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Kol Hamevaser

The Jewish Thought Magazine of the Yeshiva University Student Body

the Other in Judaism

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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 thinkers to engage Judaism intellectually and creatively, and to mature into confident leaders.

Kol Hamevaser is published monthly and its primary contributors are undergraduates, although it includes input from RIETS Roshei Yeshivah, YU professors, and outside figures. In addition to its print magazine, Kol Hamevaser also sponsors special events, speakers, discussion groups, conferences, and shabbatonim.

We encourage anyone interested in writing about or discussing Jewish issues to get involved in our community, and to participate in the magazine, the conversation, and our club's events. Find us online at www.kolhamevaser.com, or on Facebook or Twitter.

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

Editors' Thoughts

Must Eliminating Otherness Be a Selfless Endeavor?

BY: Ariel Caplan

The Torah commands us, "*ve-halakhta bi-derakhav*" – "you shall walk in His ways,"[1] and Rambam interprets this as a call to *imitatio dei* (imitating God).[2] Eelsewhere, he writes that God cannot be defined positively, but must instead be understood based on what He is not.[3] It seems that Jews are apt to imitate God in this regard - we also define ourselves by what we are not. If there are Hassidim, there are Mitnaggedim, who are defined by opposition to Hassidut. If there are Zionists, there are anti-Zionists. Some Jews define themselves by the fact that they do not study secular subjects, while others define themselves by their refusal to eschew all that the secular world has to offer. There are Jews who run away from close-minded backgrounds to more open-minded social settings (religious or not), and Jews who reject the challenges of Modern Orthodoxy and take refuge in black-and-white society. From my own cynical viewpoint, a Jew's mental definition of hashkafic placement seems more likely to be primarily rooted in what he or she is not, or is no longer, than in what he or she is or does.

This is not an entirely unexpected phenomenon. After all, a person's current context establishes his or her perception of the norm, and any deviation from this standard is in some sense strange. The fact remains, however, that because we, the Jewish people, have many internal *mahalokot* (arguments), we are divided and subdivided into endless societies and groups and cliques, each defined by its differences from the others - or, to wit, the Others. By so narrowly defining ourselves, we create a situation where disdain and mistrust are par for the course.

A recent experience sheds much light on the dangers of internal fracturing. On a winter break trip to Israel, I met an *oleh* in a Ph.D. program, who commented to me on the ose in thedifficulty of creating a distinct Jewish identity in university settings in Israel as opposed to in the U.S.: "In America, there's the Jewish community, and then there are *goyim*. But here, even the *goyim* are Jews!" In other words, unlike in the U.S. where the Jews on campus create an exclusive group, andwhich enhance each other's s a sense of Jewish identity, there is no such possibility in Israel, because everyone is Jewish. With no outgroup, we are forced to create new outgroups, so we make "*goyim*" out of Jews. Once we have an Other, we can construct a Self. But this comes at the cost of excluding bona fide Jews, resigning them to be "the *goyim*" in this environment.

Another very telling experience was a that conversation that I had with a prominent religious Zionist rosh yeshivah. I was told that there is some affinity between the religious Zionist community in Israel and the Modern Orthodox community in America, but the Israeli community gains almost nothing from the American community, except for *olim*. HeI was further informed me that it is supremely dangerous to live outside Israel, and only by moving to Israel can Jews hope for religious continuity. I strongly sensed that, despite some perceived communal connection, he still viewsives Diaspora Jewry as an Other - a group that lacks vitality and needs to be convinced to move to Israel before it self-destructs.

In contrast, the most welcoming statement I heard during my trip came from a *haredi* acquaintance: "Wear a black hat, a white hat, a red hat, or no hat at all, it does not matter to me. The main thing is: "*kullanu Yehudim* - we are all Jews!" Apparently, respect, even identification with another, can be achieved even if the natural tendencye is to view the other as an Other - and it is worth considering how this might be accomplished.

Of course, there is a secondsort of Otherness in the Jewish community, namely Jews who are inherently different from the vast majority of the population - Jews who are not necessarily better or worse by any measure, but who, for whatever reason, tend to be less integrated into society. This is a broader human problem; every group has Others. Yet, it is surely worth investigating how Judaism deals with this reality. Most obvious is the case of the convert, whose plight is addressed in many Biblical and Rabbinic sources. There are other, less apparent Others, namely people who struggle with mental or physical disabilities and developmental defects, or who are in socially and financially disadvantaged positions, and their difficulties are no less deserving of our consideration.

On a different note, we might relate to the ongoing discussion about the role of women in the Modern Orthodox world; the amount of ink that has been spilled on this topic in recent issues of *Kol Hamevaser* is the only compelling explanation for the lack of treatment in this issue. However, the question of whether and how much the Otherness of women affects their treatment in the Jewish world, both in the *bBeit mMidrash*[5] and on the street, is worth some analysis.

There is also the question of how Jews should relate to halakhically distinct outgroups, including non-Jews (especially the more disliked nations such as *Amalek*, *Ammon*, and *Mo'av*, *Mitsrayyim* and *Edom*, and the seven

Mevaser ve-Omer:

Response to Jewish Education Issue 4

A *mehannekh*'s response to *Kol Hamevaser*'s interview with Rabbi Yosef Adler.

Rabbi Leib Zalesch

Creative Arts

From the archives of the Yeshiva University Museum:

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Canaanite nations), quasi-converts (such as *Kutim* or *Giv'onim*), *mamzerim*, and *mumarim*.

In the opposite direction, there is the reality of anti-Semitism, with Jews being seen as Others by the rest of the world, in accordance with the *pasuk*, "They are a nation that shall dwell alone, and shall not be numbered among the nations."[6] Whether this reality is desirable may be left to debate (though the context - a series of blessings for the Jewish people - is certainly telling), but a consistent truth it is, and its impact on our national character also warrants some thought.

Still, I believe the most significant point about the Other is not about individuals or outgroups, but rather about the divisions that fragment the core of society. In the Diaspora, it is possible to divide ourselves into endless groups and live relatively apart, cooperating only when there are common goals. At the same time, it is easier for Diaspora Jewry to unite when the need arises because there is an obvious outgroup, i.e. non-Jews. In the face of an overwhelming non-Jewish majority, being Jewish is something that can make someone feel special and unique. When anti-Semitism enters the picture, the intense pressure to see past our differences will usually carry the day.

However, in the State of Israel, where the vast majority of the population is Jewish, the tendency is to divide rather than unite, so it is extremely difficult to learn how to respect and include the Jewish Other, and ultimately bridge the deep chasms that exist between social groups. Furthermore,This is especially important Yet this challenge must be confronted, because the need to unite in Israel is far more critical.-. The various groups live together in one general location and need to run the country together. Despite the differences between individuals and communities, the gaps must be bridged - if not in the name of unity as an ideal, then for the sake of simple functionality.

There will always be Others. The question is: how do we create a society that acknowledges differences between Jews, but welcomes everyone? And ultimately, can we learn to see beyond Otherness and feel that the Other is not Them, but one of Us?

1 *Devarim* 28:9, translation mine.

2 *Ad locSefer ha-Mitsvot*, *aseh* 8.

3 *Moreh Nevukhim* 1:58.

5 I do not mean to imply that *posekim* issue their rulings based on some sort of anti-women bias. However, considering that accusations of misogyny have been leveled at *posekim* frequently in the last few decades, I think an honest discussion of the issue would be of value, whether for "*da mah she-tashiv* " (*Avot* 2:14) --, knowing how to respond to claims --, both in argumentation and for ourselves, or for individuals who view the halakhic system as being heavily influenced by human factors rather than honest pursuit of understanding *retson Hashem* (the will of God).

6 *Bemidbar* 23:9, translation mine.

Mevaser ve-Omer

Response to Jewish Education Issue

Dear Editors,

Your interview with Rabbi Adler (5:2) for the most part solidified the high esteem in which I hold this master builder of Jewish education. However, I was troubled by his comments on Brisker *lomdus* in high schools as the best means of "intellectual stimulation" on account of basic skills being "a little boring." As a graduate and *musmakh* of YU now serving as a high school rebbe at a co-educational Modern Orthodox school in a mid-size Jewish community, it is my personal opinion that Rabbi Adler, albeit with the best of intentions, has entirely missed the mark in his assessment, and that his and others' approach to this issue is causing more harm than good.

I am proud to stress basic skills in my Gemara classes before delving into *iyyun* (in-depth analysis) – but never Brisker *lomdus*, at their level – and my students are as engaged, stimulated, and excited as their peers elsewhere. What I would propose to Rabbi Adler and others who adapt his stance on this issue is that there are two means of "engagement" that must be taken into consideration. My students' excitement is deep, if less broad, as it comes from the internal pride of knowing that they are able to actually do something on their own, that they have (or will have soon) the inestimable power of being able to learn any Gemara they choose. They are excited that they saw something a few notches above them, reached high, and took hold of it for themselves. Attaining that excitement is more laborious, more true, and it does not immediately cater to the culture of instant gratification to which we and our students fall prey. Why should Gemara education play a "yes dear" role to the worst social mores of our time? My experience has been that, when given an opportunity to rise above the need to feel immediately satisfied by their Torah learning and instead feel the old-fashioned exhilaration of production earned honestly and by accumulated toil, the students respond beautifully. In contrast, whatever excitement is gained by seeing something a hundred notches above them, staring at it off in the distance, and nodding solemnly at the beauty of it, as it flies by without truly understanding what it is that they're seeing, is the kind of excitement that will leave as quickly as it came.

I will say only this, in conclusion, to Rabbi Adler and others who agree with him: Don't feel bad for Gemara. Don't be scared to present it for what it is. Don't apologize for its intricacy, difficulty, profundity, or depth. Don't let excessive condiments dull the Gemara's own delicious taste.

I fear that the learning in our classrooms may begin to adapt itself to our generation's unfortunate tendency toward the apocryphal, with learning as an inherent value replaced by learning as entertainment, as something to stare and gawk at, as the ultimate unreachable goal by which to measure oneself without any real compunction to believe that we can "get there." If "appreciation" of learning is central, Rabbi Adler would be right. If learning itself is a value, however, then even today, after all these millennia, and maybe more so than ever, learning takes actual work. This is not surprising, because learning is the emblematic derivative of our desire to come closer to Hashem during our time on earth. It is axiomatic that any relationship devoid of work has no staying power. To Rabbi Adler's proposal that we inculcate our students with a burst of momentary excitement in a bid to generate a life-long love of learning, I can only say that that will work as well as any relationship entered into with a similar level of commitment. In comparison, suppose a well-intentioned basketball coach "excited" his team by showing them videos of plays by professional athletes that they could not possibly complete at their own skill level, leaving them to wonder whether their own functional abilities were of any use. Brisker *lomdus*, like those videos, may provide a very limited burst of excitement, but the real staying power will only be achieved through hard work and skills. Absent these, the players will neither enjoy nor understand basketball, and their long-term prospects for playing will be rather slim – all despite the excitement they initially felt upon watching those videos. On the issue of insufficient time for both skills and *lomdus* in "an hour and a half to two hours a day," I find that claim suspect. I think some people just don't want to make the effort, or don't know how to, or don't believe they can if they tried, or consider it beneath themselves to try. You may cover fewer *sugyot* in a year (although I doubt it, because on balance you'll cover more ground anyway with their increased skills), but if each *sugya* is learned first with an eye to basic skills and then analyzed in depth, all bases will be covered. This is what I do in my classroom, and the excitement on my students' faces speaks for itself. The students bask in the glow of what they can actually accomplish on their own, as well they should. For all intents and purposes, my students are building for themselves a complete set of *Shas* without ever entering a bookstore, and they cannot be prouder. Any real Brisker would laugh at a child, who can't hold a Gemara straight, using the vaunted "Brisker *Derekh*" the same way we chuckle seeing a small child wearing his father's coat.

As far as the mid-range results of Rabbi Adler's strategy, I do not have to surmise because I saw them. Having spent two years teaching at a mid-level post-high school yeshivah in Israel prior to accepting my current position four years ago, coping daily with the results that Brisker *lomdus* had wrought on these day school graduates, I can only say that the outcome was not pretty. Not only were their basic skills lacking to the point that they couldn't read and translate anything (not surprisingly, given Rabbi Adler's own assertions), but their analytical skills were missing as well – any attempt to make them Brisker *lamdanim* had fallen flat. Perhaps even more alarming, they could barely articulate anything more cogent as to why they were in Israel than that their friends had come as well. They weren't in Israel to continue learning Brisker *lomdus*, a term they probably had never even heard. And they certainly weren't there to learn basic skills, although many realized before too long that there is nothing boring at all about being able to learn Gemara on their own, and that making up for lost time was probably the best way to spend their year. Seeing those kids day after day, years after their proper developmental window for acquiring basic skills was essentially closed, was what really pushed me to come back to America and do things differently in a school setting. I am proud that I have been able to do that, and I hope to continue to do so for many years to come.

I will say only this, in conclusion, to Rabbi Adler and others who agree with him: Don't feel bad for Gemara. Don't be scared to present it for what it is. Don't apologize for its intricacy, difficulty, profundity, or depth. Don't let excessive condiments dull the Gemara's own delicious taste. Today more than ever, our students are starving for the opportunity to feel real, hard-earned accomplishment, and while they may lack the vocabulary to ask you articulately for it and may not thank you for it right away, they would be more than gratified in due time if you would help them find it. Signed with every ounce of respect for this modern-day giant of Jewish education, a man whom I truly admire and even emulate for the pivotal role he has played in teaching Torah and dedicating his life to his students and to his craft,

Leib Zalesch

Editor's Note: Rabbi Leib Zalesch is a member of the teaching faculty of the Denver Academy of Torah and Yeshivat Shaarei DAT High School.

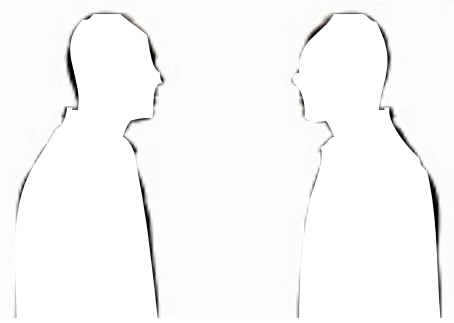
Integral Other: The Need for Relationships in Judaism[1]

BY: Chumie Yagod

Picture yourself on a mountaintop, surrounded only by a gentle breeze and the brilliant blue sky above. Not a sound can you hear; neither a voice calling your name nor a car screeching in the background, nobody and nothing distracting you from introspection. Up here you can contemplate the majesty of God's world and truly let your spirit soar past the clouds drifting by. Here you can reach God. Yet, as R. Soloveitchik quotes in his discussion of mysticism, "This is not the way."[2,3] Judaism does not command us to seclude ourselves, to forsake the bonds and bounds of human interaction. Quite the contrary – there are many *mitsvot* that we cannot perform without other people. Thus we begin to understand the significance of the "other" in Judaism. A religion centered on practice, Judaism requires that individuals form relationships with others. Commandments like honoring one's parents,[4] having children,[5] and loving one's neighbor[6] force the individual to connect to others in order to properly fulfill his religious obligations. As discussed by two philosophers, R. Joseph B. Soloveitchik and Emmanuel Levinas, this encounter with the "other" accomplishes two goals: It fulfills the individual, making him into a being that is capable of connecting to God, and it primes the individual to connect to God, the Ultimate Other, the Being as distinct from us as it is possible to be.

