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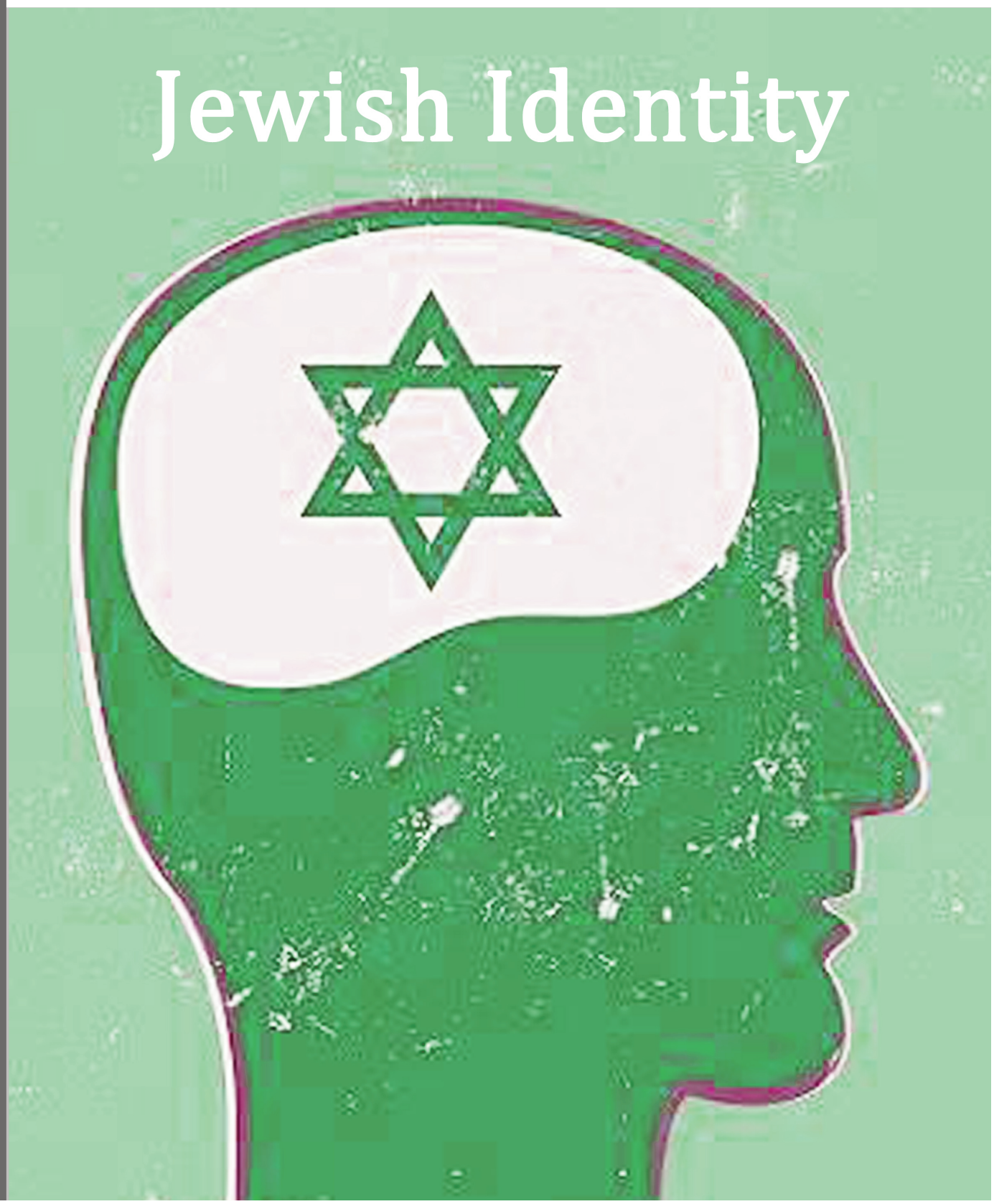
Kol Hamevaser

The Jewish Thought Magazine of the Yeshiva University Student Body



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Staff

About *Kol Hamevaser*

Kol Hamevaser, the Jewish thought magazine of the Yeshiva University student body, is dedicated to sparking discussion of Jewish issues on the Yeshiva University campus and beyond.The magazine hopes to facilitate the religious and intellectual growth of its readership and serves as a forum for students to express their views on a variety of issues that face the Jewish community. It also provides opportunities for young scholars to grow in their intellectual pursuits and mature into confident Jewish leaders. *Kol Hamevaser* is published on a monthly basis and its primary contributors are undergraduates, although it also includes input from RIETS Roshei Yeshivah, YU Professors, and outside scholars. In addition to its print magazine, it also sponsors special events, speakers, discussion groups, conferences, and shabbatonim. The magazine can be found online at www.kolhamevaser.com.

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

JEWISH IDENTITY

What Does Jewish Identity Mean to You?

BY: Shlomo Zuckier

The modern era, with its offer of personal autonomy, ushered in a wave of individualism and self-determination in the Western world. Instead of knowing which religion and/or king they were subject to, people could now ask themselves what religion they preferred to associate with and what type of government they favored. In the Jewish sense, this led to a shift from the centralized Jewish community to the multifarious Jewish denominations that today make up the religion's landscape. On a personal level, too, the modernization of the intellectual world allowed the Jew to choose his religious predilections, to define his Jewish identity. The topic of this issue of *Kol Hamevaser* has a particularly modern flavor to it, then, though its basic questions transcend time.

One question that has always faced man is the specific identifying question of "Who am I?" Answers can range (both within and without the Jewish context) from "a subject of the King" to "one organism in a pantheistic universe" to "one who simply does what (s)he is told." In more dichotomist terms, there are the celebrated questions of whether one is an American Jew or a Jewish American, where one's true fealty lies, or whether one primarily identifies as Israeli or Jewish, to use a different geographical context. The question of "Who am I as a Jew?" is explored in many articles in this issue. In one article, Yaelle Frohlich stresses how we define ourselves by the choices we make, such as whom we choose as marriage partners, as she discusses the topic of intermarriage and the appearance of Jewish identity in other legally proscribed contexts. The other side of that coin is the committed, Halakhah-observant Jew's response to such marginal figures, which is something Ariel Caplan grapples with in his article.

Of course, if we are talking about Jewish identity, a primary related issue that the phrase engenders is that of conversion. This has been a hot topic over the past couple of years, as different groups in America and Israel have debated the standards for conversions and the question of who should administer conversion programs, many leaving little room for compromise. We were fortunate enough to carry out interviews with R. Hershel Schachter of YU and the RCA and R. Yuval Cherlow of Petah Tikvah and Tzohar, each of whom is a significant player in the field of conversions and each of whom strongly holds halakhic (and conflicting) positions relevant to the issue. This edition of the paper also includes AJ Berkovitz's *peshat* analysis of the *ger* (lit., "stranger") in the Torah, as well as Dani Lent's analysis of the interesting case of those who convert out of Judaism and wish to return.

The topic of Jewish chosenness (the Jewish people's status as the *Am ha-Nivhar*) is centrally related to Jewish identity as well. What is so special about the Jews that causes us to be chosen by God? The main early opinions on this matter are those of Rambam, who focuses on Avraham's choosing of God which makes him deserving of God's choice in turn; R. Yehudah ha-Levi, who stresses the superiority of the Jewish race; and Maharal, who relates to the special metaphysical nature of the Jewish People. This author wrote an article dealing with R. Aharon Kotler and R. Joseph B. Soloveitchik's treatments of the issue and their focus on the continued commitment of the chosen party in order to maintain the special bond of chosenness.

Identity achieves continuity through education, and Jake Friedman deals with the question of how exactly to transmit ideas of Jewish identity to the next generation in his first piece. His other article deals with the murky field of interfaith discussions, where one's religious identity is simultaneously up for challenge and raised on a pedestal for all to see. In a similar vein of looking outward (and simultaneously over one's shoulder), Yitzhak Bronstein surveys the universalistic and particularistic strands of Judaism and how they view the Israeli enterprise. Last, but not least, Sarit Bendavid explores the construction of identity based on differentiation from surrounding cultures, exemplified by the ancient Israelites and their relation to the Philistines.

We hope these articles provide a window into new perspectives and encourage all readers to consider and rethink their own positions on these issues. In that connection, I would like to take this opportunity to invite all *Kol Hamevaser* readers, including those outside the immediate Yeshiva University community, to send in articles, either in response to this issue and its topic or apropos of the next issue's topic, Judaism and its Relationship to Nature. (Please send any submissions to kolhamevaser@gmail.com.) Also, feel free to respond to these issues either on our Facebook page or on our blog-style website, www.kolhamevaser.com. We look forward to reading your contributions.

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"Anu Mattirin Lehitpallel im ha-Avaryanim": A Tale of Blessing Blasphemers, Praying Predators, Devout Desecrators, and the Internal Israelite

BY: Ariel Caplan

This piece is dedicated to Mr. Joseph Cooperman, a"h,[i] *who taught me that the Jew who drives to* shul *on Shabbat is still a Jew.*

If you are an Orthodox Jew hailing from Teaneck, Woodmere, or Monsey, it probably shocked you when, as a young boy or girl, you first learned that other sorts of Jews exist: Jews who drive and watch television on Shabbat, who wear funny little strips of cloth as *tallitot*, who end their limited Jewish education at age thirteen (regardless of gender), who date and marry non-Jews, even Jews who – frequently enough – do not seem outwardly to be very Jewish at all. It was probably an even greater shock to realize that these individuals make up the majority of the American Jewish community. Perhaps you were inclined to seek ways to welcome or interact with them; perhaps you reacted with confusion, undeserved disgust, and a desire to distance them as much as possible.

Growing up Orthodox in Highland Park, New Jersey, a town with a reasonably-sized Conservative community, I somehow managed to never notice these not-quite-the-same-as-me people among the hordes of Orthodox Jews, ranging from left-wing Modern Orthodox to Agudah-affiliated, who filled the streets every Shabbat afternoon. However, my sociological education was boosted every year during the Yamim Nora'im (High Holy Days), when I would accompany my father on his annual pilgrimage to Eatontown, New Jersey, where he was hired by the Beech Street Minyan to serve as its *hazzan* (cantor).

The Beech Street Minyan, of which my grandparents were members, met, as you might expect, on Beech Street, specifically in the Oakhurst Yeshiva's high school building. It consisted of the final holdouts of the Red Bank Jewish community, and most of the participants were in their sixties, seventies, or even older. The accent of the local populace most closely paralleled the pronunciation of Kaddish featured in the back of the Hebrew-English ArtScroll *siddur* ("*Yis'bawrach*, *v'yishtabach*, *v'yispaw'ar*…"), and communal singing was a cacophonous mess of dried-up voices (excepting one year when a guest managed to sing every note correctly – in the wrong key). The cast of characters was predictable, entertaining, and much beloved by me. Pete Fox, the white-bearded *gabbai* (beadle), orchestrated the *tefillah* with expertise and experience, my grandfather often backing him as *gabbai sheni* (secondary beadle). President Richard Shenkman seemed to chant the weekly announcements like one of the *hazzanim*, perhaps because years of practice had allowed him to master the routine to the syllable, and possibly because he had nothing better to do, considering that the dying *shul* had nothing in the way of coordinated activities. One hunched-over man used to painfully trek to the *minyan* each week, his sluggish pace ensuring that the trip took about an hour. Another fellow, seemingly somewhere in his forties, would arrive by car close to *Musaf* in a wetsuit, ready to infuse his day with spirituality after having spent the morning surfing at the beach. The weakened and elderly Rabbi Ganzfried, always *ba'al keri'ah* (Torah reader), seemed a shell of his former self; having spent decades in Jewish education, including many years as an administrator of the now-nonexistent Akiva School, he now could just barely manage to walk and talk. Two

shul members were Kohanim, until one of them passed away; the remaining Kohen was a tall man who had become more religious over the course of decades, while his predecessor was short and shriveled and had resorted to riding in a fellow member's car to attend his coveted Sabbath services. The man who gave him a ride was perhaps the most interesting of all: Coop.

Joe "Coop" Cooperman was well worth his grand entrance. Somewhere in the middle of *birkhot keri'at Shema* (the blessings on the Shema), the sound of tires struggling on gravel would resound in the *shul*, and through the left window one could see a black car whirling around and pulling into one of many vacant spots. Out of the car would emerge a tall figure, still strong in his old age, who swiftly threw on a black satin *kippah* over his bald head. With a delighted grin, he would don a *tallit* and enter the *shul* to join the services. Still possessing impressive muscle mass for someone in his seventies, Coop was the favorite for *hagbahah* (lifting the Torah), although he had to take care to avoid hitting the ceiling with the Torah's handles. Despite the fact that he might be halakhically classified as a *mehallel Shabbat be-rabbim* (public Sabbath desecrator), Coop was through-and-through Jewishly identified and could speak and joke about Jewish topics as well as anyone else. He always had something to say, and whatever it was would invariably be followed by a jolly guffaw. As with most of the locals, I knew (and still know) very little about his history or accomplishments, but it was clear that he represented something at once frustrating and spectacular: the Jew who is not grounded in Orthodox belief and observance, but is still exceedingly passionate about his heritage, his people, and his own assortment of religious practices.

Living in an Orthodox bubble, many (usually young) people have never had to consider the question of how one is to relate to such Jews. Many factors complicate the calculation: imperatives of *ve-ahavta le-re'akha kamokha* (loving one's neighbor as oneself)[ii] and *ahavat Hashem* (loving God),[iii] concern about bilateral influence, uncompromising maintenance of theological standards, the ideal of *ahdut* (unity), and a host of other considerations influence the individual and communal decisions about what understanding or interaction is appropriate, and various groups have reached different conclusions.

"[I]t was clear that he represented something at once frustrating and spectacular: the Jew who is not grounded in Orthodox belief and observance, but is still exceedingly passionate about his heritage, his people, and his own assortment of religious practices."

Whatever line is drawn (or not drawn), however, should not influence another issue, which actually extends far beyond the Coops of the world, even to individuals who would be labeled, for valid reasons, as abhorrent and undesirable Jews, Jews who might be seen as *mehallelei shem Shamayim be-rabbim* (public desecrators of the name of Heaven). The question is: how do we define the Jewish nation? Can we really identify ourselves with people who blaspheme God in public, who assist those scheming to wipe out our Israeli brethren, who openly support violation of all manner of sexual prohibitions, some of which we are supposed to give up our lives for rather than commit? When someone cheats the government, individuals, or charity organizations out of hundreds, or thousands, or millions of dollars, can we still embrace him? How are we to relate to a Jew who participates in a drug ring or commits murder?

Sanhedrin 44a quotes a seemingly aggadic statement of Rabbi Abba bar Zavda, explaining the verse which states that "Israel sinned."[iv] Rabbi Abba adds, "Although [one] has sinned, he is still *Yisrael*" (an Israelite). Rashi explains how this is derived from the verse: "Since it does not state that 'the nation sinned,' [apparently] their name of sanctity is [still] upon them."[v] This statement is quoted in a halakhic context in works of Rishonim,[vi] the *Tur*[vii] and *Beit Yosef*,[viii] commentaries on *Shulhan Arukh*,[ix] and countless early and late *teshuvot*.[x] Hence, it seems that we take very seriously the notion that a Jew, although he or she has strayed, halakhically remains one of ours. Interestingly, this Gemara in *Sanhedrin* continues to enumerate sins committed by one such sinner, Akhan, the individual mentioned early in *Sefer Yehoshua* (chapters 6-7) who violated the ban on the spoils of Yeriho. The Gemara clearly implies that Akhan, although he sinned severely, was still considered "*Yisrael*." This is true in spite of three ensuing comments of Amoraim, which establish that Akhan lived with a betrothed maiden (perhaps among the worst of sexual crimes, judging by its punishment[xi]), surgically undid his circumcision (thereby rejecting his Jewish identity), and "violated the five books of the Torah." Whether or not these claims work as good *peshat* (straight reading of the text), the message they send is clear and significant: one can reject the fundamental tenets of faith, violate the worst of crimes, and still be considered a Jew.

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Certainly, this path is not recommended, and it did not end well for Akhan, who was condemned to death and stoned.[xii] However, our practical reaction notwithstanding, there is a hashkafic (theological) point to be deduced: the Jewish nation does not consist merely of those who follow the rules. Much to our chagrin, there are many marginal figures we might see as outside our faith community. However, as the Gemara makes clear, they are still Jews.

At no time does this point have more practical relevance than on Yom ha-Kippurim, when we preface the Kol Nidrei declaration with a few lines of tremendous legal significance. Before a word about oaths and vows has been uttered, the *hazzan* publicly affirms the right of any Jew, with whatever history, to participate in the Yom Kippur service: "*anu mattirin lehitpallel im ha-avaryanim* – we give permission to pray with the sinners." With a few words, the *hazzan* allows even those who have been excommunicated to pray with the congregation.[xiii]

Imagine, for a moment, a synagogue full of the entire world population of Jewry, every single Jew in one place, gathering for prayers on the holiest of days. The *hazzan* has barely finished reciting the legal formula, and in march the throng of those who have (or should have) been denied entry up to this point. The parade includes adulterers and thieves, murderers and extortionists. There are abusive parents, spouses, teachers, and community leaders. There are people who have unfairly defamed or shamed others, or who have condemned the halakhic system and its adherents in public and influential ways. All these and more enter and circulate, swelling the ranks with their guilty presence.

"We cannot limit Jewish identity to those who practice what is good and just, and certainly we cannot limit it to our ideological partners. Our opponents, both those who practice what they preach and those who do not, are still *Yisrael*."

Obviously, the scene seems rather unpleasant, to say the least. Yet it is exactly this that we welcome, whether in theory or in practice, on the Day of Atonement. On one day of the year, at least, we include the sinners in our congregation, offering them a chance to remember, to return, to reconnect with sources of sanctity and engage in *teshuvah* (repentance). This is the message for them. But what of us? How are we to react? Presumably, there is a message for the rest of the congregation as well, and it is that which was earlier cited from *Sanhedrin*: "Although [one] has sinned, he is still *Yisrael*." We cannot limit Jewish identity to those who practice what is good and just, and certainly we cannot limit it to our ideological partners. Our opponents, both those who practice what they preach and those who do not, are still *Yisrael*.

Indeed, we ignore the rankest portions of our people at our own peril. *Keretot* 6b records an Amoraic statement that "any pub-

lic fast which does not include rebellious sinners of Israel is not considered a [valid] fast. [The proof is that] *helbenah* (galbanum) exudes a foul scent, yet the verse mentions it with the incense spices."[xiv] The *Tur* (*Orah Hayyim* 619) cites this passage as the reason why we must include even the excommunicated in our Yom Kippur prayers. The *Perishah* explains that there is a great *Kiddush ha-Shem* (sanctification of God's Name) involved in the repentance of sinners, and adds that if sinners do not repent, even the righteous are held responsible for the sinners' actions.[xv,xvi] However, we might offer a different explanation, based on several Talmudic passages regarding these "rebellious sinners of Israel." *Eruvin* 19a described these people as being as "full of mitsvot as a pomegranate"[xvii] is full of seeds, with the result that the fires of *Gehinnom* (a hellish purgatory) do not affect them.[xviii] A more striking defense of these sinners is recorded in *Gittin* 57a:

> [Onkelos the convert] raised up Bil'am through magic, and asked him, "Who is important in the World to Come?" He replied, "Israel." [Onkelos queried further,] "Should I attach myself to them?" [Bil'am] answered, "Do not seek their peace or their benefit forever."…
>
> [Onkelos] went and raised up the rebellious sinners of Israel through magic. He asked them, "Who is important in the World to Come?" They responded, "Israel." [Onkelos questioned further,] "Should I attach myself to them?" They replied, "Seek their benefit, and do not seek their harm…"
>
> Come and see the difference between the rebellious sinners of Israel and the prophets of the nations of the world!

The message of this passage, in light of its final line, seems to be that the sinners are not simply called "*Yisrael*;" they maintain an inner quality of goodness and Jewish identity despite their actions. The element of *Yisrael*, it seems, instills within the Jew an inescapable conviction that Torah is true, that service of God is a desirable path,[xix] and that the Jews are God's chosen nation. The potential for greatness, for inspiration and rededication, for complete *teshuvah*, exists and is available no matter how far a Jew has fallen. And this may be the point of publicly including sinners on Yom Kippur, whether or not excommunicated sinners are actually present. In fact, we have all strayed; the question is one of degree, rather than a binary yes or no. If the rebellious sinners can return, certainly those who have not gone as far have this ability.

