

# KOL HAMEVASER



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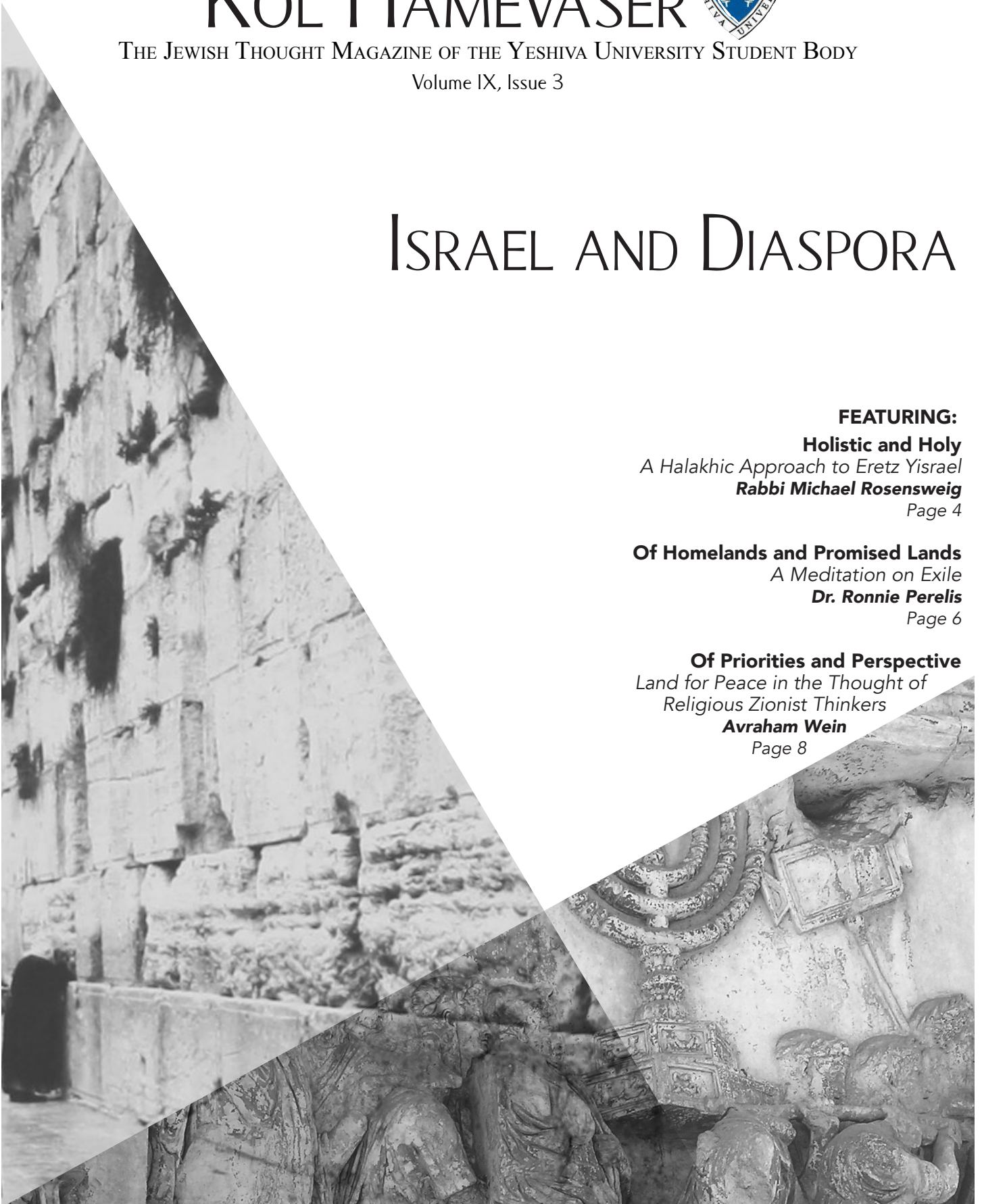
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## Letter from the Editor

BY MINDY SCHWARTZ

For my post high school gap year I studied in an Israeli Midrasha. While at first I struggled to catch on to classes in Hebrew and grappled with cultural differences like casual lice breakouts, army time, and the consumption of whole cucumbers for breakfast, I eventually grew to love the authentically Israeli environment, one that felt wonderfully foreign and new in the best way. Unsurprisingly, this newness struck me most on Yom Ha'atzmaut. I was awed by the ecstatic hallel we sang together to the beat of a guitar and a pair of drums that morning. I had never felt so joyous, and so close to the center of joy, on Yom Ha'atzmaut before.

A week later, still on a high, I asked one of my American friends what she had thought of the celebrations. To my disbelief she told me that she really hadn't enjoyed the day very much at all. In fact, she said, it made her miss home. Her community always has such meaningful Yom Ha'atzmaut events and festivities and she missed them. The whole community gets so involved, they care so much, and everyone just feels so connected to and so thankful for the State of Israel. Away from home, she just hadn't felt that connection.

There is no 'right way' to relate to Israel and Diaspora. Each of our relationships to these weighty notions is inextricably tied to our upbringings, our communities, our friends, our families, and our life experiences. The words themselves carry different meanings for different people and generations. For the generation of the Holocaust, they may signify a Redemption in the State of Israel and the intense suffering of Exile. For many young people today, they might invoke the long debate between Homeland and home as we face the question of Aliyah in the age of Nefesh B'Nefesh.

As Dr. Ronnie Perelis notes, the way we carry these experiences of Israel and Diaspora with us has been reflected throughout history in the way we write, speak, and even sing. While Dr. Perelis emphasizes the way Diaspora cultures make themselves distinct, Chaim Metzger, in his treatment of sports in history and Halakhah, notes the problem caused by the lure of the Hellenistic arena, one that mirrors the challenge of assimilation faced by numerous Diaspora communities.

The formation of the modern State of Israel has brought on numerous new perspectives how we should relate to our Promised Land. The clear dichotomy between Israel and Diaspora, between Redemption and Exile, has become far more blurry as the Jewish people are still in Exile, but are able to live autonomously in their homeland.

Many religious leaders have grappled with this new reality and have come to varied conclusions. Works from a few such seminal Religious Zionist leaders are treated in this issue. Rabbi Michael Rosensweig discusses the unique contributions of R. Soloveitchik - a rabbi of the Diaspora - to the Religious Zionist movement. Leead Staller and Matt Lubin review books of R. Soloveitchik and R. Lichtenstein respectively, while Reuven Herzog explores Rav Kook's approach to slavery and the Torah. Avraham Wein delves into the views of R. Soloveitchik, R. Lichtenstein, R. Amital, and the followers of Rav Kook on territorial compromise in Israel. In their review of "Letters to Talia", Chani Grossman and Avigayil Rosensweig look at these same issues brought on by the modern state through the eyes of two Israeli teenagers, a hesder student and a secular kibbutznik.

There are so many ways to see and experience Israel and Diaspora. So complex is each of our relationships to these concepts that an American student in an Israeli Midrasha, could, because of the spirit of her hometown, feel closer to Israel when she is a thousand miles away from it, than when she is standing in its hills.

In this issue of Kol Hamevaser we have gathered a diverse array of articles to reflect this diversity of experience. We hope it gives you pause to think.

# Holistic and Holy

## A Halakhic Approach to Eretz Yisrael

BY RABBI MICHAEL ROSENSWEIG

*This is an edited transcript of a short lecture delivered by Rabbi Michael Rosensweig at a conference honoring both Rabbi Dr. Bernard Rosensweig and Rabbi Dr. Sol Roth. The edited transcript was prepared by R. Rosensweig's student Avraham Wein. All edits and revisions were reviewed by R. Rosensweig.*

I see my role here as one who is a committed Religious Zionist: one who identifies with the movement of Religious Zionism and its aspirations, and is proud of its accomplishments; and also as one who is concerned about the direction of Religious Zionism and its future prospects - both ideologically and practically, both in terms of challenges and opportunities that are unique to our present time, both in *Eretz Yisrael* and the Diaspora. Some of these challenges overlap, while others of them are quite different and reflect varying perspectives.

My basic argument will be that the most important contribution of American Jewry to Religious Zionism has been the effective ability to integrate the issue of *Eretz Yisrael* more generally, and the State of Israel more particularly, into the broader spectrum of Jewish thought and Jewish life. Both on a pragmatic level and an ideological level, I think that some of the advances in various areas of Jewish thought and the application of Jewish law to issues of Religious Zionism took place, not coincidentally, on the ground of America. The issue I want to address here is the impact of American Jewry, especially American rabbinic leadership, upon Religious Zionist thought in general.

Let us begin with the problem. When we speak about the American contribution to Religious Zionism, apparently we are dealing with a kind of oxymoron. After all, what is the most obvious and salient expression of Religious Zionism if not *aliyah*, the decision to actually live in *Eretz Yisrael*? Particularly in our era, where this is something which no longer has to be a dream or even include excessive hardship, the capacity for Jews to pick up and live in *Eretz Yisrael* today is obviously a special gift that *HaKadosh Baruch Hu* has given us in our historical circumstance. So, what do we mean when

we speak about a Religious Zionist contribution by American Jewry, if seemingly our presence on these shores appears to defy the very purpose of Zionism?

However, obviously the concept of *shelilat ha-golah*, the negation of any positive contributions coming from the Diaspora - a phenomenon which was popular some decades back, particularly in *Eretz Yisrael* - is something which is historically absurd, halakhically invalid, and philosophically unacceptable. Obviously, much of Jewish thought and Jewish life has been lived outside of *Eretz Yisrael* in the Diaspora. The greatest proponents, the most inspiring and eloquent spokesmen of Religious Zionism, are of course individuals who yearned and aspired to be in *Eretz Yisrael* but whose careers were actually carried out in *Chutz la-Aretz*. Whether we are talking about the author of the *Kuzari*, Rav Yehuda ha-Levi, or the Ramban - both of whom made it to *Eretz Yisrael* only at the end of their lives, but whose careers took place in Spain and in other places as well - the beginnings of the Religious Zionist movement emerged on the shores of Europe rather than in *Eretz Yisrael* itself. Historically speaking, there was no way that it could have been otherwise.

Along with Rav Kook, the other great ideological giant of Religious Zionism in the modern era - that is, in the post-*Eretz Yisrael* era - is *moreinu verabeinu*, our teacher and rabbi, ha-Rav Soloveitchik zt"l. What I would like to do here is focus on some of the Rav's unique contributions to Religious Zionism. I think that the Rav represents a certain model of Religious Zionism which is quite different from that of Rav Kook and what generally prevails in the *Merkaz ha-Rav* circles in *Eretz Yisrael* today, and which is singularly related to the American contribution - both because culturally it had to be that way, and of course, due to the impact of the Rav more directly as well.<sup>1</sup>

The fact is that the Diaspora was always poised to make these special ideological contributions to our understanding of Religious Zionism, precisely because of the challenge raised

earlier - namely, how one justifies living life outside of *Eretz Yisrael* when one has the capacity to be there. Partially as an aspect of defensive culture, this challenge forces the honest individual to confront and come to grips with it. In some cases, it opens windows to a wider and deeper understanding of the role of *Eretz Yisrael* in halakhic life and, in our era, the status of *Medinat Yisrael* in the larger mosaic of Jewish life. Indeed: someone who lives in *Eretz Yisrael* is not motivated to grapple with this issue, and therefore may not be sufficiently engaged with it so as to be able to formulate the valuable insights and perspective its struggle yields, which in turn enrich Jews the world over - including the Jews in *Eretz Yisrael* as well - by broadening, deepening, and making more profound the notion and impact of Religious Zionism. Jews who live in the Diaspora and yet are acutely sensitive to their halakhic responsibilities are uniquely equipped and sensitive to the potential rare impact of *Eretz Yisrael* beyond its borders in history, in world Jewry, and in the interface between the pragmatic and ideological issues that we face.

Of course, the impact of actual life in the United States and the responsibility of leadership impose this kind of responsibility and challenge as well. The American Jew consistently has to decide on his priorities - the local community versus *Eretz Yisrael* - when it comes to even simple matters like support for a political candidate. Candidates who espouse a position on *Eretz Yisrael* which is attractive, but also adopts some domestic positions which are problematic, force every Jew, and especially Rabbinic leaders, to come to grips with the major role that *Eretz Yisrael* plays in daily life.

Some years ago, my father, along with the leadership of the RCA, was involved with the question of Soviet Union immigration. Beneath the surface, the question really was, to what extent do the priorities of *Eretz Yisrael* dictate for *Chutz la-Aretz*. The issue wasn't simply Diaspora vs. *Eretz Yisrael* or *Medinat Yisrael*, but ultimately a truer, deeper, and more profound understanding of the role of Religious Zionism, *Eretz Yisrael*, and

Religious Zionism's responsibility to World Jewry, which ended up determining the policy on that issue in a much more complex way than had it been left simply to Israeli leaders.

The role of Rav Soloveitchik as the foundation of this perspective and ideology contrasts in some respects with the ideology of Rav Kook. Let us highlight this contrast briefly in the following ways. The Rav, as is known, gave several famous lectures to the *Mizrachi*, which were published as the *Hamesh Derashot*. If one analyzes those *derashot* objectively, one finds self-contained sections having nothing to do with *Eretz Yisrael* or the ideology of Religious Zionism which are standalone gems on all sorts of different topics like Teshuva, Jewish destiny, and the role of halakha in Jewish values. We can analyze these topics even by subject heading, we can count them, and we can gauge quantitatively and qualitatively the impact that they have had. Yet, the ability to weave these together - that they should be not only connected to, but should help constitute a cohesive statement about religious Zionism - is a reflection of a broader perspective: the notion of *Eretz Yisrael* and *Medinat Yisrael* is not a topic in its own right in which we try to isolate importance, but is one which is integrated into the much larger world of Jewish history, Jewish philosophy, and especially the world of halakha.

The Rav had a particular fondness for a certain halakhic perspective on matters of *Eretz Yisrael* which can be characterized as follows: the Rambam, as is well known, sometimes deals with the status of *Eretz Yisrael* in a seemingly anachronistic way. The Rambam rules in several places that the *kedusha* of Ezra, the second investment of sanctity in the Land of Israel, is the one that is durable. Everyone knows that the geographic constriction of those boundaries left certain areas that were in the original geography of *kedushat Eretz Yisrael* on the outside. Yet, the Rambam employs the boundaries of *Eretz Yisrael* at the time of conquest of Joshua, which according to his own rulings were no longer determinative when it came to the sanctity of *Eretz Yisrael*, he operates with those boundaries when it comes to several issues.

The Rav noted this, as did others, and formulated the following explanation. There are two *dinim* of *Eretz Yisrael*, he

posits: there is on the one hand a *din* of *kedushat karka*, the sanctity of the soil, which relates to matters having to do with *terumot*, *ma'asrot*, *sheviit*, *tevel*, and *challah*. These laws have to do with the nitty-gritty, the actual produce of *Eretz Yisrael* that is obviously a matter of *kedushat ha-Aretz*. Then on the other hand, there are other issues which affect all of Jewish life. This second category includes things like Rabbinic ordination, regarding which we know that when the *Sanhedrin* operates in *Eretz Yisrael* it also holds sway in the diaspora; *kiddush ha-chodesh*, which affects via the calendar both *Eretz Yisrael* and the diaspora; and other issues as well, like the *par he'elem davar shel tzibur*, the idea of communal atonement as opposed to individual one, all of which depend on the majority population of *Eretz Yisrael*. The Rav noted that these laws seemingly have nothing to do with the sanctity of the land, seeing as after all they apply throughout the Jewish world. Moreover, the geographic boundaries of *Eretz Yisrael* do not seem to be applied consistently: despite the Rambam's ruling that the geography that is invested with sanctity are only the Ezra boundaries and not the Joshua boundaries, we see that it is the Joshua boundaries which are invoked when it comes the second category of various rules.

To resolve this seeming contradiction in the words of the Rambam, the Rav developed the theme that there are two aspects of *Eretz Yisrael*. One is the *kedushat karka*, narrowly defined by the sanctity and soil of *Eretz Yisrael*, and the other is the concept of *Eretz Yisrael*, the *shem Eretz Yisrael*. In one of the *derashot*, the Rav develops this conceptual distinction even further. The truth is that this was an old and favorite topic of the Rav: it appears in the *Igrot ha-Grid*, sometimes he quotes it in his father's name and sometimes in his own. In the *derashot*, though, the Rav makes an additional suggestion: he says that the covenant of Sinai, where the Torah was given, places no special emphasis on *kedushat Eretz Yisrael* as anything more than a mitzvah among the 613 mitzvot. In fact, there exists a well-documented problem that *Yishuv ha-Aretz*, living in *Eretz Yisrael*, is not counted as a mitzvah in Rambam's *Sefer ha-Mitzvot*. However, what the Rav characterizes as *brit avot* - namely, that which relates to the history of the Jewish

people and the covenant of our forefathers - is something which focuses on the ideal: the ambition of life in *Eretz Yisrael*. The Rav argued that the *dinim* of *kedushat karka* represent only one small slice of the role that *Eretz Yisrael* plays in our life. What is more important is the concept of *shem Eretz Yisrael* - that is to say, the fact that we as a people identify throughout history with the history of our people, and with the national headquarters in *Eretz Yisrael*. The nuances are very important, but this general point represents the broader, deeper, more pervasive and profound (albeit less hyperbolic) contribution of the Rav to the concept of Religious Zionism.

There are a number of passages in *Gemara* and *Midrashei Halakha* which make very startling claims about the centrality of *Eretz Yisrael*. The *Gemara* in *Masekhet Ketubot* (110b) says that one who lives in *hutz la-aretz* is like a godless person. The *Sifrei* in *Parshat Eikev* famously seems to imply that the only reason why we do any mitzvot in *hutz la-aretz* is for practice. Some of the more enthusiastic or hyperbolic Religious Zionists seized on these statements in order to underscore the centrality of *Eretz Yisrael*, namely, the idea that it is indispensable. For the same reason, the *Kuzari* is oft-quoted for his inspirational, but (from a halakhic point of view) somewhat exaggerated emphasis on the *inyan ha-Eloki* aspect that is connected to *Eretz Yisrael*.<sup>2</sup> Rav Soloveitchik, on the other hand, shied away from all of this. Indeed, his explanation of *Ketubot* (110b) is that it is limited to the aspect of *brit avot*. The *Beit ha-Levi*, Rav Soloveitchik's great-grandfather, had a particularly interesting explanation about the *Sifrei* in *Parshat Eikev*. The point is that how you treat these unvarnished texts, and whether or not you look for dimensions of *kedushat Eretz Yisrael* that go beyond the obvious and affect the entire Jewish world, Diaspora included, albeit with the center of *Eretz Yisrael*, reflect a different approach: one less slogan-oriented and less radical, but in the end more ambitious and entailing a deeper take on these issues.

Following the example of Rav Soloveitchik, if I were to speak about or analyze the halakhic writings of American Religious Zionists, the program I would undertake would be to examine how these various texts fared in the treatment of these

topics - whether addressing passages like the *Gemara* in *Ketubot* and the *Sifrei*, or - on the other side of the coin - the exceptions which allow one to leave *Eretz Yisrael*, and how expansive and how limited these might be. There is a methodology, in other words, that can be developed which would highlight that different communities have

1 While Rav Kook's view is associated with a well-known and acute perspective of Religious Zionism, his larger view, especially when you analyze his halakhic contributions, which paint a much more traditional thinker, is something that is worth devoting a more extensive treatment to. It would be particularly interesting to compare his pre and post Israel years, and to discuss the implications of his halakhic decisions.

different perspectives on the role of *Eretz Yisrael* in Jewish life, on the religious status and stature of *Medinat Yisrael*, and on the historical and philosophical question of whether or not the opportunities sometimes signified by *reishit tzemihat geulateinu* represent a discontinuity in history or a continuity. These are

2 This is not meant to reject the importance of the Kuzari's comments, but rather to emphasize that for this to be the foundation on its own is a problem. The Kuzari's important contributions to the topic of *Eretz Yisrael* are entirely deserving of a lengthier treatment. I hope to have the opportunity to expand on this topic in the future.