Drawing on Martin Buber's famous classification of interpersonal relationships as "I-Thou,"[7] R. Soloveitchik explains the requirement for a Jew to form relationships. Beginning with the relationship between two individuals, the Rav explores the connection between the fulfillment of Man and the individual's relationships with others.[8] When Man is first created, he possesses no characteristics that truly distinguish him from animal; he does not yet have a reasoning mind or a personality of any sort.[9] The first interaction that takes place between Man and any "other" occurs with God, the Ultimate Other, and it is this interaction that catalyzes the beginning of Man's self-discovery.[10] He encounters the first being that is "other" to him and from this encounter, he begins to define himself. Man's journey to self-awareness begins in the biological realm, where all humans are equally governed by nature's laws. "Be fruitful and multiply" are the first words ever spoken to Man.[11] By issuing this statement, God transforms the basic biological drive into a "conscious, deliberate, anticipated act," thus lending Man the quality of motivation.[12] Motivation and deliberation lead the way to a kind of self-awareness. With a divine Other to lend Man's actions the quality of purpose, Man comes to "possess biological awareness of himself."[13] Indeed, I believe that the fact that God is not merely an "other," but The Other, plays a central role in this defining moment. No being less than the most distinct Being from Man could have begun the monumental process of Man's self-awareness.

To be clear, the simple act of encountering God does not in itself create an ideal relationship between Man and the Divine. Man is still an infant with regard to his selfhood. It is only through relationships with others that Man can



continue to realize himself and thus connect to God in the fullest capacity. Indeed, even prophets, who descend from Adam and therefore possess the ontic uniqueness that Adam discovers, do not achieve the ideal stage of connection with the Divine based on their prophecy alone. Prophetic encounters, in which God pursues man and, in some sense, forces the interaction upon him, are a subset of what the Rav calls the "revelational consciousness."[14] This consciousness is only part of the relationship with the Divine.[15] Just as isolated mystical introspection is not conducive to the ideal relationship, prophecy alone does not connect one to God in the fullest sense. To achieve a complete relationship with God, Man also needs to approach God as a fulfilled individual, a "partner in the act of creation."[16] In this aspect of religious experience, Man approaches God with his creative, human spirit searching for freedom, in a movement of the "natural consciousness."[17] The combination of opposing approaches, freedom to seek God versus compulsory encounters with Him, plays out in many ways in Halakhah and is the only true way to connect to the Divine.[18] Only with both aspects of the religious experience can the individual truly reach God.

This brings us back to relationships with other humans. Just as the first step in Man's evolution into a being distinct from animals, with reason and personality, began with the Thou, God, so, too, the final step in the formation of Man's identity involves the "thou," Woman. God observes, "It is not good for man to be alone."[19] The sort of loneliness to which God refers is not the loneliness due to missing a companion, for that emotion requires Man to be a fully-formed individual with a complete personality and self-awareness. At this stage in his development, Man is not yet capable of noting such an absence. Rather, this loneliness "[d]enotes a state of neutrality and indifference… a non-personalistic life..."[20] Until Eve enters the story, Man's personality remains incomplete. Then God creates Man's "thou," Woman. Upon seeing Woman for the first time, upon facing his "thou," Man becomes an "I." Suddenly, Man can refer to himself: "Bone from **my** bone, flesh from **my** flesh..."[21] The "other" completes the individual in a way he could not on his own. Though the Rav does not explicitly state which qualities of relationships promote self-understanding, I believe that interactions with other people accomplish two goals in the development of personal identity: First, other people serve to highlight the individual's uniqueness through contrast. By noticing the other's distinct characteristics, man reflects on the variance between himself and his fellow, which furthers his self-understanding. Second, others often observe qualities or trends in ourselves that we have difficulty facing on our own. Given these realities, one should seek out relationships with people different than one's self, so as to maximize self-awareness through diversity of experience. Additionally, the individual must remind himself to be receptive to constructive criticism, in order to receive this great service that a relationship provides. Relationships lend us self-awareness and self-understanding that would be impossible to acquire otherwise.

Though, in the beginning, the process of Man's self-definition started with God and continued through relationships with individual humans, in post-Adam Man, the process is reversed. We, as individuals, are born into a framework in which we encounter others from the moment we enter the world. Presently we need to

use the personalities that others help us develop to encounter God in a mature relationship. According to Emmanuel Levinas, an individual's relationship to an "other" serves as a kind of microcosm for his relationship to God. Levinas explains that there are few characteristic qualities present in any relationship to an '"other." A true relationship between two individuals is a thing both mysterious and familiar.[22] Though people may seem similar to each other, and though, since the time of Adam and Eve, there is nothing more natural than a connection between two people, from the perspective of the individual, "I" can never completely understand "you." This truth is a result of the fact of each individual's uniqueness. However, despite this inability to truly know the other, the relationship nonetheless compels the participation of the specific individual. In a true relationship between two individuals, "I" cannot be substituted for anyone else. In the same manner, the individual connects to God despite His being, "not simply the first other, the other par excellence, or the 'absolutely other,' but other than the other… transcendent to the point of absence."[23] The individual cannot ever understand God, to the extent that Maimonides posits that we can only say what God is not, rather than what He is.[24] Yet, despite this inability to know the Ultimate Other, the individual is supposed to use his uniqueness to connect to God and realize that no person can substitute another in this connection.

It is not enough for Man to find one other; rather he must form bonds with many others, the bonds of a community. One of the main tenets of the Rav's thought is the idea that the more complete a person is, fulfilled in as many ways as possible, the better his connection to God can be. Individuals are supposed to take their unique gifts, realize them, and use their entire beings to connect to God: "It is the broadening rather than the narrowing of the spirit that provides the opening to cleave to God metaphysically."[25] The mystic, who claims that connecting to God necessitates the abandonment of all distractions, including society, negates an essential part of man. An individual's history is an integral dimension of his personality. By forming the bonds of community, a person connects to his "living history," the "production of man's spirit."[26] The community redeems Man in that it connects him to both the past and the future. When an individual connects to a community, he is intertwining himself in the chain, the *mesorah*, which reaches far back in history and continues on into the future. Man becomes "rooted in everlasting time, in eternity itself."[27] In this way, man fulfills "his essence through activities directed at both the self and the other."[28]

Practically applied, this idea of the necessity of the "other" and others in our development as self-aware, fulfilled human beings capable of a rich relationship with God, compels us to accept and cherish our relationships with other individuals and our communities. These relationships do not serve as distractions but enable our self-awareness, afford us differing worldviews, and allow us to define ourselves by contrast. It is only through these crucial interactions that we can truly approach God.

Chumie Yagod is a junior at SCW majoring in Biology and Philosophy, and is a staff writer for Kol Hamevaser.

1 This article was inspired, in part, by Alex Ozar's as yet unpublished essay, "Yeridah L'Tsorekh Aliyah."
2 Joseph Dov Soloveitchik, *And From There You Shall Seek*, transl. by Naomi Goldblum (Jersey City, NJ: Ktav Pub. House, 2008), 87.
3 This is discussed by Eliezer Berkovits as well, in the chapter, "The Encounter with the Divine," in his book, *Essential Essays on Judaism,* ed. by David Hazony (Tel Aviv: Shalem Press, 2002), 215-234.
4 *Shemot* 20:11.
5 *Bereshit* 9:7.
6 *Vayikra* 19:18.
7 Martin Buber sets up a conception of all interpersonal relationships from the perspective of the individual. From the perspective of the "I" anyone else is a "thou." See Martin Buber, *I and Thou*, transl. by Walter Kaufman (New York: Charles Scribner's Sons, 1970).
8 Joseph Dov Soloveitchik and Michael S. Berger, *The Emergence of Ethical Man* (Jersey City, NJ: Ktav Pub. House, 2005).
9 Ibid. 86.
10 Ibid. 75.
11 *Bereshit* 1:28. All translations of biblical texts in this essay are my own.
12 Soloveitchik, *Emergence of Ethical Man,* 74.
13 Ibid. 75.
14 This definition of prophecy is contrary to that of Maimonides, who says in *Hilkhot Yesodei ha-Torah* 7:1 that prophecy only occurs to a person of very specific qualifications. I am here adopting The Rav's view of prophecy that can be found in *And From There You Shall Seek.*
15 Soloveitchik, *And From There You Shall Seek*, 40.
16 Ibid. 42.
17 Ibid. 43.
18 Ibid. 56.
19 *Bereshit* 2:18.
20 Soloveitchik, *Emergence of Ethical Man*, 89.
21 *Bereshit* 2:23.
22 Emmanuel Levinas and Sean Hand, "God and Philosophy" in *The Levinas Reader* (Oxford, UK: B. Blackwell, 1989).
23 Ibid. 179.
24 *Moreh Nevukhim* 1:58.
25 Ibid. 89.
26 Soloveitchik, *And From There You Shall Seek*, 88.
27 Soloveitchik, Joseph Dov. *The Lonely Man of Faith* (New York: Doubleday, 1992), 73.
28 Ibid. 89.

The Jew as the "Other"?

BY: Shmuel Lamm

In our politically correct Western culture, Modern Orthodox Jews face an unrelenting intellectual struggle. We embrace the concept that "all men are created equal"[1] and staunchly affirm the inherent moral value of mankind. Yet, even as we interact with our non-Jewish neighbors, we preach a religion that glories in exclusionism. We celebrate the concept of chosenness with the weekly Sabbath, teach it to our children, and, for those of us in YU, encounter it in our daily Jewish Studies program. Our cherished religion and prevailing intellectual culture clash wildly. How can the true faith of the benevolent and perfect God exclude 99% of humanity? Must we be different?

Moses Mendelssohn and Hermann Cohen were two of the early modern Jewish philosophers to tackle the disturbing paradox of religious and cultural beliefs. Unlike the modern day Orthodox community, however, they attempted to recast traditional Judaism as a universalistic faith that offers equal spiritual opportunity to all of mankind. Nevertheless, despite their differences from the mainstream views, we may find their quests instructive. Thrust into a conflict between religious and cultural principles, it becomes easy to lose sight of our distinctiveness in the face of our universalist atmosphere. This essay, through a study of Mendelssohn and Cohen, seeks to accentuate exclusionist aspects of Judaism. Indeed, the traditional doctrine of Jewish election that the two philosophers sacrificed in order to accomplish their goal of reconciliation serves to highlight just how Orthodox Judaism spiritually elevates the Jewish nation above the rest of the world. Though this essay makes no attempt to define the precise nature of the differences between the Jewish and non-Jewish nations nor does it offer alternative paths to reconcile religion with culture, it underscores an element of Orthodox Judaism all too easily deemphasized: we are the consummate spiritual "other."

In order to understand Moses Mendelssohn (1729 – 1786), we must first outline his cultural context. Mendelssohn embodied the values of the Enlightenment - a sweeping intellectual movement infatuated with the power of rational thought. The foundation for much of our modern day epistemology, the movement established reason as the sole standard of truth. Religion, a sphere whose basic tenets were previously beyond rational critique, came under increasing fire. As the Enlightenment pioneer John Locke wrote, "If they [the devout] know it [religion] to be a truth, they must know it to be so, either by its own self-evidence to natural reason, or by rational proofs."[2] Indeed, Christian philosophers of this age employed rational metaphysics in attempts to prove the existence of an omniscient and omnibenevolent God and to establish rational bases for morality. Since all humankind possesses the rational faculty required for this endeavor, the movement sparked a universalistic trend that lasts until today.[3] With God omnibenevolent and with rationality (the means of attaining morality and salvation) available to everyone, an environment of tolerance developed. Indeed, as Hebrew Union College professor Michael Meyer writes, "a universal human nature, universal natural law, and universal rationality" made the persecution of religious minorities, such as the Jews, "a gross anomaly."[4]

Thus, even as anti-Semitism continued, a process known as Emancipation began, in which, for the first time in over 1500 years of exile, Jews gradually attained full citizenship and legal protection under European law. This newfound ability to engage in society and the widespread acceptance of the universalistic religion of reason, however, presented a grave challenge to Jewish doctrine. According to classical Jewish thought, such as that propounded by R. Sa'adyah Ga'on, religious values bifurcate into *mitsvot sikhliyot* - laws arrived at through reason - and *mitsvot shimiyot* - law that originated in Revelation.[5] Though R. Sa'adyah presented Revelatory law as fully consistent with and accessible by reason, he affirmed it as the heritage solely of the Jewish nation. As Michael Meyer explains, Enlightenment Christians besieged this conception of Judaism and its propounders with attacks on its rational foundations. If God is omnibenevolent, how does one explain the exclusionism of Revelation? If God cares for all those He created in His image, why limit His word only to a "small Asiatic people"?[6] Julius Guttmann points out, "If Revelation were truly necessary for making them [religious truths] known, it would contradict the [universal] goodness of God."[7] So, if all people with rational abilities **can** discover religious truths and attain ethical perfection, what need is there for Revelation in the first place? Moses Mendelssohn, both a God-fearing Jew and a leader of and spokesman for the burgeoning *Haskalah* (Jewish

Enlightenment) movement undertakes in his masterpiece, *Jerusalem*, a delicate mission to legitimize Judaism as a rational, universalistic religion without sacrificing its identity.[8]

Mendelssohn affirms that religious truths are demonstrable through reason and, as a result, obtainable by any with a rational faculty.[9] Thus, Judaism remains compatible with an omnibenevolent and rational God who extends the hope of salvation to reasonable people. All aspects of religious value remain within reach of mankind. What of Revelation and the ceremonial laws that distinguish Judaism? Mendelssohn strips Revelatory law of its inherent religious value and finds a different significance for its existence. He concludes that ritual laws, rather than embody purely religious values, "relate to eternal truths, or are founded upon them, or remind man of them, and arouse mankind to be mindful of them…[it stimulates] the spirit and the soul…it connects action with contemplation, life with theory."[10] God, in an act of divine grace, transmitted to the Jews the practices that lead to moral perfection. They safeguard morality and counter the pagan influences that have historically threatened it.[11]

Mendelssohn now confronts the problem of Judaism's exclusivity in its claim to this Revelatory safeguard. He removes the law from the rational sphere and expresses it as a divinely legislated path to achieve religious perfection, imposed by God solely on the chosen people.[12] Though a person can find meaning in the law, he can grasp neither the otherworldly intelligence nor motivation behind its legislation. Thus, as the law transcends any rational challenge, it remains, pursuant to a new Revelation, an obligation only for Jews. Whereas the Gentile finds his way to morality and ethical action through reason, the Jew supplements the rational way with that of the law.

Our outline of Mendelssohn's basic position now complete, we can finally ask the question: What are the major implications of his philosophy? Let us restate two of his key principles: First, only rationally accessible morality and ethics, as opposed to Revelatory law, possess inherent religious value. Second, Revelatory law serves to focus and guide us on the pursuit of rational morality. The practice of the law itself, however, applies only to Jews and imparts no inherent religious value. Nathan Rotenstreich points out a glaring weakness in these tenets. He asks, if everyone can access morality purely through rational means, and if the laws of Torah are not required for salvation, "why should Jews continue to abide by them?"[13] Indeed, four of Mendelssohn's six children chose the "rational path" toward salvation rather than the rigors of Jewish law.[14]

Moses Mendelssohn's seduction by the forces of Enlightenment rationalism and universalism runs counter to the classical doctrine of many Orthodox Jews. Indeed, R. Aharon Lichtenstein discusses the friction sometimes created between religious doctrine and reason that Mendelssohn attempts to circumvent. He argues, "Mendelssohn's contention that [dogma] does not figure at all [in the rational sphere within Judaism] is patently false."[15] As opposed to Mendelssohn, who subjugates religion to reason, Modern Orthodox Jews sometimes accept tenets that conflict with reason, though we attempt to avert the collision. Thus, we can assert that all humans are created *betselem Elokim* (in the image of God) **even as** we grant independent value to Revelatory law. But **if** we elevate Revelatory law to a position of religious value, in which case we focus on the ritualistic action over and above the rational moral sentiment, then we affirm ourselves as exclusionary in the realm of religious expression. God commanded only the Jews to keep the law and bars non-Jews from sharing in its value. Thus, as the contrast with Mendelssohn's theories sensitizes us - we place religious value on Revelation and non-rational law, and then emphasize prescribed actions alongside inner sentiment - we are truly distinguished from the rest of mankind. As God informs us in Deuteronomy, we are an *am kadosh*, a distinct nation.[16]

As our analysis of Mendelssohn and Cohen emphasizes, no matter how seductive the universal "religion of reason," we conceive our identity as bound up in an immutable reality: We are spiritually different.