Yet there is another point, and it is here that we have much to learn from Coop. Even those who do not practice Judaism as dictated by Halakhah possess a Jewish identity. Whether one's Shabbat morning ritual includes walking to *shul*, driving to *shul*, or robbing a bank, there is a sense of Jewish identity which, the Gemara in *Gittin* teaches us, exists somewhere within. As its own entity, however, it is most perceptible in the middle category of Jews, who possess a very real love for Judaism and the Jewish People even while acting in a manner unbounded by Halakhah. When I consider this category, I am personally comforted by the sense that it is not just any group of *avaryanim* (sinners) with whom our voices join in prayer and penance on Yom Kippur; it is our *avaryanim*, those who identify with us, who possess a powerful desire to serve God and identify with His people,[xx] even if it might be buried under miles of earth in some extreme instances. In Coop's case, of course, no digging was required.[xxi]

The tenth of Tishri, 5770 was Mr. Joseph Cooperman's final Yom Kippur. This year, although I will be surrounded by *bahurei yeshivah* and Rashei Yeshivah rather than a more representative sample of *Kelal Yisrael*, I will undoubtedly mentally drift back to the days of the Beech Street Minyan, its assortment of characters, and the lessons of passionate Jews who generally lacked the education I was privileged to receive. Despite what I may do or say the rest of the year, on this day, Jewish identity, and *ahdut* with everyone, no matter what, will be the theme *du jour*. And from that perspective, Coop is one of my favorite Jews. *Yehi zikhro barukh*.

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[i] All names and places in this article have been modified.

[ii] *Vayikra* 19:18.

[iii] See *Sefer ha-Mitsvot le-ha-Rambam*, *Aseh* 3.

[iv] *Yehoshua* 7:11. Translation is the author's, as are those of the Gemara and Rashi's comment.

[v] Rashi ad loc., s.v. "*Hata*."

[vi] See, for example, *Hiddushei ha-Ramban* to *Bava Metsi'a* 71b; *Hiddushei ha-Rashba* to *Yevamot* 22a, s.v. "*Matnitin*;" *Rosh*, *Bava Metsi'a* 5:52; *Hiddushei ha-Ritva* to *Sanhedrin* 22a, s.v. "*Ve-Ahiv*;" and *Or Zarua*, *Helek Gimmel*, *Piskei Bava Batra*, *siman* 103.

[vii] *Yoreh De'ah* 159 and *Hoshen Mishpat* 283.

[viii] In several locations; for example, *Orah Hayyim* 55:11.

[ix] See *Taz*, *Orah Hayyim* 448:4; *Pithei Teshuvah*, *Yoreh De'ah* 112:1; and *Mishnah Berurah* 55:47.

[x] The Bar-Ilan database, version 14, yields several hundred results within the category of *teshuvot*.

[xi] See *Devarim* 22:23-24, which establishes the penalty for this crime as stoning, which, according to the opinion of the Hakhamim of the Mishnah on *Sanhedrin* 79b, is the most severe form of Jewish death penalty. Regarding the question of inferring the severity of a sin from its punishment, see the *baraita* of Rabbi Matya ben Harash on *Yoma* 86a, which supports the notion, as well as *Avot* 2:1, which seems to challenge it.

[xii] *Yehoshua* 7:24-25.

[xiii] See *Shulhan Arukh*, *Orah Hayyim* 619:1 with commentary of *Mishnah Berurah*.

[xiv] Translation is the author's.

[xv] *Orah Hayyim* 619:1, partially cited in *Sha'ar ha-Tsiyyun* 619:4.

[xvi] Obviously, the issue of *arevut* and divine justice is beyond the scope of this article.

[xvii] Translation is the author's.

[xviii] See, however, *Rosh ha-Shanah* 17a, which seems to contradict this statement, as does the next source cited in the skipped portion.

[xix] Regarding this point, see *Mishneh Torah*, *Hilkhot Gerushin* 2:20, which assumes that all Jews desire to perform mitsvot and avoid *averot*, as well as *Haggahot Maimoniyyot* ad loc., which applies this principle even to a *mumar* (Jew who has abandoned his faith). *Beit Yosef*, *Even ha-Ezer* 134 cites sources that support or reject the *Haggahot Maimoniyyot*'s contention, and Rema's gloss to *Even ha-Ezer* 154:1 assumes that the *Haggahot Maimoniyyot* is correct.

[xx] See Maharsha's *Hiddushei Aggadot* to *Keretot* 6b, in which he says that the inclusion of sinners in a fast presumes that they actually accede to join the prayer service, as if they do, they are not in the category of *poresh min hatsibbur* (those who separate from the community). It seems that the redeeming quality here is their identification with the Jewish People. While Maharsha limits the inclusion to those who actually join, we might infer, based on the passages of Gemara quoted, that even those who do not join the fast still possess this redemptive sense of identity, as was suggested in the text.

[xxi] I do not mean to characterize Coop as an *avaryan*; in today's societal climate, it is generally accepted that *herem* would be inappropriate for the average non-Orthodox Jew. The point is that Coop's sense of Jewish identity was a revealed form which indicates the presence of this same sense of identity within those who seem beyond all sense of Jewish tradition and values.

Zionism: A Model for the Integration of Jewish Particularism and Universalism

BY: Yitzhak Bronstein

What does it mean to be Jewish, part of the Jewish nation? What is the *raison d'être* of our existence? What is the mission of the Jewish People? The goal in raising these questions is not merely to philosophize about them abstractly, but to practically address the question of how a Jew should best contribute to the world. More importantly, the implications of these questions are not merely for the individual but for the Jewish nation as a whole. How should the Jewish People, or, in our day, the Jewish state, use its resources?

The approach of the Jewish particularist is to be content with limiting one's influence to the Jewish world; to delve into matters outside of the Jewish community is not worthy of one's time or efforts. The particularist will draw on verses and concepts in Tanakh that distinguish the Jewish people from the other nations. For example, a repeated theme in Deuteronomy that perhaps is most explicit in the following *pasuk* is that of the chosenness of the Jewish people: "For you are a holy people to Hashem, your God; Hashem, your God has chosen you to be for Him a treasured people above all the peoples that are on the face of the earth."[i] The particularist argues that contributing to the continuity of the Jewish People is the ultimate priority of the Jew.

For the Jewish universalist, this approach is far too narrow, and it is guilty of ignoring the universalistic elements of Tanakh. The God of the Jews, for this approach, is also the God of humanity and He is concerned with the well-being of all people. An integral part of the mission of the Jewish People is to serve as a "light unto the nations" and some *pesukim* suggest that this is perhaps the *sole* purpose of its covenant with God.[ii] The universalistic ideal is further illustrated with the eschatological visions of Tanakh that describe the unity of all humanity – "My house shall be called a house of prayer for all peoples."[iii] A Jewish People that is not actively contributing to the world at large is not fulfilling its mission.

Throughout Jewish history, one can see a shifting balance between these two models, and, with the rise of Zionism in the late 19th century, this question once again returned to the forefront. There was substantial divide among Jewish thinkers as to the relationship (if any) between a potential Jewish state and the mission of Jewish People.

Opposition to Zionism existed on both universalistic and particularistic fronts. In 1842 Frankfurt, the budding Reform movement saw the particularistic notions of a Jewish state as an affront to their universalistic ideals, causing them to write the following about a Jewish return to Israel: "[It] is neither expected nor desired by us; we know no fatherland except to that which we belong by birth or citizenship."[iv] Even among leading Orthodox thinkers of the same time period, one can find strikingly similar language. R. Samson Raphael Hirsch wrote that the mission of the Jew is to spread "pure humanity" among the nations, and he even viewed the conditions of Jewish exile as being beneficial to Judaism in this respect. This led him to oppose the Zionist activities of R. Tsevi Hirsch Kalischer and others, which he felt were not in congruence with his universalistic messages.[v] Others opposed Zionism on more particularistic grounds, stating that forming a Jewish state was essentially a substitute for authentic *Yahadut* (Judaism) and would simply constitute assimilation on a national level.

Even some of the strongest proponents of Zionism did not view the existence of a Jewish state as possessing inherent value to the Jewish People in their particularistic or universalistic mission. Theodor Herzl, the founder and leader of the political Zionist movement, saw a Jewish state solely as a means of solving the problem of European anti-Semitism. In *The Jewish State*, it is quite apparent that, although Herzl was interested in saving the Jews, he was not concerned with the fate of Judaism itself, and even listed the ability of Diaspora Jewry to more easily assimilate as one of the potential benefits of a Jewish state.[vi] Similarly, R. Isaac Jacob Reines, the founder of the Mizrachi Religious Zionist movement, viewed the state in purely pragmatic terms.[vii] Furthermore, much of the Religious Zionist movement viewed the Zionist movement only as a step in the right direction of the fulfillment of messianic prophecies and eschatological visions of the Torah, but not as an institution inherently valuable to Judaism in its own right. In the aftermath of the Holocaust, R. Joseph B. Soloveitchik referred to the nascent Jewish state as a divine "knock on the door" and proclaimed that "the era of divine self-concealment is over." However, while describing the value of the state of Israel at length, R. Soloveitchik makes no mention of a Jewish nation-state possessing intrinsic worth to Judaism or its mission.[viii]

One of the first people in the modern Zionist movement to recognize the Jewish state as inherently valuable to Judaism itself was Ahad Ha-am, the founder of Cultural Zionism. Ahad Ha-am saw the Zionist movement and the creation of a spiritual center in Israel as essential to the revival of an authentic Jewish culture. He wrote of his envisioned Jewish state: "… If you wish to see the genuine type of Jew, whether it be a Rabbi, or a scholar or a writer, a farmer or an artist or a businessman, then go to Palestine and you will see it."[ix] Centuries earlier, Jean-Jacques Rousseau wrote along similar lines that an autonomous Jewish state was required in order to cultivate authentic Jewish ideas: "I shall never believe I have heard the arguments of the Jews until they have a free state. Only then will we know what they have to say."[x]

R. Eliezer Berkovits was unique among Orthodox thinkers of the 20th century in arguing for a Jewish state based not on pragmatism or messianism but on a conception of Judaism itself. He viewed Judaism as a human attempt to relate life in its entirety to God and His moral code, and the creation of a Jewish state was essential for the Jewish People to fulfill its historic mission of educating the world about such values. For Berkovits, nothing had been more detrimental to the Jewish People than living in exile and having been forced to live under conditions without sovereignty, thereby distorting the implementation of Judaism's ideals in the world. It was absolutely impossible for the Jewish People to fulfill its designated role of being an *am kadosh* (holy nation) without life in its own sovereign, autonomous state. Berkovits writes that a Jewish state "is the *sine qua non* for the regeneration of Jewish religion and culture. Without it, further development of Judaism is impossible; without it Judaism can hardly be saved in the present circumstances."[xi] Berkovits writes further in *God, Man and History*: "A people in control of its own life, capable of implementing Judaism by applying it to the whole of life, is a people in its own land. Judaism, as a religion of the deed, requires a people in its land."[xii] He passionately rejects the notion that a Jewish state, although particularistic in nature, would create conflict with, or impede, the implementation of Judaism's universal ideals. In fact, Berkovits claims that, when properly understood, they logically flow from one into the other. The *am kadosh* that the particularist seeks is a not a end unto itself but a means towards an end, namely a universal goal.

Over the course of Jewish history, certain Jewish communities have placed their emphasis on particularistic concerns while others have stressed the universalistic values of Judaism, but there is always a balance to be found. A simple reading of Tanakh reveals both particularistic and universalistic elements, and the most sensible conclusion one can draw is that a Jew has a dual set of obligations. At present, it would appear that the purest forms of Jewish particularism and universalism involve ensuring the growth and development of the state of Israel as a Jewish state. This claim is founded on the recognition of what the State of Israel has accomplished for the Jewish People over the last century, and of what the Jewish people have been able to contribute to humanity as a whole through the means of the Jewish state.

For particularists who are interested in creating and strengthening a strong Jewish community, there is no opportunity such as that which exists in the modern State of Israel. We once again can determine what it means to live as Jews and can unabashedly connect our rich Jewish tradition with current Israeli policy – what a prospect! We have been faced with the task of defining what it means to have a Jewish economy, a Jewish judicial system, a Jewish educational system, a Jewish press, a Jewish government, a Jewish army, a Jewish police, a Jewish immigration policy, a Jewish prison system, a Jewish tax code, etc. Could there be any higher priority for the Jewish People than to immerse itself in its sources and tradition and bring about the realization of an authentically Jewish society?

For universalists, the Jewish state has provided an opportunity that did not exist in exile. We have once again returned to the pages of history as a people. What better way to express our values and ideals that we believe are worthy of the adherence of the entire world than to have a functioning society built around those values? As a country, Israel has to deal with issues and problems with which all other countries must involve themselves, but which the Jewish People had avoided for millennia. For a nation whose goal it is to spread light over the four corners of the world, the ability to once again confront these issues can only be viewed as a tremendous improvement over life in exile. Rousseau was correct 250 years ago when he stated that an autonomous Jewish state was necessary to hear the true arguments and views of the Jews. Now that we have a state, and, moreover, a state that is under the magnifying glass of the worldwide media, how will we use this unprecedented opportunity in world history to portray what it means to be an *am kadosh*?

Contributing to the State of Israel is no simple task and can easily be met with pessimism and despair. How should we respond to the skeptic inside of ourselves who is doubtful of our ability to make a significant impact to the Jewish People and the State of Israel, or to the naysayer who claims that the utopian Jewish state will not come to be? Are

the personal sacrifices one must endure to make *aliyyah* or any similar commitment justified? To answer these questions, we can only turn to the timeless words of R. Tarfon: "It is not upon you to complete the task, but neither are you free to desist from it.[xiii]"

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[i] Deuteronomy 7:6.

[ii] Isaiah 42:6.

[iii] Isaiah 56:7.

[iv] W. Gunther Plaut, *The Rise of Reform Judaism* (New York: World Union for Progressive Judaism, 1963), p. 50.

[v] Samson Raphael Hirsch, *Nineteen Letters*, transl. by B. Drachman (New York: Feldheim, 1942), Letter 16.

[vi] Theodor Herzl, *The Jewish State*, transl. by Jacob M. Alkow (New York: Dover, 1988), p. 80.

[vii] Issac Jacob Reines, *Gates of Lights and Happiness* (Vilna, 1899; Hebrew), pp. 12-13. In contrast to Herzl, Reines viewed the Jewish state as a means of preserving Judaism and fighting worldwide assimilation.

[viii] Joseph B. Soloveitchik, *Fate and Destiny: From the Holocaust to the State of Israel* (Hoboken, N.J.: Ktav, 2000), chapter entitled "Six Knocks."

[ix] Ahad Ha-am, *Ten Essays on Judaism and Zionism*, transl. by Leon Simon (New York: Arno Press, 1973), p. 155.

[x] Jean-Jacques Rousseau, *Emile: Or, On Education*, transl. by Allan Bloom (New York: Basic Books, 1979), p. 304.

[xi] Eliezer Berkovits, *Towards Historic Judaism* (Oxford: East and West Library, 1943), p. 37.

[xii] Eliezer Berkovits, *God, Man and History* (Jerusalem: Shalem Press, 2004), pp. 139-140.

[xiii] *Avot* 2:16.

An Interview with Rabbi Hershel Schachter

BY: Jonathan Ziring

You are on the Rabbinical Council of America's board on gerut (conversion)*. Can you briefly describe what the RCA's policies are? Under what circumstances was the RCA's policy on* gerut *formulated? Did they relate to circumstances in Israel?*

I was not involved in the formulation of the policy, which was done by the Gerus Policies and Standards committee (GPS).[i] I was brought in as a compromise between different groups on the committee. They would have preferred a pulpit rabbi. I'm not generally involved in *gerus*. Once or twice a year, there's a girl from Stern or a boy from Yeshiva who realizes he or she isn't halachically Jewish so I go along and help them be *megayyer* (convert), but generally I'm not involved in *gerus*. Normally, the people involved in *gerus* are the *rabbanim* in the communities, not the *rebbes* in the yeshivah. But I agreed to join the committee when asked, and that's why I'm involved. So now I do more than two a year.

I'm not familiar with any of the policies in Erets Yisrael. What are the standards here for the RCA? One of the policies that they always bring up is that you can't convert a non-Jew if there is a deadline that he made up: for example, if he's getting married on a certain date and has to have been converted by that date. We can't feel rushed. I think this policy makes very good sense. Making a deadline is absolutely not right, because if you're working with a deadline, then you're rushing the process.

I'd like to say something about how the overall structure of conversion should work in Israel. They should have a centralized *beis din* in every location to take care of the *gerim*. I feel this is a good idea. Some *rabbanim* are opposed; they think the old system is better, though I can't imagine why that would be the case. Some rabbis have been attacking the *beis din* in public from the pulpit. They say, "In Erets Yisrael it's a disaster and in Britain it's a disaster." If it's a disaster, it's probably because the *rabbanim* are inefficient, are not doing their homework, and the whole process takes forever, which is not right. But centralization should make the system better, not worse. I don't see how the two issues are connected with each other.

What is the RCA's policy on necessitating kabbalat ha-mitsvot *(the acceptance of the commandments) on the part of the potential convert? How specific must the* beit din *be in their clarification of these matters? How do you understand the opinion of Rambam (*Issurei Bi'ah*, chapter 14) on this issue?*

The Rambam quotes the Gemara that *modi'in lo miktsas mitsvos kallos u-miktsas mitsvos chamuros* (we inform him of some

light and some more severe mitsvos).[ii] R. Marc Angel printed an essay about 30 years ago in *Tradition* where he writes that the Rambam's opinion is that *kabbalas ol mitsvos* (accepting the yoke of mitsvos) isn't *me'akkev*.[iii] One of the *rebbes* in yeshivah showed it to R. Soloveitchik and he got furious. He said, "It's ridiculous. Of course *kabbalas ol mitsvos* is

"[W]hen the Rambam says that the *kabbalas ol mitsvos* is not *me'akkev,* that's talking about the dramatic *kabbalas ol mitsvos* – when the *ger* is in the water up to his neck moments before he is about to convert. The drama is not *me'akkev*. But if a person is not *mekabbel ol mitsvos*, of course it's *me'akkev*."

me'akkev." R. Moshe Feinstein quoted in the name of his father and R. Chayyim Ozer quoted in the name of all the classical *posekim* that when the Rambam says that the *kabbalas ol mitsvos* is not *me'akkev,* that's talking about the dramatic *kabbalas ol mitsvos* – when the *ger* is in the water up to his neck moments before he is about to convert. The drama is not *me'akkev*,but if a person is not *mekabbel ol mitsvos*, of course it's *me'akkev*. The person isn't Jewish.

What do you believe about the opinion of R. Nachum Eisenstein, quoted in R. Elyashiv's name, that any dayyan *(judge) who believes the world is more than 5771 years old is a* dayyan pasul *(disqualified judge) and that his conversions are invalid?*

It's an extreme position, and in this case, he had to retract it the next day. It is not a position I would take seriously.

What is your opinion about R. Sherman's pesak*, which characterized R. Druckman as a* kofer *(heretic) for following a* shittat mi'ut *(minority opinion) that minimizes the requirements of* kabbalat ol mitsvot *and therefore cancelled all of his conversions?*

He didn't say he's a *kofer*. He said that there is a Mishnah that says, "*He-Chashud al davar, lo danno ve-lo me'iddo*"[iv] – if someone is not observant in a certain area, he's *pasul le-edus* (disqualified for testimony) in that area and can't be a *dayyan* (judge) in that area. He said that we know that R. Druckman is *mekabbel gerim* even though they're not up to par. Therefore, even if he carries out a *gerus* that is up to par, it's a *din* in the Mishnah that *he-chashud al davar* – he's not *kasher* to serve as a *dayyan* on the case.

Do you agree with R. Sherman's application of that halakhah vis-à-vis R. Druckman?

