

Volume III, Issue 3

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KOL

HAMEVASER

The Jewish Thought Magazine of the Yeshiva University Student Body



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Hidary, R. Dr. Joshua
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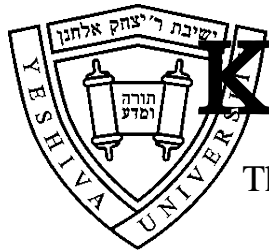
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Academic Jewish Studies



Kol Hamevaser

The Student Thought Magazine of the Yeshiva
University Student body

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About Kol Hamevaser

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

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

Editorial

Academic Jewish Studies: Benefits and Dangers

BY: Shlomo Zuckier

Is the enterprise of Academic Jewish Studies a worthwhile one? This issue of *Kol Hamevaser* deals with the interaction between this wide and varied field, with all its distinct branches, and the Orthodox Jew. I would like to take a broad look at what this approach has to offer the thinking Orthodox Jew and what dangers it holds in store for him or her.¹ This presentation is by no means comprehensive, and it does not necessarily reflect any one position on the issue, but I hope that this adumbration of the range of relevant advantages and dangers in the academic study of Jewish texts can be a useful resource nonetheless.

Academic Jewish Studies possesses a complicated relationship with traditional Jewish learning and practice, serving as both its handmaiden and rival. Many methods later championed in academic study were first utilized by classical *mefareshim*, and novel academic interpretations can aid the religious Jew as well; at the same time, however, much of academic scholarship directly or indirectly undermines classical learning and/or belief. How should we view this dually oppositional and supportive role that academic study serves to Torah study in particular and religiosity in general?

Beginning with the positive, Academic Jewish Studies can assist the traditional Jew either by providing technical information or through offering alternative constructive methodological approaches to the material. In the technical sense, it can proffer a precise definition of the Hebrew or Aramaic languages, help establish the basic version of a text (*girsas*)ⁱⁱ and allow a person to apply this knowledge to the study of biblical and/or Talmudic material where it might be lacking in traditional study.ⁱⁱⁱ At the same time, there are some more fundamentally significant ways in which academic scholarship can be of great value to a person studying the traditional text. Sensitivity to literary phenomena in Tanakh study, which was not fully developed in the past, is now a broadly used component of such study,^{iv} and institutions like Herzog College primarily employ the literary approach in a fully religious environment. A literarily aware approach can also be applied in the context of Talmud study, as it has been in recent years.^v At times, even source criticism can promote Torah; would Rav Soloveitchik have presented his *hiddush* regarding Adam the first and Adam

the second in *The Lonely Man of Faith* if not for the famous critical understandings of *Be-Reshit* 1 and 2?^{vi} In a similar vein, certain academic approaches to the Talmud enrich our understanding of the text. What might be referred to as the intellectual history of the Bavli,^{vii} the analysis of Amoraic opinions with an eye towards consistency in their approaches (which some claim is an extension of the “*le-shittatam*” method in Talmudic parlance^{viii}), can help us better understand the positions of these Sages.

Furthermore, the label “Academic Jewish Studies” can be somewhat misleading at times, as many of the approaches now pursued primarily or exclusively in the Academy were formerly firmly rooted in the metaphoricalbeit midrash. The study of Hebrew grammar, the implementation of certain literary tools, efforts to ascertain the proper *girsas* of the Gemara and

“In the academic world, the greatest respect is reserved for the very institution of academic pursuit and its findings, while the object of study – in our case, Judaism – is at times subjected to criticism or at least indifference, and religious texts might not receive the respect due them.”

the analysis of consistent Amoraic opinions referenced above are each a part of the traditional commentaries on the Tanakh and/or Talmud.

Additionally, approaching the Bible and Talmud with a historical mindset, a *modus operandi* of the academic method but a tool often ignored in traditional learning, can at times be very instructive in the study of these texts. Knowledge of the relevant history is instrumental in understanding the basic meaning of many *perakim* in Tanakh. At times, knowing the Ancient Near Eastern background of a biblical text can be fundamentally important for appreciating its message, as awareness of the backdrop against which the Bible is written can reveal polemics that may employ only discreet references to the surrounding culture.^{ix} At times, certain historical pieces of information can demonstrate the historicity of a biblical text, such as the Cyrus Scroll and its correlation to Ezra 1:2-4, or otherwise support traditional beliefs. In Talmud study, it is possible to gain insight into the ways in which certain laws were formulated based on the surrounding culture.^x

Until this point, I have only related to Tanakh and Talmud, areas where there is an established methodology of traditional study and where, therefore, academic approaches are (possibly) something very different. In the areas of Jewish History and Philosophy, however, this is not the case and so interaction with academic methods takes on a different role.

Jewish history^{xi,xii} was not classically stud-

ied in traditional settings,^{xiii} and there is no inherent *talmud Torah* value in learning about historical events, so the primary question regarding history is not how it assists some other endeavor but rather what value it possesses in its own right. At one level, assuming God shapes history,^{xiv} learning the Jewish People’s history is essentially the study of how God has related to Israel in this world, which is of utmost value to the religious individual.^{xv} On a less divine level, analyzing the history of the periods in which important religious figures lived helps us understand their *Weltanschauungen* and thus better appreciate their impact. Furthermore, in order to contextualize certain religious questions that consistently appear throughout Jewish history, such as the challenge of how to interact with the outside world, one must properly understand the relevant historical periods.^{xvi} In a more practical sense,

and in consonance with George Santayana’s dictum “Those who ignore history are destined to repeat it,” we have an obligation to learn from our mistakes; Judaism has both a colorful and dark history, but it has always survived, and we must maintain that perseverance. Aside from history’s intellectual function of furthering our understanding, it can also serve to deepen the connection of a Jew to his religion and culture in a visceral, if not intellectual, sense. Last, but not least, it is important in another vein as well – all Jews (religious or otherwise) would be well served if they were knowledgeable of their basic history as a people, as everyone should have a basic awareness of his or her cultural background.^{xvii}

The basic methodology of academic Jewish Philosophy is more or less identical with that of studying Jewish Philosophy in a more traditional setting. This may be because the study of Jewish philosophy in traditional circles was somewhat limited (as evidenced by the fact that there are very few commentaries on these works before the modern era), and therefore no significant methodology of traditional learning established itself with regard to this field. It should be obvious why it is important to study the great philosophical works of our tradition, from Rambam’s *Moreh ha-Nevukhim* to R. Yehudah ha-Levi’s *Kuzari* to R. Bahya’s *Hovot ha-Levavot* and many others. Specifically, viewing such thinkers within a historical context and against their philosophical and historical environment helps sharpen our understanding of these venerated pillars of

Jewish thought. The academic enterprise of the study of Jewish philosophy can also be very helpful to traditional learning; for example, it benefits the traditional student by organizing stray pieces of information, which promotes an ease of access to it.^{xviii,xix}

We now turn to the other side of the story, the potential drawbacks resulting from an Orthodox Jew’s engagement in Academic Jewish Studies.^{xx} I believe there are three main problems that may result, which vary in intensity and relevance across the different areas of Jewish Studies.

The most obvious issue facing a person pursuing academic approaches to Judaism is that of *kefirah*. We have all heard about the story of Rav Soloveitchik’s student who entered academia and the “plane crash” that resulted,^{xxi} and the risk of accepting heretical beliefs is probably the most visible and oft-discussed problem raised by people discussing the field of Academic Jewish Studies. There are several cardinal beliefs (*ikkarim*) that might potentially be endangered by

one’s encounter with the Academy. Commonly mentioned in this context is Rambam’s eighth *ikkar*, which states that the Torah as we have it was given to Moshe Rabbeinu in that same form. This is obviously not the mainstream view of the Academy.^{xxii} An additional concern is the possibility of falling prey to *kefirah* regarding the halakhic process, which the Academy may understand in a different way than traditional Judaism. The academic approach does not generally see halakhot as divinely ordained (for *de-Oraitas*) or validly interpreted by the Rabbis (for *de-Rabbanans*) but rather views their origin as sociologically driven in a manner that would not be considered halakhically valid.^{xxiii} Finally, one’s *ma-hashavah* may be challenged in this regard as well, in cases where the academic world assumes that certain classical texts reflect an approach heretical to Orthodox Judaism. The prime example of this is the issue of the corporeality of God, which some see in biblical idioms such as *ha-yad ha-gedolah*^{xxiv} ([God’s] great arm) and which is defined as heretical by Rambam.^{xxv}

A less obvious but possibly more pernicious danger that faces one who seriously utilizes Academic Jewish Studies is that of attitude. By its very nature, the study of Torah in a yeshivah environment is expected to promote a sense of respect and awe for Judaism, *Ha-Kadosh Barukh Hu*, and the great scholars and leaders of Jewish tradition. In the academic world, on the other hand, the greatest respect is reserved for the very institution of

academic pursuit and its findings, while the object of study – in our case, Judaism – is at times subjected to criticism or at least indifference, and religious texts might not receive the respect due them. This manifests itself in several ways, from a diminished awe for the *gedolei ha-am*, be they the Avot, Tanna'im or Rishonim, to an outlook which sees religious texts as not *kadosh* but compilation, to a reduced focus on religiosity in the study of Torah, especially if one views himself as a denizen not of the beit midrash but of the Academy's halls. If Torah study ceases to be a religious act and becomes a secular pursuit or one of detached interest, that cannot possibly bode well for the

“While literary analysis of the Talmud is valuable, the most important goals of its study are to try to glean its legal and jurisprudential assumptions (for the *lamdan*) and conclusions (for the halakhist)”

religious individual. Of course, there are many who have spent time dabbling or dwelling in the world of academia while still maintaining strong religious values, but this danger remains, nevertheless, an occupational hazard.

The danger of Academic Jewish Studies leading to the erosion of religious sensibilities applies to historical biblical and rabbinic figures as well. For example, a Straussian^{xxvi} understanding of Rambam, while interesting to the historian, is simply caustic to a serious Orthodox Jew. The notion that Rambam was an elitist only truly interested in philosophy who dabbled in halakhic study simply in order to placate the masses simultaneously degrades Rambam as a Torah scholar and ridicules his halakhic following over the centuries. Similarly, a study such as the one Dr. Marc Shapiro undertakes in his recent book on Rambam,^{xxvii} if understood the wrong way, may lead one to think of Rambam in terms of the errors he made and not in terms of the majestic and downright impressive impact he has had on Jewish learning throughout the centuries.

The final danger faced by a person approaching Academic Jewish Studies is one of focus and competition, and that takes two forms – practical and methodological-attitudinal. In theory, whenever someone sits down to learn a Talmudic or biblical text, he or she can study it using traditional methods or academic ones. Now, despite the laudability and benefits of academic study of Torah (as demonstrated above in various ways), one would not likely say it is a “bigger *kiyyum* in *talmud Torah*” to focus on Near Eastern polytheism or Aramaic grammar than on a *sugya* in “*Hezkat ha-Battim*.” These areas of academic study are both important and useful, but they should not become one's primary form of Jewish learning.^{xxviii}

Obviously, different areas of academic study offer differing degrees of spiritual enrichment, and one can make the argument that literary study of biblical narratives is just as important as a more traditional form of study, so this preference of traditional over academic is limited in that sense. Specifically, one might argue that there is a distinction between Tanakh and Talmud in this regard. Assuming that the main purpose of Tanakh study is to properly

understand the text given to us, on whatever level of *kedushah* it holds,^{xxix} that aim might be just as successfully accomplished using certain academic approaches as it is with the learning of *mefareshim*, who might not have had maximal sensitivity to literary and/or historical issues that are important for understanding certain biblical texts.^{xxx} On the other hand, the Talmud's primary significance is not as a text in itself but as a vitally important source and discussion of our legal traditions and principles.^{xxxi,xxxii} Thus, while literary analysis of the Talmud is valuable, the most important goals of its study are to try to glean its legal and jurisprudential assumptions (for the *lamdan*) and

conclusions (for the halakhist) such that we can understand the Halakhah in its maximal breadth and depth. In order to further this goal, the primary resources to be used are those proffered by traditional Talmud study, as the academic approach often misses the point.^{xxxiii}

Until this point, the discussion of this third concern has focused on the practical choice of one methodology over the other. One may ask, however, what of combining the two approaches and building some ideal methodology? This is suggested by R. David Bigman,^{xxxiv} who believes that the proper methodology of Tamud study is to first separate the Talmudic strata (a basic academic technique) and then delve into its legal concepts in a traditional manner. It is at this point that the methodological-attitudinal concern appears. R. Shalom Carmy^{xxxv} combats the possibility of seriously studying each *sugya* with academic tools before applying the halakhic ones, arguing that academic study tires one out in the course of learning a topic, and it is thus not worthwhile to separate the Talmudic strata prior to engaging in the main part of one's learning. He concedes that one should be aware of certain academic concerns and apply them if they arise in the course of study, but the main focus should be on traditional learning.^{xxxvi} Of course, in the areas of Jewish History and Philosophy the issue of competition does not appear too often, being that there is no real competition (as discussed above).

Academic Jewish Studies possesses the power to enrich one's Torah study and Jewish life generally, but it also presents risks and

“Academic Jewish Studies possesses the power to enrich one's Torah study and Jewish life generally, but it also presents risks and challenges.”

challenges.^{xxxvii} The advantages assist the study of Torah, on both the specific level of understanding particular *pesukim* or Talmudic passages and the broader level of finding additional and religiously enriching approaches to classical Jewish texts. It can also afford important knowledge to us as Jews in general and as religious Jews in particular. On the other hand, it runs the risk of leading to *ke-*

firah, can weaken one's religious sensitivities and can distract from traditional Torah study which should be central. The articles in this issue discuss many of these topics in further depth, and I hope that they will promote the academic study of Jewish texts in a way that will strengthen our Judaism maximally without failing to stand up to the challenges such study can create.

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ⁱ I will point out at the outset that this article is written primarily with someone not pursuing a career in academia in mind. Certain factors may be different for those who do pursue such a career, and Dr. Moshe J. Bernstein's article, “The Orthodox Jewish Scholar and Jewish Scholarship: Duties and Responsibilities,” *The Torah u-Madda Journal* 3 (1991-1992): 8-36, should be instructional in this regard.

ⁱⁱ This point is discussed in Yeshayahu Maori's article “Rabbinic Midrash as Evidence for Textual Variants in the Hebrew Bible: History and Practice” with regard to Biblical variants and Daniel Sperber's “On the Legitimacy, or Indeed, Necessity, of Scientific Disciplines for True ‘Learning’ of the Talmud” with regard to the Talmudic text, both in *Modern Scholarship in the Study of Torah: Contributions and Limitations* (hereafter *MSST*) (New Jersey: Jason Aronson, 1996), pp. 101-129 and 197-225, respectively.

ⁱⁱⁱ The widespread use of Marcus Jastrow's Aramaic-English *Dictionary* in most yeshivot under-scores this fact.

^{iv} This development, in its recent form, owes much to Robert Alter, who, in his books *The Art of Biblical Narrative* and *The Art of Biblical Poetry* (New York: Basic Books, 1981 and 1985), opened up the field of literary Bible significantly. See Dr. Moshe J. Bernstein's review essay, “The Bible as Literature: The Literary Guide to the Bible: Robert Alter and Frank Kermode, Eds.,” in *Tradition* 31,2 (1997): 67-82, on the phenomenon of literary Bible study in Orthodox circles. An earlier discussion of the possibility of using literary analysis (specifically “New Criticism”) to further the enterprise of Torah can be found in Meir Weiss' *Ha-Mikra ki-Demuto* (Jerusalem: Mosad Bialik, 1967).

of *Tanakh Study*,” (pp. 135-162) in Marc D. Stern (ed.), *Yirat Shamayim: The Awe, Reverence, and Fear of God* (New York: Yeshiva University Press, 2008).

^v See the discussion of literary Talmud study in Orthodox circles in my book review in this issue, pp. 29-30.

^{vi} This is suggested despite the presumption that the Rav was aware of Rashi's comments to *Be-Reshit* 1:1, s.v. “*bara*,” and Ramban's comments to *Shemot* 6:2. See R. Shalom Carmy's reference to R. Soloveitchik's response to the critical approach in “Of Eagle's Flight and Snail's Pace,” *Tradition* 29,1 (1994): 21-31, at p. 25, and R. Walter Wurzburger's “Rav Joseph B. Soloveitchik as *Posek* of Post-Modern Orthodoxy,” *ibid.*: 5-20, at pp. 7-9.

This is further expanded upon by R. Mordechai Breuer in his books *Pirque Be-Reshit* (1998), *Pirque Mo'adot* (1986) and *Pirque Miqraot* (Alon Shvut: Tvunot Press – Herzog College, 2009.). For a discussion of his methodology from several perspectives, see his article “The Study of Bible and the Primacy of the Fear of Heaven: Compatibility or Contradiction?” (pp. 159-180) as well as an introduction by R. Carmy (pp. 147-158) and a response by Dr. Sid (Shnayer) Leiman (pp. 181-188) in *MSST*. There is also a book dedicated to the dispute over this methodology: Yosef Ofer (ed.), *The ‘Aspects Theory’ of Rav Mordechai Breuer: Articles and Responses* (Alon Shvut: Tvunot Press – Herzog College, 2005; Hebrew).

^{vii} See Dr. Yaakov Elman's important review article, “How Should a Talmudic Intellectual History be Written? A Response to David Kraemer's Responses,” *Jewish Quarterly Review* 89,3-4 (1999): 361-386, and “Hercules within the Halakhic Tradition,” *Dine Israel* 25, pp. 7*-41*, as examples of his methodology in this area. Also, see pp. 277-283 of his article “Progressive *Derash* and Retrospective *Peshat*: Nonhalakhic Considerations in Talmud Torah” in *MSST*.

^{viii} Professor Elman likes to point out that this pursuit is originally Talmudic.

^{ix} The use of Ancient Near Eastern history in understanding the Bible is discussed by Dr. Barry Eichler in his “Study of Bible in Light of Our Knowledge of the Ancient Near East,” in *MSST*, pp. 81-100. Good examples of the use of Ancient Near Eastern material in better understanding the biblical are Umberto Casuto's commentary on *Be-Reshit* 1-11 and Nahum Sarna's book on *Be-Reshit, Understanding Genesis* (New York: Jewish Theological Seminary, 1966).

^x This direction has been pursued in recent years by Professor Elman who has examined the development of Halakhah in light of the Sasanian Persian context of the Bavli. See, for example, his seminal “Middle Persian Culture and Babylonian Sages: Accommodation and Resistance in the Shaping of Rabbinic Legal Tradition,” in Charlotte Elisheva Fonrobert and Martin S. Jaffee (eds.), *The Cambridge Companion to the Talmud and Rabbinic Literature* (Cambridge; New York, Cambridge University Press, 2007), pp. 165-197, and much of his recent work.

^{xi} I related to Jewish History earlier as a func-

tion of biblical or Talmudic study, whereas here I focus on the study of Jewish History as an independent area of study.

^{xii} I exclude from this category Intellectual Jewish History, which usually falls under the category of Jewish Philosophy and/or other areas of Jewish learning.

^{xiii} Literature such as *Sefer Yosippon* is the exception that proves this rule. See Yosef Hayim Yerushalmi's *Zakhor: Jewish History and Jewish Memory* (Seattle and London: University of Washington Press, 1982) in this vein.

^{xiv} Though there might be a range of opinions regarding *hashgahah peratii*, *hashgahah kelalit* is almost necessarily accepted by the Orthodox Jew, with the exception of Yeshayahu Leibowitz (see Abraham Sagi, "Yeshayahu Leibowitz – A Breakthrough in Jewish Philosophy: Religion without Metaphysics," *Religious Studies* 33,2: 203-216, at pp. 205, 207.)

^{xv} R. Aharon Lichtenstein discusses this understanding of history in his "Torah and General Culture: Confluence and Conflict," in Jacob J. Schachter (ed.), *Judaism's Encounter with Other Cultures: Rejection or Integration?* (Northvale, N.J.: Jason Aronson, 1997), pp. 217-292, at pp. 239-242.

^{xvi} Dr. Haym Soloveitchik (in his books *Shu"t ke-Makor Histori*, *Yeinam*, and *Halakhah, Economics and Communal Self Image: Pawnbroking in the Middle Ages*, among others) has played a major role in developing the study of the History of Halakhah, which, as above, can be used to better understand the *pesakim* made under different historical circumstances.

^{xvii} See Dr. David Berger's "Identity, Ideology and Faith: Some Personal Reflections on the Social, Cultural and Spiritual Value of the Academic Study of Judaism," in Howard Kreisel, *Study and Knowledge in Jewish Thought* (Beer-Sheva: Ben-Gurion University of the Negev Press, 2006), pp. 11-29, for a discussion of the many positive results of studying Jewish History, including some of the ideas discussed here.

^{xviii} I refer here to works such as *The Sages* (Hebrew University Press, 1975; Hebrew) by Ephraim E. Urbach. I have personally recently been reading Dr. David Novak's book on Ramban [*The Theology of Nahmanides Systematically Presented* (Atlanta: Scholars Press, 1992)] and have found that it has helped organize strands of his philosophy into a more coherent structure for me.

^{xix} This discussion of the academic areas helpful to Jewish study is necessarily limited in its scope and therefore has neglected several areas. The areas I do not relate to include Hebrew (apart from its use in textual study mentioned above; note that Rambam considers this area of study a *mitsvah* of sorts in his *peirush* to *Avot* 2:1), Jewish Sociology (Dr. Samuel Heilman has made major strides in this field), Legal Theory (the *Dine Israel* journal is very instructional in this regard and Professor Suzanne Stone has advanced the field significantly), and Political Theory (note R. Dr. Joshua Berman's recent book, *Created Equal: How the Bible Broke with Ancient Political Thought*), just to list some.

^{xx} Due to the limited size of this article, I will not discuss the methods that are useful for the

Orthodox Jew in order to avoid the possible pitfalls of Academic Jewish Studies. Rabbi Carmy's "To Get the Better of Words – An Apology for *Yir'at Shamayim* in Academic Jewish Studies," *The Torah u-Madda Journal* 2 (1990): 7-24, deals with the issue of maintaining *yir'at Shamayim* in the academic world.

^{xxi} For those few who have not yet heard this story, it is cited in Dr. Berger's interview in this issue (pp. 6-7) and in R. Lichtenstein's "Torah and General Culture," p. 284. That case concerns the study of Philosophy, but in today's world I think the incidence of crashes is greater in the area of Jewish Studies.

^{xxii} The problem is posed not only by Higher Criticism, which splits the Torah into sources, but also by certain forms of Lower Criticism, which challenges the text of the Torah as we have it. See AJ Berkovitz's article (pp. 14-16) and Eli Putterman's article (pp. 20-22) on the ramifications of Higher Criticism in this issue, as well as the interview with Rabbi Dr. Joshua Berman (pp. 9-12) where he mentions a method of reconciling certain Lower Criticism issues with traditional Orthodox beliefs. Additionally, the fact that archaeology's conclusions often do not support the historicity of Tanakh may also create *emunah* problems for those exposed to academic methods of study.

^{xxiii} I do not want to enter into a discussion as to which circumstances would present a halakhically improper judgment, but a line must be drawn somewhere.

^{xxiv} *Shemot* 14:31.

^{xxv} *Mishneh Torah, Hilkhot Teshuvah* 3:7. Note the famous comment of Rabad (ad loc.) which argues against the branding as heretical of the belief in divine corporeality.

^{xxvi} See Leo Strauss's introduction to the Shlomo Pines edition of *Moreh ha-Nevukhim* for his general approach to understanding Rambam.

^{xxvii} Marc B. Shapiro, *Studies in Maimonides and His Interpreters* (Scranton: University of Scranton Press, 2008). I am not claiming that the book itself falls prey to this problem, and, in fact, Dr. Shapiro is sensitive to a religious reading of Rambam. I am merely claiming that those who choose to focus on these types of academic studies without sufficiently appreciating the *gadlut* of Rambam end up in an unsavory religious place.

^{xxviii} In terms of what one's central Torah learning should be, R. Aharon Lichtenstein has written several seminal articles on different aspects of this issue. Most relevant among them are "Why Learn Gemara?," (pp. 1-17) "The Conceptual Approach to Torah Learning: The Method and Its Prospects," (pp.19-60) and "Torat Hesed and Torat Emet: Methodological Reflections," (pp. 61-87), all in *Leaves of Faith, Volume 1: The World of Jewish Learning* (Jersey City, N.J.: Ktav, 2003).

^{xxix} Different texts may hold different levels of *kedushah*, and there may be different positions on the issue, but the range primarily spans from divine authorship to prophetic authorship to divinely inspired authorship (*be-ruah hakodesh*). (It should be obvious that I refer not to formalistic, legal *kedushah* but to the source and authority of the text's origin.)

^{xxx} Of course, some contemporary *darkhei halimmud* forsake the *mefareshim* completely, which may be going too far on this issue.

^{xxxi} The distinct status of the Tanakh and/or Talmud as inherently holy texts is best demonstrated, in my opinion, by the status delegated to reading the text without comprehension. Though there is a range of opinions on the matter, the most compelling one – and the one accepted by the *Shulhan Arukh ha-Rav* [*Hilkhot Talmud Torah* 2:12], quoted by R. Usher Weiss in his "Kamut ve-Eikhut be-Talmud Torah" in *Minhat Asher: Talmud Torah: Keri'atah u-Ketivatah*, pp. 31-36, esp. pp. 33-34 – is that Tanakh has inherent *kedushah* as a text and reading it without understanding it qualifies as *talmud Torah*, whereas learning Talmud only qualifies as such in cases where it is understood, as its *kedushah* stems not from the status of the text itself but from the ideas held therein.

^{xxxii} I limit these comments to halakhic Talmudic pericopae; aggadic texts function like biblical ones in this context.

Halakhic biblical texts are a topic to themselves, and even those who study the legal conclusions against the Talmud's interpretation may find that study more fruitful from a literary rather than a jurisprudential or *lomdus* perspective, as the halakhic system that is accepted is the one that analyzes the *derash* of the *pesukim*, and Orthodox Judaism does not construct a legal system out of the simple meaning of the biblical laws (though academic scholars do).

^{xxxiii} Some have claimed the opposite – that classical study without some academic tools misses the point; see Daniel Sperber, "On the Legitimacy," n. 2 above. However, I believe that if one combines a focus on classical learning with supplemental academic study he will avoid any pitfalls, while I would not feel the same about the reverse situation. For a survey of general differences between traditional and academic Talmud study, see Menahem Kahana, "Academic Talmudic Research and Traditional Yeshivah Studies" (Hebrew), in Menahem Kahana (ed.), *Be-Havlei Masoret u-Temurah* (Rehovot: Hotsa'at Kivvunim, 1990).

^{xxxiv} R. David Bigman, "Finding a Home for Critical Talmud Study," *The Edah Journal* 2,1, unpaginated. R. Dr. Hidary, in his article in this issue (pp. 8-9) discusses the issue of balancing academic and traditional Talmud study as well.

^{xxxv} R. Shalom Carmy, "Camino Real and Modern Talmud Study," in *MSST*, pp. 189-196.

^{xxxvi} There are other potential problems with academic study as well, such as allowing it to affect Halakhah in cases that are deemed unwarranted, the fact that it represents a more formal approach to what should be spiritual and religious practice, and others, but I believe the above to be the main issues for the limited space at my disposal.

^{xxxvii} In this sense, it is similar to Torah u-Madda and many other ideals of the Modern Orthodox enterprise. In these contexts, I find it instructional and inspiring to apply the words of R. Aharon Lichtenstein, namely that when facing these challenging goals, we must redouble our efforts in order to reach them (public lecture, 2005).

Letter-to-the-Editor

Dear Editor,

I found Eli Putterman's article, "The Modern Orthodox Response to Orthopraxy" [*Kol Hamevaser* 3:2], very insightful and thought-provoking. While Mr. Putterman ends the essay without a clear solution to all the problems he raises, I would like to make a practical suggestion for how to try to help Orthoprax Jews regain their relationship with God and to prevent others at risk of losing that relationship.

I recommend that we all do much more praying on behalf of one another. Success in life is entirely dependent on God, and certainly raising children to love God and helping friends with matters of *emunah* are no exceptions. Our Sages established the text of the *Shemoneh Esreh* in the plural, and one reason they did so was to ensure that we include others in our prayers as well. Therefore, when we ask for God to return us to His Torah and to aid us in performing *teshuvah sheleimah* in the *berakhah* of "Hashivenu," we must keep others in mind, be they Jews who were raised Orthodox but no longer maintain either Orthodox beliefs or practices, or Jews who have unfortunately never practiced authentic Judaism. We can and should also insert similar prayers for specific individuals or for larger groups of Jews in "E-lohai Netsor."

We cannot imagine the effect that sincere *tefillot* can have on others. And perhaps, if we pray more sincerely for our friends, we might succeed in deepening our own relationship with God and in clinging to Him more. As Rav Wolbe writes, one who immerses himself in *tefillah* does not require proofs for the principles of Jewish *emunah*.ⁱ

Sincerely,
Mordechai Shichtman, YC '10

ⁱ R. Shelomoh Wolbe, *Alei Shur* (Jerusalem: Hotsa'at Beit ha-Musar al shem R. H.M. Lehman, 1985/6), vol. 1, p. 28. See also R. Joseph B. Soloveitchik, *The Lonely Man of Faith* (New York: Three Leaves Press, 2006), p. 49, n.1.

Academic Jewish Studies

An Interview with Dr. David Berger

BY: Staff

Editor's Note: The following interview explores issues of Academic Jewish Studies and their relationship to traditional modes of study and Orthodox belief. For more on these subjects from Dr. Berger, see his "Identity, Ideology and Faith: Some Personal Reflections on the Social, Cultural and Spiritual Value of the Academic Study of Judaism," in Howard Kreisel (ed.), Study and Knowledge in Jewish Thought (Beer Sheva: Ben-Gurion University of the Negev Press, 2006), pp. 11-29.

How did you come to be interested in Academic Jewish Studies, and what has your career trajectory been in the academic arena?

I became interested in Academic Jewish Studies starting at least in high school. My father, about whom I wrote a two-page memoir in *Hadoar*¹ on his twenty-fifth *yortzayt*, was a Jewish scholar (though not an academic) who was interested in Jewish folklore and wrote a number of articles about it. As a result, our house was full of books, some of which contained academic Jewish scholarship. Now, he once told me that, among all those books, all he wanted me to know was one tiny shelf on which sat the Horev editions of the Humash and Nakh *Mikra'ot Gedolot*, Bavli, Yerushalmi, *Mishneh Torah*, *Shulhan Arukh*, *Midrash Rabbah*, and, I think, *Yalkut Shim'oni*. But the house was also full of books of other

“When one studies Jewish texts and the history of the Jewish people informed by the methodology of the Academy – and does so correctly – I think that this enhances one’s understanding of Judaism in very significant ways.”

kinds of Jewish studies, including *Haskalah* and academic literature.

So when I started attending the Yeshiva of Flatbush High School, which had an orientation that emphasized Jewish studies beyond Gemara, I became a fan of Shadal [Shmuel David Luzzatto]; two of the books that I read at that time that I was especially interested in were his *Mehkerei ha-Yahadut*² and the *Vikkuah ha-Ramban* (which I later studied in a more serious way³). When I came to YC, I was pretty sure that I was interested in Academic Jewish Studies from the beginning and majored in Greek and Latin with that in mind. Not everyone believed that at the time, but that really was my intention.