Hermann Cohen (1842 – 1918), a post-Kantian Jewish German philosopher and the subject of R. Joseph B. Soloveitchik's doctoral thesis, leaves the folds of traditional Jewish thought. Indeed, he treats God more as an idea rather than as an actual metaphysical entity. Similar to Mendelssohn, however, his philosophy of Judaism revolves around the spread of universal ethics as opposed to exclusionist legal doctrine. He contends that Judaism, especially as manifested in the Prophets, embodies the highest of ethical monotheistic principles.

What is the goal of these ethics? The ethical act is directed toward the accomplishment of an ideal: the completely ethical community. Thus, a performer of ethical acts focuses on the future moral progress of society. Though Cohen believes that Jewish texts embody the highest levels of moral value, his views disaffirm the historical significance of the Jews as a nation. As Julius Guttmann writes, according to Cohen, "We are duty bound to uphold our ancestral faith, not out of a sense of reverence for the past, but from a sense of responsibility toward the moral future."[17] Thus, we can ask, why focus on a unique religious national past when the goal of our actions is not uniqueness? Indeed, the aim of Judaism **becomes** the loss of its identity. In the words of Eliezer Berkovits, "Israel is unique [in Cohen's eyes] – for the time being – because the others [of the world] have not yet become what they are supposed to be, [ethical] mankind."[18] The more the purpose of religion is identified with universal rational ethics, the less its distinct history matters other than as an ethical example to future generations. Though we may be unique today, our hope is to no longer be unique tomorrow.

In that same vein, Cohen's conception of universal ethical monotheism severs the religious connection between Jews and the Land of Israel. Indeed, if Judaism aims to spread a message of morality, why should it restrict itself to a single land? As Berkovits points out, "If the state is an unnatural framework for [ethical] monotheism, statelessness is not exile; on the contrary…it is the ideal situation for the Jew."[19] The universalistic Jews of Cohen, far from dreaming of *aliyyah*, instead strive to spread out amongst the nations! Cohen's philosophy thus highlights Judaism's inner conflict between universalism and exclusivism. If Orthodox Jews today embrace the Land and State of Israel as inherently religiously significant, as opposed to only historically or nationally important, they must also acknowledge Judaism as religiously select.

Although Western universalism and the tolerance of the modern age have led to times of unprecedented safety and opportunity for the Jewish people, especially in America, we Modern Orthodox Jews must acknowledge the inherent dangers. As our analysis of Mendelssohn and Cohen emphasizes, no matter how seductive the universal "religion of reason," we conceive our identity as bound up in an immutable reality: We **are** spiritually different. As we contribute to and benefit from America, now liberated from persecutions of the past, we cannot blur lines between the end of our societal separation and the loss of our religious identity. What, however, is our precise relationship to the law, morality, and general culture of environing nations? These questions have for thousands of years been the subject of profound deliberation by major Jewish thinkers. Even as our varied responses to them determine our interactions with and attitudes toward the nations around us, it remains true that our actions, our beliefs, and our desires will always reflect those of an "other."

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1 US Declaration of Independence.

2 John Locke, *An Essay Concerning Human Understanding* (London: E. Holt, 1961), Book IV, 19.

3 Though nowadays many reject rational proofs for God, the reason-based universalism that originated with the Enlightenment remains.

4 Michael A. Meyer, *The Origins of the Modern Jew* (Detroit: Wayne State University Press, 1972), 15.

5 Sa'adyah Gaon. *The Book of Beliefs and Opinions*, transl. by Samuel Rosenblatt. (New Haven, Connecticut: Yale University Press, 1948), 139 – 141.

6 Meyer, 37.

7 Julius Guttmann, *Modern Philosophies of Judaism*, transl. by David Silverman. (New York and Chicago: Holt, Rinehart, and Winston, 1964), 297.

8 Shneyer Z. Leiman, "Rabbinic Openness to General Culture in the Early Modern Period," in *Judaism's Encounter with Other Cultures*, ed. by Jacob J. Schacter (Northvale, NJ: Jason Aronson Inc., 1997), 158.

9 Nathan Rotenstreich, *Jewish Philosophy in Modern Times* (New York and Chicago: Holt, Rinehart, and Winston, 1968), 12.

10 Moses Mendelssohn, *Jerusalem*, transl. by Allan Arkush (Hanover, NH: University Press of New England, 1983), 128.

11 Guttmann, 301.

12 Rotenstreich, 14.

13 Rotenstreich, 29.

14 We can ask, furthermore, if religious value is identical to morality, then what aspect of the worshipful act expresses that value? Mendelssohn, in accordance with the thinkers of his age, holds that the core of morality and, therefore, religion, consists of inner sentiment. A person requires proper intentions of the heart in order to elevate physical action to spiritual significance. This deemphasizes, however, the role of objective action in religious worship.

15 Aharon Lichtenstein, "Torah and General Culture: Confluence and Conflict," *Judaism's Encounter with Other Cultures*, ed. by Jacob J. Schacter (Northvale, NJ: Jason Aronson Inc., 1997), 283.

16 Deut. 26:19, 28:9

17 Guttmann, 359.

18 Eliezer Berkovits, *Major Themes in Modern Philosophies of Judaism* (New York: Ktav, 1974), 25.

19 Berkovits, 24.

Interview with Rabbi David Bigman

BY: Gavi Brown

GB: Do you view your yeshivah *as having a distinct mission or credo that sets it apart from the other* yeshivot hesder*? If so, what is it?*

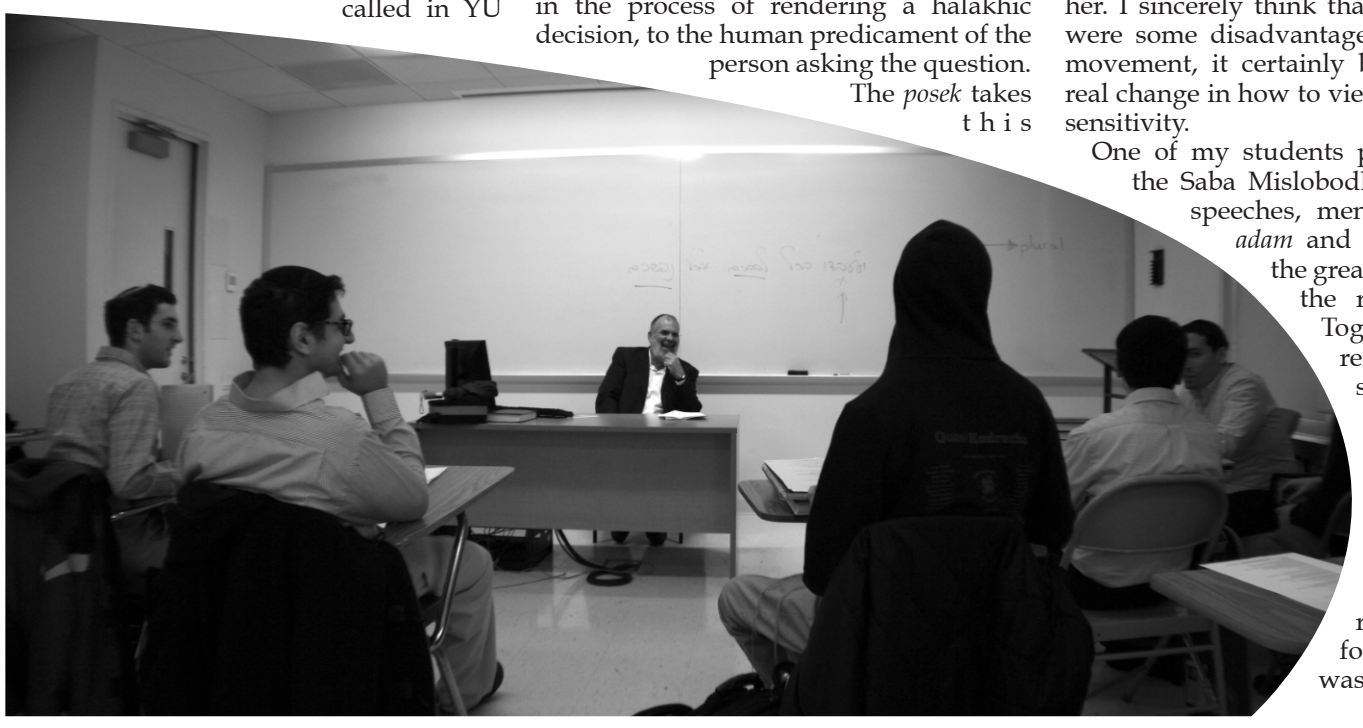
RDB: Let me first discuss what we have in common with the rest of the *yeshivah* world. First, in terms of the broad *yeshivah* world, we share an emphasis on adherence to the halakhic mode and a great love of Torah learning. This is common to all *yeshivot* and is true of Ma'ale Gilboa as well. What differentiates us from the broader *yeshivah* world relates to one point that unites all of the religious Zionist *yeshivot*, namely the specific commitment to *Medinat Yisrael* and *Kelal Yisrael*. In Ma'ale Gilboa, we try, in particular, to emphasize *Kelal Yisrael*; we try to give our Israeli population an understanding that there are other Jews in the world and that they have a responsibility to them, not just to *Medinat Yisrael*. So in that way we differ slightly from other *yeshivot hesder,* which emphasize a commitment to the Jewish people only within the context of the Jewish State of Israel and Zionism.

Beyond that, there are two other aspects of Ma'ale Gilboa that make it unique. The first is that we strongly emphasize sympathy, understanding, and respect for human beings, whomever and wherever they may be. Although we have a special affinity toward our own people, we also feel that we have a responsibility to all human beings. The second aspect is our attempt to continue the Hildesheimer[1] school of thought. We believe that Torah and other realms of knowledge, what is called in YU "Torah u-Madda," are not two separate fields. We try to show that there is an interaction between the learning of Torah and other forms of learning, including academic approaches to Torah study. The richer the background of the student in literature, sciences, and the arts, the better the student will be; his or her Torah will be enriched through those other forms of knowledge. There should be a connection between general studies, including academic studies of Judaism, and Torah. We think that broad backgrounds have value both in and of themselves and in terms of learning Torah.

The continuation of Torah is dependent on the capability for serious critical thought. Everything is dependent on the *kushya*, the question. If a student is not curious about the material he or she is learning and does not question it in a positive way, then we have lost the process of *Torah she-be-al Peh* [the Oral Torah]. The questioning process cannot be dampened or limited. There must be freedom in questioning, for the development of the student as a *ben* or *bat Torah* and for the development of Torah itself.

GB: You portray your yeshivah *as one with halakhic sensitivity. Can you define the difference between halakhic sensitivity and general sensitivity?*

RDB: I once asked a student what it means to be a *posek* in the spirit of Ma'ale Gilboa. He answered that to be a *posek* from Ma'ale Gilboa means to be extremely attentive, in the process of rendering a halakhic decision, to the human predicament of the person asking the question. The *posek* takes this into account when rendering the best halakhic decision. This approach, which can be found in classical responsa literature, seems to differ from what Rav Soloveitchik spelled out in *Ma Dodech Midod.* He implies that while there is definitely a psychological dimension that a *posek* must grapple with when rendering a decision for, say, an *agunah*, it does not really affect the end decision. His process can be likened to a satellite in orbit, governed by metaphysical laws. In contrast, in our conception of the halakhic process, although the *posek* is limited and must work within the confines of Halakhah, which may prevent him from helping the person, the *posek*'s will to help the person makes a big difference in terms of reaching a halakhic conclusion.



GB: So does Halakhah limit sensitivity?

RDB: I will answer this question as a student of the *Mussar* movement.[2] If one's religious education focuses solely on observing Halakhah, as the Hazon Ish suggested, there is a great chance that Halakhah will desensitize you. But if you were brought up in the *Mussar* movement, as I was, you are exposed to other types of Torah that sensitize you to other human beings' needs. They used to say in the *Mussar* movement that a person should be concerned with his or her own *Olam ha-Ba* and with everyone else's *Olam ha-Zeh*. In other words, you should be concerned, as an individual, with the other's real life situation and what is troubling him or her. I sincerely think that although there were some disadvantages to the *Mussar* movement, it certainly brought about a real change in how to view the other with sensitivity.

One of my students pointed out that the Saba Mislobodka,[3] in all of his speeches, mentions *gadlut ha-adam* and *kevod ha-adam* -- the greatness of man and the respect of man. Together, these ideas reflect a two-tiered system. You should respect yourself, as a human being who was created in the image of God, and you should respect and care for the other, who was also created in the image of God. However, some of the Saba's descendants emphasized prayer and *avodat Hashem* rather than sensitivity toward others. In certain circles, there seems to have been a change in priorities and emphasis. At Ma'ale Gilboa, we believe that emphasizing peoples' needs has a lot to do with our educational modes beyond Halakhah. Learning *Aggadah*, and even learning literature, will help emphasize people's sensitivity in human situations.

GB: Who is "the other" in general Israeli society?

RDB: Unfortunately, I think that Israeli society tends to be insensitive toward the other, and the other in Israeli secular society is most often anyone who is not like the particular group in question. That sometimes plays itself out in fear and disdain of the *Haredi,* the *Dati Le'umi*, the *Druzi,* the Circassion,[4] and the Israeli Arab or Palestinian.

Of course, this is a generalization, but once, a man who grew up in Nir David, a neighboring secular kibbutz, wrote in a newspaper that when he was growing up, he was taught to love everyone, but underlying that value was a clear disdain for *datiyim* [religious people] and *Aravim* [Arabs]. However, this article was written twenty-five years ago, and the situation has definitely improved. Since I have been here, I have noticed a real shift in how people understand the other. There are more minority groups in the media, including religious Jews and Arabs. It is a slow process, and I still don't know how deeply it has infiltrated into the Israeli psyche.

GB: What is the most unfairly oppressed group in Dati Le'umi *society, and how is this reflected in practice?*

RDB: The other in *Dati Le'umi* society is complicated as well. The other most unfairly oppressed by *Dati Le'umi* society is definitely the Arab, both Israeli and Palestinian. The *Dati Le'umi*'s relationship with the *hilonim* is ambivalent as well. While, on the one hand, *hilonim* are seen as the other, there are few families without at least one member who identifies as secular. And, of course, we have great affinity toward our family members, which complicates the issue. The reality, whether good or bad, seems to be that people weave in and out of secular and religious society -- not with ease, because

it is a very difficult process -- but with frequency.

GB: Can you relate any personal experiences that have significantly impacted the way you relate to other groups in society?

RDB: I remember a particular experience that was formative for me, which happened while I was growing up in Northwest Detroit. At some point, the community became racially integrated and I recall my black neighbors inviting me to play basketball with them, even though I was the worst basketball player on the block. Their genuine camaraderie really affected me deeply. Although I did have some anti-Semitic experiences, I nevertheless remember that interaction as a formative experience.

Later, when I attended school in Skokie, Illinois, Rav Ahron Soloveichik, the *rosh yeshivah*, was a very big supporter of the civil rights movement, as were his parents. He was an example of a Torah scholar who valued sympathy and inclusivity towards others. He was also very opposed to the Vietnam War, and thought that unnecessary blood was being shed. I think that his sensitivity fit into what I learned at home, and it certainly strengthened my approach.

GB: Can talmud Torah be-iyyun *be harnessed as a means of reconciliation between different perspectives in Jewish worldview and the different perspectives beyond the Jewish worldview?*

RDB: I think *talmud Torah*, the way it has been practiced for many years, and especially its culmination in the *havruta* method of study that is learned today in *yeshivot*, has two aspects that are very useful.

The first is that it cultivates critical thought. You can think about a specific issue at hand through cold, hard thought and come to a greater understanding, and ultimately a superior solution to the issue at hand. The critical thought that goes into learning with a *havruta*, as I have found over the years, can be very useful. It allows me to remove myself from the *to'en* and the *nit'an*, the litigants of the *sugya*, and look at the material from an objective point of view.

