecha*’ and ‘*Lo yihyeh lecha elohim acherim al panai!*’ Are we going to celebrate a joining between monotheists and those who say there are three gods?!” After everything was over, one man whom I respected as an intelligent and wise lawyer said to me quietly, “Tell me, rabbi, do you think you convinced anyone?” “What do you mean?” I replied. “You succeeded only in deepening the gulf between us and them,” he said. “Your rhetoric was excellent but your

ideas should not be made public that way.” I thought about it and concluded that his criticism was correct.

And so, I decided not to do it anymore; if I had criticisms, I tried not to be so blunt about them. At that point, I understood that you cannot make any progress by insulting people. We have to be honest with and respectful of each other, even when we disagree. I have written several articles about this and I stick by them to this day. I changed my mind, not in the content of what believed, as much as in the method of articulating it. I began to realize that in almost all cases, if a member of a Conservative or Reform temple leaves his or her house of worship, it is not that we have won a new convert to Orthodoxy, but the defection is to a temple which is less observant of Torah – or to nothing, that is, to complete assimilation.

*If, in your opinion, these other Jewish movements are doomed to failure, should we make an attempt to save them from that fate, and, if so, how?*

Of course we should try to save them and not turn our backs on them. Every Jew who is lost to *Yidishkayt* is a tragedy – a tragedy for all of Israel. And so we have to *davka* proactively conduct dialogue with them. As I said before, the

Conservative Movement lost one hundred temples this year and now they are in a panic, struggling to get the key to greater loyalty. I feel very bad for them and believe that *kol mah she-efshar le-hatsil natsil* (we should save whatever we can). Otherwise, it just means that more Jews will be lost. They are not going to come to *daven* at an Orthodox *minyán* on Shabbos; they simply will not come, period.

Some years ago, R. Yitz Greenberg, a graduate of a Musar yeshivah, the founding president of CLAL [the National Jewish Center for Learning and Leadership], and a friend

with whom I often disagree profoundly, was speaking all over the country about pluralism, uniting Orthodox, Conservative, and Reform Judaism. Many people were going along with what he said, because, they felt, we are American Jews – everything is good, everything is kosher, and we must live in the modern world (as if everyone else was not living in the modern world). He invited me to speak for CLAL about relations amongst the so-called Jewish sects, and I accepted, which occasioned some surprise among some of my colleagues.

In that speech, I told the audience what I thought in as elegant a fashion as I could, expressing my *ani ma’amin* (guiding religious dogma) about the relations amongst the various denominations. Essentially, I said that there is a basic difference between “validity” and “legitimacy.” The first refers to facts – for instance,

how many people do they have? The other “denominations” have many more people than we do, so they are a valid Jewish group. Furthermore, these are Jews (except for those who are patrilineally descended) who want to remain Jewishly connected and mean well. But while they are “valid,” they are not “legitimate.” “Legitimate” comes from the Latin word “*legitimus*,” which means lawful, legal. Anyone who does not accept *Torah she-be-Al Peh* or Halakhah and everything that follows from them cannot be called “legitimate.” And therefore I said that our attitude towards non-Orthodox Jews must be the attitude taken towards a group that is validly Jewish and wants to remain such but has a totally different, illegitimate outlook on Judaism. If their leaders are honorable and honest and call themselves “rabbi,” I will call them “rabbi,” too. That does not bother me. The nomenclature does not make much sense anyway.

(When Reform and Conservative Judaism came up with the idea of giving *semichah* to women, I had a dear friend who was the president of the RCA and was a firebrand – a powerful, honorable, and honest man.

## **“Our attitude towards non-Orthodox Jews must be the attitude taken towards a group that is validly Jewish and wants to remain such but has a totally different, illegitimate outlook on Judaism.”**

When he heard what had happened, he was very upset and called all kinds of meetings to discuss this “terrible breach” by the Reform and Conservative Movements. He even got several Rashei Yeshivah to write articles that this went against Halachah and was, *al pi din* (lawfully), a *ziyyuf* (forgery). At that point, I told him, “You know, I don’t understand you. Let’s say these women were men; would you get so excited? We have Reform, Conservative, and Reconstructionist rabbis in this country, and no one gets especially upset about that, which means the whole thing is simply sexist. If you have a male Reform rabbi who may not

even know *alef-beis* and is *mattir* all sorts of things including eating on Yom Kippur – him you don’t mind calling a rabbi, and this woman who may have learned a *blatt Gemara* – you can’t abide calling her a rabbi?” Sometimes we get stuck on nonsense, and the issue of the titles we give people is just one example of that.)

In any event, that is the position I developed at the time – one that grants validity without legitimacy to other Jewish movements. That said, we should, of course, continue to dialogue with them and reach out to them as much as possible, provided they are ardently Jewish from their point-of-view.

*In your opinion, how are Jewish denominations, and the relationships between them, different in Israel from those in America?*

Israel is very much a different public than America. In Israel, Conservatism and Reform have not made an impact – not at all. The little impact they have they trump up in their public relations. However, what Israel does have that we do not is the new phenomenon of a secular Jew – a Jew who wants to be a Jew, loves being a Jew, wants his children to be Jews, loves Israel, may agree to a rabbinic wedding, and may even set aside time for the study of Talmud but is not observant and is neither Reform nor Conservative. He may even be in some sense atheistic. For him, Judaism is embodied by the secular State of Israel. In America, however, there is hardly such a thing as a truly secular Jew. Belief in God is there at least in word. On the other side, though, we have problems they do not have. The fact that we have several distinct groups that are non-Orthodox is not an issue for them, basically. So there are differences between us and them – not profound, but differences nonetheless.

*Could you comment on the nature of the relationship between RIETS and other denominations’ theological seminaries?*

I do not think that we should develop any sort of formal relationship with the other seminaries, because, after all is said and done, according to *middas ha-din* (the letter of the

law), they are in a very questionable category religiously. However, I think we have to have some informal relations with them. Our *rabbanim* should at least be told a little bit of what they believe before they go into the rabbinate. So what we should be doing is teaching our *rabbanim* about these other groups and encouraging them to mix with them without being influenced by them. The CJF in particular provides opportunities for our young people – boys and girls – to meet with Jews of other affiliations in an unofficial but very good context. I think such interaction to be important if only because one has to be respectful

and honorable in dealing with other Jews. In addition, we can learn something from them; all the wisdom in the world is not with us.

I also think that we should introduce our children to the existence of Conservative and Reform Judaism at a certain age, though I do not know when. Similarly, it is a good idea to expose our children to the opposite gender, at least for some period in their lives. When I first came to New York, I joined the Board of Jewish Education of Greater New York. Some of the day schools in the system had co-ed classes and others had separate classes. I am personally in favor of having mixed classes until the 4<sup>th</sup> grade and then separating, because I think that it is not good for boys to grow up not knowing that a girl is a human being. I was raised in Torah Vodaath and I am embarrassed by the strange ideas we had about girls. This issue has to be taken care of at a very early stage, and then, once the children start to seriously learn Torah, classes should be separate, just as *davening* is separate.

*How important are ikkarei ha-emunah in defining a person as Orthodox? What, in your opinion, distinguishes Orthodox Judaism from Conservative or Reform Judaism?*

There is a lot to answer here. Going back to the period of the Rishonim, there are those for whom *ikkarei ha-emunah* are the ultimate test of a Jew and, if you accept these principles but your practice does not reflect that, you go

## “The struggle between Modern Orthodox and Charedi Judaism continues and is one of the most significant issues we have to face going forward.”

to *Geihinnom* (there are cooler levels, presumably, for different levels of sin); if you do not accept these *ikkarim* at all, however, you are not a Jew. That is Rambam’s *shittah*. Rambam, of course, was a philosopher, in addition to being the ideal *talmid chacham*, so for him the intellect was at the top of the agenda. That is why he takes the Mishnah in the 10<sup>th</sup> *perek* of *Sanhedrin*<sup>iii</sup> literally and then *paskens* that way in *Hilchos Teshuvah*<sup>iv</sup> – if one does not accept certain principles, he is not part of *Kelal Yisrael*. Others, though, disagree with Rambam. In the end, Orthodox Jews clearly hold of *ikkarei ha-emunah*, but not such that those who do not accept them are no longer considered Jews. As far as their *Olam ha-Ba* is concerned, I will write them a letter of recommendation to get into a cooler place...

And so, the main distinction between Orthodox Judaism on one side and Conservative and Reform Judaism on the other is that we accept the totality of Torah, understanding that there are *machlokos* and different opinions on many issues, while they do not.

*What impact do you think the Maharat phenomenon, along with other attempts at egalitarianism within Halakhah, will have on Modern Orthodoxy?*

There are certain things that are acceptable only in the long run. I approve of the idea of increasing the role of women in religious

life and think it is an important one. I think we have been neglecting 51 or 52 percent of our brainpower throughout the ages. Just imagine: we have taken women who have good brains, good characters, and good personalities and devoted their lives to Hitler’s 3 K’s: Kinder (children), Küche (kitchen), and Kirche (church)! Women are not just good for these three things. There are enough individual cases that are exceptions to allow you to learn *min ha-perat el ha-kelal* (from the specific case to the general category). It is just not true that they cannot think straight – they can. We have crooked ideas if we think otherwise.

At the same time, things have to be done gradually. To have a woman learn Gemara a generation or two ago like women learn Gemara today would have been too revolutionary. But with time, things change; time answers a lot of questions, erodes discomfort, and helps. So my answer, when I was asked by a reporter about what I think about women rabbis, was, basically: “It’s going too fast.” I did not say it was wrong, I did not say it was right. It just has not paced itself properly. I was criticized, of course. People asked, “You mean that *al pi din* they’re allowed to become rabbis?” My response: “I don’t know – are you sure they’re not allowed to?” I do not *paskn shayles* (rule on questions) that are not real. This is not a real question for me – it is too early to tell where this is all headed and I think they are moving much too quickly.

Do I think having women rabbis is a good thing? I do not know. I am, however, concerned that, before long, we will find ourselves overly feminized, and I would not want to see that happen. Women will begin complaining about why they cannot be Kohanot and *duchen*. I can name 100 different halachos that just do not work with women – for instance, a woman cannot be an *ed kiddushin* (a witness for betrothal). Can a woman read one *berachah* of the *sheva berachos*? I feel uncomfortable with it, but I would not blame anyone who allowed it. When it comes down to it, I am a believer that there are differences between men and women that should be reflected in halachic practice.

*What do you think to be the greatest struggle Orthodoxy faces in the coming decades?*

The big problems we are going to have in the future are not going to come from Conservative and Reform Judaism. I think Reform will gradually dissipate, because they have more *goyim* than Jews in their ranks, and the Conservatives are in big trouble as a movement. The problem will really be the people who are neither Orthodox nor Conservative nor Reform – nothing-Jews, who do not even identify with the State of Israel. Will these Jews be a problem for Orthodoxy? Of course – every problem which affects the Jewish peo-

ple is a problem for Orthodoxy. The problem of Jews not identifying with Judaism or Israel is our problem, too, even though we do. We cannot hide in this cocoon of “We can get along without the rest of the world.” It is like men saying that they can get along without women in the world – for a generation, they can, but after that they are just stuck. So we have to make sure to reach out to these Jews who have no sense of Jewish identity.

The greater struggle, though, is achieving peace within our camps, particularly resolving the sharp differences between the Modern Orthodox and Charedim. The insults I have suffered from the Charedi extremists will testify to the level of enmity that exists. This problem actually came up in the whole question a long time ago of “*Mi Hu Yehudi?*” (Who is a Jew?), which was a terrible issue for Israel for several governments.<sup>v</sup> When Yitzhak Shamir was prime minister, he was facing this critical problem all over again, so he called me to ask if I could help him. The particular case at that point was that a *goy* had converted to Reform Judaism and wanted to go on *aliyyah*. (I do not know anyone of that sort – a person converted here by Reform who wants to go on *aliyyah* – but apparently they found one such unlikely candidate.) This was the cause of great confusion in Israel and the whole government was in danger of falling. I responded that I had an idea but that I could not put it into action by myself. I asked him to send me a representative of the Israeli government and have him do the legwork, because I was not the right person to do it and I did not have the time, on top of it.

So Shamir sent Cabinet Secretary Elyakim Rubenstein, who is now a member of the Supreme Court. He is a lovely fellow, a very good lawyer, and one who carries a set of Mishnayos with him wherever he goes. I told Rubenstein that my idea was to satisfy Halachah, as well as the Reform and Conservative Movements. I proposed that we have two groups. The first group would be composed of Orthodox, Conservative, and Reform rabbis and would interview a conversion candidate to test if he or she were honorable and real and whether he or she could be trusted to do what he or she said. Then, if that first group approved the candidate, which it probably would, the case would go on to an Orthodox *beis din*. Who would be on the *beis din*? If they would have R. Avraham Sherman, forget about it; if they would have R. Chaim Druckman, though, that would be another story. The goal would be to have rabbis who would *paskn* on conversion cases according to the *Shulchan Aruch*, which is the most *meikel* authority of all. They would do everything *al pi din*, but not necessarily satisfy *Hamodia*.

Things began to fall into place. Rubenstein managed to get several important Reform people on our side, including Executive Director Glazer, who was very favorable to what I was planning and felt that no one would be insulted. Later on, some of the Reform rabbis

who were left-wingers were very annoyed because they saw through the fact that I was not recognizing them halachically – which I do not – but he got them to quietly, yet officially, agree to this plan. R. Ismar Schorsch, who was then the head of JTS, felt that he could not be left out once Orthodox and Reform had signed on, so we got him to agree as well.

But then, Rubenstein also visited the late and brilliant R. Moshe Sherer, the Chairman of the Agudath Israel World Organization. He told him something that I hesitate to repeat – that if Rubenstein had gone to the Agudah instead of me first, he would have had it done already. In other words, he was being completely political, and that killed the whole thing, which sometimes justifies a little bit of my animus against the Agudah (of whose youth group I was a member).

So that struggle between Modern Orthodox and Charedi Judaism continues and is one of the most significant issues we have to face going forward.

*Rabbi Dr. Norman Lamm is the Erna and Jakob Michael Professor of Jewish Philosophy and serves as Chancellor of YU and Rosh HaYeshiva of RIETS.*

<sup>i</sup> Matthew Wagner, “Non-Orthodox Judaism Disappearing,” *The Jerusalem Post*, May 10, 2009. Available at: <http://www.jpost.com/servlet/Satellite?cid=1241773223823&page-name=JPArticle%2FShowFull>.

<sup>ii</sup> Jonathan Sarna, “Saying Kaddish Too Soon,” *Forward*, June 5, 2009. Available at: <http://www.forward.com/articles/106674/>.

<sup>iii</sup> Mishnah, *Sanhedrin* 10:1.

<sup>iv</sup> *Mishneh Torah, Hilkhos Teshuvah* 3:6.

<sup>v</sup> See the Wikipedia article on Rabbi Dr. Lamm, which details this incident as well: [http://en.wikipedia.org/wiki/Norman\\_Lamm](http://en.wikipedia.org/wiki/Norman_Lamm).