3 For further reference see R. Rosensweig's articles "The Central Role of *Eretz Yisrael* in Torah Life,"

contributions, both intellectually and pragmatically, which are anchored and rooted in this perspective of the role of *Eretz Yisrael* in world Jewry which is less slogan-oriented, but in my opinion, far more substantive.<sup>3</sup>

"Reflections on *Yom ha-Atzmaut: Eretz Yisrael as a Framework for Kedushah and Spiritual Opportunity*," and "*Eretz Yisrael: The Heritage of the Jewish People*," available at [torahweb.org](http://torahweb.org). For a more extensive treatment of these issues, see his "*Diaspora-Israel Relations: A Study in Halakha and Contemporary Issues*," available at [yutorah.org](http://yutorah.org) and "*The Halakhic Centrality of Eretz Yisrael*," printed in the *Koren Mahzor for Yom Haatzmaut and Yom Yerushalayim*, 73-91.

spaces in the shadow of Churches and Mosques but here the space was theirs and they were able to fulfill the advice of the Talmud calling for the Synagogue to be at the highest point in the town.<sup>4</sup> It was their Jerusalem.<sup>5</sup>

### ***Ir Ve Em be Yisrael: The Many Jerusalems of the Diaspora***

We can sense a precedent for the openness and public pride of the Surinamese Jews back in their metropolitan center - Amsterdam. Jews were far from isolated in the bustling port - they were one "nation" among many other foreign mercantile groups that moved to Amsterdam beginning in the early 16<sup>th</sup> century. They lived in a centrally located and prominent neighborhood that had some distinguished Dutch Calvinist residents such as Rembrandt van Rijn who would use his neighbors for the models of his Old Testament subjects. In the 1630s the Portuguese Jews of Amsterdam had their own synagogue building, handsome but modest. Three decades later in 1675 they were able to channel their wealth and status into the construction of monumental synagogue complex off a central canal in one of the newer neighborhoods of the booming city. These Jews who lived for generations as Catholics, who were forced to conceal their origins and their faith for so long, now were able to come out in style. Beginning on the Friday before Shabbat Nachamu there were eight days of dedication, processions with the Torah scrolls, musical accompaniment, visiting dignitaries and a special sermon preached

(in Portuguese of course) by a different *haham* of the community on each day of the dedication.<sup>6</sup> These sermons were collected and published as were broadsides in Dutch depicting the new structure. In his introduction to the commemorative pamphlet of dedicatory sermons David de Castro Tartas describes the scene. The congregation entered:

... with the Torah scrolls (*Sepharim*), . . . encircling the *Esnoga*, accompanied by torches, the kindling of lights which adorn the building; with pleasant choruses of music, with celebrated instruments, and with Divine lyrics whose harmony was so delicate (*suave*), and angelic that it felt like a house where God is present. . . and in order to imitate the dedication of the Holy Temple, there were eight days of festivities, always with the same solemnity, accompanied each day by a sermon given by the rabbis of the congregation . . .

He directly addresses the reader who was not able to attend these glorious celebrations:

I assure you my benevolent reader, that these [celebrations] were more like Holidays (*Pascuas*) with liberty in the Temple than festivities of captivity in a Synagogue.<sup>7</sup>

The *Esnoga*, the great Portuguese synagogue was meant to evoke Solomon's Temple, its columns were evocative of the "*Yachin uBoaz*," its sloping buttresses on the outside walls follow the depictions of the Temple's outer walls in Rabbi Jacob Yehuda León Templo's best selling *Retrato del Templo de Selomo/Depiction of Solomon's Temple* (Middleburg 1642).<sup>8</sup> And so it may not be an instance of baroque hyperbole to see the inauguration of this building as a transformation of this corner of the exile into a place of redemption, or at least a place of stability that feels like home.

### **Mother Tongues and Fatherlands: Language, Memory and Exile**

Jewish culture has been deeply shaped by the diaspora and by the expulsions that have punctuated the Jewish journey since the destruction of the Temple. The very way we speak and read and write has been shaped by our wanderings. Judeo-Arabic or Judeo-Persian, for

example, point to the rootedness of Jews in their diasporic homes. The language of the street is made familiar by writing it down in Hebrew characters and infusing it with Hebrew terms and rabbinic phrases. Jews could write in Judeo Arabic knowing that their Muslim neighbors would not be able to directly access the text. This orthographic barrier allowed for an internal dialogue for the Jews but in a language which when spoken they shared with their Muslim and (often enough) Christian neighbors. Jews used Judeo-Arabic to write love letters, contracts, recipes and shopping lists but they also used it to write works of philosophy, science, linguistics and Halacha. This was a common language of Jews from Morocco to Baghdad for over a thousand years. Was it a language of exile or home, a reflection of rootedness within a time and place?

While Judeo-Arabic points to the deep roots of the Jews of Arab lands to Cairo, Baghdad or Aleppo, Ladino and Yiddish reflect dislocation and exile from a former home. They are both products of exile, transplants in a second diaspora. Yiddish develops out of the German the Jews of Ashkenaz spoke and wrote down in Hebrew characters during their centuries of life in the West. As they find refuge and new economic opportunities in Poland and Central Europe, these Jews brought with them the Torah of the Tosafists and rich liturgical tradition of Ashkenaz, but they also brought their language. Surrounded by speakers of non-Germanic languages - Poles, Slavs, Ukrainians, Hungarians - the Ashkenazim maintained German as their internal Jewish language to the point that it becomes thoroughly "Judaized" into Yiddish.

Ladino followed a similar path. The Jews leave Spain with the expulsion and find refuge throughout the Mediterranean. After Portugal, the largest numbers of exiles make their way to the expanding and multi-ethnic Ottoman Empire. In cities such as Salonika and Istanbul and Izmir the Jews of Spain and Portugal continued to speak their Iberian languages among themselves. Over time this vernacular absorbed local terms from Turkish, Greek, Arabic. They wrote this vernacular down in Hebrew characters and inserted Hebrew words in their everyday speech, hispanizing Hebrew: an unlucky man is "*desmazalado*" - someone without "*maza!*", luck. The Ottoman's granted the

different ethnic and religious communities of their empire a great degree of communal autonomy. They spoke their mother tongue and practiced their folkways and religious commitments within tight-knit communities of Jews with a similar history, fellow exiles from Spain and Portugal and their descendants. The language endured and thrived because of the critical mass of exiles settling in their new homes and the waves of exiles who arrived in the century or two after the initial expulsion. It didn't hurt that Spanish language and Sephardic lineage was a source of deep pride and carried heavy social capital.<sup>9</sup> These exiles arrived in communities where they often had relatives and where they could not only gossip or do business in Castilian or Portuguese, but where they found religious works - *siddurim*, Bibles, works of halakha and *musar*-in their mother tongue. To be Jewish in Salonika or Izmir and to some extent in many parts of the Land of Israel was to speak Spanish. While most people know of Judeo-Spanish as "Ladino," it was just as often referred to by its speakers as "Judesmo" - Jewish!

So we have a double exile here<sup>10</sup> - exile from Zion and an exile from their homes in Toledo, Murcia and Lisbon. (Similar to the way that the Jews of Poland and Hungary were Ashkenazim!) These double exiles find a way to make themselves at home in this new place of dislocation, through their mother's tongue, through the oral ballads that were sung by generations of women as they washed clothes, prepared delicacies for Shabbat and sang their babies to sleep. These songs have roots in medieval Iberia, they tell of knights and maidens, betrayals and murders, longing and searching for lost loves. Over time Jews made these ballads their own, eliding or translating Christian symbols, spinning subtle allegories of redemption, *teshuva* and reunification.<sup>11</sup> In many cases the songs are explicitly Jewish- songs to celebrate weddings or the night before a *brit-milah*, holidays etc. Exiled from Spain, proud of their roots in that place of their first exile, and now marked by their Iberianess in a very non-Iberian context, these Jews made their new lives less strange by speaking, writing and singing in "Jewish."

### **Rediscovering Diaspora in the Heart of Zion**

These diasporic Jewish languages

## Of Homelands and Promised Lands

### *A Meditation on Exile*

BY DR. RONNIE PERELIS

Yosef Hayyim Yerushalmi posited that the first exiles in history were the first couple - Adam and Eve. Banished from the Garden they initiate human history, history as wandering and displacement. In the same essay,<sup>1</sup> Yerushalmi notes that the Jews spent more of their history - even in Biblical times - outside of the Promised Land. All men are wanderers, perhaps Jews more than others.

I want to take a tour through the ways that language, culture and religious practice has shaped and is shaped by the dialectic between a redeemed promised land and the open-ended uncertainties of exile. I hope that this can help deepen our appreciation of the complexities and opportunities of contemporary Jewish life both in the Diaspora and in the Land of Israel.

### ***Miqdash Me'at: Portable Zion***

The practice of prayer anchors a Jew's mind in the awareness that he or she is both rooted in one place but must always think of another place as the site of one's orientation. In the West we face east and in the East we look towards the west, always reorienting and destabilizing the comfort we have in the places we call home.

In the seventeenth century a group of Jewish settlers made their home in the heart of one of Suriname lush and fertile river valleys. The area was referred to by the Jews and the Dutch colonial authorities as the *Jodensavanne* - the Jewish Savannah. These were mostly Portuguese Jews who found a safe haven in the port cities of Holland and her

Caribbean colonies and who now found themselves beginning a new chapter as plantation owners in the Tropics.



Vue de la Savane des Juifs sur la rivière de Surinam. ©John Carter Brown Library, Box 1894, Brown University, Providence, R.I. 02912

Many were born and raised as Catholics; they or their parents kept their Judaism as a dangerous secret as they lived under the watchful eye of the Inquisition. Now they were masters of their own territory and chose to craft the space to reflect their beliefs and aspirations in a way unimaginable in most parts of the Diaspora, let alone in their native Portugal. They placed the synagogue on a centrally located hilltop so that all could see it and place it at the center of their Jewishly configured space. Four paths spread out from the Synagogue, pointing outwards to the four corners of the world and leading the faithful back to its sacred space. When Pierre Jacques Benoit, a visiting French artist, painted his *Vue de la Savane des Juifs sur la rivière de Surinam* (1839)<sup>2</sup> the Synagogue of *Beracha veShalom* (1685) was on the highest hill in the center of the settlement.<sup>3</sup> Back in the Old World Jews would have to be sure to build their sacred

are dying as living, quotidian languages. Outside of the Hasidic community few people are ordering a sandwich or reading a newspaper in Yiddish, Judeo-Arabic or Ladino.<sup>12</sup> These languages are studied with vigor at major universities but the interest for the most part is in recovering the past brilliance of these languages and the people that spoke and wrote in them. However, music is an area where these languages are finding a second life. Klezmer – from classical to schlocky to post-punk – can be easily heard both live and on the eternal stream of YouTube videos. Interpreters of Ladino songs are also widespread ranging in bands that specialize in ancient music to more contemporary interpreters of these mesmerizing songs.

However in the heart of Zion we can find a most remarkable diasporic musical revival. In recent years there are several musicians who have gone back to the great poetic traditions of the Hebrew poets of Al-Andalus. The hard-rocker Berry Sakharov produced a dark, meditative and propulsive album of poems by Ibn Gabirol. These are ruminations

1 Y. H. Yerushalmi, “Exile and Expulsion in Jewish History” in *Crisis and Creativity in the Sephardic World*, ed. Benjamin Gampel (Columbia 1997) 3-22.

2 Image comes from the John Carter Brown Archive of Early American Images, <http://jcb.lumainaging.com/luna/servlet/detail/JC-B-1-1-597-230111:41--Vue-de-la-Savane-des-Juifs-sur>

3 Rachel Frankel “Antecedents and Remnants of Jodensavanne: The Synagogues and Cemeteries of the First Permanent Plantation Settlement of New World Jews”, *The Jews and the Expansion of Europe to the West 1450-1800*. New York: Berghahn Books, 2001 394- 438. Frankel is a New York based architect who has dedicated her spare time to the study and preservation of Caribbean Jewish sacred sites. She organizes tours dedicated to repairing decaying cemeteries and excavating old Synagogues see <https://www.facebook.com/JewishJamaicanJourneys/posts/709513632535986>

4 Tosefta, Megila 4 (3), 23.

5 Natalie Zemon Davis. “Regaining Jerusalem: Eschatology and Slavery in Jewish Colonization in Seventeenth-Century Suriname.” *The Cambridge Journal of Postcolonial Literary Inquiry* 3, no. 1 (2016): 11–38. doi:10.1017/pli.2015.29.

## Of Priorities and Perspectives

### *Land for Peace in the Thought of Religious Zionist Thinkers*

BY AVRAHAM WEIN

In the aftermath of the Baruch Goldstein massacre,<sup>1</sup> Rabbi Dov Lior, Chief Rabbi of Kiryat Arba and rosh yeshiva of its *hesder* yeshiva, eulogized Goldstein in front of the beit midrash of

on life, death, the wonder of nature and the ineffable presence of the Divine.<sup>13</sup> Etti Ankri discovered and recreated a modern soundscape for the divine eroticism of Yehuda Ha-Levi’s poetry.<sup>14</sup> This is part of a larger trend of young Israelis –across the religious and ethnic spectrum-- encountering the beauty and complexity of *piyut*. These are the children of a nation founded as a “negation of the exile” – *shlilalt hagulat* – who feel the need to go back into that exile to better understand their place in history, to better appreciate their own language and find new modes to make sense of their world.

There are other Israeli artists who take this rediscovery of the exile into radically new territory. A-WA, three Yemenite Israeli sisters who grew up in a musical family in a small town in the Negev took their grandmother’s Judeo-Arabic folk songs and spin them into a contemporary fury of dance hall, electronica and Arabic pop. Ravid Khalani writes songs in Hebrew and translates them into Arabic with his Yemenite father. The songs are an eclectic mix of African

6 While these former Conversos had to originally import Ashkenazi or “Old” Sephardic rabbis as their rabbinic guides, by the 1630’s they already were producing their own Torah scholars and rabbis.

7 Sermoes que pregarão os doctos ingenios do K.K. de Taalmud Torah desta cidade de Amsterdam, David de Castro Tartas Amsterdam 1675. This book is available in the rare book collection of Columbia University.

8 León Templo’s depiction of the Temple: <https://www.delacuadra.net/escorial/judaleon.jpg>

9 We see the native communities often adopting Sephardic halachic norms and cultural practices, often enough becoming assimilated into the Ladino speaking world of the newcomers. One small example of this is in the use of Spanish names for new born girls- Esperanza, Blanca, Luna, Gracia, Fortuna etc.

10 David Wacks investigates this idea in its Medieval context in his erudite, *Double Diaspora in Sephardic Literature* (2015) and here <https://david-wacks.uoregon.edu/2011/03/21/double/>

11 See the work of Vanessa Paloma <https://inalco.academia.edu/VanessaPaloma>. Paloma is an ethnomusicologist who studies Haketia, the Judeo-Span-

and Arabic musical styles all shot into your gut by Khalani’s powerful voice and the virtuosity of his band. Both groups have received critical and popular acclaim both in Israel and throughout the world. They have followers throughout the Arab world despite being very clear about being Jewish Israelis. At a time when Israelis may be feeling isolated by BDS and horrified at the violent dismembering of their greater Middle Eastern neighborhood bands like A-WA<sup>15</sup> and Khalani’s Yemen Blues<sup>16</sup>, or Dudu Tasa and the Al-Kuwaitim<sup>17</sup> may offer a bridge back to a ruptured Middle Eastern past and forward towards a connection beyond politics and ideology.

I have tried to take a tour through the forking paths of Jewish language, culture and self-understanding in the hopes of answering questions about exile, diaspora and home. I am a historian and a living, breathing Jew and on both counts I have no answers, just a belief in the energizing dialectic between exile and redemption, of Israel AND the Diaspora and all of the spaces in between.

ish of the Jews of Northern Morocco. She is also a talented musician who interprets this tradition with flare and love: See this video for a traditional Pass-over song shot on location in Morocco were Paloma now lives: <https://youtu.be/mM1qeR-NV30>

12 This despite the valiant and creative efforts of dedicated educators throughout the world. For one example see the case of Devin Naar at the University of Washington and the ways the Seattle Sephardic community incorporates Ladino into their liturgical calendar: <http://www.tabletmag.com/jewish-life-and-religion/179790/seattle-ladino-revival>

13 [https://youtu.be/jk18\\_YIxINE?list=PLNDwr-3PucPdWkeW5OsmOTxÖWMj5aIPhpx](https://youtu.be/jk18_YIxINE?list=PLNDwr-3PucPdWkeW5OsmOTxÖWMj5aIPhpx)

14 Warning: this may break your heart: <https://youtu.be/v11AuXN33U0>

15 This is A-WA’s break out video: <https://youtu.be/g3bjZlmsb4A>

16 See this fantastic video shot in the Muslim quarter of Jerusalem as part of the “IndieCity” project: <https://www.youtube.com/watch?v=H-k37Kbnov0>

17 The great-nephew of one of the greatest musicians of Iraq pre-1948, Dudu Tassa discovers his uncle’s buried musical past and reinvents it in a new key: <http://www.the-kuwaitis.com/videos>

to protest against this act and did so via an open letter to Rabbi Lior. Unsurprisingly, Rabbi Lichtenstein’s letter elicited a number of sharp responses. The most jarring response was a joint letter penned

by Rabbis Avraham Kurzweil and Shmuel Haber, the roshei yeshiva of Yeshivat Karnei Shomron. They argued that despite Rabbi Lichtenstein’s sincere intentions, his opinion should be entirely ignored due to his perceived support for the peace process.

This shocking correspondence poignantly illustrates the deep divides in the Religious Zionist world regarding the peace process. As Rabbi Yair Kahn put it:

In no area were the disagreements as intense and impassioned as those relating to the “question of *Eretz Yisrael*” – the debate regarding the future of the territories which Israel had gained as a result of the 1967 war.<sup>2</sup>

The divides are primarily due to the variety of sensitive issues related to the peace process which include halakhic, hashkafic, and security concerns. These points of contention were brought to the forefront during Israel’s return of the Sinai Peninsula to Egypt, the Oslo Accords, the Wye River Memorandum, and especially during the disengagement from Gaza. A close examination of Rabbi Joseph B. Soloveitchik’s, Rabbi Lichtenstein’s, and Rabbi Yehuda Amital’s approaches to territorial compromise will serve to elucidate the nuances of the land-for-peace perspective as well as identify critical elements of their broader Zionist ideologies.

### Historical Background

Immediately following its victory in the 1948 War of Independence, the new state found itself surrounded by enemy countries. After the 1967 war, Israel gained possession of the West Bank, Gaza Strip, and other territories from the states that surrounded them. A wide variety of interactions with these enemy states took place in Israel’s ensuing history. In 1982 Israel returned the Sinai Peninsula to Egypt as part of their 1979 peace agreement, which uprooted the Jewish community of Yamit and other settlements and in 1993, the Oslo Accords were signed, which were intended to make Israel give land to the Palestinian Authority so they could have a Palestinian state. Most recently, Israel withdrew from the Gaza Strip, thereby uprooting a number of Israeli settlements. These events caused much tension and strife in the Religious Zionist world both in Israel and worldwide.

### Points of Contention

Broadly speaking, the critics of the land for peace agreements raised three different issues with the plans. The first issue raised was a halakhic issue with territorial compromise, namely, whether it is prohibited to give up land in Israel in any circumstance. Those who believe that giving up land for security reasons is prohibited often quote R. Yisrael Babad, author of the *Minchat Chinuch*, who views the protection of the land of Israel as a *milchemet mitzvah* [a war by commandment] and considers death as an inevitability in the course of battle.<sup>3</sup> Yet, even assuming that giving up land is not inherently prohibited, some contend a separate prohibition of *pikuach nefesh* [saving a life] applies because ceding land to Palestinians or other groups would endanger the lives of Israelis.

Perhaps one of the strongest articulations of this approach came from a group of American rabbis, namely Rabbi Ahron Soloveichik, Rabbi Moses Tendler, and Rabbi Hershel Reichman. They argued that the Wye River Memorandum was a violation of halakha. They wrote it “is a life-threatening danger to all residents of Israel and presents a real danger to many Jewish settlements that would be surrounded by an enemy authority. Therefore, we have determined that it is prohibited by Jewish law to participate in this tragic and terrible agreement. It is prohibited by Jewish law for it to be ratified by the Israeli government.”<sup>4</sup> Prominent Messianic Religious Zionist rabbis expressed similar opinions as well.<sup>5</sup>

Such sentiments led extremist Yigal Amir to consider Prime Minister Yitzhak Rabin a halakhically-categorized *rodef* [pursuer] and therefore, Amir believed himself licensed to kill the Prime Minister. In the same vein, during the Gaza disengagement, various important Religious Zionist Rabbis ruled that soldiers should disobey orders to evacuate Gaza, particularly the Jewish portion of Gush Katif.<sup>6</sup> Other efforts, including protests and establishing settlements, were among the tactics used to try to prevent territorial compromise.

### Hashkafic Issues

The second set of issues may be characterized as hashkafic issues. These objections do not presuppose any inherent halakhic issue with territorial compromise,

but consider it to be against Jewish values and moral priorities. One issue raised is the educational message implicit in the willingness to give away land of *Eretz Yisrael*. Rabbi Hanan Porat, a famous Gush Emunim activist, described Rabbi Amital’s willingness to compromise on areas in the West Bank and Gaza as “an educational disaster.”<sup>7</sup> Presumably Rabbi Porat meant that giving back parts of the Land of Israel indicates a lack of appreciation for the land.