In studying Classics, were you primarily

interested in the ancient or medieval period of Jewish History?

I did not have a definitive interest yet at that point. However, that issue is very much tied to some of the most difficult questions about the tensions between Academic Jewish Studies and traditional orientation and belief, as I will explain. When I was in graduate school at Columbia University, the person who was the head of Jewish History was Gerson Cohen (before he left to become the Chancellor of the Jewish Theological Seminary). I wrote a Master’s Thesis under him on Ramban’s stance during the Maimonidean Controversy.

But then the question arose as to what I should write my doctorate on. I proposed doing research on *Sefer Nitsahon Yashan*. However, he did not want me to work on the medieval period but instead on what in YU is called “Classical Jewish History” and in other places “Ancient Jewish History.” His position was that since I knew Greek and Latin and could handle Rabbinic sources, it would have been a waste for me to work in any other period, since he did not generally have students who had those abilities. The presumption was that other people could work on the Middle Ages without those skills. I myself am not so sure that that is true. You certainly have to know Latin and Rabbinic sources if you are going to work on the Middle Ages.

In any case, he asked me the following question: “Would you be too inhibited to work on the ancient period?” He was not talking about researching the biblical period but in-

stead the Rabbinic era, from the times of *Bayit Sheni* through the few centuries after its destruction. My answer was, “I would be less inhibited than many *yeshivah bochurim* but too inhibited for you.” I remember saying that sentence, almost word for word, because this was a very difficult conversation for me. He responded, “Well, give me an example of what you would be uncomfortable with.” So I told him that there was someone in the program at that time who was working on a Master’s Thesis entitled “Market Price in Palestine in the Second Century.” Translation: what were the economic conditions in the Roman Empire during the second century CE that would have impelled the Rabbis to legislate against overpricing? In other words, he was looking at what it was about the economic conditions then

that caused Hazal to *invent* the *issur of ona’ah*, based on their interpretation of the *pasuk*: “*Ve-Lo tonu ish et amito.*”⁴ I told him that I would not formulate the research question that way, because I believed that there was an oral tradition and that Hazal did not *invent issurim de-Oraita*.

He understood the point very well. He would not have asked me the question had he not realized what the issue could be. Neverthe-

“It is *davka* in the field of Academic Jewish Studies that opponents of *Madda* cannot use the *bittul Torah* or *bittul zeman* arguments, because if there is value in this enterprise, then it is a Jewishly positive value.”

less, he resisted my answer for a while. He did not try to convince me that there is no *Torah she-be-Al Peh*, but he tried to see if there was some wiggle room. The truth is that there was room on certain issues that some *yeshivah* students would have objected to and that I would not have had a problem with. For example, the duration of *Bayit Sheni* would not have posed a problem for me. But something like this would not work. I came to the conclusion that I could not work on the classical era, and so I ended up in the medieval period.

As Dean of Bernard Revel Graduate School of Jewish Studies (BRGS) and Director of Yeshiva College’s Division of Academic Jewish Studies, what are your goals for the education of young Orthodox yeshivah students? What do you hope they gain by exposure to Academic Jewish Studies?

As far as the goal for young Orthodox *yeshivah* students, it is the same as the stated goal of YU as a whole, which I genuinely believe in. But in terms of focusing on Academic Jewish Studies in particular, I believe what I wrote in the one-paragraph mission statement on the website of Yeshiva College Academic Jewish Studies,⁵ namely that the field of Academic Jewish Studies is the central locus where Torah and *Madda* intersect. Certainly “Torah u-Madda” also, even primarily, means traditional Torah and genuinely secular studies. I do not wish to minimize the importance of this ideal in that sense. But when one studies Jewish texts and the history of the Jewish people informed by the methodology of the Academy – and does so correctly – I think that this enhances one’s understanding of Judaism in very significant ways. It is difficult to say that that is not a good thing. The only question is whether such study actually accomplishes this.

In discussing the Maimonidean Controversy in the Middle Ages, I have often made the point that the so-called “anti-Maimonists”

could not just say, “The study of philosophy is all *bittul Torah* or *bittul zeman*,” because the argument they were confronting was that the study of philosophy gives a person a better understanding of God. And no one can say that that is not a good thing. The question, again, is whether it actually does so and what the dangers are on the other side, which is relevant to our discussion, too. Thus, it is *davka* in the field of Academic Jewish Studies that oppo-

nents of *Madda* cannot use the *bittul Torah* or *bittul zeman* arguments, because if there is value in this enterprise, then it is a Jewishly positive value.

There are some who would make the claim that studying Jewish history, sociology, or other academic disciplines, while useful, perhaps, in understanding the Jewish community today, does not have the same level of importance as Torah study. How would you respond to that?

I have already argued without providing examples that I think academic study enhances one’s understanding of Judaism. I purposely use the vague word “Judaism,” rather than the somewhat more focused word “Torah,” even though the two are certainly intertwined. So if you ask me, “What is more important, that a Jew learn Gemara or that a Jew be familiar with the works of Salo Baron or Marshall Sklare (examples that betray my age)?,” of course I will answer that it is more important for him to learn Gemara. But the question is whether that is really the choice that needs to be made.

Here, we get involved in questions of allocation of time. To take an almost arbitrary example, I do not want to defend the central importance of every sociological study that might be made, let us say, on the relationship between Orthodox Jewish commitment to Israel and Reform commitment, even though that also has implications for understanding the impact of commitment to Torah. Notice that I tried to pick an example as far away from Torah as possible, but as soon as I said it, I realized that it has considerable relevance to Torah. In any event, I certainly think that there is a serious deficiency in one’s understanding of Torah if one is not familiar with many Jewish subjects and texts that are usually studied only in an academic setting.

“Academic Jewish Studies” certainly in-

volve a methodology and an exposure to academic disciplines that are then brought to bear on Torah, but they also involve a curriculum that is not traditionally studied in yeshivot. In principle, someone who is not interested in academic methodologies at all could read books that are not studied in yeshivot, such as Nakh and its commentaries, the *Moreh Nevukhim*, the *Kuzari*, and the Crusade Chronicles, and familiarize himself with a whole laundry list of subjects that no one can consider to be unimportant for a knowledgeable Jew but that are, in fact, not usually studied. This reality was brought home to me many years ago when I mentioned to a relative who teaches a *daf yomi shi'ur* that the formulation of one of Rambam's principles of faith in its original setting in the Introduction to *Perek Helek* was different from the formulation in the *siddur*. It turned out that he did not even know where in Rambam's works the principles are formulated, and he asked me how I knew this.

It is not a coincidence that such texts are not studied. There is an ideology in yeshivot today that one should commit one's entire time, virtually, to the study of Gemara. But there is a world of Jewish Studies, setting aside completely the question of methodology, that at least in theory everyone would say is important but that is usually not studied outside of an environment that is either purely academic or, in the case of YU, subsumed under the category of "Torah u-Madda." There are exceptions here and there, of course, but they tend to be narrowly focused. There are some Rashei Yeshivah, for instance, who are very interested in Mahashavah and will become experts in Maharah and teach his writings. But even there, there is a lack of breadth. There are so many questions that come up that no one can deny are directly relevant to a deeper understanding of Judaism and, really, Torah, but that in the real world are hardly ever pursued outside the purview of some form of Academic Jewish Studies.

I certainly do not mean to say that the conclusions derived from these pursuits are pre-determined in a direction that differs from the one that may prevail in the so-called "Yeshivah World." *Da'as Torah*, for instance, is an issue that cannot be properly addressed without some knowledge of how rabbinic authority was seen by Jewish communities through the ages. The conclusion of such research might be that the historical record confirms the Yeshivah World's understanding of *Da'as Torah*. But one cannot discuss the question intelligently or even reasonably pretend to be able to answer it unless one has at least some familiarity with the history of Jewish communities and how they operated.

The question of the degree to which *pesak Halakhah* has been affected by historical reality is another example. That is an issue, too, where very different positions can be reached after serious research. But, without pre-judging the conclusions that would emerge, it is very hard to reach a reasoned opinion about this question without studying the environment, whether economic or intellectual, in which Jews lived and within which *posekim* ruled

And this is not to speak of questions that everyone ought to think are at least of some interest: What is the relationship between Rambam of the *Moreh Nevukhim* and Rambam of the *Mishneh Torah*? What has been the historical attitude of Jews towards Kabbalah? And on and on and on. So I believe very deeply that without familiarity with what nowadays happens almost exclusively within the halls of the Academy, there is a deficiency in people's ability to address extremely important questions in Judaism.

Is there a difference between the level of exposure to academic methods in Jewish Studies in BRGS and YC? If so, how are they different and why?

Usually, a question like this would be very easy to answer. The difference between the treatment of a subject in a college and in a graduate school is obvious. But YC, in the context of its Jewish Studies Department, is the one example in the whole world where this is a very good question. The reason for this is that the best of the students in YC have a level of sophistication in dealing with Jewish texts that one normally would find only in a graduate school, and that means that there are courses in YC, especially the electives in Jewish Studies, where a level of analysis can take place

“there are also other valuable areas of study, decidedly including Academic Jewish Studies, that are valid uses of a person's time.”

that would generally not be found in an undergraduate environment. I taught one course at YC two years ago and otherwise not since the early 1970s, but teaching Jewish Studies there is an absolutely wonderful experience because of the exceptional level of student preparation and interest.

However, it remains true that even in YC, especially in the general education Jewish Studies courses, there is a difference in the skills level expected as well as in the level of methodological sophistication. While students in the Graduate School are expected to be able to read academic articles in Modern Hebrew and virtually any traditional Rabbinic Hebrew text, the same cannot be expected of all students in the College. Nevertheless, the disparity between the levels at which Jewish Studies courses are taught at YC and at Revel, while considerable, is smaller than one normally finds in looking at the courses taught in a university's undergraduate and graduate schools.

I need to add, however, that on the doctoral level there is of course a gulf between the level of research that is required in the Graduate School and the work expected of an undergraduate, even one with the highest level of competence and sophistication.

What are the benefits and/or risks of academic inquiry in the field of Academic Jewish Studies? In the case of the latter, how should a religious Jew approach such studies? Can you describe a case where you yourself discovered something religiously troubling in your re-

search and explain how you dealt with it?

We have already discussed the benefits to a certain degree and have cited some examples. Academic Jewish Studies not only allow a person to examine parts of the Jewish tradition that are otherwise not studied, but also enable him to apply academic methods to some of the most important questions Jews today have to deal with. Overall, they grant us a better and more nuanced understanding of Judaism than we would have without studying them.

However, there are some risks and difficulties associated with this field. Reading scholarly literature that subjects texts we hold to be sacred to critical scrutiny can sometimes engender religious doubts. In a review of Menachem Kellner's *Must a Jew Believe Anything?*,ⁱ I told of an experience that addresses the personal part of this question. Here is what I wrote:

“We have an obligation to maintain the boundaries of the faith bequeathed us by our ancestors, and we cannot do this by describing even fundamental deviations as points on a continuum. Let me illustrate this point in a very personal way. In my mid-teens, I experienced periods of perplexity and inner struggle while reading works of biblical criticism. While I generally resisted arguments for the doc-

umentary hypothesis with a comfortable margin of safety, there were moments of deep turmoil. I have a vivid recollection of standing at an outdoor *kabbalat Shabbat* in camp overwhelmed with doubts and hoping that God would give me the strength to remain an Orthodox Jew. What saved me was a combination of two factors: works that provided reasoned arguments in favor of traditional belief and the knowledge that to embrace the position that the Torah consists of discrete, often contradictory documents was to embrace not merely error but *apikorsut*. If I had been told by a credible authority that there is nothing a Jew really must believe and that the only danger was that I would move to a different point on a continuum [as Kellner maintains], I am afraid to face the question of what might have happened.”^{vii}

Will there be casualties resulting from the pursuit of Academic Jewish Studies? Of course there will be, just as there will be when a person studies Psychology, Philosophy, or Biology. All of these areas and many others can raise questions about basic tenets of traditional Jewish belief. Obviously, Jewish Studies have a tendency to raise more issues than do the other areas (with the probable exception of Philosophy), but this is precisely because they deal with matters central to the understanding of Torah. To construct what is almost a *reductio ad absurdum*, one could argue against the study of Job because it requires serious en-

agement with the problem of evil.

There is a story about one of the Rov's *talmidim* who wanted to study Philosophy (I think) in graduate school. He came to the Rov and asked him whether or not it would be appropriate for him to go, given the potential theological challenges involved. The Rov responded that people fly even though planes sometimes crash. A year later, the student is reported to have called the Rov to say that the plane had indeed crashed. The point, however, is that the Rov knew that this possibility existed but was unwilling to allow this to deter a person from engaging in serious intellectual inquiry. Meiri made precisely the same point in a letter that he wrote during the Maimonidean Controversy.

How much emphasis should one place on academic and traditional modes of Jewish learning in one's free time?

I think that, to a certain extent, the idea of *ein adam lomed Torah ella mi-makom shel libbo hafets* (a person only learns Torah from a place that his heart desires)^{viii} is relevant here. A person obviously needs to cultivate his knowledge of Gemara and *posekim* as much as possible and focus intensely on them. But there are also other valuable areas of study, decidedly including Academic Jewish Studies, that are valid uses of a person's time. Someone who follows his inclination to pursue other modes of Jewish study may well make his special contribution to the Torah community far more effectively than would have been the case had he stifled those interests out of the conviction that they constitute the urging of the *yetser ha-ra*.

Dr. David Berger is Dean of the Bernard Revel Graduate School of Jewish Studies and Director of the Wilf Campus Division of Academic Jewish Studies.

ⁱ David Berger, “The Image of His Father: On the Twenty-Fifth Anniversary of the Death of Hadoar Author Isaiah Berger” (in Hebrew), *Hadoar* 78,4 (3184), December 25, 1998, pp. 11-12.

ⁱⁱ Shmuel David Luzzato, *Mehkerei ha-Yahadut* (Jerusalem: Makor, 1970).

ⁱⁱⁱ David Berger, “The Barcelona Disputation: A Review Essay,” *AJS Review: The Journal of the Association for Jewish Studies* 20 (1995): 379-388.

^{iv} *Va-Yikra* 25:17.

^v Available at: <http://www.yu.edu/yeshivacollege/departments/page.aspx?id=31124>.

^{vi} Menachem Kellner, *Must a Jew Believe Anything?* (London; Portland, Or.: Littman Library of Jewish Civilization, 1999).

^{vii} David Berger, “[On] Menachem Kellner, ‘Must a Jew Believe Anything?’ (1999),” *Tradition* 33,4 (1999): 81-89.

^{viii} *Avodah Zarah* 19a.

Traditional versus Academic Talmud Study: “*Hilkhakh Nimrinhu le-Tarvaihu*”

BY: Rabbi Dr. Richard Hidary

Among the many thousands of people who spend time studying Talmud today, one finds a split between the traditional learning found in yeshivot and the academic research conducted in universities. Before we can evaluate the relationship between these two approaches and the value of each, we first need to define these terms better and trace where this split actually began.

Let us define “academic” study as the analysis of the history of a text, including evaluation of manuscript variants, grammar and lexicography, issues of redaction, the historical context in which it was composed and other comparative studies. Let us further define “traditional” learning as the study of the substance and content of the text, such as the reasoning of each side of a *mahaloket* and the conceptual basis for a given halakhic position.

Consider the following quotation:

“How was the Mishnah written? Did the Men of the Great Assembly begin to write it followed by the sages of each generation who each added small amounts until Rabbi [Yehudah ha-Nasi] came and sealed it? On the other hand, most of it is anonymous and an anonymous Mishnah is by R. Meir? Furthermore, most of the sages mentioned in it are R. Yehudah, R. Shimon, R. Meir and R. Yosei who are all the students of R. Akiva?...”

“The order of the *Sedarim* is clear; however, regarding the *Massekhtot*, why is *Yoma* before *Shekalim* and *Sukkah* before *Yom Tov* and both of them before *Rosh ha-Shanah*? And so, too, regarding every *Massekhet* that was not ordered together with others that are similar in content?

“And the *Tosefta* about which we heard that R. Hiyya wrote it – was it written after the Mishnah or at the same time as it? Why did R. Hiyya write it? If it is additional material that explains issues in the Mishnah, then why did Rabbi [Yehudah ha-Nasi] not include it? After all, it is also stated by the Sages of the Mishnah?

“So, too, the *Beraivot* – how were they written? So, too, the Talmud – how was it written?

“And the Saboraic sages – how were they ordered after Ravina, who reigned after them as the heads of the yeshivot from that time until today and how long did they each reign?”

This is not the syllabus of the “Introduction to Talmudic Literature” course I took at Revel. Nor is it a copy of the major comprehensive exam I took as a graduate student at NYU. This is the list of questions that the learned Jews of Kairouan, Tunisia, sent to Rav Sherira Gaon in the year 987. The Gaon’s responsum

remains one of the most important sources for the history of Rabbinic texts and their transmission. If the Gaon and his correspondents concerned themselves with questions of the redaction of the Mishnah and the Talmud, does that turn them into academics?

Consider another quotation:

“In some versions of the Gemara, it is written that if one tells his fellow, ‘Only repay me in front of witnesses,’ and the other claims ‘I did repay you before this person and that person but they went to a foreign land,’ he is not believed. However, this is a scribal error which caused the teachers to err based on those books. I have researched the old versions and have found one that is reliable and I have received in Egypt part of an ancient Gemara written on parchment as they used to write five hundred years ago. I have found two witnesses in the parchments regarding this halakhah and in both of them it is written, ‘If he claimed, ‘I repaid before this person and that person and they went to a foreign land,’ he is believed.’”

This is not written by a Genizah scholar in Cambridge or a Talmudic text critic in Hebrew

“The split between ‘traditional’ and ‘academic’ study is fairly modern and somewhat unfortunate.”

University. This is from Rambam’s *Mishneh Torah, Hilkhoh Malveh ve-Loveh* 15:2. If Rambam made efforts to obtain the best manuscripts and evaluate them, does that make him untraditional? Are those of us who take time to read Talmudic manuscripts from the Cairo Genizah – perhaps some of the very manuscripts used by Rambam – also being untraditional?

Obviously not. Using the definitions above, it seems clear that the Gaon and Rambam were both traditional as well as academic. The vast majority of their halakhic writings discuss the content of Halakhah and the explanation of the Mishnah and the Talmud. However, they also devoted time to such academic issues as the establishment of the text and its redaction. They pursued questions about the form and history of the Talmudic text not as ends in and of themselves, but rather in order that their substantive commentaries and legal decisions should have firm textual and historical bases. They did not think that issues of form and content are contradictory or that diachronic versus synchronic analyses are mutually exclusive. Rather, they felt that each area deserves serious attention and is essential for a full and precise understanding of the other.

In short, the split between “traditional” and “academic” study is fairly modern and somewhat unfortunate. One finds manuscript analysis and discussion of redaction in the works of all of the Rishonim right alongside

and within their substantive commentaries. All of the Rishonim lived before printing was invented and therefore had to deal with manuscript analysis.

The split began when the *Wissenschaft* scholars began to explore mainly academic types of questions. This led the traditionalists to reject any issues that these Enlightenment scholars discussed. However, there were always Sephardic Aharonim who were not affected by such polemics and Ashkenazi Aharonim who were able to rise above them and continued to combine substantive and conceptual learning together with discussion of the form and history of the text. A few names that come to mind are the Gaon of Vilna,ⁱ Rabbi Yisrael Moshe Hazzan,ⁱⁱ Rabbi Nahman Nathan Coronel,ⁱⁱⁱ Rabbi Abdallah Somekh,^{iv} and Rabbi Yehiel Yaakov Weinberg.^v Further examples of “academic” concerns in the commentaries of the Rishonim and Aharonim have been well-documented and need not be repeated here.

Just as traditional learning benefits from academics, so, too, academic Talmud suffers without traditional learning. Most academic Talmud scholars today began their training in a yeshiva. Except in the cases of a few exceptionally brilliant people, the deficiencies in scholarship in Second Temple and Rabbinic literature by individuals without a yeshiva background or some kind of equivalent are evident. Very few people can gain the skills necessary to dissect and follow the reasoning of a difficult *sugya* without years of traditional *havruta*

learning. A graduate seminar that only meets weekly for a couple of semesters simply does not suffice.

On the other hand, the typical yeshiva curriculum is limited to halakhic portions of the Bavli. Traditional learning thus provides few skills in learning Aggadah, Yerushalmi or Midrash. While skills acquired through traditional learning go a long way in helping to read any Rabbinic text, the particular style of the Yerushalmi, for example, does require special attention. Academic study has the benefit of including all of Rabbinic literature within its curriculum. Our appreciation and understanding of both the form and the content of Aggadah especially has greatly increased in recent years due to the application of literary studies to the stories in the Talmud.

While the worlds of academic and traditional Talmud study are generally mutually beneficial, there are some areas of conflict and some methodological challenges. Reading academic literature, one will inevitably confront extreme minimalists who deny almost categorically the historicity of Rabbinic stories and reject the authenticity of all attributions. Furthermore, one occasionally encounters scholars who maintain an irreverent or even mocking attitude towards the Talmudic texts or who pass off as nonsense anything that they do not yet understand.

The problems raised by these scholars, however, are usually easily solved, and I be-

lieve that, in general, too much skepticism can lead to as much historical inaccuracy as too little. Most scholars in the field of Rabbinics are observant Jews, and even less observant Jews and non-Jews in the field most often do maintain a sense of respect for these sacred texts and take good methodological caution before passing blanket judgments on the world that created them. In fact, one prominent scholar who is not generally observant nevertheless makes a point of wearing a *kippah* whenever he studies Talmud.

The most important remaining challenge is finding enough time to perform both traditional and academic forms of analysis. Luckily, many time-saving tools are now available to our students today that did not yet exist when I was studying in YU only fifteen years ago. No longer does one have to travel the entire globe tracking down Talmud manuscripts as Rabbi Raphael Nathan Rabinovitch did.^{vi} Most manuscripts of the Mishnah, *Tosefta*, Midrash, and Bavli are now available on the Internet.^{vii} Transcriptions of most Bavli manuscripts are available on the Lieberman Institute CD-ROM^{viii} so you do not even have to spend time deciphering the handwritings of the ancient scribes. A glance at the *Yefeh Einayim*^{ix} and a quick search on the Bar-Ilan Responsa CD-ROM yield Rabbinic parallels to every line of a *sugya*. A search on RAMBI^x or a walk down the library aisle with BM call numbers (for “Beit Midrash”)? Of course, go to BS for “Bible Studies”) will usually produce whatever previous research has been published on the *perek* or topic you are studying, so you do not have to reinvent the wheel.

I believe that even a 5-10% investment of one’s learning time in “academic” areas of textual and historical analysis will yield results many times over in the precision and depth of a student’s substantive analysis. Every Talmud student should be drilled on basic dates, such as when the Mishnah was composed, and know the names of the cities where the twenty most often quoted Tannaim and Amoraim were active, what generation they lived in, and who their teachers and students were. I would further propose the introduction of some of the following into the curriculum: readings from *Iggeret Rav Sherira Gaon*; basics of manuscript analysis; introduction to Aramaic grammar; an outline of the history of the Jews in Israel and Babylonia during the Talmudic era and the functions of basic Rabbinic institutions such as, the *Nasi*, the *Reish Galuta*, the yeshiva, the *kallah* and the *sidrah*; the background cultures of the Romans and Sassanians; how to find and use Midrash Halakhah, *Tosefta*, Yerushalmi and Gaonic material; background on the biographies, methods and works of the Rishonim; and approaches to the study of Aggadah.

Yeshiva University already employs some of the most brilliant and talented minds in both areas of traditional and academic Talmud study. Not many institutions in the world offer such a range of learning opportunities under one roof.^{xi} When faced with the choice of how best to praise Hashem – “the Healer of all beings” or as “the Doer of wondrous acts” – Rav Pappa chose both.^{xii} When we are faced with the question of how best to plumb the depths of *devar*

Hashem, let us also choose both. “*Hilkhakh Nimrinhu le-Tarvaihu.*”^{xiii}

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ⁱ This more or less follows the definitions of these terms in Shalom Carmy, “Camino Real and Modern Talmud Study,” in Shalom Carmy (ed.), *Modern Scholarship in the Study of Torah: Contributions and Limitations* (Northvale, NJ: Jason Aronson, 1996), p. 191; Daniel Sperber, “On the Legitimacy, or Indeed, Necessity, of Scientific Disciplines for True ‘Learning’ of the Talmud,” in *Modern Scholarship*, p. 197; and Hayyim Navon, “Ha-Limmud ha-Yeshivati u-Mehkar ha-Talmud ha-Akademi,” *Akdamos* 8 (2000): 125-143. These definitions are not precisely accurate since academic publications do sometimes deal with substantive issues and traditional learning in various circles includes more than the above description. Nevertheless, I think the above definitions capture how most readers of this publication usually understand these terms.

For other differences between the two approaches, see Yaakov Elman, “Progressive Derrash and Retrospective Peshat: Nonhalakhic Considerations in Talmud Torah,” in *Modern Scholarship*, pp. 227-287; Pinchas Hayman, “Implications of Academic Approaches to the Study of the Babylonian Talmud for Student Beliefs and Religious Attitudes,” in *Abiding Challenges: Research Perspectives on Jewish Education; Studies in Memory of Mordechai Bar-Lev*, ed. Yisrael Rich and Michael Rosenak (Ramat-Gan: Bar-Ilan University, 1999), pp. 375-99; Menachem Kahana, “Mehkar ha-Talmud be-Universitah ve-ha-Limmud ha-Masorati ba-Yeshivah,” in Menachem Kahana (ed.), *Be-Hevlei Masoret u-Temurah* (Rehovot: Kivvunim, 1990), pp. 113-142; and Yehuda Shwarz, “Hora’at Torah she-be-Al Peh: Hora’at Mishnah ve-Talmud ba-Hinnukh ha-Yisraeli ba-Aspaklaryah shel Tokhniyot ha-Limmudim ve-ha-Sifrut ha-Didaktit,” (PhD diss., Hebrew University, 2002).

ⁱⁱ Immanuel Etkes, *The Gaon of Vilna: The Man and His Image* (Berkeley: University of California Press, 2002), pp. 16-17.

ⁱⁱⁱ Rabbi Hazzan (1808-1863) was born in Izmir, grew up in Jerusalem, and served as a rabbi in Rome, Corfu and Alexandria. He authored a treatise on whether the Talmud was transmitted orally or in writing; see his *Iyyei ha-Yam, siman* 187. See further in Marc Angel, *Voices in Exile: A Study in Sephardic Intellectual History* (Hoboken: Ktav, 1991), pp. 157-8; Jose ha-Levi Faur, *Rabbi Yisrael Moshe Hazzan: The Man and His Works* (Haifa: Raphael Arbel, 1978; Hebrew); and Avi Sagi, “Rabbi Moshe Israel Hazzan: Between Particularism and Universalism,” *Proceedings of the American Academy for Jewish Research* 61 (1995) (Hebrew): 23-43.

^{iv} Rabbi Coronel (1810-1890) was born in Amsterdam, was active in Jerusalem and Safed and authored, among other halakhic works, *Beit Natan*, a collection of manuscript variants for *Massekhet Berakhot*. See *Encyclopedia Judaica*

for more details.

^v Hakham Abdallah (1813-1889) was a respected *posek* and Rosh Yeshiva of the prestigious Midrash Beit Zilkhah in Baghdad. Upon receiving a copy of *Dikdukei Soferim* only ten years after its publication, he immediately saw its value. In *Zivhei Tsedek ha-Hadashot, siman* 140, he writes:

“A book has come into our hands whose title is *Dikdukei Soferim* by Rabbi Refael Natan Neta the son of Rabbi Shelomoh Zelkind, who is still alive in Ashkenaz, may Hashem lengthen his days and years. He merited to enter into the Bavarian State Library in Munich and found there a great find: a manuscript of the Babylonian Talmud from the year 1390. It contains many variant readings from the Talmudic text in our printed editions. There are many *sugyot* that are difficult but according to the reading in that manuscript they can be explained with ease.”

See further at Tsevi Zohar, *The Luminous Face of the East: Studies in the Legal and Religious Thought of Sephardic Rabbis of the Middle East* (Tel Aviv: Hakibbutz ha-Me’uhad, 2001), pp. 62-64.

^{vi} Marc Shapiro, *Between the Yeshiva World and Modern Orthodoxy: The Life and Works of Rabbi Jehiel Jacob Weinberg* (London: Littman Library of Jewish Civilization, 1999), pp. 192-205.

^{vii} See further in Sperber, *ibid.*, pp. 197-225; Elman, *ibid.*; Shamma Friedman, *Talmud Arukh: Perek “Ha-Sokher et ha-Umanin:” Bavli Bava Metsi’a Perek Shishi: Mahadurah al Derekh ha-Mehkar im Peirush ha-Sugyot* (Jerusalem: The Jewish Theological Seminary of America, 1990); *Hanusah*, pp. 7-23; and idem, “Perek ‘Ha-Ishah Rabbah’ ba-Bavli, be-Tseiruf Mavo Kelali al Derekh Heker ha-Sugya,” in *Mehkarim u-Mekorot*, ed. H. Z. Dimitrovsky (New York: Jewish Theological Seminary of America, 1977), pp. 283-321.

^{viii} See, for example, Jeffrey Rubenstein, *Talmudic Stories: Narrative Art, Composition, and Culture* (Baltimore: Johns Hopkins University Press, 1999).

^{ix} See his introductions to various volumes of *Dikdukei Soferim*.

^x See links at my website: www.rabbinics.org.

^{xi} The Saul Lieberman Institute of Talmudic Research of the Jewish Theological Seminary’s Sol and Evelyn Henkind Talmud Text Database, available at: <http://eng.liebermaninstitute.org> and in our libraries.

^{xii} Written by Rabbi Aryeh Leib Yellin (1820-1886) and found in the back of the Vilna *Shas*.

^{xiii} “Reshimat Ma’amarim be-Madda’ei ha-Yahadut,” available at: <http://jnl.huji.ac.il/rambi/>.

^{xiv} I had the privilege of learning under many *Ramim* at Yeshivat Har Etzion at the same time that I studied various aspects of Academic Talmud at the adjoining Makhon Herzog. I was introduced to manuscript analysis and Midrash Halakhah by Dr. Mordechai Sabato and to the study of Aggadah by Dr. Avraham Walfish and Rav Yoel Bin-Nun. I and many other students found this combination to be invaluable.

^{xv} *Berakhot* 60b.

^{xvi} “Therefore, let us say both of them,” *ibid.*

An Interview with Rabbi Dr. Joshua Berman

BY: Shlomo Zuckier

Can you give us a sense of your career trajectory, what institutions you have studied and taught in? What led you to choose your current field of study?