# Chabad: Issues that Have Not Been Discussed on Campus

By: Estee Goldschmidt

One of the things that sets Chabad apart from other sectors of Judaism is its ideology of *shelihut* implanted by the late Rebbe, R. Menachem Mendel Schneerson, that drives Lubavitch Hasidim to travel around the world and build communities in places where most Jews would never settle otherwise. It is an ideology that calls Jews to fight the “war of God,”<sup>i</sup> a precondition for the Messiah according to Maimonides, and urges everyone to prepare for the coming of the King, the Messiah.<sup>ii</sup> Due to the fact that members of this sect of Judaism have taken upon themselves the admirable responsibility of *keiruv* (outreach), most people in the Orthodox world tend to overlook the tremendous threat that Chabad presents to traditional Judaism. A large percentage of the Chabad movement believes that their deceased Rebbe is the Messiah.<sup>iii</sup> This Messianist ideology is taught in mainstream Chabad schools, and Melech Jaffe, who authors a blog about Chabad Lubavitch, writes that a Chabad Hasid who does not believe in Messianism is not only a minority within the Chabad movement, but is also considered to be an outcast.<sup>iv</sup> Many Jews also overlook the differences between the Chabad communities and their own communities due to a preference for tolerance, as well as the conveniences Chabad provides: whenever a Jew sets out to travel, he or she can rely on Chabad to supply kosher food and a place to pray.

Although students at Yeshiva College and Stern College for Women organize events that deal with controversial topics, such as female leadership and homosexuality in the Orthodox community, I have not seen the issue of Chabad and its controversy directly addressed once since I became a student in Stern College in Spring 2008. There are Chabad Clubs in Stern College as well as in Yeshiva College that run trips to the *Ohel* (the deceased Rebbe’s grave) on a regular basis for those who are interested. Yet no one addresses and deals with the issues that Chabad poses. I would like to call out to the student body to do something about Chabad, to educate fellow students, to create awareness of the various ideological problems that Chabad raises in regard to the Jewish community. Even more surprising is the fact that Rabbi Dr. David Berger, Dean of Bernard Revel Graduate School and a hallmark of Yeshiva University, wrote numerous articles and a book called *The Rebbe, the Messiah, and the Scandal of Orthodox Indifference* condemning Chabad and requesting support from his fellow Orthodox companions. The RCA has now prohibited Messianist rabbis from joining; however, as a community, Orthodoxy has not yet responded in a forceful manner.

It is important to understand that Chabad

often represents Judaism to the larger world. Chabad Jews are the ones to light a menorah in the Red Square in Moscow, in Times Square in New York, and in Hollywood, California. The most basic Jewish websites, such as Judaism.com and Jewish.ru, are owned and administered by Chabad. Chabad clubs in universities are more popular on college campuses across the world today than Hillel houses, and although it seems that Chabad is a sect not so large in number, it is quite large in the extent of its influence and publicity. Chabad emissaries are living all over the world. They are the ones who represent the Jewish people to the press, media and politicians. To much of the outside world, Chabad equals Judaism, and other forms of Judaism are viewed merely as smaller sects. Therefore, ignoring the ramifications of issues raised by Chabad is no simple matter.

As early as the 1980’s, Chabad began placing extreme emphasis on Messianism. R. Elazar Menachem Shach (dean of the Ponevezh Yeshiva) went as far as putting the movement into *herem* (excommunication). He spoke of the movement as having aspects of *avodah zarah*

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(idolatry) as a result of their messianic beliefs. According to Dr. Berger, “His [R. Shach’s] followers refused to eat meat slaughtered by Lubavitch *shohetim* (ritual slaughterers) or to recognize Chabad Hasidim as adherents of authentic Judaism.”<sup>v</sup>

The conditions Rambam sets for the Messiah are that he has to descend from *Beit David* (the House of David), study and keep Torah commandments, influence Israelites to follow him and fight the wars of the Lord.<sup>vi</sup> According to some rabbinic courts of Chabad, the Rebbe was deemed worthy of being a messianic candidate when he was alive. They interpreted many of Rambam’s necessary criteria allegorically in order to apply to the Rebbe, such as understanding the word “king” in a rabbinic sense and “wars of God” in a figurative sense.<sup>vii</sup> Even if the Rebbe met such criteria of the Messiah during his lifetime, which is doubtful because it necessitated an allegorical understanding of Rambam’s words, the possibility of his being the Messiah ended with his death on June 12<sup>th</sup>, 1994.

Thus began Chabad Messianism: phase two. Today, members of the Chabad movement believe that the Rebbe is the Messiah, even though he passed away. This seems to blatantly contradict a fundamental Jewish belief that the Messiah of the House of David will not die until the completion of redemption, which is based on a dialogue in the Talmud between God

and *Mashiah Ben David* where God guarantees life to him.<sup>viii</sup> Additionally, Nahmanides, in *Sefer ha-Ge’ulah*, condemns the Christians for saying that their Messiah will awaken, since that implies that the prophetic redemption was not actualized during the prophet’s lifetime.<sup>ix</sup> Although there are sources in the Talmud that discuss the possibility of Messiah arising from the dead, Rambam ultimately asserts in *Hilkhot Melakhim* that a man who is deceased cannot be the Messiah.<sup>x</sup>

R. Aharon Feldman, Rosh Yeshiva of Ner Israel Rabbinical College, gives support to Dr. Berger, saying, “In our times, to define who *Moshiach* is *not* is as vital as to define who he is.”<sup>xi</sup> In July 1996, the Rabbinical Council of America accepted the resolution that “there is no place in Judaism for the belief that *Mashiah Ben David* will begin his messianic mission only to experience death, burial and resurrection before completing it.”<sup>xii</sup>

Dr. Berger also points out that believing in Chabad Messianism can be an infringement on the twelfth principle of faith set by Rambam – the principle of awaiting the Messiah every

day,<sup>xiii</sup> for this principle calls for belief in an individual that can actually be the Messiah according to the conditions set by Halakha, yet the Rebbe cannot meet these standards of *Mashiah* because he is no longer alive. Furthermore, such a notion is transforming the nature of two millennia of Jewish history. Such believers relegate the waiting of the Messiah to the past since they believe that he has already arrived. As R. Moses Hagiz similarly put it sharply about the followers of Shabbetai Tsevi, “They deny the coming of the Messiah because according to them he has already come.”<sup>xiv</sup>

A common dismissal of Dr. Berger’s allegations against Chabad is that he accuses the Messianists, but they only constitute a minority of Chabad Hasidim. Yet, this does not seem to be the case. 770 East Parkway (the house of the deceased Rebbe and the most significant central yeshiva and beit midrash in the Chabad movement) is adorned with signs of the slogan “*Yehi Adoneinu, Moreinu, ve-Rabbeinu, Melekh ha-Mashiah le-Olam Va’ed* (Long live our King, our Teacher and our Master, the King the Messiah Forever and Ever).” This verse is taught to kids in Chabad day schools across the world and is inserted into their prayers. Although some Chabad Jews make a point of hiding their Messianism from the outside world, it is extremely prevalent in the Lubavitch community. Melech Jaffe, who wrote an extensive article about Chabad development called “A

Brief History of Lubavitch Messianism,” scoffs at those who think that only a minority of Chabad believes that the deceased Rebbe is Messiah: “Lubavitchers uniformly believe that the Rebbe will return as *Moshiach*. The negligible handful of mainstream Lubavitchers who do not accept this are isolated and do not form any contingent.”<sup>xv</sup>

All the issues highlighted here are just the tip of the iceberg and require in-depth study and analysis. Dr. Berger’s book discusses these issues at length, bringing all the relevant sources and disputations.

In light of the sources and issues highlighted in this article, our community should be aroused to further study these ideas. While we are sitting in our ivory towers, a group enveloped in our tradition is disseminating ideas foreign to our beliefs and representing us unfaithfully in many parts of the world. Due to their successful activities, Chabad’s influence is growing at an alarmingly quick pace. My father, R. Pinchas Goldschmidt, Chief Rabbi of Moscow, has conducted research on the impact that Chabad has had on the rest of Orthodoxy, such as the outreach programs that were pioneered by Chabad and have had a ripple effect on the rest of the Orthodox community. He explains in his forthcoming book *The Changing Face of the European Rabbinate*: “The novel approach of Chabad towards the media and outreach forced a traditional Orthodox response and adjustment, and while the Lithuanian Yeshiva world might be critical of Lubavitch theology, its success challenges them to adapt and emulate and learn from Chabad.”<sup>xvi</sup>

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<sup>i</sup> Rambam, *Mishneh Torah, Hilkhot Melakhim* 11:4.

<sup>ii</sup> Ibid.

<sup>iii</sup> David Berger, *The Rebbe, the Messiah, and the Scandal of Orthodox Indifference* (London; Portland, Or.: Littman Library of Jewish Civilization, 2001), p. 119.

<sup>iv</sup> Melech Jaffe, “A Brief History of Lubavitch Messianism,” 2003. Available at: <http://www.moshiachlisten.com/history.html>.

<sup>v</sup> Berger, p. 7.

<sup>vi</sup> Rambam, *ibid*.

<sup>vii</sup> Berger, p. 9.

<sup>viii</sup> *Sukkah* 52a.

<sup>ix</sup> Chaim Dov Chavel (ed.), *Kitvei ha-Ramban* (Jerusalem: Mosad ha-Rav Kook, 1963), pp. 268-269.

<sup>x</sup> Rambam, *ibid*.

<sup>xi</sup> Berger, p. xix.

<sup>xii</sup> *Ibid.*, p. xiii.

<sup>xiii</sup> Rambam, *Commentary on the Mishnah*, Introduction to *Sanhedrin*, chapter 10.

<sup>xiv</sup> Moses Hagiz, *Sefer Shever Poshe’im* (Jerusalem: Makor, 1970), p. 58.

<sup>xv</sup> Jaffe, *ibid*.

<sup>xvi</sup> Pinchas Goldschmidt, *The Changing Face of the European Rabbinate* (forthcoming).

# Playing with Fire: The Study of Controversial Theological Beliefs

BY: Ayelet Mael

Having grown up in the homogeneous environment in which I was raised, in a community in which approximately 75% of homeowners are Orthodox Jews, I had never interacted in a meaningful way with a Conservative or Reform Jew until this past summer. I was therefore in for a surprise when I had my first intellectual encounter with a Conservative Jew while staffing a summer *keiruv* (outreach) trip for secular college students. It was the first time that I witnessed individuals of other Jewish denominations speaking passionately about their Jewish beliefs. While there were certainly points of dif-

Routtenberg, proceed further to explain that there was never a divine revelation; rather, it was merely divinely inspired individuals who wrote the Bible. Others, such as Jacob B. Agus, David L. Lieber, Louis Jacobs, and Seymour Siegel, go even further to assert that within the Bible there are sometimes human insertions based on influences from other cultures, which is why, they explain, there are several laws in it that do not resonate well with our contemporary sensibilities. By introducing a human element into the composition of the Bible, even though the degree is disagreed upon, Conservative Judaism diminishes the authoritative element of the Bible. It allows the modern Jew to distinguish between divine commandments and human insertions, and disregard the

laws are therefore binding and there is little leeway for making drastic changes within the halakhic system.

One might suggest that one can objectively study these different theologies just as one would historically study the Communist Movement or the development of Zionism. However, I believe that, as religiously committed individuals, Orthodox students would be hard-pressed to refrain from grappling with the information on a personal level, and therefore the ramifications that their assumptions would have on their traditional beliefs must be considered. Too often, Orthodox students may not have the proper foundation in Orthodoxy's dogma in order to challenge other theologies, detect their inherent flaws, and refute the controversial material. It is with that in mind that we must seriously evaluate the benefits, challenges, and severe risks of engaging in such an endeavor and debate to what degree (if at all) such study is still worthwhile.

There are those who would argue that engaging in these subjects is important in the formation of one's own religious views. In order for one to be intellectually honest in his religious beliefs, one must explore and think critically about the different possibilities before developing a coherent and meaningful worldview. Furthermore, since an Orthodox Jew is bound to leave the sheltered Orthodox world and confront Jews of other denominations, he must be well aware of their views if he wishes to project himself as an educated individual.

Others argue for a pluralist perspective, relying heavily on the well-known Talmudic passage of "*eilu ve-eilu divrei E-lohim Hayyim*,"<sup>iv</sup> the idea that two contrasting perspectives can both be correct and valid at the same time. However, it is important to consider the original context in which this idea is stated,

Rabbinic law?

Moreover, the dictum of "*eilu ve-eilu divrei E-lohim Hayyim*" refers to two equally valid *halakhic* rulings, not philosophical or theological beliefs. Orthodoxy believes that aside from the divine laws that were given at Sinai, hermeneutical laws for deriving *halakhot* in the future were given as well. Therefore, a *halakhic* ruling can be considered a valid interpretation as long as it is based upon these hermeneutical guidelines, and fits within "*divrei E-lohim*." In other words, "*eilu ve-eilu*" does not support a free-for-all where anyone can put forth a viewpoint and everything is deemed correct. If such were the case, there would be no concept of objective truth, no striving to arrive at the best interpretation, because all options would be equally valid and viable. Instead, what the dictum is expressing is a *conditional* freedom of interpretation. It is asserting that there can be more than one correct answer, on the condition that it complies with the hermeneutical guidelines and fits within *divrei E-lohim*. What are "*divrei E-lohim*"? One possibility I would like to suggest is that they constitute the messages that emanate from the totality of the Torah, the ethos that emerges upon immersion in the *halakhic* system, or, simply, that which fits within the general *hashkafah* that the Torah espouses. If that is the case, I again ask if we can consider Bible criticism, an academic study which reduces the Torah's author to an individual with poor editing skills, part of "*divrei E-lohim*"?

Living in America in 2010, we find ourselves in an era that greatly values and demands toleration. It is clear that tolerance can be an honorable virtue. Is it not toleration that allowed for religious freedom in America? At the same time, however, we must ask how far tolerance should extend. Will we tolerate and allow Palestinian terrorism, justifying it by claiming that children raised in this society do not know any better? Will we allow murderers to go free, believing that everyone deserves a

**“As religiously committed individuals, Orthodox students would be hard-pressed to refrain from grappling with the information on a personal level, and therefore the ramifications that their assumptions would have on their traditional beliefs must be considered.”**

ference between our perspectives, I emerged from the encounter with a new respect for Jews of diversified backgrounds and religious affiliations.

At the same time, the experience challenged me, making me aware of my naïve and closed-minded attitudes and proving my profound ignorance of the theologies and dogmatic principles of Conservative and Reform Judaism. I soon realized that I was not alone, that so many of my peers who grew up in the bubble of Orthodoxy and the yeshivah day school system had never encountered the members or beliefs of other Jewish denominations. I grappled with the question of why yeshivah day schools do not educate their students on the theological differences between the groups. I thought about why a great majority of the YU student body would feel highly uncomfortable in an inter-denominational setting. And, more than anything, I debated if there is any value at all in learning the beliefs of other denominations. At the crux of the issue, the question became: how do we deal with controversial viewpoints in Judaism?