There are two other philosophical issues with territorial compromise which are in direct conflict with the values of Messianic Religious Zionism and “thus provoked a theological crisis for followers of Mercaz Harav’s philosophy.”<sup>8</sup> This group believes they are following the teachings of Rabbi Avraham Y. Kook and have claimed that those who support territorial compromises go against Rav Avraham Y. Kook’s entire worldview.<sup>9</sup> As Rabbi Kahn describes:

For the Mercaz Harav school of Religious Zionism, the imperative to preserve the integrity of the entire Land of Israel was not only a political viewpoint, but the very cornerstone of Religious Zionist thought.<sup>10</sup>

Rabbi Zvi Yehuda Kook, the son of Rabbi Avraham Y. Kook as well as a primary disciple, strongly believed that the founding of the State of Israel and conquest of the land is *reishit tsemihat geulateinu*, the flowerings of the Messianic redemption.<sup>11</sup> This presented the Merkaz HaRav community with a tremendous dilemma: how could the founding and conquest of the State of Israel be the flowering of our redemption if Israel was giving back land and thereby seemingly taking steps backwards?<sup>12</sup>

The second hashkafic issue is related to the supreme importance ascribed to the Land of Israel and its holiness. There were rabbis who believed that conquest of *Eretz Yisrael* superseded all other mitzvot. Since the Land and its inherent holiness were of the utmost value to this group, it was implausible that the direction of the State of Israel would stray from that value.<sup>13</sup> The Six-Day War was a monumental victory for this group. A touching story told by Rabbi Yoel Bin Nun illustrates this camp’s feelings towards all areas of *Eretz Yisrael*. R. Bin Nun recounts that Rav Zvi Yehuda Kook, in a sermon

just prior to the Six-Day war, related that in 1947 when the UN Partition Plan was announced, he was not able to join in with the rest of *Am Yisrael* in celebration. Rabbi Bin Nun quotes Rav Kook as saying “I sat alone, and burdened. In those first hours I couldn’t make my peace with what had happened, with the terrible news that the word of God in the book of Prophets had now been fulfilled: ‘They divided my land!’” Then Rav Kook suddenly cried out: “Where is our Hebron? Have we forgotten it? And where is our Shechem- have we forgotten it? And where is the other bank of the Jordan River? Where is every clod of earth? Every piece of God’s Land? Do we have the right to cede even a centimeter of it? God forbid!”<sup>14</sup> This story demonstrates the love and deep connection towards *Eretz Yisrael* so passionately felt by the leader of this community as well as what it would mean to regain possession of these areas.

Professor Motti Inbari, in his book *Messianic Religious Zionism Confronts Israeli Territorial Compromises*, addresses how this community dealt with these issues. He summarizes their basic approach to *Eretz Yisrael* as follows:

Merkaz Harav followers... emphasizing two key concepts: the holiness of the Land of Israel and the holiness of the State of Israel. According to the junior Kook, the Land of Israel - comprised of land within the 1948 borders, the territories acquired in 1967, and even Transjordan - is one unit, a complete organic entity imbued with its own will and holiness. This entity is connected and united with the entire Jewish people- present, past, and future - so that the people and the land are in complete oneness. Therefore no one has a right to give away a part of the land.<sup>15</sup>

For the Messianic Religious Zionists, their beliefs that the establishment of the State of Israel is *reishit tsemihat geulateinu* and that both the conquest and possession of all of the Land of Israel preempt other mitzvot, led them to strongly protest any type of territorial compromises and even consider it sacrilege.

#### Pragmatic Objections

Finally, the third type of objections to territorial compromises are pragmatic objections. As Rabbi

Aharon Lichtenstein puts it: “There are certain people who are opposed to the peace process because they feel that it is counterproductive. These people believe that territorial compromise will not bring to peace, but rather to the opposite, God forbid. This approach, opposes this process on strategic grounds.”<sup>16</sup> Implicitly, this group that Rabbi Lichtenstein describes makes two assumptions. The first is that they are capable of gauging the viability of peace agreements. Secondly, they believe that their ability to assess what is strategically most viable for the State of Israel grants them the right to vigorously protest and oppose the government’s actions.

#### A Bedieved Situation

Prior to describing the side that is not in principle against territorial compromise, a prefatory note is in order. Regardless of whether one supports territorial compromise, it is a sad situation and certainly not ideal for either side. *Moriverabi* Rabbi Dr. Michael Rosensweig articulates this point in an essay published just prior to the disengagement:

We now stand at a painful crossroads as the Israeli government prepares to implement its controversial “Disengagement” policy, ceding sovereignty not merely over real estate but a part of the heritage of *Klal Yisrael*... Irrespective of one’s ultimate stance on the halakhic, military, and political validity of the “*hitmatkut*” decision, these are not only days of crisis and uncertainty but also of profound sadness and loss as thousands of Jewish families stand to be uprooted and as Jewish sovereignty in *Eretz Yisrael* stands to be diminished.<sup>17</sup>

Despite differing nuances in opinion, the comments of Rabbi Soloveitchik, Rabbi Lichtenstein, and Rabbi Amital are to be understood within this framework.<sup>18</sup>

#### Halakhic Issues

In a rare instance of intervening in Israeli affairs, Rabbi Soloveitchik made a dramatic pronouncement in his 1967 teshuva drasha.<sup>19</sup> He proclaimed:

In my opinion, the greatest deliverance, and the greatest miracle, is simply that He saved the population of Israel from total annihilation. I want you to

understand, I give praise and thanks to the *Ribono Shel Olam* for liberating the *Kotel Hamaarovi* [Western Wall] and for liberating and for removing all *Eretz Yisrael* from the Arabs, so that it now belongs to us. But I don’t need to rule whether we should give the West Bank back to the Arabs or not to give the West Bank to the Arabs: we Rabbis should not be involved in decisions regarding the safety and security of the population. These are not merely Halakhic rulings: these decisions are a matter of *pikuach nefesh* for the entire population. And if the government were to rule that the safety of the population requires that specific territories must be returned, whether I issue a halakhic ruling or not, their decision is the deciding factor. If *pikuach nefesh* supersedes all other mitzvot, it supersedes all prohibitions of the Torah, especially *pikuach nefesh* of the *yishuv* [settlement] in *Eretz Yisrael*. It is not a topic appropriate for which Rabbis should release statements or for Rabbinical conferences.

Rabbi Soloveitchik’s main argument against those who claim it is halakhically improper to give away land is that *pikuach nefesh* preempts these other mitzvot.<sup>20</sup> In a later correspondence, R. Soloveitchik reiterated his position:

All decisions regarding the State’s borders must come from the security experts based on considerations of statesmanship, for everything is dependent on one factor: the welfare of the people dwelling in Zion and the protection of their lives.<sup>21</sup>

Implicit in this line of reasoning is that it only applies when it is assumed that lives will actually be saved. Thus, as Rabbi Shalom Carmy describes, “the Rav did not endorse any particular peace plan then and would not have presumed to judge later proposals.”<sup>22</sup> Rather, the Rav’s point is simply that these decisions should be put in the hands of security experts. Rabbi Lichtenstein similarly believed in this notion: “Rav Lichtenstein subscribed to Rabbi Soloveitchik’s view that territorial compromise in the land of Israel, however painful—he compared it to amputating a limb to save a life—is permissible for the sake of peace.”<sup>23</sup>

#### Hashkafic Issues

In terms of the hashkafic issues at play, a guiding quote by Rabbi Lichtenstein establishes what he believed *Am Yisrael*’s priorities should be. He writes, “It is not that we love the *Eretz Yisrael* less, it is that we love *Am Yisrael* more.”<sup>24</sup> Rabbi Yehuda Amital concurred with him on this point. In an interview with the newspaper *Hazofe*, he argued for what he believed to be the appropriate hierarchy of values, “calling for the priority of the people of Israel over the Land of Israel. ‘If God forbid, I would one day have to answer the question of which is preferable, more people or more land, I would answer without hesitation: more people.’”<sup>25</sup> In both their perspective and the Rav’s, the people of Israel are always more important than the Land of Israel and public policy should be guided by this hierarchy of values.

In terms of the second hashkafic issue of *reishit tsemihat geulateinu*, Rabbis Soloveitchik and Lichtenstein held strong opinions on the matter. Rabbi Soloveitchik’s approach is presented by Rabbi Reuven Ziegler as a “strong belief that God’s hand was manifest in the founding of the State of Israel. Yet the fact of *yad Hashem* being present in Israel’s creation does not necessarily mean that the State of Israel is the first flowering of our redemption.”<sup>26</sup> Moreover, R. Nathaniel Helfgot describes that the Rav’s perspective contained “no messianic undertones... and the value of the State of Israel was seen in instrumental terms.”<sup>27</sup> Similarly, Rabbi Lichtenstein is described as “having long expressed his skepticism about viewing the state as the beginning of redemption.”<sup>28</sup> Thus Rabbis Soloveitchik and Lichtenstein have no concern with territorial compromise conflicting with the notion that the State of Israel is *reishit tsemihat geulateinu* as they did not believe in that themselves.

#### Practical Issues

1 For a description of the details and ramifications of the massacre see Dennis Ross, *From Oslo to the Palestinian Authority: The Missing Peace: The Inside Story of the Fight for Middle East Peace* (New York: Farrar, Straus and Giroux, 2004), 126-28.

2 Yair Kahn and Kalman Neuman, “A Rabbinic Exchange on the Disengagement,” *Tradition* 47:4 (2014), 159.

3 Mitzvah 425. For a more extensive analysis and critique of this opinion see Yair Kahn and Kalman Neuman, “A Rabbinic Exchange on the Disengagement,” *Tradition* 47:4 (2014), 165-167.

4 Greenberg, Eric J. “For Modern Orthodox Rabbis, Wye Is Okay.” *The Jewish Week*. The Jewish

Furthermore, with regard to the practical concerns about territorial compromise, the stance of those who are not against it in principle is summed up by a quote from R. Carmy: “The decisions should be made, not by rabbis but experts in the field, just as regarding mortal questions of health we rely on physicians.”<sup>29</sup> Thus, while this camp is also concerned with the practical dangers of ceding territory, they argue that it is appropriate to leave these questions to the experts and not to armchair politicians.

#### Relationship to Their Broader Philosophy of Zionism

The responses of Rabbis Soloveitchik, Lichtenstein, and Amital reflect broader messages that are key to understanding their approaches to the State of Israel. As can be gleaned from the Rav’s 1967 *teshuvah drasha* (quoted above), the Rav’s perspective on the significance of the State of Israel was not just that people could live there and feel sanctified because of the land. For the Rav, the significance of *Eretz Yisrael* is not the *kedushat haaretz* [sanctity of the Land] alone, but the opportunities having the State of Israel creates for the Jewish people. Rabbi Ziegler neatly describes this point by writing that “he does not perceive any *inherent* value in sovereignty, other than fulfilling the specific mitzvah of settlement, nor does he assign any *inherent* spiritual value to the State, seeing it rather as a base from which to attain *other* objectives.”<sup>30</sup> Having the State is not enough for the Rav, but rather it needs to provide opportunities for the advancement of *Am Yisrael*. The same can be said of Rabbi Lichtenstein’s philosophy, although he “discerns in Israel the possibility of leading a more organic and integrated existence.”<sup>31</sup>

Finally, a value that Rabbis Soloveitchik, Lichtenstein, and Amital consider to be of the utmost importance is the value of real peace. This value is a

Week, 26 Nov. 1998. Web. 26 May 2016.

5 This list includes Rabbi Goren and Rabbi Avraham Shapira. See <http://www.yeshiva.co/midrash/shiur.asp?id=702>

6 See Avraham Shapira and Aharon Lichtenstein, “A Rabbinic Exchange on the Gaza Disengagement,” *Tradition* 40:1 (2007), 17-44.

7 Elyashiv Reichner, *By Faith Alone: The Story of Rabbi Yehuda Amital* (New Milford, CT: Maggid, 2011), 193.

8 Motti Inbari, *Messianic Religious Zionism Confronts Israeli Territorial Compromises* (New York:

distinguishing factor between their camp and the Messianic Religious Zionist camp and is articulated by Rabbi Lichtenstein in one of his sermons:

It is important to appreciate the significance of this value. Very often, people tend to neglect the significant nature that *shalom* [peace] plays within Judaism, and it is important to keep this in mind. In light of the current state of affairs here in Israel, it is important to remember that ultimately peace is a very high ideal... It is important to appreciate at least the theoretical significance of peace, even if not the practical application to our day. In...order to achieve our goals as a nation, the Jewish people must aim toward peace as a central goal. This is true for all of the above-reasons - because peace is quantitatively the best blessing, it serves as the framework for further blessing, and is the qualitatively different mode of existence for which we ultimately yearn.<sup>32</sup>

Hence we can discern another difference between the two camps: the emphasis on the value of peace.<sup>33</sup> These two points, the value of *Eretz Yisrael* and peace, are key to understanding a non-messianic philosophy of Zionism. Simply put, this means peace with neighboring states is a desired goal and that the State is insignificant if not for the opportunities created by its existence. Both of these points are fundamental elements of this philosophy. Thus, while the topic of territorial compromise is important in its own right, more significantly, it helps clarify what values are key to these thinkers in their philosophy of Judaism.

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Cambridge, 2012), 5.

9 *By Faith Alone*, 189.

10 *A Rabbinic Exchange*, 165.

11 See Zvi Yehuda Kook, Shelomoh Hayim Aviner, David Samson, and Tzvi Fishman, *Torat Eretz Yisrael: The Teachings of HaRav Tzvi Yehuda HaCohen Kook* (Jerusalem: Torat Eretz Yisrael Publications, 1991), 149-50. Also see Nathaniel Helfgot, “Divrei Harav Vevdrei Hatalmid,” *Tradition* 47:4 (2014), 103.

12 *By Faith Alone*, 203.

13 *ibid.* 191.

14 Yossi Klein Halevi, *Like Dreamers: The Story of the Israeli Paratroopers Who Reunited Jerusalem and Divided a Nation* (New York: HarperCollins, 2013), 33. For a similar account of that story, see Yaakov Shapira, “Remembering Rav Tzvi Yehuda Kook, (d. Purim, 1982).” *Arutz Sheva. Arutz Sheva News*, 22 Feb. 2013. Web. 26 May 2016. <<http://www.israelnationalnews.com/Articles/Article.aspx/12939#V0ceQJMrLRO>>.

15 *Messianic Religious Zionism*, 5.

16 Lichtenstein, Aharon. “And I Will Bring Peace to the Land.” *Virtual Bet Midrash. Vbm-torah.org*, 5757. Web. 26 May 2016. <<http://etzion.org.il/en/and-i-will-bring-peace-land>>.

17 [http://www.torahweb.org/torah/2005/parsha/rros\\_massei.html](http://www.torahweb.org/torah/2005/parsha/rros_massei.html)

18 For an explicit formulation of this point by Rabbi Lichtenstein see *Religion and Jewish State: An*

*Interview with Rav Aharon Lichtenstein in Yeshiva College Commentator*, April 2006.

19 Available at <http://www.mesora.org/Rav-Disengagement.htm>

20 Rav Ovadia Yosef had a similar perspective. For a summary of his position see “5 of Ovadia Yosef’s Most Significant Halachic Rulings.” *Times of Israel*. Web. Also see Marc Angel’s comments in *Tradition* 28:4 (1994), 6.

21 *Letter to Ernst Simon*, 5728.

22 *Shalom Carmy, Mentor of Generations* (New Jersey: Ktav, 2008), 242.

23 [https://www.ou.org/jewish\\_action/08/2015/on-complexity-and-clarity/](https://www.ou.org/jewish_action/08/2015/on-complexity-and-clarity/)

24 *Bar-On, Mordechai Bar-On, In Pursuit of Peace: A History of the Israeli Peace Movement* (Washington, D.C.: United States Institute of Peace, 1996), 172.

25 *By Faith Alone*, 188

26 Reuven Ziegler, *Majesty and Humility*, 292-293.

27 “Divrei Harav Vedivrei Hatalmid,” *Tradition* 47:4 (2014), 103.

28 *By Faith Alone*, 206

29 *Mentor of Generations*, 242.

30 Reuven Ziegler, *Majesty and Humility*, (New York, NY: OU Press, 2012), 294.

31 *Ibid.* 295.

32 <http://etzion.org.il/en/and-i-will-bring-peace-land>

33 *I have also heard mori ve-rabbi Rabbi Mosheh Lichtenstein articulate this point on a number of occasions.*

## A Review of *Letters to Talia*

BY CHANI GROSSMAN & AVIGAYIL ROSENSWEIG

Reviewed Book: *Letters to Talia* (Yedioth Ahronoth. 2005)

On October 25, 1971, a high school girl living on an unnamed kibbutz near Haifa sent a letter to a twenty-year-old *hesder* student whom she had never met. She initially reached out to him because she wanted to know why, at a Geshet *kiruv* seminar she had attended the previous Sukkot, there had been no mixed dancing. The girl, an Israeli youth by the name of Talia, directed her question to this student on the recommendation of her father, who had met him while on reserve duty in the IDF while the two served on the same military base. Though their correspondence began with a seemingly technical yet light-hearted letter, it ended up sparking a two year long correspondence which went far beyond mere detail-oriented exchanges explaining specific practices in Orthodox Judaism. Besides exploring a diverse number of religious topics, the correspondence between these two Israeli youths developed into an ongoing conversation and a shared exploration of their deepest held beliefs and dreams. The two kept up a steady stream of letters for almost two years, until just days before the young man’s tragic death.

The reader of *Letters to Talia* (*Michtavim Le-Talia* in the original Hebrew), the published collection of these letters, is well aware from the outset of this tragic ending. The *hesder* student, an Israeli youth by the name of Dov Indig,

fell on the second day of the Yom Kippur War, October 7, 1973, at the age of twenty-two. Thirty years later, his childhood friend Rabbi Haim Sabato, a founder of Yeshivat Birkat Moshe in Ma’aleh Adumim, wrote a Sapir-prize winning novel/memoir, titled *Adjusting Sights* (*Tiyum Kavanot*)<sup>1</sup> based on his experiences in the Yom Kippur War. That memoir opens with a young Haim and Dov setting out to war from their homes in Jerusalem, and after they are separated into different tanks, Haim loses track of his friend. The rest of the narrative is structured around the young Haim trying to piece together what happened to Dov during the war. While in Rabbi Sabato’s memoir Dov is a central figure in the context of Haim’s journey, by the end of that book the reader has discovered very little about Dov as an individual, learning just enough about him to want to know more.

After the success of *Adjusting Sights*, seeing that people were interested in knowing more about Dov, Dov’s friends and family decided to collect and lightly edit his collected correspondence with Talia from the two years before his death, which they saw as a valuable window into his inner world. *Letters to Talia* was originally published in Hebrew in 2005 by Yedioth Ahronoth and later in English (in a somewhat weak translation) in 2012 by Gefen Publishing House. The compiler, Hagi Ben-Artzi, was a yeshiva friend of Dov’s with whom Dov had consulted while writing the letters, as he had never before attempted to engage in dialogue about Judaism with someone who was

unaffiliated.<sup>2</sup> Ben-Artzi obtained Dov’s letters from the Indig family, who had received them from Talia as a memento of their fallen son and brother after the Yom Kippur War.<sup>3</sup> Ben-Artzi’s stated goals in publishing the letters include revealing the contributions of *hesder* students particularly in the Yom Kippur War, as well as encouraging dialogue and harmony between different groups within the Jewish people. Still, by his own admission, Ben-Artzi’s central reason in publishing Dov and Talia’s correspondence was to commemorate Dov with the hope that “Dov’s character will continue to illuminate our national persona, just as his own short life illuminated his surroundings with the light of kindness and great love - the love of God, the love of the Torah of Israel, the love of the people and land of Israel, and the love of all that is humane and worthwhile.”<sup>4</sup>

And indeed, these are pieces of his essence which come across strongly in Dov’s letters to Talia. The reader is struck by a correspondence that is at times stormy, argumentative, and deeply personal, but always honest and respectful. It reveals much about Dov and Talia’s inner worlds and their respective —very different, yet deeply rooted— forms of Zionism. Each of them comes into the dialogue without much experience outside of his or her respective community, with one hailing from the sheltered religious world and the other from the insulated kibbutz, yet as their letters progress, it is clear that each learns a great deal about the other’s world. When Talia expresses scorn

or horror at a practice in the religious community, Dov is quick to correct misconceptions, whether through straightforward clarification or passionate unveiling of his innermost thoughts and emotions. By the same token, when Dov is impatient with and dismissive of those who are not religious, Talia is always sure to point out and correct his shortsighted disregard with a fiery reminder that though he may be acting as a teacher, he still has much to learn. Despite occasions of disagreement and misunderstanding, Talia and Dov share moments in their own inner worlds, free of debate and strife, such as when Talia describes the Tu Be-Shvat festivities or studying for exams and when Dov devotes entire letters to poetically describing his experiences scuba diving and observing Pesach as a soldier in the Sinai, suffusing them with his characteristic spiritual bent.