I happen to be very friendly with R. Druckman, but I don't understand why he got involved in *gerus*. I understand the government appointed him, but why did he accept? It's not his field. It's like them asking me to be in charge of spaceships; it's not my field! He's not in the area of *pesak Halakhah*. He's a wonderful rabbi but he's not really involved in the area of *pesak Halakhah*. I think it's *take a shande* (actually outrageous) if it's true that he was *mekabbel gerim* without *kabbalas ol mitsvos*. That's scandalous. R. [Joseph B.] Soloveitchik, R. Moshe Feinstein, and R. Chayyim Ozer all read the Rambam the same way.

Is there more room for pushing to convert people who have a Jewish father, despite the fact that this does not count for Jewish identity in the formal and halakhic sense?

R. Marc Angel quotes something like that in the name of R. Uzziel, but I personally find it very difficult. I find that R. Uzziel's *teshuvos* differ significantly from standard classical *teshuvos,* and many of the things he says I don't understand.

*What is your opinion about the retroactive cancellation of conversion (*bittul gerut*), such as was done in Israel after a woman practiced as a Jew for 15 years? Is retroactive cancellation of conversions halakhically problematic?*

What do you mean "*mevattel*" (cancel)? You can't be *mevattel gerus*. They just said that the *beis din* was *pasul* – we do that all the time. If a Conservative *beis din* did the conversion, we are "*mevattel*" it. Why were they *mevattel* her *gerus*? They just investigated all of R.

Druckman's conversions because of this case and then they were *mevattel* them. We know this R. Sherman [who was responsible for canceling the conversion in the case above]. He was here in Yeshiva for, I think, 2 or 3 months. He was giving shi'urim in the Kollel a little bit. He is a brother-in-law of R. Kook from Rehovot and he's very sweet. This is not him. This doesn't fit with his personality. Someone else must have wound him up and written that *teshuvah*; it's a very poorly written essay and so repetitive – it must be 25 pages long! Terrible, terrible. That's the way they always write things there? Someone else wrote that, he didn't write that. *Shechinah medabberes mitoch gerono* (lit. the Heavenly presence is speaking through his mouth). It's clear he didn't write that.

> "*[G]erus* is a halachic concept, so what are you introducing *gerus* in a legal principle? *Gerus* is a halachah – if what is happening in *battei din* today doesn't correspond to Halachah, then there's no such concept of *gerus*, period."

What do you believe Israel's Law of Return should be based on? Should it be based on halakhic Jewishness, having some degree of Jewish blood, feeling connected o the Jewish nation or some combination of these options?

There is only one conception of Jewishness. Erets Yisrael doesn't belong to the non-Jews. Erets Yisrael belongs to the Jewish people and the Jewish people are those who are Jewish. R. Soloveitchik said *gerus* is a halachic concept and there is no reason to introduce a halachic principle like this into the law.? *Gerus* is a halachah – if what is happening in *battei din* today doesn't correspond to Halachah, then there's no such concept of *gerus*, period.

To what extent is it important to have a uniform notion of conversion standards, and to what extent is there room for varying standards, if at all? In terms of process, motivation, etc.?

We should try to have everything be uniform. Really, all the *eruvin* (enclosures around communities permitting carrying on Shabbat) should be uniform also. Let's say a family lives in one community with an *eruv* and then they go for a *sheva berachos* or a bar mitzvah to another community with its own *eruv,* the two *eruvin* are probably not the same and maybe their rabbi wouldn't approve of the *eruv* over in the other community. So it's not really right – there should be standards for *eruvin*. Years ago, the president of the RCA said they should have funeral standards. Why shouldn't you have *eruvin* standards? *Eruvin* standards are more important than funeral standards. Most of the ceremonies that take place at funerals are just *minhagim* (customs). The presidents of the RCA, one after the other, said they didn't want an *eruvin* committee because the Rav was opposed to *eruvin*. What does it help that the Rav was opposed to *eruvin*? Every other city has an *eruv*, so you should have standards for that! But they still don't have *eruv* standards and that's not right.

Similarly, in our case of conversion, let's say a boy falls in love with a girl and she's converted by a local rabbi – his rabbi might not accept that conversion. So there should really be standards for these weighty halachic issues.

For many years, there were many *rabbanim* who would be *megayyer* women and the *beis din* would stand outside the *mikveh*, *mi-ta'am tseni'us* (for reasons of modesty). So many *tsaddikim* did that, while many others hold it's not acceptable. R. Moshe Feinstein has a *teshuvah* to Dayyan Grosnas in London in which he said, "I agree, it's a *sefeika de-dina* (legally unclear case), so you should repeat the *gerus beli berachah* (without a blessing)."[v] So that's a problem. Many rabbis in America are *megayyer* women and they don't have the *beis din* present in the room. Now I think most have changed over. There were some who had the tradition to follow those *tsaddikim* and *ge'onim* who said that the *beis din* may not be in the room when a woman converts, but when they realized that R. Moshe says not to follow that opinion, they changed their policy and began to insist that the *beis din* stand inside the room, all the while ensuring that it is done in a *tsniusdike* (modest) fashion. So it's very important to have uniform standards.

What does the institution of conversion in the Torah tell us about the Torah's notion of Jewishness/Jewish chosenness?

Here and there one may find a *din* that a *ger* has a slightly lower level of *kedushah* regarding certain mitsvos, but by the next generation, where *horaso ve-leidaso* (his conception and birth) are *bi-kedushah* (while his mother is a Jew), he will be a full-fledged Jew. Whoever is Jewish is Jewish and has *kedushas Yisrael* (the holiness of a Jew).

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[i] Editor's note: For articles related to the GPS and the RCA policies on conversion, see: http://www.judaismconversion.org/Articles_About_GPS.html.

[ii] *Yevamot* 47b.

[iii] Marc D. Angel, "Another Halakhic Approach to Conversions," *Tradition* 12:3-4 (Winter 1972): 107-113.

[iv] Mishnah, *Bekhorot* 5:4.

[v] *Iggerot Moshe*, *Yoreh De'ah* 2:127.

Reading Toward Religious Identity

BY: Jake Friedman

Tradition seldom records the formative events in the lives of great Jewish figures as taking place in a classroom full of students; the journeys of the Torah greats began with profoundly personal experiences. Abraham's monotheistic epiphany started with meditation upon the heavens; Moshe's unparalleled career as leader and prophet began with a prophecy in the wilderness; R. Akiva's fabled dedication to *limmud Torah* was inspired by his contemplation of a water-pierced rock; Reish Lakish's legendary ascent to becoming one of the heads of the Amoraim was spurred by his fateful encounter with R. Yohanan.

Jewish day school educators face a problem: they are expected not just to inform students or teach them academic skills, but also to help them take their first steps on their lifelong religious journeys. This mission is not always easily executed in an institutional setting because just like the heroes of Judaism, every person's internal source of religious devotion must be tapped through a deeply personal experience. Is there some approach in education that can lead students closer to their own profound religious experiences? Or must the Jewish educator resign himself or herself to the job of merely filling students' minds with information while hoping that they might unlock their own religious potential?

My own Jewish education was not merely an accumulation of information. As I studied in school, I underwent earnest religious development, but not as the result of hands-on mentoring or exceptionally inspirational classroom experiences. My teachers prepared me to hone my religious sensibilities by arming me with the tools and attitude necessary for deciphering Torah texts on my own. Their commitments to the detail-oriented, "boring" subjects of Hummash grammar and Gemara vocabulary meant that, even as a young student, I acquired a considerable degree of independence in the fundamental process of reading and translating. With these basic skills, I was capable of delving unaccompanied, albeit not very far, into unfamiliar Torah texts. My unchaperoned excursions into uncharted Torah territory comprised my seminal "profoundly personal experience" and formed the basis for a process of ongoing religious development that accompanied my scholastic career.

> "Some might claim that such student-originated readings pose dangers of theology and decorum; however, I think the opposite is true. Only this kind of personal encounter can impress upon a student the borderless scope of the Torah's relevance to life."

In answering the question of how educators can provide students with religious independence, I look towards my own experiences in the Jewish educational system. It seems that within the confines of today's day school system, there is no direct way to train students to follow the meditative model set by the patriarchs. The modern Jew's religious development depends heavily on his or her ability to intellectually engage Torah texts. Nowadays, the relationship between Torah study and religious contemplation seems to be reversed; whereas the ancients experienced religious enlightenment that led them to Torah, today's students can be brought to their own religious awakenings by way of Torah study. Therefore, the educational system should be constructed in a way that ensures that students are equipped to study texts on their own, independent of the overly emphasized authority of their teachers' interpretations.

> "It seems that within the confines of today's day school system, there is no direct way to train students to follow the meditative model set by the patriarchs. The modern Jew's religious development depends heavily on his or her ability to intellectually engage Torah texts."

When a student encounters a text without the authoritative voice of the teacher imposing a single interpretation upon it, that student is exposed to the unadulterated gamut of interpretational possibilities presented by the text. Responding to the need to make sense of the words, a student must draw on his or her own experiences and imagination to make the text work for him or her. Also, importantly, the student's private reflection on the text brings him into confrontation with the text's relationship to subjects too taboo for most teachers to deal with explicitly – whether because of theological awkwardness, ideological awkwardness, or relation to sexuality and sexuality's ubiqui-

tous connection to religious imperfection. Some might claim that such student-originated readings pose dangers of theology and decorum; however, I think the opposite is true. Only this kind of personal encounter can impress upon a student the borderless scope of the Torah's relevance to life. The student's first steps in those daunting fields of meaning are also his or her first steps toward developing a thoughtful and personally meaningful devotion to religion. The departure from the coddling safety of the classroom into the peril of personal mental space marks the commencement of a personal religious journey.

Mikhail Bakhtin, a 20th-century literary critic, develops in some of his literary criticism a particular perspective on the maturation of human consciousness through reading. He sees the significance of the act of reading as a modulation between authoritative discourse and internally persuasive discourse.

Authoritative discourse is static. It is a language that approaches us from without; it is distanced, sacred, and does not permit us to play with its interpretive possibilities. We merely recite it. If we try to remove it from its original context, it immediately becomes a dead thing, a relic. Torah, as taught by those who disregard its relevance to the totality of human thought, emotion, and experience, is taught as authoritative discourse.

Opposed to it is internally persuasive discourse, which is more akin to a retelling of the text than to a recitation. The telling over of a text in one's own words, with one's own accents, gestures, and modifications, breathes a life into the text that was not there before. This process forms a bond between the text and the reader. The act of reading and deciphering Torah texts on one's own is fundamental to enabling Torah to become an internally persuasive discourse. The text can begin to have personally meaningful significance only when viewed through the private interpretive lens of the student.

Today's teachers need to stop asking students to recite their lessons and start asking them to retell them in their own words. It was truly alarming to arrive in Israel for my stint in yeshivah and find that my colleagues had little knowledge of Gemara vocabulary but extensive knowledge of vague meta-Talmudic concepts, half-explained by teachers who paid little attention to fundamental reading skills in their lessons.

As I plan to teach in the future, I am eager to teach students in a way that invests them with the ability and responsibility to independently read and interpret texts. Undoubtedly, this process is slow-going for the novice, but the value for his or her religious life in the long-term is incalculably high.

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Under the *Huppah* With a *Shikse* Goddess: The Performance of Jewish Rituals in Non-Halakhic Situations

BY: Yaelle Frohlich

In many ways it was the true American love story: teenage friends, Stanford University buddies and young professional lovebirds. Chelsea Clinton, non-Jewish American political princess, and Marc Mezvinsky, Jewish Democrat, tied the knot on July 31 – under a *huppah* and in front of a framed *ketubbah*, the bridegroom wrapped in his *tallit* and sporting a black yarmulke. If Chelsea were not Methodist, one of Bill and Hillary's devotees might have listed the affair on OnlySimchas.com.

In addition to reigniting the impending-doom style debate about Jewish intermarriage in America, the wedding sparked an interesting question among Jewish internet commentators: what should we make of the use of Jewish rituals in an exogamous marriage ceremony, which was co-officiated by a Reform rabbi and a Christian minister?

Jerusalem Post Opinions contributor Michael Freund expressed incredulity at the warm welcome that the union received from some Jewish journalists and spectators.[i] "To begin with, this was an intermarriage, for God's sake!" wrote Freund. "Never mind that both sides are long-standing Democrats. After 3,000 years of loyally marrying within the fold, a young Jewish man has tossed aside his family's – and our people's chain of tradition and married outside the faith." Drawing attention to Mezvinsky and Clinton's Jewish wedding rituals, Freund continued pointedly, "And [Mezvinsky] did so by appropriating the ultimate symbols of Jewish fidelity – a yarmulke, a tallit, a huppa – even as he trampled on everything which those symbols represent."

Conversely, Los Angeles blogger Ilana Angel did not vociferously oppose the intermarriage ("[l]ove is elusive"), despite admitting that part of her feels sad when a Jewish man marries a non-Jewish woman because their children will not be Jewish.[ii] However, Angel did explicitly express uncertainty at the conspicuous inclusion of Jewish elements in the Clinton-Mezvinsky intermarriage ceremony. "I think it's a little odd to wear a tallit and kippah, sign a ketubah, and recite the 7 blessings, when you are marrying a person who is not Jewish," wrote Angel. She continued:

> "Why bother? If he can have his children not be Jewish, does it not seem like a bit of a farce that he would have such important Jewish traditions in his wedding? I also find it interesting that in the group of released pictures, they included some of the couple with the ketubah, under the huppah, and him in his tallit. Why the need to publicize the Jewish aspects of the wedding? It's lovely, and she looks beautiful, but she did not convert, so why push all the Jew 'ish' stuff?"

Angel may not realize it, but her questions – and underlying attitude toward intermarriage – in her post are at the heart of a very deep, and very old, Jewish identity conflict, an inner and individual war that is yet tied – frustratingly, inextricably – to the traditional interpretation of Jewish law.

> "[W]hat should we make of the use of Jewish rituals in an exogamous marriage ceremony, which was co-officiated by a Reform rabbi and a Christian minister?"

Although Marc Mezvinsky may now be one of the better-known Jews to have stood under the *huppah* with a non-Jewish bride, he certainly is not one of the first. It took me a few weeks to recall where I had seen the scenario before. Then, suddenly, it hit me like a Cossack in the *kishkes*: the 2004 Adam Sandler movie, "50 First Dates."

Apparently, I was not the only one to notice. The incredibly short scene, in which Sandler marries Drew Barrymore, an amnesiac who can only remember one day at a time, also struck *The Forward*'s Opinions editor, Daniel Treiman.[iii] As Treiman noted, in the movie there is absolutely nothing Jewish about Sandler's character apart from his name, Henry Roth, until the end of the movie, when Sandler whips out a *huppah, tallit* and yarmulke from seemingly nowhere. Partially based on this typically-Sandler, token Jewish addition, Treiman humbly crowned Sandler "the most important living Jewish commentator." "The sudden appearance of a traditional Jewish wedding canopy and ritual garb is treated with utter nonchalance," wrote Treiman. He continued:

> "Now, some might find this jarring, but I would counter that it brilliantly reflects the zeitgeist. To be an American Jew today is to be, like Sandler, a part of the mainstream, not apart from it. In our daily lives, most of us are not so different from our non-Jewish neighbors […] At the same time, we're not abashed when it comes to expressing our Jewishness. Getting hitched under a huppa is no longer so exotic. That's why […] 50 First Dates may very well be the single most accurate cinematic depiction of contemporary American-Jewish identity."

However, that nonchalant "Jewish identity" that Treiman describes, no matter how an individual or a denomination may try to reinterpret or alter the Torah, will always, inevitably, even if unconsciously, be forced to come into contact with and, possibly, confront the traditional interpretation – the tradition that has passed from generation to generation, outlasted numerous sects and false messiahs and still serves to inspire, guide, challenge, and guilt Jews of all stripes.

Intermarriage is one such instance in which "contemporary American-Jewish identity" may clash with the application of Jewish law. The ban on exogamy stems from Deuteronomy 7:3: "*Ve-Lo tithatten bam; bittekha lo titten li-beno u-bitto lo tikkah li-benekha*," "And you shall not intermarry with them; do not give your daughter to his son, and do not take his daughter for your son." As such, according to Jewish law, *kiddushin* (the act of Jewish marriage consecration) between a Jew and non-Jew does not take effect (*Kiddushin* 68b, *Yevamot* 45a); the marriage has no valid halakhic status whatsoever.

Yet, paradoxically, many of today's intermarrying Jews incorporate important legal elements of *kiddushin* – elements discussed in the same Talmud tractate as the ban on intermarriage, such as the *huppah* – into their halakhically inconsecrable wedding ceremonies. For, ultimately, just when everyone thinks that pop-culture Jewishness, with its Yiddishisms, Flushing accents and obsession with Chinese food, is as immemorial as daily religion need be, a good life cycle event is all it takes to bring the self-identifying Jew (of any denomination) back to the realization that Jewish identity is tied to Jewish ritual – its yarmulkes and *tallitot*, *huppot* and *ketubbot* – ancient specifications and all. Interpersonal mitsvot (*mitsvot bein adam la-havero*) are also of paramount importance to Jews of all affiliations, but the mitsvot identified with personal milestones are almost exclusively ritualistic, and hence the rituals, whether or not they are halakhically applied, become a vehicle for the positive assertion of Jewish identity.

When Jewish rituals are incorporated into a non-halakhic situation, a Jewish identity conflict (or, at its mildest, a consciousness or consideration) always ensues . Even if the individual choosing the paradox remains unconflicted, the paradox will be considered,

analyzed, possibly even written about by spectators of the event.

Although Daniel Treiman may be right about a new, accepted nonchalance among Jews and non-Jews when it comes to Judaism in the public sphere, the phenomenon of paradoxical Jewish observance is hardly new to Jewish society. The Talmud Yerushalmi relates a case in which Jacob of Kephar Naborayya was asked whether the son of a non-Jewish mother could be circumcized on Shabbat (*Yevamot* 2:6).[iv] This implies a situation that might surprise some: a Jewish man had a child with a non-Jewish woman and subsequently wanted to circumcise his non-Jewish son – essentially to bring into the Covenant of Abraham a child not even counted as a Jew.

> "[T]he phenomenon of paradoxical Jewish observance is hardly new to Jewish society."

Even in America, the concept of applying halakhic ritual to non-halakhic situations came around long before Marc Mezvinsky and Adam Sandler, though exogamy among Jews was far less common prior to World War II.[v] In Philadelphia, Pennsylvania in the 1790s, a Jewish man, Moses Nathans, had a baby boy with his non-Jewish mistress and asked that his synagogue's cantor give the Gentile child a circumcision (in 1794, Nathans was successful in petitioning for his mistress's Orthodox conversion, and the two were subsequently married at his Orthodox *shul*).[vi] In another scandal, Mordecai M. Mordecai was accused in 1785 of conductinng a Jewish marriage ceremony for his niece, who had previously had a Christian ceremony with her non-Jewish husband Matthew Pettigrew.[vii] "The most Pettigrew might have done," wrote Gurock, noting that Pettigrew seems to have had no interest in converting to Judaism, "was 'to affirm in what is stated therein' in the Jewish marriage contract regarding his obligations to his wife under Jewish law."[viii] Mordecai was forced to face a congregational trial but denied the allegations that he conducted the intermarriage ceremony.

Perhaps not surprisingly, there are quite a few other areas of Jewish observance impacted by the popular habit of selecting which Jewish practices to keep and which to ignore. In his professional capacity, long-time Hillel education director and columnist Richard Israel encountered queries inherently full of contradictions regarding Jewish law. In 1994, he published a collection of such anecdotes consisting of "questions the *Shulhan Arukh*, the standard code of Jewish law, never even thought about […] questions I have come to think of as Kosher Pigs."[ix] ("Kosher Pigs" also happens to be part of the book's title.) For example, one man wanted to know whether there were any local kosher-for-Passover restaurants he could patronize for a business lunch on the first day of Passover – even though work (including driving to the restaurant) on that day is forbidden.[x] Israel was once even asked by a non-Jewish woman whether it was against the law for the Jewish man she was having an affair with to sleep with her during menstruation.[xi]

No matter how open one's mind may be, no matter how live-and-let-live one's attitude toward observance, the combination of observance and non-observance is not simple to negotiate emotionally or justify intellectually. How individuals choose to acknowledge and express their Jewish identity – and how onlookers perceive that expression – remains a fascinating and, possibly, disturbing part of the modern Jewish experience.