In addition, the *havruta* mode has cultivated argumentation, which can be a very good mode if the arguer is attentive. In other words, if you are listening to a *havruta* very intently and are trying to understand his words, then when you attack his ideas you try to understand where he is coming from, and ultimately, you are trying to understand the other.

I am part of a group of rabbis which meets with imams on a regular basis. I have to admit that the *havruta* way of thinking helps us try to accommodate their way of thinking and their specific needs. However, I don't feel that there is much reciprocity. There is something that is very different in our cultures. For example, in one meeting, we brought source material and suggested that they interpret our sources. When they brought their source material, a portion of the Qur'an, to our attention, they did not even show us the text. One of the imams just explained the source without the text. When we asked for the text, we took a look at it and offered our interpretation. We were told that we had no right to interpret the text because we did not know fluent Arabic and we did not know the twelve hermeneutic principles. Only one of the imams participating in this discussion had been formally given the authority to interpret.

That gave me a lot of insight into their culture but also a lot of insight into our culture. For example, a young child has the right to make an attempt to interpret the material at hand before learning what Rashi or any of the other great commentators said about a *pasuk*. We always allow interpretation; nobody is denied access to *talmud Torah*. And never have my suggestions to a *posek*, even before I had *semikhah*, ever been dismissed because I didn't have the "right" or the "authority" to offer my own answer or suggest my own solution.

GB: *R. Kook said, "It is forbidden for the fear of Heaven* [yir'at shamayim] *to push aside the human being's natural morality, for then it would no longer be pure fear of Heaven."*[5] *Do you subscribe to the idea that natural morality should impact what we consider fear of Heaven? How does this notion reflect itself in the way you relate to various elements of society?*

If Halakhah is the text, ethics is the context of the text. If you start your journey in Halakhah without the concept of human well-being and the importance of human life, then you will not really get it right.

RDB: Although I agree with Rav Kook's sentiments very much, I'm not sure I agree with the way in which he articulated them, because, in the aftermath of the *Sho'ah*, I have some doubts about whether we have natural morality. However, I would say that there is a basic ethos in the Torah that comes before Halakhah that has to do with the idea that man was created in the image of God, but also the idea that man has the ability to converse with God, so to speak, about the well-being of society. I think that Abraham's argument with God, and many other similar examples in Tanakh, illustrate the concept of well-being and ethics to be considered a substrate of Halakhah. If Halakhah is the text, ethics is the context of the text. If you start your journey in Halakhah without the concept of human well-being and the importance of human life, then you will not really get it right.

GB: There have recently been "price tag" attacks initiated by settlers that have targeted Arabs, left-wing activists, and soldiers. Is your reaction to these attacks rooted in Halakhah, natural morality, or both?

RDB: Let me answer this question by repeating one of the most important *derashot* that Aryeh Leib Bakst used to give in Detroit once or twice a year. He spoke about the Talmudic passage that says, "whoever says that David sinned [with Bat-Sheva] is simply mistaken."[6] Rav Bakst used to claim that this Gemara refers to halakhic sanction. The point of the Gemara was that David did something absolutely wrong, but it was sanctioned halakhically. When we were learning it, I thought that this was just a schmooze. But when I was learning this Gemara a few years later, I learned that the plain text of the Gemara understands that David sinned, since he was admonished by Natan *ha-Navi* and even had feelings of guilt. Thus, Rav Bakst used to say, "even the worst things in the world can be done sanctioned by Halakhah." So I would say that, in the simple point of view, many things can be sanctioned by Halakhah if you use very aggressive interpretive methods. However, this aggressive interpretive method in many cases ignores basic Jewish normative ethics. I recall that the first time I saw guys in *kippot* and *tsitsit* breaking windows of cars in Hebron, my gut reaction was, "How could *benei Torah* possibly do this?" It contradicted my picture of *bahurei yeshivah*. I was brought up to see *bahurei yeshivah*, although they had differences – and in Detriot there were a lot of tensions between various communities – as kind and gentle people. Seeing these students smashing windows simply baffled my mind.

GB: Is there a leader (whether one you have personally interacted with or not) whom you admire as an exemplar of sensitivity to "the other?" What have you learned from his or her example?

RDB: Rabbi [Yosef] Blau is to me an exemplary example with respect to his sensitivity to the other. Rabbi Blau was my principal in tenth grade when I came to high school in Skokie. There were two things that were unbelievable about him. He has a great affinity to human beings that allows him to quickly create meaningful and lasting friendships. It is unbelievable that he was able to maintain his friendship with me after high school even though we only met once every couple of years. He shows a great deal of caring. The second unique thing about Rabbi Blau is that he had a few criticisms of me during my high school years and always communicated that criticism in the most gentile and loving way, which I think is a real, real talent.

Rabbi David Bigman is the Rosh ha-Yeshivah *of Yeshivat Ma'ale Gilboa.*

Gavi Brown is a sophomore at YC majoring in English, and is the design editor for Kol Hamevaser.

1 Esriel Hildesheimer (1820-1899) was a German rabbi who pioneered the modernization of Orthodox Jewry by encouraging religious and secular studies, academic scholarship, and developing partnerships with non-Orthodox Jews to address broad issues facing the Jewish community, such as anti-Semitism and ritual slaughter. He also maintained contact with all denominations of Jews in Palestine.

2 The *Mussar* Movement is a Jewish ethical and cultural movement that was started by Orthodox Jews in nineteenth -century Lithuania.

3 Rav Nosson Tzvi Finkel (1849-1927) known as "der Alter," the elder, and the "Saba Mislobodka," or the "Alter of Slabodka," was the founder of the Slabodka Yeshivah in Ukraine. Many of his pupils became leaders of Orthodox Judaism in the United States and Israel.

4 The Circassions are a Sunni Muslim group from the Caucasus. Many Circassions arrived in the Middle East when they were expelled from their homeland after the Russian-Circassion War in the late nineteenth century. 4,000 Circassions live in the Galilee as full Israeli citizens.

5 *Orot ha-Kodesh*, Vol. III, 27.

6 *Shabbat* 56a.

Modern Orthodoxy: The "Other" Within American Jewry

By: Elana Raskas

Try your hand at the following questions: How many American Jews identify as Orthodox? What percentage of American Jews lives outside of New York? Which university is home to more Jews, University of Florida or Yeshiva University?

I recently found myself amongst a group of twenty YC and SCW students asked these very questions. The answers that many students offered were incredibly inaccurate, and we laughed at each other, amazed at our own ignorance. Merely 10% of American Jews identify themselves as Orthodox[1] (not 60%, as one student suggested), 75% of American Jews live outside of New York[2] (someone guessed that as many live *inside*), and the University of Florida has more Jews than does our own university.[3]

I am not sure that statistics define what is mainstream and what is not, but if they are any indication, then Yeshiva University is certainly "the Other" in American Jewry. As an Orthodox institution, and a Modern Orthodox one at that, we represent just a small minority of the broader American Jewish community.

Yet the average YU student seems to have little or no sense of Jewish life outside this community. The Modern Orthodox track is straightforward: spend twelve years in the yeshiva school system, choose your favorite Modern Orthodox summer camp, go to Israel for a year or two and come back to YU (or perhaps another college; your parents will consent to this as long as it has a large Orthodox community), repeat the cycle with your own family. Chances of befriending non-Orthodox Jews in the process? Slim to none.

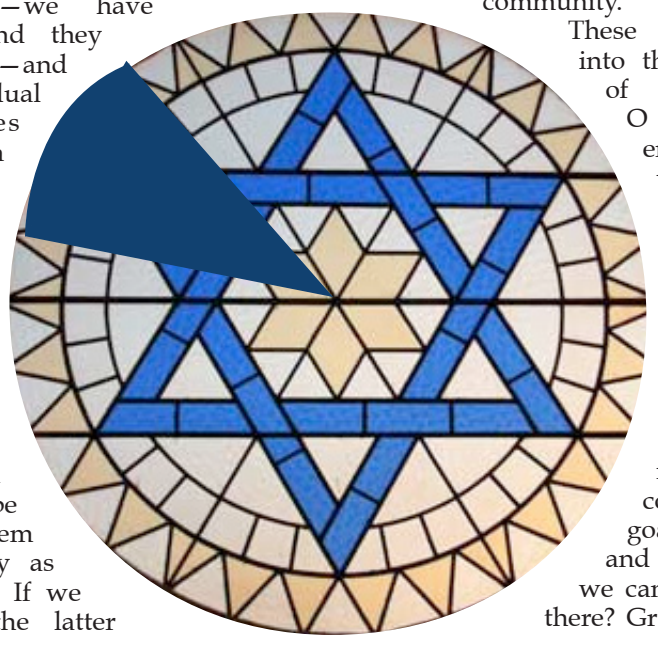
Now, I am not looking to criticize this course of life. I myself am a product of this system, and am forever indebted to it and grateful for the education and opportunities it has afforded me thus far. But recently I have noticed how infrequently I consider where I, and the Orthodox community, stand in the broader context of American Jewry. As Orthodox Jews, we tend to view Orthodoxy as the core of the Jewish community, with all other Jews existing on the periphery. The Orthodox Jew is the "true" Jew, while the others add to our numbers but do not count for much else. But the roughly 90% of American Jews who do not identify as Orthodox must disagree. Most Jews are unaffiliated, some perhaps traditional, maybe Conservative or Reform, while only a marginal number are Orthodox. To most of America's Jews, *we* are the exception.

A whole slew of questions arise when we stop and consider our own community within a broader context. These questions can be broken down into two major categories: our relationship with other Jews and our vision for the future of American Jewry.

One critical component of how we relate to the broader Jewish community lies in our conception of the general Jewish population in America. This general population can be divided into Jews who identify with a particular denomination or movement, and those who do not. Often, our attitude towards Jews who do not is much simpler. We have many flourishing *kiruv* organizations whose missions are quite clearly to bring "lost" Jews back to Judaism.

It is difficult to understand and address various issues that American Jews face if we have no opportunity to hear from other Jews, to converse with Jews outside of our narrow community, which is truly "the Other" within American Jewry.

When it comes to Jews who identify with and are committed to other movements within Judaism, however, the questions are much more complex. There are two popular ways of relating to these groups: either as legitimate forms of Judaism—we have our take and they have theirs—and as individual communities we can coexist as separate but equal, or as illegitimate forms of Judaism—there is either Orthodoxy or nothing at all—and we must be *mekarev* them to Orthodoxy as best we can. If we adhere to the latter option, then our work is more or less cut out for us: We disregard other ideologies and assume that all non-Orthodox Jews amalgamate into a mush of "lost" Jews upon whom we must shine the light of Orthodoxy and whom we must bring back to the true form of Judaism. However, if we identify with the first option, namely that other movements in Judaism are "separate but equal" (which I acknowledge that many among us are disinclined to do), then there are more complicated issues at hand: Can we acknowledge a Judaism that does not accept the yoke of Halakhah, that perhaps does not accept the Torah's Divine authorship? Perhaps these Jews are growing in their own ways, and we must do what we can to increase Jewish identification in any form, Orthodox or not. Alternatively, we can adopt a different approach. While we may not recognize the legitimacy of other movement's theology, we can still work with them to foster positive Jewish identity and to create an attitude of tolerance towards fellow Jews for the sake of a more cohesive American Jewish community.



Merely 10% of American Jews identify themselves as Orthodox

These questions segue into the broader issue of how American Orthodoxy envisions its ultimate goal. What this means, exactly, I am not quite certain, especially since this is not a topic that people seem to talk about regularly. One might say, Of course, our sole goal is to keep Torah and *mitsvot* as best we can — what else is there? Granted, this is the central goal. But should we have a broader vision of what we believe Orthodox Jewry expects to accomplish in 21st-century America? How do we relate to a society that grows increasingly secular?[4] How do we confront a society that diminishes the necessity of community?[5] Is the future of the Jewish people solely in Israel? Should American Jews move to Israel and increase the number of Jews there, or can we more effectively support Israel financially and politically from America? How do we thrive in a society that does not understand the concept of being "commanded"? In what ways, if any, would the Orthodox community benefit from working together with other movements in the Jewish community to deal with these issues? I wonder whether the American Orthodox community contemplates these issues enough.

After posing seven questions in a row, I am disheartened by the fact that I feel nowhere near answering them, but even more disheartened by the knowledge that the reason for this is my lack of engagement in serious thought or conversation concerning these issues. I talk with friends about Torah u-Madda, hear from teachers about women and Halakhah, and attend lectures on the philosophy of Rambam, but I hardly ever engage in discussion of these big-picture questions our community faces.

I think there are two reasons for this. The first is that it is extremely easy to become caught up in the particulars, to focus on the demanding details of our lives. It is hard enough to figure out how to *kasher* for Pesach or squeeze in the *daf yomi shi'ur* before *minyan* without worrying about how you feel about the Jews at the University of Florida. In a similar vein, the argument can be made that the Orthodox community has enough problems on its hands, between the tuition crisis and teenagers texting on Shabbat, and that dealing with these particular problems should be the top priority in our lives.

The second reason, which I believe to be the more authentic one, is a lack of openness that is currently characteristic of our community. YC senior Yitzhak Bronstein recently wrote in a *Commentator* article: "Over my two and a half years at YU, I have had the misfortune of encountering this close-mindedness in different forms.

Rashei Yeshivah called for the complete breaking of ties with any community that endorses female rabbinic ordination; casualties in the Yom Kippur War were blamed on the sexual promiscuity of secular Jews; and Rabbi Ethan Tucker of Mechon Hadar was barred from speaking on campus."[6] Evidently, Orthodoxy is in and everything else is out.

This closed attitude, I believe, is the reason that I, as well as so many of my peers, have trouble placing Orthodoxy into the broader context of American Jewry. It is difficult to understand and address various issues that American Jews face if we have no opportunity to hear from other Jews, to converse with Jews outside of our narrow community, which is truly "the Other" within American Jewry. If we are to ask ourselves important questions about our relationship to other Jews and about our vision for American Jewry, we must increase our exposure to different types of Jews, not decrease it.

The challenge of joining together with the broader American Jewish community to tackle the difficult questions about our future is a complicated one; certainly no single institution can address it alone. Nonetheless, we must be willing to be partners in the process. As I stated earlier, I can hardly begin to envision the larger goals of the American Jewish community and how we can all work together to best achieve them. Perhaps as college students we need more interaction with students at other institutions; perhaps the leaders of various movements should interact more frequently, not to debate our differences but to reaffirm all that we share and value, and to find areas in which our goals meet. I am not certain. At this point, I am calling for an increased awareness of the broader American Jewish community, for the recognition that there is struggling and vibrant Jewish life beyond the Orthodox sphere that we can both contribute to and benefit from. We must begin with exposure to and conversation with Jews somewhat different than ourselves, if we are to better define our relationship with other American Jews and envision our goals as a nation, despite our differences.

One might inquire why an undergraduate at YU should engage with such people or questions at all—if a student wishes to encounter non-Orthodox Jews, he or she could study at a secular college—should YU not serve as a safe-haven, as a shelter from the non-Orthodox? The answer is, certainly not! YU promises its students an excellent education in both the Jewish and secular academic arenas, not protection from new ideas or different people. YU professes: "Only through formal Jewish education can we ensure the spiritual, national and cultural future of the Jewish people."[7] The outstanding Jewish education that students receive here should be geared towards ensuring the future not only of Orthodoxy, but of the entire Jewish people. Combining this Jewish education with an open attitude towards fellow Jews can only assist the YU community in achieving its goals.

As Orthodox Jews, as this "Other" within American Jewry, we must recognize the importance of understanding our community as a small but integral part of the broader American Jewish community. We have what to offer unaffiliated Jews as well as Jews of other streams of Judaism, and we would do well to acknowledge that we have what to learn from them, too. If we are to address big-picture questions about the future of American Judaism and the goals it seeks to accomplish, we need to increase our exposure to and awareness of different American Jews. I sincerely hope that we come to actualize what can be found, with a few minutes of navigating the new website, in YU's mission statement: "For the Jewish Community: In America, Israel and around the world, our mission to bring wisdom to life will foster greater understanding and appreciation of the heritage, traditions and values we all hold so dear."