Initially, Dov and Talia’s letters are merely a give-and-take of halakhic issues; a typical exchange consists of Talia asking a question and Dov answering based on his reading and consultation with his teachers and with Hagi, usually followed by Talia’s response. While these exchanges invariably contain telling expressions of their personalities — whether describing everyday events in their respective lives or fervently arguing about concepts such as whether love and romance are the same thing — they can be somewhat formalistic. Only after the two have become more familiar and have met in person (at several lectures which Dov and Hagi gave at Talia’s school), and after several more heated confrontations in the letters, does the reader get to the real heart of the book, where the letters are less about formalistic questions which can be answered by referring to textbooks and far more about explorations of beliefs. Though Dov intentionally imposes boundaries between himself and Talia so as to prevent their relationship from growing too personal — such as refusing to meet with Talia on a one-on-one basis — these boundaries are not apparent in the content of their letters, in which their exchanges are very open and at times very personal.

Despite their youth and Dov’s relatively cloistered yeshiva background, Talia and Dov display a startlingly wide breadth of knowledge and interests in their letters, as well as erudition in expressing their various opinions. The topics

discussed include such diverse subjects as evolution, the Holocaust,<sup>5</sup> marriage and intermarriage, faith, the role of religion in the State of Israel, authorship of Tanakh, history, and national security. Discussions also include reactions to various current events, such as the Langer *mamzerut* case and the 1972 Munich Olympics hostage crisis and massacre. In his search for answers to Talia’s questions, Dov displays evidence of an extremely expansive reading list: from Rabbi Eliyahu Dessler to Rabbis Avraham Yitzchak and Tzvi Yehuda Kook; from German psychologist Erich Fromm to Russian novelist Boris Pasternak; and from Rabbi Yehuda Ha-Levi to Rabbi Joseph B. Soloveitchik. Dov is also profoundly marked by the influences of his teachers at both his *hesder* yeshiva, Yeshivat Kerem Be-Yavneh, and at his high school, Netiv Meir, displaying a particular reverence for his former principal, Rabbi Aryeh Bina. In many cases, it is very clear in which path Dov’s personal *hashkafot* lie, and the reader is often exposed to a heavily positive impression of many aspects of *dati le’umi hashkafa* from Dov’s explorations and explanations in his letters. Indeed, depending on the ideological bent of the reader, there may be aspects of Dov’s beliefs which some will not share, or will even object to vigorously. Still, even those readers who do not share all of Dov’s personal beliefs are likely to be profoundly struck by both the depths of Dov’s knowledge and the conviction with which he expresses and shares it. Talia, for her part, is fully up to the challenge of matching her conversant; while she personally describes herself as being far less into her schoolwork, when Dov recommends Erich Fromm’s book *The Art of Loving*, Talia stays up until 2:00 a.m. to read the entire book through twice.

As college-age, religiously striving readers, we identified personally with Dov’s character, and found his familiar age and stage in life to be significant factors in the way in which this book impacted us. The mature sophistication and conceptual range of Dov’s answers are certainly more impressive in light of his young age. Indeed, both Dov and Talia come across as clear, eloquent writers and complex thinkers in their own respects; however, in our opinion, the impression of surprising maturity and wisdom despite his youth

comes across most strikingly in Dov’s case. Dov is a complex character. On the one hand, his passion for and devotion to Torah and the State of Israel, combined with his combination of intellectual curiosity and deep loyalty to tradition, make him seem like a formidable figure even as he is driven by an aspirational and relatable idealism and passion. On the other hand, the reader can also see in him many familiar flaws that young people know so well, such as his occasionally excessive naivete and idealistic passion, as well as his own admission that at times he possesses fewer answers and more strongly held beliefs. In fact, what is most compelling about the letters is not necessarily the specific answers to Talia’s questions which Dov provides—though many are in fact fascinating and well thought-out—so much as the intensity of his ever present underlying idealism, conviction, and spirituality, characteristics attested to in interviews with some of Dov’s friends which appear printed at the back of the book. Dov emerges as an engaging, unjaded individual who seeks to live a life consistent with all his ideals, unabashedly seeking and identifying divine revelation in the happenings of everyday life. At the time Dov is writing the letters, he is at a crossroads in life, still looking for his purpose and role, yet still outspoken, fervent and intellectual in ways which belie his age. In fact, it is ultimately Dov’s youth which puts him on more even footing with Talia and allows their conversations to begin and develop. It is hard to believe that Talia would have been so honest, personal, open, and blunt as she is had she had been writing to a forty-year-old rabbi.

From the book’s title and byline, an uninformed reader might think that Dov plays a defining role in the correspondence as the teacher figure of the two. While in a sense this is certainly true, the correspondence recorded in the pages of *Michtavim Le-Talia* is colored profoundly by the influence of Talia and her letters. Talia is sharp, intelligent, and unafraid to either crack a joke or issue a devastating rejoinder when she feels it necessary. Whether at the beginning of the correspondence, when Dov can sometimes be a little pat and polemical in his answers, or at the end, when Dov in his passion for the subject can occasionally be accidentally insensitive, Talia never hesitates to make

her objections and counterarguments heard, even as she never stints in her admiration and praise when so much of what Dov says strikes a chord. In a way, it is Talia's letters which contribute to the maturation of the dialogue from a mere 'ask-the-rabbi' style question-and-answer chain to a real exchange of heartfelt ideas: it is Talia who continues to push Dov past what can be merely answered through books and articles with her pointed contradictions and searching questions. In fact, in reply to one particular letter of Dov's, which seems to Talia to disparage the secular, Talia's infuriated response leads to what is perhaps Dov's most personal and important letter, in which he discusses his personal mission to act as a bridge between their two different worlds and to combine the ideals of both. Talia's opposition in many ways instigates Dov's getting out from behind the teacher's desk and engaging with her on a deeper and more personal level, examining his own weaknesses and struggles and bringing a deep genuineness to the discussion. It is Talia's character which brings this book from a merely polemical discourse to a narrative filled with vitality, in effect transforming it from a one-sided lecture to the interactive give-and-take of the *beit midrash*.

The importance of Talia's contributions to the discussion is thrown into even sharper relief when Talia is contrasted with her best friend, Maya (also a pseudonym), who is mentioned occasionally in Talia's letters as she embarks on a path quite different than Talia's own. Maya had been to the same Geshur seminar which sparked Talia's letters to Dov, but fascination with religious life takes her much farther than it did Talia. While Talia strives toward understanding the religious world and intergroup dialogue, declaring herself to be a believer albeit a non-practicing one, Maya goes a step further: she learns with a rebbetzin from Kfar Chabad, meets with Hanan Porat (a leader of the settlement movement) to discuss moving to his religious kibbutz, and switches to the vegetarian table at the kibbutz to avoid eating non-kosher food. When Talia is

<sup>1</sup> Thanks and appreciation to Chani's father for introducing us first to *Adjusting Sights* and the rest of the works of Rabbi Haim Sabato (all of which we very strongly recommend), and later to *Letters to Talia*. He had no idea what he was going to unleash.

<sup>2</sup> Ben-Artzi is a ba'al teshuvah himself, winner

crying after introspection brought about by one of Dov's letters, Maya tells her that she had had those same feelings and that they were what was propelling her toward religion. But Talia is very different; while Maya takes these feelings and uses them to spur her to action, Talia remains doubtful, questioning, wondering whether there is something wrong with her such that she cannot seem to find the internal clarity that Maya and Dov seem to be feeling. In a sense, the reader feels lucky that it was Talia's father and not Maya's whom Dov met on his army service; one wonders how a series of letters between Dov and Maya might have gone, if so much of the challenge of the correspondence would have been lacking and the conversation may never have gotten beyond a relatively straightforward teacher-student dynamic on either end. It takes Talia much longer, with much more back-and-forth and much more soul searching, to reach a place where she felt ready to take on a Jewish ritual, and, from a reader's perspective, the book is much better for it. As it happens, that Jewish ritual was observing Yom Kippur of 1973. The letter that she wrote the day before, in which she shared with him this immense commitment and eagerly awaited further correspondence with him, did not reach Dov before his sudden death within mere days of its being sent.

Dov and Talia's correspondence can be hard to read, especially toward the end, as the specter of Dov's death hangs over the reader's experience with each letter. When reading *Letters to Talia*, there is a strong sense of unrealized potential and dreams unfulfilled, especially when the two speak of their hopes and uncertainties for the future--dreams the reader knows Dov will never be able to fulfill. One cannot help but read Dov's last letter, written a week before his death as a Rosh Hashana message, as a coincidental epitaph. In that letter, he speaks of the State of Israel in the context of national redemption, wondering about his own role in this process. Describing his own doubts about an appropriate career path which would best contribute to the state, he describes having settled on religious education, seeing it as the foundation for

of the 1965 Bible Contest, and, incidentally, the brother-in-law of Israeli Prime Minister Benjamin Netanyahu, who is married to ben Artzi's sister, Sara.

<sup>3</sup> Talia herself agreed to their publication as long as she was referred to pseudonymously. Talia is not

securing the future of the Jewish people as a moral, ethical, believing, Torah-abiding nation. He describes his dreams of creating a new link in the tradition of the Jewish people, one wholly rooted in the traditions of the past but characterized by the vibrant and new nature of the "Torah of the Land of Israel." He implores Talia to recognize that religion does not have to be limiting, but can combine all of one's interests and talents and connect them to something greater. He asks her to keep on sending him letters, saying that he will be happy to give her guidance as she grows more spiritually aware. One week after the letter is written, Dov is killed in a tank at Nafah Quarry, and the reader's heart is ripped in two.

As a reader, it can be tempting to read *Letters to Talia* as a mere correspondence between two people discussing issues in Judaism. In our opinion, such a reader would be missing the point of this book. There is, of course, that element to the story; yet, the views that are elucidated by Dov have basis in the writings of many great Torah authorities, and if one simply and solely wanted to learn about these views, one would be better served reading these writings oneself. *Letters to Talia* is so much more than that; it is the firsthand record of two young people, like us in so many ways, having the kind of deep conversation that one can live a lifetime without experiencing. It is a record of two people being almost unbearably honest to one another, being passionate whether they are right or wrong, and urging us as readers to explore our own passions and religious feelings. It is the story of two people stripping down many of the pretenses of religious and secular life, connecting praxis with great depths of spiritual feeling. We wonder at how such people could have existed, but since they did, we think, perhaps, we can be the next ones to have this conversation.

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<sup>4</sup> *Michtavim Le-Talia*, Preface, page X (Gefen 2012)

<sup>5</sup> Both Dov and Talia were children of Holocaust survivors.

## Rav Kook's Thoughts on Slavery

### *Coherence and Tension*

BY REUVEN HERZOG

One of the monumental societal changes that occurred in the 19th century was the abolition of legal slavery. That this was done primarily because of a moral argument made significant waves in Jewish thought at the time. If one human being owned and completely subservient to another human, without his or her own personal autonomy, is so despicable, how can it be that the Torah allows for it? On the contrary, Leviticus 25 can be read as encouraging ownership of slaves:

And as for thy bondmen, and thy bondmaids, whom thou mayest have: of the nations that are round about you, of them shall ye buy bondmen and bondmaids. Moreover of the children of the strangers that do sojourn among you, of them may ye buy, and of their families that are with you, which they have begotten in your land; and they may be your possession. And ye may make them an inheritance for your children after you, to hold for a possession: of them may ye take your bondmen forever (Leviticus 25:44-46).<sup>1</sup>

The Rabbis of the Talmud took this positive encouragement to the normative level. Rav Yehuda noted that freeing a [Canaanite] slave is a violation of the positive command "of them may ye take your bondmen forever" (BT Gittin 38b). The morality of the Torah therefore seemed to conflict with the morality of enlightened western society. Many thinkers in this period felt the pressure of this conflict and developed theories on the relationship between the Torah's morality and morality of the surrounding cultures. Some of these thinkers chose one side and abandoned the other to defeat, while others preferred reconciliation between the two. In this essay, I examine Rabbi Avraham Yitzchak Kook's writings on the ethical nature of slavery, and how he used it as a microcosm of larger tensions between societal and Torah morality.

Before we begin looking at Rav Kook's writings, it is worth familiarizing ourselves with the primary sources at play. In addition to Leviticus 25 (which encompasses a much larger passage than

the excerpt quoted above), the Torah first outlines rules pertaining to slaveholding in the beginning of Exodus 21. Here the Torah introduces what is known as the "Israelite servant," who goes free after six years, in contrast to the eternal servitude of the Canaanite slave of Leviticus 25. The final source that focuses on laws unique to slaves is Deuteronomy 15, where the Torah obligates the master of the Israelite slave to give him a substantial gift when he finishes his service. In the passages in Exodus and Deuteronomy, no background is given to the social institution of slavery or its justification; rather, the Torah presents the topic in a conditional format: if you find yourself in the situation of owning a slave, then here are the relevant rules. Leviticus gives some indication of how the Israelite slave becomes a slave: "And if your kinsman is in straits and is sold to you" – the slave sells himself into servitude because of his poverty.<sup>2</sup>

In all of these sources, the Torah deals with slavery as something that should be limited: When you own a slave, he goes free after six years; he gets a parting gift; you may not work him excessively hard and must treat him like a hired worker. This gives intellectual ammunition to those arguing in favor of the Torah's implicit agreement with the position of enlightened western morality: the fact that the Torah limits slavery to make it much more humane shows that it really does not endorse slavery per se. In fact, the Torah does not allow "slavery" at all; what is described here is nothing more than indentured servitude, and good conditions for that as well. This argument loses much of its strength, though, when it is noted that the restrictions given in Leviticus are specifically about treating an Israelite slave well, explicitly contrasted with a Canaanite slave. The Torah does not say anything permitting mistreatment of a Canaanite slave, but implies it is allowed, especially as the defining restriction on Israelite slavery – the limited period of servitude – does not exist for a Canaanite. Even if one accepts the position that Jews should care more for fellow Israelites than for foreigners, the Torah's nonchalant acceptance of

slavery in this form is still troubling.<sup>3</sup>

One additional text in which the Torah explicitly refers to slavery is not a legal text, but a narrative one. In Genesis 9, the final scene of Noah's narrative, Noah curses his grandson Canaan – arguably as a proxy for Ham – with the language, "Cursed be Canaan; a slave of slaves shall he be unto his brethren," and repeats the motif of Canaan's servitude to his brothers in blessings to his other sons as well. Rav Kook refers specifically to this portion in his analysis.

Rav Kook himself approached this issue in his Letter #89 and followed up in #90, both correspondences with his close student Moshe Seidel.<sup>4</sup> Letter #89 addresses a variety of topics that fall into the general question of contemporary morality and the Torah. Without the original letters Seidel sent, it is impossible to know whether the organization of the letter was Rav Kook's initiative or if he was only following the structure that Seidel provided for him in a list of various questions. Presumably the creation of the letter followed a mix of these: Seidel provided a list of questions, and Rav Kook responded in an essay. Rav Kook's major defense of the presence of slavery in the Torah falls into two categories: one assumes a more apologetic position, while the other asserts slavery as an essential positive. What is particularly interesting is that over the course of his letters Rav Kook bounces between these two sides of the argument. The reader should keep in mind, however, that though these approaches may seem inconsistent with each other, Rav Kook understood them as elements of a single, unified perspective.

Rav Kook's first approach to the issue acknowledges that regardless of legality, slavery is innate in the world. Within the world order, there will always be oppressors and oppressed, and he applies this specifically to the rich and the poor. The pressures and counter-pressures between rich business-owners and poor workers are still raging today, but were much more imbalanced in the turn of the 20th century, the letter's original context. Rav Kook provides the example of a coal miner to illustrate his point:



For example, coal miners, who are voluntarily employed, are in effect slaves to their employers. It is certainly the lot of some people to be of lower class. If not for the wickedness that so controls the heart of man, to the point that it tramples justice, the situation of slaves would be better if they were actually owned. For example, we now need moral inspiration to be concerned about the material and moral lives of workers, while the rich, with their shuttered hearts, scoff at all morals and ethics. It would be better for him if the mines lacked air and light, even if this shortens the lifespan of tens of thousands of men, many of whom become critically ill, as long as they need not spend tens of thousands of dollars to improve conditions in the mine. If a mineshaft occasionally collapses burying workers alive, they do not even notice, for they will find other workers to hire.<sup>5</sup>

Even after slavery was made illegal in the United States and in Europe, workers were no more than wage slaves. They worked under terrible conditions, and the master-qua-businessman did not care for them in any way. They could not opt out, because they needed money to feed themselves, but the businessman could dispose of them as he pleased, because there were always more workers available to hire.

Rav Kook accepts that this is the way the world works. Since the world is in a non-ideal state, the Torah's legal slavery – even the laws of a Canaanite slave – serves as a rectifier.

If these people were owned by the master by legal slavery, he would worry about them as he worries about his wealth, “since it was his money.” Then these poor workers would indeed be happier and could look forward to a better future.<sup>6</sup>

Though he does not say it explicitly, Rav Kook assumes that buying a slave is much more of an investment than hiring a worker. Since a worker is paid in wages, his worth to the owner is only that week's production. But a slave is owned permanently, so his worth is measured in his lifetime output, which is much greater than that of the worker. The owner therefore is much more inclined to

protect the greater investment, and thus the permanently owned slave is much better off than the weekly-wage slave.<sup>7</sup>

This argument is different from the “fix the common problem” argument often made in discussions of te'amei hamitzvot, reasons for the commandments. That argument reasons that since the institution of slavery was so ingrained in the surrounding cultures, the Torah knows that Israel will not be able to abandon that institution entirely and therefore accommodates slavery but restricts and regulates it. “Such a line of thought falls into the same category as “The Torah spoke only against the Evil Inclination” concerning the laws of a beautiful captive woman (BT Kiddushin 21b), and appears also in Maimonides's te'amei hamitzvot for sacrifices (Guide to the Perplexed 3:46). Rav Kook's approach is markedly different. First, the “accommodation” argument can accept that slavery was a temporary evil, and the accommodation does not need to reflect an eternal idea but a temporal reality. But according to Rav Kook, slavery was not just in the Ancient Near East but embedded into the social fabric of reality. Therefore, the acceptance of slavery must reflect a timeless notion. Furthermore, the Torah is not accommodating anything at all. It is not giving in to the desires of the people. It is not providing an alternative to the evil but a corrective: if the entire world were to institute legal slavery as the Torah prescribes, everyone in society would be better off.

As this pertains to the larger question, this approach reconciles the Torah's morality with the morality of Rav Kook's time period, but only partially. Both agree that slavery is not ideal, and – at least at this point in the discussion – both agree that removal of personal freedom is bad.<sup>8</sup> But where the modern society saw the abolition of slavery as a triumph, Rav Kook saw it as a near-sighted triumph only in the theoretical realm. It was never possible to truly remove slavery from human society, and the persistence of “legalized slavery” at certain levels of the industrial workforce leaves society no better off post-Abolition than before. In this way, Rav Kook uses his own observations to defend the supremacy of what he sees as the plain meaning of the Torah's philosophy.

A passage later in the letter, following the second argument defending

slavery, supports the thought that Rav Kook's contemporary society was mistaken in its crusade against slavery. There Rav Kook berates those who drew the conclusion to abolish slavery based on Scripture. Rav Kook writes that these people are “like astrologers who see but do not see” because they were not able to comprehend the complex messages in the Torah. Even if one part of Scripture implies that slavery should be abolished, there are many pieces to the puzzle that only a devoted Torah scholar can understand, and only such a scholar can draw conclusions concerning public practice. This course of thought again rates the Torah's morality as above the morality of society, and treats it as the eternal standard bearer. Rav Kook may also be implying here that since the Torah is more complex, it is a “better” moral system that includes more relevant factors in its equations than others.

In addition to accepting legal slavery as the best option given the social fabric of the world, Rav Kook takes his defense of the Torah a controversial step further. Shifting perspectives from the societal to the personal, Rav Kook argues that some people should be slaves. In a manner surely disturbing to the sensibilities of the contemporary reader, yet quite in consonance with popular attitudes of his time to the questions of race and peoplehood, Rav Kook argues that some people's desires are so base and immoral that it in fact would be better off for them, and for society, that they are under the control of a master. This master can teach these individuals how to behave properly and can also watch over them so as to shift their way of living. Rav Kook associates these individuals primarily with the descendants of Ham, based on the verses in Genesis 9 mentioned above. In his explanation, what occurred in this passage is not that Noah actively cursed Canaan, but he noticed a flaw in Canaan's nature that caused him to do what he did. Canaan was not punished or supernaturally cursed, but Noah gave his sons advice concerning slavery. It is good that Canaan be a slave, Noah says. Rav Kook interprets this that it is better for Canaan to be a slave than to be a free man, because he is of a poor nature; if he were left to his own devices, he would only be destructive. Rav Kook supports his assertion with his observation that the majority of historical slaves indeed were descendants of Ham – Africans. According

to Rav Kook, instead of a coincidence, this shows the active hand of God in history: following the theory of inheritance of acquired traits, Rav Kook believed the genetic propensity toward baseness passed down from Ham to all of his descendants. So he explains, to better humanity, God made sure that many of his people would be slaves. Although this mode of explanation is doubtless disturbing and uncomfortable from a contemporary perspective, in a more technical sense, both this and the previous argument explain how slavery is really the best way of dealing with the world situation – from society as a whole to the smallest individual. Instead of looking at the slave trade as an unequivocal evil, Rav Kook looks at it certainly as tolerable, if not completely acceptable, given what he understands to be fundamental truths of human nature. In so doing, from a methodological vantage point, he again solves an apparent discrepancy between Torah morality and popular morality by affirming the existence of a conflict and placing the Torah's morality above that of society.