Let us take a moment to briefly discuss the basic dogmatic principles of Conservative and Reform Judaism and demonstrate how they challenge many of traditional Orthodoxy's perspectives.<sup>i</sup>

Conservative Judaism questions Orthodoxy's most fundamental belief: that the Bible was divinely authored. Conservative theology believes in a "continuous revelation," one in which God continuously reveals Himself throughout history and human beings transcribe the lessons of that revelation.<sup>ii</sup> Some more radical Conservative thinkers, such as Ben Zion Bokser, Robert Gordis, and Max

"human insertions" according to his or her discretion. In regard to rabbinic law, Conservative ideology diminishes its binding nature, and believes in the rabbis' ability to constantly change the law.

Reform Judaism rejects fundamental Orthodox tenets even further. Reform theologians, according to their 1937 guiding principles, believe in a "progressive revelation" in which the Bible was not divinely authored or even inspired, and the Sinaitic experience was merely an attempt to form a bond between God and each Jewish individual. It is therefore the role of each individual throughout history to better understand the Bible on a personal level. Thus, the transmitted Torah laws are not binding and are merely meant as suggestions for how to enhance an individual's connection to God. Furthermore, Reform theology believes that the methods of connecting during the time of the Torah are now outdated, and these suggestions can therefore be abandoned. Similarly, Rabbinic law can be disregarded because it, too, is comprised of attempts by the Rabbis to advise practices meant at enhancing an individual's relationship with God that are no longer relevant today.

It is therefore no surprise that many Conservative and Reform thinkers (though clearly not all) subscribe to the Documentary Hypothesis, an academic theory that seeks to prove that the bible was not divinely authored. The Documentary Hypothesis and the above assertions of both Conservative and Reform Judaism profoundly contradict the Orthodox belief in the divine authorship of the Bible and the authority of Rabbinic law. Orthodox theology states unequivocally that God revealed at Sinai both the Written and Oral Laws.<sup>iii</sup> All

**“Living in America in 2010, we find ourselves in an era that greatly values and demands toleration...At the same time, however, we must ask how far tolerance should extend.”**

namely in a *halakhic mahaloket* between Beit Shammai and Beit Hillel. Beit Shammai and Beit Hillel were both great Torah institutions, yeshivot which respected the divine authority of the Torah and were seeking ultimately to discover God's will through the *halakhic* system. They were not attempting to undermine the Rabbinic authorities and discard their rulings. Can we say the same about those within the Conservative and Reform schools of Thought, people who argue for the Documentary Hypothesis and the outdated nature of

second chance? These suggestions are absurd, as it is clear to everyone that tolerance has its limitations, and it is simply a debate over where to draw the line.

Judaism deals with the question of toleration as well. While this virtue is espoused in many areas, Judaism has a low toleration threshold for heretics. Rambam clearly exhibits this intolerance when he states that a *sefer Torah* (Torah scroll) written by a *min* (heretic) must be burned.<sup>v</sup> This ruling is quite radical, considering that the Torah contains the

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name of God countless times, and under normal circumstances, it is considered a grave sin to burn the name of God.<sup>vi</sup> Furthermore, Rambam continues that if a *goy* (non-Jew) writes a *sefer Torah*, it still must be treated with respect and buried. While the ruling is counterintuitive, for it imposes a harsher judgment on a heretic's *sefer Torah* than on a non-Jew's, Rambam explains that the reason for this is that we do not want to give credence to a *min* or his actions. This discussion yields an important warning to believing Orthodox Jews: sometimes, the biggest threat comes from within. Why is the heretic so dangerous? Because he is a member of the larger Jewish people, and yet the views that he espouses are completely antithetical to Jewish belief. This is not to say that all Conservative and Reform Jews and their beliefs are completely heretical, but rather that one must be extremely cautious, and not as ready to accept, when dealing with discussions of controversial theology.

Therefore, in debating the value of engagement in theologically controversial discussions, we must consider if an individual maintains the caution, the strong Orthodox backbone, and the ability to think critically, before considering such an endeavor. Certainly, there can be value in such discussions, and knowing what others profess can often help to strengthen one's own beliefs. I remember reading Rav Soloveitchik's *The Lonely Man of Faith* for the first time a few years ago and being fascinated by his breakdown of Adam the First and Adam the Second and their distinctive roles. However, after hearing from a Bible critic who relied heavily on the first two chapters of *Be-Reshit* to support the Documentary Hypothesis, I was further enamored of, and developed a deeper appreciation for, the Rav's work. I recognized the textual cues, the thematic elements, and the apparent inconsistencies that brought the Rav to consider an Adam the First and an Adam the Second. And, while the Bible critic solved his questions by merely projecting that there were several authors of the Torah and a Redactor who did a poor editing job, I emerged with a profound understanding and appreciation of how Hashem intricately wrote the Torah with layers upon layers from which to learn.

At the same time, all of life is a balancing act, a continuous duty to weigh the pros and cons in trying to discern what God would want us to do in each situation. Does the prospect of strengthening one's personal connection to Orthodox Judaism justify dabbling in heretical works? Is it even possible for one to be secure in his or her religious views when exposing oneself to differing ideologies? And, if our ultimate purpose is to be the best *ovedei Hashem* that we can be, would God endorse our learning heretical ideas? Such is the debate that each individual must struggle with when deciding if this will enhance or complicate his or her relationship with God. In brief, the exposure to controversial ideas is like playing with fire: while it can help to strengthen and mold a person as a committed Orthodox Jew, it can very often consume and destroy his or her Orthodox

convictions.

However, even when expressing intolerance for foreign viewpoints, the respect for individuals, as members of the Jewish community who value their Judaism, must always remain. At the end of the day, we have a responsibility to love others, based on "Ve-Ahavia le-re'akha kamokha (And you shall love your friend as yourself),"<sup>vii</sup> and we are bound together in our communal covenant with God. I have met some of the most fantastic Jewish people from different denominations who feel passionate about their Judaism, who want to instill a sense of Jewish pride in the next generation, and who believe in doing great things for the Jewish community at large. As a prior participant of the General Assembly of American Jewish Federations, I was inspired by the ability of Jews of varying denominations to work together for the common goal of bettering the Jewish and world communities. It made me realize that while we often focus heavily on denominational differences, which may need to be crystallized and affirmed within an intellectual and theological discussion, within the social realm, we must all work together. There is an endless number of individuals and organizations within the Jewish world that can act as role models for and inspire us, and we must take advantage of these many resources as much as we can to live fulfilling Jewish lives.

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<sup>i</sup> Information based on: Elliott N. Dorff, "Theology – The Question of Authority: Orthodox, Reform, and Conservative Theories of Revelation," excerpted from his *Conservative Judaism: Our Ancestors to Our Descendants* (New York: Youth Commission, United Synagogue of America, 1977). Posted by David Steinberg on May 10, 2004 for the Adath Shalom Congregation. Available at: <http://www.adath-shalom.ca/dorff110.htm>.

<sup>ii</sup> This school of Conservative theology is espoused by thinkers such as Abraham Joshua Heschel, David Novak, Isaac Leiser, and Alexander Kohut.

<sup>iii</sup> *Avot* 1:1.

<sup>iv</sup> *Eiruvin* 13b.

<sup>v</sup> Rambam, *Mishneh Torah, Hilkhos Yesodei ha-Torah* 6:8.

<sup>vi</sup> See *Devarim* 12:3-4 and *Shulhan Arukh, Yoreh De'ah* 276:9.

<sup>vii</sup> *Va-Yikra* 19:18.

# Hasidim: The Aharonim of *Torat Nistar*

BY: Periel Shapiro

In the 18<sup>th</sup> century, Hasidism burst forth in Eastern Europe, gaining a broad and diverse following in a Jewish community experiencing devastating socioeconomic decline and great intellectual disparity. Responding to these conditions, the Hasidic Movement emphasized prayer and the joy of serving God, providing the simple Jew with an outlet for his spiritual longings and the learned with a renewed conception of Torah learning as something greater than mere intellectual exercise. As Abraham Joshua Heschel puts it, the Ba'al Shem Tov, the founder of Hasidism, "brought Heaven down to Earth. He and his disciples, the Hasidim, banished melancholy from the soul and uncovered the ineffable delight of being a Jew."<sup>i</sup>

Of course, the founding of Hasidism was not without its birth pangs. As the third Lubavitcher Rebbe has conceded, in its early days there was a solid basis for the fear that the movement would "gradually lead us, step by step, beyond the boundaries set by tradition and Torah law."<sup>ii</sup> This fear was fueled by a scarred Jewish national psyche that had recently witnessed the destructive messianic movements of Shabbetai Tsevi and Jacob Frank and the horrors

of the Chmielnicki Uprising. Reactions to Hasidism divided the Jewish people, with the opposition, known as the Mitnaggedim (literally, the "Opposers"), harshly disparaging Hasidim at every turn. This division reached its sad climax after the death of the Vilna Gaon (R. Eliyahu of Vilna) and his failure to implement the *herem* against the Hasidic community, when Mitnagged leaders, so blinded by bitter animosity, falsely accused Hasidic leader R. Shneur Zalman of Lyady, the Alter Rebbe of Lubavitch, of subversive activities in sending charity to Jews living in the Ottoman Empire. On a sad day in 1798, he was carried off by the Russian authorities and thrown in Petropavlovski Fortress in St. Petersburg, solidifying the Hasid-Mitnaged divide.<sup>iii</sup>

However, I believe that the world has changed fundamentally in the past two centuries, thankfully rendering the reasons behind the rift obsolete. The historical and communal factors that engendered such a harsh reaction from the Vilna Gaon and his Mitnaggedim no longer exist, and Hasidism has shown itself to be an evolutionary force that is nonetheless firmly based in Torah tradition, "a curious mixture of conservatism and innovation."<sup>iv</sup>

The Vilna Gaon's fierce opposition to Hasidism was heavily influenced by a fear of Sabbatianism and Frankism, movements that had

actualized the dangers presented by a misapplied Jewish mysticism in the hands of the unlearned Jewish masses. This fear may, in turn, have given rise to the mistaken contemporary assumption that the study of Jewish mysticism is restricted and marginalized by the Vilna Gaon and traditional Judaism. In fact, however, the Vilna Gaon was quite learned in *Torat Nistar* (the Hidden Torah), and he proclaims in his beautiful work, *Even Sheleimah*, "he that is able to understand the secrets of the Torah but does not try to understand them will be judged harshly – may God have mercy," adding that "the essence of the Redemption depends upon learning Kabbalah."<sup>v</sup> The Mitnaggedim did not oppose Hasidism due to its mystical content, but rather due to a fear that this mysticism in the wrong hands would lead to a reemergence of antinomian messianism. As legitimate as it seemed at the time, however, this fear has shown itself to be unfounded. Although small fringe messianic Hasidic groups do exist today, even the most extreme do not advocate abrogation of Torah law, nor do they believe that the messianic era has arrived.

Another aspect of early Mitnagged opposition to Hasidism stemmed from the structure

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of the Jewish community in 18<sup>th</sup>-century Eastern Europe, which was organized in such a way that any threat to communal unity shook the very foundations of Jewish life. Community leaders regulated institutions such as *shehitah* (ritual slaughter) and prayer, and so Hasidic stringencies regarding the knives used for *shehitah* and adoption of Lurianic-Sephardic prayer, in addition to Hasidim's general submission to the authority of the *tsaddik* (righteous man; see below), were all anathema to the Mitnaggedim. However, the modern Jewish community is vastly different from that of 18<sup>th</sup>-century Eastern Europe. There is far less communal cohesion and insulation, and religious Judaism today is more an individualized belief than a social system. Kosher supervision is under the control of large syndicates that are not hurt by Hasidism's stringencies in matters of *kashrut*, and one's prayer *nusah* may be subject to factors as trivial as the distance to the closest *shul*. Thus, Hasidic practices no longer have a devastatingly divisive impact on the Jewish community at large.

The concept of the *tsaddik* as the intercessor between God and man is the aspect of Hasidism that has perhaps drawn the most criticism. In truth, though, this concept is not universally applied nor conceptually uniform in every Hasidic sect, and only constitutes a

tiny portion of the breadth and depth of Hasidic teachings. In his classic essay on Hasidism, Solomon Schechter blames later Hasidim with the “corruption and perversion” of the movement by taking a minor point in the Ba’al Shem Tov’s writings, namely the honor due to the divine in man, and exaggerating and distorting it.<sup>vi</sup> Indeed, in the first work of Hasidism, *Toledot Ya’akov Yosef*, R. Jacob Joseph of Polonoye suggests that one should only seek a *tsaddik* when he feels that he is unable to achieve *deveikut* (clinging to God) on his own.<sup>vii</sup> R. Dov Baer (“the Maggid”) of Mezhiroch and many others were firm in their belief that every man can achieve direct contact with the Divine, and Rebbe Nahman of Breslov wrote that each person must look for the *tsaddik* within himself.<sup>viii</sup>

Therefore, in order to understand why Tsaddikism evolved into a characteristic aspect of Hasidism, we must look at the historical context. In an era of semi-autonomous Jewish communal life, the *tsaddik* filled an important social role as a community leader. Many unlearned and downtrodden Jews turned to their rebbe as a *tsaddik* for guidance. Indeed, the masses regarded *tsaddikim* as miracle workers, much to the dismay of the *tsaddikim* themselves who usually did not want their Hasidim to relate to them in that way. Indeed, the Kotzker Rebbe was known to quote Jacob when his Hasidim came to him with their problems, exclaiming, “Am I in God’s stead?”<sup>ix</sup> In short, Tsaddikism was far different in practice than it was in theory.

However, Hasidism today can and does exist independently of the societal role of the *tsaddik*. We live in a modern world where the concept of a corporate Jewish community which sustained the *tsaddik* role no longer exists and the coercive power of Jewish leaders has substantially declined. In addition, immense proliferation of information, combined with a greater life expectancy and an advanced economy, have given more Jews the time and ability to learn Torah than ever before. Indeed, I believe we now have a far greater ability to understand the deeper meanings of *Torat Nistar* with our rational minds and our access to diverse ways of thinking about God and His Torah than did the average, unlearned 18<sup>th</sup>-century Jew with his tendency to take mystical concepts completely literally.

All of the above *theoretically* renders the spiritual-communal role of the *tsaddik* obsolete. Hasidic teachings and societal Hasidism are independent of one another, as evidenced by the popularity of Hasidism in many segments of today’s Jewry that do not affiliate with a specific sect or rebbe. The *tsaddik* concept, stripped of its social underpinnings, loses its excesses and reveals itself as the living embodiment of moral perfection and true *deveikut*, “actual proof of the possibility of living up to the ideal.”<sup>x</sup> This concept of pure Tsaddikism is found throughout the Torah. Jews have always had beloved leaders, men of great piety

and righteousness that did all in their power to properly guide their flocks with their Torah knowledge. The fact that the leaders of Tanakh often mediated between God and Israel in this way surely did not preclude the potential for every Jew to achieve a personal link to the Divine.