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[i] Michael Freund, "Will Bill Clinton's Grandchildren be Jewish?" *The Jerusalem Post.* August 8, 2010, available at: http://www.jpost.com/Opinion/Columnists/Article.aspx?id=184453.

[ii] Ilana Angel, "Chelsea Clinton and Marc Mezvinsky Tie a Jew 'Ish' Knot," *Keeping the Faith: A Blog by Ilana Angel*, July 31, 2010, available at: http://www.jewishjournal.com/keepingthefaith/item/chelsea_clinton_and_marc_mezvinsky_tie_the_knot_20100731.

[iii] Daniel Treiman, "Adam Sandler, Jewish sociologist," *New Jersey Jewish News*, July 3, 2008, available at: http://njjewishnews.com/njjn.com/070308/opAdamSandler.html.

[iv] Found in Jacob Neusner, *The Talmud of the Land of Israel*, vol. 21 (Chicago: The University of Chicago Press, 1987), pp. 82-83. Jacob of Kephar Naborayya was later lashed, willingly, by R. Haggai for this mistake. As only the child of a Jewish mother is Jewish, only the circumcision of a Jewish male, who must be circumcised, would justify breaking Shabbat. See also Baruch Litvin, *Jewish Identity: Modern Responsa and Opinions on the Registration of Children of Mixed Marriages* (New York: Feldheim, 1965), p. 22.

[v] This is from a personal interview with Jeffrey Gurock, Professor of Jewish History, Yeshiva University, from April 21, 2010, conducted for my senior Honors thesis at Stern College for Women. See Yaelle Frohlich, "Jewish Identity and Interfaith Relationships in the Fiction of Bernard Malamud," April 2010, locatable in the Stern College library.

[vi] Jeffrey Gurock, *Orthodox Jews in America* (Bloomington, Indiana: Indiana University Press, 2009), p. 36.

[vii] Ibid. 38.

[viii] Ibid.

[ix] Richard Israel, *The Kosher Pig: And Other Curiosities of Modern Jewish Life* (Los Angeles: Aleph Design Group, 1994), p. 4.

[x] Ibid., p. 5.

[xi] Ibid., p. 6.

Ben Ish Ger Amaleki Anokhi:[i] Understanding the Biblical *Ger*[ii]

BY: AJ Berkovitz

Few controversies are as deep-seated as that surrounding *gerut* (lit., the state of being a stranger). Jews in the modern era are embroiled in a dispute over who is considered a *ger* (lit., "stranger") and what constitutes proper *gerut*. This dispute is ultimately one of Jewish identity. The purpose of this article is not to shed new light onto the modern dispute as much as to trace the origins of the concept, meaning, and life of a *ger* in biblical Israel. Attempting to extract the nature of a *ger* in the Bible is a laborious and difficult task; it is precisely because of this arduous pursuit that Hazal used midrashic exegesis to formulate and categorize two types of *gerim*: the *ger toshav* (resident alien) and the *ger tsedek* (convert).[iii] Nonetheless, attempting to view biblical *gerut* holistically from a *peshuto shel Mikra* (simple reading of the text) perspective yields interesting results. This essay uses and subsequently expands the exegesis of Abraham Ibn Ezra to Leviticus 18:26, which intuits that "the *ger* and the Israelite are not to be equated because the *ger* is only obliged to obey the laws that affect the purity of the congregation or land."[iv] Adopting, applying, and expanding this methodology paints a picture of *gerut* dissimilar to that of Rabbinic legal conversion and more in line with a communal-ethical model of coexistence.

In order to understand what a *ger* is, we must first briefly identify what he or she is not. Two classifications of identity exist outside of the *ger*: *ezrah* (lit., "citizen") and *nokhri* (lit., "foreigner"). The former is identified as a full-fledged Israelite. When the Bible couples and compares Israelites and *gerim*, it tends to use the formulaic statement *ka-ger ka-ezrah* (the *ger* and the citizen alike). The identification of a *nokhri* is harder to ascertain. A simple pithy moniker such as non-Israelite, outsider, or foreigner is too broad and tends to blur the lines between *nokhri* and *ger*. The distinction between these two classes is explicitly mentioned in the Bible. While discussing the laws of *nevelah* (a forbidden carcass), the Bible states: "You shall not eat anything that has died a natural death; give it to the *ger* in your community to eat, or you may sell it to a *nokhri*."[v] A *nokhri* is best understood as an individual of a foreign nation still tethered to his birthplace via ancestral land, connection to family at home, and fealty to *avodah zarah*.[vi] For example, Solomon's wives are called *nashim nokhriyyot* (foreign women);[vii] his wives were political instruments who were tethered to their homeland and worshiped their own gods in Solomon's court. Moshe's self-identification as "*ger hayiti beerets nokhriyyah*" (I was a stranger in a foreign land)[viii] elicits a similar understanding. Moshe is a *ger* in a strange land in which he has no family, owns no land, and whose gods he does not serve. Rachel's and Leah's remark that "we are considered *nokhriyyot* to our father because he ate our wedding money and now has no use for us"[ix] also suggests the understanding of *nokhri* as someone who not only does not belong in a certain place but also has no connection to that society. This is untrue of the *ger*. By understanding the two classifications with which a *ger* is contrasted, we can start to delineate what a *ger* truly is. A *ger* is neither an Israelite nor fully apart from the Israelites. He does not gain full access to the privileged status of ethnic Israelite but he also has no connection to his roots, family, land, or previous gods.

It is because of the understanding above that the Bible frequently couples the *ger* with the widow and orphan. The widow and orphan are defenseless by virtue of the absence of a source of income and a patriarchal figure to protect them. The *ger* falls into a similar category because he has no land or family to fall back upon. All three are in constant dire straits and are easily oppressed. The Bible, therefore, explicitly warns against oppressing this sector of the population and even demands that we love them and include them in our rejoicing.[x] Our historical conscience allows us deeper insight into the plight of the *ger*.[xi] The Bible constantly impresses upon its readers – and listeners – to be mindful of the plight of the *ger*, because "you were strangers in the land of Egypt."[xii] Therefore, in addition to feeling sympathy for the *ger*, God demands that we actively befriend the *ger* and give him food and clothing.[xiii]

Although until now we have understood the *ger* as a distinct subclass of the Israelite population, there are many surprising ways in which the *ger* and *ezrah* are similar. Not infrequently does the Bible claim to have *torah ahat* (one law) or *mishpat ehad* (one [uniform] regulation) for the *ger* and *ezrah*;[xiv] these areas include civil law, ritual laws and religious prohibitive laws. Each category provides a unique view of *gerim* and their interaction with the surrounding ethnic Israelite society.

Among the unique revolutions wrought in the ancient world by the Bible is the equal treatment of *gerim* and Israelites with regard to civil law. The Bible disallows the discrimination against and oppression of the *ger* and demands

equal treatment for the *ger* and the *ezrah* alike. For example, the Bible states: "If your kinsman, being in straits, comes under your authority, and you hold him a resident alien (*ger*), let him live by your side. Do not exact from him advance or accrued interests but fear your God. Let him live by your side as though a kinsman (*ahikha*)."[xv] Although the *ger* is not ethnically Israelite, one is required to treat him as if he were; therefore, *ger* and *ezrah* are equally protected by the anti-usury laws. This contrasts with the *nokhri*, from whom one can collect interest.[xvi] Equality under biblical law means equal subjugation to that law, as well. A few verses later, the Bible describes a similar but inverted situation: "If a resident alien (*ger*) among you has prospered, and your kinsman being in straits, comes under his authority and gives himself over to the resident alien (*ger*) among you, or to an offshoot of his family, he shall have the right of redemption even after he has given himself over."[xvii] A *ger* must treat his Israelite servant as another Israelite would.

In addition to equality under civil law, a *ger* is treated like an Israelite with regard to national law, laws that contain communal-religious elements. Because the *ger* identifies with the Israelite polity, he is subject to its national laws. For example, with regard to the Sabbath we are told: "Six days you shall labor and do all your work, but the seventh day is a Sabbath of the Lord your God: you shall not do any work, you, your son or daughter […] or the stranger in your midst (*ve-ha-ger asher bi-she'arekha*)."[xviii] Although non-Israelite, the *ger* must celebrate the Sabbath and not violate its prohibitions. The Sabbath in biblical Israel is a communal holiday and therefore everyone in the land rests. Another example is seen in Leviticus 16:29: "And this shall be the law to you for all time: in the seventh month on the tenth day of the month, you shall practice self-denial, and you shall do no manner of work, neither citizens (*ezrah*) nor the alien (*ger*) who resides among you." The *shabbat shabbaton* on the tenth day of the seventh month, too, is considered a communal holiday; therefore, even the *ger* needs to refrain from work, practice self-denial, and receive atonement and purification from sin. Another color is added to our portrait of a biblical *ger*: as a resident in the Israelite homeland, he is required to refrain from the prohibited activity of any national holiday.

The *ger* is also bound by other restrictions of the national religion. This entails religious restrictions that are personal in nature as well as those that are connected to the basic tenets of the national religion. For example, the Bible states that "anyone among the Israelites, or among the strangers residing (*ha-ger ha-gar*) in Israel, who gives any of his offspring to the Molekh shall be put to death; people shall pelt him with stones."[xix] Idolatry in monotheistic[xx] Israel is intolerable. Not only must the *ger* refrain from worshipping other deities, he is prohibited from cursing or even pronouncing God's name.[xxi] As a participant in Israelite society, the *ger* is required to identify with and practice all national commandments while refraining from violating any national prohibitions.

Religious restrictions extend even to practices that are based on the concept of purity and impurity. Leviticus 17 delineates additional rules for the treatment of slaughtered meat. An Israelite and *ger* must eat ritually slaughtered meat by the Ohel Mo'ed (Tent of the Covenant), refrain from consuming the lifeblood of the animal, cover the blood of a slaughtered bird or beast, and if they eat a *nevelah*, they must perform ritual immersion. These local religious laws which, *prima facie*, do not seem to be connected to the larger nationalistic picture are, in fact, part of the national portrait. In order to understand how this is so, the theological connection between the Israelites and their land must be explored. In the Bible, we are constantly reminded that Israel is not like any other land: "It is a land which the Lord your God looks after, on which the Lord your God always keeps His eye, from year's beginning to year's end."[xxii] The land has special divine providence and is "naturally" averse to impurity. We are further told, "You must keep My laws and My rules, and you must not do any of those abhorred things, neither citizen (*ezrah*) nor the stranger (*ger*) who resides among you […] So let not the land spew you out for defiling it, as it spewed out the nation that came before you."[xxiii] Keeping Israel pure is a matter of national survival and therefore it is no surprise that these rules apply to the *ger*.[xxiv]

Although a *ger* may not do anything to invoke the wrath of God or undermine Israelite nationality, he does not necessarily need to take part in the performative aspects of Israelite ritual practices. Working on a *peshat* level and following the distinction between *ger* and *ezrah* made by Ibn Ezra above, we may present such a division between these two categories in the context of the Pascal lamb offering. The Bible is equally vivid in its commandment that all Israelites must partake of the offering as it is in regard to who is excluded from bringing the sacrifice. A *nokhri* (foreigner), *sakhir* (hired hand), and *toshav* (settler) may not eat from it; an Israelite who refuses to eat from it gets *karet* (cut off). As usual, the g*er* occupies the middle and oftentimes-ambiguous territory. The Bible never states that a *ger* must offer up a Pascal lamb, which can be attributed to the fact that he is not an ethnic Israelite, but it does say that, should he wish to do so, he should circumcise himself and then he is *ka-ezrah* (like the Israelite).[xxv] Although being Israelite is a matter of ethnicity, that does not fully exclude the *ger* from the Pascal offering – an active statement of Israelite identification. As long as the *ger* is willing to expresses his national identification via circumcision, God welcomes him to the Israelite table. If, however, the *ger* does not wish to offer the Pascal lamb, he need not mark himself with the identification of Israelite nationality. Nonetheless, the *ger*, like an Israelite, may not own *hamets*.[xxvi] Our picture of a *ger* develops further. Although a *ger* may not subvert Israelite nationality and spurn its laws, he need not take an active role in his expression of nationality.

Another distinction between a *ger* and ethnic Israelite is seen regarding the laws of personal purity. According to Deuteronomy, an Israelite "shall not eat anything that has died a natural death (*nevelah*); give it to the stranger (*ger*) in your community to eat, or you may sell it to a foreigner (*nokhri*). For you are a people consecrated to the Lord your God."[xxvii] Once again, we see that a *ger* is somewhere between Israelite and non-Israelite. He or she may eat *nevelah* because a *ger* is part of the Israelite nationality but is not actually ethnically Israelite and therefore lacks the status of *am kadosh* (a holy nation). This status disallows the Israelite from becoming personally impure. There is, therefore, no contradiction between our source in Leviticus, which demands that one who eats *nevelah*, wash and the feeding of *nevelah* to a *ger*. A *ger* who does not have the status of *am kadosh* need not worry about making himself ritually impure; as long as he or she immerses and does not defile other objects,[xxviii] he or she may consume *nevelah*.

The product of our *peshat* analysis yields a very interesting portrait of the biblical *ger*. The biblical *ger* is an individual who maintains no relationship with his homeland and identifies with the Israelite nationality. He is required to keep biblical law and worship God. He may express nationalism if he desires but is still limited by the fact that he is not part of the ethnically Israelite *am kadosh*. Nonetheless, this distinction does not allow the ethnically Israelite to oppress him. In fact, the native Israelites are commanded to love and support the *ger*. The most important and relevant dictum regarding the *ger*, however, is that found in Numbers 15:15: "you and the *ger* shall be alike before the Lord." Although there may be a distinction between *ezrah* and *ger* ethnically or religiously, before God we are all equal.

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[i] II Samuel 1:13.

[ii] All verse translations are from the NJPS.

[iii] See *Sifra*, *Behar*, *parashiyyot* 5 and 6.

[iv] Jacob Milgrom, "Religious Conversions and the Revolt Model for the Formation of Israel," *Journal of Biblical Literature* 101,2 (June 1982): 169-176. See also Moshe Weinfeld. *Deuteronomy and the Deuteronomic School* (London: Oxford University Press, 1972), pp. 229-232.

[v] Deuteronomy 14:21.

[vi] See Nahum Sarna's JPS Torah Commentary to *Exodus*, p. 63: "Hebrew *ben nekhar* is a non-Israelite who resides in the land temporarily, usually for the purpose of commerce. He does not profess the religion of Israel and does not identify with the community's historical experiences. He is therefore exempt from the religious obligations and restrictions imposed on Israelites."

[vii] I Kings 11:1,8; Nehemiah 13:26.

[viii] Exodus 2:22, 18:3.

[ix] Genesis 31:15.

[x] See Leviticus 33-4.

[xi] Exodus 23:9.

[xii] Deuteronomy 10:19.

[xiii] Deuteronomy 10:18.

[xiv] Exodus 12:48; Numbers 15:16; Leviticus 24:17.

[xv] Leviticus 25:35-36.

[xvi] Deuteronomy 24:21.

[xvii] Leviticus 25: 47-54.

[xviii] Exodus 20:10.

[xix] Leviticus 20:2.

[xx] Some scholars claim that ancient Israel would be better characterized as possessing a perspective of monolatry than monotheism. 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.

[xxi] Leviticus 24:15-16.

[xxii] Deuteronomy 11:12.

[xxiii] Leviticus 18:28.

[xxiv] See Ibn Ezra to Leviticus 18:26.

[xxv] Viewing this person as a full-fledged Israelite and attempting a holisitic picture of a *ger* presents several problems on a *peshat* level. The first is: why distinguish in the first place between Israelite and *ger*? Second, if a *ger* were to be treated as a true Israelite, and therefore part of the *am kadosh*, why can he eat *nevelah*? It is therefore sounder to view this individual as a person who is not required to eat of the Pascal lamb but wishes to do so anyways.

[xxvi] Exodus 13:7: "*Hamets* may not be seen in all your territory," which implies that a *ger* may not own *hamets*.

[xxvii] Deuteronomy 14:21.

[xxviii] See the commentary of R. David Zvi Hoffman as quoted in Jacob Milgrom, *Leviticus 17-22: A New Translation with Introduction and Commentary* (New York: Doubleday, 2000), pp. 1485-1486.

An Interview with R. Yuval Cherlow

BY: Sarit Bendavid

You are one of the founders of the Tzohar Foundation, an organization dedicated to enhancing unity and Jewish identity in Israel. Can you tell us more about some of Tzohar's activities and what some of the results of its efforts have been?

Tzohar was established immediately after Rabin's assassination. We felt that there was a need to try to bridge the gap between the secular and Religious Zionist movement in Israel. At the time, rabbis in particular were targets because they were blamed for opposing the government, and, much more than that, for Rabin's murder itself. We searched the main point of tension between the secular and religious communities, and we discovered that it was marriage. According to Israeli law, you must get married by a rabbi, and many people felt that this did not appeal to them. Furthermore, rabbis were labeled as corrupt and illegally benefiting from this arrangement (such as by not paying taxes, etc.). Tzohar decided to offer Orthodox, halakhic marriages to secular people for free, incorporating all kinds of things that you might say are obvious but which in Israel amounted to a revolution. This included meeting the couple before the wedding, speaking with them, and trying to design the *huppah* according to their plans and ideas. Suddenly, there was a snowball effect, and after two weeks, without investing one penny of money for public advertising, we discovered that we were in the headlines of the news and on all the channels. And then we realized that secular people are searching for Judaism in their lives and find us as a positive factor in their wedding experiences. And today we deal with a variety of issues, from marriage to conversion in Israel to special *minyanim* on Yom Kipppur – not held in *shul* so that everybody will be able to feel at home but following Halakhah completely. We have a special department that advises Knesset members who want to draft a bill on any of these issues in order to make it more Jewish and properly represent *Yahadut* (Judaism) in Israel. It has truly broadened to deal with a variety of issues and I think it is a great success.

The best example I can give you involves the Knesset members, who have been constantly working together with Tzohar – even the very anti-religious Knesset members who want to separate between the State and Judaism. In the current situation, they participate and cooperate with us and try to do things in a more Jewish manner.

Do you think the Law of Return guaranteeing any Jew the right to become a citizen of Israel should be based on the halakhic definition of a Jew (matrilineal descent), based on the current requirement of having one Jewish grandparent, or based on some other criterion?

I think that the law should follow the Halakhah. I think that the main discussion today between halakhic authorities is whether Halakhah has any special attitude or approach towards someone whose mother is non-Jewish but whose father is Jewish – what we call *zera Yisrael*. I want to emphasize: I do not think they are Jewish, as they are non-Jewish according to Halakhah, but there may be a basis for following a special approach towards them, which could be applied in the law. So my answer is that it should follow Halakhah, but according to the *posekim* (authorities) who claim that there is a special approach towards *zera Yisrael*. This would entail accepting under the Law of Return those who have one Jewish grandparent if they had a connection to the Jewish people. In contrast to that, the current situation is a disaster. The idea that someone who had a Jewish grandparent but lacks any connection to the Jewish nation should be accepted into Israel – it is a disaster to the State and a disaster to Halakhah and I would be very happy to stop it. Today, even many Knesset members understand that we should limit this, but everyone is afraid to touch this explosive issue. So I am talking about an ideal that I do not see Israel realizing in the near future.

> "We searched the main point of tension between the secular and religious communities, and we discovered that it was marriage. According to Israeli law, you must get married by a rabbi, and many people felt that this did not appeal to them."

That sounds amazing. Have you seen results?

We have seen many results. We see that the majority of people feel that they are more Jewish because of their relationship with Tzohar.

What are your thoughts on the recent bill proposed by Knesset member David Rotem that would give the Orthodox Chief Rabbinate control over all conversions in Israel?