Until this point, Rav Kook has defended the Torah's inclusion of slavery as normal, good, and even a preferable way to deal with reality. However, in sum, he refuses to concede that this is in fact the ideal situation. Embedded in the middle of the paragraphs on slavery, Rav Kook includes a section whose theme is lifnim mi-shurat ha-din, the importance of going beyond the letter of the law. Rav Kook thinks that the ideal performance of humanity lies in the Torah but also beyond it. He recognizes that there is a tremendous pressure for the system to be constructed in a way that man's good deeds stem not from external pressures – legal, or even moral – but from his own “enlightened spirit.” In fact, he sees going beyond the letter of the law as the primary purpose of Halakha. The goal of the Torah – the purpose of the world, really – is to bring people gradually to a higher and more enlightened spiritual level. Individuals and societies progress “higher and higher,” closer to a near-divine, idealized state. But such progress can only be made gradually. Therefore, the Torah only legislates things that are necessary to create a functioning and basic moral society, but each step forward is made by every generation of its own volition. People are encouraged, but they need to elevate themselves personally.

This begins with individuals, but gradually spreads to the surrounding society:

What must be added through generosity of spirit and freedom of good will must thus remain “deeds of the pious.” We cannot even imagine the great loss that would result to human culture if these great qualities were established as obligatory... Those matters that target the depths of good as it spreads, like the dew of resurrection, are intended for the future and are considered acts of generosity and love of kindness. This is the fate of going “beyond the letter of the law,” which will do much good at the time that man's stone heart will be replaced with a heart of flesh. Thus, those matters that are left as “beyond the letter of the law” must remain that way. As humanity is uplifted, the qualities of the pious will leave private property and become public property; they will be acquired by the entire nation – “And all of your sons will be learned of God.”<sup>10</sup>

Rav Kook expands on his philosophy of developing Halakha more in Letter #90, but this passage does not seem to connect to the matter at hand. He does not even mention the idea of slavery once in this section. What must be inferred, therefore, is that Rav Kook does not look to slavery as an ideal. Its legislation is necessary, a solution for the evils that natural slavery would otherwise inflict, and a way for the slave class to be productive and raise their own character. However, lifnim mi-shurat ha-din here is completely eradicating slavery – legal and natural. The ultimate actualization of the ideal world represents this: In the end of days no one will feel the urge to oppress another and the slave class will be corrected to lose their corrupt desires. Only then will everyone be able to worship God using his own will, fulfilling his essential spirit. Rav Kook therefore agrees with the spirit of his time, that freedom is an ideal, and slavery is problematic. However, like all things in the world, Rav Kook believes slavery has a purpose, and even more so than pure evil does.<sup>11</sup> He therefore leaves its removal to a state where slavery is not necessary at all, the idealized End of Days.<sup>12</sup>

If we think about how Rav Kook's individual arguments play out

today, they deliver different ramifications. The first argument about natural slavery contains much less power than it did in his time. Already in Letter #90, Rav Kook acknowledges that industrialization has begun to limit the existence of natural slavery: “The need for slaves has fallen as mechanization has further developed and man can better rule over the powers of nature.” This has greatly increased in the past century, with mechanization replacing most menial jobs people used to do by hand. That practice, and regulation of business practices in the western world, take care of the worker enough that slavery does not seem like much of an improvement. In the still-developing world, however, menial jobs are still produced by laborers working in terrible conditions for lowly wages. To Rav Kook, the type of slavery he envisions – and understands the Torah envisioning – could result in a real betterment of these people's lives.

The second argument, though, plays out very differently than the first. Since it is not conditioned on the surrounding societies but on the inherent character of people and nations, a change in society does not effect a change in the value of slavery. If so, one may surmise that according to Rav Kook, the people who are still in what he deems a ‘slave-worthy class’ really still ought to be in a system that restricts them for their own good and for the good of the community.<sup>13</sup>

If a person in today's environment were struggling with the question of morality in the Torah, specifically with slavery, and looking for a philosophy to latch onto, it seems unlikely that he would find Rav Kook's philosophy to be particularly appealing. On the one hand, it does appeal to certain sensitivities that we hold from our society's morality – on an ideal plane, slavery is problematic. It also restores faith in the Torah's morality: really, the Torah is working to improve conditions for all people, and does not tolerate abuse. On the other hand, however, Rav Kook's philosophy on this matter provides many significant challenges to the contemporary philosopher, largely due to implications obviously incongruous with and deeply offensive to anyone with a contemporary mindset. It relies heavily on a theory of races that clashes with the dominant universalistic terms people speak in today and has no scientific backing. It also directly opposes the notion that freedom

and personal autonomy is sacrosanct: Rav Kook clearly thought that, in many situations, Torah-sanctioned slavery was actually preferable to the alternative of a society overrun with unchecked perversion.

Perhaps this tension is reflective of the fact that Rav Kook held by the Torah steadfastly as an axiom, understanding it as he saw to be most authentic and not looking to make it fit to some other theory of his time. He held by his principles and was thrilled when the world around him agreed with them, but he was not swayed when they did not. In fact, he argues with contemporary philosophers in many of his writings.<sup>14</sup> For some, this can actually enhance the appeal of Rav Kook's philosophy. As Rav Kook

1 All translations from JPS 1917 edition, taken from [www.mechon-mamre.org](http://www.mechon-mamre.org)

2 This verse is part of a larger structure of Leviticus 25 outlining how to care for individuals in varying stages of poverty: selling their land, selling their house, taking a loan, selling themselves to a Jew, and finally selling themselves to a non-Jew.

3 There are restrictions on what may be done even to Canaanite slaves. Killing a slave is equivalent to murder of a free man. A master may not physically abuse his slaves either: if he blinds or maims the slave, the slave goes free.

4 Letters 89-91 are generally referred to as a collective unit. See Tamir Granot. "Lecture 14a." Rav Kook's Letters. Yeshivat Har Etzion. Virtual Beit Midrash.

5 Rav Kook, Letter #89. Translation by Tamir Granot "Lecture #15-Lecture #18." Rav Kook's Letters. Yeshivat Har Etzion. Virtual Beit Midrash.

6 Ibid.

7 This logic has not always held up to the lens of history. Particularly when slaves were easily replaceable – either by purchasing new ones or

understood it, the Torah's philosophy does not necessarily agree with the preconceived notions of someone asking questions that he dealt with, but it provides an internally complete, coherent, and consistent philosophy that can be justified. Furthermore, this philosophical system includes flexibility and connection with societal morality as explained in Letter #90, where he discusses the development of morality and the corresponding development of Halakha. But all this change does not weaken the integrity of the Torah in Rav Kook's vision. Rav Kook understood the Torah as all encompassing; the Torah contains everything and therefore there is no truth outside the Torah. This perspective naturally provides subscribers

raising children of slaves – owners could easily view their slaves as merely expendable property, and abuse them with little concern of harm done to themselves.

8 See, for example, Rabbi Alex Israel's discussion: Israel also compares this view with Rav Kook's position.

9 Rav Kook's notions of the philosophical nature slavery and liberty are tangentially relevant to this discussion, as they may point towards whom Rav Kook thinks is really a slave. But that is beyond the scope of this essay.

10 Rav Kook, Letter 89. Granot "Lecture #15-Lecture #18"

11 As he describes in his essays on The Purpose of Evil (Orot HaKodesh 2:14-15, and further).

12 Earlier in the essay, Rav Kook comments on how the abolition movement responded to the corrupted form of legal slavery that was abusive and against the Torah's wishes. There he writes, "This remedy must be hidden in the Torah until the enlightened time when Torah proceeds from Tzion, "And ten men from all of the languages of the nations will grab hold of the corner of [the garment]

with a level of security in their faith. What exactly this all-encompassing Torah says can be, and often is, up for debate; many thinkers, for example, disagree heartily with Rav Kook's interpretation of slavery and his unabashed defense of what he sees to be its social merit.<sup>15</sup> Still, even if one finds implications of Rav Kook's approach to be uncomfortable or objectionable in this circumstance, perhaps one need not identify with the whole of the content of this particular interpretation to appreciate the methodology that motivates it. Indeed: Rav Kook's philosophy of a Torah that encompasses all, that one can learn everything from it, is in itself perhaps a worthwhile approach to embrace.

of one Jew, saying, 'Let us go with you, for we have heard that God is with you.' " I do not believe this is a reference to the End of Days when the world is holy enough to handle the complete abolition of slavery. Rather, I think Rav Kook here is discussing a scenario prior to this, when the world understands the truth of the Torah to follow its statutes and ideals, but slavery is still necessary.

13 Rav Kook supports his claims about Ham based on the early 20th century theory of evolution of inherited traits. This theory has been abandoned in contemporary times, and if Rav Kook were writing today he would presumably not have included it as a scientific basis for his idea. His claim is also heavily staked in sources from the Torah as. I am thus not sure how he would have approached racial theory if he were instead raised in today's philosophical environment.

14 Rav Shalom Carmy, as taught in "Philosophy of Rav Kook" class, Yeshiva College Spring 2016

15 For an alternative approach, see for example Rav Lichtenstein's view in *Mevakshei Panecha: Sichot with Harav Aharon Lichtenstein*, by Rav Chaim Sabato (Jerusalem: Yediot Aharonot, 2011).

as long as he was alive, a true giant, a *gadol* [giant] in the most crucial sense, still walked the earth. With his passing, his writings became just another relic of great men passed, belonging now to the bygone worlds of Rambam or the Vilna Gaon, unimaginable and unreachable.

Happily, or at least hopefully, such despair is unwarranted, as Rav Lichtenstein continues "to be a remote polestar, projecting his influence from a distance, as his votaries ponder his every word."<sup>3</sup> Speaking of the continued relevance of his own teacher, Rav Soloveitchik as the legitimizing authority of the modern Orthodox community, Rav Lichtenstein wrote in a paper published in 1997, "the Rav *z.l.* remains, even in his death, a bulwark of his spiritual community. Just how long a protective shadow a *gadol* may cast deserves thought... As regards the Rav *z.l.*, in any event, we are not at this juncture at the point of expiration."<sup>4</sup> Similarly, it would be hard to argue that socio-cultural landscape has changed so significantly that the influence of Rav Lichtenstein, both in terms of his directives and as a personal example, is irrelevant.

For so many people who are, either by choice or by force, engaged in contemporary culture, those with liberal arts degrees who wish to know how such learning can be incorporated into a life of *avodat Hashem* [service of God] is threatened, Rav Lichtenstein is very much a person of their world, "somehow within reach," who nevertheless emerged from it as a towering paragon of morality and righteousness. If we take into further consideration not only his personal example, but his skill and eloquence in methodically articulating his positions and clarifying complex issues, we can fully appreciate the great service provided by Reuven Zeigler and Maggid Books in republishing "By His Light: Character and Values in the Service of God," a collection of Rav Lichtenstein's lectures on topics related to, as the subtitle indicates, character and values. As someone whose upstanding moral character and commitment to values has been a model for so many, this collection serves as a window into his own moral makeup. Towards the end of the first chapter, Rav Lichtenstein tells his audience, "what I don't practice I certainly am not going to preach."<sup>5</sup> The implication is clear: the teachings that these chapters *do* preach

bear the implicit stamp of approval that their moral-religious vision represent Rav Lichtenstein's own vision for how one is to follow in his own footsteps to reach such levels of spiritual grandeur.

The chapters that make up "By His Light" were previously disseminated through Yeshivat Har Etzion's website, two previous publications, as well as through a Hebrew translation, and although this newest reprinting did little more than add an index, the republishing itself is undoubtedly worthy of celebration. As mentioned, the book is a collection of lectures delivered by Rav Lichtenstein on various occasions which were later written up and adopted by his students, the final editing being done by Reuven Ziegler. Each lecture is related in some way to the question of how to live life as a Jew, both practically and as a matter of values or attitudes. Although many of these topics overlap with those that have been subject to fuller treatments in essays written by Rav Lichtenstein personally, this collection still has much to offer in terms of fleshing out some of those topics, and were delivered in a style that makes them more accessible than the sometimes more difficult works of Rav Lichtenstein's own essays.

The lectures that were chosen for this volume deal with what may be called "Jewish values" as interpreted from Judaism's mainly halakhic, but also *aggadic* [that is, non-halakhic] sources. As discussed particularly in the first and sixth chapters, however, some of these values are meant to be universal values and not expected purely of Jews. Rav Lichtenstein not only insists that morality be seen as a universal demand, but that human moral intuition can itself be a source for values, which remains in full normative force even for Jewish people after the giving of the Torah.<sup>6</sup> Although he has expressed this thesis more thoroughly in other writings,<sup>7</sup> the presentation here is focused on the practical implications of such a view, such as the positive attitude one should have towards non-religious morality, and that ideally one should see interpersonal *mitzvot* as being rooted in one's own sense of justice and goodness.<sup>8</sup> This example typifies many of the essays in this particular volume, which take a more practical view of the issue at hand than might a theoretical treatment. Of course, sometimes exact instruction is impossible,

as in the question of *bittachon* vs. *hishadlut*, trusting God vs. putting in one's own efforts, but even there Rav Lichtenstein at least shows how one is to approach the problem.<sup>9</sup>

Beyond the emphasis on the practical, there are certainly many additional positions or teachings that one would find in this work which do not appear elsewhere. If one is interested in Rav Lichtenstein's specific views on either contemporary or timeless questions of Jewish practice, I still believe that one would be better served by reading "*Mivakshei Panecha*,"<sup>10</sup> but there is still much to be learned from this present volume regarding Rav Lichtenstein's personal views on pressing matters. To refer again to the example of universal morality, it is only in the current selection where Rav Lichtenstein discusses the view of his teacher, Rav Yitzhak Hutner, which stands in opposition to his own.<sup>11</sup> In reading "By His Light," one finds, for example, that Rav Lichtenstein supports efforts of environmentalism,<sup>12</sup> believes that there is no manner of '*pesak*' [definitive ruling] regarding matters of *hashkafah* as there is in halakha,<sup>13</sup> and that the 'scholarly jealousy' which is permitted by the Talmud as a valid means to propel one to greater study should still be avoided as a negative character trait.<sup>14</sup> This final example relates strongly to the general thrust of the book, which is that well beyond the requirements of the Halakha, one is required to be a *mensch*. Beyond the manner in which one "must relate to every jot and tittle of formal Halakha,"<sup>15</sup> it is equally true that "we need to see the total picture," in which halakha in its fuller sense encompasses "thought, action and emotion."<sup>16</sup>

The importance of extracting values out of the halakhic system and identifying their facets and characteristic is not merely academic. First of all, there are several instances in which these values really do have an impact upon one's behavior, sometimes in ways that are much more far-reaching than any specific halakha. The value of work as an ethical-religious obligation has both obvious and non-obvious implications towards what profession one chooses for him or herself, as does the greater value of Talmud Torah;<sup>17</sup> one is expected to choose a profession out of a sense of duty instead of out of a desire for feeling fulfilled<sup>18</sup> and

## Halakhic Morality and the Halakhic Personality

### A Review of "By His Light: Character and Values in the Service of God"

By MATT LUBIN

Reviewed Book: Rav Aharon Lichtenstein, *By His Light: Character and Values in the Service of God*. Edited by Rabbi Reuven Ziegler (Maggid Books, 2016)

On the morning of April 20, 2015, upon hearing the news that Rav Aharon Lichtenstein had passed away, I began sobbing uncontrollably for a solid few minutes. This involuntary reaction caught me by complete surprise—I had spoken to Rav Lichtenstein only once, heard only a handful of lectures in person, and had no relationship with him of which to speak. Certainly, the loss of any human

life is a sad occasion, and all the more so when such a person is a shining example of the great potential in human life, but I am not so sensitive that such an occasion would move me to tears. My only real point of contact with this great leader was through his writings, which would remain unaffected on my bookshelf.

As surprising as it was, however, it did not take long to explain to myself why his passing felt like such a personal loss. In a very real sense, the force of Rav Lichtenstein's writings is not only due to his breadth of erudition, his eloquence, or expository brilliance, but also because of

the power his own personality that illuminates all of his works. Needless to say, both honesty and humility precluded Rav Lichtenstein from ever appealing to his own authority,<sup>1</sup> but the deep sense of responsibility and sensitivity which underlies his writings bespeak an author who truly lived by the values he so carefully articulated.<sup>2</sup> Passionate without ever sacrificing nuance, thoroughly committed but ever so open-minded, steeped in Talmud and traditional learning while keenly aware of the wider Jewish community's trends and cultures—Rav Lichtenstein's writings proved to me that,

more broadly realize the Torah's values beyond the "range of obligations and prohibitions."<sup>19</sup> Besides for its practical ramifications, however, Rav Lichtenstein also insists upon the importance of maintaining certain attitudes and personality traits. "In building a personality, we focus not only on one's literal obedience to the *Shulchan Arukh*, but, in the broader sense, on the extent to which he forms himself in line with what *tzelem Elokim* [the image of God] should be. That may entail many factors which are of great significance to the religious life, but not necessarily classified, narrowly speaking, in particular halakhic categories."<sup>20</sup> Even beyond specific character traits, these attitudes are also relevant in the sense of one's personal self-identification as an *eved Hashem* and member of *Klal Yisrael*.

Rav Lichtenstein is obviously not the first in determining the underlying values of halakhic precepts,<sup>21</sup> even when the comparison or generalization requires understanding the Halakha somewhat metaphorically. For example, *Hazal* learn that sinners must be included in the communal fasts from the fact that the frankincense included a foul-smelling ingredient (*Keritut* 6b), and the principle that "whether one increase or whether one decrease, as long as his heart is directed towards heaven" is demonstrated by the fact that all sacrifices, regardless of size or cost, are described as "sweet smelling unto God" (*Menahot* 110a).<sup>22</sup> Rav Lichtenstein will sometimes present analyses in a similar vein, either in terms of seeing values as underlying certain specific halakhot or by applying certain halakhic categories and details to other areas. As an example of the former, Rav Lichtenstein sees the division of labor among the Kohanim and Levites and further between those Levites designated as singers or gatekeepers, as speaking to a general value of "spiritual specialization."<sup>23, 24</sup> Sometimes Rav Lichtenstein will simply apply halakhic standards to new values, such as in applying the concept of "guarding" in the contexts of both legal guardianship and the obligation of Levites to 'guard' the Temple to one's attitude towards to the natural world as a whole.<sup>25</sup> He likewise uses the concept of *hesech ha-da'at* [the prohibition of distracting one's attention] while wearing *tefillin* to understand the parameters of having a

conscious awareness of God's presence,<sup>26</sup> and discussing the dual obligation of ordinances made *zekher le-mikdash* and *zekher le-hurban* [remembering the Temple and remembering the destruction of the temple] as requiring us to make similar remembrances of European Jewry and its destruction in the Holocaust.<sup>27</sup>

To be clear, Rav Lichtenstein does not turn exclusively to halakhic sources in order to build his worldview; several of these discussions are centered on passages of *Aggadah* or *Tanakh*. The most passionate chapter, urging for a deeper sense of communal responsibility and demanding of his students that they take up arms against the tides of assimilation, is based upon Rav Lichtenstein's reading of the Book of Esther. The value of 'commandedness' centers around the rabbinic statement that *gadol ha-metsuev ve-'oseh*, "greater is the one who was commanded and performs [than one who performs *mitzvot* without being commanded in them]," (*Bava Kama* 87a),<sup>28</sup> and the value of work is supported by an *aggadic* Midrash which states that Avraham desired to live in the land of Canaan because he saw the diligence with which its inhabitants worked the land.<sup>29, 30</sup> Recourse to philosophical works of the *Rishonim* is also not unusual, as Maimonides' *Shemonah Perakim*,<sup>31</sup> the *Hovot ha-Levavot* and *Kad ha-Kemah* all make appearances in these essays. However, such citations are not as frequent as one might assume. Despite his treatments of "*le-ovdah u-le-shomrah*" [to work and to guard] and choosing one's profession in the first three chapters, at no point does Rav Lichtenstein quote Rabbeinu Bachaye's parallel discussion in *Hovot ha-Levavot*.<sup>32</sup> When discussing the dual accounting one must make regarding his activities—whether those activities are valuable in themselves, and whether one is engaged in them for the right reasons—instead of referring to the third chapter of *Mesillat Yesharim*, Rav Lichtenstein in one instance reaches for a basketball metaphor,<sup>33</sup> and in another, a quote from Matthew Arnold.<sup>34</sup>

In keeping with the theme of applying abstract values to the practical realm of observance in the current century, the final chapter discusses how those values should be practiced on a communal scale, focusing on his own community, which he prefers to call 'the Centrist