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1 Jonathon Ament, *United Jewish Communities Report Series on the National Jewish Population Survey 2000-01: American Jewish Religious Denominations* (February 2005), 8, available at: www.jewishfederations.org/local_includes/downloads/7579.pdf.

2 Ira M. Sheskin, "Recent Trends in Jewish Demographics and Their Impact on the Jewish Media" (June 2011), 48, available at: http://www.jewishdatabank.org/Reports/RecentTrends_Sheskin_2011.pdf.

3 "60 Universities with the Largest Jewish Population in North America," *Hillel: The Foundation for Jewish Campus Life* (July 23, 2009), available at: www.hillel.org. According to the data linked from this article, University of Florida is home to 6,500 Jewish undergraduate students, and NYU has about 6,000. A representative from YU admissions informed me that YU has around 2,300 undergraduates.

4 "One of the most widely noted findings from the American Religious Identification Survey (ARIS 2008), which was released in March 2009, was the substantial increase in the No Religion segment of the U.S. population, whom we designate as 'Nones.' The Nones increased from 8.1% of the U.S. adult population in 1990 to 15% in 2008 and from 14 to 34 million adults. Their numbers far exceed the combined total of all the non-Christian religious groups in the U.S." (Barry A. Kosmin and Ariela Keysar with Ryan Cragun and Juhem Navarro-Rivera, *American Nones: The Profile of the No Religion Population* (Hartford, CT: Institute for the Study of Secularism in Society & Culture, 2009), *i*, available at: commons.trincoll.edu/aris/files/2011/08/NONES_08.pdf).

5 *The Good Society* by Robert Bella (a sociologist at UC Berkeley) is a study of America's increasingly individualistic society and the need to revitalize communal structures.

6 Yitzhak Bronstein, "Learning from the Murder of Rabin," *The Commentator* (November 4, 2011), available at: www.yucommentator.org.

7 "Jewish Education," *Yeshiva University Website*, available at: www.yu.edu.

Brother, Not Other: Rambam's Loving Embrace of Converts

By: Gilad Barach

It may sound surprising to the contemporary Jew, but classical Jewish sources do not unanimously favor converts. This unsympathetic attitude present in some texts even goes beyond the three initial rebuffs in the conversion process;[1] even after the full halakhic conversion is complete, much negativity is directed towards the convert. Rambam stands out among the medieval commentators as a staunch supporter and defender of converts, in both halakhic and hashkafic contexts. Though his stance may seem self-evident nowadays, Rambam grappled with certain sources, often interpreting them more liberally and less literally in order to establish his approach. His far-reaching and consistent treatment of converts spans several of his works; in each, Rambam is notable for his sympathy – indeed, his love – for his new brethren.

Sefer ha-Mitsvot: Love for the *Ger*

Why are Jews obligated in *ahavat ha-ger*, love of the stranger? According to the *Sefer ha-Hinnukh*, the Torah's intention is to train Jews in "grace and compassion" so that other nations should think highly of them and declare, "This is the nation of God."[2] One way to exhibit grace and compassion is by embracing converts, individuals who left their nations and families to join Judaism, who chose truth and hated falsehood. The *mitsvah* of *ahavat ha-ger*, then, is just a single, practical instance of a broader national goal: Jews must internalize and epitomize positive character traits, and treating converts well is a sensible means to this end.

Rambam's explanation of the *mitsvah* is more straightforward than the *Hinnukh*'s. The reason for this commandment is that "since he entered in [the covenant] with our Torah, God added love for him and designated for him an additional commandment."[3] Rambam believes that this *mitsvah* is not for an instrumental purpose, but for an inherent one: A convert's proactive decision to join God's covenant alone warrants his special endearment by all Jews.

In addition to providing the rationale for *ahavat ha-ger*, commentators confront another halakhic question: Who is a *ger*? The broadest interpretation can be attributed to R. Yisrael Meir Kagan (the Hafets Hayyim), in his pamphlet, *Sefer ha-Mitsvot ha-Katsar*.[4] R. Kagan states that the *mitsvah* of *ahavat ha-ger* applies to all strangers in one's community – converts or not.

As mentioned earlier, the *Hinnukh* believes that this *mitsvah* is a specific instance of the Torah's general emphasis on and demand for kindness. Unsurprisingly, he adds towards the end of his commentary on this *mitsvah*, "We should learn from this valuable commandment to have mercy on a man in a city that is not his homeland or the place of his parents' family, and we should not pass him by when we find him alone on the road and all his helpers are distant from him, just as we see that the Torah commands us to have mercy on anyone who needs assistance."[5] *Minhat Hinnukh* clarifies that this postscript is just an ethical aside, while the technical commandment is indeed limited to a convert.[6] Nonetheless, even if the *Hinnukh* agrees that, legally speaking, the *mitsvah* is strictly limited to converts, he believes that the logic behind it is more universal.

Again, Rambam stands out in his interpretation. Since, in Rambam's opinion, the commandment of *ahavat ha-ger* is based on the *ger*'s unprompted theological and halakhic commitment, the *mitsvah* is inherently limited to the convert. While love of our Jewish brethren is a commandment unto itself, *ahavat ha-ger*

is an unrelated love specific for converts. This is obviously a world apart from R. Kagan, and even unlike the *Hinnukh*, as Rambam would never expand *ahavat ha-ger* to love of strangers in general.

Rambam's consistent and insistent approach that *ahavat ha-ger* applies only to converts leads to difficulties in understanding the very source of the commandment. The biblical source of *ahavat ha-ger* is the verse, "You shall love the *ger*, for you were *gerim* in the land of Egypt."[7] Based on its context in this verse, as well as its usage throughout the Bible, the word "*ger*" clearly refers to a stranger. Because the Jews were strangers in Egypt, they know the "soul of the stranger" and must empathize with those in similar situations.[8] However, Jews were not converts in Egypt. R. Kagan's expansive definition of *ahavat ha-ger* as love of all strangers is actually most reflective of the verse itself. The *Hinnukh*, though he limits the application of the *mitsvah* to converts, is willing to expand it (even if only in the non-legal, ethical realm) to the strangers to which the verse refers. Rambam's interpretation, however, clashes with the plain meaning of the text, by defining *ger* as a convert, to the total exclusion of a stranger.

Mishneh Torah: Acceptance of a *Ger*

Many diverging attitudes towards *gerim* are found in *Hazal*. Statements from the *Talmud Bavli, Talmud Yerushalmi*, and *Midrash* reflect perspectives from all over the spectrum, from acceptance and accommodation to rejection and opposition.

Hillel famously accepted even improperly motivated converts.[9] The *Midrash* understands that God instructs Jews to bring potential converts closer, rather than to distance them.[10] In the *Talmud Yerushalmi*, Rav concludes that we should accept even those who converted with clear ulterior motives, since it is possible, perhaps, that they converted for religious reasons in addition.[11]

On the other hand, there are many sources in *Hazal* that reflect a less-than-positive outlook on converts. R. Yitshak says, "Evil after evil will befall those who accept converts."[12] One Gemara says, "Converts are as bad for Israel as a *sapahat*," a sore on the skin.[13, 14] As we will see, there are many interpretations as to what, exactly, might be so bad about converts. Regardless, the Talmud clearly intends these words derogatorily and expresses an unwillingness to accept converts.

R. Shlomo Goren has categorized these diverging opinions of *Hazal* according to the locales in which they were formulated.[15] *Midrashim* and the *Talmud Yerushalmi* do not record any negative statements about converts or suggest any methods to discourage them; instead, "The *Yerushalmi* sees in their acceptance a great spiritual accomplishment."[16] It is primarily the *Talmud Bavli* that disparages converts. R. Goren links this discrepancy in attitudes to the differing realities in Israel and *Huts la-Arets* (the Diaspora). Outside of Israel, Jews may be concerned that imperfect converts will only love Judaism conditionally; if and when that condition falters, they will revert to a lack of interest. However, in Israel, even if a convert initially has an unrighteous motivation, involvement in the Jewish environment will inspire them "to see the light of Judaism."[17] Therefore, the sources from Israel (*Midrash* and *Talmud Yerushalmi*) speak favorably of converts, while sources from the Diaspora (*Talmud Bavli*) are more suspicious of converts.

Though the attitudes towards converts demonstrated by these generally aggadic statements fall across the spectrum, *Hazal*'s halakhic rulings do not. The primary talmudic source for conversion procedure details a script that the Jewish court must read to a prospective convert.[18] The role of the conversation is clearly stated: "Why [do we tell him everything]? For if he turns away, let him turn away." *Hazal* aim to dissuade the convert and they feel no responsibility to encourage him. Rambam, of course, must quote the halakhic ruling of the Talmud. But he silently and subtly recasts the conversation with the convert so as to draw him in, rather than deter him.

Of course, Jewish law seeks to turn away insincere converts, who cause problems for themselves and for the Jewish community. To this end, the Jewish court begins the conversion process with a verbal deterrent, aimed to screen converts for insincerity. After this initial discouragement, the court gives the potential convert a primer in *mitsvot* and punishments to inform him of the religious commitment he is to accept upon himself. In the Talmud, the tone of the conversation continues to be quite stern. In contrast, in Rambam's version of the conversation, as described below, the deterrent component is neutral, while the informative component reflects an attitude of encouragement and endearment.

In comparing the tones of the Talmud's and Rambam's conversations, it is important to note that Rambam created his own screening procedure, separate from the Talmud's. Rambam's process occurs before any of the Talmud's script is read. According to Rambam, as soon as a potential convert appears before a Jewish court, the court investigates the possibility of ulterior motives, such as a desire to marry a particular Jewish man or woman. If no such motive is found, the petitioner is told about the great difficulty in observing the Torah, so that he or she will turn away if he or she is not entirely committed to observance. If, at that point, the potential convert still accepts the terms and does not turn away, and the court sees that he or she is driven by love of God, then the convert is accepted as genuine.[19] In this first screening, which is not particularly hostile, Rambam establishes the convert's sincerity. With this as the prerequisite, Rambam begins his endearing informative conversation, which draws from both the Talmud's deterrent and informative dialogues.[20] Throughout, he reinterprets *Hazal*'s phrases.

According to the Talmud, [the court asks the convert,] 'Do you not know that Jews nowadays are broken down and pushed down, lowly and bewildered, and afflictions come upon them?' If he answers, 'I know, and I am not worthy [to join in with them], they accept him immediately. This question, posed in the Talmud as a warning for insincere converts, seems misplaced in Rambam's conversation, because, in his opinion, it is addressed to converts who have already been found to have proper motivation. The end of Rambam's conversation explains how this question serves to endear, rather than distance, the convert, as will be discussed below.

The Talmud continues, "They tell him of the punishment for [violating] the commandments… Just as they tell him the punishment for the commandments, so too they tell him their reward. They tell him, 'Know that the world to come is made only for the righteous, and Israel nowadays can accept neither much goodness nor much punishment.' They do not overstress this to him, and they are not exacting with him." Rashi explains that Jews cannot accept much goodness because they are antagonized by the *yetser ha-ra*, the evil inclination, which impels them to sin.[21] Still, the court should not say further things to instill more fear to make the convert leave.

Rambam relocates the directive, "They do not overstress this to him," to the description of punishments for violating commandments. He appends and explains,[22] "They are not exacting with him, lest they cause him distress and he would veer from the right path to the wrong path. For, in the beginning, one draws a man with soft, graceful words, as it says, 'I drew them with cords of man,' and after that, 'With bands of love.'"[23] The verse from *Hoshe'a* that Rambam quotes, which is not cited in this context by any Gemara or *Midrash*, refers to God's embrace of the fledgling Jewish nation, lovingly drawing them in to be His people. Its appearance in Rambam's treatment of converts reflects his belief that Jewish courts should relate to new converts as God related to His new nation.

At this point, Rambam expands the Talmud's mention of the rewards earned by observing the commandments. He inserts, "They tell him that through the

Iggeret Teman. Translation of Nahum ha-Maaravi under the title Petah Tiqwa. In a collection of philosophical treatises in various scripts. Frankfurt am Main , 1588. Ashkenazi script.

The epistle was written by Maimonides in about 1172 C.E. to the Jewish community of Yemen that had written to him requesting advice and guidance at a time of persecution, foreced conversions and upheaval. His response gave them hope and encouragement and Yemenite Jewry has maintained a special bond with Maimonides to this day.

Note: This is not the epistle referenced by the author here.

observance of these commandments, he will merit the World to Come, and that there is no fully righteous man except for a wise man who performs these commandments and knows them."[24]

Rambam then quotes and expands another fragment from the Talmud, totally reversing its implications in the process. The Talmud said, "They tell him, 'Know that the World to Come is made only for the righteous.'"[25] This statement suggests that a convert is far from secure even after he converts; he must be personally righteous in order to merit the World to Come. Rambam instead specifies, "Know that the World to Come is reserved only for the righteous, *and they are Israel*."[26] This addition implies that, merely by joining Judaism, the convert will merit the World to Come.

In the last sentence in the conversation described by the Talmud, the court warns, "Israel nowadays can accept neither much goodness nor much punishment." As mentioned earlier, Rashi understands that this refers to the unending war with the *yetser ha-ra*. Rambam interprets this statement in the opposite way: "[The court tells the convert,] 'Though you see Israel afflicted in this world, good is reserved for them [in the next world]; because they are not able to accept much goodness in this world like the nations, lest their hearts become proud and they will stray and lose their reward in the World to Come, as it says, "*Yeshurun* became fat and kicked."[27] Nonetheless, God does not bring much punishment on them, so they will not be lost. Though all of the nations end, they are still standing.' They talk at length about this in order to endear him."[28]

There are several significant differences between the formulation found in the Talmud (with Rashi's interpretation) and in Rambam. Instead of frightening the convert with the difficulty of life as a Jew, the court is actually giving a religious rationale for that difficulty. This, in turn, provides an explanation for the very first sentence said to the convert: "Do you not know that Jews nowadays are broken down and pushed down, lowly and bewildered, and afflictions come upon them?" The court finally offers a theological justification for this problem, one that emphasizes God's unique relationship with Israel and ensures its eternality. The motivation is explicit: "to endear him." This question, which the Talmud utilizes to turn away insincere converts, Rambam uses to bring converts closer.

Despite Rambam's reframing of the Talmud's conversation, it is quite difficult to get around the Talmud's overtly negative conclusion, "Converts are as bad for Israel as a *sapahat*."[29] How do other *Rishonim* interpret this passage? Most commentaries suffice with explaining why *Hazal* are so opposed to converts. There are a number of different approaches provided by the *Rishonim*. Some complain of the dilution of true Jews, since the *Shekhinah*, the Divine Presence, only dwells on Jews of pure lineage.[30] Another explanation, which appears somewhat selfish, argues that when Jews are surpassed in Jewish observance by converts, God is critical of the natural-born Jews.[31]

Rashi says that *Hazal*'s disapproval is conditional.[32] We must suspect converts, since they are sometimes lax in halakhah, and they may lower their Jewish neighbors' standards of observance. This implies that *Hazal* would not resist any earnest and dedicated convert, if only they could be convinced of that sincerity in advance.

Rambam stands out among the medieval commentators as a staunch supporter and defender converts, in both halakhic and hashkafic contexts.... His far-reaching and consistent treatment of converts spans several of his works; in each, Rambam is notable for his sympathy – indeed, his love – for his new brethren.

It is this reason that Rambam quotes, and he adds two specific historical instances of conversions that hurt the Jews. "The Sages said converts are as bad for Israel as a *tsara'at* affliction, since most of them go back for some reason and lead Israel astray, and it is difficult to separate from them after they convert. Go and learn what happened in the desert with the Golden Calf and in *Kivrot ha-Ta'avah*.[33] In most of the trials, the riffraff[34] were involved first."[35] Rambam's explicit mention of these two extreme cases of whole communities of converts suggests he is not necessarily concerned for the risk from individual converts.