I attended Ramaz for high school, then learned in Yeshivat Har Etzion for two years. I studied for my BA at Princeton and returned to Yeshivat Har Etzion as a post-college student. When I was learning there, I really started focusing on Tanakh, and I realized that, even though “real men learn Talmud,” I wanted to teach Tanakh, and when I finished *semikhah*, I started to teach at Nishmat. In 1996, I was living in Israel, and I was teaching Tanakh in six places, as there was no such thing as being a full-time *Ra”m* in Tanakh anywhere. At the same time I also realized that, although I had learned a lot of Tanakh from Yeshivat Har Etzion and Michlelet Herzog, from the approaches of R. Yoel Bin-Nun and R. Menacham Leibtag, I felt that there was a lot of room for development, and I realized that the place to do that would be in the academy. And there was a lot that I gained there, especially in terms of literary and social science sensitivities.

I was very hesitant about pursuing this area of study, for all the obvious reasons, but there have been huge changes in the academy that make it easier for a *yerei Shamayim* today to do academic Tanakh than it would have been thirty years ago, and certainly fifty years ago. People like Nachum Sarna had it really tough. The world was much more convinced of its *kefirah* (heresy) back then than it is today. There is more flexibility today because of postmodernism, and because a lot of the things that were thought to be clear cut like the Documentary Hypothesis have since been shown to be fraught with fundamental assumptions that are not necessarily true. So there is room to maneuver, which was not the case not so long ago. This is part of why you see so many young *frum* people in academia, especially the fellows that you have at YU: Aaron Koller, my friend Shawn Aster, and Shalom Holtz. And Bar-Ilan also has a whole slew of people who are in their 30’s who are really good, which was not the case 30 years ago.

So off I went, I did my doctorate at Bar-Ilan and now I am a “Rabbi-Doctor” (I did Rabbanut *semikhah*). Currently, I have a position at Bar-Ilan University in the Tanakh department, so officially I am an academic. I also teach, or over the years have taught, at all sorts of yeshivah-type places.

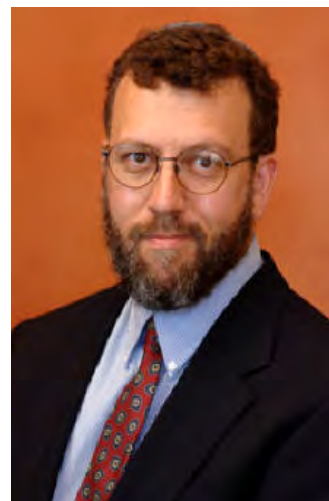
When I teach, whether it is in the yeshivah or in the Academy, I do not see myself as wearing different caps. When I got my doctorate, and I had just become a “Rabbi-Doctor,” I wanted to figure out the deeper meaning of being a “Rabbi-Doctor,” so, as a

lightheaded curiosity I investigated the *gematriya* of “rav-doctor.” I typed it into the Bar-Ilan program and I discovered that there are two sides to being a “rav-doctor”: *yesh doreshim li-shevakh ve-yesh doreshim li-genai* (some interpret it for good and some for bad). It turns out that “rav-doctor” has the value of *ruah Hashem ruah hokhmah* (the spirit of God, the spirit of wisdom), that is, a wonderful melding of *kodesh* and *hol*. But “rav-doctor” also has the numerical

value of *ha-zav yekhabbes begadav ve-rahats ba-mayim* (the impure *zav* should wash his clothes and immerse in water), and so we try to avoid that, but that is an occupational hazard.

You recently published the book *Created Equal: How the Bible Broke with Ancient Political Thought* (Oxford; New York: Oxford University Press, 2008), which is about political theory in the Torah. Without giving away your whole book, what do you think political theory and other social sciences can tell us in terms of study of Tanakh?

The central thrust of this book, which was funded by a research grant from the Shalem Center, is that there is an incredible revolution in political thought in the Torah, the *Hamishah Humeshei Torah*, in that it is the first blueprint in recorded history for an egalitarian society. This is a huge *hiddush* (novel idea) for *frum* people, because if there is one thing we know about the Torah, it is that it is not egalitarian; otherwise we would not have all the discussion in our community about the compatibility of Orthodoxy and feminism. The first joke that every Jew knows is of the guy who goes to his rabbi and says “make me a Kohen,” and you cannot just become a Kohen, so all of that seems to indicate that there is no egalitarian-



ism in Judaism. But when you look at what was going on in the rest of the ancient world, you see how strictly hierarchical and stratified the cultures were, and how that dictated everything – how they related to their gods, their economic laws, and the way they viewed literacy and writing. You were what you were; if you were a slave or serf, you could not change your status. There were very stratified societies, and the Torah tries to break from all of that.

In that vein, here is my favorite observation from the book. We all know about the importance of the distribution of powers, that America has an executive branch, a legislative branch, and a judicial branch. And we know that in *Parashat Shofetim* we do not have quite that, but there is a *melekh*, a *navi*, the *kehunah*, and the *shofetim*, and you can see a degree of power-separation there. But still we do not realize the enormity of the Torah's *hiddush* here. Throughout history, cultures have understood that you need to separate powers, that if all the powers are concentrated in the hands of one potentate, it is not good, because he becomes Saddam Hussein too easily. The question is: how do we separate power? And throughout history, power was split the way it was in England, with a House of *Lords* and a House of *Commons*. Why split it that way? The idea is that society is split that way, with a caste called lords and the masses who are called the commons. What cultures have done throughout history is to harness these pre-existing divisions in society and give a little power to each group, so that they will balance each other out. This is the way it was done in Rome, too, with the Senate and the Assembly, but it was the same idea. The upper class got some power and the lower classes got some power, and no one took too much power for themselves. The idea was that society was already stratified, and now we are going to be "*mekaddesh*" (sanctify) or formalize that stratification by permanently enshrining those divisions with political office. The downside of this plan is that it means that forever more the society will be stratified. In the annals of modern political history, the first society to break from that and say, "We are going to divide power, not by giving the rich some power and the poor some power, but by having offices independent of any particular division of society, and anybody can run for those offices and those offices can be balanced against one another," was the United States.

The only exception to that series of developments is the Torah. In *Parashat Shofetim*, we have *melekh*, which is not limited to Beit David, (which we only find in *Shemuel*), but is open to anyone "*mi-kerev ahekha* (from among your brothers)." ^{xi} That idea that anybody who is a citizen could theoretically be a *melekh* was unheard of. "*Shofetim veshoterim titten lekha* (judges and regulators

appoint for yourself)" ^{xii} – which sounds like the *shofetim* can be anybody, was similarly unheard of. The idea that there are these offices out there, *melukhah*, *shofetim*, that are not tied to this family or that clan or that division in society is a "blow-away," thousands of years ahead of its time. I think that when you see this you say, "Wow, this is amazing, who wrote this?" Could someone back then have come up with this and about 25 other ideas that are in the book together, all at once? That is very impressive! And that is why studying the Bible through the academy serves as a major source of *emunah* for me, not a challenge. Most people think, "Oh my Gosh, if I go into Bible study I am going to have to deal with Wellhausen and D and all that," and there is some truth to that, but there is a tremendous amount of enhancement too.

I will give another example of how social sciences can enhance our understanding of Torah from an article I wrote on *Megillat Ester*. ^{xiii} I wanted to trace the character of Ester, and I wanted to find the model in the social sciences for someone who is in her position, someone who has to reveal a stigmatized identity in a hostile environment. That is what she has to do; that is what Mordechai is telling her, that she has to go to Ahashverosh, admit she is a Jew, and she has to come out with that. In short, the model I was looking for was the

“Studying the bible through the academy serves as a major source of *emunah* for me, not a challenge.”

phenomenon of coming out of the closet, and I went out and read about coming out of the closet. And the light it sheds on Ester is amazing. One example we find is "*Va-Ani vena'arotai atsum kein* (and I and my maidens will fast such)." ^{xiv} Those *ne'arot* are Persian, since even though Ester might have picked them, she could not have picked "Sara Beyla" and "Rivky" because that would have given away her Judaism. So if the *ne'arot* are not even Jewish, why are they fasting? One of the things that I found in my research about coming out of the closet is that, unlike the image of the door suddenly flying open where someone jumps out and says, "This is what I am," it does not really work that way. In actuality, it is a very gradual process, where the first people that someone will come out to are those that are the closest to him or her. "I will reveal this to you because we are great friends and I trust that you will not reject me." And then, if he or she does that and it is accepted, then that individual feels stronger and can go to the next circle and the next circle. And it is usually parents that are last, because they are the most important and because "I cannot risk being rejected by my parents, so I have to build up to that." Ester similarly has to build up to going to Ahashverosh. The *ne'arot* give her the *koah* (strength), because in asking them to join her in fasting, she will have to tell them

that she is Jewish. She will relate all this to them as confidants, and because they are loyal to her, "coming out" to them will allow her to gain a sense of comfort with her new, open Jewish identity. So you can see how when you seriously learn the social sciences, you suddenly get a lot of insights about things that are going on in the Tanakh. It is true about psychology and sociology and political theory.

Why is it important to approach Jewish Studies from an academic perspective? Do Academic Jewish Studies improve our overall understanding of Judaism or enhance our yir'at Shamayim (fear of Heaven)?

The type of approach I use in my book discussed above, all those ideas that help us understand Tanakh, only comes when you bring in the tools of social science, when you have done some reading in political theory, and you have studied the Ancient Near East. What I hold is that the value added from bringing academic studies into the *beit midrash*, into our *talmud Torah*, is not just that we know *dikduk* (grammar) maybe even better than the Ibn Ezra did, and it is not that now we can identify the places on the map better than the *mefarshim* could when they studied *Sefer Yehoshua*. All that is true, but that is peripheral. I am talking about the *lev u-basar* of the *inyan* (the main thrust of the matter), that we

can understand Torah in amazing ways that one cannot if the *beit midrash* is the only thing at his disposal. And so this is a *kiyyum* (religious fulfillment) in *talmud Torah*, that is how I view it. And the amazing thing is that I give over these insights into the Torah's political philosophy to Hilloni (secular) Israelis at Bar-Ilan and they lap it up and say they did not know the Torah was about this and they are proud of it. So it seems to me *pashut* (simple) that we should use academic methods. For further reading, I wrote a summary article of my book on the Seforim blog, ^v and I have a website with some relevant material there as well. ^{vi}

What is academic Bible study? Most people, when they are asked that, think of: "Oh, there is this document and when was that written?" But I see it as so much more than that, that we are taking all of knowledge of all of humanity and seeing what we can understand in the Torah that we could not understand without it. I feel that it is the social sciences that really add to traditional Bible study, not the *realia*.

Do you feel that Academic Jewish Studies is different in Israel than it is in America?

I think there is something very special here. Both *frum* and non-*frum* people live together in Israel, in one society. Whereas

keiruv abroad is aimed at the individual level, that you go out and try to *chap* (catch) this one and *chap* that one, in Israel there is an acute sense of national responsibility, for those of us that are Dati, that there is a whole culture out there that we are somehow responsible for. We come into contact with these people daily in many ways – in the army, in business, and in our communities, and also in terms of the educational field, whether it is the Mamlakhti (national public) school system or in university. So what I feel that I am doing is creating Torah that is accessible to people who are not necessarily *frum*. And it is a vitally important thing – I teach *limmudei yesod* (basic studies) classes at Bar-Ilan, a part of the core curriculum that is in *Yahadut* (Jewish Studies). Half of my teaching is in that rubric, and this is an incredible *kiyyum* in *talmud Torah* for the non-*frum* that I think is enhanced by this joining of academic studies and classical yeshivah learning.

There are other differences that are far less teleologically important, though they may be important academically. As mentioned before, I got a liberal arts education in America for my Bachelor's degree. You do not get that here in Israel, so I find that my colleagues and students here are often a lot more narrow and do not have the breadth that I think is really what it is all about. For this reason, I am really excited to be involved in the Shalem Center's plans to open an American-style liberal arts college, where Israelis who learn Tanakh from me will be learning many other fields in tandem.

In terms of students, this is the point I was making before, we get a lot of non-*frum* students who come to learn Tanakh at Bar-Ilan. It used to be, when I started at Bar-Ilan in the mid-'90s, that Hillonim would come to learn Tanakh because they wanted to know the history and they saw Tanakh primarily in cultural or historical terms, but now they come to study Tanakh because they are seeking meaning, and in many cases seeking a relationship with God, because there is a big *mashber* (crisis) in Israel. In the '90s, there was a sort of headiness about Oslo, that we could be *ke-khol ha-goyyim* (like all the other nations), and it did not work. Over time, all the big "isms" of secular Israeli culture fizzled out: the army did not really turn out to be invincible – Lebanon was a big mess (twice); agriculture – the Philipinos do all that now; the idea that we will have a new Middle East – but it is the same old Middle East; and the *kibbutz* collective life and socialism – none of it panned out. So there is a huge vacuum now, and Israelis feel it, and secular Israelis know that they do not have a big flag to wave, and at the same time they are not being accepted by the rest of the world. I want to thank Judge Goldstone – he did a great job making Israelis come to terms with the fact that there is no running

away from their Jewishness. Israelis look at how Israel is singled out time and again in a negative way and say: “This is so ridiculous, this is so biased, no other country is treated like this. We are never going to get the opportunity to be considered ‘just like everyone else’ so we might as well investigate what it might mean today to be a Jew. What is a Jew? Hmm, I would like to find out in a way that suits me.” That is where Israeli society is at now, so it is a great time to do Academic Jewish Studies, because you are producing a product for which there is really a thirst out there. That is how I feel. I do not really think this plays out in America; the whole dynamic that I described does not exist there as there is only a much smaller *tsibbur* (public) that would be interested in consuming this material.

In the United States, obviously many colleges have a high percentage of Jewish kids, but most of them do not study Hebrew Bible. Furthermore, those who do go to study Old Testament courses on those campuses are mostly good Christians. And that is fine; I do not mind teaching Christians, too, but it is just different. There is just a lot more meaning in the teaching I do here.

How do you think a religious professor of Jewish Studies should view himself? Is he merely one who studies and lectures on Jewish texts, or does he have broader intellectual and/or religious goals in terms of affecting the broader community?

One is never outside the *beit midrash*. One is never *not* a *mehannekh* (educator). As someone once put it, war is diplomacy by other means – Academic Jewish Studies is Torah by other means. Yes, there are some things that one can do in Academic Bible Studies which is not considered *talmud Torah*. I guess knowing where Kever Rahel is on the map – is it in the place we call Kever Rahel or is it near Ramallah or somewhere else? – on some level is also Torah, because there are certain *pesukim* that you can understand better, such as the *pasuk* that refers to Shaul when he has to go to Kevurat Rahel.^{viii} Maybe there are some areas of academic study that are not *talmud Torah*, but *be-gadol* (on the whole) I see it as a huge *kiyyum* of *talmud Torah*.

Whether academic study is *talmud Torah* or not may depend on what people do and the discipline and methods used. Let me just say: academics have to publish – that is what we get paid to do, to teach and publish. When I publish, I publish in academic forums; this book was put out by Oxford University Press. So, I cannot write, “*The Ribbono shel Olam*” in there; it just will not fly. So in my writing I kind of have to go undercover. What does that mean? I do not use P and D and the like, because that is just not part of the way I speak and think. But I write “Deuteronomy says” or something like that, since there is a discourse

there that is not the discourse of *yir’at Shamayim* that I would use when giving a *shi’ur* to other *frum* Jews. So I like to think that my articles and books are kosher, in that they contain no heretical ideas about the Torah, but at times I have had people who are *rosham ve-rubbam be-tokh olamah shel Torah* (overwhelmingly within the world of Torah) who read some of my academic work and say it is kind of cold, that the discourse is just a different discourse. It is out of practical necessity, because you have to publish in accepted forums, but there is a *li-shemah* (ideal) aspect to that too. If my Torah, my book about political theory, is recognized by Oxford University Press, and is then cited by the National Jewish Book Award for the quality of its scholarship, then it gets out to the world. About ten reviews of the book have appeared in various forums – Jewish, Christian, academic. At the annual meeting of the Society of Biblical Literature (SBL) just before Thanksgiving, where nearly 5,000 Bible scholars get together once a year (an event of biblical proportions!), there was a panel of important people in the field discussing my book – none of them *frum* (four out of the five being Jewish). This creates an echo that gets the ideas of the

“When you study the social sciences, you suddenly get a lot of insights about things that are going on in Tanakh.”

book out there. I want to teach Torah to Jews, but I am happy to put the ideas in a public forum, and if some non-Jew sees that the Five Books of Moses is where equality is born, that is a huge *kiddush Shem Shamayim* (sanctification of the Name of Heaven), and the only way to do that is to write this way.

On Chabad.org, there is someone who is crazy about my book, and people write him *emunah* questions: “Don’t Bible critics say this and that?” The fact that he can say that there is this book published by Oxford University Press becomes a vehicle for *keiruv*, because now I have currency. If someone who is not a *ma’amin* (believer) comes and asks me how I know the claims of the book, I can respond that I have a doctorate in Bible and I published in Oxford University Press and they are discussing it at SBL. That might not make me right, but it does mean you cannot dismiss me as easily as you could an amateur, either. And this is important when we are speaking about having credibility with people who are not *frum*. But that is a sacrifice; I do not write the way I feel, because I have to write academically. It is not the *tokhen* (content), though – it is the mode of discourse.

Do you think it important, harmful, or neutral for a Jewish Studies professor to have rabbinic training? to have a strong background in traditional learning?

I think having such a background contributes a lot on the academic side. I do not

think academia is about becoming neutral, because I do not think anybody becomes neutral; there is no view from “nowhere.” I have seen, time and time again, that the things that I write are well-received academically and are considered fresh because I have proclivities, biases, whatever you want to call them, that are formed by my past yeshivah experience. Take, for example, my claim that the *Hamishah Humeshei Torah* have a coherent political philosophy that undergirds everything, which functions to knock down hierarchy and social stratification as it was known in the ancient Near East. This has important ramification in terms of the way in which God relates to man and man relates to power and political office. So the academic world thinks, “Wow, who would have thought that all of this comes together, and that this is consistent in P and D and J!” But I only reach those conclusions because I started out in a place like Yeshivat Har Etzion, because I was raised to think there is an *ahidut*, a uniformity, to what we call the Humash. Obviously, sometimes it can hinder scholarship, and as we know, many learned people have difficulty differentiating between *peshat* and *derash*, and they read the *derash* into the text, so you have to read the rules of

how to play the game, but I think that, at least in Tanakh, coming to academic study with a yeshivah background is a huge advantage.

And from the religious side, this is what I have seen over the years in individuals who are Bible scholars and also live a halakhic lifestyle. People who have started, as I did, essentially, with a yeshivah background, have a much more traditional orientation to terms like *emunah* and *yir’at Shamayim*. For people who keep Shabbat and *Kashrut*, but never had a yeshivah experience, it is just not the same because they are trained from the outset that Deuteronomy is written in the 7th century, and there is the P source and they battle with each other, and the Priests wanted as big a part of the pie as they could get. It is very hard to come out of that *frum* if you have not had the anchor beforehand in a yeshivah. People who did not have a yeshivah type of training first ultimately come into the discipline looking at things very differently. Even if they are nominally *shomer Shabbat*, they usually just buy into the Documentary stuff real quick.

And in terms of *yir’at Shamayim*, the traditional learning is really important. When you get out there in academic studies, in biblical studies, everything becomes atomized. “Well, there is a *setirah* (contradiction) here, different sources, later redaction, later edition.” It is everywhere; everything is explained that way, but I can identify within those with a yeshivah background, especially in my colleagues at Bar-Ilan, almost all of

whom are graduates of Yeshivat Har Etzion, a much more sympathetic look at the text as a whole. Now, in some cases you might be forced to say that this seems to be a *setirah* here, but for the most part you are going to be looking to respect the whole and find the ways in which the whole holds together.

I will give one great illustration here. The parade example of those who accept the Documentary Hypothesis is the *Mabbul*. There are so many *setirot* and it is clear that you have three different stories that are sort of flowing together, and that we put the pastrami on the salami on the turkey in order to get *Parashat Noah*. Now, there is a conservative Christian scholar named Gordon Wenham who noticed that throughout *Parashat Noah* there is an enormous chiasmic structure.^{viii} He presents a huge, 34-branch chiasmic structure that runs through the entire story. A bible critic can still theoretically believe the Documentary Hypothesis, but it shows the unity that is not immediately apparent. And it is not surprising that it would be a conservative Christian, who has *frum* (traditional) ideas about the Tanakh much like we do, who came up with that observation. I think that sometimes it is *davka* (specifically) *yir’at Shamayim* and an appreciation for looking at a text as a whole that allows insights that are valued by the academic world, ideas that you cannot get

anywhere else unless you come with these proclivities at first.

Educationally, should we try to expose students to some of the issues in Academic Bible or is it safer to not risk raising questions in them by bringing it up?

There are challenges, but the question is how to combat them. I have had a big change in my own thinking about this in recent years that goes against the conventional wisdom. I used to think that it was, from a *hinnukh* perspective, a good idea not to share any Bible studies with, say, students in high school or in the post-high school programs. We can learn Rashi and Ramban, even R. Menachem Leibtag and R. Yoel Bin-Nun, but that is it. We do not want to talk about anything else and we do not want to run into problems that are out there or proposals that are given to answer those problems. “Why expose them to this?” was my approach.

But that is not my approach anymore based on what I have seen. I have noticed that we are paying a big price for not addressing the challenges that are raised. That price is this – I see that people, *later in life*, begin to ask questions. People in college do not ask questions; I have never seen a student in college who went off the *derekh* because he took a Hebrew Bible class and there was suddenly P and Wellhausen. What *does* happen is that people grow up and they begin to become aware of the complexity of many things and

they learn about biblical studies and have never heard anything about it in yeshivah or day school, and they sense that the whole religious *ma'arekhet* (framework) is like an ostrich with its head in the sand. Now, here is the main point that I have come to realize only recently: even in cases where adults do become exposed to some of the complexities in Bible studies, very few people go off the *derekh*. But what I see more and more is that there are many people running around with questions who do not know how to deal with them because no one ever talks or writes about these issues.

And so what happens is that you get people – lots of them – who have questions that really bother them. What happens to these people is that when they are challenged to choose between their intellectual honesty and their *Yiddishkayt*, they choose to maintain their *Yiddishkayt* and simply close down all intellectual engagement with their Judaism. What happens to them religiously is that they go to *shul* and send their kids to day school and everything looks fine, but inside they are not fine, and the burning *esh ha-Torah* (fire of Torah) inside never gets rekindled. This is the cost that we pay.

So I used to think we should not expose kids to the academic study of Bible. But I now feel that since later in life many begin to ask questions, we should be exposing people to it at some level. The conventional wisdom is that it is too complicated and too many problems come up as a result. And if you monitor the problem in terms of how many people are leaving the *derekh* because of this, then you can think that we do not have a problem. But if you measure the problem in terms of the level of intensity of people in our *tsibbur* (community), then I would claim that we have a large number of people who have lost a sense of passion because somewhere inside they are bothered by these questions and are convinced that we have nothing to say about these issues. And what I see, ironically, is that if a respected Torah personality is the one who exposes students of high school or even post-high school age to some *mehkar* (academic study), it does not bother them, since they hear it coming from someone who they look to as a source of *yir'at Shamayim*. It is when all their sources of *yir'at Shamayim* just pretend these issues do not exist, and then they go read it somewhere else, that they think: “How come nobody ever told me about this? It must be they have nothing to say.” And then it becomes problematic. They could hear almost the same thing, but if they hear it as the forbidden fruit out there, then they will think that it must be true. But if their *rav* tells them that maybe not every letter in the Torah is exactly what Moshe Rabbeinu got, and there is a *sugya* about this, that, and the other, kids will feel much more comfortable, because they will see that traditional Judaism addresses these issues. How-

ever, if they are just told about Rambam's eighth *ikkar*, interpreted such that every single word and letter is exactly the way Moshe Rabbeinu got it, then when they begin to encounter that it might not be so, they are faced with a challenge.

I think we all have the same pedagogical goals – we want to create a *tsibbur* of *lomedei Torah* who are *yir'ei Shamayim* – but the prevailing wisdom out there says to just keep this stuff away and everything will be fine which I believe to be counterproductive. The problem is that we are not introducing any of it on *our* terms. If the material is presented on *our* field with *our* players giving it over, our community will be much better fortified to deal with these issues when they arise as our students mature into adults. It is when we are ostriches and people find out by themselves later on that it begins to wither them away inside. I know a lot of people in this situation, and I am telling you that they would be much more passionate if they knew there were people dealing with these issues.

How should one react when one finds that there are significant conflicts between tradition and modern scholarship?

Those issues come up. I will mention three methods of dealing with these problems. First, there is a certain degree of *tseni'ut* that is required, that I do not know everything. Maybe there is an answer out there that I don't know, and maybe there are other ways to view the issue in front of me that I am not even aware of.

Additionally, it is often the case that, the more learning you do, the more avenues begin to open up to solve issues. Increased study comes on two ends. The more *mehkar* you know, the more you are aware of ways of solving things, and the more Torah that you learn, the more you become aware of options within the Torah world to deal with the problem. I will give an example of each. The classical academic approach believes that *Sefer Devarim* was written in the seventh century BCE. There is an amazing parallel between *Devarim* 13 about *navi sheker* (false prophet), *mesit* (one who incites to idolatry), and *ir ha-niddahat* (a city incited to idolatry), the laws of apostasy, and a particular document by Essarhaddon, an Assyrian king of the seventh century BCE. He made a vassal treaty with a group of people called the Medes, and obligated them to make highly similar commitments, i.e., that they will not spread apostasy or sedition about him. When you look at the parallels, the language and the

structure of the sedition clauses of the vassal treaty and the apostasy clauses of *Devarim* 13, it is very problematic. The theory out there is that the author of *Sefer Devarim*, in the seventh century, was familiar with this treaty (or a template of it) written by Essarhaddon, and he used that text as a model for these laws. But just now I am completing an article that shows that there is another treaty that is nearly a thousand years older where the parallels are much stronger to *Devarim* 13. By engaging more in *mehkar*, I was able to find a way out of this problem.

The other thing I said before was that the more you learn in Torah, the more you become aware of ways of getting out of things that are difficult. For example, Professor Yaakov Elman is an extremely important figure historically and theologically, and he is written articles about R. Tsadok of Lublin about how one deals with *setirot* between laws that appear in *Devarim* and earlier in the Torah.^{ix} *Mehkar* has what to say about that, and it claims that there are different authors in different times. R. Tsadok says that Moshe Rabbeinu edited

the earlier laws because he thought they needed updating for entering Erets Yisrael. He says this in a couple of places, and Dr. Elman shows this in his writing. When you see this, you say, “Wow, look at that! Moshe updated things.” So *Sefer Devarim* is “*Tehillat Torah she-be-Al Peh*” (the beginning of the Oral Law), as R. Tsadok puts it. For Moshe to be using earlier texts and working with them, making new laws out of old laws or taking older materials and tweaking

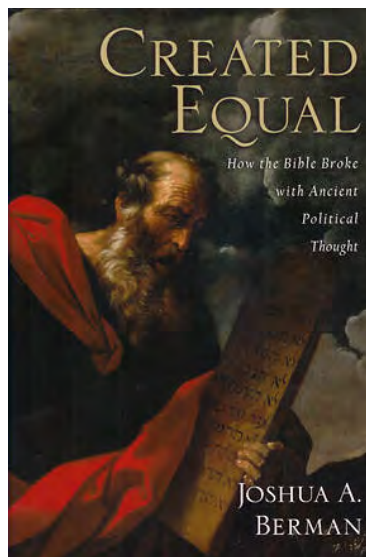
them to the needs of the time - who would have thought that a *frum* person could say such a thing? But then you discover that it is out there, and that can solve some theological problems. The book by Marc Shapiro, *The Limits of Orthodox Theology*, has a whole chapter on Rambam's eighth *ikkar*. It is astounding how many *gedolei Yisrael* (great sages of Israel) have said things that the average person, if asked about them, would say, “That's *kefirah*.” It is amazing. So sometimes, when there is a question, you look at what is out there, whether it is looking at the *mehkar* more thoroughly or looking at the Torah more thoroughly, and there are ways to square the circle.

But yes, there are definitely issues out there. And when you cannot find the answer because you do not have the time or capability, that is when the *tseni'ut* is required, that there is some way out there and I just do not understand it. Who says that my understanding is

going to be the barometer of all things? So when we are challenged and cannot find an answer, we fall back on our lack of knowledge.

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ⁱ *Devarim* 17:15.

ⁱⁱ *Ibid.* 16:18.

ⁱⁱⁱ See Joshua A. Berman, “‘Hadassah bat Abihail’: The Evolution from Object to Subject in the Character of Esther,” *Journal of Biblical Literature* 120,4 (2001): 647-669.

^{iv} *Ester* 4:16.

^v Available at: <http://seforim.blogspot.com/2009/09/joshua-berman-what-orthodoxy-can-gain.html>.

^{vi} Available at: <http://createdequalthebook.com/index.html>.

^{vii} *I Shemuel* 10:2.

^{viii} See Gordon J. Wenham, “The Coherence of the Flood Narrative,” *Vetus Testamentum* 28,3 (1978): 336-348.

^{ix} See Yaakov Elman, “R. Zadok Hakohen on the History of Halakha,” *Tradition* 21,4 (1985): 1-26, and idem, “Reb Zadok Hakohen of Lublin on Prophecy in the Halakhic Process,” *Jewish Law Association Studies* 1 (1985): 1-16.

An Interview with Dr. Shawn-Zelig Aster

BY: Staff

How does an academic approach to various aspects of the Torah, Jewish Philosophy, and/or Jewish History differ from a traditional one?

If under the rubric of “traditional” we include such luminaries as Rashbam and Rambam, then I am not sure that substantive differences exist. Both of these figures grappled with the tension between the authority of tradition and the obligation to follow reason and resolved this tension in fruitful ways. Rashbam’s resolution leads to his innovative commentary on Humash, which respects Midrash without making any use of it, and Rambam’s leads both to the *Moreh ha-Nevukhim* and to many important halakhic and meta-halakhic comments in the *Mishneh Torah*. As is clear from Elazar Tuitou’s study of Rashbam,ⁱ and from Rambam’s own statements in the *Moreh*, both drew on Jewish and non-Jewish sources in studying Tanakh.

The primary difference between “traditional” and “academic” approaches is one of attitude, not of substance. A traditional approach places a premium on intellectual humility, recognizing that we may not have answers to every question. Academia, however, pushes us to place a premium on innovation and reason. In academia, the result is an unfortunate pressure to formulate answers in a manner that appears intellectually honest, even though these answers may not withstand the test of time.

Why is it important to approach Jewish Studies from an academic perspective? Do Academic Jewish Studies improve our overall understanding of Judaism or enhance our yir’at Shamayim, and, if so, do they do so to the same degree as traditional models of learning?

Academic approaches provide valuable insights into the *peshat* of nearly every chapter

“Surely we believe that Tanakh can meaningfully inform one’s understanding of Judaism and one’s yir’at Shamayim, and it follows that a fuller appreciation of Tanakh allows one to achieve these more fully.”

in Tanakh. Obviously, it is possible to achieve *yir’at Shamayim* without these insights. But surely we believe that Tanakh can meaningfully inform one’s understanding of Judaism and one’s *yir’at Shamayim*, and it follows that a fuller appreciation of Tanakh allows one to achieve these more fully. Fundamentally, how one transforms the intellectual (understanding a *pasuk*) into something experiential (*yir’at Shamayim*) is a very personal question. Great men can serve as examples of how to do this, but no one can give a frontal lesson on it.