Orthodox.' Responding to those who may think that Centrist (or Modern Orthodoxy, as it is usually called) is a "watered-down" or more easily observable form of Orthodoxy than its counterparts "to the right," Rav Lichtenstein vehemently disagrees. Instead, Modern Orthodoxy as he sees it calls for more study, further complexity, and deeper spiritual and moral awareness of both God and man. His emphasis on abstract values actually extends their practicality, as once they have been extricated from any specific line in the *Shulhan Arukh*, they become applicable to any and every area of one's life. "We [modern Orthodox] tend to be more sensitive—and rightly so—to that area in our life within which the ethical is more directly significant, namely, the area of *devar ha-reshut* (where specific commands do not apply). We have a greater awareness of the significance of this area. Defining something as *devar reshut*, of course, does not mean that this is an area that is neutral and therefore it is immaterial what you do. According to many *Rishonim*, whether a person injures himself is defined as *devar reshut*. That hardly means that a person can wantonly and willfully cut off a limb."<sup>35</sup> The vision that Rav Lichtenstein lays out in these chapters is thus not for the semi-committed or the faint-hearted, and in several cases he rails against specific spiritual failings, wherever he senses that "there has been a certain debasement of values, in which people have a concern for the minutiae of Halakha (which, of course, one should be concerned about), but with a complete lack of awareness of the extent to which the underlying message is so totally non-halakhic and anti-halakhic."<sup>36</sup>

As an extension of the value that Rav Lichtenstein sees in secular morality and goodness, Rav Lichtenstein further calls upon the Orthodox to engage more seriously in secular literature as a means to deepen their own moral sensitivities. In the final chapter, Rav Lichtenstein discusses what he sees as the value of secular learning, which should provide a person with an appreciation of "the complexity of experience," as well as deepen one's "literary, psychological, and historical sensitivity."<sup>37</sup> In this case, Rav Lichtenstein provides a personal example of how one can go about incorporating secular education into his or her Torah lifestyle, and several instances in this

present volume show how he uses his own education. His essays certainly do not want of complexity, and he will often draw upon either his favorite writers (Milton, Coleridge, Newman, Keats, and of course Matthew Arnold) to illustrate a point with added flare, or mention a philosophical text to use as a tool for explicating some distinction or finer point. The Euthyphro has undoubtedly clarified the problem of ethics and religion and given us a framework to respond to it,<sup>38</sup> and Kant's conception of duty serves as a useful foil to Rav Lichtenstein's theory of how one ought to relate to a *mitzvah*.<sup>39</sup> The "literary sensitivity" provided by Kierkegaard's reading of the episode of the binding of Isaac is adopted by Rav Lichtenstein approvingly,<sup>40</sup> and his ability to put certain spiritual movements into historical perspective has allowed him to focus his remarks on what he sees to be the more pressing issues of the day.<sup>41</sup>

Because "By His Light" is comprised from delivered lectures instead of essays, they retain much of their pedagogical style and flavor. Although they are probably more accessible, this style may also sacrifice some of the thoroughness, meticulousness and nuance that are characteristic Rav Lichtenstein's other writings. The final chapter on the values of Centrist Orthodoxy deals very realistically with the reasons why one might oppose secular education or military involvement, and Rav Lichtenstein is very forthcoming regarding theoretical and practical critiques or dangers of the position he stakes out by regarding non-

1 In responding to those who have criticized his response to the eulogizing of Baruch Goldstein for being hypocritical, Rav Lichtenstein wrote that he "admit[s] without embarrassment that, from both a practical and communal perspective, it would have been better if my reaction had been voiced by Rashes Yeshiva who have no trace of the taint that in your opinion clings to me..." Republished in Aharon Lichtenstein, *Leaves of Faith* vol. 2 (Jersey City, NJ: Ktav Publishing House, 2004) p. 291

2 Admittedly, such an impression comes not purely from encountering Rav Lichtenstein's writings, but also through my friendships and repeated contact with his students, for whom his moral character is truly the stuff of legend. To quote those who I do know personally: "His personal integrity, depth of character, humility, indomitable enthusiasm, his attentiveness to the dignity and needs of other human beings... It has been lamented that the intellectual brilliance of R. Lichtenstein may, at times, obscure his moral and human greatness." ("An Introductory Biographical Sketch of R. Aharon Lichtenstein," *Tradition* 47:4 p. 14)

3 *Ibid.* p. 9

4 "Legitimization of Modernity: Classical and

halakhic morality. However, in some cases Rav Lichtenstein simply presents his view and the sources or arguments which support it without giving space to any alternative view, and it would appear as though he is giving many topics less than the full treatment that would be accorded to them had he sat to write out a full discussion of them. Regarding the religious value of work as being divinely sanctioned, there is no mention of, for example, the statement of R. Shimon b. Elazar:

"In my whole lifetime I have not seen a deer engaged in gathering fruits, a lion carrying burdens, or a fox as a shopkeeper, yet they are sustained without trouble, though they were created only to serve me, whereas I was created to serve my Maker. Now, if these, who were created only to serve me are sustained without trouble, how much more so should I be sustained without trouble, I who was created to serve my Maker! But it is because I have acted evilly and destroyed my livelihood, as it is said, your iniquities have turned away these things." (*Kiddushin* 82b, Soncino Translation)

Few critiques can be made against Rav Lichtenstein's conclusions or reasoning that he has not already anticipated in other writings or more fuller discussions, or deserve essays at least as thorough as his own. The strongest complaint one might have against this volume is simply that it is not enough.

Contemporary," published in *Leaves of Faith* vol. 2 (Jersey City, NJ: Ktav Publishing House, 2004) p. 291

5 Lichtenstein, Aharon. "By His Light: Character and Values in the Service of God." Edited by Rabbi Reuven Ziegler. *Maggid Books*, 2016. P. 15.

6 *Ibid.*, 18-22. Despite the normative demands of universal morality, however, God's specific commands still take precedence over one's moral qualms. *Ibid.*, 107-109

7 Specifically, "Does Judaism Recognize an Ethic Independent of Halakha?" republished in Aharon Lichtenstein, *Leaves of Faith* vol. 2 (Jersey City, NJ: Ktav Publishing House, 2004) pp. 33-56. However, the crucial analysis of the dual nature of the covenant at Sinai as both supplanting and supplementing the universal covenant between God and man does not appear in that essay, but rather in "The Role of Jewish Communal Service," *ibid.* p. 226

8 "By His Light," pp. 104-106 and 108

9 *Ibid.*, 122-123

Despite the strong emphasis on values "in the service of God," as the subtitle proclaims, there is no essay specifically on the topic of prayer, even though this is one of the most central acts of religious 'service.' Additionally, Rav Lichtenstein does not provide a discussion of the flexibility within halakhic observance on adapting *humrot* [stringencies] and religious consistency, nor an essay on the value of *Aliyah* to Israel, nor on Jewish communal leadership or education and the student-teacher relationship. There is no essay on parenting and raising a Jewish family, which to me seems to be the most serious omission for a book meant to represent the values of a man who, when asked after fifty years of communal leadership to identify his proudest accomplishment, responded "our family."<sup>42</sup> Of course, one volume could not possibly cover every topic relevant to observing a Torah lifestyle, and so this is not meant as a critique on the editor's choices, but rather as an encouragement to others to read more of Rav Lichtenstein's writings and delivered lectures.<sup>43</sup> One only hopes that his students continue to publish and disseminate his writings and lectures so that so many of those thirsty for Rav Lichtenstein's Torah still have what to drink, and that this great personal role model of Torah and morality continues to be an inspiration to his followers.

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10 Haim Sabato and Aharon Lichtenstein, *Mevak-shai Panekha* (Jerusalem: Yediat Aharonot, 2011).

11 *Ibid.*, 18. In fact, one can find this view expressed, though in different terms, in Rav Hutter's own writings. See *Pahad Yitzhak, Shavu'ot* no. 1.

12 *Ibid.*, 7

13 *Ibid.*, 137

14 *Ibid.*, 180

15 *Ibid.*, 195.

16 *Ibid.*, 190.

17 *Ibid.*, 36.

18 *Ibid.*, 43.

19 *Ibid.*, 27.

20 *Ibid.*, 185.

21 Such endeavors are specifically encouraged by

Ramban. See, for example, his Commentary to the Torah, Ex. 15:25, Lev.9:1, and Deut. 6:18

22 Maimonides also follows in this trend. One example discussed by Rav Lichtenstein is that the invalidity of a dice-thrower as a witness is understood by Maimonides to speak to the Torah's discouragement of such activity in general.

23 Lichtenstein, 69.

24 The approach taken by this chapter is particularly interesting in this regard, as Rav Lichtenstein show that underlying several (but not all, as he presents this as a dispute among the ba'alei Tosafot) halakhic discussions of the concept of 'osek be-mitsvah patur min ha-mitsvah' is the idea that a person designated to perform a particular halakhic task is meant to be dedicated to that one task and no other. One of his halakhic sources is the Orhos Hayyim on Laws of Rosh Hashanah (no. 25), although the author of Orhos Hayyim himself makes this same point using aggadic sources!

25 Lichtenstein, 6

26 Ibid, 163.

27 Ibid, 145.

28 Ibid, 47.

29 Ibid, 12.

30 Interestingly, in his discussion of the Jewish work ethic Rav Lichtenstein does not cite from verses in Ecclastics which disparage the lazy rather explicitly

31 Interestingly, Rav Lichtenstein limits the position of Maimonides that one should desire to perform sins but avoid them due to God's fiat as being truly ideal only when one identifies with the divine command, even regarding hukim.

32 Sha'ar ha-Bittachon Ch. 3

33 Liechtenstein, 38-39.

34 Ibid, 196.

35 Ibid, 114.

36 Ibid, 15.

37 Ibid, 201.

38 Cf. Ibid, 93.

39 Cf. Ibid, 53.

40 Ibid, 107-108

41 Cf. Ibid, 46, 133-135

42 <http://blogs.yu.edu/news/reflecting-on-50-years-of-torah-leadership/>

43 Lectures on many of these topics can be found on the website of Yeshivat Har Etzion. On prayer, see <http://etzion.org.il/en/efficacy-prayer>, on Aliyah, see <http://etzion.org.il/en/aliya-uniqueness-living-eretz-yisrael> and <http://etzion.org.il/en/mutual-responsibility-jewish-state>, and on family life, see <http://etzion.org.il/en/raising-children>

## "He Spoke Within a Cloud"

### A Nebulous Narrative and its Normative Implications

BY ALEX MAGED

Upon receiving news of the Israelites' exodus from Egypt, Jethro, Moses' father-in-law, sets off to meet the nation in the desert.

Now Moses' father in law, Jethro, the chieftain of Midian, heard all that God had done for Moses and for Israel, His people—that the Lord had taken Israel out of Egypt. So Moses' father in law, Jethro, took Zipporah, Moses' wife, after she had been sent away, and her two sons, one of whom was named Gershom, because he [Moses] said, "I was a stranger in a foreign land," and one who was named Eliezer, because [Moses said,] "The God of my father came to my aid and rescued me from Pharaoh's sword." Now Moses' father in law, Jethro, and his [Moses'] sons and his wife came to Moses, to the desert where he was encamped, to the mountain of God. And he said to Moses, "I, Jethro, your father in law, am coming to you, and [so is] your wife and her two sons with her." So Moses went out toward his father in law, prostrated himself and kissed him, and they greeted one another, and they entered the tent. Moses told his father in law [about] all that the Lord had done to Pharaoh and to the Egyptians on account of Israel, [and about] all the hardships that had befallen them on the way, and [that] the Lord had saved them.

Jethro was happy about all the good that the Lord had done for Israel, that He had rescued them from the hands of the Egyptians. [Thereupon,] Jethro said, "Blessed is the Lord, Who has rescued all of you from the hands of the Egyptians and from the hand of Pharaoh, Who has rescued the people from beneath the hand of the Egyptians. Now I know that the Lord is greater than all the deities, for with the thing that they plotted, [He came] upon them." Then Moses' father in law, Jethro, sacrificed burnt offering[s] and [peace] offerings to God, and Aaron and all the elders of Israel came to dine with Moses' father in law before God.<sup>1</sup>

What role do Jethro's "sacrifice[s], burnt offerings and peace offerings to God" play within the broader context of our scene? At first glance, this fact may strike us as just one more unremarkable detail in the series of details that the Torah provides us regarding Jethro's visit. But when we consider where we are in this scene (at the foot of Mount Sinai) and think about what is being sacrificed (presumably, members of Jethro's flock), and then put these pieces together—Mount Sinai, Jethro's flock, and the motif of "sacrifice"—we cannot help but recall an earlier Biblical scene in which those pieces took center stage:

Moses was pasturing the flocks of Jethro, his father in law, the chief of Midian, and he led the flocks after the free pastureland, and he came to the mountain of God, to Horeb [Mount Sinai]. An angel of the Lord appeared to him in a flame of fire from within the thorn bush, and behold, the thorn bush was burning with fire, but the thorn bush was not being consumed... And the Lord said, "I have surely seen the affliction of My people who are in Egypt, and I have heard their cry because of their slave drivers, for I know their pains... So now come, and I will send you to Pharaoh, and take My people, the children of Israel, out of Egypt." ... But Moses said to God, "Who am I that I should go to Pharaoh, and that I should take the children of Israel out of Egypt?" And He said, "For I will be with you, and this is the sign for you that it was I Who sent you. When you take the people out of Egypt, you will worship God on this mountain."<sup>2</sup>

Moses arrives at the burning bush while tending Jethro's flock and is told by Hashem that, upon leading the Israelites out of Egypt, "you will worship God on this mountain." Those who are familiar with the rest of the story, or with Rashi's commentary, probably assume that the "worship" to which this prophecy refers is the receiving of the Torah at Mount Sinai.

What is puzzling about this interpretation, however, is that receiving the Torah at Mount Sinai did not seem to involve any act of worship on the part of the Israelites. The term "worship" ]]Heb.: עָבַדָּ] most naturally connotes offering sacrifices—and, indeed, that is how Ibn Ezra understands the burning bush prophecy: as a reference not to *Parshat Yitro*, in which the Israelites receive the Torah,<sup>3</sup> but to *Parshat Mishpatim*, in which Moses leads the Israelites in offering a series of sacrifices at the foot of Mount Sinai.<sup>4</sup>

In terms of *peshat*—that is, Biblical interpretation operating with the plain meaning of the text—Ibn Ezra's approach seems the most straightforward. Yet Rashi nevertheless adopts an alternative view, and—whatever his motivation for doing so may be—the very fact that he does so is reflective of a critical if often-forgotten characteristic of Biblical prophecy: its ambiguity. With the benefit of hindsight, identifying the event or series of events to which a given prophecy most naturally refers is usually a simple exegetical exercise. However, for those who lived through these events in real time, it was not always immediately clear how best to fit the prophecies they had received into the reality unfolding about them.<sup>5</sup>

One classic example of this phenomenon is the prophecy that Rebecca receives regarding her two unborn children: "*ve-rav ya'avod tza'ir*".<sup>6</sup> As R. Jonathan Sacks has explained:

The words [*ve-rav ya'avod tza'ir*] seem simple: "the older will serve the younger." Returning to them in the light of subsequent events, though, we discover that they are anything but clear. They contain multiple ambiguities... The third [such ambiguity]—not part of the text but of later tradition—is the musical notation. The normal way of notating these three words would be *merchatipcha-sof pasuk*. This would support the reading, "the older shall serve the younger." In fact, however, they are notated *tipcha-mercha-sof pasuk*—suggesting, "the older, shall the younger serve"; in other words, "the younger shall serve the older." ... The subtlety is such, that we do not notice them at first. Only later, when the narrative does not turn out as expected, are we forced to go back and

notice what at first we missed: that the words Rebecca heard may mean "the older will serve the younger" or "the younger will serve the older."<sup>7</sup>

Taking this example as our paradigm, let us now return to the book of Exodus. Even if we follow Ibn Ezra in claiming that the events of *Parshat Mishpatim* (Exodus 24) constitute the fulfillment of the prophecy delivered to Moses in *Parshat Shemot* (Exodus 3), a lot of text remains between these two *parshiyot*. The point here is not to advocate, as Rashi and others in fact do, that some other, interim event, or series of interim events, should be viewed as the "true" fulfillment of the burning bush prophecy. It is simply to take a principle that others have noted—the ambiguity of Biblical prophecy—and to demonstrate how it may apply in yet another instance. What we are trying to do, in other words, is to put ourselves in the headspace of the Israelites and to observe, as Yogi Berra might, that "it ain't over till it's over": until they themselves had reached *Parshat Mishpatim*, Moses and the Israelites may not have known how the prophetic prediction of *Parshat Shemot* would play itself out.<sup>8</sup>

Exegetically, the effects of this observation are threefold: 1. It allows us to appreciate that, in the moment, any number of events may reasonably have been taken by Moses and/or the Israelites to represent the realization of the burning bush prophecy—or, minimally, the first steps towards its realization. The receiving of the Torah at Mount Sinai is one such example, offered by Rashi and others. The sacrifices offered by Jethro and partaken of by the leaders of the Israelites may constitute a second.<sup>9</sup> 2. Beyond the counterfactuals, there are a series of concrete details strewn throughout *Parshat Yitro* whose significance is perhaps best illuminated against the backdrop of the burning bush prophecy and the expectation, on the part of the nation, of its imminent fulfillment. For instance: a) In the lead-up to the revelation, Hashem pledges that the Israelites shall constitute a "kingdom of priests".<sup>10</sup> This a challenging phrase whose meaning is the subject of much speculation and debate. The Israelites are *not* all priests. In what way, then, shall they suddenly assume "priestly" capacities, post-Sinai? b) Also prior to the revelation, Hashem

commands Moses to set boundaries around the mountain so that nobody ascends it, and warns that whoever violates these boundaries—man or beast—shall die.<sup>11</sup> Among other things, the emphasis on animals is odd—why would the Israelites have contemplated bringing their animals onto Mount Sinai? c) Though contact with the mountain during the revelation itself is prohibited, Hashem stipulates, "after the extended shofar blast, they may ascend the mountain."<sup>12</sup> What is the purpose of granting this permission—who would want to ascend the mountain *after* the revelation, and why? d) The prohibition of ascending the mountain is then repeated a few verses later, immediately before Hashem initiates the revelation: "Hashem said to Moses, 'Descend, warn the people lest they break through to Hashem to see, and a multitude of them will fall. Even the priests who approach Hashem should be prepared, lest Hashem burst forth against them.'"<sup>13</sup> Moses insists that the people have already received this warning, but Hashem responds by repeating it a third time, yet again reminding him that it applies to the *priests* as much as anybody else.<sup>14</sup> Why the focus on this prohibition, and on the priests specifically? e) Finally, the revelation begins, and the "Ten Commandments" which fill its content span the majority of the next chapter. Yet instead of closing on this note of climax, *Parshat Yitro* concludes with a series of apparently unrelated laws concerning the construction of altars.<sup>15</sup> What role do these *halakhot* serve here?

If we enter *Parshat Yitro* without context, it can be difficult (though certainly not impossible) to find compelling answers to the questions we have raised. If, on the other hand, we remember that hovering in the background of the revelation is a prophecy according to which the Israelites are to offer sacrifices upon Mount Sinai, then we much more readily recognize how the aforementioned details contribute to the dynamic of our scene. The animal is the object of sacrifice; the priest is its officiant; the altar is its locus. Thus, we may reasonably posit that the invocation of these components in a variety of instances throughout *Parshat Yitro* stems from the fact that the nation is eager to integrate them as per the prophecy reported to them by Moses. 3. Yet, even as they sense that the time to

actualize the prophecy is fast upon them, neither the Israelites nor Moses ultimately know precisely when or how they shall go about doing so. This fact alone supplies us with a framework for analyzing many of the problems posed by the book of Exodus, more broadly. Why does Moses shuttle between the nation and Hashem so many times in the days before the revelation? Why does Hashem twice reiterate the ban against ascending the mountain? Why do the Israelites abort what seemed to have been the original plan—Hashem addressing them directly—and instead urge Moses to act as intermediary? Why is the covenantal ceremony at which the people finally offer their sacrifices (Exod. 24) separated from *Parshat Yitro* by three whole chapters? In so many ways, the logistics of the Sinai scene(s) leave us disoriented. These, of course, are issues about which our sages have written extensively, and we are not about to resolve them all at once. We can, however, ameliorate them substantially, if we are amenable to the notion that it is the confusion that the Israelites *themselves* bring to Sinai—confusion produced by the opaque prophecy that their leader had earlier received upon that very mountain—which, in turn, prompts the

1 Exodus 18:1-12.

2 Ibid. 3:1-12.

3 Ibid. Ch. 20.

4 Ibid. Ch. 24.

5 For more on this topic, see R. Shalom Carmy's English audio shiur, *Yodea Da' at Elyon*; <http://www.yutorah.org/-lectures/lecture.cfm/847726/rabbi-shalom-carmy/yodea-da-at-elyon/>.