Responsum to a *Ger*

Another place where Rambam's remarkable *ahavat ha-ger* shines through is a particular responsum that he wrote, addressed to a convert.[36] A man identified as Ovadyah wrote to Rambam to ask three questions. The first was primarily halakahic: Since Ovadyah was not of Jewish ancestry, could he say the standard phrases in prayer which refer to "the God of our forefathers?" The second was philosophical: Did Ovadyah properly understand the intersection of God's omnipotence and an individual's free choice? The third question concerned the halakhic status of Islam in terms of idolatry.

Dr. Isadore Twersky points out that it is improper to extrapolate philosophical leanings from Rambam's strictly halakhic rulings; his conclusions may be founded strictly on his understanding of the rabbinic sources.[37] However, the contextual wording beyond the minimal ruling of "permitted" or "forbidden" can indeed be adduced to glean Rambam's approach to a philosophical issue. In the case of Rambam's response to Ovadyah, his love and admiration are impossible to overlook.[38]

Rambam answers Ovadyah's first question in the affirmative: A convert should say all prayers exactly like any other Jew. He then writes a paragraph which is totally extraneous to the halakhic ruling, whose sole purpose is to inspire Ovadyah and raise his self-esteem:

> Know that most of our forefathers who left Egypt worshipped idolatry while in Egypt, "mixed with the nations and learned from their actions,"[39] until Hashem sent Moshe, our teacher and that of all prophets, separated us from the nations, and gathered us under the wings of the *Shekhinah* (the Divine Presence) – us and all converts – and gave us all one law. And do not think lightly of your lineage; if we relate to Avraham, Yitshak, and Ya'akov, you relate to He who spoke and the World came into being, as explained in Yesha'yah: "This will say, 'I am to Hashem,' and this will call in the name of Ya'akov."[40] The convert will say, "I am to Hashem," and the Israelite will call in the name of Ya'akov.

More than in any other text, Rambam explains his reason for loving converts in the conclusion of his letter to Ovadyah. Ovadyah had gotten into an argument with his rabbi about Islam. Ovadyah argued that it was not idolatry, an opinion with which Rambam agreed. However, the argument developed until the rabbi embarrassed Ovadyah and called him a fool. Rambam responds:

> That he called you a fool is a big surprise. A man who left his father and homeland… and came to cling to this nation that is "despised of nations" and "servant to rulers,"[41] who knew that its religion is the true and just religion… who chased after God and passed on the holy path and entered under the wings of the *Shekhinah*… who desires His commandments, whose heart inspired him to come close to God… who tossed away this world from his heart, "And did not turn to the arrogant nor those who fall away in lies"[42] – someone of this virtue is considered a fool? No! God has declared you not a fool, but a wise man, understanding and alert, on the straight path, and a student of Avraham our father, who left his fathers and his birthplace and followed God.

In these three works – *Sefer ha-Mitzvot*, *Mishneh Torah*, and this responsum – Rambam's halakhah and philosophy show his great love for converts to Judaism. In each work, Rambam breaks away from opposing opinions (subtly or otherwise) to state and restate his full acceptance and embrace of converts.

Rambam's opinion is, of course, consistent with his broader philosophical approach. His rationalist and more universalistic perspectives allow for hypothetically seamless inclusion of converts into the Jewish fold.[43] However, Rambam doesn't merely relate to converts as ordinary Jews. He sees the convert tracing the footsteps of our patriarch Avraham, abandoning his or her former world to become attached to the truth. We are to respond as God Himself did in establishing our nation, drawing him or her in "with cords of man, with bands of love."[44]

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1 The widely known practice of turning away a convert three times is, remarkably, not found in the Talmud. It appears in *Rut Rabbah* 2, s.v. "*shovnah*" and *Yalkut Shim'oni*, *Rut* 601, s.v. "*va-yamutu*."
2 *Mitsvah* 431. Unless otherwise noted, all translations are the author's.
3 *Sefer ha-Mitsvot*, Positive Commandment 207.
4 Positive Commandment 61.
5 *Sefer ha-Hinnukh*, *Mitsvah* 431.
6 *Minhat Hinnukh*, *Mitsvah* 431:3.
7 *Devarim* 10:19.
8 *Shemot* 23:9.
9 As recorded in *Talmud Bavli*, *Shabbat* 31a.
10 *Midrash Tanhuma*, *Yitro* 86.
11 *Talmud Yerushalmi*, *Kiddushin* 42a.
12 *Talmud Bavli*, *Yevamot* 109b.
13 Translation from the Jastrow dictionary. *Sapahat* is also a type of *tsara'at* affliction (*Va-yikra* 13:2).
14 *Yevamot* 47b. This source will be discussed at length below.
15 R. Shlomo Goren, "Conversion from the Perspective of the Halakhah" (Hebrew), *Mahanayyim* 92 (1964), 8-12.
16 Ibid, p. 11.
17 Ibid, p. 12.
18 *Talmud Bavli*, *Yevamot* 47a-47b.
19 *Mishneh Torah*, *Hilkhot Issurei Bi'ah* 13:14.

20 Rambam's intention to create his own screening process and adapt the Talmud's initial deterrent conversation to his own educating session is evident in Rambam's modification of the beginning of the Talmud's discussion. The Talmud begins its deterrent conversation, "When a convert comes to convert nowadays, they say to him, 'What have you seen that makes you want to convert?'" (*Talmud Bavli, Yevamot* 47a) Rambam's version reads, "When he comes to convert *and they check after him and find no ulterior motive*, they say to him, 'What have you seen that makes you want to convert?'" (*Hilkhot Issurei Bi'ah* 14:1) This starts Rambam's educational primer, which is described at length in *Issurei Bi'ah* Chapter 14 (Halakhot 1-4), after the screening process was already recorded in Chapter 13 (Halakhah 14). This underscores the fact that Rambam quotes the opening lines of the Talmud, which the Talmud uses to dissuade insincere converts, as part of his post-acceptance educational discussion.

21 *Yevamot* 47b, s.v. "*lo rov ha-tovah*" and s.v. "*ve-ein marbin alav*."

22 *Issurei Bi'ah* 14:2.

23 Both quotes in this phrase are from *Hoshe'a* 11:4; JPS 1917 translation.

24 *Issurei Bi'ah* 14:3.

25 *Yevamot* 47b.

26 *Issurei Bi'ah* 14:4. Emphasis my own.

27 *Devarim* 32:16.

28 *Issurei Bi'ah* 14:5.

29 *Yevamot* 47b.

30 *Tosafot* to *Kiddushin* 70b, s.v. "*kashim*"; to *Niddah* 13b, s.v. "*kashim*"; to *Yevamot* 47b, s.v. "*kashim*", *Tosafot Ha-Rash* to *Yevamot* ad loc., s.v. "*kashim*."

31 *Tosafot* to *Kiddushin* ibid., *Tosafot Yeshanim* to *Yevamot* ibid., *Tosafot Rabbeinu Perets* to *Yevamot* 47b, s.v. "*kashim*."

32 Rashi to *Yevamot* 47b, "*de-amar mar*."

33 *Be-midbar* 11.

34 *Asafsuf* in Hebrew (*Bemidbar* 11:4).

35 *Issurei Bi'ah* 13:18.

36 *Iggerot ha-Rambam*, edited by Y. Shilat (Ma'aleh Adumim: Birkat Mosheh, 1988), 231-241.

37 Isadore Twersky, *Introduction to the Code of Maimonides (Mishneh Torah)* (New Haven: Yale University Press, 1990), 485.

38 R. Avi'ad HaKohen, "On the Relation of Rambam to the Convert and to the 'Other'" (Hebrew), available at: http://www.daat.ac.il/mishpat-ivri/skirot/294-2.htm.

39 *Tehillim* 106:35.

40 *Yesha'yah* 44:5.

41 *Yesha'yah* 49:7.

42 *Tehillim* 40:5.

43 This can be contrasted with R. Yehuda ha-Levi, who believes Jews are inherently different from non-Jews. R. ha-Levi famously distinguished hierarchically between human and Jew. Rambam, though, believes every person has the potential to be a Jew of the highest level, and only one's beliefs and actions determine his or her status.

44 *Hoshe'a* 11:4, JPS 1917 translation.

Rav Hutner and Emmanuel Levinas, *Panim el-Panim*

BY: Gavi Brown

Nose, mouth, eyes. Forehead, ears, dimples. Wrinkles. Irises, cheekbones, eyebrows. For both Emmanal Levinas and Rav Yitzchok Hutner these features combine to produce a unique face for every living person which has rich philosophical value. These parts of the human face are "The epiphany of a holy language," according to Levinas.[1] The infinite combinations of these features create a perfectly unique face and this uniqueness is holy. For Rav Hutner, this holiness commands respect, dignity and solidarity.

Anyone who has opened the *Pahad Yitshak*, Rav Hutner's *magnum opus* on the holidays, has surely been awed at the fluidity with which Rav Hutner (1906-1980) weaves Hassidism and Zionism, methodology and philosophy, sensitivity and perceptivity. As a young man, Rav Hutner attended the Slabodka Yeshiva, headed by Rav Nosson Tzvi Finkel. He was quickly recognized for his outstanding erudition and joined a group of students who eventually established a *yeshivah* in Hebron.[2] As a student in Hebron, he narrowly escaped the 1929 massacre of the students at Hebron when he left *yeshivah* to visit his mentor, Rav Kook, for Shabbat. Hutner later traveled to New York where he eventually became one of the most important scholars for Orthodox Jewry. Throughout his life Rav Hutner continued a close correspondence with Rabbi J.B. Soloveitchik and Rabbi Menachem Mendel Schneerson. He became the *Rosh Yeshivah* at Yeshivat Rav Chaim Berlin and was a mentor to Rav Aharon Lichtenstein, Rav Noah Weinberg and Rav Yaakov Kamenetsky. He also taught Rabbi Saul Lieberman, Rabbi Shlomo Carlebach, and David Weiss Halivni.[3]

Rav Hutner's writing is infused with traditional rigorous Talmud scholarship and motifs gleaned from the Mussar movement's humanistic approach to the human condition. This blend appears in appears in the works of another great Jewish thinker, Emmanuel Levinas.

For Emmanuel Levinas (1906-1995), philosophy is not the "love of wisdom" but the "wisdom of love."[4] Levinas received a traditional Jewish education in Lithuania before the outbreak of World War Two. He too received a rigorous training in Talmud but instead of moving to Palestine, went to study in Freiburg University in Germany, eventually becoming a student of Martin Heidegger.[5] Levinas later made Heidegger the foremost object of his critique of philosophy after witnessing the role that his philosophy played in Nazi ideology during the Holocaust. Levinas strongly believed that Judaism, and the Talmud in particular, could serve as a counterweight to what he saw as the Nazis' attempt to place pure, sterile reason over human emotion, empathy and solidarity.[6] Levinas developed these ideas further as a lecturer at the Sorbonne and at the University of Paris, where he taught until his retirement in 1979. Throughout his life, he was involved with building Jewish primary and secondary schools in France and cultivating Jewish French intellectualism. His published works centered around three areas of thought: Talmud in *Nine Talmudic Readings* and *Beyond the Verse,* Judaism in *Difficult Freedom* and *Essays on Judaism*, and philosophy in *Reflections on the Philosophy of Hitlerism* and *Otherwise than Being, or Beyond Essence.*

These two scholars represent significantly different circles of thought and experience.[7] One was immersed in building Orthodox *yeshivot*, the other, with building community Jewish schools. One published tracts on tractate *Nazir*, while the other published works on ontology. And yet, their intellectual lives intertwined. They both spent most of their lives delving into hermeneutics, phenomenology, and philology – one in the body of philosophy, the other in the great corpus of rabbinic law. Their texts are at times esoteric and at times lucid. They both saw *mussar,* or ethics, as the beginning of philosophy. Schwartzchild, in "An Introduction to the Thought of R. Isaac Hutner," introduces the methods of Rav Hutner and discusses the "striking resemblances" of the two thinkers.[8] They share similar thoughts about atonement, unity, metaphysical truth, the divine name and relationship of an individual to other. For two scholars to show such unusual resemblance may reveal either a case of plagiarism or a case of cosmic significance. More likely, however, both philosophers lived during the same time, were educated in European institutions, and were influenced by similar texts and ideas.

Their most striking similarity seems to be their discussions of the human face, the most visibly important aspect

of the personal encounter with "the other." Schwartzchild sees this supreme importance of the *panim*, the face of "the other," expressed in Hutner's term, "the doctrine of the human countenance"[9] and Levinas' doctrine of "*le visage*."[10] What is the "face" for Hutner and Levinas?

Levinas, in his work *Totality and Infinity,* advances the thesis that all ethics are derived from a confrontation with the other. The first encounter is face to face: "the way in which the other presents himself, exceeding the idea of the Other in me, we here name the face."[11] From this meeting derives two ethical principles. The first places the human being within the totality of humankind: "In discourse, which is always face to face, the world is constituted not for me, but for us."[12] The second ethical principle derived from the face is that the "the dimension of the divine opens forth from the human face."[13] The encounter in which we see the infinite combination of possibilities within the human face and the uniqueness in each face is meant to move us to sacred solidarity with the Ultimate Other.

It is from this face of the divine within the human face that we derive ethics: "This infinity, stronger than murder, already resists us in his face, in his face is the primordial expression, is the first word: 'you shall not commit murder.'"[14] Not only do we derive a negative commandment to refrain harming the other, but from the face to face meeting we also derive pro-social behavior, or voluntary conduct to benefit another person. "The proximity of the Other, the proximity of the neighbor…His very epiphany consists in soliciting us by his destitution in the face of the Stranger, the widow, and the orphan." For Levinas, the face serves as the basis of philosophy and the foundation of ethics.

In his eight-volume collection *Pahad Yitshak - Divrei Torah be-Inyanei Hilkhot De'ot ve-Hovot ha-Levavot* (The Fear of Isaac: Torah Lessons in the Laws of Belief and in the Duties of the Heart), in *Ma'amar Kaf Bet,*[15] Rav Hutner begins his *derashah* for *Shavu'ot* by speaking about the nature and destiny of man.[16] As an introduction, Rav Hutner references the line in the *Shemoneh Esreh*, "Bless us our Father, all of us together as one in the light of your face." This benediction, he writes, is unique in its conception of unity. Rav Hutner sets up a contradiction between a voice that proclaims a common source for the uniqueness of man and a voice that advocates for the unity of mankind. For Rav Hutner, how it is that man be both a *sui generis* being, a unique individual, and at the same time be just one of countless anonymous individuals brought together under the banner of "mankind?"

The first voice that proclaims, "we are all the sons of the same father,"[17] that we are all fragments of a whole, a part of totality, is derived from the fact that when we die, the world continues to exist without us. This fact undermines the self-confidence and arrogance of every individual, as they are humbled before the vastness of their species and the insignificance of their individual contribution. The other voice proclaims, "For if a man strikes many coins from one mold, they all resemble one another, but the supreme King of Kings fashioned every man in the stamp of the first man, and yet not one of them resembles his fellow. Therefore every single person is obliged to say: "The world was created for my sake."[18] The source of this uniqueness can be found in the countenance of the other. The Sages said, "Just as faces do not resemble one another, so neither do our beliefs."[19] Rav Hutner writes, "The light of a man's face is the only place which, in a small and very indirect way, reveals man's singularity to us in our situation."[20] We now understand how from the face we may derive two conflicting notions of the place of humans in humankind.

Rav Hutner then concludes:

> We understand that the light of the face is the chosen place where we recognize man's singularity, and we have previously seen that human singularity and human unity were created together and that they function as one. From this it follows that when we pray for the blessing of the light of God's countenance, we must include in it this prayer for unity, which is chiseled into and inextricable from the significance of the light of faces.[21]

Rav Hutner does not resolve the dialectic and conflict; rather, he transcends the tension by painting the face of God onto the face of mankind. Rav Hutner universalizes the message of the high priest's gold plate, etched with the name of God and worn on the forehead; God is now in the face of every human.