Do you think it important, harmful, or neutral for a Jewish Studies professor to have rabbinic training? to have a strong background in traditional learning?

I think it is critical for the discipline that Academic Jewish Studies be connected to classical Jewish learning. In the last quarter of the 20th century, many of the great Jewish Studies programs in the US (such as the program in Intellectual Jewish History at Harvard and that in Hebrew Bible at Penn) require that students who begin Ph.D. programs have backgrounds in classical Jewish text.

This is separate and distinct from the question of whether YU ought to require its Jewish Studies professors to have *semikhah*. If such a requirement were instituted, I would have to ask for a year or two of grace so that I could find another job.

Do you consider academic study as talmud Torah? Does it depend on the discipline or the methods used?

It depends both on the material studied and on the approach used. Studying an archaeological site report is not *talmud Torah*, but it is impossible to understand the *peshat* in hundreds of *pesukim* in the books of Joshua and Ezra without these reports. I think that studying the *pesukim* while referring to site reports is *talmud Torah*, while studying the site reports on their own is not.

Similarly, reading Sabeian agricultural texts is not an act of *talmud Torah*, nor is studying *The Nicomachean Ethics*. But learning the *Moreh ha-Nevukhim* III:29-49, which relies heavily on Sabeian agricultural texts, is certainly an act of *talmud Torah*, and so is studying Rambam’s *Hilkhot De’ot*, which both draws on Aristotle’s *Nicomachean Ethics* and critiques it.

Approach also matters here. One ought to recognize that the text is holy, and so one ought not to approach a text of Torah as one ap-

proaches a secular text, as Rambam notes in *Hilkhot Me’ilah* 8:8.

In asking whether academic study can be considered *talmud Torah*, I suppose you also mean: if a Jew studies a passage of Joshua solely for its archaeological import and does not view the text as holy in any way, is that *talmud Torah*? This is a good question to ask a *posek* or a philosopher, but I fall into neither category.

What challenges does an academic ap-

proach to Jewish Studies pose, and how do we, as Orthodox Jews, deal with them? Considering the challenges, are Academic Jewish Studies the preferred type of learning for everyone, or only for a specific group of people?

I have argued elsewhere that in-depth study of Tanakh requires some degree of academic approach, but we ought to recognize that not every student is ready for such study upon arriving in college. Certainly, many of our students need to develop Hebrew skills and textual fluency before beginning any such endeavor. Ideally, these ought to be learned in elementary and high school. For a complete and ideal Jewish education, such skills and fluency are absolutely necessary before embarking on any academic study of Tanakh.

Furthermore, college has become a mass phenomenon, and not every student arrives in college seeking a deep education in the Hu-

“We feel morally and religiously obligated to ensure that our students can understand Tanakh and that they think deeply about it.”

manities. So we do need to distinguish between what everyone needs to know and what those who seek depth of knowledge ought to know. Every Jew needs to understand Tanakh in Hebrew, especially those portions read in the synagogue. But does everyone need to address the important questions arising from the clash between Reason and Revelation? Here, we can take guidance again from Rambam. On the one hand, he writes in his Introduction to the *Moreh ha-Nevukhim* that he is writing for those with a solid knowledge of Torah who have also engaged in philosophical speculation and understood the meaning of each. But on the other, he includes in the *Mishneh Torah* passages (such as those I note above), which derive from philosophy and which can enhance the religious experience of every Jew. This dual approach can serve us well.

Which subjects should be studied in an academic style and which more traditionally? Are there certain elements of academic pursuit in Jewish Studies that are off-limits or inappropriate for an Orthodox Jew to explore?

Both the Rav, *zts”l*,ⁱⁱ and, *yibbadel le-hayyim*, Rav Aharon Lichtenstein, have waxed eloquent on the need to isolate the process of deriving Halakhah from any external influence or from academic approaches. It is fascinating that Rashbam and Rambam do the same: they use non-Rabbinic knowledge in interpreting Tanakh, but do not use such knowledge in deriving Halakhah.

But I suspect that behind your question lies not a deep desire to study Greco-Roman economics as they relate to the fifth *perek* of *Bava Metsi’a*, but rather the more pressing issue of biblical criticism. I do not believe that a student’s religiosity will be harmed by a serious exploration of biblical criticism, provided

that the student understands the context in which critical approaches developed, that he understands how Rashbam and Rambam deal with the clash between Revelation and Reason, and that he is *ab initio* committed to religious observance.

Someone who does not have that commitment and is looking for it would be better served by following the advice of Rambam in *Hilkhot Yesodei ha-Torah* 2:2. Experience and contemplation of the natural world is more likely to generate religious commitment than is intellectual consideration of biblical source criticism.

And a side-comment: Twenty years ago, when I was in college, there was a tendency among those who had religious commitment but were looking for a way out to study biblical criticism as a means of providing intellectual justification for an emotional decision. If there

are any students of that sort reading this, I would suggest that you might be better served by putting your religious commitment in the freezer rather than in the dumpster. A traditional or somewhat religious lifestyle is often more attractive as one approaches 30 than a 19-year-old would think it to be.

How should one react when one finds that there are significant conflicts between tradition and modern scholarship?

Here, too, the model of Rambam is particularly relevant, especially as expressed in the *Moreh* III:26-III:49 and paralleled in the conclusion to *Hilkhot Me’ilah*. He considers tradition, establishes what exactly it demands of us, and then discusses what is demonstrated by intellectual inquiry. He does all of this while adopting a posture of intellectual humility, meaning that he assumes from the outset that man stands in a subservient position vis-à-vis God. He recognizes that man’s intellectual capabilities have limits, while God’s do not.

Such a reaction is only possible if one begins from the position of a serious relationship with God, a relationship which must be hierarchical in nature. How does one achieve this relationship? Here, we return again to *Hilkhot Yesodei ha-Torah* 2:2.

Do you think the job of Jewish Studies professors at YU is distinct from that of professors at other, secular, universities?

One difference is that the texts we teach make a profound difference in the lives of our students. The students are engaged by the text, and it is not distant from them. Therefore, it matters profoundly that our students can read the text, that they understand it, and that they are able to fit it into their intellectual and religious worlds. In order for any of these things to happen, many of us [the faculty] pour our guts into designing curricula and programs which will allow for this, into teaching on all levels, and we spend hours working with stu-

Jewish Responses to Wellhausen's Documentary Hypothesis^{i,ii}

BY: Abraham Jacob Berkovitz

Author's Note: This essay contains responses to the Documentary Hypothesis espoused by both Orthodox scholars and less traditional figures. The essay's primary focus is the exploration of and reaction to this important academic theory. The essay will begin with an exploration of the Documentary Hypothesis and its components. Afterwards, it will present the views and reactions of various scholars, both how this theory impacted their religious evaluation of the Bible and how they tried to reconcile it with their religious assumptions. The author will present three views out of the plethora that exist but does not endorse any particular view mentioned in this essay.

The methodological, critical study of the Bible did not begin in Germany with the birth of the *Wissenschaft des Judentums*.ⁱⁱⁱ In order to justify this claim, we must first understand what "critical study of the Bible" actually means. Critical study, contrary to the perception of many, does not mean approaching a text with intent to debase, void, or ridicule anything written therein.

Rather, it entails using various academic tools to understand, evaluate, and hopefully appreciate the text at hand. Tools such as literary theory, archeology, etymology, and general linguistics are only a few of those which help the scholar explore and uncover the Bible's true meaning. One who honestly employs the critical method does not approach the Bible with negative skepticism but rather with open eyes and a perceptive mind.

Therefore, employing this definition, critical study did not begin with the advent of the Academy, but rather with Hazal and the medieval exegetes.^{iv} Our Sages employed the critical method to unmask and solve various problems surrounding biblical text. For example, only the attentive reader would notice that although there are two spies in the house of Rahav in Joshua 2, the verse says "va-titspeno" – and she hid *him*, in the singular. Commenting on this textual peculiarity, Hazal create a midrash explaining how Pinehas hid himself independently of Rahav's help. Thus, modern scholarship did not create the field of biblical criticism but merely expanded it.

Although the Academy did not begin the process of biblical criticism, it did advance a new methodology of approaching biblical texts, source criticism. Source critics maintain that the Torah as we have it today is a composite of other (now non-existent) earlier texts. This theory was born from the desire to explain

many perplexing biblical paradoxes and conflicts, such as similar accounts of different stories,^v the shifting names of God,^{vi} and contradictory laws.^{vii} According to the source critic, the original texts (*Urtexte*) read logically; redaction was the primary cause of confusion and contradiction. The results of more than a century of this style of research were then synthesized by Julius Wellhausen in his magnum opus, *Prolegomena to the History of Ancient Israel*,^{viii} into what is now more or less known as the Documentary Hypothesis. This theory surmises that the Pentateuch^{ix} is an amalgamation of four main sources: J, E, P, and D. Wellhausen maintained that these sources range from as early as the mid-First Temple era to the post-Babylonian exile. These texts were then later interwoven into a single book by an unknown redactor, R.

According to Wellhausen, J is a southern Judean source distinguished by its constant use of the Tetragrammaton. J has no theological issue about describing God in anthropomorphic terms and envisions a personal and reciprocal relationship with humankind.^x E is a northern Judean source salvaged by the rem-

nant populous of the exiled Samaria which is characterized by its frequent use of the name *E-lohim* for God. The P source is the contribution of a post-exilic priest who wished to preserve the sacred Temple traditions of the Jews. P is formalistic and refrains from anthropomorphism. The priestly writer is very rigid in his theology and is responsible for massive portions of Leviticus,^{xi} some early Jewish history,^{xii} and the Tabernacle section of Exodus.^{xiii} The final source, D, the Deuteronomist, is obsessed with the centralization of Temple sacrifice, pure monotheism,^{xiv} and is responsible for most of Deuteronomy.^{xv}

"Wellhausen's provocative theory subsequently evoked a plethora of different responses from the broader Jewish world, ranging from rejection to adaptation to adoption."

This theory, in one form or another, has since dominated the world of academic Bible. None of these sources has been archeologically proven and they all therefore remain in the realm of conjecture and literary theory. Many modern scholars who adopt the Documentary Hypothesis have relinquished the claim of scientific provability. Jeffery Tigay, a renowned Bible scholar, notes that "the degree of subjectivity which such hypothetical procedures [such as the Documentary Hypothesis] permit is notorious."^{xvi} Other scholars, such as Edward Greenstein of Bar-Ilan, humorously exploit the complete absurdity of the Documentary Hypothesis. Greenstein notes that the Documentary Hypothesis is comparable to a case of five blind men and an elephant in which "each of five blind men approaches a different part of

an elephant's anatomy. Perceiving only part of the elephant, each man draws a different conclusion as to the identity of what he encounters."^{xvii} According to Greenstein, scholars who rely on the Documentary Hypothesis miss both the forest and the trees.

The religious implications of this theory are obvious: the text is no longer a work of mass divine revelation, Moses is no longer its author, and its laws are not of divine origin but rather the work of some rigid, legalistic priest. Those who maintain Wellhausen's Documentary Hypothesis and claim traditional Jewish religious fidelity must reconcile the Documentary Hypothesis with the statement in the Mishnah that "all Jews have a share in the World to Come.... And these are they who have no share in the World to Come: he who says... 'The Torah is not from Heaven.'"^{xviii} Similar reconciliation might be needed for Rambam's eighth *ikkar ha-emunah* (principle of faith).^{xix}

Wellhausen's provocative theory subsequently evoked a plethora of different responses from the broader Jewish world, ranging from rejection to adaptation to adoption. The views presented below are merely those of a few individuals and do not completely reflect the overall response.

Nonetheless, these views offer a unique opportunity to appreciate how Jews subsequent to Wellhausen grappled with his theory, whether we reject these various views or not. The remainder of this essay is dedicated to exploring the reconciliations of Jacob Milgrom, Franz Rosenzweig, and R. David Zvi Hoffmann.

Historically, many Jewish scholars have accepted the Documentary Hypothesis, but not without a few modifications, such as the early dating of P^{xx} and the emphasis on the document H (Holiness Code).^{xxi} According to Wellhausen, the historic order of the documents is J, E, D, and then P. Wellhausen believed that Judaism was once a romantic, fresh, undefiled religion, and only after the exile did a rigid, right-wing priest decide to introduce dead legalism to the law corpus. Wellhausen expresses this sentiment very clearly with his remark that "we may compare the cultus in the olden time to the green tree which grows up out of the soil as it will and can; later it becomes the regularly shapen timber, ever more artificially shaped with square and compass."^{xxii} Subsequent scholars have claimed that this statement is a product of Wellhausen's time and that his view of post-exilic Judaism "as a decline into dead legalism has an anti-Semitic cast."^{xxiii} In addition to serving as a modern polemic against Jewish legalism, this contention also "made it easier to embrace the New Testament polemic against 'Judaism' (ie, legalism) while still ac-

dents. We feel morally and religiously obligated to ensure that our students can understand Tanakh and that they think deeply about it. This imposes real limits on our ability to publish as much as would be desirable. I think it important that the college valorize the curricular work that we do, as well as the impact that excellent teaching has on students' religious lives and on students' desires to attend Yeshiva College.

And from the sublime to the yet more sublime: A second difference is demonstrated by the following story. A student once came to me asking for an extension on a paper, explaining that he had been distracted all semester. I diagnosed the case as one of "girl on the brain" disease. He explained that things were not clear, he had not even gone out yet, and he could not figure out what to do about her. He then e-mailed asking for another extension. I replied, "For God's sake, stop intellectualizing. If she's nice, you have common goals and shared values, and you like her, ask her out. When you write your paper, you can start intellectualizing." He came to class the next week with a big smile: the first date had gone well. My wife said to me, "For this, you teach at YU."

Why did you choose your current field of study and how has an academic approach to it shaped your religious identity?

Before the Second Intifada, it used to be possible to walk around Israel with a Tanakh in hand and say, "This is where this event happened and this is where the other event happened." That experience, of seeing Tanakh as something alive and real, grounded in geography and history, is why I went into Tanakh. And the need to feel that I am getting the geography and history right is part of why I went into academic Tanakh.

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ⁱ Elazar Touitou, "Ha-Peshatot ha-Mithad-deshim be-Kol Yom." *Iyunim be-Peirusho shel Rashbam la-Torah* (Ramat Gan: Bar-Ilan University Press, 2003).

ⁱⁱ See, for example, R. Walter Wurzburger, "Rav Joseph B. Soloveitchik as Posek of Post-Modern Orthodoxy," *Tradition* 29,1 (1994), pp. 7-9; R. Shalom Carmy, "Of Eagle's Flight and Snail's Pace," *ibid.*, p. 25.

cepting the Old Testament (as recommending, in its highest development in the prophets, 'faith,' not ritual 'works').^{xxiv} Therefore, with the early dating of P and emphasis on H, Jewish scholars such as Jacob Milgrom, a professor emeritus at the University of California, considerably reduce the anti-Semitic overtones of the Documentary Hypothesis.

Yet, those who assume the validity of this hypothesis must also maintain that the Torah was not a divine revelation to Moses. As a result, if the Torah's supposed authority from God is negated, why should it be binding? Jewish scholars who try to uphold both the sanctity of the Torah and the results of the Documentary Hypothesis have offered some very creative solutions. The following is the solution of Jacob Milgrom.^{xxv}

Milgrom notes our problem and asks the same question, albeit in a slightly different manner: "How does the claim of divine authorship mesh with the internal inconsistencies and contradictions found in the Torah?"^{xxvi} Citing the Talmudic story of Moses in Rabbi Akiva's *beit midrash*,^{xxvii} and using Rabbinic logic normally reserved for the justification of the Oral Law, Milgrom posits that Moses received only principles and generalizations at Sinai; the rest of Torah represents interpretation by the later compilers of tradition, J, E, P, D, H, and R.^{xxviii} Employing this logic, Milgrom equates biblical methodology to Talmudic methodology. By analogy, just as "thousands of years after the Torah's compilation, the rabbis would explain the origins of a new law by connecting it to Moses as 'an oral law from Moses at Sinai,'"^{xxix} so, too, the alleged biblical authors would justify their interpretation of the law as emanating from the mouths of God and/or Moses. Only later would a pluralistic Redactor come and compile these traditions, each individually too sacred to completely disregard, into one book.

Although this logic readily explains blatant biblical contradictions, it is still at odds with traditional Orthodoxy. Even if one were to adopt this position, several questions would still remain: Is there any proof that rules used to justify the Oral Law, which we first see developing in the Rabbinic era, were utilized beforehand? Furthermore, Rabbinic Judaism assumes that the Torah was indeed given in its entirety to Moses; can one use the rules of the Oral Law to negate the explicit Rabbinic notion of the unity of the Written Law?

A different justification of the Torah's divinity in light of the Documentary Hypothesis is an appeal to the essential divine nature of the documents, both as separate texts and as a literary whole. This argument was advanced by the influential German Jewish philosopher Franz Rosenzweig in his letter to Rabbi Jacob Rosenheim, a leader of the Orthodox Agudath Israel World Organization. The letter, dated April 21st, 1927, was part of an ongoing exchange between the two regarding the Buber-Rosenzweig translation of the Bible.^{xxx}

Rosenzweig claims that his disagreement

with Orthodoxy stems from the fact that he, unlike his Orthodox counterparts, "cannot draw any conclusions concerning its literary genesis." In light of recent discoveries, Rosenzweig maintains that he cannot maintain the fundamental belief that the text is from Moses; nonetheless, he says, "This would not in the least affect our belief [in the spiritual nature of the Torah]." Although possibly a work of multiple authors, the text is sacred, Rosenzweig maintains, because it is the "work of one

"The fusion of Torah with the Academy is a necessary prerequisite to understanding and therefore appreciating the study of either."

spirit." Therefore, even though the Torah contains contradictions and repeated narratives, the true authorial intent is for modern readers to view the text as a literary whole.

Although Rosenzweig tries to maintain the general sanctity of Torah, he differs fundamentally from Orthodoxy with regards to its authorship. He states:

"We too translate the Torah as a single book, to us too it is the work of one spirit. We do not know who he was; that it was Moses we cannot believe. Among ourselves we identify him by the siglum used by critical scholarship for its assumed final redactor: R. But we fill out this R not as redactor but *rabbenu*. For, whoever he was and whatever material he had at his disposal, he is our Teacher, his theology, our Teaching."

The Torah, according to Rosenzweig, need not be the work of Moses but rather that of a person with whom we can identify our theology. According to this view, the documents retain sanctity not because of the historical divine revelation to Moses but rather due to the documents' sanctity when unified by a character of theological similarity, *Rabbeinu*.^{xxxi} As Rosenzweig himself admits, this view regarding the Torah is beyond the pale of normative Orthodoxy as Orthodoxy maintains the notion of strict Mosaic revelation.

While some Jews tried to adopt and adapt the Documentary Hypothesis, others tried to destroy it. Perhaps the most famous Jewish counter-critic is Rabbi David Zvi Hoffmann. Born in Slovakia in 1843 and trained by R. Moses Schick, he eventually made his way to R. Esriel Hildesheimer's *Rabbinerseminar* (rabbinic seminary) where he studied both Torah and *Wissenschaft* (i.e., Mada).^{xxxii}

In order to explain the milieu that enabled Hoffmann to become a renowned scholar and to show what institutions that combine Torah and Mada have the capability of becoming, we turn to a quick history of the *Rabbinerseminar*. R. Esriel Hildesheimer founded the *Rabbinerseminar* because of his fundamental belief that Orthodoxy must do more than simply affirm the value of contemporary culture; it must take a leading role in it. He tried to accomplish this goal by synthesizing academic

methodology with Judaism. The *Rabbinerseminar* produced respected Torah scholars as well as renowned academics. The ideology of the *Rabbinerseminar* is best encapsulated in a speech given by Hoffmann upon the seminary's reopening in 1919. Expounding the meaning of the biblical verse "Let the chief beauty of Japheth be in the tents of Shem,"^{xxxiii} Hoffmann said: "Jewish law and belief wish for and expect, not the stupefaction but the enlightenment of their true believers and adherents. Only the enlightened spirit is susceptible to the wisdom of Jewish teaching." How is one to achieve en-

lightenment? Hoffmann answers, "Only an intellect which has been perfected by secular learning finds its satisfaction in the sublimity of the Jewish belief in the one and only creator." Therefore, according to Hoffmann, secular studies and Torah studies go hand in hand, and a person lacking in one is fundamentally lacking in the other. True learning only comes with the mastery and sophistication attained by pursuit of the academic method. However, Hoffmann also realized that certain qualifications exist. In order for one to successfully implement academic methodology in the study of Torah, it must be done *le-shem Shamayim* (for the sake of Heaven).^{xxxiv}

It is with this attitude that Hoffmann begins his analysis and critique of Wellhausen's Documentary Hypothesis. Before beginning his attack, Hoffmann introduces his commentary on Leviticus with a declaration of faith:

"I willingly agree that, in consequence of the foundation of my belief, I am unable to arrive at the conclusion that the Pentateuch was written by anyone other than Moses; and in order to avoid raising doubts on this score, I have clearly outlined the principles on which my commentary is based."^{xxxv}

Hoffmann then lists these principles:

"The first principle is this: we believe that the whole Bible is true, holy, and of divine origin. That every word of the Torah was inscribed by divine command is expressed

"Rosenzweig: We identify him by the siglum used by critical scholarship for its assumed final redactor: R. But we fill out this R not as redactor but rabbenu."

in the principle *Torah min HaShamayim*... We must not presume to set ourselves up as critics of the author of a biblical text or doubt the truth of his statements or question the correctness of his teachings."^{xxxvi}

With statements such as these, Hoffmann arms himself as the defender of the faith and marches into battle against Wellhausen's theory.

Although the previous statements might imply a myopic stance towards the study of biblical criticism, Hoffmann did not engage in polemics or tirades. Rather, he calmly and logically deconstructed parts of the Documentary

Hypothesis, using both his own scholarly ability and that of the general academic world. For example, Hoffmann cites Dillmann, a scholar who had his own take on the Documentary Hypothesis, in order "to support the position that the demand for holiness was not the product of ancient Jewish culture, but was, instead, an *a priori* foundation of the Torah of Moses itself."^{xxxvii} This was an attempt to undermine Wellhausen's support for the late development of P. Through comments like this and by pointing out the logical inconsistencies within Wellhausen's theory, Hoffmann tries to undermine the Documentary Hypothesis.

Even when unsuccessful, Hoffmann retreats behind the religious notion that "when, in the tents of Shem, human learning presumes to negate God's revelation of the doctrine of Shem, this is none other than the displacement of Shem's divine doctrine and law of its very house, which we must decisively reject."^{xxxviii} And when faced with what seemed unanswerable and even beyond rejection, Hoffmann still claims that "true faith must maintain its skepticism [of human learning] even in the absence of such a refutation."^{xxxix}

Hoffmann remains a stellar example of both the power of combining the Academy with Torah as well as the possible limitations of doing so. Both scholarship and faith can be maintained simultaneously; they are not mutually exclusive. Furthermore, the fusion of Torah with the Academy is a necessary prerequisite to understanding and therefore appreciating the study of either. To Hoffmann, the Documentary Hypothesis remains a faulty theory to be discredited now or later. It is my assumption that normative Orthodoxy tends to agree with Hoffmann in his assessment of the Documentary Hypothesis and hopefully (eventually) his evaluation of the Academy.

The new branch of biblical criticism, featuring the Documentary Hypothesis, shook the Jewish world and elicited a variety of responses. These responses range from adoption with modification, as in the case of Milgrom, to the outward rejection espoused by Hoffmann. Some Jews tried to reconcile faith with this new theory while others firmly stood their ground. To me, though, it seems that the fundamental argument over the Documentary Hypothesis does not lie in the amalgamation of sources, but rather in the identity of R. Biblical critics who view the Bible through the lens of Wellhausen's theory presume that R is the unknown Redactor. People such as Rosenzweig are more theologically comfortable calling him *Rabbeinu*. However, to many other Jews, R is simply *Ribbono shel Olam*.^{xl}

Postscript:

This essay has dealt with only three ways of understanding the Documentary Hypothesis. Many more angles and possibilities remain. What I will present now is a brief notation of other related and pivotal works that the interested reader is encouraged to read. The views

presented here are done little justice and it is highly recommended that one explore the sources from which these views are culled.

Mordechai Breuer: Breuer essentially adopts a variation on the Documentary Hypothesis. However, instead of four different sources originating over the length of First and Second Temple Judaism, the four sources are really four “voices” of God which all originated at Sinai. Breuer tries to eat his cake and have it, too, suggesting that we can maintain a stylistic division of Torah but also attribute it entirely to Mosaic revelation. For further information as well as critique, see his article in the Orthodox Forum Series: R. Mordechai Breuer, “The Study of Bible and the Primacy of the Fear of Heaven: Compatibility or Contradiction?” in R. Shalom Carmy (ed.), *Modern Scholarship in the Study of Torah: Contributions and Limitations* (Northvale, NJ: Jason Aronson, 1996), pp. 159-180. See also the subsequent response by Sid (Shnayer) Z. Leiman (pp. 181-187).

Umberto Cassuto: Cassuto lived during the 19th century and was the chief rabbi of Italy. His work, *The Documentary Hypothesis and the Composition of the Pentateuch* (Hebrew, *Torat ha-Te’udot*, 1941; English translation, 1961), was one of the earliest detailed criticisms of Wellhausen’s theory. This book is highly recommended to any novice to biblical criticism.

Kenneth Kitchen: Kitchen is a reverent Christian Egyptologist who vigorously defends the traditional positions on the archeological and historical issues surrounding the Bible. His book, *On the Reliability of the Old Testament* (Grand Rapids, Mich.: W.B. Eerdmans, 2003), provides an interesting read.

Yehezkel Kaufmann: Kaufmann was an Israeli philosopher and Bible scholar. He was one of the earliest to convincingly posit the early dating of P. His work, *The Religion of Israel, From Its Beginnings to the Babylonian Exile* (Chicago: University of Chicago Press, 1960), is still one of the most seminal works on the Documentary Hypothesis and early Jewish history.

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tional thanks go to Shlomo Zuckier for his impressive ability to twist my arm into writing for *Kol Hamevaser*. Last, but certainly not least, unspeakable recognition and thanks go to the various professors at YU who have helped shape both my academic and religious development. Although it would be impossible to list all of the direct influences, and I am truly sorry if I mistakenly leave someone out, some of my teachers who deserve special recognition with regards to the issue presented in this paper are: Drs. Aster, Bernstein, Eichler, Koller, and R. Wieder.

ⁱⁱⁱ Bible study in the academic world began a long time before the *Wissenschaft des Judentums* movement with the scholarship of people such as Jean Astruc. What I refer to here is the systematic approach to unraveling the multiple layers of tradition present in the Bible.

^{iv} If anyone is unconvinced of my proposed definition or the fact that medieval exegetes used various scholarly tools to understand Tanakh, please read almost any comment by Ibn Ezra.

^v E.g., Abraham’s and Isaac’s respective journeys to Gerar (Genesis 20 and 26).

^{vi} E.g., the shift of divine name from *E-lohim* to *Lord/E-lohim* from Genesis 1 to Genesis 2 or internal divine name inconsistencies in the Flood Narrative in Genesis 6-8.

^{vii} For example, consider the different and conflicting commandment of tithes: Leviticus 27:30 has the farmer give tithes to God, Numbers 18:21 gifts them to the Levites, and Deuteronomy 14:23 says the farmer keeps them.

^{viii} Julius Wellhausen, *Prolegomena to the History of Ancient Israel* (Edinburgh: Adam and Charles Black, 1885).

^{ix} Or rather, according to him, the Hexateuch. Wellhausen, among others, believed that the Book of Joshua really represents part of the northern J source later incorporated into Deuteronomic history. Joshua is really the conclusion of the Pentateuch; the Pentateuch represents the promises to enter the land, which are then fulfilled by Joshua.

^x For example, the second Creation account (Genesis 2) is attributed to J precisely because of its emphasis on the God-human relationship. For those interested in an Orthodox/homiletic perspective on the two Creation stories, see Rav Soloveitchik’s discussion of Adam the first and Adam the second in *The Lonely Man of Faith* (New York: Doubleday, 2006).

^{xi} Separating H from P, P is responsible for most of Leviticus 1-18.

^{xii} E.g., Genesis 1, parts of the Noah story, and the story of Avraham’s *berit milah*.

^{xiii} Exodus 25-31.

^{xiv} Scholars claim that ancient Israel were more monolatry than monotheistic. In other words, Israel recognized the power and legitimacy of other gods but only worshiped God. For an interesting discussion of early Israel’s “monotheism,” see Jon Levenson, *Sinai & Zion: An Entry into the Jewish Bible* (San Francisco: Harper & Row, 1987), pp. 56-75.

^{xv} For Wellhausen’s exact characterization of all of these sources, read his introduction to *Prolegomena*.

^{xvi} J. Tigay, *Empirical Models for Biblical Criticism* (Philadelphia: University of Pennsylvania Press, 1985), p. 2. I would like to personally thank Dr. Tigay for pointing me to his book and introducing me to the letter of Franz Rosenzweig which appears later in this essay.

^{xvii} E. Greenstein, “Formation of the Biblical Narrative Corpus,” *AJS Review* 15,1 (1990), p. 164.

^{xviii} Mishnah, *Sanhedrin* 10:1.

^{xix} For a possible reconciliation, see Marc Shapiro’s work, *The Limits of Orthodox Theology: Maimonides’ Thirteen Principles Reappraised* (Oxford: Littman Library of Jewish Civilization, 2003). For further interesting reading, see Menachem M. Kellner’s *Must A Jew Believe Anything?* (London; Portland, Oregon: Littman Library of Jewish Civilization, 1999).

^{xx} This trend was first popularized by Yehezkel Kaufmann in his magnum opus, *The Religion of Israel, From Its Beginnings to the Babylonian Exile* (Chicago: University of Chicago Press, 1960).

^{xxi} H (Holiness Code) is the alleged literary source for the second half of Leviticus starting from chapter 19. According to current scholarship, H was written by a universalistic priestly figure who wished to extend the sanctity of P outward unto the general populace. Thus, moral laws are combined with and formulated in a religious cast, giving them the weight of religious law, not just moral/ethical advice. This combats Wellhausen’s claim of dead legalism because it shows that legalism is not artificial but indeed ethical. Furthermore, legalism is integral to the triangular relationship between God, Man, and his fellow man. For the supposed formation of the Holiness School and more about its doctrine and influence on Rabbinic Judaism, see Israel Knohl, *The Divine Symphony: The Bible’s Many Voices* (Philadelphia: The Jewish Publication Society, 2003), pp. 5-8, 63-69, 123-143.

^{xxii} *Prolegomena*, pp. 71, 313.

^{xxiii} Adele Berlin and Marc Z. Brettler, “The Modern Study of Bible,” *The Jewish Study Bible: Jewish Publication Society Tanakh Translation* (Oxford: Oxford University Press, 2004), p. 2058.