6 Genesis 25:23.

7 See R. Jonathan Sacks, "Toldot: Between Prophecy and Oracle," *Covenant and Conversations 5773*, available online here: <http://www.rabbisacks.org/covenant-conversation-toldot-between-prophecy-and-oracle/>. R. Sacks argues that the news delivered to Rivkah came in the form of an oracle, which he describes as a familiar form of supernatural com-

chaotic mechanics and jumbled literary presentation of the events that surround it.

Of course, the implications of this approach are significant not only exegetically, but also from the standpoint of religious ethics and epistemology. Hashem's revelation at Mount Sinai stands as our tradition's quintessential instance of spiritual certitude. Never before or again would humankind find itself capable of discerning the divine will as definitively as when that will was communicated, in plain language, directly from its source. Yet, the upshot of our analysis is that even in that very moment of divine clarity, critical aspects of the divine will remained obscured—for though Hashem had much earlier indicated an apparent desire for sacrifices at Sinai, our ancestors, so far as we can surmise from the text, were never instructed as to when or how or through whom or with what to perform these sacrifices. The matter was left for them to determine through their own discretion and devices. Nor, incidentally, was the manner in which they ultimately did so confirmed as correct by any post ipso facto pronouncement from on high to that effect.

Such are the conditions that we must contend with as adherents to Hashem's Torah. Hashem may descend upon Sinai,

*munication in the ancient world [that] were normally obscure and cryptic, unlike the normal form of Israelite prophecy. However, R. Carmy's view (see first footnote)—viz., that even the normal form of Israelite prophecy often contained an element of the obscure and cryptic—seems more compelling.*

8 For sake of simplicity, let us assume that these chapters are recorded in chronological order, though there are certainly commentators who maintain that they are not.

9 We might even propose a third, if we are willing to move from the territory of peshat into that of derash. Since the root ו.ד.נ means both "worship" and "work," and since ע.ת.נ can mean "with," and since E-lohim means both "God" and "judges," the phrase "ta'avdun et ha-E-lohim ba-har ha-zeh," which until now we have translated as "you shall worship God on this mountain," might alternatively be rendered, "you shall work with the judges on this mountain."

issue clear moral directives, and even supply our leaders with the jurisprudential apparatus they require for promulgating their own such directives, but He does so from "within the thickness of a cloud",<sup>16</sup> because nature of all normative endeavor is fundamentally nebulous. In the *beit midrash*, it may be easy to determine the law applicable in prototypical cases, such as when Reuven's ox gores Shimon's. But intuiting how Hashem would have us proceed, both *halakhically* (i.e. in terms of Jewish law) and especially *hashkafically* (i.e. in terms of religious worldview), in the myriad of complex circumstances that we find ourselves confronted by in "real life," is not at all easy. Determining the will of God in mundane life is difficult, delicate, and ultimately dubious, as it is very rarely that we can claim to know with surety what it is that Hashem wants of us. All we can do is strive for the standard set by the prophet Micah, and pray that we meet it successfully:

He has told you, O mortal, what is good and what He demands of you: only to act justly, and to love kindness, and to walk humbly with Hashem your God.<sup>17</sup>

*Read thus, the prophecy at the burning bush would serve as an oblique (and admittedly ungrammatical) allusion to the judicial reforms Jethro recommends in the latter half of our passage, whose effect is to place Moses in the position of "working with other judges."*

10 Exodus 19:6.

11 Ibid. 19:13.

12 Ibid.

13 Ibid. 19:21-22.

14 Ibid. 19:24.

15 Ibid. 20:20-23.

16 Ibid. 19:9.

17 Micah 6:8.

in this story, as a child's playing is hardly sufficient grounds for his banishment. The closest examples of athletics are representative battles or duels in the context of war. Yaakov fights with an angel (Genesis 32:25), David battles with Goliath (Samuel I 17), and twelve members of Ish-Boshet and David's armies duel at Avner's suggestion in lieu of a battle (Samuel II 2).<sup>1</sup>

The earliest "canonical"<sup>2</sup> source that references sports as recreation is 1 Maccabees:

In those days certain renegades came out from Israel and misled many, saying, "Let us go and make a covenant with the Gentiles around us, for since we separated from them many disasters have come upon us." This proposal pleased them, and some of the people eagerly went to the king, who authorized them to observe the ordinances of the Gentiles. So they built a gymnasium in Jerusalem, according to Gentile custom, and removed the marks of circumcision and abandoned the holy covenant. They joined with the Gentiles and sold themselves to do evil (1 Maccabees 1:12-16).<sup>3</sup>

1 Maccabees depicts building a gymnasium for sports as the quintessential Gentile custom, referred to as *hukkat ha-goyim*. Building the gymnasium serves as the first act of defiance of Hellenized Jews deliberately misleading the Jewish people. They claimed to wish for peace with the gentiles, while actually blindly following foreign customs. The new gymnasium in Jerusalem led to removing the *brit milah*, covenant of circumcision, because only the uncircumcised could participate in the Greek sports.<sup>4</sup> They abandoned the covenant with Hashem along with removing their *brit mila*. In case it was unclear that the "renegades" misdirection was a travesty, the section closes with the Jews having "sold themselves to do evil." The gymnasium ties directly to undoing *brit milah*, abandoning God, and doing evil.

In case there was any doubt about how the gymnasium in Jerusalem was perceived at the time, a similar episode occurs in 2 Maccabees following the ascension of the wicked High Priest Jason.<sup>5</sup> After bribing his way to become High Priest, Jason Hellenized Jerusalem and made "the people of Jerusalem change to the Greek way of life" (2 Maccabees 2:10).

Jason also did away with our Jewish customs and introduced new customs that were contrary to our Law. With great enthusiasm he built a stadium near the Temple hill and led our finest young men to adopt the Greek custom of participating in athletic events (2

Maccabees 4).

Participating in athletic events was the example *par excellence* of Hellenization. Jewish customs and laws were thrown away in order to make room for new practices, especially athletic events. 2 Maccabees continues:

Because of the unrivaled wickedness of Jason, that ungodly and illegitimate High Priest, the craze for the Greek way of life and for foreign customs reached such a point that even the priests lost all interest in their sacred duties. They lost interest in the Temple services and neglected the sacrifices. Just as soon as the signal was given, they would rush off to take part in the games that were forbidden by our Law (ibid.).

Even the priests were led to be derelict in their duties, as they would rather wrestle or throw a discus than offer sacrifices in the Temple. These activities were referred to as "the games that were forbidden by our Law", implying that they were Biblically or Rabbinically prohibited. The nightmare of every pastor came true: not even the clergy cared to attend services. If they happened to come at all, they would abandon their posts and head to the stadium as soon as the games began.

They did not care about anything their ancestors had valued; they prized only Greek honors. And this turned out to be the source of all their troubles, for the very people whose ways they admired and whose customs they tried to imitate became their enemies and oppressed them. It is a serious thing to disregard God's Law, as you will see from the following events (ibid.).<sup>6</sup>

The Jews exchanged Torah ideals for Greek honors, thinking that such a substitution would make the Greeks accept them. They could not have been more wrong. The ensuing Hanukkah saga perfectly proves the point.

In addition to the events of the games themselves, which could be considered celebrations of the human body, there were sacrifices to the pagan gods. When Jason sent athletes to the games at Tyre, he included "22,500 pounds of silver to pay for a sacrifice to the god Hercules," a clear example of idolatry. Luckily, the athletes themselves knew enough to donate

it to the local war fund instead (ibid.).

Eventually, the Maccabees successfully gained control of Israel and reestablished Jewish sovereignty.<sup>7</sup> Unfortunately, not all of the later rulers of the Hasmonean dynasty were interested in maintaining any semblance of ancient Jewish ideals. Herod exemplifies this abandoning of Torah ideals as Josephus, a self-described Pharisee, follower of Mosaic Law, describes:

Herod revolted from the laws of his country, and corrupted their ancient constitution, by the introduction of foreign practices, which constitution yet ought to have been preserved inviolable;...in the first place, he appointed solemn games to be celebrated every fifth year, in honor of Caesar, and built a theater at Jerusalem, as also a very great amphitheater in the plain...but opposite to the Jewish customs; for we have had no such shows delivered down to us as fit to be used or exhibited by us; ...but to natural Jews, this was no better than a dissolution of those customs for which they had so great a veneration. It appeared also no better than an instance of barefaced impiety, to throw men to wild beasts, for the affording delight to the spectators; and it appeared an instance of no less impiety, to change their own laws for such foreign exercises: but, above all the rest, the trophies gave most distaste to the Jews; for as they imagined them to be images, included within the armor that hung round about them, they were sorely displeased at them, because it was not the custom of their country to pay honors to such images. (*Antiquities of the Jews*, 15: 267-276)<sup>8</sup>

Paralleling Jason, Herod went against the normative practice and laws of his country and introduced foreign practices that went against his people's "ancient constitution." Herod's first steps leading the Jews away from Judaism included the introduction of games, sporting events, and theater, which are "opposite the Jewish custom" and "honor Caesar and not God." Herod destroyed Jewish traditions and customs. He replaced closely held customs with morally repugnant activities such as killing for sport, exchanged Jewish laws for foreign ones, and awarded idolatrous

## Would the Maccabees Ban the Maccabiah?

BY CHAIM METZGER

Are sports a worthwhile and valuable Jewish activity? By the number of *minyanim* and kosher stands at athletic events, attendance appears to be a Halakhic obligation. But is playing or watching sports a Jewish ideal? Is there value to participating as an athlete or a spectator – or are athletics the antithesis of Jewish values?

### Sports Through Jewish History

The Tanakh never explicitly mentions sports. Sarah sees Yishmael "*metzahek*," alternatively translated as playing, laughing, or mocking, and then decides to disinherit and banish him (Genesis 21:9). This could imply a ban on playing anything, including sports, but in all likelihood other factors are at play

trophies. The sporting events depicted by Josephus violated numerous laws and customs, which morally and religiously disgusted the Jews. While Jews certainly participated in Greek sports during the Second Temple period, their participation was neither condoned nor recommended by their contemporary historian and supposed religious counterpart.

Archeologists have uncovered theaters, stadiums, and hippodromes throughout Israel, both in Jewish and Roman areas.<sup>9</sup> These remains are in Caesarea, Scythopolis, Gaza, and Eleutheropolis among others, cities with primarily Jewish populations; in all likelihood Jews attended these much like their gentile neighbors. They also probably continued attending performances as long as they were extant.

The view of sports and spectacle in the Mishnaic period is a bit more complex than that which is presented in Josephus or Maccabees. Targum Pseudo-Jonathan,<sup>10</sup> for instance, translates Deuteronomy 28:19 (“Cursed shall you be in your coming and cursed shall you be in you going”) as:

Cursed shall you be when enter your theaters and circuses to negate the words of the Torah and cursed are you when you leave to do your business.

Clearly the translator wasn’t saying this in a vacuum; rather, he was addressing the Jews who would often head to stadium and performances. Perhaps some of his fellow congregant even skipped synagogue to engage in these activities, just as the priests did to the Second Temple.

Tosefta Avodah Zarah 2:5-7 gives various reasons for why going to theaters and other recreational entertainment activities is forbidden. There are three distinct segments to the Tosefta’s comments, and they may indicate three distinct time periods and reactions of the populace. The first segment suggests potential issues of *avodah zarah*, idol worship. The Sages note that even if these particular games aren’t dedicated to a deity and no forbidden sacrifices are being made, the stadium can still be considered a place where fools gather, known as *moshav leitzim*.<sup>11</sup> Such a gathering is seen as the epitome of *bitul talmud Torah*, or wasting time that could have been spent learning Torah. One of the Sages included in this Tosefta is

R’ Meir, a fourth generation Tanna, so the statement probably stems from that period. The Tosefta then expands upon its list of forbidden entertainments and again concludes the issue is *moshav leitzim*, but in an expanded fashion explaining how attendance can directly lead to problems.

The Tosefta next notes that one is permitted to go to the theater if there is a strong *tzorech medina*, or need of state, but if he appreciates the spectacle then it is forbidden. This need of state is most likely a reference to the practice of the popular voting at these events. The populace often voted or expressed their desires to government officials after the performances because that was when they had all gathered and could make their opinions known through chants.<sup>12</sup>

The Tosefta continues by stating that going to the gladiatorial arena is akin to murder. However R’ Natan, a fourth generation Amora, permits attendance because a Jewish audience member can cheer loudly to protect Jewish gladiators,<sup>13</sup> and even if that fails, he can testify about the gladiator’s death to prevent his wife from being an *agunah*, or “chained women” who cannot remarry. The Tosefta finally concludes that one may attend in order to cheer or because of needs of states. The various opinions and stages posited by the Tosefta may indicate that the Sages tried and failed to rein in the practice of attending events at stadiums. This debate was longstanding, starting in the Tannaitic period and extending into the Amoraic period, and the Rabbis kept trying to ban it but failed.<sup>14</sup>

The Talmud Bavli (Avodah Zarah 18-19) quotes the Tosefta out of order and discusses each element before concluding by explaining why a person must learn and not be distracted from his studies, lest he come to forget them all. Clearly the Amoraim of the Talmud believe the first opinion mentioned in the Tosefta is correct, that the issues of *moshav leitzim* and *bittul Torah* are the essential problems with attending the arena.

The Talmud Yerushalmi (Ta’anit 4:5) explains that the city Tur Shimon was destroyed because of either harlotry or “*mesahkin be-kadur*,” meaning ball playing. It is unclear why ball playing would cause the destruction, but based on Maccabees and Josephus, the reason could be connected to idol worship, murder, ignoring work to play games,

or promiscuity in the stands. Different versions of this statement exist: some include playing ball particularly on the Sabbath, which would mean the issue was not with the sports themselves but when the people were doing them. It is difficult to imagine that simple playing would destroy an entire city; Zechariah (8:5) even prophesizes about the return of Jerusalem to its previous glory when children will play in the streets. This conflict can perhaps be explained by making a distinction between participation and spectating.

Part of this debate centers on how to interpret certain prohibited actions enumerated in the Mishnah in Tractate Shabbat 22:6:

One may oil and massage the innards but one may not *mit’amel* or scrape. One must not go down to a *qordeima* or induce vomiting, or straighten an infant or set a broken bone. If one’s hand or foot is dislocated, he must not agitate it violently in cold water but may wash it in the usual way, and if it heals, it heals.

*Mit’amlin* literally means toiling. The Rambam explains the activity of *lo mit’amlin* as exercising, which would mean exercise, while forbidden on the Sabbath, presumably is fine the rest of the week. Saul Lieberman builds on this, explaining each clause of the Mishnah in light of wrestling practices of the Tannaitic period. Through this paradigm he shows how each and every activity would have occurred while either wrestling itself or maintaining one’s body for the sport.<sup>15</sup> The Mishnah goes out of its way to prohibit wrestling-related activities on Shabbat; from this it can be inferred that the Jews were heavily involved in wrestling during the Tannaitic period. This understanding clarifies the latter half of the Mishnah, which describes various medical practices such as setting bones and fixing dislocations.<sup>16</sup> Breaks and dislocations are fairly frequent in wrestling, and athletes would need to know what rehabilitation methods were permitted or forbidden on Shabbat.<sup>17</sup> These acts of preparing, participating, and recovering from wrestling are only forbidden on Shabbat, implying that the Tannaim had no issue with wrestling being done during the rest of the week.

Of course, whether or not the Rabbis advised such activities even

during the workweek is a different matter entirely. Weiss<sup>18</sup> suggests that the Tannaim were rather absolute in their forbidding of attendance but the Amoraim took a softer approach after realizing that forbidding the activity didn’t change the populace’s opinions. In response to a question about injuring someone in a wrestling match, the Rosh explains that injury is an expected, if unfortunate, occurrence in wrestling, and inevitably happens when seriously engaging in the sport. Hence, the offending party is exempt from payment.<sup>19,20</sup> It is thus clear that people wrestled and the rabbis knew about it, and did not protest.

### Exercise and Sports as Potentially Advisable Practices

While sports in the context of Hellenist culture raised several religious problems, when through a different paradigm they can perhaps have a place in the religious domain. If sports are viewed as a means of exercise and healthy living, they could in fact have positive religious value. Halakha forbids a person to live an unhealthy lifestyle or endangering himself. Tractate Shabbat 32a explains that a person should never put himself in a dangerous position.<sup>21</sup> Rambam, in his commentary on the Mishnah in Pesachim 4:10, points out that refusing medication or a doctor’s aid is akin to fasting out of spite. If science delineates how to stay healthy, we must take heed. Rambam explains in *Hilkhot De’ot* 4 that staying healthy is “among the ways of God,” because it is impossible to understand or learn anything about God if one is sick. Therefore, a person must remove himself from activities that harm his body and participate in activities that strengthen his body. There is no clearer source than Rambam for the need for exercise and proper diet. He details various healthy practices, such as a proper time for exercise and eating; standing still when you eat; ensuring proper sleep and rest; not eating too close to bedtime; and that proper diet combined with exercise and exertion is required to remain healthy.<sup>22</sup> Rambam extended Hazal’s reasoning from forbidding ill-advised practices to mandating advisable practices. Medical advice given by Hazal should only be practiced in light of current medical knowledge. Much of Rambam’s advice holds true today.<sup>23</sup>

The *Tur* (*Orah Hayyim* 301) quotes Hazal’s exposition differentiating

between one’s mannerism on Shabbat and during the week. Running on Shabbat can only be done for a mitzvah, such as running to shul.<sup>24</sup> The *Tur* then quotes the *Semak*, which states that for young men who enjoy their jumping and running, these actions are permitted. The following clause, “And similarly, whatever you enjoy watching is permitted as well,” might suggest that one can go to stadiums, theaters, and concerts on Shabbat, assuming one avoids the technical Shabbat violations. The generally accepted practice, however, is that attending these forms of entertainment on Shabbos is prohibited.<sup>25</sup>

“*Hishamer le-kha u-shmor nafshecha mi’od*,” “Only take heed to thyself, and keep thy soul diligently” (Deuteronomy 4:9) and “*ve-nishmartem me’od lenafshoteichem*,” “Take ye therefore good heed unto yourselves” (4:15) have become in the last century two oft cited but unsourced quotations for staying healthy and exercising.<sup>26</sup> These verses are commonly expounded to mean that one should ensure that his body is healthy, despite the fact that their context deals with the dangers of idol worship. R. Meir ben R. Todros Ha-Levi Abulafia<sup>27</sup> is the first person to quote this verse for health reasons. He writes that one must not be sick in order that he can learn Torah and serve God properly. However, these verses were not commonly expounded to this effect until the period of the late Acharonim. Rav Eliezer Waldenburg<sup>28</sup> references these verses to explain why it is forbidden to smoke, but they appear to be simply a catchphrase, or at best a modern exposition.<sup>29</sup>

Based on the context of these verses, one can properly use them in support of playing sports, although this may seem ironic for readers now familiar with the view of sports presented in Maccabees and Josephus. For instance:

Only take heed to thyself, and keep thy soul diligently, lest thou forget the things which thine eyes saw, and lest they depart from thy heart all the days of thy life; but make them known unto thy children and thy children’s children. (Devarim 4:9)

This verse clearly warns Bnei Yisrael to be careful in observance of the mitzvah and to continue the chain of tradition. This is the complete opposite of the

effect of the introduction of sports in Maccabees and Josephus, where it was an open act of rebellion against tradition.

The phrase “Take ye therefore good heed unto yourselves” can be used to emphasize exercise and preserving the physical body:

Take ye therefore good heed unto yourselves--for ye saw no manner of form on the day that Hashem spoke unto you in Horeb out of the midst of the fire--lest ye deal corruptly, and make you a graven image, even the form of any figure, the likeness of male or female... thou be drawn away and worship them, and serve them. (Devarim 4:15-19)

The verse actually warns against images and how making them will lead to destruction. Ironically, the images and idolatry were precisely what was wrong with games in Josephus and Maccabees. “Take ye therefore good heed unto yourselves” also appears in Joshua 23:11 and seemingly supports exercise and sports, but the next verse clarifies the context:

You must guard yourself very well in order to love G-d. Else if ye do in any wise go back, and cleave unto the remnant of these nations, even these that remain among you, and make marriages with them, and go in unto them, and they to you; know for a certainty that Hashem your G-d will no more drive these nations from out of your sight; but they shall be a snare and a trap unto you, and a scourge in your sides, and pricks in your eyes, until ye perish from off this good land which Hashem your G-d hath given you. (Joshua 23: 11-13)

Yehoshua here is in the midst of his farewell address and warns Israel not to associate too closely with the surrounding peoples, lest they intermarry and be expelled from the land. Perhaps invoking these verses as the source for staying healthy and not injuring oneself hints towards the fact that while exercising is beneficial, its practitioners must be vigilant: Similar to mingling with Israel’s idolatrous neighbors, extra devotion to exercise can lead to forgetting the Torah and commandments, forsaking tradition, intermarrying, assimilating, or committing

outright idolatry. Such idolatry could be toward the gods of the games, but it could be also manifest in worshiping one's own body like the Greeks once did. Keeping one's body healthy in order to better serve God is valuable, but to do so for fleeting hedonistic pleasures is not.