Finally, it became clear over time that Hasidism does not challenge the notion that *talmud Torah* is the supreme religious duty of the Jew. Those few early Hasidim who did deny the necessity for intensive Torah study were only reacting to a Jewish leadership that was perceived as distant and arrogant, studying

**“The *tsaddik* concept, stripped of its social underpinnings, loses its excesses and reveals itself as the living embodiment of moral perfection and true *deveikut*, ‘actual proof of the possibility of living up to the ideal.’”**

Torah for the sake of status and recognition and forgetting the deep religious value of *talmud Torah*. Thus, by the third generation of Hasidism, when it had stabilized and perhaps lost its rebellious spark, diverse Hasidic teachings regarding the supremacy of Torah study came to the fore. Some of the most influential of these teachings were those of the Alter Rebbe of Lubavitch. A child prodigy, R. Shneur Zalman is said to have made the decision to go study under the Maggid of Mezhiroch after coming to the conclusion that he [the Rebbe] “knew a little about learning but nothing about prayer,” a statement that unfortunately characterizes, to a great extent, today’s Judaism and defines the need that Hasidism addresses. His teachings helped delineate the Hasidic outlook on *talmud Torah*, stressing study as indispensable for lasting spiritual growth. Espousing a beautiful doctrine of rational reverence and love, he taught that Torah study is the intellectual engine by which one propels his hidden emotional life, perhaps the most mysterious force of humanity, into a powerful tool of *avodat Hashem*. The Altar Rebbe felt that love and reverence for God, although indispensable, are

**“Any modern manifestation of the archaic Hasid-Mitnagged divide, and indeed most every divide within Torah Judaism, is based on superficiality and the false belief that there is only one way to serve God.”**

only the means of arousing a soul towards true adhesion through Torah study and the observance of mitsvot.<sup>xi</sup> Thus, it is not surprising that today, Hasidim account for a major portion of those Jews who study Torah intensively and strictly adhere to Halakhah.

In my opinion, then, one cannot possibly identify as a classic “Mitnagged” today, for the label denotes opposition, largely based on historical circumstances, to practices and beliefs that are no longer prevalent and were never truly major aspects of Hasidic teachings. A group defined solely by what it opposes rather than what it believes has no hope of bringing good to the world. This is especially true when such opposition lacks any real basis, as is the case with today’s “Mitnaggedim.” Modern op-

position to Hasidism seems more likely based on misperceptions of it as a movement than on a pure concern for the integrity of Halakhah and of Judaism. Perhaps some adopt the label “Mitnagged” to ease their discomfort with spiritual and emotional expression: if expressing great happiness on Shabbat or having a long, powerful *Shemoneh Esreh* becomes merely a “Hasidic thing,” then one who labels himself a “Mitnagged” has no need to work on his preparation for and understanding of Shabbat and *tefillah*. In the same way, some may adopt the label “Hasid” in order to excuse laxity in certain areas of halakhic observance.

In sum, then, Hasidism should be understood as a movement whose underlying concepts are purely based in Torah. Jews throughout the

ages have loved and revered their great scholars and leaders. Furthermore, joy in the service of God does not need to be taught; it is a logical step when one contemplates the depths of what it means to be a Jew, privy to the will of the Creator. To be given the Torah, a tool that can be used to sanctify individual and collective existence and perfect humanity, is surely a source of great happiness! Finally, Hasidism understands that Hasidic writings are only a guide to cultivating a proper mindset for Torah study and the performance of mitsvot, not a replacement for them. In fact, one rabbi at the Breslover yeshiva in Tsefat once told me that in most Breslover yeshivot, the *Likkutei Moharan*, the collected writings of the revered Rebbe Nahman of Breslov, are studied for only about forty-five minutes a day, with the rest reserved for intensive Talmud study.

Moreover, I believe that the ideas of Hasidism, as differentiated from its social institution, represent a certain aspect of spiritual expression that every Jew must tap into in order to actualize the Torah’s blueprint for an ideal world. Hasidism arose in response to the needs of a spiritually starved and physically

vide, and indeed most every divide within Torah Judaism, is based on superficiality and the false belief that there is only one way to serve God. Every Hasid has much to learn from the Vilna Gaon, just as every so-called “Mitnagged” has worlds to gain from the Alter Rebbe, and it is the very dynamic between the two worlds of rational intellectualism and emotive spirituality found within the Torah that demonstrates its truth in its recognition of human complexity.

In the end, every human being is so utterly distinct that he or she truly cannot be given labels such as “Hasid” or “Mitnagged” at all. Our propensity towards labeling is a subconscious response to the indecipherable nature of the human personality, an easy way to categorize all the people that we must relate to on a daily basis. We must realize that every individual is one whole, a completely unique existence for which the entire world was worthy of having been created.<sup>xii</sup> When we truly internalize the unimaginable depths of what it means to be a human being, the divine imprint that has endowed us with individuality and creativity, and the godliness that makes us holier than the angels, then evil becomes impossible and global unity attainable.

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<sup>i</sup> Abraham Joshua Heschel, *The Earth is the Lord’s: and The Sabbath* (New York: Harper & Row, 1966), p. 75.

<sup>ii</sup> Quoted in Yaffa Eliach, “The Russian Dissenting Sects and Their Influence on Israel Baal Shem Tov, Founder of Hassidism,” *Proceedings of the American Academy for Jewish Research* 36 (1968): 57-83, at pp. 82-83.

<sup>iii</sup> Jacob Immanuel Schochet, *The Great Maggid: The Life and Teachings of Rabbi Dov Ber of Mezhiroch* (Brooklyn: Kehot Publication Society, 1974).

<sup>iv</sup> Gershom Scholem, *Major Trends in Jewish Mysticism* (New York: Schocken Books, 1961), p. 348.

<sup>v</sup> *Even Shelemah* 11:3.

<sup>vi</sup> Solomon Schechter, “The Chassidim,” in *Studies in Judaism: A Selection* (New York: Meridian Books, 1958), p. 182.

<sup>vii</sup> Quoted in Samuel H. Dresner, *The Zaddik: The Doctrine of the Zaddik According to Rabbi Yaakov Yosef of Polnoy* (New York; London: Abelard-Schuman, 1960), p. 279.

<sup>viii</sup> For Rebbe Nahman’s view, see Aryeh Rubinstein, *Hasidism* (Jerusalem: Keter Books, 1975), p. 52.

<sup>ix</sup> *Be-Reshit* 30:2.

<sup>x</sup> Scholem, p. 342.

<sup>xi</sup> See R. Shneur Zalman of Lyady, *Tanya*, “*Sha’ar Yehud ve-Emunah*” and “*Sha’ar Teshuvah*.”

<sup>xii</sup> Mishnah, *Sanhedrin* 4:5.

# Reach Out, Fight More

By: Chaim Cohen

We all want to be perfect. We want to be perfect individuals, and we want to form a perfect community, creating a perfect nation which will ultimately create a perfect world. On an individual level, we want to be, in the words of the *Mesillat Yesharim, shalem* (complete). On a communal level, we want our community to be a *mekom hashra'at ha-Shekhinah*, a place where Hashem's spirit will dwell. As far as the Jewish People is concerned, we want to be a *mamlekhet kohanim ve-goy kadosh* (a nation of priests and a holy people). Finally, we have a stake in seeing the whole world *metukkan bemalkhut Shakkai* ("fixed" under the kingship of the Lord). I want to focus on the first issue, that of each individual working to achieve personal *shelemut* (complete perfection).

Working under the assumption that there is more to *shelemut* than the cold, intellectual endeavor of amassing Torah knowledge, the question becomes how to obtain the necessary qualities leading to this goal. Rambam, in *Hilkhot De'ot*, lists different characteristics that are present in all people, and introduces the idea that they vary in their expression. Each person is unique in which *de'ot* (traits) he or she expresses and in what quantity he or she does so.<sup>i</sup> Rambam continues that there is a certain desirable balance of these qualities, which he calls the *derekh ha-yashar*, or the straight path. This is also, coincidentally, the path which Rambam says will make someone *shalem be-gufo* (physically complete). We have thus found the definition of *shelemut*; the next step is how to get there.

Rambam describes different methods by which a person acquires those characteristics necessary to become *shalem*. If he is not born with a given trait, he can obtain that missing quality in one of three ways. One option is for the person to absorb the trait from others subconsciously by spending time around those who already exhibit it. Alternatively, he can

## “One should view different sects as groups which are each stronger in a different *de'ah* or *middah* necessary to pursuing *shelemut*.”

change his thought patterns, and the corresponding actions, through sheer force of will. Finally, he can consciously decide, either through his own logic or by hearing from others, that a given trait is positive and force himself to act as if he possesses the trait until it becomes entrenched inside him and part of his nature.<sup>ii</sup>

It seems that these three ways of changing a person's qualities would work differently for different types of people. The first method is effected through a type of osmosis. The process of the inculcation of the *de'ah* is not an active endeavor; instead, the surrounding society radiates it onto the individual. The per-

son need not contemplate the changes taking place, nor must he take any actions toward that end. If all of your neighbor's goals and priorities center around football, it will not take long before you start to follow football. The second possibility seems to be solely intellectual – a person decides, after pondering and contemplating the issues involved, that a given trait is vital for *shelemut* but out of balance in his mind and therefore changes himself through pure force of will. The final path is somewhere in between. The individual consciously decides to change the trait, after consultation with outside sources, but the implementation of the change requires effort on his part. It is reminiscent of the *Sefer ha-Hinnukh's* principle that *aharei ha-pe'ulot nimshakhim ha-levavot*, the heart is drawn after one's actions;<sup>iii</sup> in order to truly change the *de'ah*, the new, balanced ideal must be acted out.

One might think that these ideas are wholly irrelevant to the topic of this issue, “Jewish Denominations and Sects,” but he would be grossly mistaken and would be squandering the invaluable opportunity of achieving personal *shelemut* by not caring to understand what makes each sect different. In my opinion, one should view different sects as groups which are each stronger in a different *de'ah* or *middah* necessary to pursuing *shelemut*.

When the Jewish people left Egypt, under Moshe's leadership, Hashem divided them into twelve tribes. As evidenced by the fact that both Ya'akov<sup>iv</sup> and Moshe<sup>v</sup> gave the individual tribes different *berakhot*, there must have been something unique in each tribe. Rashi, in fact, tells us about one of the classic examples of division of skills, that of Zevulun and Yissakhar. While the Tribe of Zevulun would go out to work, Yissakhar would stay back and learn Torah.<sup>vi</sup> Through this division of labor, each was able to fulfill his personal job and best utilize his personal strengths.

Similarly, today there are many different groups of Jews in the world, each with individual strengths, who put those strengths to use in

different ways. Zevulun, who was still obligated in the mitsvah of *talmud Torah*, even as he fulfilled it differently, nonetheless strengthened his personal commitment to Torah through his interactions with Yissakhar, who ostensibly was more adept at learning. We can also gain from different sects whose members surpass us in certain areas of religious behavior.

As a result, if one finds himself comfortable in Rambam's first category of people who are most impacted by surrounding themselves with people exhibiting a given trait, then he should seize the opportunity to, for a certain

amount of time, become immersed in the culture and ideas of a different sect with a particular desired trait. To acknowledge that a different sect of Jews surpasses one's own in a given category of *avodat Hashem* is not to condemn and declare the failure of one's own group. Rather, it is a mature statement that recognizes the strengths and weaknesses of one's own background and compensates for those flaws while maintaining the positive aspects. So, if you find yourself lacking a desired emotional connection with Hashem, spend a Shabbat with Hasidim. Keep in mind, though, that doing so does not make you into a Hasid; rather, it makes you into a Mitnagged who acknowledges a weakness in his own background and seeks to fix that specific category in his *avodat Hashem*. Similarly, if one finds himself in the second category of people who arrive at

## “There should be room for an honest, thinking person to legitimately reassess, on a periodical basis, whether he has appropriately balanced the aforementioned conflicting values.”

conclusions from a more rational standpoint and then institute those ideas through sheer force of knowledge and conviction, there is nothing better than a debate with a member of another sect to clarify and sharpen his understanding of the issues.

In this context, it is important to remember that most ideas and values that different sects of Judaism emphasize are not necessarily rejected by the other sects, but are rather simply not expressed to the same degree. To demonstrate by analogy, no nation would say that building an archipelago of man-made islands on its coast in the shape of a palm tree is inherently a bad thing; most would just respond that it is a poor investment of resources and hardly a reason to go into debt.

Similarly, (but *le-havdil*) with *avodat Hashem* – most honest individuals believe that, in a vacuum, being involved in outreach, *tikkun olam*, political activism on behalf of *Kelal Yisrael*, and the like are all positive things. They would likely point out, however, that their time and energy are limited, and, as such, on their priority scale it would be a better allocation of resources to pursue other legitimate religious goals which need to be addressed, such as *talmud Torah* or *keiruv kerovim* (“inreach”). Alternatively, they might respond that the risks inherent in pursuing the more “liberal” forms of *avodat Hashem*, like interacting with secular culture, carry with them an unjustifiable price to religious observance.

Using this as a backdrop, there should be room for an honest, thinking person to legitimately reassess, on a periodical basis, whether he has appropriately balanced the aforementioned conflicting values. However, this same thinking person who wants to attain Rambam's level of *shelemut* should never abandon any value, nor understate its importance, merely because he has made the decision to focus on a different *avodah* (pursuit) for the time being. Engaging with members of *Kelal Yisrael* who have allocated their resources differently than oneself can lead to an enlightening conversa-

tion, with the potential to provoke thought and subsequent change of outlook and action, but should not detract from those values one has already mastered.

Rav Kook writes in *Orot ha-Kodesh* that the open *milhemet ha-de'ot*, battle of ideas, leads only to positive things.<sup>vii</sup> This type of battle can have two basic outcomes. The first possibility is that in the course of defending his own priorities, a person will need to sharpen and clarify what those priorities are. As R. Hayyim Soloveitchik is reported to have said, “Poor *hasbarah* (explanation) reflects poor *havanah* (understanding).” In order to explain something to another, one needs to fully understand it. Until an honest engagement with a different viewpoint takes place, there is always a certain fear of the unknown, which can lead to the adoption of broad generalities and bigotry.

After engaging in a legitimate argument using logic and *mekorot*, though, one can achieve a deeper understanding of his own position, as well as his rival's. Of course, the implicit option, and probably the most mature one in such a context, is to incorporate some of the ideas which arise from this battle of wits and to reject others from a newfound position of certainty.

The other outcome, an acceptance of the alternate viewpoint, is not at all an expression of defeat. Rav Kook explains that after any discussion, the ideas which were being argued about have changed fundamentally. They have been modified so that although they may not have been true before, after the purification and clarification effected by the argument, they are now true and ready to be assimilated by the other side. In other words, although initially the two sides seemed to be absolute opposites, after each position is clarified, its true nature is revealed, and one or both stances are now closer to the center than originally assumed.

Therefore, in truth, the *last* thing we should do is ignore sects that we disagree with and brand them as heretics (assuming, of course, that nothing that they are doing actually flies in the face of Rambam's thirteen *ikkarim*); rather, they should be engaged in dialogue, discussion and even argument. Perhaps the solution to petty sectarianism is to fight more, not less. The “let bygones be bygones” approach cheats us of the opportunity to pursue open, honest discussion (not name-calling) which could lead us to further clarify our own positions or make ourselves more complete Jews by adopting some of the ideas which result from such a discussion.