The whole situation is a pity. The law should be that the only authorities to accept people into the Jewish nation, at least in Israel, would be the *Rabbanut ha-Rashit* (Chief Rabbinate). This was the situation for years, and this was the best thing, because I really think that the gateway to join the unique club of Judaism should be under the *Rabbanut ha-Rashit*'s responsibility. The problem is that the *Rabbanut ha-Rashit* did not succeed for many reasons. One of those reasons was that their halakhic approach was formulated by *posekim* from the extreme right, and I think they are wrong halakhically and politically and from every relevant point of view. So this law actually wanted to ordain or permit a few rabbis that have a more centrist view of Halakhah to be able to carry out conversions. But this is a circumvention, not the ideal route, because the *Rabbanut ha-Rashit* has failed, and therefore the idea is to permit local rabbis to do conversions. I have no choice but to support it, but it is not ideal. The best scenario would be for conversion to be done solely by a functional and successful *Rabbanut ha-Rashit*. It is because of their failure that the Rotem law is now trying to bypass this situation, but it would have been better had the *Rabbanut ha-Rashit* taken responsibility and authority and not failed, if it could have functioned as it was intended to do and not been occupied by very extreme, right-wing *posekim*.

> "I would be happy if all the Jews in Israel would marry according to Halakhah, but I am not sure if that would be good for Halakhah because such a scenario would create pressure to be more liberal or open or to do things that are not permitted."

Do you think that marriage in Israel should be under the auspices of the Rabbinate or under civil law? What are the main issues present in that debate?

This is a very difficult question. I would be happy if all the Jews in Israel would marry according to Halakhah, but I am not sure if that would be good for Halakhah because such a scenario would create pressure to be more liberal or open or to do things that are not permitted. One problem that exists is that everything is under external court authority. This means that the secular court can force the *Rabbanut* to do things that are against Halakhah, so it is a very complicated issue. The second thing is that we as the *Rabbanut* refuse to marry many couples: a Kohen to a *gerushah* (divorcee), all kinds of *pesulei hittun* (those ineligible to marry for halakhic reasons), etc. There are rabbis who are not willing to make *huppot* (weddings) for people who were converted according to Halakhah, even if it was done according to Orthodox Halakhah. They say that they do not accept *gerim* (converts) at all.

But I think that the best solution is for Israel to have two routes. The primary one should be that all Jews be married according to Halakhah and this should be the state law. And if the *Rabbanut* refuses to marry two people, they should have an alternate method to be recognized as a couple according to the secular state. I think that many people in Israel would support this idea. The problem is that – and this is the reason that even I cannot really support what I am saying – in such a scenario Israel would be the largest Jewish community to recognize interfaith marriage, because under this law a non-Jewish woman could marry a Jewish man and be recognized by the state. This would deliver a message to the entire Jewish world that we, the largest Jewish community, recognize assimilation. So I do not know how to solve this problem, but I think that this is the only choice.

The bottom line is that in Israel, in a few years' time, we will hopefully have two tracks, and we should try to implement this as best we can: the official way to be recognized as married according to the law will be according to Halakhah, but the state will offer an alternate way to enable young couples to get married, especially in cases where the *Rabbanut* refuses to marry them.

In your opinion, what mitsvot must a goy (non-Jew) accept in order to be properly converted? Do you see any foreseeable solution to the conversion issue that is raging right now in the Jewish world?

First of all, we must admit that these goyim who want to convert are going to be secular. There is no doubt about it. Now there is a fa-

mous new book in Israel called *Sefer Zera Yisrael* by a great rabbi (and now a Knesset member), R. Haim Amsalem, that argues that in order to be halakhically converted, and especially in our special situation, one must simply accept in principle the Jewish idea and behave in the Jewish tradition, even if he does not accept Halakhah. By this I refer to someone who keeps the *leil ha-seder*, fasts on Yom Kippur, etc., at least like a good, secular *mesorati*, or traditional, Jew, though without accepting Halakhah.

I think we should adopt this attitude. Behaving according to the Jewish life in principle and accepting the Jewish nation and the idea that Hashem exists and that there are mitsvot – I think that this is the minimum that we should necessitate today, and this is for two reasons. The first one is because there is a halakhic basis for it. The second one is because we are now in a great *she'at ha-dehak* (dire situation). The alternative is that they will assimilate. The problem that we have today all over the world of losing our *mentshen* will soon arise in the State of Israel because there are thousands – tens of thousands or more – of young people, especially girls, who will get married as non-Jews to Jews in Israel, and that's a disaster. So when you add these two ideas – first of all, the pure halakhic basis, and second, the understanding that this is a great *she'at ha-dehak* and that if we want to avoid interfaith marriage in Israel, we should find a way to do things according to the *kulla* (lenient opinion) – then this is what we should do.

What is the most important aspect of one's Jewish identity: keeping mitsvot or identifying with Am Yisrael*?*

I do not like these questions; I do not know. In our *parashat ha-shavua* (weekly portion) that we read a few weeks ago [*Va-Ethannan*], Moshe Rabbeinu identified what is so special about *Yahadut*, because every faith has something sacred and unique to offer, and Moshe Rabbeinu said there are two things that are special: "*Ki mi goy gadol asher lo E-lohim kerovim elav*," "For what great nation is there that has a God Who is so close to it..."[i] – that means that we have a very intimate dialogue with Hashem and believe in Hashem and declare this as our faith. The second thing is: "*U-Mi goy gadol asher lo hukkim u-mishpatim tsaddikim*," "And what great nation is there that has righteous decrees and ordinances..."[ii] I think that actually wanting to be part of the Jewish nation, *amekh ammi* (as Rut declared),[iii] and part of the Jewish faith, which means two things – acknowledgement of the existence of Hashem and acceptance of the basic idea of mitsvot – these three pillars are *Yahadut*, and I do not want to start to distinguish between those three aspects, because they are the three important things.

How should the State of Israel reflect its identity as a Jewish state? Should a national Jewish identity be present at the governmental level?

Yes, definitely. I think that this is the meaning of a Jewish state. Also, this should be carried out by adopting and formulating Jewish values, mitsvot, and the Jewish way of thinking. But there are many obstacles. The first obstacle is with us, the rabbis, the religious movement, because we do not know exactly what we want. And the truth is that sometimes we thank God that there are secular people in Israel, because we are not brave enough to face the challenges that the Halakhah has in a modern state.

> "[I]n order to be halakhically converted, and especially in our special situation, one must simply accept in principle the Jewish idea and behave in the Jewish tradition, even if he does not accept Halakhah."

I will give a very small example of such a challenge. I had a *hannikhah* (camper) in Bnei Akiva who today is the head of one of the departments of the police that is responsible for taking fingerprints from houses broken into by criminals. She called one day and asked me if she is allowed to go on Shabbat. And I said (and this was twenty years ago) that it would seem that the answer is no because there is only a monetary concern. It is not *pikkuah nefesh* (a life-and-death situation), it is nothing important, so I understand the motivation, but I cannot say it is permitted. So she accepted that but said I should understand what I am saying. By saying that she is not allowed to go, I am establishing Shabbat to be a heaven for thieves because no one will come to take fingerprints. So this is a great halakhic question. How should the police function on Shabbat? And let's say that tomorrow morning everyone is *hozer bi-teshuvah*, everyone becomes Orthodox; how will these issues be handled in Israel? What will the healthcare system be like according to Halakhah? We are not dealing with these questions. So, therefore, we cannot dream. We cannot push the state to be more Jewish before we are brave enough to be able to give the right answer to those questions.

So I think the first thing that we should do is be much more modest and much more careful and sit together and ask ourselves what exactly we want and how a modern Jewish state should function. What will be the status of rabbis? What will be the balance between the Knesset and rabbis, etc.? What are the halakhot regarding war? So let us start by giving the answers and then we will be able to dream about our vision and start thinking about how to apply it.

Now, I would like to say something not about the Israeli community, but about what is happening outside. The real frontiers of the Jewish nation are not in the State of Israel, but in the Diaspora. The percentage of Orthodox Jewry in the States is rising, but the reason is not because we are so successful, but because of assimilation. We have to understand that combating this phenomenon is our main mission. Sometimes, my colleagues do not agree with me about this issue, for example, when I say that I cannot understand how we are working so hard to keep every inch of the land of Israel in our hands, and we are not investing the same effort in order to keep every Jew in our hands.

There are a lot of things to do and we can rethink many issues. I will give you two examples. One is the price of Jewish education. Too many young Jews are not getting a Jewish education because of the price. And we cannot allow that status quo to exist because who will stay committed to Judaism? The second thing is that we have to rethink our relationship with the other denominations. When R. Soloveitchik, *zts"l*, and R. Kotler, *zts"l*, dealt with those issues, we were the minority, we were very weak, and therefore they insisted that there will not be any relationship between Orthodoxy and the other denominations. Today, the power is in our hands. We should reassess our opinion and our responsibility to the Reform, Conservative, and unaffiliated Jews.

I really think that you cannot close yourself in, not in Yeshiva College and not in Stern College. Many of the graduates of our American program [at Yeshivat Hesder Petah Tikvah] are later going on to New York University, to Brandeis, to who knows where. So you should understand the importance of Hillel houses and of our mission on campuses, and you should do what you can in order to advance the Jewish nation. This is the most important thing today, and even personally, I am constantly thinking of how I can do more for Jews abroad. I will not be able to have such a large impact because I am not familiar with the Diaspora. But I think that American Orthodox students can do it and I think the message can be delivered, and everyone will ask themselves what he or she can do for the Jewish state abroad, not only in the State of Israel. This message is a very important one, and it is one that I write about in Israel as well, and I am supportive of all the Israeli *shelihim* who go to have an impact in America.

> The real frontiers of the Jewish nation are not in the State of Israel, but in the Diaspora."

So as YU students, what would you say we can do?

I do not know; everyone must ask him or herself. When you are in YU, be the best student you can be, and work on your *devekut* (cleaving to God) and on fulfilling mitsvot, but when you are home, or when you are choosing a career, or thinking about where to live and what to do and what your social activities will be, do not forget that your responsibility is not only to the small Jewish observant minority, but to the entire nation. And then your solutions and decisions will be effective and will also be influenced by this issue.

Many people in our community are torn between coming to Israel and helping the Jewish community in the Diaspora.

I think that life today is long enough to do both. If you decide to get married, stay for a decade in the States, and then come to Israel, thank God, we live long enough to do both. I do not think that we should say today that everyone must leave the United States and come to Israel, and I definitely do not want to say that you should live in the Diaspora for your whole life or to wait until you are retired to come, but I think that there is time to do both.

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[i] *Devarim* 4:7.
[ii] Ibid. 4:8.
[iii] *Rut* 1:16.

Analysis of the Israeli High Court: Jewish Apostates and the Law of Return

BY: Dani Lent

In light of the proposal of the since-rejected Rotem bill, known otherwise as the "conversion bill," much attention has been given lately to the halakhot and court decisions surrounding the status of converts to Judaism in Israeli society. The media, so focused on this topic, have thus given little coverage to a fascinating decision handed down recently by the Israeli High Court about the status of an apostate and his or her ability to gain citizenship under the Law of Return. *The Jerusalem Post* reported recently that Henya Zebedovsky, a woman born to Jewish parents in Israel, married a Christian man in 1975 in a Catholic church after declaring that she had been baptized.[i] She and her husband moved to Germany and in 1985 she requested that her Israeli citizenship be revoked for tax reasons, noting "I am living as a Christian now anyway." After her marriage dissolved, she appealed to the Interior Ministry to reinstate her Israeli citizenship under the Law of Return. This request was denied despite approval from two rabbinical courts. The woman appealed her case to the High Court, which was left with the difficult decision of determining yet again "who is a Jew?" – only this time with the additional complication of ascertaining the status of a lapsed Jew who wishes to repent.[ii]

"Should one who left the fold of Judaism be welcomed back with open arms the minute he or she reconsiders? Are there irrevocable consequences for one's prior decisions to leave the faith?"

This legal case requires the evaluation of a variety of religious, cultural and national considerations. Should one who left the fold of Judaism be welcomed back with open arms the minute he or she reconsiders? Are there irrevocable consequences for one's prior decisions to leave the faith? How does the Jewish ideal of *teshuvah* come into effect? On a related note, how much weight should the secular Israeli court have in halakhic determinations of who is Jewish enough to qualify for automatic Israeli citizenship?

The term "apostasy," derived from the Greek word meaning "to revolt," is used to refer to the rejection of one religious faith and the defection to another.[iii] The Talmudic rabbis also used one of a variety of words and phrases to describe one who abandons Judaism in this manner. These terms include *mumar*, "one who is changed,"[iv] *poshea Yisrael*, "a transgressor of Israel,"[v] and *meshummad*, "one who was destroyed,"[vi] among others. The first reference to a heretic in Judaic texts is in the context of *mesit,* the agitator, who proclaims, "Let us go and worship the gods of others."[vii] The biblical punishment for the abdication of Judaism in favor of other worship is the death penalty.[viii]

"While the decision regarding who is considered Jewish must reference rabbinic sources, because it is impossible to address the question otherwise, as a secular state the decision cannot be solely based on them."

With the emergence of Christianity and Islam, many responsa were written trying to determine how to relate to a Jew who converts to one of these religions.[ix] Rambam holds one of the strictest opinions in regard to an apostate. He believes that apostates who converted willingly "are not considered as members of the Jewish People."[x] He relies on the verse "None that go to her repent, nor will they regain the paths of life"[xi] to bar them from being accepted back into Judaism as changed and repentant people.[xii] The majority of decisors rely, however, on the overriding principle "A Jew, even if he sinned, is a Jew"[xiii] to open up the doors to those who have converted, whether by coercion or willingly. Rema, for example, holds that a Jewish apostate seeking to return to Judaism is welcomed after he or she repents in front of a *beit din*. The requirement to immerse in a *mikveh* is only due to a rabbinic stringency.[xiv]

Various commentators debated the status of former apostates who returned to Judaism and how their subsequent lives as Jews should be affected by their prior conversion. *Sefer Hasidim* established that in regard to "a person who became an apostate and returned to being a Jew and obligated himself to repent as the sages shall instruct him, it is permitted to drink wine with him and pray with him from the moment he accepted [the obligation]."[xv] On the other hand, Rabbi Elazar of Worms, author of *Sefer ha-Rokeah*, advocated self-mortification for the returnee. He writes that an apostate must mourn and fast daily for a number of years, repent three times daily and endure great suffering to atone for his transgressions.[xvi] R. Elazar is quoted, however, in a responsum of Rashba as having not been strict with a former apostate because "since he has returned he is healed, and he who comes to be purified should be helped."[xvii] This contradiction perhaps indicates a discrepancy between R. Elazar's preferred course of action for the penitent person and what was carried out in practice so as not to repel any would-be repentance with harsh measures.

Since the enactment of the Law of Return that followed the establishment of the State of Israel, the question of "who is considered a Jew" has been hotly debated. The original formulation of the law was that "every Jew has the right to come to this country [Israel] as an *oleh*."[xviii] This wording left the definition of "Jew" open to interpretation, as no specifications were delineated. In 1962, however, Father Oswald Daniel Rufeisen ("Brother Daniel"), a Jew who converted to Catholicism, applied for citizenship under the Law of Return. The Israeli Supreme Court denied his request on the basis that, while Brother Daniel would still be considered a Jew under the majority of halakhic opinions (based on the opinion cited above that a Jew always remains a Jew), the Law of Return is not based solely on Halakhah. As a secular law, it is necessary for the term "Jew" to be interpreted according to the popular definition, that is, someone who identifies as a Jew and is not living according to a different religion.[xix] The Law of Return was therefore amended to read as follows: "For the purposes of this Law, 'Jew' means a person who was born of a Jewish mother or has become converted to Judaism and who is not a member of another religion."[xx] The amendment aligned the law with what Judge Neal Hendel labeled a "secular perspective of the Jewish world," based on Jewish history and current Israeli society, rather than a halakhic perspective based on rabbinic sources.[xxi]

Rabbi Aharon Lichtenstein, in a written response to the Brother Daniel case, elucidates the difference between a Jew and "Jewishness." One who converts to another religion "remains a Jew without Jewishness […] however, of the sacredness of the Jewish personality, that which essentially constitutes being a Jew – he is bereft."[xxii] *Kedushat Yisrael*, the metaphysical state of being a Jew as a member of the spiritual community of Judaism, terminates when a person completely alienates himself from the Jewish People to the point that he no longer identifies therewith whatsoever. R. Lichtenstein contends that the convert to Christianity possibly alienates himself even more than the converts to idolatry of Talmudic times because Christians "constituted a distinct social group in a sense in which other religious societies did not."[xxiii]

Ms. Zebedovsky, the petitioner, became a *meshummad le-kol ha-Torah kullah*, an "apostate with regard to the whole Torah,"[xxiv] when she abandoned Judaism in favor of Christianity. This most severe form of apostasy, not undertaken under duress but rather as a personal decision, completely severed her ties with her Jewishness, albeit not her halakhic status as a Jew in regard to marriage, divorce and other social parameters. Her previous declaration while living in Germany that her Israeli citizenship is irrelevant as "she is living as a Christian now anyway" seems to confirm this. Once she desires to identify once again with the Jewish People, though, regardless of to what extent and for what motivation, this would seem to reinstate her "Jewish character." By the mere declaration of her desire to return to live as a Jew under the Law of Return, she is no longer a Jew without Jewishness, one who has completely alienated herself from every semblance of Jewish character. It is perhaps for this reason that there is no Torah requirement for her to immerse herself in a *mikveh*.[xiv] She never was a Gentile in the literal sense, and any children she had, even while she was living as a Christian, would be considered halakhically Jewish. Rather, the rabbis required the returning apostate to immerse in a *mikveh* as a way of demonstrating a newfound identity with the Jewish People.

The secular Israeli court seems to have embraced the definition of Jewish identity as the demarcation for acceptance under the Law of Return, rather than the halakhic status of a Jew. This seems apparent from the inclusion of the spouses and children of Jews under the Law of Return, whether or not they have the status of a Jew. Judge Hendel remarked that "any attempt to define the term 'religion' without referring to religion is marked for failure."[xxv] The court recognizes its precarious position in attempting to decide matters based on Jewish nationhood without becoming a theocracy. While the decision regarding who is considered Jewish must reference rabbinic sources, because it is impossible to address the question otherwise, as a secular state the decision cannot be solely based on them. In re-

gards to this case, the court decided that "the petitioner was considered a different religion when she was baptized […] It is possible for her to prove that she has returned to the Jewish people."[xxv]

This approach of the court is problematic for a number of reasons. It is not delineated in the court case how it is possible for one to prove his or her commitment to the Jewish People. Does this require an affirmation of the

"By petitioning the court to identify her as a Jew and allow her to return to Israel, regardless of her motivations for doing so, Henya Zebedovsky has made a greater declaration of her identification than most Jews who would easily be admitted into Israel."

Thirteen Principles of Faith? Must Ms. Zebedovsky accept all of the 613 commandments? As stated above, according to Halakhah, the mere desire to rejoin the Jewish community is sufficient. By petitioning the court to identify her as a Jew and allow her to return to Israel, regardless of her motivations for doing so, Henya Zebedovsky has made a greater declaration of her identification than most Jews who would easily be admitted into Israel. Her *teshuvah* process that the court is demanding is one she has already undergone. In the amendment to the Law of Return, Israel denied entrance to those Jews still practicing as members of a different faith. Ms. Zebedovsky no longer falls into that category, so her prior acts should not be held against her. It is not yet known how the court will determine her "commitment," but it would seem that she should be welcomed with a brand new Israeli identity card.[xxvi]

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[i] "Editorial: A Path Back to Judaism," *The Jerusalem Post*, August 09, 2010, available at: http://www.jpost.com/Home/Article.aspx?id=184212.

[ii] I would like to acknowledge Rabbi David Golinkin for his article "How Can Apostates Such as the Falash Mura Return to Judaism?" in the January 2007 edition of *Responsa in a Moment* from The Schechter Institute (available at: http://www.schechter.edu/responsa.aspx?ID=30), as well as *Israel in the Middle East,* edited by Itamar Rabinovich and Jehuda Reinharz, for the greater understanding they gave me as to the political and halakhic issues involved in this case.

[iii] "Apostasy." *Merriam-Webster Online*, available at: http://www.merriam-webster.com/dictionary/apostasy.

[iv] *Avodah Zarah* 26b.

[v] *Seridei Esh* 2:60.

[vi] Rambam, *Mishneh Torah*, *Hilkhot Ishut* 2:16.

[vii] Deuteronomy 13:7.

[viii] This is in accordance with Rambam's view in *Mishneh Torah*, *Hilkhot Avodah Zarah* 2:5 that a *mumar* deserves stoning and *karet* on the basis of the assumption that he or she will be practicing *avodah zarah* and will transgress sins for which one is deserving the death penalty. This assumes that Christianity, again following the position of Rambam, is considered *avodah zarah* by Halakhah.