Rav Kook supports exercise and sports in his book *Orot Ha-tehiyah*. He explains that maintaining physical strength parallels to the strengthening the spiritual self, both of which are needed in the service of God.<sup>30</sup> Despite the potential pitfalls, there is still value in athletics and sports. It is unclear which elements or benefits Rav Kook was referring to, but he certainly had a positive perspective on physically maintaining oneself as a means to better serve God and the nation of Israel.

This approach however would not seem to include spectating as a positive religious value. In fact, when Rav Moshe Feinstein was asked “Is it forbidden to go to theaters and sports stadiums nowadays because of [the prohibition of] “do not walk in their ways’?” he replied:

“While there is no problem of “do not walk in their ways” it is forbidden

1 While Rabbi Yehoshua ben Levi says Avner was killed for making light of the youths' blood, that instance also immediately precedes or follows a military conflict (Vayikra Raba 26, Talmud Yerushalmi Peah 1:1). Rav Kook ('Orot Tihyah Chapter 34) explains the verse as being problematic when spilling blood just for sport, however blood spilt for a productive purpose is commendable. “[W]hen young people engage in sport to strengthen the power and spirit for the sake of the might of the entire nation, that holy service raises God's Presence higher and higher.”

2 1 and 2 Maccabees are considered apocryphal works in Jewish tradition

3 Translation from the Septuagint found in New Annotated Oxford Apocrypha

4 Hall, Robert G. “Epispasm: Circumcision in Reverse.” Bible Review August 1992, pages 52-57

5 High Priest Jason was certainly Hellenized, as his name is that of the hero of Jason and the Argonauts from Greek mythology. Some sources indicate he was formerly named יֵשׁוּעַ or Jesus, but he may not have ever been named Jesus, rather the name could have been assigned to him mockingly by Pharisees.

6 Oppression later at the hand of the Greeks

7 As to what they established, who was in charge during the remainder of the Second Temple period, and how the various sects began to fight once they were no longer under foreign control see Schiffman's From Text to Tradition. . For a further perspective on whether the Hasmonean ruled correctly see Ramban's commentary on Vayishlach.

8 William Whiston A.M. Edition

9 (Weiss, 2014)

because of the prohibition of “*moshav leitzim*.” And all who go violate the prohibition of seat of the scornful and wasting time from learning. Not just on this time but it will cause you to stop completely from the Torah as is explained there. Even more so theatre that can be found in our country, and the sports stadiums, even in other countries, that people simply do without connection to idol worship... They are forbidden because of *moshav leitzim and bitul Torah*. There is also the severe prohibition to incite the evil inclination of illicit urges in oneself because most of them are places of profanity and incites licentiousness.”<sup>31</sup>

Rav Moshe Feinstein thus would definitely not support spectating, much like the Tosefta and TB Avoda Zara. However, it is possible that he would view playing sports, if there were some positive benefit involved, in a positive light as Rav Kook does. Perhaps even watching sports would be less strongly forbidden if the psychological benefits were more readily measurable, as noted by the Tur on

10 While it is here included in the Mishnaic period, the exact dating of Targum Pesduo-Jonathan has admittedly been contested by scholars.

11 This is a brilliant pun because many of the performers were “leitzim” – actual clowns – whose names spread far and wide.

12 Weiss, Zeev. “Public Spectacles in Roman and Late Antique Palestine.” Harvard University Press. Cambridge 2014. Page 203

13 The cheering would often help influence the decision of the ruler or person in charge of the games to decide whether the loser would die or live (Weiss, 2014).

14 The productivity of going to the stadium is questionable, especially considering its origins. The Roman Empire introduced the Roman Colosseum as well as many other forms of entertainment throughout the empire to control the populace, particularly the rowdy ex-military men and mercenaries. The stadium gave these men an outlet for directing their bloodlust and aggression, protecting the populace and the government. The stadiums and theaters were designed to distract people and prevent them from thinking of the larger issues that plagued them. Considering the Jewish people's long history of rebelling against the Roman Empire, the Romans would rather the Jews attend the events and be entertained than plan revolts. The various Rabbinic authorities of the times would certainly prefer them using their time and dealing with issues, not avoiding them, even when it leads to conflict as evinced in Breishit Rabba. (Brieshit Rabba Vayishlach Parsha 80 Siman 1), “Entertainment, Politics, and the Soul: Lessons of the Roman Games”, www.rainsnow.org/wod\_roman\_games\_part\_one.htm

15 Lieberman, Saul. Greek in Jewish Palestine: Studies in the life and manners of Jewish Palestine in the II-IV Centuries CE (New York: Feldheim,

Shabbos, and could be weighed against the prohibition of wasting time if it leads to a net gain for learning Torah.

### Conclusion

Jewish interaction with sports and athletics dates back to the period of the Second Temple under Greek influence and possibly to even earlier. Throughout the years there have been important issues supporting the practice of sports, which are still relevant today. Association with sports in the Hasmonean period was considered to be a sign of Hellenization and antithesis of Jewish values, while Jews in the Tannaitic period practiced sports for leisure within certain Halakhic guidelines. According to Maimonides sports advocated as sound medical practice and means to better service of God, and Rav Kook viewed the act of sports in and of itself as a means to better service of God. Sports spectating has been not often found favor or been granted much value by the Rabbis from the time of the Second Temple until today. Nevertheless, the lay population has embraced sports fandom, from the Greco-Roman culture to the modern American culture.

1942), 92-97 [http://babel.hathitrust.org/cgi/pt?id=uc1.\\$b49403;view=lup;seq=108](http://babel.hathitrust.org/cgi/pt?id=uc1.$b49403;view=lup;seq=108) (Accessed 7/2/2015)

16 The translation of the Mishnah now becomes, “They [wrestlers] may oil and massage their inwards,” ostensibly from muscle soreness or abrasions, “but they may not exercise nor scrape.” “They may not go down to the gordeima or piluma” (depending on your girsra) which is the muddy place, the wrestling grounds. “And they may not use artificial emetics,” which athletes would use to maintain a healthy body or a certain body weight. “They may not straighten spine (Rambam PHM) nor may they set a broken bone. “If someone's arm or leg was dislocated (or sprained) they should not agitate it in cold water; but he should wash it normally and if it heals, it heals.

17 “Common Wrestling Injuries”: <http://sports-medicine.about.com/od/findyourinjurybysport/a/The-Most-Common-Wrestling-Injuries.htm> (Accessed 7/2/2015)

18 Weiss, 2014.

19 Shut HaRosh Klal 101 Siman 6.

20 This presumably means patur aval assur, exempt but forbidden, because a person cannot harm oneself or others intentionally.

21 Pointed out by R' Aryeh Leibowitz in “Ten Minute Halacha” series on yutorah.org, quoting Tosafot Ketubot 30a

22 The Migdal Oz records various possible Talmudic and Midrashic sources for Rambam's position, arguing that Rambam's advice is not just simple medical knowledge (ibid. s.v. ho'il ve-heyot).

23 A brief purview of the history of body-image ide-

als indicates that the medical benefits of exercise only regained popularity and renown in the last century. However, exercise as medicine has been present for thousands of years across various cultures. See Tip-ton, Charles M. “The History of “Exercise Is Medicine” in Ancient Civilizations.” Advances in Physiology Education Published 1 June 2014 Vol. 38 no. 2, 109-117 DOI: 10.1152/advan.00136.2013. Rambam seems to have applied this knowledge as halakhah.

24 It is possible to infer that if running is understood as a way to exercise and fulfill more mitzvot, running for health reasons could be allowed.

25 R. Moshe Feinstein believes this practice is prohibited even during the week (Igrot Moshe YD 4:11).

26 Translations from JPS 1917

27 See Yad Ramah Sanhedrin 17b

28 Responsa Tzitz Eliezer Heleq 15 Siman 39

29 This appropriation of a biblical phrase in a different context is reminiscent of Chatam Sofer's invocation of “*hadash assur min ha-Torah*” taking a Talmudic dictum about food to refer to new ideas of the Enlightenment.

30 “The exercise that the youth of Israel engage in in the land of Israel, strengthening their bodies to be strong and mighty children for the sake of the nation, perfects the spiritual power of the supernal tzaddikim who engage in unifications of the holy

Names to increase the prominence of spiritual light in the world. The revelation of one light cannot stand at all without its fellow... Do not be surprised to find imperfections in the way of life of those who are engaged in physical strength and in all types of earthy might in the nation of Israel. Even the manifestation of the holy spirit must come forth from the admixture of drops of uncleanness with which it was mingled. It grows ever more pure, more holy and more clear, and redeems itself from its exile, until it comes to a general path of the righteous.” Chapter 34. “Rav Avraham Yitzchak Hacohen Kook Teachings in English translated by Yaacov David Shluman” <http://www.ravkook.net/spirituality-and-physicality.html>

31 Responsa Igrot Mosheh Yoreh Deah: 4:11:

## Between Community and Communion

### A Review of “Halakhic Morality: Essays on Ethics and Masorah”

By LEEAD STALLER

Reviewed Book: R. Joseph B. Soloveitchik, *Halakhic Morality: Essays on Ethics and Masorah* (New Milford, CT: Maggid Books, 2017).

While the wisdom of clichéd aphorisms warns us to “never judge a book by its cover,” it is hard not to judge Toras HoRav's latest product by the austere black typeface centered on its book jacket. In part, this is due to the lack of graphic intrigue to be found on the cover, but mainly, it is because of the ambitious promise the title offers – *Halakhic Morality: Essays on Ethics and Masorah*. This header presents an intriguing (and perhaps unintentional) tension between the title and the subtitle. Although the title promises a work that deals with “morality,” the post-colon clause declares the book's contents as “essays on ethics.” While I would typically be the first to admit that such nitpicking seems pedantic, if not meaninglessly overly sensitive to semantics, in this instance it seems important to draw upon the ill-defined and historically contentious distinction between “ethics” and “morality.”

“Ethics” finds its origin in the Greek work *ethos*, which, while invoked nowadays to mean a certain spirit or zeitgeist, literally translates to “custom” or “habit.” Similar to *halakha*, with its literal translation of “the way to go,” ethics concerns itself with the creation of a system or a norm that can prescriptively attribute value to actions. This term stands in clear distinction to morality, derived from the Latin word *moralis*, meaning “manner” or “character.” Rather than attempting to engage in a systematic

enterprise, morality is largely an individual judgment call about whether an actor feels that a thought or action is right or wrong. Thus, while ethics are broad and applied to communities or fields (business ethics, medical ethics, etc.), morality is localized and personal, focusing on moral or immoral acts or thoughts. While it is undeniable that throughout history morals have been packaged and universalized into “moral codes,” and ethics have been parsed and individuated into “ethical actions,” as a whole this basic distinction stands true. Ethics are concerned with the creation of a system that governs between people, while morality is an individual self-assessment based on one's own feelings and intuitions. Thus, for example, while one may deem a particular ethical code immoral, that judgment does not negate that one who lives by such a code is living ethically. Conversely, while one may determine that jaywalking is not immoral, since it is a largely victimless crime, it could still come into conflict with one's ethical code. While in popular parlance it is acceptable to, and I will, use these two terms interchangeably, it is important to note that a significant difference does exist.

Given that introduction, one can understand why I, upon beginning a book entitled *Halakhic Morality*, expected to read discussions about particular modern values – whether they are right or wrong – and how to properly tune my moral compass to the complex nuances of the contemporary zeitgeist. In fact, Rav Soloveitchik himself writes (as is excerpted in the dust jacket), “Hence, nowadays a basic investigation of morality and *ethos* would be of great importance. There is a crying need for

clarification of many practical problems, both in the individual-private and in the social-ethical realms. There are too many uncertainties in which we live today, uncertainties about what we ought to do.”<sup>1</sup> Undeniably emphasizing the practical and the contemporary, it seems like this book is about to engage in discussions of universalism vs. Jewish particularism, egalitarianism vs. halakhic hierarchicalism, feminism vs. gendered traditionalism, and any other ism one could imagine in today's cultural landscape. Granted, Rav Soloveitchik roots his investigation into morality in the text of *Pirkei Avot*, but the confines of ancient masoretic texts have never inhibited contemporary exploration amongst modern Jewish philosophers.

At this point, it must be acknowledged that there is a certain amount of irony, and even uncomfortable apprehension, in turning to this work for guidance in contemporary issues. While Rav Soloveitchik, as a giant in Torah and intellectual thought and a bearer and shaper of the *Masorah*, lives on beyond his own lifespan in his eternal Torah and living lessons, there is undoubtedly a certain amount of contextualization, and thereby limitation, that must take place when turning for advice on contemporary issues. Rav Soloveitchik himself writes, “an investigation and reformulation of practical ethical standards is vitally necessary in every epoch... [as] the particular norm – the specific ethical act, the detail– was never subjected to a legislative act as was the Halakha.”<sup>2</sup> In other words, the very project of investigating morality is itself anchored in the details of the period and context in

which it is undergone. As such, there is an undeniable limitation in the guidance one can receive in this realm from a figure who passed away over two decades ago, and whose source material, upon which much of this book is based, was penned over half a century ago. This lacking is ironically exasperated by the Rav's own thoughts, as he frames the moral teachings that are to follow. Rav Soloveitchik writes,

There is the intimate personal *Masorah*. The medium of transmission is not the word, if it is to be understood in its phonetic dimensions, but an experience, a state of mind, a mode of self-manifestation... The master addresses, or rather expression himself, revealing some aspect of his unique personality, and the disciple spies on him and overhears his whisper.<sup>3</sup>

Rav Soloveitchik lays out a unique theory of the *Masorah* of morality, which dictates that morals cannot be taught merely through words or ideas, but must be observed and absorbed via a relationship between the teacher and disciple. Later, Rav Soloveitchik emphasizes the need for a "living closeness"<sup>4</sup> to properly form the necessary bond between master and disciple. Reading this, one cannot help but think of the cruel irony and the unfortunate limitation posed by the posthumous nature of this publication.

Perhaps it was in part due to this limitation that in the following pages few to none of what I would consider "today's issues" were addressed or discussed. Empty were the pages discussing the tension of balancing egalitarian values with halakha, and missing was the chapter discussing how to relate to community members whose orientations or identities might seem to push them out of our reach. Instead of discussing the "right" and "wrong" of various contemporary issues, and how to answer pressing popular questions, *Halakhic Morality* lays out an abstract and diverse list of teachings about various uncontroversial and largely settled issues. The work begins by describing the evils of power,<sup>5</sup> perhaps a clichéd moral message by now, and from there jumps to the need for an exoteric educational philosophy with democratized access to and participation in Talmud Torah.<sup>6</sup> From there, the work jumps to the need for an

"all-inclusive moral law" (a phrase that raises unaddressed questions about the previous distinction between legislated halakha and dynamic morality), and that is just within the first chapter.<sup>7</sup> The following chapters discuss the role of *hesed*, loving-kindness, in forming an ontologically unified community,<sup>8</sup> and the threats of Hellenist eudemonism and Anglo utilitarianism on the cohesion and very fabric of said community.<sup>9</sup> In fact, it seems that the only theme that runs consistently throughout the work, and perhaps the most used word in the whole book (after "ontic") was community – a concept that one may not have initially expected to be so closely tied to a study of "morality." All in all, having completed the first of the two sections of this book (the second containing various self-contained essays on topics like Tzedakah and humility), I was left confused and disappointed, as the work simply failed to deliver on its promise of being a practical guide to contemporary issues.

It is easy, and in fact was my first reaction, to chalk this up to the limits of Rav Soloveitchik's relevance to contemporary discourse. Perhaps, while a college educated Semikha student living in 2017 might take it for granted that power is corruptible, that Torah should be democratized, and that a sense of community is essential for a Jew to thrive, in the 1950's, when the Rav gave the original Revel class that this book is based off of, these concepts were perhaps not as settled and straight forward. Maybe the modern 'isms' are just too new for Rav Soloveitchik to have penned anything about them, and this book was simply doomed from the cover page to overpromise and under deliver. Yet, upon reflection, it became clear that, while true that this book's title may doom it to disappoint, it is not a failing in the content of the work, but rather, in the reader's expectations. I came to this work with the expectation of a discussion, and hopefully even a conclusion, about contemporary matters of moral judgment. In other words, how would Rav Soloveitchik advise I feel about the many issues cluttering Facebook newsfeeds and *Tablet* articles. However, Rav Soloveitchik was not addressing how one should feel about particular issues. He was not engaging in particular moral assessments. Rather, this work is a work of ethics, dealing with the role and nature of a

value system. But more than that, this book is really a work of ethico-political theory, explaining the role a particular ethical code should play in the formation of a political entity – the Jewish community.

Towards the end of the 20<sup>th</sup> century, in response to the ideological writings of liberal philosophers such as John Rawls, as well as to the conservative realities of political figures such as Ronald Reagan and Margaret Thatcher, a new political philosophy emerged known as communitarianism. While the particular context of the period formalized the theory, the principles behind the pejoratively titled philosophy had existed at least since World War II. Communitarianism argued that, instead of focusing on the individual, either from a libertarian perspective as a free actor or from a liberal perspective as an essential participant in the social contract, political systems should focus on communities. Thus, instead of investigating what social welfare would be necessary for an individual to subscribe to a social contract, politicians should explore what measures would enable and encourage individuals to join and grow flourishing communities. In other words, communitarianism argued that the focus should be shifted, and the subject of philosophical discourse should become the community and not the individual.

In his work *Communitarianism: A New Agenda for Politics and Citizenship*, political theorist Henry Tam lays out three core principles at the heart of communitarianism. First is the need for cooperative inquiry. Any assertion must be judged against the communal acceptance of such a position. Second is the need for common values. By sharing values, a community creates a sense of mutual responsibility and cohesion. Third is equal access to and participation in the power structures of the community. By ensuring that there is no ruling elite and knowledge and power are democratized within the community, the community as a whole can maintain its distinct and cohesive nature and continue to survive.<sup>10</sup>

It would seem that these three principles, if not intentionally at least incidentally, sum up much of Rav Soloveitchik's agenda in his work. While the various themes and topics addressed may seem somewhat random, when considered in this light, they begin to

cohere and make sense. The common theme that runs throughout these subjects is that of community, and altogether, they lay the necessary blueprint as to how to construct a religious community as a thriving political entity. Power, as the pursuit of an individual to impose his or her will over others, negates and undermines the community, as does harboring an aristocratic elite. Rather, the political entity must be open and accessible to all of its members. Moreover, this community must be all-encompassing, as without an all-inclusive norm, it will fail in its ability to keep people deeply identified with it. But this practical political organization is not enough, as the community must be one fundamentally unified around a shared sense of value and responsibility. *Hesed* serves as this necessary ontic glue, unifying the souls and not just the bodies of the community's constituents. Finally, by organizing around a Torah-endorsed ethic, one which focuses on the public ought

<sup>1</sup> Soloveitchik, 5.

<sup>2</sup> *Ibid.*, 4.

<sup>3</sup> *Ibid.*, 8.

<sup>4</sup> *Ibid.*, 12.

instead of personal liberty, such a religious community will be poised to survive and flourish despite the challenges of liberal individualism surrounding it. As such, Rav Soloveitchik's argument reveals little about the details of a Jewish ethic, and much about its importance and the role it plays.

Indeed, it appears that Rav Soloveitchik's work, rather than addressing the content of an individual's morality, is appealing to the individual to sacrifice his individuality to the greater communal unit. Hellenistic pursuits of eudemonia are concerned with individual happiness, as are American conquests to maximize utility, but by foregoing those individual missions and joining a community – a Jewish community that has a *Masorah* that transcends history and transverses time – one is able to live a Torah lifestyle. In other words, Rav Soloveitchik is not attempting to address specific moral questions, nor is he even attempting to advise on the particular content of an

<sup>5</sup> *Ibid.*, 32.

<sup>6</sup> *Ibid.*, 39.

<sup>7</sup> *Ibid.*, 62.

<sup>8</sup> *Ibid.*, 79.

ethical code. Rather, Rav Soloveitchik is building a model of the *type* of ethical code a Jew should construct. When it comes to constructing an ethical code, informed by Torah, our tradition, and our *Masorah*, Rav Soloveitchik tells us that we must make sure to build it and understand it in such a way that it facilitates community. While, on the one hand, *Halakhic Morality* did not, as I initially expected, address the particular problems of the current Modern Orthodox world, on the other hand, it could not be more relevant. As we live in a time of fracture and fission, Rav Soloveitchik has one, perhaps intuitive, but nonetheless essential point to drive home. While the what and the how may be obscure, and the implementation may be difficult, we cannot allow ourselves to ever forget the ultimate goal of constructing a public ethic and outlook: facilitating a community of *ovdei Hashem* that, arm in arm, can support each other in the shared pursuit of serving God.

<sup>9</sup> *Ibid.*, 94.

<sup>10</sup> Henry Tam, *Communitarianism: A New Agenda for Politics and Citizenship*. NYU Press. 1998.

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