The two philosophers use the idea of *panim*, face, to link literal and figurative interpretations. "The face of God," a term used throughout *Tanakh*, is a figurative term for God's spirit.[22] The seemingly incongruous term is used as a hermeneutical jumping point for both Levinas and Hutner. When we understand that no two faces are alike, we understand that every human is unique. When we see the unique face of a person, we ultimately engage in a meeting with the divine that imposes on us the imperative not to do harm to our fellow man.[23]

A beautiful example of the face to face ethics of Rav Hutner and Levinas can be applied to the climax of the story of Ya'akov and Esav in Genesis. When Ya'akov finally meets Esav after stealing his blessing and running away, he implores Esav to accept his gifts, saying, "Please, if I have found favor in your sight, then accept my present from my hand. For I have seen your face, which is like seeing the face of God, and you have accepted me."[24] Ya'akov sees in the face of Esav, his mortal enemy, the face of God. In the next verse Ya'akov offers Esav "*birkhati* - my blessing," a double-entendre alluding to both his own gift-offerings as well as the blessing Ya'akov stole from Esav. Seeing the face of the divine within the human face becomes an ethical imperative, spurring Ya'akov to give back what he wrongfully took.

For Levinas and Rav Hutner, the beginning of ethics, the source of worth for the individual, comes from the face to face confrontation, the *panim el panim* interaction between human beings. We construe our personal uniqueness and our personal attachment to humanity as a whole from these encounters. In a time of *hester panim*, hiding of the face, a time when we are not always certain of God's presence, humans must look towards the face of the other to find God. For guidance we must turn to the *derashot* of Rav Yitzchok Hutner and the eloquent writings of Emmanuel Levinas. And then turn towards each other.

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For Levinas and Rav Hutner, the beginning of ethics, the source of worth for the individual, comes from the face to face confrontation, the panim el panim *interaction between human beings.*

1 Emmanuel Lévinas, *Totality and Infinity: an Essay on Exteriority* (Pittsburgh: Duquesne UP, 1969), 111

2 Hillel Goldberg, "Rabbi Isaac Hutner: A Synoptic Interpretive Biography," *Tradition* 22 (Winter 1987): 18–46, at pp.18-22.

3 Ibid, 20.

4 Corey Beals, *Levinas and the Wisdom of Love the Question of Invisibility* (Waco, Tex: Baylor University Press, 2007), 1-3.

5 Seán Hand, *Emmanuel Lévinas* (London: Routledge, 2009), 12.

6 Shira Wolosky, "From Interpretation to Text: Levinas on Exegesis," Center for Jewish Law and Contemporary Civilization at Yeshiva University, New York, NY, September 14, 2011.

7 Interestingly, they both spent time in prison, Levinas as a German prisoner of war during WWII and Hutner as a hostage in an airline hijacking by a Palestinian terrorist organization.

8 Steven S. Schwarzschild, "An Introduction to the Thought of R. Isaac Hutner."*Modern Judaism* 5.3 (1985): 235-77, at p. 235 and 245.

9 Yitzhok Hutner, *Pahad Yitshak - Divrei Torah be-Inyanei Hilkhot De'ot ve-Hovot ha-Levavot* (Brooklyn NY: Mossad Gur Aryeh], 1965-1982), Volume 3, p. 333. Schwartzchild's translation.

10 Emmanuel Lévinas and Nidra Poller, *Humanism of the Other* (Urbana: University of Illinois, 2003) xlv (Translator's note).

11 Lévinas, *Totality and Infinity: an Essay on Exteriority*, 50.

12 Ibid., 89.

13 Ibid., 79.

14 Ibid., 199.

15 Hutner, 332.

16 For an English translation see Steven S Schwartzchild, "Two Lectures of R. Isaac Hutner," *Tradition* 14:4 (Fall 1947): 90-109.

17 *Genesis* 42:11. All translations in this article are my own unless otherwise noted.

18 *Sanhedrin* 37a.

19 *Berakhot* 58a.

20 *Pahad Yitshak,* 334.

21 Translation in Schwarzschild, 245.

Here, Rav Hutner seems to reference a famous story about his family's rabbi, the Kotzker Rebbe. The story tells of a rabbi who sought to understand his appropriate place in the universe. To keep a balance between hubristic self-confidence and self-diminution, he had two notes, one for each of his two pants pockets. One note read: "For me the world was created." The other note read: "I am nothing more than dust and ashes." As recorded in: Michael Rosen, *The Quest for Authenticity: The Thought of Reb Simhah Bunim* (Jerusalem; New York: Urim Publications, 2008) 184.

22 See *Psalms* 27:8, 105:4; *Chronicles I* 16:11.

23 David Bigman, "The Face of the Other in the Thought of Rav Hutner and Levinas," Center for Jewish Life at Princeton University, Princeton, New Jersey, December 10, 2011.

24 *Genesis* 33:10.

Expanding the Jewish Community

BY: Zahava Rothschild

This past summer, I worked in a camp attended by many public school students from the tri-state area. On hearing a camper say that she lives in Teaneck, I asked her which *shul* she lives near as a way of identifying which area of Teaneck she is from. Looking at me strangely, she said, "I don't know, but I live two blocks away from Teaneck High." Had this camper been a part of the close-knit Orthodox community in Teaneck, she would have been aware of the *shul* that is just around the block from her, and of the Jewish community members living all around her. She had lived in Teaneck for years, but was shockingly unaware of its vibrant Jewish community.

The Jewish community of Teaneck, and the Jewish communities that scatter the tri-state area, are often referred to as "bubbles." There is much value to the "bubble" because it gives its members the opportunity to live in an area with others who share similar values and work together to accomplish shared goals. These insular communities provide their youth with Jewish education and Jewish life, ensuring that the vast majority of their children will be instilled with a sturdy foundation for their future lives as practicing Jews.

Within these bubbles, however, there are Jewish students who are being neglected. A large population of Jewish students who attend public schools are unaffiliated with any of the Jewish institutions in their midst. As illustrated by the above story, after years of attending Teaneck High, a student was unaware of the community of Jews living in her backyard.

I write this article to expose a serious challenge that lies before our very eyes. Day in and day out, the population of Jews attending public schools feels what it means to be different from those around them. Many Jews residing in the tri-state area, however, have never asked their neighbors what it is like to be a Jewish student attending a public school. On a daily basis, many of these students ask themselves, "Why do I choose to be different from my classmates?" They question their identities regularly, and many Jews living in the same communities as these students have neglected to address their instabilities.

The question, "Why do I choose to be different?," is welcomed in America, because, as a country, America embraces difference and values the variety of people forming her population. Natan Sharansky, who knew the consequences of a country that chose to drown out any trace of difference, had great respect for the American value of accepting difference. In his book *Defending Identity*, he writes, "In America, particular identities co-exist alongside one another, sometimes overlapping or intercrossing and sometimes distinct from each other. But the social framework does not require that differences be smoothed away."[1] America has opened its arms to all cultural and religious backgrounds, including its population of American Jewry. It is a novelty in Jewish history that Jews are able to wear a *kippah* without cringing in fear, and can leave work early on Friday without losing their jobs. Jews, merely sixty years ago, would be stunned by the ease with which Jews in America are able to openly practice their Judaism.

America may embrace people of different backgrounds, but this does not exclude a person's **feeling** of being different. Jews recognize that they follow a different set of laws than the masses. When one has recognition of this difference, a feeling of separateness naturally results. This feeling of being different, however, is rarely felt by the yeshivah student who is constantly surrounded by people who share the same values, goals, and traditions. This comfort of sameness that the yeshivah student feels on a regular basis stands in stark contrast to the feelings of many Jewish students attending public schools. In their public schools, these Jewish students spend every school day as the "other," and the feeling of being different pervades their lives on a daily basis. Having this constant feeling of otherness is a challenge facing a large portion of Jewish teenagers in the New York area.

To give a more personal portrayal of the life of the Jewish public school student in the tri-state area, I asked a few students to describe their experiences. A student at Horace Greeley High School, a public school in upstate New York, said, "Because I identify myself as Modern Orthodox, a lot of people find that as an easy way to make fun of me." This student felt that being the "other" is invasive to her social life. Because her differences are acknowledged by others, she is made aware of her otherness on a regular basis.

This feeling of otherness is dangerously strong when it is imposed upon the Jewish public school student. On a late night at an NCSY regional convention, a roomful of public high school girls from the New York area shared some of the recent events in their lives. Three out of the six girls in the room recalled that fellow classmates had recently thrown coins at them, and then told them to be good Jews and pick up the free money.

Organizations such as NCSY run clubs on public high school campuses. The clubs provide Jewish teens with programs that strengthen their Jewish identities.

Similarly, a student at James Caldwell High School, a public school in New Jersey, said, "About a month ago, my friend asked me if I heard about the giant swastika that someone spray-painted on the side of the school. When I hear things like this, which thankfully is infrequent, I get annoyed and angry. It's weird to think that I'm in the same school with other kids who could be so cruel." It seems that when a child is singled out as the "other," it causes the child to have an overwhelming awareness that he or she is different from those around them. The two students quoted here represent many Jewish public school students in the New York area who face similar challenges.

Chief Rabbi Lord Jonathan Sacks delineates the inevitability of the Jew's feeling of 'otherness' in his book *Dignity of Difference*: "Religion is about identity, and identity excludes. For every 'we' there is a 'them,' and the people not like us. There are kin and non-kin, friends and strangers, brothers and others, and without these boundaries it is questionable whether we would have an identity at all."[2] Rabbi Sacks explains that having an awareness of one's own difference is essential to the religious experience. Recognizing the divide between those who share one's own values and those who do not is part of the process of creating one's own religious identity. In fact, the same James Caldwell High School student said, "I'm proud to be one of the few Jews in my school, and I love when my friends at lunch ask me all sorts of questions about Judaism. I try to teach my friends more about what it's like to not go to church on Sundays. I try to explain to them what it's like to not be able to text or use my phone on Saturdays." The constant feeling of difference can be a positive way for Jewish teenagers to analyze their own values. The awareness of their otherness can lead to a passion and desire to learn about their personal identity. While feeling different is important, being forced to feel different on a daily basis, however, becomes a major challenge for the Jewish public school student.

Those living in the insular Jewish communities of the tri-state area must not ignore the challenges of Jewish public school students. They stand on thin ice, as they spend one day after the next questioning their identity because of their natural feeling of being different. What can be done by the community to attend to their challenges?

To understand how to address the needs of a person who feels like the "other," it helps to analyze the biblical emblem of the "other." Avraham Avinu knew that monotheism is truth, despite the idol worshippers practicing in his presence. In *Be-Reshit Rabbah*, *Hazal* explain that Avraham was given the title of '*Ivri*' because he stood as an individual in his beliefs. The Midrash writes that he stood *me-ever ehad*, on one side, and the rest of the world stood on the other side, with their opposing religious beliefs.[3] Because Avraham's beliefs differed so drastically from the beliefs of the rest of the world, he separated himself and became a nomad.

In his book *Abraham's Journey*, Rav Soloveitchik explains that in the *berit bein ha-betarim*, Avraham was informed that he would be the father of a nation. The role that Avraham had adopted as the lonely nomad went against his natural inclination to be a social being. His newly prescribed mission to father the Jewish people finally opened up the opportunity for Avraham to have the communal aspect of the religious experience. Through the *berit bein ha-betarim*, Hashem sent Avraham the message that the Jew is meant to practice his Judaism within a community.[4]

This comfort of sameness that the yeshivah student feels on a regular basis stands in stark contrast to the feelings of many Jewish students attending public schools. In their public schools, these Jewish students spend every school day as the "other," and the feeling of being different pervades their lives on a daily basis.

Rav Soloveitchik further delineates the conflict that Avraham experienced between separating himself to be the nomad, and his natural inclination to be a social being. On the one hand, Avraham became a wanderer because the people surrounding him did not share his beliefs. On this, the Rav writes that Avraham "understood that in order to achieve, he must choose loneliness."[5] On the other hand, the Rav points out that Avraham recognized that it is human nature to desire a connection with people. The conflict is described as follows: "Two wills were locked in a struggle: the will to move on, to flee, to wander, to forget, to renounce - and the will to stay, to strike roots, to form relationships, to create a fellowship, to share with a community the deepest secrets of one's existential experience."[6] Avraham knew that he resented the practices of the people living amongst him. Simultaneously, though, he felt a desire to be a social being. It is a basic aspect of human nature to circumvent becoming "the other" and, instead, form relationships with those in your presence. In the *berit bein ha-betarim*, the Rav posits that Avraham was promised that he too will be given the opportunity to create a community of his own. Avraham "could no longer renounce his social will and the yearning for we-ness." In response to his natural desire for community, Hashem promised Avraham a child, so that he could create "deep mutual understanding, a meeting of minds and hearts, and a feeling of togetherness that ties every thread of the personality into such a relationship."[7]

A student at Horace Greeley High School voiced a tension reminiscent of Avraham's conflict when caught between the desire to separate and the desire to be a part of a community: "I think part of being an Orthodox Jew in public school is to understand the balance between explaining your life to everyone, and just understanding that most people will be naïve, and as long as they aren't intentionally mean, sometimes you just have to keep smiling." This Jewish public school student deeply wishes to identify with a community that understands her values and her Jewish lifestyle. She wishes to explain her life to everyone, but she realizes that most people will not understand her. Because she has not found a community of people within her immediate surroundings that identifies with her lifestyle, she has become hesitant when expressing her religious beliefs. This student's challenge represents the challenge of many Jewish public students who desire the presence of others who will, as the Rav said, address their "yearning for we-ness."

The struggle that Jewish public school students endure is not ideal. Their strength is praiseworthy, but their situation is frightening. Feeling different is important, but without the security of a Jewish community, it is nearly impossible to uphold one's own values. For the Jews to maintain their "otherness," they must be able to identify regularly with a larger group. Otherwise, it is impossible to stand strong and not compromise their values.

The Jewish communities of the tri-state area have been faced with a challenge. There are students who are wandering, who are lonely, and who need to identify with others who share their values. These students are often surrounded by strong Jewish communities, but these communities often fail to break down the walls that stand between them and these students. Maybe the change that must take effect is as small as announcing page numbers in *shuls* in order to create a more comfortable and welcoming environment; perhaps it is as large as inviting Jewish public school students to some of the *yeshivah* day school events. Either way, these students are in danger of abandoning their Jewish identities because they lack a community. To truly implement change, communities must not only break down the walls that stand between them and the public school students, but they must go as far as to open the doors and welcome them in.

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1 Natan Sharansky, *Defending Identity* (Philadelphia, PA: Public Affairs, 2008), 108.
2 Jonathan Sacks, *The Dignity of Difference* (London and New York, NY: Continuum International Publishing Group, 2002), 46.
3 *Bereshit Rabbah* 42:8.
4 Joseph B. Soloveitchik, *Abraham's Journey* (New York, NY: Toras HoRav Foundation, 2008), 84-89.
5 Ibid., 85.
6 Ibid., 86.
7 Ibid., 85.

Androginos, Modern Medicine, and the Difficulty of Entry into the Gender Binary

BY: Ariel Caplan

"Congratulations, it's a..." The sentence welcoming a new baby into the world rolls off the tongue; the last word, eagerly anticipated, reveals whether "It's a boy!" or "It's a girl!" A single chromosomal variation carries significant import for the baby's destiny, in both sociological and spiritual realms. Yet for a small number of newborns, it is far from clear what the future holds. Chromosomal and developmental aberrations can create a situation where the most basic of questions - "Is it a boy or a girl?" - has no easy answer, and a child is barred entry to the privileges (and challenges) of life as a member of either gender.