[ix] While these responses differ depending on whether the conversion was undergone to escape persecution or out of the person's own volition, here I will only consider the latter situation, as that reflects the circumstances of the court case.

[x] Rambam, *Mishneh Torah*, *Hilkhot Mamrim* 3:2.

[xi] Proverbs 2:19.

[xii] Rambam, *Mishnah Torah*, *Hilkhot Avodah Zarah* 2:5.

[xiii] *Sanhedrin* 44a.

[xiv] *Shulhan Arukh*, *Yoreh De'ah* 268:12.

[xv] R. Yehudah he-Hasid, *Sefer Hasidim*, ed. by Reuven Margaliot (Jerusalem: Mosad ha-Rav Kook), *siman* 203, p. 192.

[xvi] R. Elazar of Worms, *Sefer ha-Rokeah*, Laws of Repentance, *siman* 24.

[xvii] Responsa of Rashba attributed to Ramban, *siman* 180.

[xviii] Law of Return, 1950.

[xix] Supreme Court Decision 72/62, *Oswald Rufeisen v. Ministry of Interior* (1962) 15 P.D. 2428.

[xx] Law of Return, Amendment No. 2, 1970, Section 4B.

[xxi] Supreme Court Decision 265/87, *Gary and Shirley Beresford v. Ministry of Interior* (1993) 43 P.D. 849.

[xxii] R. Aharon Lichtenstein, "Brother Daniel and Jewish Fraternity." *Leaves of Faith: The World of Jewish Living* (Jersey City, NJ: Ktav, 2004), p. 67.

[xxiii] Ibid., p. 68.

[xxiv] Rambam, *Mishneh Torah*, *Hilkhot Teshuvah* 3:9.

[xxv] Supreme Court Decision 10226/08, *Henya Zebedovsky v. Ministry of Interior* (2010).

[xxvi] This conclusion is not taking into account, as the court does not, the issue of her having renounced her Israeli citizenship earlier. If a United States citizen renounces citizenship for tax purposes, he or she is banned from regaining it. The law is unclear on this point in Israel, so both the court and I ignore the issue.

Say "No" to the Philistines: Identity as a Mark of Difference

BY: Sarit Bendavid

Why is it so common to hear students complain that there is no community at Yeshiva University? That if only one would go to a secular college, then he would find a warm and friendly Hillel house waiting for his presence and urging him to contribute to Jewish life on campus? The underlying principle is obvious but often left assumed: unity is strengthened when there is pressure or hostility from the outside. On a secular college campus, Jews unite by being different from the general population. They might not necessarily share all of the same values or ideas, but they have a bond simply because they share a unique identity. In YU, on the other hand, the student body is much more homogeneous, consisting primarily of Modern Orthodox Jews. It is hard to carve a community out of an entire population because there is virtually nobody to be designated as the "other."

"It is hard to carve a community out of an entire population because there is virtually nobody to be designated as the 'other.'"

This phenomenon is also visible in relation to Jewish identity on the larger scale of contemporary American Jewry. The current rate of assimilation is astounding,[i] and there is no doubt that this is related to the fact that Jews are more accepted into general society today than ever before. Ironically, a sense of Jewish identity is weakened because American culture is not pressuring us to repress our uniqueness, but urging us to express it and integrate it into the American mosaic. What becomes clear is that Jewish identity is strengthened when there is something to fight against and resist as a people in an effort to retain a unique identity.[ii]

Ethnic groups are conventionally defined as groups of individuals who share certain values or ideas. Anthropologist Fredrik Barth, however, argues against the conventional view of ethnic groups as "culture-bearing units,"[iii] or groups that share core values which are represented in their material cultures. Instead, he defines them as social organizations that distinguish themselves from others. Archaeologist Avraham Faust, in his work on the ethnicity of the ancient Israelites, similarly asserts that "the ethnic boundaries of a group are not defined by the sum of cultural traits but by the idiosyncratic use of specific material and behavioral symbols as compared with other groups."[iv] What we can derive from this alternate understanding of ethnicity is that a critical factor in the construction of national identity, a process known by many anthropologists as "ethnogenesis," is the group's relationship to its surrounding ethnicities.

National Jewish identity began to form when we were in Egypt and were faced with Egyptian hostility. In line with Barth's and Faust's assertions, only when we were somewhere foreign could we realize our uniqueness. The next important step in the creation of our national identity was when we entered the Land of Israel and set up our own system of government. In this period, comprised of Iron Age I (c. 1200-1000 BCE) and Iron Age II (c. 1000-800 BCE), the Philistines were the primary group that stood in contrast to the ancient Israelites. The two groups lived in close proximity, Israel in the central hill country and the Philistines in the coastal plain, such that they constantly had border disputes.[v] According to Peter Machinist, professor of Hebrew Language, the Bible consistently presents the Philistines as "a people centered in coastal Palestine, who remain always different from Israel as a society and culture, and always her foe."[vi]

The archaeological record seems to suggest that as a result of the close proximity of the two groups, Israel forged an identity that specifically stressed its differentiation from the Philistines.[vii] For instance, pig bones are found at sites in the central hill country where Israel resided before this period in the Bronze Age (c. 3300-1200 BCE), yet they are almost completely absent from Israelite sites during the Iron Age.[viii] For instance, at Tel Beth Shemesh, which was an Israelite settlement,

"[A]s a result of the close proximity of the two groups, Israel forged an identity that specifically stressed its differentiation from the Philistines."

over 6,000 animal bone fragments recovered from the Iron Age I level were analyzed, and less than 1% of them were identified as pig bones.[ix] In contrast, noticeably higher levels of pig bones were found at nearby Philistine sites, such as Ashkelon (19%), Ekron (18%) and Timnah (8%). The different settlements shared the same natural habitat, yet it is clear that the Israelites developed a particularly strong aversion to eating pig in the Iron Age. These figures seem to not only reflect Israel's adherence to the Bible's prohibition against eating pig[x] during this period, but also that eating pig became a cultural taboo at this time, not just an arbitrary halakhah, due to the fact that the Philistines specifically ate it in large amounts.

Another example of Israel's deliberate exaggeration of its ethnicity is the lack of decorated pottery-ware found in Israel that dates to the Iron Age; in contrast, pottery from this period excavated at Philistine sites contains decoration.[xi] It is possible that during Iron Age I, the period of the *Shofetim,* Israel did not decorate pottery because they had a lower standard of living. However, this seems unlikely by the Iron Age II, the period of the Davidic dynasty, because high levels of decorated pottery were found in the surrounding cultures,[xii] and Israel was at this time a relatively sophisticated society ruled by a monarchy, implying a higher standard of living that could now support such a form of government. Faust explains that during the Iron Age I, "Since the Philistine pottery was highly decorated, it is possible that the Israelites chose not to decorate their pottery as part of their ethnic negotiation with the Philistines, and that this tradition continued into the Iron II."[xiii]

A third example, although seen through textual as opposed to archaeological analysis, in which Israel seemed to deliberately differentiate itself from its surrounding neighbors is circumcision. While the Torah itself already indicates that circumcision is a defining characteristic of the Israelites, such as when God tells Abraham that circumcision signifies a covenant between Him and Abraham's descendents,[xiv] other ethnic groups also practiced circumcision during this time.[xv] It is possible to suggest that the Israelites took the halakhah of circumcision and made it into an identifying factor, an even more significant part of their identity than mandated in the Bible, as a result of their confrontation with the Philistines, who did not practice circumcision. This is supported by the fact that the Philistines are consistently labeled in the Bible with the epithet "*arelim*," meaning uncircumcised,[xvi] highlighting in an exaggerated fashion their cultural differences. One very telling scene in the Bible is when David kills 200 Philistines and retrieves their foreskins in order to impress Saul and obtain the hand of his daughter Mikhal in marriage, demonstrating that victory over the enemy involves circumcising them.[xvii]

It is clear that throughout Jewish history, our senses of Jewish identity change as we encounter different ethnic groups. Today, for instance, one might say that long skirts and shirt sleeves are ethnic markers for women in our community, not because we necessarily value female modesty laws more than other laws, but because the outside culture so sharply contrasts these practices in its adoption of more liberal modes of dress. Another possible ethnic marker is Shabbat observance. In fact, when referring to people who follow Halakhah in general, we often say that they are *shomer Shabbat*, not necessarily because Shabbat is the most important mitsvah (although it certainly is high on the list), but, possibly, because it is so hard to keep in our modern world that begs us to turn on our cell phones and computers when we have a day of vacation. These ethnic markers become steadfast parts of our Jewish identities because they are challenged by the "others" around us, thereby strengthening our senses of Jewish identity in general.

"While it is true that any ethnic group defines itself in relation to the outside world and identities are formed partly by contrasting one's self to others, Jews have the ironic added "bonus" of anti-Semitism and a long history of persecution that has helped reinforce the walls that fortify their identities from external penetration."

While it is true that any ethnic group defines itself in relation to the outside world and identities are formed partly by contrasting one's self to others, Jews have the ironic added "bonus" of anti-Semitism and a long history of persecution that has helped reinforce the walls that fortify their identities from external penetration. In his attempt to fight against the high rate of Jewish assimilation in America, professor of Law Alan Dershowitz asserts that "we can overcome this new threat to the continuity of American Jewish life and emerge with a more positive Judaism for the twenty-first century – a Judaism that is less dependent on our enemies for its continuity, and that rests more securely on the considerable, but largely untapped, strengths of our own heritage."[xviii] Jews should explore their heritage, Dershowitz argues, not merely with the siege mentality of a people who have always been persecuted, but as a nation that has distinct qualities and a unique spiritual destiny, independent of the external world.

In *Kol Dodi Dofek*, R. Joseph B. Soloveitchik labels the conventional type of bond between Jews, one based on common experiences of suffering and feelings of isolation from the outside world, a "*Berit Goral*," a Covenant of Fate. This covenant was formed in Egypt, where "Israel was elevated to the status of a nation in the sense of a unity from which arises uniqueness as well."[xix] "*Berit Ye'ud,* or a Covenant of Destiny, on the other hand, transcends the unity that develops only as a result of outside pressure. This covenant forges a national feeling of unity because we are a "nation forever betrothed to the one God."[xx] If we heed the words of Dershowitz and R. Soloveitchik and stress our unique heritage and singular connection with the Divine, and not merely our distinct nature in relation to other ethnic groups, then we afford ourselves the *possibility*, at the very least, of curbing the rapid assimilation rate of American Jewry, and maybe even of creating more of a sense of community at our own Yeshiva University as we all attempt to fulfill the Covenant of Destiny and connect to God together.

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[i] For example, see the American Jewish Identity Survey's Report from 2001 showing that more than 50% of American Jews are married to a non-Jew, available at: http://www.jewishdatabank.org/study.asp?sid=90074&tp=1.

[ii] This does not negate the possibility that the opposite is also true – that it is easier to retain one's Jewish identity when surrounded by Jews, such as in large Jewish communities. It seems, rather, that outside pressures simultaneously strengthen as well as weaken the Jewish nation. I would like to posit, though, that while outside pressure causes many to leave the fold, it strengthens the ones who consciously decide to remain committed to Judaism.

[iii] Fredrik Barth (ed.), *Ethnic Groups and Boundaries* (Boston: Little, Brown and Co., 1969), p. 11.

[iv] Avraham Faust, *Israel's Ethnogenesis: Settlement, Interaction, Expansion and Resistance* (London; Oakville, CT: Equinox Publishing Ltd., 2006), p. 15.

[v] For example, see Judges 14-15; I Samuel 17.

[vi] Peter Machinist, "Biblical Traditions: The Philistines and Israelite History," in Eliezer D. Oren (ed.), *The Sea Peoples and Their World: A Reassessment* (Philadelphia: The University Museum, U. of Penn., 2000), pp. 53-69, at p. 65.

[vii] See Faust, ibid., and Machinist, ibid., for their detailed analyses of this phenomenon.

[viii] Faust, pp. 35-37; Philip J. King & Lawrence E. Stager, *Life in Biblical Israel* (Louisville, KT: Westminster John Knox Press, 2001), p. 73.

[ix] Shlomo Bunimovitz & Zvi Lederman, "Beth Shemesh: Culture Conflict on Judah's Frontier," *Biblical Archaeology Review* 23,1 (January/February 1997), available at: http://www.basarchive.org/bswbBrowse.asp?PubID=BSBA&Volume=23&Issue=1&ArticleID=4&UserID=2369.

[x] Deuteronomy 14:8.

[xi] For a more detailed discussion, see Faust, pp. 41-47.

[xii] Ibid., p. 41.

[xiii] Ibid., p. 47.

[xiv] Genesis 17:9-14.

[xv] Faust, p. 86.

[xvi] For examples, see Judges 14:3, 15:18; I Samuel 14:6, 17:26, 31:4; II Samuel 1:20.

[xvii] I Samuel 18:25,27. This important scene was pointed out by Machinist, ibid.

[xviii] Alan M. Dershowitz, *The Vanishing American Jew: In Search of Jewish Identity for the Next Century* (New York: Little, Brown, and Co., 1997), p. 1.

[xix] Joseph B. Soloveitchik, *Kol Dodi Dofek: Listen – My Beloved Knocks*, transl. by David Z. Gordon (New York: Yeshiva University, 2006), p. 53.

[xx] Ibid., p. 66.

Confronting "Confrontation:" Understanding the Rav's Approach to Interfaith Dialogue

BY: Jake Friedman

For the YU student searching for answers to a question of Halakhah, Hashkafah, or *lomdut* (analytic Talmud), the teachings of R. Joseph B. Soloveitchik, the Rav, are not just highly regarded because of his erudition and authority, but because the Rav was the paragon of the Torah u-Madda ideal. While the Torah u-Madda credo seems to mean something different for every student in Yeshiva University, approaching a problem through the Rav's perspective provides the feeling of continuity with the paradigm established by a great exemplar of the Torah u-Madda tradition.

To discuss the Rav's outlook on Jewish identity in its entirety would demand a prohibitively expansive familiarity with his thought, but I will still venture to deal with one of its aspects: Jewish identity as set forth in the Rav's essay, "Confrontation."[i] There, the Rav lays out his conception of Jewish identity vis-à-vis other faith communities. His schema of the dual identity of the religious individual at once opens many avenues of interfaith collaboration and forcefully closes others. With the help of past scholarship on "Confrontation" and records of the Rav's correspondence on this issue, I hope to set forth a plausible reading of his article that clarifies which types of interfaith dialogue the Rav disallowed, which types he welcomed, and which types, if any, escaped discussion entirely.

The Rav addressed the Rabbinical Council of America on the topic of participation in the Second Vatican Council at its Mid-Winter Conference in 1964. During his address, the Rav read portions of "Confrontation," which had been prepared for publication in *Tradition*.[ii]

"Confrontation" comprises two main sections.[iii] In the first part, the Rav expounds, as he is wont to do, on the differences between the portrayals of man in the first and second chapters of Genesis. The Rav intends his binary reading of Genesis as a model for the dual responsibility of the religious individual and as a guide to the proper approach to interfaith dialogue. In the second part of "Confrontation," the Rav develops the particulars of applying this model, and he introduces the practical considerations to be taken into account in approaching interfaith dialogue, specifically between Jews and Christians.

Emerging from his discussion of Genesis, the Rav sees the mission of a religious individual as having both public and private elements. Parallel to the confrontation between Adam and nature, the religious individual owes service to humanity; social justice, scientific advancement, and the safeguarding of ethical practices should be of utmost concern to any human being who acknowledges his responsibility to God.[iv]

A second confrontation – between Adam and Eve – parallels the relationship that every religious person maintains with adherents of other faiths. Just as Adam's relationship to Eve was elevated beyond his relationship with the rest of nature by virtue of his acknowledging the unbridgeable existential gap between him and her, so every faith community must acknowledge and respect the impossibility of syncretization that stands between them. This acknowledgment of separateness, the key to a subject-subject relationship, as the Rav calls it, is the fundamental requirement for successfully undergoing the second confrontation.[v]

> "The Rav intends his binary reading of Genesis as a model for the dual responsibility of the religious individual and as a guide to the proper approach to interfaith dialogue."

The Rav enumerates four conditions to safeguard the subject-subject relationship necessary for successful interfaith dialogue:

"We are a totally independent faith community. We do not revolve as a satellite in any orbit."[vi] Jews must not concede at all to the notion that their covenant with God has been superseded.[vii] This refusal should be recognized by all participants as an ongoing point of disagreement between the faith communities, not an issue to be ironed out by apologetics or revisionism.

"The *logos,* the word in which the multifarious religious experience is expressed does not lend itself to standardization or universalization […] The confrontation should occur not at a theological, but at a mundane human level. There, all of us speak the universal language of modern man."[viii] Because the theological language of the respective faith communities expresses religious sensations too intimate to be comprehended by those of another faith, dialogue must remain in the realm of the "secular orders."[ix]

"Non-interference […] is a *conditio sine qua non* for the furtherance of good-will and mutual respect."[x] No Jew must ever suggest changes or emendations to Christian rituals or texts, and the converse is a requirement as well.

Any response to Christian overtures that even hints toward a willingness to compromise the fundamental matters over which millions of Jewish martyrs were sacrificed is an affront to their memory. To willingly equivocate where they stood firm demonstrates utter insensitivity to the "sense of dignity, pride, and inner joy" that their memory ought to inspire.

Opinions of what the Rav meant by his remarks in "Confrontation" diverge drastically from one another. Both the traditionalist and more modernist wings of Modern Orthodoxy have read their own positions on interfaith dialogue into "Confrontation."

These readings both share as their starting point generalizations about the Rav's personality.[xi] Modernist readers portray the Rav as an unrelenting modernizer who was "willing to compromise his traditionalism in the name of secular philosophy."[xii] These readers claim that the Rav was truly in support of theological interfaith dialogue and that "Confrontation" represents a mere hiccup on the Rav's path toward modernity.[xiii] They consider the Rav's apparent disapproval of interfaith dialogue to be an effort to retain an appearance of traditionalism in order to satisfy his psychological misgivings about the incongruity of his modern stance and his traditional heritage.[xiv] Traditionalist readers describe the Rav as absolutely parochial, unwilling to discuss universal issues or entertain the notion of interfaith relationships.[xv] They construe "Confrontation" as though it were a blanket prohibition on all forms of interfaith dialogue.[xvi]

> "Just as Adam's relationship to Eve was elevated beyond his relationship with the rest of nature by virtue of his acknowledging the unbridgeable existential gap between him and her, so every faith community must acknowledge and respect the impossibility of syncretization that stands between them."

There seem to be three issues that make it difficult to reach a conclusive interpretation of "Confrontation." First, the Rav could have presented his decision in the classical, straightforward style of a *pesak Halakhah* (halakhic decision) rather than the complex philosophical argumentation that he chose. Grappling with his nuanced metaphors and guidelines has proven difficult for scholars. Second, the Rav's premise, oft-repeated in "Confrontation," that the language of faith is private and inexpressible seems to be contradicted by his own serious engagement with the works of Kierkegaard, Otto, Barth, and other Christian thinkers, whose influences are evident in "Confrontation" itself, as well as in other of the Rav's writings. Third, the Rav's distinction between the theological realm and the realm of "secular orders" is obfuscated by his own footnote ad loc.:

> "The term 'secular orders' is used here in accordance with its popular semantics. For the man of faith, this term is a misnomer. God claims the whole, not a part of man, and whatever He established as an order within the scheme of creation is sacred."[xvii]

Now, if those things commonly known as secular are actually sacred, where is the common ground on which to conduct non-theological dialogue?

A complete treatment of "Confrontation" must account not just for the particulars of the Rav's argument, but also for the Rav's choice of biblical source material and the nuances of the metaphor he employs. A combination of R. Shalom Carmy's remarks in "Orthodoxy is Reticence"[xviii] and R. Meir Soloveichik's remarks in "A Nation Under God: Jews, Christians, and the American Public Square,"[xix] provides one such complete treatment.