Had R. Hayyim Volozhiner not written the *Nefesh ha-Hayyim* and engaged the Hasidim, we would be all the poorer, on two counts: we would not have the masterpiece of the *Nefesh ha-Hayyim* or the clear exposition of Mitnaggedut, and, perhaps even more disturbing, we would still be living in a sharply divided world. Indeed, without that encounter, it might have been the case today that none of us in the

# General Jewish Thought

## Where Do We Go From Here?

BY: Raphy Rosen

Brisk-Litvak-YU world would have been able to glean anything from the *Tanya* or the rest of the Hasidic corpus. There would have been two distinct Jewish sects and each would be deficient due to the lack of engagement. It takes a fuller understanding of one's personal opinions to have the confidence to accept any constructive ideas from a different party. Until a person is secure in his own ideas, he will constantly be opposed to any shift in opinion, because he does not know what his principles are. Only once the principles and tenets of one's own beliefs are entrenched can the Other be engaged without needing to resort to petty name-calling and mindless rejection.

Rambam's final way to inculcate a new idea or value is through repetition. A full, honest interaction with different sects of Jews enhances this path. As a prime example, many of us in YU often find that other, legitimate obligations can very often distract a person, either in time allocation or in focus, from *talmud Torah*. Spending a week or a vacation with those people who have decided to pursue a Torah-only track, learning three full *sedarim* a day in a different yeshivah, can provide just the spiritual jolt needed to help us reprioritize.

Once again, spending time at a different institution does not imply any rejection of the Hashkafah that one is practicing; it is merely taking the best that everyone has to offer.

What a shame it would be if we, students of Yeshiva University, feel equipped to learn from Milton, Newton, Kierkegaard and Shakespeare, yet fail to learn from our Jewish brethren! In our own, private pursuits of *shelemut*, we should fight, debate and argue with all of the different sects more, not via immature bickering, but through engagement in an honest battle of ideas. We should flesh out our own positions and bring proofs to defend them, both in the name of debate, as well as for our own edification. Finally, we should take advantage of our opportunities for exposure to these groups and spend time around those who espouse different perspectives in order to pick up those traits that they have mastered better than we have.

Hopefully, if we can overcome our instinct to isolate, alienate and mock those who are a little bit different from us and instead engage, interact and argue with them, we will come out that much stronger.

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On December 22, 2009, YU's Tolerance Club and the Wurzweiler School of Social Work held a panel entitled "Being Gay in the Orthodox World," which drew passionate reactions from both students and YU faculty alike. A panel like this one can go wrong in many ways and will never be perfect according to all opinions. That being said, I think there is merit to discussing the positive and negative aspects and outcomes of the panel in order to determine what should be the Orthodox world's next steps in dealing with gay Orthodox Jews.

One of the most startling successes of the panel was that, as promised, the panel did not in any way legitimize homosexual activity. Rabbi Yosef Blau began the panel by emphatically stating Halakhah's unequivocal prohibition against homosexual actions; that position was not challenged by any member of the panel or audience. The panel restricted itself to the human realm of the suffering and isolation felt by the panelists and steered clear, for the most part, of probing into the actual practices of the panel members.

Rav Twersky, in a *sihah* given in the Glueck Beit Midrash the week after the event,<sup>1</sup> argued that the panel indicated that secular mores are infiltrating *Yahadut* and are pushing boundaries where they should be most staunchly safeguarded. I agree that much of the increasing publicity about homosexual Jews is the result of a wake-up call we have received from our secular neighbors. I would ask, however, if that fact alone delegitimizes any message from the outside. As Western morality develops, it seeks to enfranchise and tolerate increasing numbers and types of people. Rights for women, the handicapped, the mentally disabled, minorities and animals are just some of the issues over which battles have been fought and are being fought around us. Is this inclusive drive antithetical to Judaism? Would anyone claim that having a *shul* with handicap accessibility is evidence of a nefarious penetration of secular values into core Jewish institutions, even if *shuls* in previous generations did not have them? Of course not. Sometimes, I believe, *Yahadut* would be well served if it took *Musar* from its neighbors. Obviously, secular society's goal of legitimizing homosexual activities and lifestyles is antithetical to *Yahadut*. But a panel like this one distills the Jewish value of compassion for gays out of the

objectionable trend toward legitimization of gay activity. *Halevai* that we had such a panel fifty years ago and became the trendsetters of tolerance and kindness, rather than remedial, post-facto, begrudging participants in this movement!

One of the likely benefits of the panel is that the hurtful, homophobic use of "gay" as pejorative slang in the Orthodox world will decrease. While obviously *Halakhah* disapproves of all insulting words,<sup>2</sup> *ba-avonoteinu ha-rabbim* (due to our many sins) many Jews (myself included) are not sufficiently careful with this *issur*, especially in this context. The panel allowed me to put real faces to the gay "issue" that I read about in YU publications and the news generally. After having seen openly gay people who think like I do, talk like I do, learn like I do, attended the same yeshivah as I did and love their families like I do, I will (*beli neder*) never use "gay" as an insult again. I suspect that I am not alone in this resolution.

Furthermore, the panel was a religious and social inspiration for currently closeted homosexuals who are struggling with a God and community that they feel hate them. The pan-

extremely sensitive and supportive toward struggling gays. For a closeted homosexual who felt that he could not talk about his struggles with anyone, hearing the panelists' successes in personally approaching *rabbeim* – as well as Rabbi Blau's invitation to those struggling with these issues – must have been a huge relief. To be able to take counsel with a sympathetic religious authority figure is a first step toward coping with oneself and with God, one that is necessary in avoiding depression and self-destructive behavior.

On a personal note, the panel was an inspiration for me. I am in awe of the sacrifice that homosexual Orthodox Jews make in order to adhere to Halakhah. I think about the sacrifices that I make: not eating certain foods or indulging in other restricted carnal *ta'avot*, not doing schoolwork one day out of the week, needing to plan my daily schedule around *minyan* and *sefer*. But, I realize, when all is said and done, these struggles pale in comparison to the prospect of never being able to be intimate with someone I love. Accepting Orthodoxy, despite its absolute and permanent restriction on one's greatest *ta'avah*, requires

a level of *emunah* I can hardly fathom. Despite Rav Twersky's objection that awe at the struggle for a gay Jew to observe *Halakhah*

**"For a closeted homosexual who felt that he could not talk about his struggles with anyone, hearing the panelists' successes in personally approaching *rabbeim* ... must have been a huge relief."**

amounts to permission to violate it, I believe that these are separable issues. The panel made clear that there are no exceptions to this *issur*. This in no way detracts from the recognition of the immense *yetser hara* that must be combated to adhere to this prohibition and the admiration deserved by one who does so.

Despite its successes, the panel was problematic in certain respects. For one thing, the panel should not have been presented to a censored audience. Even those (myself included) who are generally advocates of mixed activities would agree that discussions relating to sexuality should be held separately for the purposes of *tseni'ut* and avoiding *kalut rosh*. While the Orthodox community is generally in the business of encouraging forums for *shiddukh*-making, listening to the heart-wrenching trials of four homosexual men is probably not an ideal place to mingle.

Inherent in any such type of public event regarding sexuality is admittedly a certain degree of compromise of *tseni'ut*. After all, a culture that refuses to compromise on issues of propriety would never discuss sexuality whatsoever; clearly, this is not the case with the Orthodox culture that exists today. Consider, for example, a public schmooze on dating with the

<sup>1</sup> Rambam, *Mishneh Torah, Hilkhoh De'ot* 1:1.

<sup>2</sup> *Ibid.* 1:2.

<sup>3</sup> *Sefer ha-Hinnukh*, mitsvah 16.

<sup>4</sup> *Be-Reshit* 49.

<sup>5</sup> *Devarim* 33.

<sup>6</sup> Rashi to *Devarim* 33:18, s.v. "*Semah*."

<sup>7</sup> R. Avraham Yitshak ha-Kohen Kook, "*Ma'amar 10 – Erekh Milhemet ha-De'ot*," in *idem, Orot ha-Kodesh: Asarah Ma'amarot ve-Shiv'ah She'arim*, vol. 1 (Jerusalem: Mosad ha-Rav Kook, 1963).

## Rav Soloveitchik's

## "A Yid iz Geglichn tzu a Seyfer Toyre"

BY: Rabbi Joseph B. Soloveitchik

*Translator's Note: The following is a translation from the Yiddish of the fourth section of R. Soloveitchik's yortzayt shi'ur entitled "A Yid iz Geglichn tzu a Seyfer Toyre" – "A Jew is Compared to a Torah Scroll." [Previous sections appeared in prior issues of this paper.] Dr. Hillel Zeidman transcribed and published the shi'ur, with an introduction, in R. Elchanan Asher Adler (ed.), Beit Yosef Shaul, vol. 4 (New York: Rabbi Isaac Elchanan Theological Seminary, 1994), pp. 17-67. A Hebrew translation by R. Shalom Carmy appeared in the same volume (pp. 68-103).*

*The present translation – the first rendition of this shi'ur into English – was prepared by Shaul Seidler-Feller, utilizing Dr. Zeidman's original Yiddish transcription and R. Carmy's helpful Hebrew equivalent. Thanks go to R. Elchanan Adler and R. Jacob J. Schacter for their assistance in refining and editing this work.*

## Section IV

## Theory and Practice

One must not forget another fundamental principle. [The mitzvah of] Torah study does not just include pure learning – the absorption of theoretical knowledge about pure facts, of the discussions of Ab-baye and Rava,<sup>i</sup> of Scripture, Mishnah, and Gemara – but also [consists of] learning how to

fulfill the Torah's mitzvot, how to observe them, and how to live according to Halakhah. One must study Torah in order to fulfill it, as we stress in [the berakhah of] "Ahavah Rab-bah" (Great Love): "...And place in our hearts understanding [in order] to comprehend, appreciate, grasp, learn, teach, observe, do, and fulfill all the words of Your Torah lovingly." "Most important is the [type of] learning which leads to action."<sup>ii</sup> If a person should learn Torah without intent to fulfill it, he has not satisfied the requirement of Torah study. For instance, if a person were to be a Shabbat violator and were to [also] learn *Massekhet Shabbat* with the explicit intention not to know how to keep Shabbat but instead [to satisfy his] intellectual curiosity, his learning would be purposeless and worthless, and [he] would be of the type [described in the pasuk:] "And unto the evil one God says, 'How do you come to tell of my statutes?'"<sup>iii</sup>

When Hazal emphasized that Do'eg ha-Edomi, Ahitofel, and Yerave'am ben Nevat<sup>iv</sup> were great in Torah, and when they exclaimed, with regard to Do'eg and Ahitofel, "Where is the Counter, where is the Weigher?,"<sup>v</sup> they wished to declare that Torah study which does not lead to Torah observance has no meaning.

R. Yitshak says this explicitly:

"R. Yitshak said, 'What [does it mean when] the verse writes, 'And unto the evil one God says, 'How do you come to tell of my statutes?'"? The Holy One Who is Blessed said to Do'eg the Evil One, 'How do you come to tell of my statutes? When you arrive at the sections about murderers and those who speak *lashon ha-ra* [negative speech about someone], how do you interpret them?'"<sup>vi</sup>

Since Do'eg had transgressed the prohibitions of *lashon ha-ra*, *mesirah* [informing on someone to the authorities], and *geram retsiyah* [contributing to someone's murder by others], his learning of these matters was, by matter of course, unworthy and impure.

If this rule is correct with respect to one's own Torah learning [*talmud Torah*], it can also be applied to the mitzvah of teaching Torah to others in general and to children in particular. When the Torah commanded us, "And you shall teach them to your sons so that they speak of them,"<sup>vii</sup> it meant not only that one must teach [them] the wisdom of the Torah [*hokhmah ha-Torah*], but also how to act [in accordance with it; *ma'aseh*]. One must teach the Torah to one's children and show them how to fulfill it – how to actualize its mitzvot and live in accordance with its basic principles [*ikkarim*]. If the learning is reduced to an intellectual pursuit and the father attaches no im-

portance to the actualization of the studies and to the behavior of his child, he does not fulfill his duty of *talmud Torah* to the child.

The conclusion [reached] from this assumption about teaching is a very simple one. Even after the son himself becomes obligated [to observe mitzvot] and liable to punishment, and [after] the father has pronounced the blessing, "Blessed is He Who has exempted me," [the father] must still learn Torah and [study] how to fulfill mitzvot with him and does not become exempted from the requirement to supervise the conduct of his son. Implanting Torah and fear of Heaven [*yir'at Shamayim*] is an eternal duty.

## Teaching Torah to Girls

Girls, as well, [while they are] not included in the obligation of, "And you shall teach them to your sons,"<sup>viii</sup> [nevertheless,] their father must teach them how to behave and how to fulfill the mitzvot.

This new duty of teaching women, too, how to practice the mitzvot is expressly mentioned in the section of, "Assemble the nation – the men, women, and children,"<sup>ix</sup> according to the explanation of R. Elazar ben Azaryah: "Men come to learn, women come to hear,

etc."<sup>x</sup> In other words, men are obligated in the theoretical *talmud Torah* and women in practical learning of how to observe the Jewish way of life.

This is how Tosafot explain explicitly in *Sotah* 21a: "It appears that the mitzvah for women to hear is meant so that they should know how to fulfill mitzvot..."<sup>xi</sup> Ramban on Humash<sup>xii</sup> and the *Or ha-Hayyim*<sup>xiii</sup> also understood that way. Rema to *Yoreh De'ah* 246:6 ruled the same. And the *Mehabber* in *Shulhan Arukh, Orach Hayyim* 47:14 decided that, because of this, women must say the blessing(s) over the Torah [*birkat ha-Torah*].

Even the Vilna Ga'on, who raised doubts about the *Mehabber's* ruling regarding *birkat ha-Torah*, agrees that women are also obligated with respect to practical learning. He simply believes that *birkat ha-Torah* was instituted only [when fulfilling] the mitzvah of, "And you shall teach them to your sons," which does not apply to women.

In a word: The mitzvah of transmitting the practical tradition from generation to generation – "Ask your father and he will declare unto you, your elders and they will tell you,"<sup>xiv</sup> namely, teaching the principles of faith [*ikkarei ha-emunah*] and how to fulfill mitzvot, as well as cultivating *yir'at Shamayim* – is of universal applicability, both with respect to boys and to girls. The difference between women and men

[in this regard] is limited only to the theoretical study of Torah, which is based upon the mitzvah of, "And

you shall teach them to your sons." Practical knowledge must be used by all, for if not, the chain of operative tradition [*shalshet ha-masorah ha-ma'asit*] can, Heaven forbid, be interrupted.

The question which we posed earlier<sup>xv</sup> is hereby partially answered. Even after a child becomes a halakhic adult, the father must concern himself with his or her religious behavior, [and] this obligation comes under the rubric of *talmud Torah*, [not *hinnukh*].