^{xxiv} S. David Sperling, “Modern Jewish Interpretation,” *The Jewish Study Bible*, p. 1909. It is no surprise that scholars such as Solomon Shechter called Higher-Criticism (i.e., the criticism articulated by the Documentary Hypothesis) “Higher anti-Semitism.”

^{xxv} Special thanks to Dr. Shawn-Zelig Aster for pointing me to Milgrom.

^{xxvi} J. Milgrom, *Leviticus: A Book of Ritual and Ethics: A Continental Commentary* (Minneapolis: Fortress Press, 2004), p. 1.

^{xxvii} *Menahot* 29b.

^{xxviii} Milgrom’s exact quote is: “Indeed, a case can be mounted that all of the Torah’s codes are compilations of traditions comprising interpretations and applications of Mosaic principles.” *Leviticus*, p. 2.

^{xxix} “*Halakhah le-Moshe mi-Sinai*,” *ibid.*, p. 3.

^{xxx} The following quotes are all from Rosenzweig’s letter found in “*Die Einheit der Bibel*:

Eine Auseinandersetzung mit Orthodoxie und Liberalismus” (The Unity of the Bible: An Argument between Orthodoxy and Liberalism), in *Zweistromland: Kleinere Schriften zu Glauben und Denken* (Boston: Kluwer Academic Publishers, 1984), pp. 831-835. For English analysis, see Franz Rosenzweig, Alan Udoff, and Barbara Ellen Galli, *Franz Rosenzweig’s “The New Thinking”* (Syracuse, NY: Syracuse University Press, 1999), p. 183. Also see Franz Rosenzweig, “The Unity of the Bible: A Position Paper vis-à-vis Orthodoxy and Liberalism,” *Scripture and Translation*, ed. Lawrence Rosenwald and Everett Fox (Bloomington: Indiana University Press, 1994), p. 25, and *Franz Rosenzweig: Der Mensch und sein Werk: Gesammelte Schriften*, 4 vol. (Boston and The Hague: Martinus Nijhoff, 1974-1984), in vol. 3, p. 834.

^{xxxi} A somewhat related reconciliation is the claim that the authors of the original biblical texts were divinely inspired prophets. For more on this, see James L. Kugel, *How to Read the Bible: A Guide to Scripture, Then and Now* (New York: Free Press, 2007). (Emphasis on the opening and concluding chapters.)

^{xxxii} M. Shapiro, “Rabbi David Zevi Hoffmann on Torah and ‘Wissenschaft,’” *The Torah u-Madda Journal* 6 (1995-1996): 129-137. The following quotes by Hoffmann in his address are contained therein.

^{xxxiii} Genesis 9:27.

^{xxxiv} Shapiro, p. 132.

^{xxxv} David Zvi Hoffmann, *Das Buch Leviticus: Übersetzt und Erklärt*, 2 vol. (Berlin, 1905), in vol. 1, p. 5. Quoted in D. Ellenson and R. Jacobs, “Scholarship and Faith: David Hoffmann and His Relationship to ‘Wissenschaft des Judentums,’” *Modern Judaism* 8,1 (1988): 27-40, at p. 31.

^{xxxvi} *Ibid.*

^{xxxvii} *Ibid.*, p. 32.

^{xxxviii} Shapiro, p. 135. This stance is similar to the “*Tsarikh Iyyun Gadol*” (much examination is required) position taken by some members of the YU faculty with regard to these issues.

^{xxxix} *Ibid.*, p. 32.

^{xl} This is not my unique formulation. I have heard this elsewhere but cannot remember where nor whom to attribute it to. I believe I may have heard it in the “Dead Sea Scrolls” class with Dr. Bernstein last semester, but I am not sure.

ⁱ I specify Wellhausen because most of the responses discussed in this paper are direct reactions to his formulation of the Documentary Hypothesis. The contemporary academic world has shifted away from Wellhausen’s exact division of sources. For example, many scholars do not maintain a strict division between J and E. Nonetheless, there is almost unilateral consensus in the Academy that the Torah is a work of composite authorship. Even though scholars do not maintain Wellhausen’s position in the strict sense, the idea and spirit of his scholarship still pervade academia today.

ⁱⁱ Special thanks go to Tali Aribt for help pre-editing this piece and for her many insightful comments including time management. Addi-

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Tsiluta ke-Yoma de-Istana:ⁱ

Creating Clarity in the Beit Midrash

BY: Ilana Gadish

In the Talmud Bavli, Tractate *Megillah* 28b, Ravina and Rav Ada bar Matna ask Rava a question. In the midst of their inquiry, rain begins to pour down upon them, and they proceed to enter the beit kenestet. The Gemara explains that they entered the beit kenestet not to find shelter from the rain, “*ella mishum di-she-ma’ata ba’aya tsiluta ke-yoma de-Istana*, rather because teachings require clarity like a day when the North Wind is blowing.” The Beit Midrash is the place where Torah study finds shelter, where the mind finds the lucidity of a blue-skied day, crisp and cloudless. Thus, as students in the Beit Midrash we have the power to create and transform this clarity, generating an atmosphere that cultivates *limmud Torah*.

The *Shulhan Arukh* begins its elucidation of laws pertaining to *Kedushat Battei Kenesiyot u-Battei Midrashot* with the statement, “*Ein nohagin ba-hem kalut rosh*, one should not conduct themselves with light-headedness.”ⁱⁱ The beit midrash, or house of study, is a place of seriousness and, as indicated by the title of the *siman* (“*Kedushat Beit ha-Keneset*”), a place of *kedushah*. Putting aside the ways in which one should conduct him/herself

sions that conflict with traditional Jewish Thought. If, while exploring Academic Jewish Studies, one encounters texts and scholarship that are in dissonance with traditional understandings of Tanakh narratives, or that contradict the corpus of halakhic literature that so defines not only *limmud Torah* but the framework that the observant Jew holds so essential to his Judaism, then Academic Jewish Studies presumably should not be included in the framework of *talmud Torah*.

However, if one is considering the pursuit of Jewish scholarship as an extension of *talmud Torah*, then there should definitely be room to study such texts in the beit midrash. Some question the relevance of academic Jewish scholarship to practical halakhic observance. Others point out that Academic Jewish Studies were traditionally not a part of *talmud Torah*. Dr. Bernstein points out that academic Jewish Studies are less “classically recognizable”ⁱⁱⁱ as *talmud Torah*. Some might say this is reason enough to exclude Academic Jewish Studies from the beit midrash. I would like to posit that if *limmud Torah* is, as Dr. Bernstein puts it, their “ultimate impetus,”^{iv} then the beit midrash can definitely be a place where one could study texts of Jewish scholarship that are not part of the “canonical” curriculum of the beit midrash.^v

“For those of you who want to come to the beit midrash because you wish to be there “engaging directly in Divine service while studying science” and other Madda topics, *ashreikhem* (praised be you). But those of you who are entering the beit midrash to study your notes because you like it better there than the library, consider the ramifications.”

in a beit midrash, perhaps the more important question is: What should be studied in the beit midrash? Can texts under the category of Academic Jewish Studies be learned there? As “Torah u-Maddaites,” do we believe that Madda can be studied there? These questions lead to more complex dilemmas about the nature of Torah u-Madda and the parameters of *talmud Torah*. This article cannot possibly encompass the full scope of these related topics, but it is an attempt to begin the exploration of the nuances of what should find itself being studied in the beit midrash.

In an article discussing the complicated nature of being an Orthodox Jewish scholar, Dr. Moshe J. Bernstein addresses students who attend institutions that pursue Academic Jewish Studies “within an avowedly traditional environment.”ⁱⁱⁱ For the Orthodox Jew in a traditional educational institution, he says, academic Jewish scholarship is “a natural outgrowth of *talmud Torah*” and is a “development of commitment to *yahadut*.”^{iv} This notwithstanding, academic scholarship requires the application of secular methods that oftentimes pay less attention to the aspects of the text itself that traditional Jewish study values. As a result, can Academic Jewish Studies still be considered *talmud Torah*?

Furthermore, Dr. Bernstein notes that examinations of Jewish texts that utilize outside methods of scholarship often lead to conclu-

While the answer to the question of whether Academic Jewish Studies can be learned in the beit midrash is vague and inconclusive, the answer concerning secular studies being learned there initially seems to be a definitive “no.” However, it would be dishonest to leave alternative answers unexplored.

While discussions about the nature of Torah u-Madda are complex in nature and are not the main topic here, they are still very relevant to the second question at hand. In a clarification and defense^{viii} of R. Dr. Norman Lamm’s work *Torah Umadda*, R. Mayer Schiller discusses whether or not Madda, the study of secular topics, has “intrinsic religious value.”^{ix} Involvement in secular studies, explains R. Schiller, can either be seen as an enabler of serving God, in that it may “yield a personality now more receptive to Divine reverence in the future,”^x or it can be a mitsvah in and of itself. R. Schiller posits that in regards to Madda, “the requisite emotions of fear and love of God and attachment to Him produced during or following this study are themselves the fulfillment of *mitzvot*.”^{xi} The act of studying secular texts no longer becomes something secondary that enables *avodat Hashem* but is rather the fulfillment of God’s command to the Jewish people to love and fear Him.

In light of the possibility that secular studies are themselves mitsvot, one could say that there is room to study one’s Physics notes in

the beit midrash, making a conscious statement that in his or her studying of theories and formulae of the secular subject he or she will be furthering his or her *yir’at Shamayim*.

If secular learning is theoretically condoned in the beit midrash, then those who believe that the engagement with Madda in general has the effect of increasing one’s *yir’at Shamayim* could argue that a person could sit down any time, without premeditative thoughts of *yir’at Shamayim* or *ahavat Hashem*, and study their History notes or Biology notes in the beit midrash. Therefore, according to them, since their Madda learning goes hand in hand with their Torah learning, they should be able to learn it without hesitation in the beit midrash. This relationship seems too indirect. Just because one feels in general that their engagement with secular studies throughout their life leads them to a greater appreciation of God’s universe does not mean that it is appropriate to casually study Madda in the beit midrash.

It is understandable that a student who is consciously deciding to fulfill the mitsvah of loving God by delving into the intricacies of science or the like would like to fulfill this mitsvah within the beit midrash, a place that has a certain level of *kedushah*. That being said, one must be honest when discerning be-

tween this type of study mentioned above and the study of secular subjects in general. Considering the halakhic status of *kedushah* that is ascribed to the beit midrash, one should be mindful of the effect that bringing secular study there has on the atmosphere. Consequently, Madda study that does not fall under R. Schiller’s category of Madda as a fulfillment of a mitsvah might not be appropriate for the beit midrash.

The beit midrash is seen as the center of Torah study, where even if one does not know how to learn, there is value even in coming to just listen to somebody else expound upon Torah. Oftentimes, the beit midrash is equated with a beit kenestet,^{xii} a house of gathering or prayer. The prohibition of making a beit kenestet into a shortcut, “*ein osin oto kappandarya*,” found in the Talmud Bavli in Tractate *Megillah* 28a, can be seen as a prohibition against making a beit kenestet into something you derive personal benefit from without going there for its intended purpose. In the case of a beit kenestet the intended purpose is prayer, and in our case of a beit midrash, it is learning Torah. If we allow someone whose worldview is that of Torah u-Madda to use the beit midrash as a study hall before secular exams, we are allowing people to derive benefit from it without a direct and deliberate connection to Torah. In fact, the *Shulhan Arukh* says that if one is entering to find a person there, he should read

some Torah or learn a halakhah so that it does not look like he is entering the beit midrash “*le-tsorkho*,” for his own personal needs.^{xiii}

Considering all of this, the study of any type of secular knowledge without formal intent of fulfilling the commandments to love and fear God throughout the duration of the learning does not seem to belong in the beit midrash, and would be considered instead “*le-tsorkho*.” Perhaps this does not happen in a typical “*beis medresh*.” However, it is not uncommon to find students at Stern scattered throughout the beit midrash studying Biology notes, memorizing dates for their upcoming History exam, having an Organic Chemistry “*havruta*” or writing English papers. The other day I sat down at my usual table in the beit midrash, and immediately became distracted by medieval paintings of Jesus and the crucifixion and other artwork being flashed before my eyes as someone at the table across from me was studying Art History. Another time, my *havruta* and I were once asked by a fellow student to lower our voices as we argued over a *sugya* (loudly, I will admit). She wanted to study – her Psych notes.^{xiv}

For those of you who want to come to the Beit Midrash because you wish to be there “engaging directly in Divine service while studying science”^{xv} and other Madda topics, *ashreikhem* (praised be you). But those of you who are entering the Beit Midrash to study your notes because you like it better there than the library, consider the ramifications. Realize that you affect the atmosphere. The parameters of the Beit Midrash change and there is a risk that the Beit Midrash becomes a study hall

rather than a place of Torah learning, where, as R. Soloveitchik puts it, one “merits communion with the Giver of the Torah.”^{xvi} Consider the Rav’s poetic description in “*Ahavat ha-Torah*” to describe the experience of *limmud Torah*:

“Myriads of black letters, into which have been gathered reams of laws, explanations, questions, problems, concepts and measures, descend from the cold and placid intellect which calmly rests on its subtle abstractions and its systematic frameworks, to the heart full of trembling, fear and yearning, and turn into sparks of the flame of a great experience which sweeps man to his Creator.”^{xvii}

The four walls of the beit midrash allow these sparks to fly; the beit midrash is where this “flame of a great experience” is supposed to be kindled. We must enter the beit midrash with reverence, and with the appropriate mindset to cultivate the transformative experience of *limmud Torah* that finds its home there.

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ⁱ Literally, “the clarity like a day of North Wind;” *Megillah* 28b.

Bible Study: Interpretation and Experience

BY: Ori Kanefsky

ⁱⁱ *Shulhan Arukh, Orah Hayyim* 151:1.

ⁱⁱⁱ Moshe J. Bernstein, "The Orthodox Jewish Scholar and Jewish Scholarship: Duties and Dilemmas," *The Torah U-Madda Journal* 3 (1991-1992): 8-36.

^{iv} *Ibid.*, p. 9.

^v *Ibid.*, p. 14.

^{vi} *Ibid.*

^{vii} *Ibid.*, p. 15.

^{viii} Mayer Schiller, "Torah Umadda and The Jewish Observer Critique: Towards a Clarification of the Issues," *The Torah U-Madda Journal* 6 (1995-1996): 58-90. R. Mayer Schiller responds to the claim of R. Yonasan Rosenblum, who says in his critique of R. Lamm's book, *Torah Umadda: The Encounter of Religious Learning and Worldly Knowledge in the Jewish Tradition* (Northvale, N.J.: Jason Aronson, 1990), that R. Lamm "invests secular studies with intrinsic religious value" and that this leads to a blurring of the distinction between Madda and Torah. This is all discussed in R. Schiller's article cited above, and is explained here for clarification purposes only. The citation for R. Rosenblum's article, which is quoted in R. Schiller's article, can be found below.

^{ix} Yonasan Rosenblum, "'Torah Umadda': A Critique of Rabbi Dr. Norman Lamm's Book and its Approach to Torah Study and the Pursuit of Secular Knowledge," *The Jewish Observer* 25:2 (March 1992): 27-40. Source taken directly from R. Schiller's article.

^x R. Schiller, p. 63.

^{xi} *Ibid.*

^{xii} *Shulhan Arukh* 151:1.

^{xiii} *Shulhan Arukh* 151:1.

^{xiv} In general, I do not think that these isolated events in addition to otherwise non-intrusive secular learning that goes on in the beit midrash are a function of ideological decisions to purposefully study secular texts or materials in order to be consciously fulfilling mitsvot. I think it is a result of the fact that the Eisenberg Beit Midrash in the Stern building is comfortable, airy, well lit, and has a very enjoyable ambiance. In contrast, the library at Stern lacks an inviting atmosphere. Many feel that it induces feelings of claustrophobia – besides the fact that during midterms and finals there is simply not enough space to accommodate those who want a quiet place to study, and therefore go to the Beit Midrash instead. Quite generally, the solution lies in technicalities of space in this specific case, not in an ideological shift in how one thinks about Torah u-Madda.

^{xv} R. Schiller, p. 63.

^{xvi} R. Joseph B. Soloveitchik, "Al Ahavat ha-Torah u-Ge'ulat Nefesh ha-Dor," in Moshe Krone (ed.), *Divrei Hashkafah* (Jerusalem: World Zionist Organization, 1992), pp. 410-411.

^{xvii} R. Ronnie Ziegler, "Introduction to the Philosophy of Rav Soloveitchik, Lecture #12: Intellect and Experience," The Israel Koschitzky Virtual Beit Midrash. Available at: <http://www.vbm-torah.org/archive/rav/rav12.htm>.

Imagine, if you will, the following scenario. A student, let us call him Aaron, enrolls in a Bible course at Yeshiva College. In this particular section, the professor expects each student to come to class having read and having given considerable thought to the assigned passages. A passionate and enthusiastic student, Aaron naturally assumes the task at hand with excitement, anticipating the great satisfaction of thorough preparation. He reads and re-reads, scribbles notes in the margin, underlines various words and phrases, draws arrows between one section and another. He notices and analyzes. He observes, discovers, and even *creates* meaning in the sacred text that lies open before him. With the beaming countenance of an artist who smiles upon completing a masterpiece, Aaron practically skips to class eager to share his own insights and to learn those of his professor and peers.

But something goes terribly wrong. No, nothing has happened to Aaron. He arrives in class safely, finds a seat in the front row, and even locates a vacant electrical outlet with which he can power his laptop. The professor is present, as are the students, and Aaron awaits the lecture's commencement. The professor takes a sip of water, clears his throat, and begins: "Let me share with you some history of the Ancient Near East..." A grimace of frustration and disappointment passes over Aaron's face. "Not again," he moans to himself, "not again."

Of all the issues that a student in this position might be wrestling with, Aaron's reaction stems from his belief in the truth and importance of reader-response criticism. It is from this perspective that I would like to question the reliance upon knowledge of Ancient Near Eastern culture in our study of the Bible.

Reader-response criticism is a particular collection of ideas and perspectives that arises from the world of literary theory. This group of ideas studies the experience and role of the reader in the complex relationship between reader and text. Whereas some literary critics emphasize the self-sufficiency of texts, their possession of all meaning that must simply be discovered by their readers, reader-response critics argue that readers themselves *create* the meaning of texts and, in turn, create the texts themselves. As literary theorist Stanley Fish puts it, "Skilled reading... is a matter of knowing how to *produce* what can thereafter be said to be there. Interpretation is not the art of construing but the art of constructing. Interpreters do not decode poems; they make them."ⁱ We might reflect upon the way in which this type of theory relates to our understanding of Bible study.

It is this theory, this description of reading, that leads me to feel uncomfortable with the study of the Bible through the prism of its Ancient Near Eastern context: reading is not meant to be a decoding process, but a creative one. Of course, familiarity with the Ancient Near East may contribute greatly to the interpretation of the Bible. Such knowledge may shed tremendous light upon words, phrases, and, sometimes, whole stories. It seems that some words and phrases can *only* be interpreted accurately with the historical context in focus. But the moment that this becomes a defining method of Bible study, once the practice of Bible study has been turned into nothing more than detective's work, something has gone terribly wrong.

In the first place, I am particularly uncomfortable with the treatment of an Ancient Near Eastern approach as the only legitimate or correct mode of interpretation. This might be stated explicitly, or, more frequently, implied in a lecture by a professor's presentation of an historical interpretation in the absence of any other possibility. Of course the emphasis on the active participation of the reader in the creation of meaning challenges the possibility of only a single interpretation. In his introduction to his commentary on the Torah, Netsiv also challenges such a notion, as he writes:

"Just like a wise person cannot possibly claim with certainty that he has discov-

"When the study of the Bible becomes no more than the piecing together of a puzzle, the search for relationships between the text and its historical culture, then it is clear that we have failed as readers."

ered all the secrets of the universe...so too, one who investigates the nature of the Torah cannot possibly claim that he has arrived at every possible interpretation. And even with respect to that which he has explained, there is no proof that he has aligned himself with the truth of Torah."ⁱⁱ

At this point, one may continue with such a line of thought in one of two directions. One may either conclude that there is in fact only one correct interpretation and although one can never be sure of having discovered it, one must always search for it. Alternatively, one may conclude that there exist multiple legitimate interpretations. Belief in the importance and necessity of reader creativity certainly translates into belief in a multiplicity of interpretations. But one need not rely upon literary criticism to arrive at this notion. This is precisely the novelty and contribution of the idea of *shiv'im panim la-Torah*, the "seventy faces of the Torah." Rabbinic scholarship holds dear the possibility of multiple interpretations. We might understand such a belief on the part of the Rabbis as their promotion of and insistence on the creative role of the reader of Torah.

Similarly, Biblical exegetes are usually

guided by a belief in multiple interpretations and rely upon the possibility of numerous readings of any given verse or story as a foundational principle. Often, a single exegete will himself offer multiple interpretations of a single passage. Similarly, when we study these commentators in relation to one another, we most often do not conclude, for example, that we must dismiss Rashi's understanding in light of Ramban's challenge. Rather, we recognize the complexity of the text, embrace the necessity of its many readings, and attempt to comprehend the various perspectives that guide each.

This does not imply that any and every interpretation is valid. Of course, one must abide by certain guidelines and take advantage of particular tools when reading. Furthermore, studying the Ancient Near East may very well be one of these tools that one should rely upon. Nevertheless, by accepting and engaging in an approach to Bible study that lauds the multiplicity of interpretation, we acknowledge the important and creative role of the reader. As I alluded to above, beyond the question of multiple interpretations, I am also concerned with the reduction of Bible study into detective's work. Readers must not only uncover meanings but create them. When study of the Bible becomes no more than the piecing together of a puzzle, the search for relationships between the text and its historical culture, then it is clear that we have failed as readers.

This potential failure as readers becomes much greater in light of another aspect of reader-response criticism. In addition to

highlighting the reader who creates meaning, this literary theory studies the way in which the readers themselves are affected by their reading. In "Phenomenology of Reading," literary critic Georges Poulet explores this effect with an unforgettable depiction of the reading experience. He develops the following idea:

"The extraordinary fact in the case of a book is the falling away of the barriers between you and it. You are inside it; it is inside you; there is no longer either outside or inside... The book is no longer a material reality. It has become a series of words, of images, of ideas which in their turn begin to exist. And where is this new existence?... There is only one place left for this new existence: [your] innermost self... [You are] on loan to another, and this other thinks, feels, suffers, and acts within [you]."ⁱⁱⁱ

Poulet argues that when individuals read, the text and readers merge in the sense that the text begins to exist within its readers. This results in a transformation of self through which one experiences the world through the text.

It is *this* type of reading, this transformation of self, this aspiration for the text of the

Bible to literally exist within oneself, that I think must characterize our study of the Bible. Perhaps herein, then, lies the greatest threat of focusing on a historical contextual approach to Bible study. If we study the Bible as detectives, rather than as readers who create meaning and whom the text invades and transforms, then perhaps we refuse the greatest invitation that Bible study extends to us, the invitation of personal impact and experience.

I highlight the threat of an Ancient Near Eastern approach to Bible study, but only as an example, as a model from which we might learn general principles. This particular case of the Ancient Near East encourages us to question not only its own authority, but to challenge the authority of any single interpretation we encounter. Furthermore, it points out a tendency that plagues many readers of all kinds of texts: an obsession with the question of meaning: “What does this text mean?” “What facts, what information, what ideas does this text embody?” Or, a slightly more cynical formulation, but equally common: “What is the point of this text?” Of course, we should be interested in studying and discovering the embedded message of a text. First, however, we must remember to speak of *multiple* meanings, rather than *the* meaning. And, then, we must subject the question of “objective” meaning to the subjective realm: what does this text mean to *me*? How does it challenge *my* preconceived notions? What kind of experience does it lend *me* as I read it? How does it *affect* and *transform* me? These are the questions that must guide Bible study, as well as all reading that we undertake. Let us remember always that our purpose is not to decode the Bible, but to *read* the Bible, in the most participatory and transformative sense of the word.

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Religious Authenticity and Historical Consciousness

BY: Eli Putterman

The articles in this issue, understandably, take a positive attitude towards the rise of the academic study of Judaism and Jewish texts. After all, it is a cornerstone of Modern Orthodox thought that the search for truth constitutes a major religious value, and any methodology aiding in this endeavor, certainly when it is our own heritage whose understanding will be enhanced, should be supported. This value is perceived to override the possibility of the loss of faith which may result from such study due to the fact that the assumptions and conclusions of academic scholarship at times clash with the principles of Jewish faith.ⁱ This, of course, is not a universally accepted position; many in circles which lean rightwards of our own completely reject many, if not all, forms of secular study on account of the fact that it leads to the denial of beliefs required, in their opinion, of the Orthodox Jew.

Another issue, of somewhat lower profile but, in my view, of no less importance, concerns the danger not in the propositional but in the attitudinal realm: the inability, at first glance, of the basic religious consciousness of reverence for and trust in tradition, commonly dubbed *yir'at Shamayim*, to coexist with the critical eye required for the objective examination of a text or historical event. Some of the more sophisticated critiques of the Modern Orthodox approach are based on this dissonance: they claim that the value of instilling *yir'at Shamayim* supersedes that of historical accuracy.ⁱⁱ The Modern Orthodox response to this contention is two-pronged, attempting both to undercut its basis by minimizing the discord between critical study and *yir'at Shamayim*, on the one hand, and, on the other, to argue that in certain cases, the kind of *yir'at Shamayim* assumed by the critique to be valuable is, in fact, harmful. In general, the second argument is usually deployed against the monochromatic, triumphalist view of history expressed in Haredi historiographyⁱⁱⁱ and Bible study,^{iv} while the first aims to justify Modern Orthodoxy's own engagement with Academic Jewish Studies.^v However, Modern Orthodox discussions of the issue either take for granted or explicitly demand of the aspiring student of critical scholarship a certain level of *yir'at Shamayim*, understood as existential commitment to Jewish faith. This prerequisite, of course, constitutes the only barrier to his or her acceptance of the heretical conclusions of Academic Jewish Studies.

None of this, of course, is news; in one way or another, walking into many of the Jewish Studies courses at YU, and certainly a much greater proportion thereof at most other institutions, immediately confronts the Modern Orthodox student with this difficulty. However, this issue is only the most prominent

aspect of a broader picture, which can be described simply as the search for religious authenticity in the face of the historico-critical consciousness engendered by Academic Jewish Studies. I would like, in the remainder of this article, to redirect the scope of the discussion towards the broader question and offer an analytic-historical exploration of a number of Jewish responses, and, after this lengthy detour, to return, with the benefit of a hopefully broader perspective, to the question of Modern Orthodoxy's engagement with Academic Jewish Studies.

The first spectrum along which these responses fall must be the stance that each takes with regard to critical scholarship and its results. Three main approaches present themselves. The “rejectionist” position denies the validity of the academic enterprise and certainly of its criticism of the tenets of Jewish religion. This position is commonly identified with the Haredi camp, which ascribes little to no legitimacy whatsoever to secular study. However, it must be noted that R. Joseph B. Soloveitchik adopted it as well. The Rav believed that the divinely given (or influenced) texts and divinely guided history of Judaism

were primarily cosmetic; its more fundamental deviations from tradition, initially – such as its weakening and later rejection of the concept of Jewish nationhood and its derogation of ritual – were based on philosophical, rather than historical considerations (a discussion of these would take us far beyond the scope of this article). However, second-generation Reformers, led by Abraham Geiger, insisted that the practice of historical criticism and the assimilation of its results lie at the foundation of the Reform Movement, implying that every traditionally sacred Jewish text should be seen as a human construct. The Conservative Movement, in its earliest incarnation as the “Positive-Historical school” of Zechariah Frankel, rejected biblical criticism but held that Rabbinic texts were fair game for critical methodology.^{ix} Later, Conservative Judaism itself came to embrace the conclusions of academic Jewish scholarship in all areas.

In this climate, every element of Jewish tradition whose divine source was denied had to be provided with a new basis to justify its continued existence or simply fall by the wayside. For the Reformers, having stripped law and text of their divinity and hence binding na-

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are inimical to the methodology of historicization practiced by scholarship, whose categories and constructs are only applicable to human phenomena.^{vi}

The rejectionist does not feel a crisis of authenticity. For him, the tradition he venerates, and the obligations it sets for him, have their source in none other than God Himself; divine approbation is written into every text in his library. The sum total of his heritage has been transmitted faithfully and without error since its divine revelation at Sinai.^{vii} (This is no mere idealization; many Haredim are completely unaware, for example, that such an innovation as the prohibition of eating legumes on Passover is of late origin or that the Sephardic community does not observe this custom.^{viii}) With this assurance of divinely guaranteed validity, no further justification for his way of life is needed or desired.

The second, “accommodationist,” approach takes the claims of historical criticism as given and requires that any religious statements one makes be in alignment with these claims; those which are not must be discarded. This, of course, was the approach introduced by the *Wissenschaft des Judentums* school and upon which were based the Reform and Conservative Movements.

At first, Reform was a mainly social movement whose innovations in Jewish life

ultimate religious meaning was located in the ethical foundations of Judaism, which were of eternal validity – a conception thoroughly in line with Enlightenment notions of “natural religion,” which found (according to the Reformers) its precedent in the Judaism of the prophets. Reform leaders differed on the continued value of religious ritual, with some arguing it was extraneous to modern religion and others, such as Geiger, finding value in ritual where it could be given a meaning suitable to the modern temper; however, what was certainly abandoned forever was its divine origin, and hence its binding force. Reform generally viewed the textual heritage of Judaism as a repository of ideas built around the central core of ethical monotheism; the individual Jew was free to appropriate or set aside these peripheral values as he wished in the service of the greater value.^x

Early Conservative Jews, who affirmed the continued validity of Halakhah, derived its authenticity just as the traditionalist did: from Sinaitic Revelation. However, their partial acquiescence to historical criticism created a problem: if only biblical norms retained the divinely given validity ascribed to them by tradition, while post-biblical Halakhah was to be seen as the product of human hands, what mandated continued observance of Rabbinic precepts? Frankel answered that authenticity

ⁱ Stanley Fish, “How to Recognize a Poem when You See One,” *The Critical Tradition: Classic Texts and Contemporary Trends*, ed. David H. Richter (Boston: Bedford/St. Martin's, 2007), pp. 1023-1030, at p. 1025. I thank my teacher, Dr. Adam Newton, for introducing me to this source, as well as to the work of Poulet.

ⁱⁱ Introduction to Netsiv's *Ha'mek Davar*, section 5.

ⁱⁱⁱ Georges Poulet, “Phenomenology of Reading,” *New Literary History* 1,1 (October 1969): 53-68, at pp. 54-57.

and even Revelation inhered in the collective religious consciousness of the Jewish community, and that the essential purpose of halakhic development is to respond to the religious needs of *Kelal Yisrael*. Thus, Halakhah expresses the will of the Jewish community – and from this it draws its binding force.^{xi}

Later developments in Conservative theology, beginning with the movement's acceptance of the Documentary Hypothesis, historicized biblical norms as well. Conservative Jews maintained a belief in an original Revelation, but one whose content is accessible only as refracted through the different biblical documents, written centuries later.