R. Carmy takes up the task of explaining the apparent inconsistency between the Rav's personal involvement with the literature of Christian theologians and his proscription against theological interfaith dialogue. R. Carmy insists that the Rav intended "Confrontation" as a binding *pesak* forbidding theological interfaith dialogue. However, R. Carmy also describes a type of dialogue approached with "dignity, humility, courage and reticence,"[xx] which is the type in which the Rav himself engaged, and in which, with due care and reserve, we might also strive to engage.

This explanation does more than just reconcile the Rav's behavior with the text of "Confrontation;" it also faithfully responds to the Rav's choice of metaphor. His choice to describe dialogue by way of the marital union of Adam and Eve is critical, highlighting that it is criminal to flout the intimate union of husband and wife, and it is holy to honor it. Similarly, to approach theological interfaith dialogue with abandon is religious promiscuity; to seek to engage the religious other in a context of care, modesty, and sensitivity is a sublime aspiration. The dignity afforded to the interaction by relating on a personal level rather than on an impersonal, institutional level makes all the difference in the world.

"[T]o approach theological interfaith dialogue with abandon is religious promiscuity; to seek to engage the religious other in a context of care, modesty, and sensitivity is a sublime aspiration."

Comments in the Rav's personal correspondences also reflect the opportunity for theological dialogue at the personal level. In regard to meeting with Christians to discuss matters of changing doctrine, the Rav comments that he refuses to send a delegation to the Vatican, but he does say the following: "If we want to help the process along, we should not be dealing with the official representatives of the Church, but rather with liberal lay Catholics."[xxi] The difference he stresses here between religious universalism and discerning personal relationships between devotees of separate religions is the touchstone distinction between allowed and prohibited interfaith dialogue.

R. Carmy's comments solve two of the issues stated above that make reading "Confrontation" difficult. He accounts for the essay's peculiar style and also shows that a second "Confrontation" interfaith relationship is possible, or, as I argue, even ideal. R. Meir Soloveichik's interpretation solves the last issue: in what way can the "secular orders" be sacred and yet remain unaffected by the prohibition against theological dialogue? R. Soloveichik draws our attention to a passage from an open letter to the Rabbinical Council of America published by the Rav in 1964:

> "When, however, we move from the private world of faith to the public world of humanitarian and cultural endeavors, communication among the various faith communities is desirable and even essential. We are ready to enter into dialogue on such topics as War and Peace, Poverty, Freedom, Man's Moral Values, the Threat of Secularism, Technology and Human Values, Civil Rights, etc., which revolve about religious spiritual aspects of our civilization. Discussion with these areas will, of course, be within the framework of our religious outlooks and terminology.
>
> Jewish Rabbis and Christian clergymen cannot discuss socio-cultural ethicists in agnostic or secularist categories. As men of God, our thoughts, feelings, perceptions and terminology bear the imprint of a religious world outlook. We define ideas in religious categories and we express our feelings in a peculiar language which quite often is incomprehensible to the secularist. In discussion, we apply the religious yardstick and the religious idiom. We evaluate man as the bearer of God's likeness. We define morality as an act of *imitato Dei*, etc. In a word, even our dialogue at a socio-humanitarian level must inevitably be grounded in universal religious categories and values. However, these categories and values, even though religious in nature and Biblical in origin, represent the universal and public – not the individual and private – in religion. To repeat, we are ready to discuss universal religious problems. We will resist any attempt to debate our private individual commitment."[xxii]

R. Soloveichik highlights the fact that the Rav referred to the collective of Jews and Christians as "men of God."[xxiii] While many have argued whether Christian worship constitutes *avodah zarah* (idolatry), the Rav unflinchingly places Jews and Christians in a common category. The possibility of belonging to the same religious group as Christians is allowed for by the existence of a universal and public sector of religion. Judaism works with religious concepts that belong to the world, universally, not merely to the Jews.[xxiv]

This distinction between the public and private realms of religion reconciles the paradox of the sacred and secular orders. There is a universal, secular realm, even within the field of religious ideas. And while the responsibility to regard these matters attentively is a sacred duty, the scope of their significance is universal.

The universal significance of these matters explains why Jews and Christians ought to collaborate, employing their common language of biblical values, to combat secularism. Matters of morality and justice never belonged exclusively to the Jewish people; even if their upkeep is a matter of Jewish responsibility, these concepts rest in the *reshut ha-rabbim* (public domain) of the religious world. Jews, and members of any other faith who choose to recognize their duty, are charged with the responsibility of improving the moral, technological, and political character of the world. If Christians recognize the morality of the biblical ideal of marriage or sanctity of life, then we stand united with them on common ground against those who would deny the existence of the norms or ideals we believe must be upheld by all of humanity. By joining together to uphold these values, Jews respond to the calling of the first confrontation; we stand shoulder-to-shoulder with our brethren, working to mold the natural order to a divine norm.[xxv]

By examining the comments of both Rabbis Carmy and Soloveichik, the practical application of the full, double-confrontation philosophy has been expounded. R. Carmy affirms the possibility for authentic second-confrontation interfaith relationships, and R. Soloveichik details the sacred nature of first-confrontation relationships. Read in this way, the importance of "Confrontation" and the Rav's prescience can be seen clearly. The carefully composed rhetoric of this work contains a timeless guideline for checking the propriety of our relationships with individuals and communities of other faiths.

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[i] Joseph B. Soloveitchik, "Confrontation," *Tradition* 6,2 (1964): 5-29.

[ii] Ibid., pp. 5-9.

[iii] My paraphrase cannot do justice to the penetrating language of the Rav's original composition. In fact, as I will later argue, the Rav's position cannot be adequately conveyed by a list of premises without attention to the nuance of his metaphor. I strongly urge the reader to take up his or her own study of this marvelous text.

[iv] Soloveitchik, p. 20.

[v] Ibid., p. 19.

[vi] Ibid., p. 21.

[vii] This idea is called Supersessionism, which is a Christian interpretation of New Testament claims, viewing God's relationship with Christianity as being either the "replacement," "fulfillment," or "completion" of the promise made to the Jews (or Israelites) and Jewish proselytes. ("Supersessionism," *Wikipedia: The Free Encyclopedia*, available at: http://en.wikipedia.org/wiki/Supersessionism.)

[viii] Soloveitchik, pp. 23-24.

[ix] Ibid., p. 24.

[x] Ibid., p. 25.

[xi] Lawrence Kaplan, "Revisionism and the Rav: The Struggle for the Soul of Modern Orthodoxy," *Judaism* 48 (1999): 290-311, available at: http://findarticles.com/p/articles/mi_m0411/is_3_48/ai_64507449/?tag=content;col1.

[xii] Daniel Rynhold, "The Philosophical Foundations of Soloveitchik's Critique of Interfaith Dialogue," *Harvard Theological Review* 96,1 (2003): 101-120, at p. 102.

[xiii] David Singer and Moshe Sokol, "Joseph Soloveitchik: Lonely Man of Faith," *Modern Judaism* 2 (1982): 227-272, at p. 255. Cited in Rynhold, p. 102.

[xiv] Ibid.

[xv] Moshe Meiselman, "The Rav, Feminism and Pubic Policy: An Insider's Overview," *Tradition* 33,1 (1998): 5-30, at pp. 27-28. Quoted in Kaplan, p. 297.

[xvi] Ibid., quoted in Kaplan, p. 298.

[xvii] Soloveitchik, p. 24, n. 8.

[xviii] Shalom Carmy, "'Orthodoxy is Reticence' – Taking Theology Seriously," Center for Christian-Jewish Learning, Boston College, available at: http://webcache.googleusercontent.com/search?q=cache:vWOqS6F0oTgJ:www.bc.edu/research/cjl/meta-elements/texts/center/conferences/soloveitchik/sol_carmy.htm+orthodoxy+is+reticence&cd=1&hl=en&ct=clnk&gl=us&client=safari.

[xix] Meir Soloveichik, "A Nation Under God: Jews, Christians, and the American Public Square," *Yirat Shamayim: The Awe, Reverence, and Fear of God*, ed. by Marc D. Stern (New York: Yeshiva University Press; Jersey City, NJ: Ktav, 2008), pp. 321-347.

[xx] Carmy, p. 3.

[xxi] Joseph B. Soloveitchik, "On Jewish Participation in the Vatican II Ecunemical Council of 1962 (a)," in idem, *Community, Covenant, and Commitment: Selected Letters and Communications*, ed. by Nathaniel Helfgot (Jersey City, NJ: Ktav, 2005), p. 248.

[xxii] Joseph B. Soloveitchik, "On Interfaith Relationships (a)," in ibid., pp. 260-261. Cited in Soloveitchik, pp. 325-326.

[xxiii] Soloveichik, p. 326.

[xxiv] Ibid., p. 331.

[xxv] Ibid., pp. 331-335.

Different Perspectives on Chosenness[i]

BY: Shlomo Zuckier

In analyzing the issue of Jewish chosenness, it is possible to present the question of the selection of the Jewish People as a problematic: Why would God, who created the entire world and cares about all His creatures, choose only one nation to bear His mantle and have the fullest religious experience? Of course, there are different accounts of this relationship between God, the Jewish people, and the other nations that may limit the difficulty,[ii] but this strong formulation of Jewish chosenness expresses the sharp question of why the Jews were deserving of God's choice. What is it about the Jews that warrants their possession of this coveted title?

Several answers have been promulgated in medieval Jewish literature to respond to this question. Maimonides, *ke-darko ba-kodesh* (following his usual style), provides and answer that satisfies the rationalist reader.[iii] He argues that the Jews are chosen because of their own decisions and merit, and not because of any inherent factor. Avraham was the first to (re)discover God, and he spread that idea to the entire world. Because of this great accomplishment and his ensuing relationship with God, Avraham's descendants merited to be God's chosen people, receiving a larger portion of laws as they continued Avraham's goal of spreading knowledge of God to the world. One interesting ramification of this opinion that Rambam presents is that Avraham's spiritual descendants (i.e. converts) enjoy the same status as his biological ones, as Rambam stresses when communicating with Ovadiah the convert.[iv]

R. Yehudah ha-Levy does not share the Rambam's perspective of historical factors and ethical merit in his *Sefer Ha-Kuzari*.[v] R. Yehudah ha-Levy instead presents a biological system of superiority, where the trait of supremacy passes from Adam and down, along paternal lines. He explains how the Jewish people inherited this superior quality, and that, combined with the climatic excellence of the land of Israel, proves Jews superior and allows them to excel, to the point that they are basically considered a distinct species from non-Jews. This preeminence manifests itself in several ways, such as the ability to receive prophecy, and it also explains why the Jews were chosen by God and received the Torah; God wanted a superior people to bear His Torah.

Maharal[vi] presents a perspective distinct from both Rambam's perspective of Avraham choosing God and the *Kuzari*'s approach of viewing Jews as inherently superior. This approach does parallel the *Kuzari*'s idea that Jews have certain inherited qualities, but those features are metaphysical rather than physical. In other words, the Jewish nation, by their metaphysical nature, is connected to its God, while the other nations have inherent connections to other deities or powers. It is not a matter of superiority but of differentiation, that the *helek* (portion)[vii] of the Jews entails that of God and being chosen. Maharal's approach explains the nature of Jewish chosenness, but it does not name a distinct cause for that status.

We now turn and explore some opinions that appear centuries later than these medieval and early modern thinkers. The three thinkers that will be explored regarding this issue are R. Aharon Kotler, R. Joseph B. Soloveitchik, and Professor David Novak.

R. Aharon Kotler, who established the Beth Medrash Gavoha in Lakewood and successfully initiated the transplantation of Haredi European yeshivah life to America, authored a several-volume work which transcribes and summarizes the important speeches he gave in yeshivah, *Mishnat Rav Aharon*. Throughout several articles on relevant topics to Jewish chosenness, including "The Sanctity of Israel," "You Are Sons to Hashem Your God," and "You Shall be A Holy Nation,"[viii] a common sermonic thread appears. In each place, he mentions that Jewish chosenness and closeness to God, which sanctify the Jewish people, and both allow for and demand fealty to the divine will. This is to be manifest in intense Torah study (the overriding theme throughout the volumes), observance of religious law, and a self-dignity, but not egotism, that typifies a *ben Torah* (student of Torah). This is used to explain both the significance of *kedushat Yisrael* (the holiness of Israel) and what it means to be a son to God. In fact, in his article on being a son to God, R. Kotler mentions that studying Torah with great focus and strong religious commitment can qualify one as a *ben sha'ashu'im* (favorite son), an interesting twist on the idea of viewing Israel as God's son. What is most glaring in R. Kotler's treatment of the issue, however, is what does not appear, which is any differentiation between Jews and non-Jews. Outside of an offhand comment that non-Jews do not have the luxury of learning Torah and coming close to God, they are absent from all these treatments of the special nature of Jewish chosenness.

> "For the Rav, the continuation of a nontrivial Jewish identity is synonymous with being bound to the covenant."

Moving on to R. Soloveitchik, I would like to focus on his work *Fate and Destiny* (originally *Kol Dodi Dofek*).[ix] He proffers a dichotomy between the following two covenants, cut respectively in Egypt and at Sinai: there is the camp of a simple and passive shared *fate* on the one hand, and a congregation with a shared *destiny* of following God's commands on the other. In describing the Covenant of Destiny, R. Soloveitchik says: "It is the unceasing stream of supernal influence that will never dry up as long as the people charts its path in accordance with the divine Law."[x] In other words, while fate comes without stipulation and it applies equally to animals as men, a precondition for taking part in Jewish destiny is commitment to the law, and this binding legal force is what drives the Jewish people forward in history. This is the covenant that was accepted by Israel at Mount Sinai, along with the acceptance of the law. The continuation of a nontrivial Jewish identity is synonymous with being bound to the covenant.

Professor David Novak recently penned an article entitled "Why Are the Jews Chosen,"[xi] where he also discusses the topic at hand.[xii] His claim is that Jews, in order to be accurately considered the chosen people, need to positively affirm their chosenness by actively participating in Jewish ritual. Only by perpetuating God's manifestation in the world – by their observance of Torah – can they properly claim to be chosen. In fact, this is the purpose of chosenness, according to Novak, as he writes "we [Jews] were chosen to be the trustees of God's Torah." His presentation of Israel choosing God is distinct from that of Rambam because the requirement of connecting to God is not the *cause* of chosenness, as it is for Rambam, but is rather the *result* thereof, that God's choice of us demands that we choose Him as well, by following his mitsvot.

I would like to suggest that there is a common denominator between these three American Jewish thinkers of the past century. Though they had disparate educations and functioned in different roles from one another in the American observant community, their theology of Jewish identity seems to hold a common theme. Each seizes upon continued Jewish observance (of different flavors) as part of the very necessary positive affirmation of God's choice by the Jews, while ignoring the questions of why exactly Israel deserves to be chosen.

It could be that these contemporary theologians were not fully comfortable with the earlier material on the issue. The medieval theories each hold some logical gap for the modern thinker. *Kuzari*'s theory of superiority smacks of racism and is hard for someone of modern sensibilities to accept. Maharal's metaphysical theory is kabbalistic and hard to pin down. Rambam's theory of ascribing chosenness to Avraham's piety begs the question of why his actions should forever impact his descendents (for better or worse), even those who completely negate his belief system. None of these questions are fatal blows, but they may be enough to drive a modern theologian to focus on different aspects of chosenness. And, thus, each of the three recent thinkers dwells upon the issue of continued observance as integral to the covenant, whether in order to qualify one as a favorite son, to be included in the covenant of destiny, or to reinforce God's original choice. It would appear that the contemporary account of Jewish identity focuses not upon its cause but upon its effect, analyzing not the question of *me-ayin ba* (whence did it come?) but rather *le-an holekh* (where does it go?). This model of focusing on the outcome of Jewish chosenness and not its origin is an attractive one to the modern Jew, as it has implications and directives for how we can live our lives and does not overly try to understand God's workings. In our own meditations upon our purpose in this world, as well, we can follow this contemporary model and attain a better appreciation for our place in the world.

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[i] In starting this article, I would like to thank R. Shalom Carmy, whose excellent class on the election of Israel was the source of much of the first part of this article.

[ii] Some of these accounts limit the special nature accorded to the Jews, such as formulations that present them as a firstborn son, where there is some special favor accorded to the *bekhor* but it does not take away from the fact that all people are God's children. Alternatively, one can present Jewish chosenness as meaning that Jews have a role to spread knowledge of God to the nations, a universalistic approach that blunts the sharpness of their exclusive choice.

[iii] This analysis is based on *Hilkhot Avodah Zarah,* ch. 1, *Teshuvah* 293, and the letter to Teiman.

[iv] *Teshuvah* 293 (to Ovadiah the Proselyte).

[v] This analysis is based on *Sefer Ha-Kuzari* I:92-103 and II:35-44.

[vi] This analysis is based primarily on *Netsah Yisrael,* ch. 2.

[vii] Based on *Devarim* 4:19 and 29:25.

[viii] The full range of topics surveyed is *Kedushat Yisrael* (Sanctity of Israel, Mishnat Rav Aharon II:156-158), *Banim Atem La-Hashem E-lokeichem Lo Titgodedu* (You are Sons to Hashem Your God, Do Not Tear, I:157-159), *Ve-Atem Tihyu Li Mamlekhet Kohanim Ve-Goy Kadosh* (And You Shall Be For Me a Tribe of Priests and a Holy Nation, I: 159-160), and *Ki Lo Tishakkah Mi-Pi Zar'o* (For it Shall Not Be Forgotten by His Offspring, I:33-34).

[ix] *Kol Dodi Dofek: It is the Voice of My Beloved that Knocketh,* Rabbi Joseph B. Soloveitchik, Hoboken: Ktav, 2000.

[x] P. 54.

[xi] *First Things*, April 201, available at: http://www.firstthings.com/RSS/article/2010/03/why-are-the-jews-chosen.

[xii] He has written a book on the classical sources regarding Jewish chosenness, adopting a modified Rambam position, but it appears that this discussion is more contemporaneous, as seen by the 20th century context of the article.

GENERAL JEWISH THOUGHT

Women's Learning: Educational Goals and Practice

BY: Fran Tanner

In recent times, women's Torah learning has taken great strides and reached a level that our grandmothers or even mothers never imagined. Modern Orthodox middle schools and high schools have introduced *Torah she-be-Al Peh* into the girls' curriculum. Battei Midrash for women have sprung up across Israel and the Diaspora. Closer to home, Stern offers Gemara shiurim and numerous advanced Tanakh courses, and the Stern Beit Midrash is the home to GPATS, Yeshiva University's Graduate Program in Advanced Talmudic Studies. Furthermore, this past year at Stern has seen the startup of Night Seder in the Beit Midrash every weeknight, and Bavli Baboker, a *daf yomi* program that meets every morning. These developments are easy to get excited about and we certainly should. We should rejoice in the opportunities we have been given, as women of the 21st century.

Nevertheless, to become complacent would be a grave error. It is an obligation for Jews who strive to be true *yir'ei Shamayim,* to be constantly evaluating where they are standing and where they are headed on the lifelong journey towards *deveikut ba-Shem*. I would suggest that to this end, it is incumbent upon us as a community to think critically about where women's learning is today and where it is headed. The Modern Orthodox community must be able to articulate a clear blueprint of its goals for women's learning. Its vision should go well beyond asserting the fact that women should be learning, and should address specific issues and formulate clear goals. Educational programs should reflect these goals and facilitate their fulfillment.

This is an issue that is of importance, not just to women, but to the community at large. Our goal is to create a community of learned women and men, who are committed *ovedei Hashem*. Together, we strive *le-hagdil Torah u-le-ha'adirah* (to expand and glorify Torah). Thus a detailed plan of how to include women in this speaks to larger communal goals.

The issue is of course complex, and a full analysis, difficult; however, a full look at the situation should be undertaken. This assessment should include two key components: an evaluation of what our ideal vision of women's learning is and an analysis of whether we are living up to that ideal. In his article, "Spiritual Accounting of Centrist Orthodoxy," R. Aharon Lichtenstein outlines the process of *heshbon ha-nefesh* and identifies two key elements. He quotes Bishop Wilson: "'First, never go against the best light you have; second, take care that your light be not darkness'. *Heshbon ha-nefesh* does indeed entail an examination of the light by which we walk, and, concomitantly, an analysis of just how well, just how persistently, we do indeed walk by the light which we profess to be guiding us."[i] In other words, there are two questions we need to ask: do we have proper goals, and if so, are we meeting them?