[The assumption that the mitzvah of *hinnukh* applies only to a minor and not to a halakhic adult does not require any explanation: it is a simple halakhah. The Gemara in *Kiddushin* (30a) which says,

"(Rava said to R. Natan bar Ami:) 'When your hand is still around the neck of your son, (you should marry him off. This time period lasts) from the age of sixteen to twenty-two.' Others say it lasts from the age of eighteen to twenty-four. This parallels a Tannaitic argument: 'Instruct a lad according to his way'<sup>xvi</sup> – R. Yehudah and R. Nehemyah (argue about this). One said (this applies) from the age of sixteen to twenty-two and the other said from the age of eighteen to twenty-four,"

has no application here.<sup>xvii</sup> According to one

Rashei Yeshivah or a public shiur about *issur negi'ah* (prohibition against touching members of the opposite gender). These matters are inherently personal and involve discussions of *ta'avot* that are generally not spoken about other than with one's most intimate friends, relatives or rabbis. If, for any reason, there is a communal *to'etet* (practical benefit) to temporarily compromising the Jewish value of *tzeni'ut*, it seems that we are generally willing to do so. The subject of homosexuality should be no exception.

Directing our gaze to the future, I would like to submit a query to the Rashei Yeshivah and members of the RIETS administration, who ultimately will decide the religious path of YU and likely the course of Modern Orthodoxy as a whole. The panel happened. Where do we go from here? Should we continue, as we have in the past, not to address the challenges of homosexuality in public forums and hope that the distraught homosexual individual finds his own way into the office of a psychologist or rabbi? Or do we now understand how important it is that we find ways of publicly addressing these issues further? If the latter, would a forum with communal rabbis and Orthodox psychologists be a more fitting venue for such a discussion? Is there a curriculum for communal education and dialogue on this pressing matter? Is there room for a forum that discusses the theological implications of Hashem creating people in a way that dooms them to loneliness and pain? Will counseling for homosexuals become an integral part of the Pastoral Psychology *semikhah* class?

Like it or not, YU has thrust itself into the middle of this difficult issue and the eyes of the Modern Orthodox world are on YU to see how it addresses homosexuality among Orthodox Jews in the future.

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<sup>i</sup> A recording of Rav Twersky's *sihah* is available at: [http://www.torahweb.org/audioFrame-set.html#audio=rtwe\\_122809](http://www.torahweb.org/audioFrame-set.html#audio=rtwe_122809).

<sup>ii</sup> See the *issur of ona'at devarim* in *Va-Yikra* 25:17.

explanation of Rashi, the entire discussion relates to the mitzvah requiring a father to marry off his son, which constitutes a separate obligation (from that of *hinnukh*).<sup>xviii</sup> According to a second explanation of Rashi, it is simply a piece of good advice regarding in which years it is effective to harshly discipline one's son: "As long as your hand has power over him, teach him mitzvot."<sup>xix</sup> (In other words,) the discussion does not relate at all to educating (children about) mitzvot. And the proof to this is that the Gemara says that the "instruction to the lad" starts (only) at (the age) of sixteen or eighteen, while educating (children about) mitzvot begins in the earliest (stages of) youth,

**“One must smooth out the raw surface of [a child’s] miniature world [by] taking away his wildness and primitiveness, planting in him set habits, developing within him certain traits and characteristics, and conditioning him to learning Torah.”**

from childhood onwards. As the Mishnah in *Sukkah*<sup>xx</sup> which we cited (earlier<sup>xxi</sup> states): "A minor who knows how to shake (the *lulav*) is obligated in (the commandment) of *lulav*."

**Processing the Parchment and Writing the Letters**

We must now understand what the special mitzvah of *hinnukh*, based on "Educate the lad according to his way," entails. Why did the Sages need to institute the new mitzvah of *hinnukh*, which is connected to the tender youth of a child, when the mitzvah of *talmud Torah* is all-encompassing, [applying] from the earliest [stages of] youth through to the depths of old age?

It is likely that *hinnukh* and learning Torah in order to fulfill it constitute **two separate methods of actualizing the tradition.**

Let us utilize the halakhic terminology of a Torah scroll [in order to] compare *hinnukh* to the processing of the parchment and learning to the writing of the letters.

Before one writes a Torah scroll, one must [first] process the roll of parchment *li-shemah* (for the sake of the mitzvah). In order to transcribe the Word of God, the letters of the Torah, one must prepare an area for them to be absorbed out of processed parchment, which will soak up the ink and to which the letters will be able to stick and on which they will be able to find a permanent resting place. If the hide is not processed, the writing cannot be absorbed. The primitive hide stands in opposition to the scribe's desire to fill its surface with letters. The skin wants to remain empty and blank; it does not want to bear the burden of writing. Therefore, one may not write any letters of the Torah on unprocessed hide. One must first prepare the rolls of parchment so that they should be able to absorb the letters, the words, and the paragraphs of the Torah.

The same is true with respect to [raising] a child: One must process the parchment, the primitive hide, manufacture [out of it] fine rolls, prepare a spiritual receptacle for the letters, a proper foundation for the writing. One must smooth out the raw surface of [a child's] miniature world [by] taking away his wildness

and primitiveness, planting in him set habits, developing within him certain traits and characteristics, and conditioning him to learning Torah.

**In this processing of the young personality, the mitzvah of *hinnukh* is expressed.** Only when the parchment is processed, the crudeness and natural stubbornness [of a person] are subdued, [and] the pointy corners and prickly thorns in his character are leveled and smoothed out under the intelligent watch of his parents – when the parchment is white, smooth, and receptive and is capable of absorbing the letters – can the mitzvah of learning Torah be fulfilled with great success.

That is why the Sages introduced a mitzvah of *hinnukh* – since on an unprocessed hide, a pelt which has not been properly handled, one cannot possibly write a Torah scroll.

**The Election of the Forefathers and the Election of Israel**

The process of preparing the parchment/*hinnukh*, as the prerequisite leading to the writing of the letters/learning, also took place in the great history of the Jews.

The election of Israel did not begin with the Giving of the Torah [*Mattan Torah*]. It is, [rather,] a selection which is much older than the one [that took place at] *Mattan Torah*, [having started] with the election of the Forefathers.

Let us understand this [more] precisely. Election is identical to the sealing of a covenant. The Torah itself is called "The Book of the Covenant and read it in the earshot of the nation."<sup>xxii</sup> The blessings and curses in *Torat Kohanim* [*Va-Yikra*]<sup>xxiii</sup> contain the covenant of Sinai, as it is written in the Book of *Devarim*:

**“If the hide is not processed, it cannot absorb the letters; [similarly,] if the mentality of the nation is not suited to assume the great tidings of a new lifestyle, no acceptance of the Torah can take place.”**

"These are the words of the covenant which Hashem commanded Moshe to seal with the Children of Israel in the Land of Moav, aside from the covenant which he sealed with them at Horev [Sinai]."<sup>xxiv</sup>

However, a covenant was already concluded with Avraham, symbolized by the circumcision: "I will sustain my covenant between Me and you and your descendants after you for their generations as an eternal covenant, so that I be as a God for you and your descendants after you."<sup>xxv</sup> Whenever a covenant is sealed, selection also [takes place]. What exactly, [then,] is the difference between the election of the Forefathers and the election of Israel at *Mattan Torah*?

It seems to me that the first election [that of the Forefathers] was an aspect of "preparing the parchment," while the second [that of Is-

rael] was an aspect of "writing the letters."

In order to give a Torah, the Master of the Universe had to condition a nation which would want to, and be able to, accept it and bring it to realization in life. When the Children of Esav or the Children of Yishmael or the Children of Lot rejected the Master of the Universe's offer [of the Torah] and responded, "The very essence of our forefather was [that of] a murderer," or, "The very essence of our forefather was [that of] a robber," or, "Sexual immorality is the very basis of our [existence],"<sup>xxvi</sup> the Master of the Universe did not argue with them. He felt that they were correct in rejecting the Torah. If the hide is not processed, it cannot absorb the letters; [similarly,] if the mentality of the nation is not suited to assume the great tidings of a new lifestyle, no acceptance of the Torah can take place. Without [processed] rolls [of parchment], no letters of the Torah can be written.

**The Manufacture of a New Human Being**

As a result, the long process of preparing the parchment, of creating a new psyche and a new character, of training a new human being in [novel] lifestyles and habits which the world had not [yet] known or understood, had to take place before *Mattan Torah* over the course of hundreds of years. The human parchment had to be worthy of absorbing the letters of the Torah, the Word of God from Sinai. Avraham's election did not consist of the giving [to him] of 613 mitzvot – [for,] aside from circumcision, the Master of the Universe did not give him a single new mitzvah – but rather in **struggles which forged a new personal image [demut deyoken]**, [one] which was capable of absorbing the mitzvot of the Torah. In truth, Hazal say that Avraham [knew] by himself to fulfill the mitzvot of the Torah, since he intuitively sensed them, for they flowed from the deepest parts of his personality.<sup>xxvii</sup> But the Master of the Universe did not [actually] command him [with regard to] any other mitzvah aside from circumcision.

Only after exile in Egypt, after innumerable afflictions, did **the Jewish nation transform into a receptacle for the great mission of Sinai.** On those rolls [of parchment], the Master of the Universe began to write the letters. Avraham's election consisted in processing the hide, in *hinnukh*; the election at Sinai – in the writing of the letters, in learning.

Rishonim have already raised the question whether the Forefathers and Tribes [the sons of Ya'akov] had Jewish sanctity [*kedushat Yisrael*]. The general opinion is that they did. But their holiness is identical to the holiness of the parchment; [only] at the time of *Mattan Torah* were Jews also endowed with the holiness of the letters. In fact, with regard to the "external scroll," the physical Torah scroll, the parchment does not receive any sanctity as long as the letters are not written on it. The "internal

scroll," the human personality, stands, in this respect, [on a] higher [level] than the "external scroll." Immediately after the rolls are processed, the sanctity of a Torah scroll descends upon them.

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<sup>i</sup> See *Sukkah* 28a and *Bava Batra* 134a.

<sup>ii</sup> *Kiddushin* 40b.

<sup>iii</sup> *Tehillim* 50:16.

<sup>iv</sup> See I *Shemuel* 21:8-22:23, II *Shemuel* 15-17, and I *Melakhim* 11:26-15:24, respectively.

<sup>v</sup> *Yeshayahu* 33:18; [see *Hagigah* 16b and *Sanhedrin* 106b, where Hazal mourn, through this *pasuk*, the fact that these Torah scholars were so great in their learning but were unable to translate that knowledge into a proper Torah lifestyle].

<sup>vi</sup> *Sanhedrin* ibid.

<sup>vii</sup> *Devarim* 11:19.

<sup>viii</sup> See *Kiddushin* 29a.

<sup>ix</sup> *Devarim* 31:12.

<sup>x</sup> *Hagigah* 3a.

<sup>xi</sup> *Tosafot to Sotah* 21a, s.v. "Ben Azai omer: *Hayyav adam*."

<sup>xii</sup> Ramban to *Devarim* 31:12, s.v. "*Le-Ma'an yishme'u u-le-ma'an yilmedu*."

<sup>xiii</sup> *Or ha-Hayyim* to ibid., s.v. "*Hakhel et ha-am*."

<sup>xiv</sup> *Devarim* 32:7.

<sup>xv</sup> I.e., if the mitzvah of educating children (*hinnukh*) ceases with the onset of majority (*gadlut*), what must the father do after his son reaches that stage? See the previous installment of this essay in *Kol Hamevaser* 3,3 (2009), p. 28.

<sup>xvi</sup> *Mishlei* 22:6.

<sup>xvii</sup> I.e., even though one might have thought that the discussion here relates to the mitzvah of *hinnukh*, based on the quotation from the *pasuk* in *Mishlei*.

<sup>xviii</sup> Rashi to *Kiddushin* 30a, s.v. "*Ade-yadekha al tsavverei de-barekha*."

<sup>xix</sup> Ibid., s.v. "*Mi-Shittesar*."

<sup>xx</sup> *Sukkah* 42a.

<sup>xxi</sup> See the previous installment of this essay in *Kol Hamevaser* 3,3 (2009), p. 28.

<sup>xxii</sup> *Shemot* 24:7.

<sup>xxiii</sup> *Va-Yikra* 26:3-46.

<sup>xxiv</sup> *Devarim* 28:69. [See Rashi ad loc., s.v. "*Mi-Levad ha-berit*."]

<sup>xxv</sup> *Be-Reshit* 17:7.

<sup>xxvi</sup> *Yalkut Shimoni on Parashat Ve-Zot ha-Berakha* 951. See also *Eikhah Rabbah* 3:1, *Otsar ha-Midrashim on Aseret ha-Dibberot*, *Otsar ha-Midrashim on Pesikta*, and *Yalkut Shimoni on Parashat Yitro* 286.

<sup>xxvii</sup> *Va-Yikra Rabbah on Parashat Va-Yikra* 2:10. In a similar vein, see *Shir ha-Shirim Rabbah* 1:5, *Pesikta de-Rav Kahana* 12:1, *Midrash Mishlei* 31:29, *Yalkut Shimoni on Parashat Yitro* 271, and *Yalkut Shimoni on Mishlei* 964.

# A Preliminary Taxonomy of Rabbinic Anthropologies

BY: Alex Ozar

“Anthropology” in the title is meant, not in its more standard sense of the study of human cultures and the like, but in its philosophical sense of a conception of the nature of man. Our goal is to delineate and explore various Jewish conceptions of what man is, and to do so with a further agenda. I take as a premise that our conception of man’s purpose, function, and destiny can, will, and should be largely determined by our conception of what man is. Surely this premise is reasonable; were man, in his very essence, a Coke-drinker, we could hardly expect him to devote his life to Pepsi guzzling. The premise, as we shall see, is borne out regularly in the work of real, live thinkers as well. I should warn, though, that the path from our conception of man’s nature to our conception of man’s purpose will not be

## “Avodat Hashem is our chief, overarching value, but it does not follow that it has a monopoly on value.”

of the formal-deductive sort. Rather, I will appeal to our common sense feelings and intuitions of what best fits the facts. In the end, I will argue that a particular anthropology, that of Rabbi Joseph B. Soloveitchik, provides the greatest harmony with our deepest and most powerfully held values. Implicit in the argument is my conviction that we ought to accept these values and further that we ought to accept the anthropology that best fits them. Of course, one man’s *kashya* is another’s *in hakhi nammi*, and those who reject the argument can surely do so with full intellectual consistency<sup>i</sup> and felicity. However, what will be achieved nonetheless is an understanding of what one is gaining or giving up in adopting or sticking with a particular position.<sup>ii</sup>

I want to begin with a story as a frame to the discussion. It was a dark, bitterly cold night. I was with several friends, cruising around the downtown area of a Midwestern city and having a jovial, good time. As you might expect under such conditions, the discussion soon turned to the meaning of life. More particularly, the following questions were raised: What justifies our devoting valuable time and energy to interpersonal relating and relationships (driving around with one’s friends was a good and pertinent example)? What justifies occupying ourselves with things like aesthetic appreciation and personal expression?