“In peeling away the stamp of divinity affixed by traditional Judaism to sacred texts, the adherents of the accommodationist approach deprived themselves of the most natural source of religious authenticity.”

Nevertheless, they were able to continue to profess a theory of binding Halakhah – which, as we have seen, is intimately connected to the search for authenticity – despite the near-total collapse of the divine foundations of the structure of Judaism, by virtue of Frankel's principle of the revelatory character of communal will.^{xii}

Thus, in peeling away the stamp of divinity affixed by traditional Judaism to sacred texts, the adherents of the accommodationist approach deprived themselves of the most natural source of religious authenticity. The Reformers located divine inspiration in the ethical precepts of Judaism, and simultaneously affirmed the Enlightenment idea that individual autonomy is itself valuable. For the Conservatives, the divine will as manifested in *Keneset Yisrael* replaced divine Revelation in Rabbinic, and later biblical, texts. Later non-Orthodox thinkers continued along these lines, with each finding religious authenticity in some combination of freely chosen individual initiative and divine approval.

The final approach, which owes its slogan as well as much of its development to R. Kook, shares with the second the acceptance of the “scientific” conclusions of scholarship but differs with regard to their “philosophical” implications. In what R. Kook termed “building the palace of Torah above it (heresy),”^{xiii} this approach takes scholarly data whose standard, academic interpretation conflicts with Jewish belief and constructs an alternative interpretation which resolves the conflict without denying the data. The crucial point here is that, unlike apologetics, this approach accepts the validity of academic methodology rather than attempting to undermine it.

This point will become clearer through some examples. Perhaps the best-known exemplar of the third approach is R. Mordechai Breuer, whose innovative method of Tanakh study accepts the conclusion of biblical critics that the Pentateuch is written from several contradictory perspectives but asserts that these are the product not of multiple human hands, but the reflection of a single divine truth whose complexity and multifaceted na-

ture requires such a literary form.^{xiv} R. Kook himself applied his approach to Darwinian theory, adopting the scientific account of the descent of man but negating the philosophy built upon Evolutionary Theory in his day known as social Darwinism. R. Kook contended, in contrast to many who saw Darwinism as threatening to religious faith, that evolution matches the Judaic conception of a universe continually developing towards its ideal state.^{xv}

This approach is not limited to Orthodoxy. First, the argument may certainly be made that the response of Conservative Judaism to historical criticism, at least with re-

gard to post-biblical texts, represents an example of R. Kook's approach rather than a meek acquiescence to academic consensus. Stripping Halakhah of its claim of Sinaitic origin and then arguing that precisely in its historical conditioning – its response to the will of the Jewish community – can the Halakhah's divine character be located, is a theological maneuver more than worthy of R. Kook. R. Kook himself, in some of his writings, espouses a similar conception of Halakhah as divinely guided human creation, though with no overt connection to *Wissenschaft*.^{xvi}

R. Kook's approach of attempting to incorporate heterodox claims into a religious framework is not without its problems. One notable contemporary example of a conscious attempt to utilize this approach, which has not gained currency in centrist Modern Orthodox circles, is the feminist critique of Orthodoxy advanced by Tamar Ross.^{xvii} Ross argues that the sum total of Jewish heritage – from contemporary Halakhah to the Torah itself – manifests a pervasive androcentric bias which she sees as problematic in the face of modern egalitarianism. Her “cumulativist” solution views the Torah as an effort to commit divine Revelation to writing necessarily limited by its “cultural-linguistic context,” and later cultural and religious developments, including feminism, as advances in the human understanding of the divine voice.

This example illustrates well the drawback inherent in R. Kook's approach. When-

“A Modern Orthodox approach should be based on synthesis, not cognitive dissonance; however vital the *tsarikh iyyun gadol* may be as a temporary measure, it cannot forever serve as plaster for holes in the foundations of Modern Orthodoxy.”

ever one innovates a position compatible with academic scholarship, one necessarily forsakes the commonly held, traditionalist viewpoint – for R. Kook, of the direct Creation implied by a literal reading of Genesis; for R. Breuer, of a Torah which speaks in one voice – but nevertheless maintains fealty to the fundamentals of Jewish belief. However, this im-

mediately leads to difficulties: what in the traditional viewpoint is extraneous and what is fundamental? Certainly, many segments of the Orthodox community would consider anyone who abandoned a literal reading of the Torah a heretic,^{xviii} but Modern Orthodox Jews, of course, would not. What, then, resulted in the hostile reception to Ross's views?^{xix}

Ross answers that Orthodoxy prefers to shy away from confronting theological issues having the potential to lead to a changed understanding of the foundations of Judaism.^{xx} Her critics would likely agree with this contention, although they would argue that it is not simply a psychological fear of the new

which animates them but rather the conviction that such theological change is illegitimate; Orthodox theology is limited by the boundaries of what previous generations held was acceptable. I would merely add the note that this claim ultimately derives from the belief that religious authenticity simply cannot be maintained without some notion of what constitutes acceptable theology. Orthodoxy contends that an innovated theology without basis in tradition cannot possibly be considered authentic; Ross, arguing from a postmodernist vantage point, sees the very concept of an objective “authenticity” as outdated.^{xxi}

The contemporary consensus Modern Orthodox position is an amalgam of all three positions. With respect to biblical criticism, the majority of Modern Orthodox thinkers simply reject it, with the exception of the school of R. Mordechai Breuer, as mentioned; in any case, the fulfillment of biblical commandments requires no more justification for its authenticity than a belief in those commandments' divine origin.

Opinion is divided on the view of post-biblical Halakhah. Some maintain the traditional view of the Talmudist or decisor as applying objective reasoning to determine the Halakhah, and hence, the divine will. Though disagreements may arise, the ultimate criterion for the validity of a ruling is the disinterested application of halakhic methodology.^{xxii} Others accept the academic view of Halakhah as a human construct not immune to the influence

methodology, not only tendentious but consciously so, is *ipso facto* valid? The defenders of this position argue that they are faithful to meta-halakhic principles – which, rather than slavishness to earlier opinions, grant religious authenticity – but their opponents counter that it is modern, not halakhic, values to which they are loyal.^{xxiv}

Finally, as for Jewish history, most Modern Orthodox Jews can comfortably accommodate a critical view of Jews of this generation or previous ones without suffering much loss of sleep; the Modern Orthodox understanding of religious authenticity does not require that the bearers of the tradition it subscribes to be anything other than human.

So much for the historical survey. I would like to conclude by returning to the opening discussion and proceeding from there to a less detached analysis of the Modern Orthodox position on Academic Jewish Studies and their effect on religious authenticity. Without question, Modern Orthodoxy sees truth and the search for it as a *sine qua non* for religious authenticity; thus it must reject out of hand the suggestion to simply ignore academic scholarship in the name of *yir'at Shamayim* or anything else. However, the acceptance of traditional beliefs is also, almost reflexively, affirmed as a nonnegotiable requirement of an authentic Judaism. When these values clash, it is revealed that, for Modern Orthodoxy, it is the second criterion which prevails; uncompromising intellectual honesty must yield (or have yielded) to faith.^{xxv} This position is logically prior to the three strategies discussed above, though it only becomes relevant when they fail and the scholarly argument proves too strong to simply dismiss, too damaging to accommodate, and too unequivocal to reinterpret in a manner compatible with Orthodoxy.

While Modern Orthodoxy's primary derivation of religious authenticity remains an affirmation of the divine origin of its praxis, its ultimate justification for this claim lies outside the domain of the rational. For the intellectually honest Modern Orthodox Jew, a sense of religious authenticity is possible only if it was present to begin with. The engagement with Academic Jewish Studies only exposes this fundamental circularity in the religious consciousness of the Modern Orthodox. It can thus well be understood why *yir'at Shamayim* must be a prerequisite for such study; without it, no barrier, intellectual or religious, stands

in the way of apostasy.

But this *status quo* is difficult to uphold. We engage in Academic Jewish Studies with an objective of searching for truth, but when we encounter a conflict with our religious presuppositions, we maintain that the methodology which yields the heretical result must be flawed, though we may not be able to say how.

This places us in a somewhat uncomfortable position: are we to maintain that scholarly methodology is presumed valid (for otherwise we would not make use of it at all) except when its findings do not conform to our assumptions, with no rational justification behind our assertion? The relatively small scope of the problematic areas when compared to the vast ambit of Jewish studies does not negate the fact that they are based on the same scholarly method we affirm in every other case.

To this problem, unique to the Modern Orthodox position and inseparable from its very core, I can offer no solution. Certainly I cannot in good conscience argue for abandoning our engagement with Jewish studies, or urge that, to free ourselves of the charge of hypocrisy, all our scholarly efforts must be devoted to tackling the questions historical criticism raises against our faith, with whatever approach possible. Neither of these options can reasonably be implemented. Nor can I advocate some form of postmodernist dismissal of the issue, due to my lack of experience with such argumentation but no less to my conviction that a Modern Orthodox *Weltanschauung* must ultimately stand on a rationalist foundation.^{xxvi}

We have seen sufficient examples of the lengths to which non-Orthodox movements must go in order to recover a religious authenticity gutted by historical criticism. However, remaining true to our own orthodox faith, without undermining the foundations of our ideology, seems equally difficult. A Modern Orthodox approach should be based on synthesis, not cognitive dissonance; however vital the *tsarikh iyyun gadol*^{xxvii} may be as a temporary measure, it cannot forever serve as plaster for holes in the foundations of Modern Orthodoxy. If we take history and historical method seriously, but cannot accept as authentic (for ourselves, at least) a Judaism without traditional dogma, the current situation is untenable. We cannot escape from our obligation to answer for ourselves. But for now, with a reluctance compounded by irony, I must conclude with a tortured *tsarikh iyyun gadol*.

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ⁱ See Louis Jacobs, *Helping With Inquiries: An Autobiography* (London; Totowa, N.J.: Valentine, Mitchell & Co., 1989), pp. 75-79, and the short autobiographical comments in James Kugel, "Midrash Before Hazal: Why It's Important for Orthodox Jews," (lecture transcript by Olivia Wiznitzer), available at: <http://curiousjew.blogspot.com/2008/12/midrash-before-hazal-why-its-important.html> (accessed 26 November 2009), for firsthand descriptions of this process. For the Modern Orthodox position, see R. Aharon Lichtenstein, "Torah and General Culture: Confluence and Conflict," in Jacob J. Schachter (ed.), *Judaism's Encounter with Other Cultures: Rejection or Integration?*

(Northvale, NJ: Jason Aronson, 1997), pp. 277-286, esp. pp. 284-286.

ⁱⁱ E.g., R. Shimon Schwab, *Selected Writings: A Collection of Addresses and Essays on Hashkafah, Jewish History and Contemporary Issues* (Lakewood, NJ: CIS Publishers, 1988), p. 233, and the interview of R. Nosson Scherman in the 6 June 2007 issue of *The Jewish Press*, available at: <http://www.jewishpress.com/pageroute.do/21756> (accessed 24 November 2009). In addition, the text of the ban against R. Noson Kamenetsky's *Making of a Godol: A Study of Episodes in the Lives of Great Torah Personalities* (Jerusalem: N. Kamenetsky, 2002), available at: <http://chareidi.shemayisrael.com/archives5766/VYK66amakgodl.htm> (accessed 23 November 2009), is particularly instructive in this regard.

ⁱⁱⁱ See, e.g., the article of Jacob J. Schachter, "Facing the Truths of History," *The Torah u-Madda Journal* 8 (1998-1999): 200-276, which constitutes a sustained argument against the Haredi position.

^{iv} R. Shalom Carmy, "To Get the Better of Words: An Apology for *Yir'at Shamayim* in Academic Jewish Studies," *The Torah u-Madda Journal* 2 (1990), pp. 11-12; R. Lichtenstein, "Confluence and Conflict," pp. 287-290.

^v See Nathaniel Helfgot, "Between Heaven and Earth," in Marc D. Stern (ed.), *Yirat Shamayim: The Awe, Reverence, and Fear of God* (New York: Yeshiva University Press, 2008), pp. 81-134, and R. Mosheh Lichtenstein, "Fear of God: The Beginning of Wisdom and the End of *Tanakh* Study," in *ibid.*, pp. 135-162, esp. pp. 146-154, which deal with this issue in the context of literary study of *Tanakh*.

^{vi} R. Walter Wurzbarger, "Rav Joseph B. Soloveitchik as *Posek* of Post-Modern Orthodoxy," *Tradition* 29,1 (1994), pp. 7-9; R. Shalom Carmy, "Of Eagle's Flight and Snail's Pace," *ibid.*, p. 25.

^{vii} This characterization applies in a "text culture" such as that of post-Holocaust Orthodoxy; a traditionalist consciousness in a "mimetic culture" would place less emphasis on the sanctity of texts and more on a continuity of praxis. On this, see the foundational article by Haym Soloveitchik, "Rupture and Reconstruction: The Transformation of Contemporary Orthodoxy," *Tradition* 28,4 (1994): 64-130.

^{viii} Dr. Uzi Fuchs (Herzog Institute), personal communication.

^{ix} See Michael A. Meyer, *Response to Modernity: A History of the Reform Movement in Judaism* (New York: Oxford University Press, 1988), esp. pp. 75-99 for his discussion of *Wissenschaft* and the Jewish responses to it.

^x The radical position of Samuel Holdheim is described in *ibid.*, p. 82; Geiger's is discussed on pp. 95-97.

^{xi} *Ibid.*, p. 87.

^{xii} Elliot N. Dorff, "Revelation," *Conservative Judaism* 31,1-2 (1976-1977): 58-69; *idem*, "Towards a Legal Theory of the Conservative Movement," *Conservative Judaism* 27,3 (1973): 65-77. It should, however, be noted

that Conservative positions on Revelation are by no means uniform, as can be seen from the Conservative Movement's 1988 statement of principles, *Emet Ve'Emunah* (available at: <http://www.icsresources.org/content/primarysourcesdocs/ConservativeJudaismPrinciples.pdf>; accessed 28 November 2009), under the heading "Revelation," that presented in the text seems to be only the most common approach.

More generally, see Arnold Eisen, "Constructing the Usable Past: The Idea of Tradition in Twentieth-Century American Judaism," in Jack Wertheimer (ed.), *The Uses of Tradition: Jewish Continuity in the Modern Era* (New York: Jewish Theological Seminary, 1992), pp. 429-461, for a discussion of several modernist attempts to extract religious authenticity from tradition, including the Reform and contemporary Conservative approaches.

^{xiii} R. Avraham Yitshak ha-Kohen Kook, *Iggerot ha-Re'iyah* (Jerusalem: Mosad ha-Rav Kook, 1985), vol. I, letter 134.

^{xiv} The primary discussion of R. Breuer's methodology in English is that found in R. Shalom Carmy (ed.), *Modern Scholarship in the Study of Torah: Contributions and Limitations* (New Jersey: Jason Aronson, 1996), in the articles by R. Shalom Carmy, R. Mordechai Breuer, and Sid (Shnayer) Leiman, pp. 147-158, pp. 159-180, and pp. 181-187, respectively; the latter criticizes R. Breuer for accepting too readily the conclusions of academic scholarship, p. 181.

^{xv} Yosef ben Shlomo, *Poetry of Being: Lectures on the Philosophy of Rav Kook*, trans. Shmuel Himelstein (Tel Aviv: MOD Books, 1990), pp. 136-152. See *Orot ha-Kodesh* (Jerusalem: Mosad ha-Rav Kook, 1961-1964), vol. II, pp. 547-560. In *Iggerot ha-Re'iyah*, vol. I, letter 91, pp. 105-107, R. Kook addresses the textual side of the issue – squaring evolution with the biblical Creation account – by arguing that the genetic cosmology should not be read literally.

^{xvi} See, e.g., Benjamin Ish-Shalom, *Rav Avraham Itzhak HaCohen Kook: Between Rationalism and Mysticism*, trans. Ora Wiskind-Elper (Albany: SUNY Press, 1993), pp. 93-94, and the sources cited therein. A brief mention of this point may be found in Yaakov Elman, "Rabbi Moses Samuel Glasner: The Oral Torah," *Tradition* 25,3 (1991), p. 63.

^{xvii} A comprehensive expression of Ross's argument may be found in her book, *Expanding the Palace of Torah: Orthodoxy and Feminism* (Waltham, MA: Brandeis University Press, 2004).

^{xviii} The best-known contemporary example of this phenomenon is, of course, the Slifkin affair.

^{xix} Ross, *Expanding the Palace*, pp. xi-xii.

^{xx} *Ibid.*, pp. xv-xvi.

^{xxi} See *ibid.*, pp. 165-168 and 217-220. For a critique of this view and Ross's response, see Yoel Finkelman, "A Critique of *Expanding the Palace of Torah: Orthodoxy and Feminism* by Tamar Ross," and Tamar Ross, "Response by Tamar Ross," *The Edah Journal* 4,2 (2004), unpaginated.

Further note that this dispute plays out at the level of "second-order" authenticity: that is, the question of what range of theologies one may adopt in order to grant ("first-order") authenticity to one's religious praxis. Of course, the ramifications of this debate extend into the practical realm as well, as Ross's suggestions for halakhic change make clear, but Ross's and her critics' theologies nevertheless aim to justify the same religious practice.

^{xxii} One example of this approach may be found in R. J. David Bleich, *Contemporary Halakhic Problems* (Hoboken, NJ: Ktav, 1977), pp. xiii-xviii, esp. p. xv.

^{xxiii} See, e.g., the articles by Aaron Kirschenbaum, R. Jonathan Sacks, and Chaim Waxman in Moshe Z. Sokol (ed.), *Rabbinic Authority and Personal Autonomy* (Northvale, NJ: Jason Aronson, 1992), pp. 61-92, 123-168, and 217-237, respectively. In the same volume, the article by R. Michael Rosensweig (pp. 93-122) presents a perspective more closely allied with R. Bleich's.

^{xxiv} Daniel Sperber, *Darkah shel Halakhah: Qeri'at Nashim ba-Torah* (Jerusalem: Re'even Mas, 2006), deals extensively with this issue; see the sources cited on p. 13, n. 7, and the additional sources in *idem.*, *Netivot Pesikah: Kelim ve-Gishah le-Posek ha-Halakhah* (Jerusalem: Re'even Mas, 2008), p. 52, n. 100.

^{xxv} Some of the discussions of this issue previously cited more openly concede this point than others. For a particularly forthright treatment, see R. Mosheh Lichtenstein, "Fear of God," pp. 153-154, and, more sweepingly, R. Aharon Lichtenstein, "The Source of Faith is Faith Itself," in *Leaves of Faith, Volume 2: The World of Jewish Living* (Jersey City, N.J.: Ktav, 2006), pp. 163-167. A formulation more or less identical to our own may be found in Moshe J. Bernstein, "The Orthodox Jewish Scholar and Jewish Scholarship: Duties and Dilemmas," *The Torah u-Madda Journal* 3 (1992): 8-36, at pp. 23-27.

^{xxvi} This, of course, is not meant to invalidate other positions. R. Shimon Gershon Rosenberg (Rav Shagar) has developed an ideology of traditional Judaism informed by postmodernism; see, e.g., his *Kelim Shevurim* (Efrat, Israel: Yeshivat Siah Yitshak, 2003).

^{xxvii} Bernstein, "Duties and Dilemmas," p. 25.

Not by Day and Not by Night:ⁱ Jewish Philosophy's Place Reexamined

BY: Dovid Halpern

Jewish Philosophy: To study or not to study? Is there merit to such a pursuit? If so, maybe those merits are outweighed by the possibility of creating greater confusion for the one pursuing such knowledge. There are those who posit that, at best, the study of Jewish Philosophy is a *be-di-aved* solution for people who will stray without it, and at worst, will lead them off the *derekh*. Though such views have their roots in traditional Jewish sources and may express certain traditional outlooks, the study of Jewish Philosophy appears to me to be a legitimate branch of Torah, with independent and vitally important value.

The students in Yeshiva University run the gamut of Jewish life. Within that spectrum, students tend to identify with one particular ideology. Inherently, this is a good thing; Jews need to have an outlook in order to determine their worldview, and these self-definitions seem to be providing them with it. However, I have often observed that the identification towards

an ideology is solely an emotional one, which, while not inherently harmful, can cause problems if students think their positions are guaranteed from perspectives of intellectual supremacy. Their identification is often expressed as a commitment to a particular position, such as the statement: "I believe that X is an inherent Jewish value." However, when one is confronted by an opposing, textually-supported position, how likely is it that he or she would be able to defend his or her position? Attempts to counter an opposing view without having a sound philosophical or theological basis pose the greatest risk of encountering confusion.

Although the engagement in philosophical *mahaloket* carries with it the inherent risk of experiencing confusion, *mahaloket* is not necessarily negative. Rather, conflicting opinions have always been a staple of the Jewish hashkafic debate. The concept of "*Eilu ve-Eilu*" is cited by the Gemaraⁱⁱ to demonstrate that Beit Shammai and Beit Hillel, while harboring seemingly incompatible viewpoints, can, in fact, both be correct. Provided that the views are grounded in pure motivations, i.e. that they are *le-shem Shamayim*, the same can be said of the various Jewish philosophical perspectives. Intrinsic to Judaism is a tolerance and appreciation for opposing positions that are rooted in *yir'at Shamayim* and in a genuine interest in *avodat Hashem*.ⁱⁱⁱ

Yet, this question remains: given the Jewish People's long history of respect for honest

debate, why should there be any difficulty in the peaceful coexistence of differing Jewish philosophies? Why does there seem to be so much animosity and misunderstanding between those with different viewpoints? This discord exists between the various segments of students at YU as well. In my opinion, the absence of any serious Jewish philosophical education is the primary causative factor of the existence of such tension. Without serious study, no self-respecting Jewish student can even pretend to truly grasp the full argument between the various Jewish camps, and the lack of understanding causes antagonism.

In order to achieve the capabilities to understand a differing point of view, one must realize that it is organized around a slightly different value set. Understanding this fundamental difference would not serve to destabilize the existence of *ahdut* within the Jewish community, but rather would strengthen Jew-

"Without serious study, no self-respecting Jewish student can even pretend to truly grasp the full argument between the various Jewish camps, and the lack of understanding causes antagonism."

ish unity. This new level of understanding would perhaps even help to repair fractured communities. However, *ahdut* is not strengthened by a denial of the legitimacy of valid Jewish opinions.

How can one expect someone to be proud and strong in his or her beliefs as a Modern Orthodox Jew if he or she has not been exposed to Rambam's *Moreh ha-Nevukhim*, R. Hirsch's *Horeb*, and R. Soloveitchik's *Halakhic Man*? Obviously, this list is not exhaustive, but rather highlights the large array of sources and traditions that have helped create the various camps within the contemporary Orthodox Jewish world. To those who argue that the study of such texts surpasses the capability of a basic university student, I respond that this is exactly why such sources must be properly taught! Given the availability of English translations and the incredible pool of today's talented Jewish teachers, no basic Hashkafah text should be considered out of reach.

Those of us at YU who seek to embody the official slogan of the university, "Torah u-Madda," have a greater responsibility to study Jewish Philosophy. One cannot make a truly educated decision that this is the *derekh* he or she wants to choose for life if he or she has not researched the subject properly (or, at the very least, has not read R. Dr. Norman Lamm's book on the subject). Hashkafah is not a minor issue that can be left to the side. Those who claim that they do not need Hashkafah, but rather need only to study Torah and perform mitsvot, should be aware that this stance is in

and of itself considered an "outlook" within the Jewish tradition. Many great Rabbis have espoused the ultimate supremacy of Torah learning or mitsvah observance as the defining characteristic of the Jewish people. One name commonly associated with such an opinion is R. Nahman of Breslov, who, while opposed to any study of philosophy, still constructed his own system explaining God's interaction with the world and the Jewish people through the *Kaballah*. Although it may be acceptable and even optimal for some, the exclusive reliance on simple *talmud Torah* and mitsvot without a review of one's underlying hashkafic orientation may not necessarily be the desired norm for the Modern Orthodox community. Even the classical work on the importance of *talmud Torah*, the *Nefesh ha-Hayyim* by R. Hayyim of Volozhin, spends the first three sections building a worldview to establish the supremacy of Torah. A community with no solid Hashkafah is inherently unstable. Without a philosophical foundation, how is it possible for one to educate one's own children and/or students about why what we do as Jews is important? Without an ideal to live up to, what passion will be passed on to the next generation of seeking Orthodox Jews?

Though some high schools have started teaching Jewish philosophy at a minimal level,

this step can hardly be seen as adequate. There are students that may not be ready or willing to expose themselves to the full range of Jewish philosophical opinions, and based on my exposure to these students in camps and youth work, the reality is that most teenagers remain entirely uninterested in pursuing Jewish Philosophy in earnest. Even though it may be impossible for a teacher to truly convey to the average high school student the importance of Jewish Philosophy, a basic survey of what is out there is certainly necessary. This is not to say that students who have a real interest should not pursue Jewish Philosophy in high school, but merely that on a macro level, it appears entirely impractical to teach it beyond a basic survey course. However, at Yeshiva University, an institution that is clearly founded on a comprehensive Jewish Philosophy and seeks to instill this philosophy in its students, it seems inconsistent to ignore the need for Jewish Philosophy to be taught at the college level. Why can't Yeshiva College have at least a survey course? How is it possible for someone to go through three or four years as a YU undergraduate and emerge knowing how to learn Gemara on a serious level, have at least a moderate *beki'ut* in Jewish History, Bible, and Hebrew, and yet not know the basic Jewish philosophical positions about the role of the Jewish People in the world, how Divine providence works, and how our mitsvah observance relates to the essence of man? A knowledgeable and religiously committed student can graduate from YU and when asked a basic

question in Jewish theology, have nothing more to answer than what he heard his rebbe tell him at a *tisch* in yeshiva, or what he picked up from a *Kuzari habburah* once upon a time. The realistic occurrence of such an event is irrelevant; it is embarrassing that our system even allows for such instances. Why is the development of a mature Jewish Hashkafah considered less important than any other aspect of Jewish learning?

Without prior training and exposure, one may struggle through a *daf* of Gemara, but far less skill is required to pick up a copy of *Beliefs and Opinions* by R. Saadya Gaon and see how his views compares to those of Rambam. In a yeshiva and a university that claim to be based primarily on the thought of R. Soloveitchik, why (with the exception of one class taught by R. Carmy) are the Rav's philosophical writings about Judaism relegated to private reading for those who find themselves personally drawn to his views?

I have often heard some of my fellow students claim: "Rambam says in *Moreh ha-Nevukhim* that the highest level of comprehension of God is through use of the intellect." Though such a statement on the surface seems to hold incredible significance, should these words be the sole answer to someone who is searching for his place within our complex Jewish system? If such a person remains unexposed to the possibility of an alternative view, how can he ever hope to find his own niche within the

Jewish philosophical community? Though this may be a bold step, I propose that we teach people various approaches within the hashkafic world of Orthodox Jewry in a fully constructive setting. It is obviously inadequate just to hear about "the other side's" views from one biased to the absolute truth of his or her position. Learning about one's own hashkafah should obviously be first and foremost on the interested student's list. However, in order for a true mutual understanding to reign within the Orthodox world, would it not make sense to be exposed to equally valid alternatives in a setting of mutual respect? The world itself is so vast, and despite the reality that the *shittah* of Ralbag on *hashgahah peratit* seems to be drastically different from that of the Kotzker Rebbe, they both have a legitimate existence within the Jewish tradition. By minimizing the significance of exposure to Jewish Philosophy, a major crime has been perpetrated against individuals who are in search of their personal niches within the Jewish People. I often see a group of young YU students studying Hasidut around campus, and people who pass by often snicker or sneer at their "foolishness." Why laugh at those who study *Tanya* or *Likkutei Moharan* when they have an outlook on life that is sanctioned by mainstream Orthodox Judaism? Are we really concerned that in teaching anything more than mere vignettes of the works of the Rav, Ha-Rav (R. Kook), Rav Hirsch, or any of the many non-mainstream hashkafot, that we would drive people away from Modern Orthodoxy? I only wish I had

General Jewish Thought

Reality Check?: A Response to Mr. Seidler-Feller's Response

BY: Nathaniel Jaret

been able to learn the various approaches to Jewish Philosophy from a proper guide. Instead, I read everything I could until I achieved the equanimity of mind that comes with understanding one's place within the Jewish People. Obviously, this is an experience that was unique to me, and some are more inclined to the study of Jewish Hashkafah than others. However, while the degree of study required to satisfy oneself may be highly personal, the basic need for information is universal.

While my argument lacks source-based support, it is surely legitimated by the mere existence of the philosophical writings of R. Saadya Gaon, Rambam, Ran, Rabbag, R. Shneur Zalman, R. Nahman, R. Hirsch, R. Breuer, the Rav, R. Kook, and R. Dessler, as well as the continued publications of YU's own faculty, which all serve as a clarion call to action.^{iv} Incredibly, no two individuals within the aforementioned list express identical views! The divergence of opinions within Jewish Philosophy is truly remarkable, and diversity of views serves as a deep and enriching resource for one who seeks to live his or her life as a fully committed Jew and *eved Hashem*. Hopefully, through a more complete and healthy exposure to Jewish Hashkafah, people will understand that "*Eilu ve-Eilu*" allows for the coexistence of various strains of thought within the Jewish People's long history, and this principle of intellectual tolerance is what defines, not divides, us. Ultimately, such an appreciation will hopefully bring all Jews together in full *ahdut be-meherah be-yameinu, amen*.

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ⁱ The Gemara in *Menahot* 99b raises the problem of studying Greek Wisdom:

"Ben Dama asked R. Yishmael, 'Someone like me, who has learned the whole Torah – is it permissible to learn Greek Wisdom?' He responded ... 'You should meditate on it (Torah) day and night' (*Yehoshua* 1:8). Go and see if you can find a time that is neither day nor night, and then learn Greek Wisdom!"

While some leave no room for Jewish Philosophy in religious worship, as R. Yishmael does concerning "Greek Wisdom," I question this stance in the current article.

ⁱⁱ *Eiruvin* 13b.

ⁱⁱⁱ This brief article only deals with the conflicts within the halakhic, Orthodox camp. Regarding the legitimacy of other segments of the Jewish population's approaches to Judaism, the reader is directed to ask someone more knowledgeable than myself, not that I claim to be an expert at the current topic either.

^{iv} This list ignores the important work of modern Jewish philosophers, such as Eliezer Berkovitz, whose contribution to and place within Jewish Philosophy are, regrettably, beyond the scope of this article.

In his response to my essay "*Shemirat Negi'ah* and Reality" in the previous issue of *Kol Hamevaser*, Shaul Seidler-Feller raised a number of problems, both halakhic and hashkafic, which he perceived in my essay. While the issues he raised were both relevant to the debate at hand and, in the greater sense, reflective of the respectful forum of discourse which must necessarily permeate any matter as controversial as this one, I feel that his claims against my textual readings, my application of the halakhic concept of *ein gozerin* therein, and my sociological assessments, were simply not amply proved or supported. Furthermore, in those cases where his claims against mine are of some import, he fails to remember what is at stake. I will go in order, addressing the issues he raised one by one.