> It is an obligation for Jews who strive to be true *yir'ei Shamayim,* to be constantly evaluating where they are standing and where they are headed on the lifelong journey towards *deveikut ba-Shem*.

Indeed, a full *heshbon ha-nefesh* may be beyond the scope of this article, but I would like to begin to touch on some of the key considerations. If we are to follow R. Lichtenstein's outline, we must attempt, first and foremost, to define "the light by which we walk," namely, the ideal by which we are guided. Afterwards, a look at the current programs available for women and the level of learning will reveal "how persistently" we walk by that light.

> "However, providing a *shi'ur* for women, while a nice gesture, is not enough. It allows an institution to say, "We teach women," but the vision cannot stop at that alone."

Defining the light by which we walk, in and of itself may pose the biggest challenge. What is our mission statement for women's learning? What exactly are we striving to achieve and how? The overall goal is a Jewish community of committed individuals, both men and women alike, no doubt, but how exactly do we propose to get there? What role do we suggest women's Torah study play in this regard?

> "The educational goals the community establishes for women's learning, like educational goals of any program, must develop ideals and answer questions about specifics...and also the end goal of the program."

I would like to start with the basic premise that women should be engaged in Torah study, as R. Soleveitchik and others advocated. R. Soloveitchik began paving this path for women, instituting Gemara at the Maimonides School and later establishing the first Gemara *shi'ur* for women in Stern College.[ii] Many Modern Orthodox institutions contend that they promote this notion, and offer women many different *shi'urim*, classes, and other learning opportunities.

However, providing a *shi'ur* for women, while a nice gesture, is not enough. It allows an institution to say, "We teach women," but the vision cannot stop at that alone. Any educator will attest to the importance of overall educational goals. As educator Dr. Lawrence J. Peters once said: "If you don't know where you're going, you will probably end up somewhere else." Offering a *shi'ur* here and there is not enough in terms of promoting women's education. There needs to be some kind of overarching vision. The *shi'urim* should be organized around, and built according to some overarching goal. We need to first be clear about our goals for women's learning and then offer *shi'urim* that reflect the actualization of those goals.

It often seems that we are not always clear about the direction we want to take in the larger goals of women's learning. Our community's vision remains hazy, and women often receive mixed messages, and articulate mantra that state one thing and an educational system that promotes another. Although our community seems to say we promote women's learning, many practical differences and constraints still do exist. Are we striving to produce women who are *talmidot hakhamim*? If so, are we doing enough to enable this? Do our programs reflect this goal?[iii]

The educational goals the community establishes for women's learning, like educational goals of any program, must develop ideals and answer questions about specifics –

for example, the time and style of the learning program: how and when will they learn, and how much – and also the end goal of the program: where do we want women to be when they come out and what do we want them to do with this learning experience they have gained? How will we help them continue learning later in life? Only once such goals have been established and clarified can a maximally effective women's learning program exist.

The kinds of goals we establish for women's learning will significantly impact "how we walk by the light," in other words the nature of the women's learning program we will set up. The following are some of the key issues and how they will impact the program.

The first question is that of time invested in learning. Our community says that women should be learning, but has not answered clearly and definitively "how much?". I recognize that even for men, too, this is always somewhat of a question.[iv] For women, who are not explicitly obligated in *talmud Torah*, this question is even more complex. On one hand, it may be that since they are not obligated, they need fewer hours of *talmud Torah*; the concept of *bittul zeman* may be less of a concern. On the other hand, once our community has declared that *talmud Torah* is indeed a value for women as it promotes spiritual growth and *deveikut ba-Shem*, is it not logical that women should be striving for as much Torah learning as possible? Furthermore, to truly master Jewish texts, is not a most intensive and rigorous commitment necessary? As it says in many places in *Shas*, *ein ha-Torah mitkayyemet ella be-mi she-memit atsmo aleha*: only those who "kill" themselves for Torah can establish themselves in it.[v]

To date, I am aware of very few programs in which women spend as much time learning as their male counterparts – and I ask: does it stem from part of our ideal vision of what women's learning should be, or is this merely an oversight, a *be-di-avad* reality, which is perhaps a function of the fact that the mentality regarding women's learning has advanced but not yet fully changed? Is it a reflection of our goals or does it reflect a lack of clarity in our goals?

A related issue is the style or setting for women's learning. What is the most effective educational program we can offer women to get them where we want them to be? What kind of program will be the most enriching, and enable them to grow the most as *talmidot hakhamim* and as *ovedei Hashem*? I have already suggested that *shi'urim* should, at the very least be organized around set goals. Furthermore, perhaps we need to consider learning models that go beyond *shi'urim*.[vi] Arguably, the environment most conducive to serious learning is a yeshivah modality consisting of *sedarim*. This allows for large blocks of time to be dedicated to Torah study, without conflicts from secular courses or other engagements. Furthermore, this creates not just individual learners but a learning environment and community in which its members can engage in dialogue and study together at set times. Again, are our educational programs and the way they are set up a reflection of our goal for women's learning and are they meeting these goals?

Finally, there is the longsighted question of: "What are we aiming for?" Where do we want women to end up? What are these learned women to do, after completing their undergraduate and post-graduate studies? How will we continue to provide them learning opportunities?

An analysis of these issues and other issues in women's education must be undertaken. Clarifying "the light by which we walk" and "how persistently we walk by it" is critical for furthering the education and torah commitment of women in our community.

By way of conclusion, I would like to move from theory to practical application and look at two specific issues regarding where we are today.

Firstly, there is the puzzling issue of numbers of women taking advantages of these opportunities today. As Shani Taragin noted in a recent interview with *Kol Hamevaser*,

> "I am somewhat disillusioned with what I have seen. About 20 years ago, when women's learning really took off, with the opening of institutions such as Midreshet Lindenbaum, MaTaN, Nishmat, the Stern Talmud Program (GPATS), Migdal Oz, and Drisha, I thought that there would be a significant demographic growth in women's learning. Yet, sadly, we have not seen the number of students in these institutions grow proportionally. If there were 15 women in MaTaN's advanced learning program 20 years ago, then there are 15 women in that program today. The numbers have not significantly increased as I expected they would."[vii]

The question that must be asked is why have these programs not seen significant growth? Why are there not more women taking advantage of these learning opportunities? Perhaps, it is too early to expect that kind of change. Looking at the greater picture of history women's learning is relatively revolutionary and people are still getting used to the idea. However, twenty years is a long time and one cannot help but wonder where the multitudes of women scholars are.

Secondly, there is the question of Yeshiva University and its significant role in leading this change. Yeshiva University's Stern College for Women stands at the forefront of advanced studies for women. It has offered and continues to offer unprecedented opportunities to today's Jewish women. Yet, currently, in Yeshiva University, the women as a whole do not spend nearly as much time learning as the men, nor is a morning *seder* option even provided in the schedule. At Stern, instead of a morning *seder* structure, providing time designated toward only Torah study with time spent in the beit midrash with *havruta* preparation, the Judaic Studies courses are integrated into the course schedule, along with everything else. While for some this creates a certain flexibility not afforded to the men, a less intensive schedule and more choice, oftentimes this creates conflicts between secular courses that students need for their majors and otherwise, and serious Torah courses. Students sometimes may be forced to choose between the two. Furthermore, the fact that Judaic Studies are peppered throughout the day detracts from the yeshivah aspect of Yeshiva University, compromising on the blocks of time devoted to learning and on the beit midrash environment of the entire student body engaging in Torah study together.

I ask the same question I posed earlier. Is this an ideal position, or does the current situation exist because the mentality regarding women's learning still has to catch up? If the latter is true, I then ask: as a community, what are we doing to help this process along?

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[i] R. Aharon Lichtenstein, "Centrist Orthodoxy: A Spiritual Accounting," trans. Reuven Ziegler, Torah on the Web – Virtual Beit Midrash. Available at: http://vbm-torah.org/archive/develop/12develop.htm.

[ii] Some would argue that he was in fact just continuing a process that began long before him with Sarah Schenirer's establishment of the Bais Yaakov school system.

[iii] If not, what is it that we are going for? It seems to be unclear.

[iv] See, for example, *Avot* 2:2, *Berakhot* 35b, and *Kiddushin* 82a.

[v] See, for example, *Berakhot* 63b.

[vi] Rabbi Yosef Yitshak Schneersohn of Lubavitch distinguishes between two groups of people, the learned and the simple. "The lettered, or learned, group are those individuals knowledgeable both in the exoteric and esoteric parts of the Torah. They are referred to with the words "the king led me into His chambers" [i.e. they are privy to G-d's innermost secret the Torah]. The second category is that of the simple Jews who pray, recite *Tehillim* and listen to Torah lessons" (http://www.chabad.org/library/article_cdo/aid/73716/jewish/Chapter-III.htm). If we want women to be learned and not just simple, their learning needs to go well beyond listening to Torah lessons.

[vii] Staff, "An Interview with Shani Taragin: Part One," *Kol Hamevaser* 3,2 (November 2009): 14-17.

A Guide to Remaining Perplexed

BY: Reuven Rand

Certain conversations seem geared toward challenging our assumptions. A few years ago, I sat in a Bible class in which a student challenged the professor about the Hebrews' culpability for the *het ha-egel* (the Sin of the Golden Calf). How, he asked, could we blame the Hebrews for building a golden intermediary between the people and God when God had not yet forbidden them to craft a graven image? I explained to the student after class that his version of the biblical narrative was incorrect; the Hebrews had heard the Ten Commandments *before* Moses had ascended the mountain to receive the *luhot ha-edut* (Tablets of the Testimony), which set the stage for the Hebrews' transgression. Rather than accept his mistake, the questioner chose to challenge me on theological grounds: if God had already given the Ten Commandments, what further purpose could be achieved in acquiring two tablets? Could the tablets possibly have independent religious significance?[i] Does our belief system even have room for such a concept?

The assumptions inherent in such questions are both manifold and manifest. The first assumption is that we have some theology in common to discuss; otherwise, we cannot even begin this discussion. Another is that by means of a *reductio ad absurdum* from our philosophical notions we might rewrite a section of the Bible.[ii] However, I was most struck by his belief that our common theology is a rationalist one, predisposed to treat the concept of an inherently holy artifact as superstitious nonsense. For what in our religious corpus – our Bible of miracles, our Talmud of magic and demons and our halakhic literature that specifies evil spirit removing hand-washing procedures[iii] – hints to him that rationalism is normative?

The answer, of course, is that Maimonides was a rationalist, and though his *Guide of the Perplexed* rarely finds its way into any Jewish curriculum,[iv] he is imagined to be as authoritative a theologian as he is a halakhist. Of course, this fails to acknowledge that we do not serve God as Maimonideans, applying negative theology towards God's possible attributes in order to understand Him by what He is not. Divine commandments take the prominent role in Orthodox Judaism, not philosophy. As Maimonides would put it, few of us have even seen the palace.[v]

> "For what in our religious corpus – our Bible of miracles, our Talmud of magic and demons and our halakhic literature that specifies evil spirit removing hand-washing procedures – hints to him that rationalism is normative?"

Despite this, there is a prevalent urge to assume Maimonides, to adopt his conclusions piecemeal without using his approach to deriving them. Why is this? Another question may give us an answer: what Modern Orthodox Jew would take a kabbalistic approach to philosophy, in which sparks of holiness pervade nature waiting for us to release them, despite the outlandishness of the claim and its absence from our authoritative sources? The answer is a Jew devoted to Torah u-Madda who has found this approach in Dr. Norman Lamm's book of the same name and has adopted it as a brilliant justification of his lifestyle. The *Guide* serves the same purpose, but where Lamm's philosophy merely justifies action, Maimonides' justifies an entire worldview. With a hat-tip to Maimonides, a Jew can renounce belief in a personal God,[vi] angels of fire,[vii] demons, talismans,[viii] and, presumably, a holy Ark of the Covenant.[ix] He can, in effect, become an Atheist Jew and thereby set himself apart from the ignorant, religious masses.[x] What scientific or rationalist Jew would not take the hand offered by Maimonides and thereby free himself to intellectually join society's elite?

The very freedom granted by Maimonides causes him the most problems. In order to reconcile his rationalist worldview with his Judaism, Maimonides must justify the numerous commandments in the Torah and Talmud on the basis of their value to society alone.[xi] One who really accepts his principles, then, would be wise to reevaluate his observance of the precepts based on their actual benefits.[xii] For example, he might notice the crucial and advantageous roles played by the availability of loans and the setting of interest rates in modern economies. Hence he might rule that not only is interest permissible, it is virtuous because it adds to the well-being of society. In a simpler example, he might conduct a study as to the societal value of waving the four species on the Festival of Tabernacles. Finding no correlation between peace, prosperity and the brandishing of lemons, he might abandon the practice.

Judaism's "lemons" form the basis for Maimonides' other grand departure from both typical Jewish thought and plausibility. Maimonides begins the strangest of his explanations with his rationalization of sacrifices. He argues that the Temple services were a response to an ancient obsession with sacrifice; instead of slaughtering animals in the name of Ba'al, God commanded that the Hebrews channel their urges towards His worship instead.[xiii] In effect, Jewish sacrifices acted as a form of Nicorette, serving to wean the people off of their addiction. The Temple, he continues, existed to centralize this worship so that it not run rampant, like a meeting place for Alcoholics Anonymous. *Tum'ah* and *tohorah* (the laws of purity) serve to keep the Hebrews in awe of their meeting place by preventing them from visiting too often. And since the Kohanim must always be available to work in the Temple and cannot be granted an exemption from purity laws, they must remain *tahor* for their entire lives. Thereby, Maimonides builds his vast edifice upon a supposition of addiction, in order to account for a considerable percentage of the Torah's esoteric laws.

> "[A]s the big tent of Orthodoxy does not permit one to avoid taking a position on *kitniyyot*, *gebrokts* or *Yom Tov Sheni shel Galuyyot*, it cannot sanction hiding from this most fundamental question of faith."

The reasonable inferences and bizarre conclusions that emerge from Maimonidean philosophy fail to tell the whole story of why his philosophy cannot simply be assumed. We should shrink from accepting his conclusions because many rely on very weak premises. A major difficulty immediately springs to mind. Maimonides' entire system revolves around the "Intelligences."[xiv] Accepting Aristotle's view of the universe, he believes that the Intelligences (which he equates with angels) power the ten spheres (which correspond to the planets) that make up the universe. God is the Intelligence behind the Intelligences, the force behind the outermost sphere. On the basis of this system, Maimonides concludes that God can be reached by the intelligence alone, specifically by concentrating our minds upon His own (or, more precisely, upon the Active Intellect nearest to us) and thereby effecting some form of fusion. By the time of Newton, however, we knew that this conception of the universe was wrong. Without a scientific backing, Maimonides loses much of his justification for imagining a chain of accessible Intelligences, and hence much of his justification for his *Guide*.

The whole of Maimonides' conclusions in the *Guide* served to demonstrate a conception of Judaism dramatically different from that

portrayed by the Bible or discussions in the Talmud. Maimonides' God was not personal, He was an abstraction, capable of neither walking in a garden, nor burning with anger. He could not speak to anyone face to face because He possessed no face, nor could He bring down fire upon those who displeased Him. No sacrifice could bring a pleasant smell to His nostrils and, in fact, no good deed could bring one closer to Him. With such different purposes and different Gods (and here we may take notice of another radical departure in the Kabbalah and its arguably polytheistic *Sefirot*), it is little short of miraculous that the Maimonidean Controversies are not now known as the Maimonidean Schism.[xv] Nevertheless, as the big tent of Orthodoxy does not permit one to avoid taking a position on *kitniyyot* (legumes on Pesah), *gebrokts* (*matsah* soaked in water) or *Yom Tov Sheni shel Galuyyot* (the second day of a holiday in the Diaspora), it cannot sanction hiding from this most fundamental question of faith. So read up on the issues and talk to friends, rabbis, philosophers and theologians, but at the end of the day take me up on this challenge: pick a God, any God.

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[i] For those interested in the question, the Bible seems to respond with a resounding "yes." The Tablets sit at the center of Israelite worship for generations, at least until the destruction of the first Temple. In Deuteronomy 10, God makes it clear that the Ark of the Testimony serves one purpose: the Ark is a chest, and the Tablets are its treasure. And when King David alights upon the idea of building a Temple, he calls over the prophet Nathan and exclaims, "I dwell in a house of cedars and the Ark of God dwells in a tent?" (II Samuel 7:2). From that point onwards, Hebrew worship revolves around a Temple built to house two graven stones in a golden box, which would make them significant indeed.

[ii] The misapplication of *reductio ad absurdum* appears to this author to be one of the greatest problems that has afflicted Judaism throughout its history. A common criticism of Talmudic methodologies ranging from the Tosafists' dialectic to the modern "Brisker Derekh" is that both use apparent contradictions to radically reinterpret texts, rather than accept that the texts may be in conflict. For an excellent modern example of this problem, relating to Maimonides and the study of philosophy, see Kaplan and Berger's famous response to R. Yehuda Parnes, in which they argue that due to contradictions between *Mishnah Torah*, *Hilkhot Avodah Zarah* 2:2-3, the Book of Job and Maimonides' own *Weltanschauung*, we must radically reinterpret the said passage, rather than acknowledge that Maimonides' approach may have been less than perfectly consistent. ["Of Freedom of Inquiry in the Rambam and Today," *The Torah u-Madda. Journal* 1 (1990): 38.]

[iii] *Shulhan Arukh*, *Orah Hayyim* 4.

[iv] Here we must call out our own Yeshiva University, which requires serious students to devote five hours every morning to Talmud study, and eight courses to Hebrew, Jewish History and Bible, which allows courses in virtually every subject offered to count towards some graduation requirement, and has, to its everlasting shame, so utterly neglected Jewish philosophy that it cannot fill an Honors philosophy class with an enrollment cap of four.

[v] See Maimonides, *Guide of the Perplexed* III:51.

[vi] See, for example, ibid. I:52.

[vii] Ibid. I:49.

[viii] Maimonides expresses contempt for superstition throughout the *Guide*, as in the following passage: "The book is full of the absurdities of idolatrous people, and with those things to which the minds of the multitude easily turn and adhere [perseveringly]; it speaks of talismans, the means of directing the influence [of the stars]: witchcraft, spirits, and demons that dwell in the wilderness." Ibid. III:29 (Friedlander's translation).

[ix] In ibid. I:45, Maimonides explains the purpose of the Ark: it is known that the heathens in those days built temples to stars and set up in those temples the image which they agreed upon to worship, because it was in some relation to a certain star or to a portion of one of the spheres. We were, therefore, commanded to build a temple to the name of God and to place therein the Ark with two tables of stone, on which were written the commandments "I am the Lord," etc., and "Thou shalt have no other God before me," etc.

[x] Note that I do not mean to pass judgment upon Maimonides here or make any claim regarding his philosophical outlook. There is a considerable debate whether Maimonides' worldview is better reflected by the "Maimonides of the *Yad*" or the "Maimonides of the *Guide*," upon which I will take no position in this essay. Fortunately, the outcome of this debate is irrelevant to my piece, since I wish to study merely the wisdom and consequences of adopting the *Guide* as written rather than analyze Maimonides himself.

[xi] "On the contrary, the sole object of the Law is to benefit us." Maimonides, *Guide of the Perplexed* III:31.

[xii] Obviously, Maimonides himself rejects this view, contending in III:34 that the divine commandments must be absolute and unchanging, seemingly in order that they retain their authority. Even if a philosophical Maimonidean accepted this position (though the rationale does not appear, to this author, to be that compelling), he could advocate abrogating God's Law in one of two scenarios. In the simplest scenario, he could simply find himself in a position where no one perceives his actions; in the privacy of his own home he might enjoy a cheeseburger, knowing that it will injure neither himself nor the law's authority. Alternatively, given the presence of a sufficiently authoritative legislature (say a *sanhedrin* or the U.S. Congress), Judaism could abrogate the Torah in favor of an alternative, equally beneficial legal system.

[xiii] Maimonides, *Guide of the Perplexed* II:32. Maimonides expounds upon the Temple and purity in III:45-47, adding an element of throwing the practices of idolaters back in their faces.

[xiv] Ibid. II:2-5.

[xv] This should lead us to question the wisdom of our "official schisms" as well as the unceasing calls for schism over one minor doctrinal difference or another.


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