The first answer my friends proposed took as axiomatic that *avodat Hashem* is the only truly justified occupation for man. However, they explained, due to man’s manifold weaknesses, it is acceptable for him to engage in various other activities so as to practically maximize his *avodat Hashem*. It can be justified, for instance, for man to spend time with

his family, because abstaining from such activity would, pragmatically speaking, significantly detract from his capacity for *avodat Hashem*. In responding to this theory, I agreed that our various activities certainly should not interfere with *avodat Hashem* and, further, that they should be so structured as to maximally enhance our *avodat Hashem*. However, it seemed to me that we need not deprive all activities other than direct *avodat Hashem* of inherent value. Perhaps (and, as should be obvious by now, I mean much more than “perhaps”), devoting time to our relationships with other people, or to guitar playing, needs no external justification; it’s just good. *Avodat Hashem* is our chief, overarching value, but it does not follow that it has a monopoly on value.

With this discussion in mind, let us turn to our exploration of rabbinic anthropologies. And so we ask: “What is man?” In terms of

rabbinic thought, the first and most prominent response should be that man is a soul, a spiritual being with significant resemblance to God. As a corollary, man is not his body. There are, of course, a number of technical questions that arise. What precisely is the relationship between body and soul? More fundamentally, what exactly do we mean by “soul”? Are we referring to our consciousness, our “life force,” or perhaps our personality? If the latter, which parts of our personality – the whole thing, only the good parts, or maybe some sort of bedrock substratum? These are important questions, but for our purposes, we can leave them for now. If we are looking to the anthropology as a basis for determining man’s purpose, then, regardless of the specifics, a conception of man as soul will push strongly in a certain direction.

Rabbi Ya’akov once said: “This world is like a passageway before the next world; prepare yourself in this world so that you might enter the next world.”<sup>iii</sup> It need not be emphasized how important this statement, and more so the idea behind it, has been for Jewish thought. If man is a soul, a spiritual being, and this world is not spiritual, it seems reasonable that ultimately, man is supposed to be somewhere else.<sup>iv</sup> If man’s ultimate, rightful place is somewhere else, in the “World to Come,” it seems reasonable that his existence in this world is of no ultimate value, but is rather to be seen as but a medium, an instrument, for achieving what is truly valuable. In this context, it is informative to look at a passage from Ramhal, who makes this argument explicitly:

“In truth, no intelligent person could believe that man’s purpose is found in this world, for what is man’s life in this world, and who is happy and tranquil in this world?... All sorts of pain, illness and

worry, and after all that, death... *Moreover, if the purpose of man is in this world, it would not have been necessary for man to be given such a noble and lofty soul.*”<sup>v</sup>

Ramhal makes at least three arguments here, all of which deserve attention in themselves and which recur regularly in the literature on these issues. What is immediately relevant for us, though, is that Ramhal moves directly from a conception of man as soul to an otherworldly oriented conception of man’s purpose.

A conception of man as soul, then, will tend toward a devaluation of earthly existence. This may, of course, take a variety of forms, each in varying degrees. An extreme, or perhaps pure, view would hold this world and the next, or the spiritual and the physical, as entirely opposed. The purpose of man as soul in this world is, to whatever extent possible, to escape from this world. Even in this mundane, physical world, man should strive to confine his existence exclusively to the spiritual. Man as soul is locked in a titanic struggle with his body and its habitat. “Perfection for man consists in the soul having complete, exclusive control over the body, with the body having no control, as if it did not exist.”<sup>vi</sup>

Though Judaism (by which I mean the collective body of all Jewish thinkers and thought from Moses on down) in general does not require or even condone serious self abnegation, there is, nonetheless, a real and significant strain of Jewish thought which does demand total abstinence from the pleasures of the flesh, and in some cases even self-flagellation, and that strain is certainly understandable given this conception of man’s nature and purpose. However, one could – and, in fact, many Jewish thinkers have – maintain this conception and nonetheless take a more conciliatory stance towards this-worldly existence. For instance, it could be argued, similarly to the

## “If man is a soul, and life in this world has no value other than as a medium for getting somewhere else, why should we care so much about life, and how could we justify genuine concern for its quality?”

claim of my friends in the car, that, given the reality of man, with his myriad weaknesses, it is pragmatically necessary to concede to him a degree of earthly engagement. Any attempt to stifle man’s drives and instincts will, as Freud has taught us, result in nothing but neurosis, and in terms of our goals, will ultimately backfire. “The pleasures of this world should be only an aid, so that he [man] may have peace of mind [and] so that he can free his heart for the labor that is upon him.”<sup>vii</sup>

Now, one could say that man’s purpose is not to achieve spiritual existence simpliciter, but to achieve a certain type, form, or state of spiritual existence. Man’s goal may be to attain a certain degree of spiritual awareness, or perhaps to achieve what we would call *de-*

*veikut*. Given a more specific goal, we may tend toward a positive formulation of the argument for conciliation. If man is to achieve a form of spirituality more substantive than simple non-physicality he may need to be not just neurosis-free, but of robust, excellent health as well, and so we would expect a more accepting stance toward matters of the flesh. A good example of this attitude is found in the writings of Rambam, for whom man’s purpose is identified with intellectual achievement. If man is to fully develop and refine his cognitive faculties, ultimately mastering the subtleties of Aristotelian metaphysics, he had better eat his Wheaties, and so we find that Rambam in fact demanded of man that he rigorously maintain his health.

This “man as soul” anthropology accords well with many of our sensibilities, especially our religious ones. It confirms our sense of divinely rooted ontic distinctiveness from other natural things. We, unlike pine trees, rocks, and aardvarks, are spiritual beings, and so have a unique purpose, destiny, meaning, and place in the ultimate scheme of things. We feel that a purely natural, biological life, like that of an ant or barbarian, is depressing, bad, and sinful. We, though, are capable of transcendence.

However, there are, in my view, a great many deeply held values and convictions of ours which are not entirely harmonious with the “man as soul” anthropology. People, especially moral people, and certainly Jewish people, ascribe great value to biological human life. We think that it is good to live and not to die. We are happy when people are born and sad when they pass on, and we take these feelings quite seriously. As Jews, we are aware of the weight the Halakhah places on human life. Further, we not only value human life itself, but we also tend to think it should have certain positive qualities to it. Normal, good people have ambition and initiative for this-worldly

things and are generally quite concerned with the quality of their this-worldly existence, and so proactively pursue greater dignity and majesty. Again, the concern for human dignity is endorsed by the Halakhah, which treats *kevod ha-beriyot* as a serious factor. But if man is a soul, and life in this world has no value other than as a medium for getting somewhere else, why should we care so much about life, and how could we justify genuine concern for its quality?

In addition to concern for our own well-being, we tend to have very strong feelings about how this world should look. We care about our families, friends, communities, society, and the world as a whole and feel quite powerfully that their existence in this world

should be arranged in very particular ways. In fact, we even have a powerfully held eschatological vision of how the world will look upon the Messiah's arrival, and we really seem to care about its realization. But if our this-worldly existence is but a medium for getting somewhere else, why should we care about these things? Why should we care about anything that happens, or does not happen, in this world? Stoicism to all this-worldly happenings seems reasonable on this view. No one minds a bumpy plane ride if he knows he will soon be arriving in Hawaii.

Certainly it is hard to explain why we should care about aesthetics and the like. If physical stuff has no value, why should it matter if it is shaped nicely? What makes the beauty and grandeur of nature worth appreciating? Aren't the Grand Canyon, the elegantly soaring eagle, and the pristine sunset just so much distraction on our way to the world to come? Also unclear is why we should care about other people and our relationships with them. Unless you can help me get to the next world, why should I waste my time on you?

Surely there are answers to these questions, and probably even good ones, but they remain as questions that demand answering. A "man as soul" anthropology significantly militates against a serious valuation of human life and everything that goes along with it. As we said earlier, one could certainly just respond, "In *hakhi nammi*, life doesn't matter," but he should at least understand what he is giving up. For those who are less willing to take that path, I want to stress and illustrate that the purported issue is a very real one by quoting two passages from the Gaon of Vilna. In his commentary to *Sefer Yonah*, the Gaon writes:

"There is no true fulfillment for man in this world, neither in wealth, nor in children, nor in any of its goodness... All of this stands in contrast to the future world, where man finally finds security, contentment, and true peace of mind... And therefore, with regard to the death of the righteous it is said, 'Their soul has rested.'"<sup>viii</sup>

It is clear, at the least, that the Gaon took a more sour view of human life than we are accustomed to, and particularly striking in this passage is the Gaon's pointed devaluation of "children" and "any of [this world's] goodness." Perhaps even more foreign sounding to our ears is what the Gaon writes in his ethical will to his children:

"And so I exhort you: accustom yourself, to whatever extent possible, to reside in solitude... Whatever you require, attain through a messenger, even if it is two or three times more expensive... The main guard for solitude is to never, *has veshalom*, step outside the home. Even in synagogue be quick and leave, and better to pray at home."<sup>ix</sup>

Whatever the Gaon's motivation for desiring his and his children's solitude, it is clear that he did not much value the company of other people. Overall, I think this picture is, for most

of us, quite disturbing.

With all of this in mind, I would like to explore an alternative anthropology, that of Rabbi Joseph B. Soloveitchik. Before we begin, though, some background is necessary. Rav Soloveitchik's anthropology was formulated as a response to, and is predicated on, certain 19<sup>th</sup>- and 20<sup>th</sup>-century scientific developments. The first and most basic of these is Charles Darwin's theory of evolution and natural selection. Evolution is generally regarded as posing a grave challenge to traditional religion on several grounds. Probably the most oft-discussed issue is the apparent incongruity of natural history as told by Darwin and natural history as told by *Be-Reshit*. Next is the question of divine providence; Darwin is seen as having constructed a compelling view of history and nature which does not involve an involved God. Rav Soloveitchik dismisses the first problem, and does not, to my knowledge, address the second. He does, though, engage a third issue, which he feels to be Darwin's greatest challenge to religion. He writes:

"The question does not revolve around divine creation and mechanistic evolution as such. We could find a solution of some kind to this controversy. What in fact is theoretically irreconcilable is the concept of man as the bearer of the divine image with the equaling of man and animal-plant existences. In other words, the ontic autonomy or heteronomy of man is the problem."<sup>x</sup>

In a Darwinian universe, man is not special. He is, in essence, no different than an ape or amoeba; all are products of the same mindless, meaningless process. If man is the pinnacle of God's creation, is granted a likeness to God, and is uniquely addressed by God, we understand that man is unique and has a special purpose, a *sine qua non* for traditional religion. But if man is just one more random product of the evolution machine, there is no ground for his uniqueness. Further, man's existence loses

all meaning as it fades into the cosmos, just one more meaningless speck of dust in an infinite expanse of meaningless specks of dust, "just a drop of water in an endless sea."<sup>xi</sup>

In the 20<sup>th</sup> century, a Jewish Viennese physiologist by the name of Sigmund Freud deepened and extended this challenge. According to Freud, the whole of man's persona, including the apparently lofty components, is ultimately an expression of base, primal, animal drives and instincts. Without Freud, man could argue for his uniqueness, his "ontic autonomy," by appeal to his capacity for advanced intelligence, empathy, compassion, love, and the like. For Freud, however, these attributes may make man a highly sophisticated and complex animal, but he is still an animal. "There is no unique grant of spirituality in man. The alleged spirit is nothing but a

mere illusion, an appearance, the sum total of transformed natural drives and sense experiences. Spirit, or soul, is reduced to psyche, and the latter – to a function of the biological occurrence."<sup>xii</sup>

How does the traditional religionist respond? We would expect (and, in fact, this has generally been the case) the response to be simple rejection; if Darwin and Freud conflict with Judaism, then Darwin and Freud are wrong. Rav Soloveitchik would presumably agree with that argument were he to accept the premise that there is a conflict. However, as radical, even shocking, as it initially seems, Rav Soloveitchik instead asserts that, in fact,

**"In the redeemed life, it is not what the world can do for man, nor even what man can do for the world, but rather what man and the world can do together, united under God."**

the Darwinian and Freudian anthropology is Judaism's anthropology as well. According to him, Judaism itself teaches the Darwinian idea that man is on a continuum with all of a nature – that, in a very real way, man is just another animal. As he puts it, "The Hebrew Bible is cognizant of man as a natural being found on the same plane as the animal and the plant."<sup>xiii</sup> Even more striking, "Man in the story of creation does not occupy a unique ontic position. He is, rather, a drop of the cosmos that fits into the schemata of naturalness and concreteness."<sup>xiv</sup> It is simply not the case that man is entirely distinct from and above matter and flesh; man, in truth, is matter and flesh. Man's purpose, meaning, and destiny are not separate from that of nature, but are rather part of the purpose, meaning, and destiny of nature as a whole.

Rav Soloveitchik further accepts the Freudian analysis of man's personality as rooted in biological drives. "In contrast to animals, man's rule over nature forms an integral part of his biological push toward expansion and multiplication. The Torah has interwoven his drive for power with that of *peru u-revu*."<sup>xv</sup> We have here an understanding of the identification of man's higher capacities, drives, and ambitions with the Freudian libidinal concept. For Rav Soloveitchik, man is to be identified with the integrated whole of his personality, from the biological and animalistic on up. Without dealing with the specifics of his exegesis, Rav Soloveitchik sees key verses in *Be-Reshit* as (1) teaching this anthropology, and (2) blessing the whole of man as understood with this anthropology. He concludes:

"The net result is that man is good under all three aspects: (1) as a biochemical organism (plant) endowed with all the organic insinuations and propensities; (2) as an animal with all his automatic primordial, biological act dynamics (the sex-drive, the appetite); (3) as a man-animal who brought his biological motivation to perfection and converted it to a technical intelligence which guides man in his execution of the biological drive."<sup>xvi</sup>

Rav Soloveitchik rejects the "man as soul" anthropology and with it the devaluation

of this world. If we are animals, we can understand and appreciate our valuation of biological life. We can comprehend, legitimize, and bless our ambitions for achieving greater dignity and majesty in our this-worldly existence; these drives are a part of who we are, as fashioned by God, and God wants nothing more from us than to be the best us we can be. This extends, of course, to our natural drives for love and companionship; we can spend time with our family and friends, not just to improve our chances of reward in the next world, but because we are just being human, and being human is just good. To return to my friends in the car, it may be that both parties

were off-mark. Maybe, if we truly act as humans, everything we do, whether learning Torah or admiring the ocean, is, in some sense, *avodat Hashem*.

We have seen the benefits of Rav Soloveitchik's anthropology, but there are real problems which need to be addressed. Chief among these is the question of how Rav Soloveitchik manages to maintain his Darwinian and Freudian anthropology without forfeiting man's unique meaning and purpose. Surely, gaining aesthetic appreciation is not worth losing a redeemed existence. Moreover, if man is just another drop in the cosmos, he risks losing any meaning in aesthetics as well. Rav Soloveitchik, though, states, "I wish to emphasize that the widespread opinion that within the perspective of anthropological naturalism there is no place for the religious act, for the relatedness of man to eternity and infinity, is wrong."<sup>xvii</sup> How does he pull this off?