Mr. Seidler-Feller astutely notices that "the decree of Rivash should not, on the face of it, fall under the category of a "*gezeirah she-ein rov ha-tsibbur yekholin la-amod bah*" based on his observation that were the case really to be that "*ein rov ha-tsibbur yekholin la-amod bah*" and "it were truly intolerable," then "[women] would find other creative solutions to accomplishing *tevilah*, like immersion in the ocean or in another (still) natural body of water." In other words, it is not the prohibition of pre-marital immersion that "*ein rov ha-tsibbur yekholin la-amod bah*," but rather, the implications of the prohibition of pre-marital immersion – the prohibition of touch – that "*ein rov ha-tsibbur yekholin la-amod bah*." Mr. Seidler-Feller's observation certainly stands true – it is extremely unlikely that there exists a substantial contingent of dating Modern Orthodox women who are immersing in violation of Rivash's prohibition in order to take care of the problem. However, there are a number of issues with Mr. Seidler-Feller's objection to my application of "*ein rov ha-tsibbur yekholin la-amod bah*." First, one cannot so simply divorce an edict from the reason that the edict was proclaimed: pre-marital immersion was not prohibited so that women will not immerse, but it was prohibited so that the Davidic prohibition of seclusion, *yihud*, would not be violated. To simply bifurcate these two inextricably linked factors, edict and reason, is to ignore the very nature of an edict itself. This might be demonstrated by a principle in Tractate *Beitsah*,ⁱ in which an edict whose original impetus becomes obsolete may be annulled only with a *minyán*, a *beit din* of

comparable number, with no further requirement of greater "Hokhmah," wisdom (as is required for the general annulment of any regular edictⁱⁱ). Thus, I argue, our current situation, one in which the laws governing *yihud* (and *negi'ah*) are being violated by a great number of our community, should in fact constitute a case of "*ein rov ha-tsibbur yekholin la-amod bah*."

Furthermore, for women in our community to *actually tovel* subversively, as Mr. Seidler-Feller suggests would be the only way for Rivash's edict to legitimately fall under a rubric of "*ein rov ha-tsibbur yekholin la-amod bah*," it would entail young women pursuing a complex, largely inaccessible body of halakhic knowledge to properly execute such immersions, finding *mikva'ot* which would even allow them to immerse (which, as Mr. Seidler-Feller acknowledges, are impossible to find), or instead, immersing themselves in local bodies of water, quite possibly improperly from a technical halakhic perspective and almost certainly in violation of *dina de-malkhuta*, of pub-

"Our current situation, one in which the laws governing *yihud* (and *negi'ah*) are being violated by a great number of our community, should in fact constitute a case of '*ein rov ha-tsibbur yekholin la-amod bah*.'"

lic indecency laws. The women in question, the generation in question, indeed *do* find the edict of Rivash "truly intolerable," but choose to violate its essence, rather than its particulars, by violating *hilkhot yihud*, and consequently *hilkhot negi'ah*, with their significant others. And all of this presupposes the assumption that young couples *are even aware* that immersion could theoretically solve their problem, a presupposition I would wager most couples are not. To suggest that Rivash and his forebears constructed, prophetically or not, a nearly "*ein rov ha-tsibbur yekholin la-amod bah*"-proof edict, seems rather absurd. This is not how edicts interplay with Halakhah. However, it is still possible that Mr. Seidler-Feller's observation does in fact pose a problem and that his observation stands true; thankfully, he himself mentions a solution in his footnotes. I will do him the honor of bringing his intelligent insight to the forefront of the discussion. In arguing that "even if the argument holds for annulling David ha-Melekh's decree, it seems not to in the case of Rivash's," Mr. Seidler-Feller recognizes that "were the Davidic decree annulled, there would ostensibly be no need to annul Rivash's decree as well, since the latter was meant only to enforce the former," citing the principle of "*nafal ha-yesod, nafal habinyan*." Since David ha-Melekh's edict is an

example of *ein rov ha-tsibbur yekholin la-amod bah*, the annulment of this edict alone would make the Rivash's prohibition of pre-marital immersion irrelevant. Thus, if my reading and application of *ein gozerin* is indeed faulty in the case of Rivash, then the rabbinic community could perhaps rely on this principle instead.

As for my convenient failure "to quote the remainder of the *Kesef Mishneh's* comment,"ⁱⁱⁱ it is amply clear in context that the *Kesef Mishneh* is quoting Rashi's opinion (which is, coincidentally, contrary to the obvious *peshat* of the gemara) out of deference to the great sage, and not out of acceptance. His language is as follows: "But I saw in Rashi..." then offering an explanation, and not a quote, of Rashi. There is no reason to assume that the *Kesef Mishneh* accepts the interpretation of Rashi which he provides, particularly since he goes out of his way to explain *what Rashi's words presumably reflect of Rashi's view*, namely, that if the edict *does* take root amongst the people initially, then it becomes normative Halakhah immune

to later annulment by means of "*ein rov ha-tsibbur yekholin la-amod bah*." Furthermore, he only quotes Rashi at the very end of his comment, almost *derekh agav* (in passing), with no conclusive "*ve-lakhen nir'eh li*" ("therefore I think") or *anything to that effect*. The *Kesef Mishneh* certainly interprets Rashi's position, unlikely sympathizes with it, and most definitely does not *accept* it.

Furthermore, if even remotely explored, this understanding of Rashi is very difficult to affirm, since it would be patently impossible for Rabbi Yehudah ha-Nasi to investigate whether or not there had ever been a point from the time of Daniel (6th century BCE) to his own time (beginning of the 3rd century CE) in which the edict had fallen out of practice temporarily. We can discount Rashi's understanding (according to the *Kesef Mishneh*), in my opinion, exclusively based on *sevara*. It seems clear that *Kesef Mishneh* quotes Rashi out of deference to the great sage's understanding of the *sugya*, and not as a definite acceptance of that understanding. His first reading, the one upon which I relied (and which seems to be his actual opinion), is the only fully logical understanding of the concept of *ein gozerin*, assuming that Rabbi Yehudah ha-Nasi was legitimate in his abrogation of Daniel's edict, an assumption I am quite comfortable making.

“Neither I, nor presumably, Mr. Jaret,” Mr. Seidler-Feller writes, “can prove either way whether there has *never* been a time when most Jews observed these two *gezeirot* properly, the status quo would have to remain, perforce, in place.” It is similarly unlikely that Rabbi Yehudah Ha-Nasi could have proven whether two generations, separated by nearly a millennium, observed any *gezeirah* properly in the entirety of that interim. It seems much more

cient agricultural societies’ diets),” whereas in the latter, it is “not a question of survival, but of personal willpower and religious fortitude...” Thus, he argues, “I see no reason that Halakhah should have to bend in the face of personal weakness.” What he fails to ignore is that the halakhic mechanism of “*Ein gozerin gezeirah al ha-tsibbur ela im ken rov ha-tsibbur yekholin la-amod bah*” has *nothing* to do with the nature of the edict it abrogates. It is

allow pre-marital immersion, and assume that intercourse will not ensue, just as I argued that it basically has not for the great number of couples already violating *hilkhot negi’ah*. Even if “a couple is already unbothered by the biblical prohibition of *negi’ah*” (a point I strongly contest; most of the violating couples, I suspect, are *extremely* bothered by it), the fact that most couples have almost certainly been able to avoid intercourse altogether, irrespective of the

response to the suggestion that all *penuyot* be *obligated* to immerse, thus reducing the risk of men violating the prohibition surrounding a woman who is a *niddah*, *does not* argue, or even vaguely mention, any sort of *ethos* of *kedushah*, sexual sanctity. He *only* voices his resonant “*aderabbah(!)*” with respect to the fact that such pre-marital immersions would jeopardize the observance of the Davidic decree prohibiting *yihud* with a *penuyah*. Rivash does not mention holiness, or the sanctity of marriage, or the danger of pre-marital promiscuity, or anything related. He mentions the rabbinic prohibition of *yihud* surrounding her, and that is all. There exists today an artificial, recently introduced, ideologically imposed understanding of pre-marital touch, where the institution of marriage has an indisputable ethical monopoly on physical expression between a man and woman. This, quite simply, is not the halakhic case, and to make an argument from such an angle might tickle and please the Manolsonian sentiments that have been permitted to assume far too powerful a role in our hearts and minds, but I fail to see how it can make any lasting embossment. *There is nothing a priori IMMORAL about pre-marital touch. Period.* In the final paragraphs of his response essay, Mr. Seidler-Feller, it seems, imposes *his* conception of “*Kedoshim tihyu*” upon the entirety of today’s community, thereby creating “meta-halakhic issues” for my argument. These “meta-halakhic issues” amount to nothing more than an ivory tower built upon a foundation of quicksand. When the smoke of jargon and misinformation has passed, it becomes saliently clear that we have far greater an obligation to Leviticus 18:19 than to the shell of an ill-conceived sentiment. If certain misperceptions of *kedushah* surrounding Jewish sexuality and that sense of giddy elation surrounding the idea of the “*yihud* room” dissipate, then so be it. This is a negligible price to pay to *actually* uphold our tradition.

“Since we have no right to make gradations between this issur and that one (especially when both are *issurei gillui arayot*), it makes far more sense to hedge our bets, allow pre-marital immersion, and assume that intercourse will not ensue.”

logical, and much more in line with the words and connotations of the Talmud, of Rambam, and of the *Kesef Mishneh*, that Rabbi Yehudah Ha-Nasi examined the nation, found that nation in violation of the *gezeirah* of gentile oil, and annulled that *gezeirah* promptly.

Mr. Seidler-Feller claims that “even if one were to assume that this mechanism has some validity within the *Kesef Mishneh*’s formulation, the comparison of our case to that of R. Yehudah Nesi’ah is difficult” on the grounds that “Rabbi Yehudah Nesi’ah looked at *all of Kelal Yisrael*,” and only annulled the *gezeirah* then, whereas “in our case, however, a significant portion of the Torah-observant population within *Kelal Yisrael*... does observe the laws of *negi’ah* and *yihud* properly” for “about one third of the observant Jewish population today is Haredi...” “Thus,” he argues, “even if the majority of *Kelal Yisrael* were not observing these *dinim*... a sizeable minority certainly is,” and therefore, “the *metsti’ut* (reality) today does not fit those criteria when one looks at worldwide adherence to these laws by Orthodox Jews.” The fact of the matter is that this counterargument simply does not fit with the (admittedly maximalist) *lashon* of Rambam, upon which I base most of my Halakhic argument. As cited in my essay, Rambam writes:

“If they proclaimed an edict and assumed that it had spread in all of Israel and the matter stood as such for many years, and after much time a different *beit din* stood and examined in all of Israel and found that the edict was not disseminated in *ALL OF ISRAEL*, it has the right to annul (it), even if they are lesser than the original *beit din* in wisdom and numerical strength” [emphasis mine].

In Rambam’s view, if the edict is not *universally* practiced in subsequent generations, it is fair game for annulment. Not only are the laws, I argue, not being following universally (that is *indisputable*), they are probably being violated by a *majority* of Orthodoxy. We are dealing with an issue of great scale. Rambam’s words, as well as their pertinence, cannot be less ambiguous.

Mr. Seidler-Feller interestingly argues that the comparison between Rabbi Yehudah Ha-Nasi’s abrogation and the abrogation I suggest is also invalid because, in the case of the former, “Jews found it so difficult to observe the prohibition on non-Jewish oil that they *could not* fulfill the *gezeirah* (oil was a staple of an-

an *ex post facto* assessment of whether an edict is being observed, and *nothing* more. It passes no explicit judgment on the wayward nation, cares not for that nation’s explanations and rationalizations, and *most certainly* does not choose between an edict which jeopardizes physical discomfort (Daniel’s edict against oil) and an edict which creates a substantial spiritual struggle (the case at hand). Mr. Seidler-Feller may certainly take note of the difference in nature between the two edicts in question, but since that difference (and all such differences) is irrelevant, I cannot see how it can be used to impugn my argument in any substantive way.

It seems, then, that Mr. Seidler-Feller’s attempts to attenuate the brunt of my halakhic argument are based upon both somewhat plausible (if occasionally out of context) and outright difficult readings of the relevant halakhic texts. What he has not accomplished, however, is proving his claim that “there would be sufficient evidence to argue that Mr. Jaret’s halakhic mechanism for undoing *gezeirot* is, at best, disputed, and at worst, completely invalid.”

Mr. Seidler-Feller argues that, according to Halakhah, “*Lo tikrevu le-gallot ervah*” au-

“Mr. Seidler-Feller’s sociological concerns are not imagined. I simply believe them to be secondary considerations.”

tomatically implies that “affectionate acts lead almost directly to sexual intercourse.” As a result, he argues, “one cannot separate the *issur negi’ah* from the violation of *gillui arayot*,” citing *Avot de-Rabbi Natan*, which suggests that this is possibly the only example of a biblical *seyyag*. Firstly, I think it is critical not to overemphasize this concept of biblical *seyyagim*, since it is only an observation from a human perspective, not a binding delineation between different types of *mitsvot*. From the perspective of the Divine author, I presume (if such a thing can be done), it is forbidden to have intercourse with a *niddah*, and it is also forbidden to approach her affectionately, but not necessarily that “one leads into the other” automatically. However, Mr. Seidler-Feller’s concerns are real and relevant. Again, I suggest that since we have no right to make gradations between this *issur* and that one (especially when both are *issurei gillui arayot*), it makes far more sense to hedge our bets,

particulars of their violations, is an indicator of both our generation’s taboos and its sexual values. The issue at hand is not the prohibition against intercourse. This is not why couples are violating *hilkhot yihud* and *negi’ah*. The problem facing our community is the prohibition limiting any and all touch, and we can assume that the intercourse that has not taken place will continue to not take place, rabbinic edict or not.

As for Mr. Seidler-Feller’s sociological arguments, I maintain that while they are important considerations in and of themselves, they fail to produce, even collectively, a sufficiently strong argument against the innovation that my essay proposed. Every concern that he raises in terms of public policy is theoretically possible, and some even probable, but this *still* fails to recognize ramifications of the alternative, inaction. Black and white biblical writ is indisputably more critical to preserve than a concern of a division within the world of dating young women. Even the dramatic shift which such a halakhic move could cause in current dating trends will pass eventually, but we cannot be so presumptuous or naïve as to think that the problem addressed by that move will also pass if we only just wait a bit longer.

As such, Mr. Seidler-Feller’s concern that “we will create two classes: those who are ‘*frum*’ and do not use the *mikveh*, and those who are ‘not’ because they rely on this potential *hetter*” is certainly not unfounded, but such divisions are not alien to the Orthodox dating world. In a generation when a millimeter of exposed knee will brand a woman suspect or even totally “*treyf*,” this potential division should not, I believe, be our foremost concern. As for the possibility of a man forcibly pressuring his girlfriend into immersing, I actually view that as *an opportunity* for a woman to expose a beast in her boyfriend that would have been forced to remain underwater. If such immersions would not be *entirely* mutual, unequivocally, between couples, then worlds will have been revealed about the nature of that relationship. Granted, Mr. Seidler-Feller’s sociological concerns are not imagined. I simply believe them to be secondary considerations.

It is important to recognize that Rivash, in

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ⁱ *Beitsah* 5a.

ⁱⁱ Rambam, *Mishneh Torah, Hilkhot Mamrim* 2:2

ⁱⁱⁱ *Kesef Mishneh* to Rambam, *Mishneh Torah, Hilkhot Mamrim* 2:7.

Spreading *Serarah*

BY: Yossi Steinberger

We live in a modern world of equal rights, and, as religious Jews, we have responded to the messages blowing in the wind. Not surprisingly, as we explore possibilities for being more inclusive in our religious life, halakhic issues arise. The secular world surrounding us embraces the idea that women and men should have equal opportunities. However, mainstream Halakhah follows Rambam's statement in the *Mishneh Torah*: "A woman may not be established as king...similarly, regarding all offices [*mesimot*] amongst Jews, only a man may be appointed to them."ⁱ Does this mean that a woman cannot be a Prime Minister? *Shul* president? Rabbinic figure? Since virtually only Rambam excludes women from positions of authority,ⁱⁱ the question usually is, "What would Rambam say?" Based on *posekim*'s answers to this question, important policies have been implemented across the globe. For example, in the United States, the National Council of Young Israel maintains that a woman cannot be a *shul* president based on its understanding of Rambam's words.ⁱⁱⁱ For the *posek* deciding female leadership issues, I urge a new field for investigation. Through several textual observations of Rambam's opinion concerning *serarah*, or authority, I will show that Rambam seemingly does not exclude women from positions of "non-halakhic" authority, like a *shul* president, for example.^{iv} The conclusion I reach is interesting, obviously, but also inconclusive. My point is rather to motivate closer analysis of Rambam's texts.

Generally speaking, the burgeoning discussion about woman and *serarah* distills to a handful of authoritative sources. I will discuss them briefly here: In *Parashat Shofetim*, the Torah commands, "You shall appoint a king."^v The *Sifrei* then comments on the above *pasuk*: "A king and not a queen."^{vi} Rambam codifies the statement of the *Sifrei* in the *Mishneh Torah* and extends its exclusion even further: "A woman may not be established as king, as it is written, 'You shall appoint a king,' but not a queen." Similarly, with regard to all offices in Israel, only a man may be appointed to them."^{vii} R. Moshe Feinstein, in a *teshuvah* (responsum),^{viii} states that one should pay heed to Rambam's position even though virtually all Rishonim do not extend the *Sifrei*'s exclusion to involve every position of authority.

Rambam discusses *serarah* in relation to converts, women, and people of lowly professions. First, Rambam addresses converts:

"We do not appoint a king from the congregation of converts even after many generations until his mother will be from amongst Jews, as it is said, 'You cannot

appoint over yourselves a foreign man whom is not you brother.' And not to kingship alone but to all positions of authority [*serarot*] amongst Jews – not an officer in the army, nor an officer of 50 or an officer of 10, even appointed on the water channel from which they apportion to fields. And it need not be said a judge or prince that he should only be from amongst Jews, as it is said, 'From amongst your brothers appoint upon yourselves a king' – all appointments [*mesimot*] that you create should only be from amongst your brothers."^{ix}

Rambam then refers to women:

"We do not establish a woman as king, for it is said, 'on you a king,' and not a queen.

"For the *posek* deciding female leadership issues, I urge a new field for investigation."

And likewise all appointments [*mesimot*] amongst Jews, we only appoint to them a man."^x

Finally, Rambam refers to other types of people:

"And we do not appoint as a king nor a head priest - not a butcher, and not a barber, and not a bath-house attendant, and not a leather-worker, not because they are deficient [*pesulin*], but rather since their trade is lowly, the nation will always disrespect them. And when they engage in one of these trades for one day, they become deficient [*pesulin*]."^{xi}

R. Dovid Yitzchak Mann, the Rosh Yeshivah of Keneset Hizkiyahu in Israel, makes a number of astute textual observations on these halakhot quoted above concerning women and kingship. He demonstrates that, according to Rambam, while converts are prohibited from kingship because of characteristics exterior to them, women are prohibited inherently. He notes in *Be'er Miryam*,^{xii} his commentary on Rambam's *Hilkhot Melakhim*, that Rambam only uses the term "*serarah*" in the context of converts. In reference to women, however, Rambam uses the term "*mesimah*." R. Mann posits that Rambam consistently uses the term "*serarah*" – authority – to point to the relationship between the king and his subjects, whereas "*mesimah*" – appointment – refers to the relationship between the candidate and the position itself. Furthermore, he observes that when Rambam writes about the exclusion of converts from kingship, he first writes "king" and then "converts:" "We do not appoint a king from the congregation of converts;" however, when Rambam writes about women, he first writes "woman," then "king:" "We do not establish a woman as king." R. Mann reasons that Rambam emphasizes "king" concerning a

convert because the reason for his exclusion relates to his inability to function as a king. However, women are excluded because of something inherent in their nature, so Rambam emphasizes the word "woman." Based on these two distinctions, R. Mann argues that Rambam believes that whereas converts are excluded from kingship because they will not have effective kingly authority over the people, women are excluded because of their inherent nature in relation to the position of kingship itself.

In *Moreh ha-Nevukhim* (III:50), Rambam explicitly confirms R. Mann's understanding of the exclusion of converts. Rambam explains that the Torah lists the Edomite kings^{xiii} in order to highlight the trend of foreign kings tending towards abusive policies, so as to defend the Torah's prohibition of *gerim* from assuming positions of authority. Rambam writes there that "a man lacking deep native roots has never ruled a nation without inflicting her with some pain, whether great or small." Clearly, the exclusion of converts relates to a convert's functional capacity.

R. Mann stresses this difference between converts and women regarding kingship to explain Rambam's position, according to some commentators,^{xiv} that while the Torah allows for a convert to become king through inheritance from his Jewish father, a woman cannot inherit kingship. Apparently, the Torah's concern about converts being king, as described above in *Moreh ha-Nevukhim*, is tempered when the convert is the son of a Jewish king. The prohibition of a convert results from a concern about his relationship with the people, so in situations where the dynamics between the convert and the people change, the Torah allows for a convert to be a king. However, the issue with women is something inborn that prevents them from appropriately filling the position itself, which does not change; women are inherently excluded from kingship.

Using R. Mann's observations as support, I would like to further posit that according to Rambam, the "inherent" exclusion of women only applies to "halakhic" positions. Firstly, when Rambam states that people of lowly em-

ployments should not be appointed king, he stresses that the exclusion does not reflect a *pesul*. [The term *pasul* generally means deficient for a halakhic role.] Since Rambam clarifies here that they are not *pasul*, but are prohibited because of how the people will perceive them, it seems to be implied that the subjects of the *previous* halakhah are *pesulin*, namely women, because of something inherent.^{xv} Secondly, in his discussion of the prohibition against converts, Rambam uses the term "*serarah*" to refer to all positions of leadership, even the person that allots water. However, when discussing *mesimah*, Rambam only men-

tions the king, *dayyan*, and *nasi*, which are all biblically-recognized positions, and therefore "halakhic," roles. Therefore, by extension, it seems as if when the term "*mesimah*" is used in reference to women, it is only referring to halakhic roles.

To sum up, it seems that Rambam does not exclude women from *serarah*; he only excludes women from *mesimah*. *Mesimah* refers to halakhic positions, biblical in origin, while *serarah* includes non-halakhic positions too. The reason for this distinction lies in how Rambam understands the original exclusion of women from kingship. Rambam understands that the Torah is particularly concerned with women being in halakhic leadership roles, thus Rambam only extends the exclusion of women in leadership to *mesimah*, which is limited to halakhic roles. This new reading of Rambam can possibly be supported by the fact that the Gemara, the *Sifrei* (in the version commonly accepted as authoritative), and almost all Rishonim do not mention that women are excluded from *serarah*.^{xvi}

On the other hand, there are alternative ways of addressing the textual points noted above. It is possible that – contrary to what R. Mann writes – the terms "*mesimah*" and "*serarah*" are actually interchangeable, and Rambam only employs the language used in the Torah^{xvii} in relation to the appointment of a king: "*som tasim*," which shares the same root word as "*mesimah*," and "*latet alekha*," which is synonymous with the infinitive form of "*serarah*."^{xviii} One can also argue that Rambam does not intentionally write "woman" before "king," or "king" before "convert." Additionally, the fact that Rambam lists different types of authority in the context of *mesimah*, while he only lists one type of authority in relation to *serarah*, can be interpreted as insignificant. Finally, when Rambam prohibits people of lowly professions from kingship, explaining that it is "not because they are deficient [*pesulin*]," this may not be in contradistinction to the previous halakhah about women, but is instead referring to a different law concerning kings and head priests, one in which there is a distinction between a prohibition based on an individual's inherent *pesul* and one based on his lowly profession. Therefore, conceivably, contrary to what R. Mann writes, there would be no difference between the exclusion of women and converts.^{xix} Furthermore, even if R. Mann is correct in his interpretation of Rambam's words, it is possible that Rambam still excludes women from non-halakhic positions.

Even if the latter interpretation of Rambam's words is the correct one and women are also excluded from non-halakhic positions, there are still important *posekim* that cite various exceptions to *serarah*. In fact, in responding to this article, R. Dr. Aryeh Frimer, Professor of Chemistry at Bar-Ilan University, who has lectured and published extensively on the status of women in Jewish Law, wrote that he thinks women are excluded from non-halakhic positions as well. But, incidentally,

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there are important exceptions, nonetheless. He writes: "I would argue that, according to Rambam, women are forbidden from appointments of leadership, but if she gets the position because of inheritance, charismatic leadership (like Devorah ha-Nevi'ah) or because she is the most talented (Shema'aya ve-Avtalyon), that there is no problem. Indeed, this is the position of many *posekim*."^{xx}

In conclusion, according to my first reading of Rambam's words, Rambam does not exclude a woman from becoming Prime Minister, *shul* president, and any other non-halakhic position. The textual analysis presented above can drastically limit the prohibition of women in leadership.

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ⁱ Rambam, *Mishneh Torah, Hilkhoh Melakhim* 1:5.

ⁱⁱ *Iggerot Moshe, Yoreh De'ah* 2:44-45.

ⁱⁱⁱ Personal communication with R. Shalom Carmy.

^{iv} To note, there may be other issues, such as *kevudah bat melekh penimah*, that are relevant to the topic of female leadership, but this article only concerns *serarah*, the outstanding component of these discussions.

^v *Devarim* 17:15.

^{vi} *Sifre to Devarim, Parshat Shofetim* 157.

^{vii} Rambam, *ibid*.

^{viii} *Iggerot Moshe, ibid*.

^{ix} Rambam, *ibid*. 1:4.

^x *Ibid*. 1:5.

^{xi} *Ibid*. 1:6.

^{xii} *Be'er Miryam* to Rambam, *Mishneh Torah, Hilkhoh Melakhim* 1:5. Available at: www.hebrewbooks.org.

^{xiii} *Be-Reshit* 36:31.

^{xiv} *Keli Hemdah* to *Parashat Shofetim* 7; *Avnei Nezer* to *Shulhan Arukh, Yoreh De'ahi, siman* 312:72 ("Kunteres Shesh Ma'alot la-Kise").

^{xv} Clearly, when Rambam writes that people of lowly trades are excluded "not because they are *pesulin*... And when they engage in one of these trades for one day, they become *pesulin*," he means "*pasul*" in two different senses. From the context, the first "*pesulin*" refers to an inherent *pesul*; the second "*pesulin*" refers to a functional *pesul*.

^{xvi} The reader may be puzzled, in light of this article, why Rambam actually mentions both *mesimah* and *serarah* in the context of excluding a convert from authority. R. Moshe Feinstein writes that Rambam extends the exclusion of women from kingship to other forms of leadership because the exclusion of women and converts stem from the same biblical verse (*Devarim* 17:15). Therefore, when the *Sifrei* extends the exclusion of a convert to other areas, Rambam assumes that the exclusion of women should also be made more comprehensive. However, in light of this article's distinction between *serarah* and *mesimah*, the reader may wonder why Rambam compares

converts and women if each has a unique reason for being excluded. The answer is that *Devarim* 17:15 has three clauses: 1) "You shall appoint ("*som tasim*") a king; 2) From among your brethren you shall appoint ("*tasim*") a king over you; 3) You cannot put over you ("*latet alekha*") a foreign man who is not your brother." The first clause is related to the prohibition of women, and the latter two, to the prohibition of converts. Since there is one clause related to women, they are only excluded for one reason – because of *mesimah*. However, since there are two clauses about converts, they are therefore excluded for two reasons – because of *mesimah* and because of *serarah*.

^{xvii} *Devarim* 17:15.

^{xviii} Personal conversation with R. J. David Bleich.

^{xix} How one deals with the problem that R. Mann was addressing, namely that some commentators believe that Rambam only applies the exception of inheritance to converts, however, remains unclear.

^{xx} This is from a personal correspondence with R. Dr. Aryeh Frimer. For a more detailed analysis of R. Frimer's analysis, see: Aryeh A. Frimer, "Women in Community Leadership Roles in the Modern Period," in R. Itamar Warhaftig (ed.), *Afikei Yehudah: Sefer Zikaron le-ha-Rav Yehudah Gershoni, zts"l: Kovets Ma'amarim be-Inyenei Malkhut, Mishpat, ve-Hevrah* (Jerusalem: Ariel Press, 2005), pp. 330-354 (Hebrew). Also available at: <http://www.daat.ac.il/daat/mishpach/maamad/nashim-2.htm>. Alternatively, see the edited transcript of his lecture "Women in Community Leadership Roles – Shul Presidents" with addenda (summaries of conversations with R. Aharon Lichtenstein and R. Nahum Rabinovitch), given at the Rabbi Jacob Berman Community Center – Tiferet Moshe Synagogue, January 14, 2007. Available at: http://bermanshul.org/frimer/Women_in_Leadership.pdf and at <http://www.jofa.org/pdf/uploaded/1381-LLFN3439.pdf>. Unedited audio file available at: <http://bermanshul.org/frimer/LectureJan142007.wav>. Source pages available at: http://bermanshul.org/frimer/Women_in_Leadership_Source_Sheet.pdf.

Rav Soloveitchik's "A Yid iz Geglichn tzu a Seyfer Toyre"

BY: Rabbi Joseph B. Soloveitchik

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

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

Section III

If Halakhah has ruled that the sanctity of the holidays and [special] times is dependent upon the human act and that only a human being can infuse an empty period of time with happiness – that only he can take something ordinary and convert it into an occasion of joy – this is an indication that aside from an "external" holiday, there exists an "internal" holiday within the depths of the human personality. The Jew is suffused with the internal sanctity of a holiday [spirit], and in his inner spaces there is nothing profane. **The greater the man, the more festivity and joy exist within his soul.**

According to most Rishonim (except Rambam), a Kohen Gadol does not observe any mourning, since, as the Gemara says in *Mo'ed Katan* (14b), "the entire year is [for a] Kohen Gadol like a holiday is for everyone else." In other words, a Kohen Gadol lives the entire year in the same spiritual condition as a regular Jew finds himself in during a holiday. And since holidays cancel [the observance of] mourning because of the commandment to be happy [on them], so, too, a Kohen Gadol may not mourn over his departed relative.

The great personality is enveloped, even on non-hallowed days, in holiday joyfulness, in [a spirit of] festivity which does not permit glumness to control him. The distinction between "profane" and "holy" is only external; inside, the person celebrates a day which is exclusively good [*yom she-kullo tov*].

Human Involvement in Sanctity

It is self-understood that if the Halakhah maintains that the sanctity of a Torah scroll does not flow automatically from its text, but

is rather suffused into the wording through the human act – through a person's particular handwriting, through his *li-shemah* (for its own sake) intent – it should follow that the concrete, "external" scroll is nothing more than a translation or copy of an "internal" scroll which is concealed in the depths of the human soul. The "internal" scroll is the source from which sanctity radiates continuously. This internal sanctity is transmitted into the white parchment and the black letters via the human being.

In what, exactly, does the sanctity of the Torah scroll manifest itself, if not in the fact that it serves as a receptacle for the Word of God? And what has the greater ability to absorb God's Word – simple parchment and black ink or a passionate heart in a warm Jewish body?

There is a striking law recorded in the Gemara in *Menahot* (30a):

"R. Shimon said to him [R. Yehudah]: Is it possible that a Torah scroll be missing [even] one letter?... Rather, up until this point [the last eight verses of the Torah], the Holy One Who is Blessed said [a section of the Torah] and Moshe would say [it] and write [it down]; from this point and on, the Holy One Who is Blessed said [those verses] and Moshe would write [them] with tears, as it says later on: 'Barukh [ben Neriyahu] said to them, 'From his [Yirmeyahu's] mouth, he would call out to me all of these matters and I would write [them] on the scroll with ink.'"ⁱⁱ

Tosafot comment there: "And this [act of pronouncing the words before writing them] is a stricture [*humrah*] for those who write a Torah scroll, *mezuzah*, or *tefillin*."ⁱⁱⁱ The halakhah that a scribe must enunciate a word before it is written down expresses the aforementioned idea, [namely] that the sanctity of the "external" Torah scroll flows from the personal, living Torah scroll which is hidden in the depths of the soul.

The concrete, "external" Torah scroll is sanctified through the holiness of the "internal" Torah scroll. Those words which the scribe pronounces stream forth from the internal, concealed places of his soul and manifest the inner, hidden Torah scroll [within him].^{iv}

What Does "Safra Rabbah" Mean?

The statement of R. Eliezer ha-Gadol in *Sotah* (13b) was always puzzling to me:

"It was taught in a Beraita: R. Eliezer ha-Gadol says, '[Over an expanse of] twelve *mil* by twelve *mil*, corresponding to [the size of] the Encampment of Israel, a Heavenly Voice calls out and says: "'And Moshe, [the Servant of God], died [there]'^v – [Moshe,] the Great Scribe of Israel [*Safra Rabbah de-Yisrael*]."^{vi}

R. Eliezer translated [the words] "the Servant of God" in the sense of "the Great Scribe."

What does this characterization denote? Was Moshe [simply] a scribe? [Was] he [merely the one who] wrote the first Torah scroll? This is an inexplicable title for Moshe.

In Rambam's Introduction to the *Yad ha-Hazakah*, he stresses, based upon the Midrash, that Moshe wrote thirteen complete Torah scrolls – one scroll for every tribe, as well as the Torah scroll of the *Azarah* (Temple Courtyard) about which *Parashat Va-Yelekh* speaks: "Moshe wrote this Torah and gave it to the Kohanim, the sons of Levi, who carry the Ark of the Covenant of God..."^{vi}

However, this title [*Safra Rabba de-Yisrael*] is still striking. Is [adeptness in] the art of

“Moshe inscribed the ‘internal’ Torah scroll into the consciousness of the Jew and converted both the Jewish collective and individual into a Torah scroll.”

calligraphy the greatest distinction with which Moshe Rabbeinu could have been crowned after his death? Were there no greater praises that the Heavenly Voice could apply to Moshe? Is the expression “the Great Scribe” the true meaning of “the Servant of God?”

In truth, if Moshe was dubbed “the Great Scribe,” it is not because of his [ability to] write with simple ink on plain parchment – not [because of] his completion of thirteen “external” Torah scrolls. Such work could also have been completed by simple scribes, [people] who were no “Moshe”s. I myself knew a scribe who wrote tens of Torah scrolls during his lifetime. [Rather,] the Heavenly Voice called him “the Great Scribe” because **Moshe inscribed the “internal” [Torah] scroll into the consciousness of the Jew and converted both the Jewish collective and individual into a Torah scroll.**

Moshe is [called] “the Great Scribe” because he emblazoned, with letters of the fire of holiness [*esh kodesh*], the Word of God on the hearts of the *Benei Yisrael*; blended the Torah together with the Jewish personality; and sanctified the physical and spiritual existences of the Jew with the holiness of the Torah. Not [only] the thirteen “external” [Torah] scrolls, but rather every Jew who possesses a spark of Torah and Judaism carries within him letters which Moshe etched with love and sanctity into the soul of Israel.

Similarly, with regard to the Sages of the Tradition [*Hakmei ha-Masorah*], who are called “Scribes” [*Soferim*], Hazal explained in *Kiddushin* (30a): “Because of this are the Early Ones [*Rishonim*] called ‘Scribes/Counters’ [*Soferim*] – for they would count all the letters in the Torah.” They counted every letter, holding it up fondly and exalting it with love and holiness, and planted it within the Jewish personality forever.

The Parchment and the Letters

If the premise that a Jew is likened to a

Torah scroll is correct, then we must derive from this principle two important conclusions:

Conclusion #1: Just like the “external” scroll must consist of parchment and letters, so must the “internal” scroll.

Conclusion #2: This [“inner”] parchment must be processed *li-shemah* and the letters [must be] written. In other words, the “internal” scroll must also be created through human action, just like the “external” scroll. Everything that the Master of the Universe bestows upon the human being provides [him] an opportunity, as well as a possibility, to transform his being into a Torah scroll. The person himself, however, must carry out these tasks.

The question we must now address is a two-sided one. First, where do we find, either in the Halakhah or in the wondrous history of the Jews, the realization of these two ideas, “processing” and “inscription?” Second, of what, exactly, is the parchment of the “internal” Torah scroll composed? And how does one process such a piece of parchment so that he should be able to write the letters of the Torah on it?

Let us consider the first problem and find “processing” and “inscription” with regard to the “internal” scroll in the Halakhah, as well as in Jewish history.

We all know that there is a Rabbinic commandment known as “educating minors to [properly perform the] commandments [*hinnukh ketanim le-mitsvot*].” A father must train his son, a minor, in practicing the commandments. The Mishnah in *Berakhot* (20b) rules: “Women, etc., and minors... are required [to fulfill the obligations of] prayer, *mezuzah*, and grace after meals [*birchat ha-mazon*].”

The Mishnah in *Yoma* (88a) further establishes the duty of *hinnukh*: “We do not afflict children on Yom Kippur, but we do train them [to observe the afflictions of the day] one or

“Not only the thirteen ‘external’ Torah scrolls, but rather every Jew who possesses a spark of Torah and Judaism carries within him letters which Moshe etched with love and sanctity into the soul of Israel.”

two years before [the age of majority] so that they should be accustomed to [fulfilling the] commandments.”^{vii}

The Mishnah in *Sukkah* (42a) mentions *hinnukh* once again: “A minor who knows how to shake [a *lulav* on Sukkot] is obligated (Rabbinically) in [the commandment of] *lulav*.” In the Beraita [quoted] in that discussion, we find further: “The Rabbis taught: A minor who knows how to shake [a *lulav*] is obligated in [the commandment of] *lulav*; [one who knows how] to wrap himself is obligated in [the commandment of] *tsitsit*; [one who knows how] to protect his *tefillin* (he knows how to behave in compliance with all the laws a Jew must ob-

serve while wearing *tefillin*) – his father [must] buy him *tefillin*.”

In truth, the requirement of *hinnukh* is a prophetically ordained commandment [*mitsvah mi-divrei Kabbalah*]. We find it [described] in *Sefer Mishlei*: “Educate the lad according to his [own] way [of learning], [so that] even when he grows old, he shall not swerve from it.”^{viii}

Education and Learning

The commandment of *hinnukh* is legally limited to the age of minority [*katnut*]. As long as the son is a minor, his father must train him in [the observance of] commandments. At the moment he reaches majority [*gadlut*], the commandment of *hinnukh* disappears. Within this premise, which has come to be considered axiomatic in the world of learning, lies hidden an immeasurable paradox. Let us understand it correctly. As long as the child is a minor – before the age of thirteen (for a boy) or before the age of twelve (for a girl) – the father must look after his [or her] behavior. But once the boy or girl reaches the verge of *gadlut*, the father can permit himself to stop worrying about the religious upbringing of his son or daughter. From then on, the father need not concern himself at all [with] whether the boy or girl observes the Sabbath, eats kosher, prays every day, etc.

As soon as they [the children] are [halakhic] adults, take responsibility for themselves, and are themselves obligated in [the observance of] the commandments, their parents need not worry about them anymore. The father even recites a blessing at the bar mitzvah of his son, “Blessed is He Who has exempted me,” because he is automatically, truly exempt from looking after his child, the [halakhic] adult.

On the one hand, we all understand that such a situation is an absurd one and that, as a matter of course, the Halakhah could not formulate a law which goes against the principles of religious logic and ethics; on the other hand, however, we cannot deny that, according to the Halakhah, the requirement of *hinnukh* ends with [the onset of] *gadlut*. We must deal here

minors. A father is obligated to learn Torah with his adult [children], just as with his minor children. The age of the child plays no role here. The commandment begins with *katnut* and never stops obligating the father [to teach his children].

In truth, the formulation of Rambam is: “But a minor – his father is required to teach him Torah, as it says, ‘And you shall teach them to your children.’”^x However, Rambam [here] only wanted to stress that the commandment of teaching Torah starts immediately when the child can understand something, as it says in the Beraita in *Sukkah* (42a): “[When] he [the child] knows how to speak, his father teaches him Torah.” He never meant to limit [the requirement of] teaching Torah to [one’s] minor [children]. As long as the son depends on his father intellectually and can learn something more from him, the father must continually teach him Torah. The Rabbinic commandment of *hinnukh* stops at [the age of] bar mitzvah; the [biblical] commandment of teaching Torah has no boundary and no measure. And in this way, [the commandment of teaching Torah] is comparable to [that of] repentance, in the sense of, “You cause man to return, [bringing him] unto decrepitude”^{xi} – [even] unto the total dejection of the soul.^{xii} [So, too, does the requirement of teaching Torah know no limit.]

R. Joseph B. Soloveitchik (1903-1993), *z”l*, was *Rosh ha-Yeshivah* at YU/RIETS, was active in the Boston Jewish community, and is widely recognized as one of the leading thinkers of 20th-century Modern Orthodoxy.

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ⁱ Rambam, *Mishneh Torah, Hilkhos Avel* 7:6.

ⁱⁱ *Yirmeyahu* 36:18.

ⁱⁱⁱ Tosafot to *Menahot* 30a, s.v. “*U-Moshe kotev*.”

^{iv} Compare Rashi ad loc. (s.v. “*Ha-Kadosh Barukh Hu omer*”): “Moshe would repeat after Him in order that he not make a mistake in his writing.” Nevertheless, whatever the explanation is, the law is quite characteristic [of this idea].

^v *Devarim* 34:5.

^{vi} *Ibid.* 31:9.

^{vii} See the discussion there.

^{viii} *Mishlei* 22:6.

^{ix} *Devarim* 11:19; see *Berakhot* 13b.

^x Rambam, *Mishneh Torah, Hilkhos Talmud Torah* 1:1.

^{xi} *Tehillim* 90:3.

^{xii} See *Rut Rabbah* 6:4, *Kohelet Rabbah* 7:8, and *Yalkut Shim’oni* on *Kohelet* 974.

Reviews

A Fresh Look at the Aggadah

BY: Shlomo Zuckier

Reviewed Book: Rabbi Yitzchak Blau, *Fresh Fruit & Vintage Wine: The Ethics and Wisdom of the Aggadah* (Jersey City, N.J.: Ktav, 2009).

When most people think of a recently published *sefer* on Gemara, their thoughts immediately jump to different forms of halakhic *iyyun* on its content: “Is it Brisker or Telzer, does it have double-columned Rashi script format or not?” In contrast to this attitude, R. Yitzchak Blau’s new book, *Fresh Fruit & Vintage Wine* (published by Ktav in association with OU Press and Yeshivat Har Etzion) deals with the ethics and wisdom of the Aggadah, or, more accurately, of the particular aggadot addressed in the book. The very existence of this book fills a significant lacuna in recent Jewish publishing, as much has been written on the legal parts of Talmud and Tanakh and on Halakhah, but the field of Aggadah has hardly been touched. The book’s author is familiar with this gap, as he writes in the Author’s Preface:

“The very focus on Aggadah represents something of a novelty. The world of contemporary yeshivot tends to emphasize study of the halakhic sections of Talmud. Indeed, when the class reaches an aggadic section, many *rabbeim* choose to either skip the section entirely or to read it through quickly and perfunctorily in order to get back to the meat and potatoes of Jewish legal study.”

In large part, then, the book is an attempt to combat this problem:

“The central methodological claim of this book is that the history of traditional aggadic interpretation proves tremendously helpful both for understanding the aggadic sections and for attaining wisdom relevant to our own time.”

In this vein, the book functions both as an analysis of the aggadic sections it does address as well as an exhortation to the public to focus more on the study of Aggadah in general. An effort is made throughout the text to direct the reader to remote places where he or she can find explications of the various Talmudic aggadot.

Why, though, is learning Aggadah important? R. Blau argues that the study of Aggadah can demonstrate that Hazal were not only interested in technical legal questions, but that “the sages of the Talmud also grappled with

the perennial ethical and theological conundrums.” Additionally, the reason the Bavli was redacted with both the Halakhah and Aggadah together, he argues, is because its readers are meant to view it as one integrated whole (and not view the aggadic sections as nuisances to be skipped over). The Gemara values not only the vintage wine of traditional Halakhah but also the fruit of Aggadah, a discipline whose messages must be freshly applied to each generation.

The basic methodology of a typical article in the book is to select a Talmudic passage and pursue one or several directions in the commentaries’ interpretation of the stories. At times, textual or literary inconsistencies are addressed by the commentaries, while at others there are variant interpretations of the basic narrative. The goal, however, is not to establish the *peshat* of the story, but to underscore its underlying themes and theological messages. In this sense, the method of the book reminds me of an oft-quoted phrase, “The *derash* of the *derash* is often the *peshat*.” In other words, by analyzing interpretations of homiletic material, the goal is to reach the messages held within the Talmudic-Aggadic text.

The commentaries which R. Blau utilizes comprise several groups. First are the traditional *mefarshim* on the Gemara, including

“The very existence of this book fills a significant lacuna in recent Jewish publishing”

Rishonim (both on the page and not, such as Rashi and Ritva), and Aharonim (the *Sefat Emet*, *Arukh la-Ner*, *Penei Yehoshua*, and R. Kook’s *Ein Ayah*, for example). Outside of this group is the much more elusive collection of discourses pertaining to particular Gemarot found in other areas of Jewish literature. This includes *derashot* such as *Derashot el Ammi* by R. Moshe Avigdor Amiel and *Derash Moshe* by R. Moshe Feinstein, philosophic works like Rambam’s Introduction to the *Peirush ha-Mishnayot* and *Divrei Soferim* by

R. Tsadok ha-Kohen,ⁱⁱ and commentaries on Humash such as Ibn Ezra and Ramban, just to name a few. R. Blau also makes use of Western literature in elaborating on the Talmud’s points, incorporating the ideas of Soren Kierkegaard, Thomas Carlyle, and John Stuart Mill, among others, to solidify the messages and relate them to our modern lives. Finally, *Fresh Fruit & Vintage Wine* utilizes the insightful literary analyses of Jonah Fraenkelⁱⁱⁱ and Jeffrey Rubenstein, which are of a more academic nature.

Parenthetically, it is important to note the fairly recent proliferation of those who take an academic approach to Aggadah in Hazal, in both the Bavli and Mishnah. Professor Fraenkel pioneered this field, bringing literary and academic methods to

the study of Aggadah, through his works *Midrash va-Aggadah*, *Darkhei ha-Aggadah ve-ha-Midrash*, and *Sippur ha-Aggadah*.^{iv} Professor Rubenstein has, within the last two decades, further popularized and expanded on this work in English in his books *Talmudic Stories* and *Rabbinic Stories*.^v In a related vein, Rabbi Dr. Avraham Walfish, a Lecturer of Talmud at Bar-Ilan, and Rabbi Dr. Yakov Nagen, a *Ra”m* at Yeshivat Hesder Otniel, have applied literary methods back to the reading of the Mishnah, in both halakhic and ag-

gadic sections. R. Dr. Walfish’s Ph.D. thesis on *Massekhet Rosh ha-Shanah* explores the literary structure and themes displayed in that work, and R. Dr. Nagen’s *Nishmat ha-Mishnah*^{vi} explores literary phenomena throughout the Mishnah, with a focus on the theological implications of his discoveries.

One very strong point in *Fresh Fruit & Vintage Wine* is the way in which R. Blau weaves together a close reading of the relevant aggadot and their commentaries with moralistic comments of a sophisticated and insightful

nature. The different interpretations of a given Gemara flow naturally into a message that can be taken from the text and applied to our modern lives. At times, the application is more clearly suggested by the earlier source, and at others, it is made uniquely by R. Blau, but the result is always a deep and penetrating message that is related to the Gemara’s theme.

A good example of a typical piece in the book (albeit a somewhat longer one than usual) is “The Connection Between Redemption and Prayer.”^{vii} R. Blau first quotes the two relevant Talmudic texts (*Berakhot* 4b and 9b) on the topic of connecting the recitation of the *Shema* (= *ge’ulah*, redemption) to the *Shemoneh Esreh* (= *tefillah*, prayer) and proceeds to analyze the significance of this connection. Rashi^{viii} likens *semikhat ge’ulah li-tefillah* to knocking on a door and then encountering the person inside immediately afterward. R. Blau then turns to another explanation, that of the students of Rabbeinu Yonah, that the redemption must be linked with service of God, as it was when Israel left Egypt and subsequently accepted the Torah, or else the freedom is meaningless.^{ix} This notion of religious development is compared with the steps of counting the *Omer* between Pesah and Shavu’ot, and then contrasted with Isaiah Berlin’s “Two Concepts of Liberty,”^x where he argues for “negative liberty” (the autonomy to act unobstructed) and not “positive liberty” (freedom with the expectation to act properly). A third approach to the Gemara, that of R. Yehiel Ya’akov Weinberg in his *Li-Perakim*,^{xi} interprets that redemption represents our attempt to recall events from the past while prayer represents our vision toward the future and the actions we take to shape it. The goal of connecting these two, then, is to make sure that we do not get pulled to either extreme: we must move forward, but within the confines of tradition, and we have to remember the past, but not lose ourselves in it. R. Blau ends with the suggestion that every time we pray, we can reflect on the ideas of positive liberty and of working towards the future.

One downside of the book is its organizational structure. It consists of almost one hundred explications of Talmudic passages, which are organized into sections such as “Prayer,” “Learning,” “The Goal of Life,” and “Leadership.” This system of organization, while fairly convenient if one is looking for material on a given topic (and the “Index of Biblical and Rabbinical Sources” in the back provides further ease for the user), fails to lend the book a sense of continuity. Though many

Fresh Fruit & Vintage Wine

The Ethics and Wisdom of the Aggadah



Yitzchak Blau

of the themes and messages are complementary, one often finishes reading a section with the feeling that he or she would like to hear more on the issue.

The book represents an interesting niche in Jewish scholarship, replete with both insightful interpretations of the Talmudic agadot and moral-religious messages as well. It takes a broad and sweeping approach in analyzing the selected Talmudic discourses and their lessons in a manner simultaneously traditional and modern, combining the time-honored vintage wine with the fresh fruits of Western knowledge. The messages in this book, which are framed in the context of the *sugyot* and presented by R. Blau, are interpretive and analytic as they push the reader to deepen his or her religious commitment. The individual pieces are short, and at the end of each piece the reader thirsts for further enlightenment, as the wine is both *mesa'ed* (filling) and *megarer* (tempting) and the fruit leaves one hungering for further *parpera'ot* (desserts).

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^{xvii} Jeffrey Rubenstein, *Talmudic Stories: Narrative Art, Composition, and Culture* (Baltimore: Johns Hopkins University Press, 1999); *Rabbinic Stories* (New York: Paulist Press, 2002).

^{xviii} Yakov Nagen, *Nishmat ha-Mishnah: Tsohar le-Olamah ha-Penimi shel ha-Mishnah* (Yeshivat Otziel: Hotsa'at Gillui, 2007).

^{xix} Interestingly, the types of messages the book sends often remind me of the moral insights R. Shalom Carmy tends to make, which makes sense, since R. Blau refers to R. Carmy as one of "the two figures who had the greatest impact" on him (p. xxii).

^{xx} Pp. 18-22.

^{xxi} Rashi to *Berakhot* 4b, s.v. "zeh."

^{xxii} Rabbeinu Yonah to *Berakhot* 2b, Rif's pagination.

^{xxiii} Included in his *Four Essays on Liberty* (Oxford; New York: Oxford University Press, 1969).

^{xxiv} R. Yehiel Ya'akov Weinberg, *Li-Perakim* (Bilgoraj: Druk N. Kronenberg, 1936), p. 397.

^{xxv} See *Pesahim* 108a (the Talmudic crack wine? [See Haym Soloveitchik, "Responsa: Literary History and Basic Literacy," *AJS Review* 24,2 (1999): 343-357, at p. 347]).

^{xxvi} See *Sukkah* 27a.

ⁱ P. xvii.

ⁱⁱ See, e.g., pp. 95-96 and 170.

ⁱⁱⁱ P. xix.

^{iv} As R. Blau notes in the Author's Preface (p. xx), only aggadot from the Bavli appear in the book, for the educational reason that most people focus on Bavli more than Yerushalmi.

^v The question of whether or not the selected stories that involve Talmudic personalities ever took place is not addressed at all in the book due to the author's belief that issues of historicity are of relative unimportance compared to the lessons we can learn from the agadot themselves. (Personal communication with R. Blau.)

^{vi} P. 98.

^{vii} P. 177.

^{viii} Pp. 41, 71, and 120.

^{ix} Pp. 5, 6, 31, and 128.

^x Pp. 6 and 196-197.

^{xi} Pp. 78-79, 138-139, and 202.

^{xii} P. 218.

^{xiii} *Ibid.*

^{xiv} He is mentioned in the introduction on p. xv and is quoted on pp. 10, 83, and 227.

^{xv} He is mentioned in the introduction on p. xv and his analysis is quoted on p. 30.

^{xvi} Yonah Fraenkel, *Midrash va-Aggadah* (Tel Aviv: The Open University, 1996); *Darkhei ha-Aggadah ve-ha-Midrash* (Masadah: Yad la-Talmud, 1991); *Sippur ha-Aggadah, Ahdut shel Tokhen ve-Tsurah: Kovets Mehkarim* (Tel Aviv: Ha-Kibbutz ha-Me'uhad, 2001).

Ensuring That the World Does Not Forget: The Illinois Holocaust Museum and Education Center

BY: Benjy Bloch

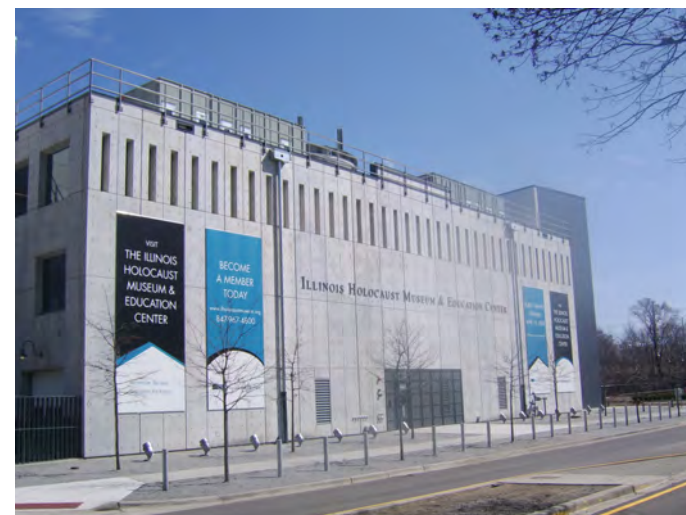
November 9th, 2009, which marked the 71st anniversary of Kristallnacht, gave us an opportunity to reflect on the legacy of the Holocaust. To aid us in our introspection, a new testimony to the resilience of the Jewish people recently opened its doors to the public. After years of planning, a 45-million dollar, state-of-the-art Holocaust museum in Skokie, Ill. was finally ready to begin educating future generations of American youth. The museum's mission is not just to provide visitors with historical facts; rather, it is to "Remember the Past, Transform the Future." Modeled after the famous United States Holocaust Memorial Museum in Washington D.C., the museum boasts an impressive array of hundreds of artifacts recovered from Europe and donated by Holocaust survivors, as well as three permanent exhibitions. The 65,000-square foot facility, which opened on April 19th 2009, hosts many student and adult tour groups throughout the year and is also an education center and an archive for survivor testimonies.ⁱ

Skokie is a sleepy suburb of Chicago where the biggest news typically concerns who is running for school board president. Why would Skokie be the first choice for this new educational facility? The truth is that Skokie is the ideal place

for a Holocaust museum. In the '70s, there were close to seven thousand Holocaust survivors living in Skokie, and these survivors contributed to the fight against unfounded hatred in a significant way. In 1977, a group of neo-Nazis, led by Frank Collin, applied for a permit to march through the streets of Skokie and demonstrate their political affiliation with the National Socialist Party of America. This galvanized a community of survivors, who until now had been silent about their past, to find a way to stop the march, and even more importantly, to create an institution that would educate the public about Nazi atrocities. The community's outcry led to three court cases pitting the survivors' outrage over this public display of hatred against the First Amendment that allowed the neo-Nazis free speech. Although the higher court decided that the neo-Nazis were allowed to demonstrate, the negativity caused by the court cases forced the

party to cancel its plans, relocating the march to a different area. The whole incident resulted in a positive development: the survivors established a small Holocaust museum in Skokie in 1980. Its exhibits have been incorporated into the new museum, and its founding made Skokie an early center of Holocaust education. The survivors also petitioned the government to step up its Holocaust education policies. In 1990, the State of Illinois became the first state to have mandatory Holocaust education in its public school curriculum. Current estimates believe there are about 2,000 Holocaust survivors still living in Skokie, many of whom have taken an active role in the founding of the new museum.

The museum's goal is not only to educate the American public about the atrocities the Jews endured during the Holocaust. On the museum's website, its "About the Museum" page declares a much more active aim: "This new world-class museum is dedicated to pre-



serving the memories of those lost in the Holocaust and teaching current generations about the need to fight hatred, indifference and genocide in today's world." There are important lessons that the Holocaust urges us to uncover, and if we fail to confront questions of morality and accountability we run the risk of allowing another genocide to occur. One of the ways the museum tries to accomplish its goal is through an innovative exhibit designed for young children. While the horrors of the Holocaust may not be appropriate for young minds, they can benefit greatly from the lessons of the Holocaust. The exhibit is designed to teach children to focus not just on their own challenges, but to also involve themselves in the plight of other unfortunate people in their communities. How many lives could have been saved if the Gentiles had stood up for their Jewish neighbors when the Nazis came to deport them? The mindset of, "I am just a

bystander, this is not my fight” is irresponsible, and the exhibit strives to inculcate a sense of communal responsibility amongst the younger visitors to the museum.

Another focus of the museum is to educate visitors about other worldwide genocides, as well as to stimulate activism on behalf of oppressed nations. An art gallery, called “Legacy of Absence,” contains paintings depicting more recent genocides in Darfur, Rwanda, and Bosnia, to name a few. The museum’s education center is especially trying to raise awareness now about the current situation in Darfur. Recently on temporary display was a powerful photojournalist exhibit, “Darfur: Photojournalists Respond,” which was organized by Holocaust Museum Houston and aimed “to encourage social change through photography and education.”

The architecture of the museum is symbolic. Painted half in white and half in black, the building testifies to the hope for the future that always materializes after the darkness ends. Visitors enter the black side, walk through the exhibit, and emerge from the white side, hopeful that humanity has learned its lesson and is ready to fight against evil. The exhibits are cramped and the hallways are narrow, representing the pressure and constriction that filled the years of the Holocaust. Visitors have the feeling that they are trapped in a

ghetto in Poland, sleeping six to a room and huddling together for warmth in the frigid Polish winter. The interior of the museum is arranged in an architectural style called “brutalism:” the walls are made of unfinished cement and the ceiling is a spider web of unfinished piping, reminding visitors of the complete destruction that the Nazis wreaked upon Europe.

The significance of this new institution is clear enough. Every Jew understands the impact the Holocaust has had on society in general, as well as on his or her personal life. Nearly every Ashkenazi Jew alive today has a grandmother who escaped Germany right before the war broke out, a neighbor who survived the terrors of Auschwitz, or a family member who died in the vast silence of a Polish forest while fighting the Nazis as a partisan. However, these daily human reminders are rapidly dwindling. Most survivors are at least in their eighties, and the next generation of Jewish children will not have the honor and privilege of hearing firsthand accounts of the horrors and miracles that characterize those six terrible years in Europe. On every organized tour at the museum, the group has the opportunity to hear from a survivor for thirty minutes. Many visitors have raved that this part of the tour impacted them the most. Pictures of the gas chambers and historical information

are important, but the passionate, painful, or joyous account of a survivor more meaningfully strikes a chord and resonates with the public. Soon, these opportunities will vanish, leaving a gaping hole in Holocaust education. Documentation of the events based on eyewitness accounts and the collection of testimonies has therefore become paramount. The museum serves as a repository for the stories of survivors, crucial to our goal of forcing the world to remember.

Almost all of the tour groups at the museum come from public high schools from all over Illinois. Some of the students in the group have never met a Jew, let alone know any of the rich history of the Jewish people that lived in Europe before they were destroyed by the Nazis. The museum serves as an important testimony to the culture and contributions of the Jews of pre-war Europe. We were not a pitiful and downtrodden nation, although Hitler briefly turned us into one. Our heritage is a vital part of who we are, and it is important that society views us as a vibrant community with a meaningful past. One docent at the museum told me that she makes sure to focus the beginning of her tour on the centers of learning and Jewish civil societies that existed before the war so that the tour groups grasp the magnitude of the loss of our culture. Six million is not just a number – it is an entire world.

We are mired in a culture that preaches and applauds a cool and detached attitude, one in which it is inappropriate to stand out and display passion for a cause. The Holocaust forces us to hold ourselves accountable for what goes on around us, and if events demand a response, we are obligated to rise above the tide of indifference and make an impact. Are we cognizant of this lesson that the Holocaust begs us to instill in ourselves and in society? If not, then maybe we should all pay a visit to the Illinois Holocaust Museum and Education Center.

Benjy Bloch is a sophomore at YC and is currently Undecided.

ⁱThe information in this article was taken from the museum’s website, <http://www.ilholocaustmuseum.org>, the Skokie Historical Society’s website, <http://www.skokiehistory.info/chrono/nazis.html>, and from personal conversations with my mother, Vivian Bloch, who is a docent at the museum.

The next issue, on “Jewish Denominations and Sects,” will discuss the development of and relationships between modern Jewish denominations, as well as the conflicts and arguments between different groups of Jews throughout Jewish history.

Potential subjects include:

Jews for Jesus (Messianic Judaism); Karaites, Samaritans, Essenes, Sadducees, and the Dead Sea Sect; *Aseret ha-Shevotim*; Relating to the Right/Left; Non-Denominationalism, Pluralism, and Peace and Inter-marriage Between Sects; Denominations in Israel vs. in the Diaspora; Reconstructionist, Jewish Renewal, Reform, Conservative, and Orthodox Jews; Israel’s Hillonim, Religious Zionists, and Haredim; Ashkenazim and Sefaradim; Hasidim and Mitnaggedim; and Chabad.

Submit articles, letters-to-the-editor, and advertisements to:

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