I cannot, in the space of a paragraph, do justice to the profundity and sophistication of the Rav's response, but I will attempt a short sketch of what I take to be the essential points. Man, in his initial state, is undifferentiated from the world; his existence amounts to just another leaf falling. However, with his divinely endowed freedom, man is uniquely capable of breaking out of the ontic monotony of nature and standing apart from it. Man is capable of an awareness of his self as apart from the world, a self free to chart its own destiny in the face of the cool, sterile winds of mechanistic nature. In terminology the Rav used elsewhere, man can become a *gavra* rather than a *heftsa*. Once individuated, man may reintegrate with nature, partnering with it and becoming one with it, but without forfeiting his autonomy. In the redeemed life, it is not what the world can do for man, nor even what man can do for the world, but rather what man and the world can do together, united under God. Man as animal transcends the darkness of physicality not by fleeing it but by bravely joining it as a free person. He is unique in his ability to face the world as a subject and to coordinate his relationship with it under the ultimate, divine aegis. In this way, man reaches the heights of spirituality and Godliness, with-

out ever leaving home.

I want to conclude with a few clarifying remarks. From this presentation, it would seem that all the world, the “man as soul” camp, stands on one side of the river, while Rav Soloveitchik stands alone on the opposite bank. Indeed, Rav Soloveitchik presents it this way when he says of the “man as soul” view, “Medieval and even modern Jewish moralists have almost canonized this viewpoint and attributed to it apodictic validity. Yet the consensus of many, however great and distinguished, does not prove the truth or falseness of a particular belief.”<sup>xviii</sup> Without disagreeing, it should be stressed that, in real life, real people may have intermediate views: one could consistently see man as soul but still include significant aspects of biologically rooted personality in his anthropology;<sup>xix</sup> similarly, Rav Soloveitchik, I presume, did believe in souls and the Afterlife. The point, then, of our presentation is to make clear the range of options, and to emphasize what might be at stake.

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<sup>i</sup> Offhand, I often wonder why, even among full-fledged relativists, the demand for consistency is generally held to be inviolable.

<sup>ii</sup> See David Shatz’s “Practical Endeavor and the Torah u-Madda Debate,” *The Torah u-Madda Journal* 3 (1991-1992): 98-149, whence I (unconsciously at first!) plagiarized much of this paragraph.

<sup>iii</sup> *Avot* 4:16.

<sup>iv</sup> I understand that in a certain sense I am begging the question here. I maintain, however, that the overall point is valid and that my particular use of R. Ya’akov’s dictum is heuristically valuable.

<sup>v</sup> R. Moshe Hayyim Luzzato, *Mesillat Yesharim*, Introduction. Emphasis mine.

<sup>vi</sup> *Idem*, *Da’at Tuvnot, siman* 88.

<sup>vii</sup> *Idem*, *Mesillat Yesharim*, *ibid.*

<sup>viii</sup> R. Eliyahu of Vilna to *Sefer Yonah*.

<sup>ix</sup> *Idem*, *Iggeret ha-Musar*.

<sup>x</sup> R. Joseph B. Soloveitchik, *The Emergence of Ethical Man* (Jersey City, NJ: Ktav, 2005), p. 5.

<sup>xi</sup> Kansas, “Dust in the Wind,” verse 2.

<sup>xii</sup> R. Soloveitchik, *The Emergence of Ethical Man*, p. 4.

<sup>xiii</sup> *Ibid.*, p. 7.

<sup>xiv</sup> *Ibid.*, p. 13.

<sup>xv</sup> *Ibid.*, p. 72.

<sup>xvi</sup> *Ibid.*, p. 73.

<sup>xvii</sup> *Ibid.*, p. 5.

<sup>xviii</sup> *Ibid.*, p. 6.

<sup>xix</sup> This I take to be the view of many of Hazal. The complications this involves, given the advent of modern psychology and neuroscience, are obvious.

## Thinking in Broader<sup>i</sup> Terms

BY: Yitzhak Bronstein

**A**mbivalence characterizes the feelings that I had last year towards the possibility of attending YU. Having just completed my first semester, the ambivalence remains. Allow me to explain myself.

Last year was my *shannah bet* in Yeshivat Har Etzion. The yeshivah is located in the hills of Gush Etzion just south of Yerushalayim, in territory that is biblically referred to as *arei Yehudah* (the cities of Judah). When one looks out at the panoramic view from the rooftop of the yeshivah, prophecies straight from the words of Tanakh can be seen coming to fruition right in front of one’s eyes. Who could honestly look out at the growing settlements sprinkled on the mountaintops of Gush Etzion and not think of the *pasuk*, “For God will deliver Zion and rebuild the cities of Judah; they shall live there and inherit it”<sup>ii</sup>? But it was more than just watching Jewish history play itself out from the sidelines that inspired me. I, as an individual, was playing an *active* role in the course of Jewish destiny with my presence in this yeshivah. How could I possibly look for-

ward towards learning in a beit midrash in Washington Heights?

My uncertainty about attending YU went further than geographic location alone. Yeshivat Har Etzion as a *yeshivat hesder* is constantly deliberating over how a Jew should properly balance his or her obligations as an individual with the responsibilities that come as being part of the collective Jewish people. Every high school graduate from the *Dati Le’umi* (Religious Zionist) community must choose between dedicating his time towards personal growth in *talmud Torah* by spending time in yeshivah, and opting to display his commitment and dedication to the state by spending three years in the army with his secular brethren. The *yeshivat hesder*, well aware of the fact that it is unable to abandon either obligation, synthesizes the two options and accommodates both callings. I was understandably ambivalent about leaving a yeshivah where I knew that the importance of broader Jewish values occupied a central role in the overall ideology of the yeshivah and was also constantly being addressed by the Rashei Yeshivah.

I was comforted, though, after reading the opinion of Rav Soloveitchik on the matter. The entire basis of the Rav’s famous work *Kol Dodi Dofek* is the notion that when God is “knocking on the door” we are supposed to respond in course. Historical awareness is key towards both the recognition of the knockings as well as to what our response should be. The length

at which Rav Soloveitchik feels that this is true turns up in the pages of *Halakhic Man*. In context, the Rav discusses how Halakhic Man comes to terms with the *pesukim* in Humash that at first glance do not seem to shed light on any halakhah per se. It must be, the Rav claims, that all *pesukim* do in fact relate to Halakhah. Even the divine prophecies to the forefathers and the eschatological visions about the inheritance of the Land of Israel are Halakhah. Which halakhah? “The commandment to participate in the realization of the prophecy,” states Rav Soloveitchik.<sup>iii</sup> The Rav clearly held that actively pursuing *nevu’ah* and Jewish destiny was not just action that is recommended, but a matter of Halakhah.

So although I knew that I would unfortunately have to return to Huts la-Arets, I expected that YU would also place similar attention upon the broader vision that I encountered while learning in Erets Yisrael. After all, the Rav felt that it was a matter of Halakhah.

However, currently, after completing my first semester on campus, I am completely befuddled. I cannot think of a single time over the course of the semester (be it a Wednesday night *sihat Musar*, Friday night *davening*, Friday

and a kindergarten teacher living in the Shome-ron, was murdered in cold blood. Just from reading the various accounts in the Israeli media, it was clear to me that it was a terrorist attack that shook the entire country, and particularly the *Dati Le’umi* community. *Our* community. But where were the tears in YU? Where was the recitation of *Tehillim*? Are we too apathetic to the plight of our brethren in Erets Yisrael to even *acknowledge* what took place? Unfortunately, I feel that this is not an isolated event, as was evident with the initial lack of response of YU to the infamous terrorist attack in Yeshivat Mercaz HaRav two years ago. Living five thousand miles away from the Jewish state does not exempt us from closely following its current events.

I am not claiming that there is anything inherently wrong with living in Huts la-Arets. Depending on the individual and the circumstances, it can be a very noble lifestyle. But one must have the sensitivity to the broader aims and goals of the Jewish people and recognize that this aspect of his life is not in-sync with the halakhic ideal. A person should be able to justify why it is that they currently find themselves living in Washington Heights both on an

### “Put simply, we need to increase our sensitivity to Am Yisrael in Erets Yisrael and our sense of living Jewish history and Jewish destiny.”

night *tish*, or *se’udah shelishit*) that the above point was mentioned. Not once did I hear of the importance of possessing a broader value system encompassing (although not consisting entirely of) obligations that extend past the individual, to Am Yisrael and Erets Yisrael.<sup>iv</sup>

So what were the messages of the Rashei Yeshivah about? Learn more. *Daven* harder. Improve your *middot*. Occasionally, a *sihah* stressing the importance of halakhic minutiae was given, such as the prohibition of carrying tissues on Shabbat. Do not misunderstand me – I think that learning, *davening*, and improving personal character are all very important issues that need to be discussed. But these *narrow* issues should not have a monopoly on topics that the Rashei Yeshivah decide to address.

As one faculty member in YU has pointed out to me, “You don’t need to lecture to people learning in a beit midrash on Wednesday night at 9:40 PM (the usual time of *sihot Musar*) about the importance of *talmud Torah*.” But you *do* need to lecture to people in a beit midrash in Washington Heights about things that might be taken for granted in Gush Etzion. Put simply, we need to increase our sensitivity to Am Yisrael in Erets Yisrael and our sense of living Jewish history and Jewish destiny.

Here is a recent incident in YU that might reflect this insensitivity to anything outside the walls of the beit midrash. A couple of weeks ago, the state of Israel suffered a terrible tragedy when R. Meir Chai, a father of seven

individual and national level. If one reaches the conclusion that it is because they feel that Judaism adopts a position of human complacency in Jewish history and that one has no real sense of obligation towards the greater Jewish nation, then so be it. I would strongly disagree with him and his reading of Tanakh, but at least he would have an answer for himself. However, my impression is that this is *not* what the ideology of Yeshiva University is, or what the Rashei Yeshivah feel to be authentic *Yahadut*.

If my assumption is correct, then the yeshivah must make an effort to begin stressing these values to its *talmidim*.

Furthermore, in no way should the discussion be limited solely to Israel-related topics. I illustrated my point with that example simply because it is an issue that I feel passionately about and feel is at the core of Jewish values. There are plenty of value-related questions that might be closer to home that must be dealt with as well. How about a *sihah* on the role of the individual in his community at home? As *benei yeshivah*, how much time should we spend on helping our respective communities versus working on our own personal growth? Clearly this question depends on the specific person and his talents, but I think that students would gain simply from the fact that this potential conflict is raised as an issue with arguments in either direction. How about the nature of our obligation in regard to *tikkun olam* (fixing the world) or being an *or la-goyyim* (a light unto the nations)? When is pluralism recommended

and when do we opt for tolerance? When do we value intolerance? What type of values, if any, are we seeking to pick up from the outside world? How should we view non-Jews and the role that they play in the world? How about a pragmatic look at life after YU? The issues are endless. All I am seeking is the insight from the Rashei Yeshivah that they undoubtedly have to offer on issues that invariably affect one's *avodat Hashem* and approach to life beyond the typical Musar schmooze. I acknowledge that some of these issues *have* been dealt with minimally, and it is a good start, but I think that we have to progress much further.

The only potential concern that I can envision someone presenting is that if a system of broader values is emphasized, then the *talmidim* might become lax on the halakhic minutiae. After all, they might say, just look to the denominations, such as Conservative and Reform Judaism, that place a large emphasis on being an *or la-goyim* or on *tikkun olam*, yet are less strict when it comes to *shemirat ha-mitsvot* (observance of the commandments). I think that such a claim would be quite unwarranted. Placing an emphasis on a system of values that highlights the importance of the broader Jewish community does not necessarily mean that the role of learning or any halakhic detail has to be downplayed. In fact, it would seem to me that the stressing of core values would have the opposite effect towards the keeping of the specifics of Halakhah among the student body. If someone is aware of the role that *shemirat ha-mitsvot* has in creating the ideal *am tsedek u-mishpat*, nation of righteousness and justice, then being *makpid* (particular) in Halakhah will become all the more meaningful to him or her. At least, that was my experience.

*Yitzhak Bronstein is a sophomore at YU majoring in Philosophy.*

<sup>i</sup> By "broader," I mean values that go beyond the individual.

<sup>ii</sup> *Tehillim* 69:36.

<sup>iii</sup> R. Joseph B. Soloveitchik, *Halakhic Man* (Philadelphia: Jewish Publication Society of America, 1991), p. 100. It should be noted that when Rav Soloveitchik uses the word "commandment" here, it does not necessarily mean that it is a mitzvah analogous to *teki'at shofar* or *hanahat tefillin*. It might be a qualitatively different type of commandment.

<sup>iv</sup> Obviously I did not attend every single speech given this year inside and outside of the beit midrash, but I think that my sampling was large enough to get an accurate picture as to what was being discussed.

***Kol Hamevaser* welcomes you back to a wonderful new semester at YU. We have many exciting issues coming up and wanted you to start thinking about writing for them. Please send all submissions, letters-to-the-editor, and queries to:**

**kolhamevaser@gmail.com.**

### **Purim Issue!**

**Possible topics include: Faux Mahashavah Articles; *Lomdish* Purim Torah; Scandalously Funny Religious Manifestos; Spoofs on YU Events this Year (within reason); Faculty Spoofs (within reason); Spoofs on KHM Articles; General *Qephirah*; and much more!**

**Articles should be funny, but appropriate, and should fall in the range of 500-1500 words.**

**Submissions due: February 14, 2010**

### **Torah, Literature, and the Arts**

**Possible topics include: The Use of the Bible in English/Hebrew Literature; The Relationship between Torah and Literature; The Use of Literature in Learning Torah; Literary Approaches to Bible and Talmud; The Value of the Humanities and Artistic Expression in Judaism; Beauty and Aesthetics; Jewish Art History, Art in the Synagogue, Beit Midrash, and School; Art in Halakhah; and much more!**

**Submissions due: March 2, 2010**

### **Halakhah and Minhag**

**Possible topics include: Methodologies of Pesak (*Yere Shamayim Yetse Yedei Sheneihem, Mah Tov, Kohah de-Hetteira Adifa, Ha-Mahmir Tavo Alav Berakhah*); Sefaradic, Mizrahi, Ashkenazic, German Jewish, and Hasidic Halakhah; *Minhag ha-Makom (Lo Titgodedu)*; When is *Minhag Oker Halakhah?*; *Minhag Yisrael Torah Hi (Ve-Al Tittosh Torat Immekha)*; Philosophy of Halakhah; History of Halakhic Development (Tamar Ross and Rav Kook); The Concept of a Universal Law Code for all Jews (*Shulhan Arukh*); Kabbalah in Halakhah; *Minhag Shetut*; Innovation in *Pesak*; The Power of *Beit Din*; and much more!**

**Submissions due: March 22, 2010**

### **Judaism in America**

**Possible topics include: So-Called "Minhag America" (Hanukkah Presents, Lack of Hair Covering for Women); American Religious Zionism; The Impact of the Year in Israel on American Orthodoxy; *Aliyyah* to Israel vs. Staying in America; Jews and Sports; Interdenominational Relations; Unique Challenges to Jewish Life in America; America vs. "the Old Country" as Diaspora Communities; Affluence in the American Jewish Community; and much more!**

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