The struggle of the hermaphrodite or pseudohermaphrodite - the individual with objectively unclear gender identity - is not new. (We will use the accepted medical terminology, but for the reader's benefit, we will note that the colloquial term is "intersex;" the states we will address can be clustered under the title "intersex conditions" or "disorders of sexual development.") Rabbinic literature is full of references to the *tumtum* and the *androginos* - the former being of uncertain gender because the genitals are obscured, the latter possessing physical characteristics of both genders.[1] However, lacking clear methods of gender determination beyond the obvious visual inspection – which, in these cases, cannot constitute conclusive proof in either direction – *Hazal* treat these cases as *safek* (doubt), ruling stringently in many instances to account for both possibilities.[2] A practical *modus operandi* is provided, but the halakhic confusion and the psychological yearning for gender identity remain unresolved by *Hazal*'s treatment of the subject.

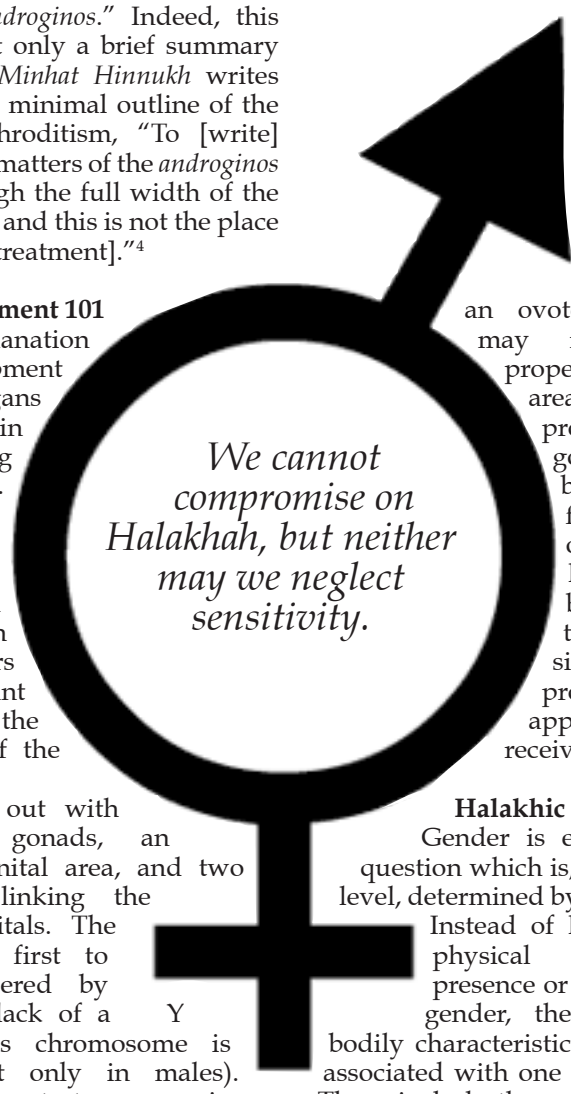
Modern biology and medicine have opened new vistas in terms of both defining gender and reconstructing the body to accord with a desired gender. The new technologies could provide the desired final answer in situations of gender ambiguity. In the age of advanced surgery and noninvasive scanning procedures, the *tumtum* is not of much concern, but the *androginos* gives us many questions to ponder. First, what are the halakhic factors that determine gender identity, and how would newly discovered medically-accepted determinants play into the pre-existing halakhic structure? Second, would surgical alterations to genitals affect the halakhic status of the patient? Third, would these alterations be permitted? Even if surgery has no effect on halakhic gender, surgery and/or hormonal therapy are sometimes recommended to solidify the organs and overall physical makeup (including body shape and hair placement) when sexual development is incomplete or has generated mild contradictory elements (such as gynecomastia - i.e., breast growth in males), so the permissibility of gender reassignment surgery is worth examining for these purposes, as well.

Before we begin, it is worth noting that there are several types of *androginos*, to which different combinations of *halakhot* would pertain;[3] for simplicity's sake, we will ignore these distinctions and refer to all simply as "*androginos*." Indeed, this piece will attempt only a brief summary of the topic. As *Minhat Hinnukh* writes to excuse his own minimal outline of the topic of hermaphroditism, "To [write] extensively about matters of the *androginos* would pass through the full width of the sea of the Talmud, and this is not the place [for that in-depth treatment]."[4]

Sexual Development 101

A basic explanation of the development of sexual organs is helpful in understanding hermaphroditism. There are many levels where something may go wrong, and the stage at which the error occurs may be significant in determining the halakhic status of the individual.

A fetus starts out with undifferentiated gonads, an undetermined genital area, and two sets of ducts linking the gonads and genitals. The gonads are the first to differentiate, ordered by the presence or lack of a Y chromosome (this chromosome is generally present only in males). The gonads become testes or ovaries, which produce male or female hormones, respectively. The array of hormones that is produced stimulates the growth of one set of ducts (the Wolffian ducts in males, and the Mullerian ducts in females) and the degradation of the other. Male hormones (primarily testosterone) will cause the genital area to develop in a male fashion, while the lack of male hormones generates an individual with an external female appearance.[5] Body shape, placement of hair, and vocal pitch are also determined by male and female hormones.[6]



Gender ambiguity can result from a problem at any of these levels. The chromosomes – usually XY in males and XX in females – may have a different arrangement, such as XXY (Klinefelter's syndrome) or XO (X with no corresponding chromosome, called Turner's syndrome).[7] (Some unusual sets of chromosomes do not cause abnormal development, and even those that do will not always cause gender ambiguity.)[8] The gonads may fail to differentiate properly, producing a cross between a testis and an ovary, called an ovotestis. The gonads may not communicate properly with the genital area, whether due to problems with the gonads or genitals, or because hormones from the mother overwhelm the hormones produced by the fetus. Finally, the genital area may simply fail to develop properly even if the appropriate signals are received.[9]

Halakhic Gender Definition

Gender is essentially a binary question which is, at its most obvious level, determined by non-binary factors. Instead of having a particular physical feature whose presence or absence determines gender, there are a host of bodily characteristics that are generally associated with one of the two genders. These include the actual genitalia, body shape, vocal pitch, and the arrangement of facial and body hair. Hence, in situations of gender ambiguity, it is essential to look for actual binary factors whose presence or absence might conclusively establish an individual as belonging to one or the other sex.

The only such criterion found in *Hazal* is a positive confirmation of maleness. On *Haggigah* 4a, Abbayei states that a *tumtum* who possesses visibly descended testes is considered male; Rashi ad loc. explains that we assume the male genitals are present but hidden. However, we should note that this Gemara refers to a *tumtum*, not an *androginos*, so the applications to *androginos* need to be clarified. Additionally, *Kesef Mishneh* and *Lehem Mishneh* argue as to whether Rambam would affirm Abbayei's assertion that descended testes are enough to consider a *tumtum* male.[10] Based on the clarification of *Minhat Hinnukh*, however, it seems that the entire *mahaloket* is whether the individual is definitely male (and we assume, as Rashi writes, the presence of a hidden penis), or whether we consider the possibility that some female genitals are still obscured, which would make the individual an *androginos*.[11,12] Hence, we can conclude from this Gemara that descended testes, even without a penis, are sufficient for excluding the possibility of a child's being female; male or *androginos* are the remaining possibilities.

A second interesting question arises with regard to the phallus that may be present in an *androginos*. In an undifferentiated fetus, there is a structure called the genital tubercle, which will develop into a penis in males and a clitoris in females.[13] Occasionally, the organ that is developed is intermediate in composition between the two options. A significant precedent emerges from R. Ya'akov Emden's treatment of such a case, wherein a child was born with normal female characteristics, except that it possessed an external phallus, which was the size of a normal penis but lacked an internal conduit. R. Emden referred to this as a "*dildul*," a piece of flesh with no halakhic import, and hence ruled that the child was a halakhic female.[14] To put it in modern medical terms, R. Emden rules that a female with clitoromegaly, even in a severe form, is still unequivocally female. On the other hand, it is possible that for R. Emden, a phallus containing a duct for urine would be considered a halakhic penis and would be sufficient to consider the child at least possibly male, even in the absence of testes.

New Possibilities: Internal Examinations, X-Rays, and DNA Evidence

As we have seen, the Gemara establishes that external testes are sufficient proof of maleness. Today, however, we have the ability - through internal examinations,

or noninvasive procedures like X-rays - to detect internal organs. What if the external organs are female, but internal testes can be detected?

R. M.D. Tendler writes that even internal testes may be sufficient for exclusion of pure femininity.[15] R. J.D. Bleich goes further and writes without hesitation, "The presence of testes, either external or internal, is an absolute indication that the child is not a female."[16] Still, both agree that "other criteria may lead to a determination of hermaphroditism"[17] rather than pure masculinity. On the other hand, R. Shaul Breisch writes that internal organs have no halakhic significance, and only external genitalia are relevant in halakhic sex determination.[18] R. Menashe Klein agrees, affirming in the case of an XY female with internal testes that she is clearly a female.[19] Similarly, R. Eliezer Waldenberg writes about an XY female:

> The external sexual organs appear like those of a female, and [the child] has no external sign of a male organ, and only the special investigations carried out on it showed that there are male cells within the body. Hence, I think that even if we leave it as is [without surgical modification], its law will be that of a female, because the external organs which are visible to the eye are those which establish the Halakhah.[20]

This *mahaloket* is central in ruling on cases of complete androgen insensitivity syndrome (AIS), which affects 1 in 20,000 births. In complete AIS, the gonads of an XY fetus properly differentiate into testes, but the fetus fails to develop further because the testosterone produced by the testes is not detected properly. Since no signals are received, the body follows its default program, which is to produce a female. Hence, individuals with complete AIS have internal testes, but externally appear to be completely female; the only outward sign of incomplete femaleness is the lack of menstruation (since ovaries and a uterus are not present).[21] If internal testes are considered a positive confirmation of maleness, these individuals are halakhic males or hermaphrodites. However, if only external signs matter, these individuals are halakhic females. In practice, R. Tendler writes about a girl found to have internal testes, "My 'inclination' is to consider this girl as a halachic 'female' androgenus [sic] despite the lack of ambiguity of external genitalia."[22] However, R. Waldenberg would clearly disagree, because he only considers external genitalia relevant.

What about the opposite case? R. Tendler records a fascinating scenario:

> A seventeen year old Yeshiva student experience [sic] occasional hematuria (blood in urine). Routine work-up including x-rays, revealed the presence of uterus and ovaries despite the clear "maleness" of external organs. The hematuria was actually menstruation. Simple surgery followed by hormonal therapy will allow this "boy" to bear children, since ovaries and uterus are perfectly functional. This is a case of "androgenital syndrome" in which the adrenal glands produce excess male hormones swamping the female hormones and resulting in enlargement of the clitoris and developing of male hair patterns.[23]

Regarding the sex of this individual, R. Tendler states, "Halachichally this 'boy' is surely a female despite the male organ," and he is even willing to allow surgery to convert him to a female.[24] (See the discussion of surgical modification below). However, if we only consider external appearance to be significant, this individual would clearly be male, despite the internal ovaries and uterus, and the surgery would likely be forbidden. This is the conclusion of R. Shaul Breisch.[25]

Chromosomal and developmental aberrations can create a situation where the most basic of questions - "Is it a boy or a girl?" - has no easy answer, and a child is barred entry to the privileges (and challenges) of life as a member of either gender.

Moving to the molecular level, there are other questions to be asked. Modern microscopy and cellular staining procedures have produced a new method of gender determination: karyotyping. This procedure involves examining the array of chromosomes present in each individual cell of a person's body. If XX is observed, the individual is assumed to be female; if XY is observed, the person is presumably male.[26] Could this simple test be used to resolve cases of halakhic gender ambiguity?

Jonathan Wiesen reports that R. M.D. Tendler "believes that gender identification is best achieved by DNA testing, in conjunction with a complete physical, radiological, and systemic assessment."[27] R. Asher Weiss also believes that DNA testing can be relevant, but only to confirm a previously arrived-at sex assignment when secondary sex characteristics contradict genitalia, and the determination favors the genitalia.[28] On the other hand, as we have seen, R. Eliezer Waldenberg feels that genetic tests are irrelevant. In *Nishmat Avraham*, Dr. Avraham S. Avraham cites R. Y.Y. Neuwirth as ruling that DNA is not a determining factor.[29] R. Gideon Weitzman of the Puah Institute cites that R. Avigdor Nebenzahl, in a letter to the Puah Institute, agreed that "the law of male or female in the Torah is according to the external visible organs," rather than genetic material. However, R. Weitzman notes that in personal conversation, R. Nebenzahl agreed that if *Hazal* had been able to check chromosomes, they might have used this as a factor in gender determination. Still, R. Weitzman writes, "When I discussed this question with other leading Rabbinic authorities, I found that they agreed with defining gender purely by external organs."[30]

Although I am hardly qualified to offer an opinion, it is worth noting that, as established above, there are a number of steps leading from chromosomes to bodily development. While chromosomal evidence might be a convenient binary factor, no array of chromosomes will guarantee a particular pathway of sexual development. Furthermore, while a Y chromosome is generally present in, and only in, males, there are exceptions due to mutations on other chromosomes which play roles in sexual development.[31] Additionally, we now know that genes are occasionally mobile, and may translocate to other chromosomes.[32] Hence, I would be disinclined to see karyotyping as a means of sex identification.

Halakhic Validity of Sex Reassignment Surgery

R. Eliezer Waldenberg is noteworthy for accepting the halakhic efficacy of sex reassignment surgery (SRS). Discussing a theoretical case where the male in a couple undergoes a sex change to become a female, R. Waldenburg writes that the other party does not require a *get*, because her husband is no longer a male, and hence she is not the "wife of a man," but rather the "wife of a woman" - a halakhic impossibility.[33] Additionally, R. S.Z. Auerbach is cited in *Nishmat Avraham* as having said that after the phallus of an *androginos* is removed, it is considered a female,[34] though another citation implies that he disagrees with R. Waldenberg.[35] However, R. Idan Ben-Efrayim cites a spectacular array of lesser-known *posekim* who reject the efficacy of surgical sex changes.[36] Rabbis Bleich[37] and Tendler[38] both affirm that sex changes are ineffective.

Halakhic Permissibility of Sex Reassignment Surgery

The permissibility of SRS may be divided into several questions: If a child is halakhically male, may female elements be altered? If a child is halakhically female, may male elements be altered? If a child is of uncertain status, can surgery be done to masculinize or feminize the child?

A full treatment of the halakhic permissibility of all forms of SRS is beyond the scope of this article. However, a brief survey is still worthwhile.

In SRS, the relevant *mitsvot* are the prohibition of male sterilization, which is biblical,[39] and the prohibition of female sterilization,[40] which is either biblical[41] or rabbinic.[42] (Both prohibitions apply equally to humans and animals.[43]) In the case of a halakhic male, SRS to convert him to a female is clearly prohibited; the same would apply to converting a halakhic female to a male. However, surgically assigning a sex to a truly ambiguous case, or "fixing" a minority of genitalia which contradict the majority, is more complicated.

If an *androginos* might be capable of bearing children, as either a male or female, it would seem to be clearly prohibited to tamper with useful reproductive organs. But what about organs which will never be reproductively useful, such as the penis of an individual with internal ovaries? This may depend on a *mahaloket* between the *Minhat Hinnukh* and the *Hatam Sofer*. *Minhat Hinnukh* writes that if one is not "*ra'ui le-holid*" – "fit to procreate," sterilization is permitted.[44] *Hatam Sofer*, however, believes that the prohibition of sterilization is independent of personal status, and simply depends on the organs themselves.[45] In practice, R. Waldenberg relies on the *Minhat Hinnukh* to permit removal of a testis from a female,[46] R. Moshe Steinberg cites the position of the *Hatam Sofer* as proof that removing any male organ is prohibited,[47] and R. Z.N. Goldberg prohibits even the removal of female organs based on *Hatam Sofer*'s position.[48] Rabbis Bleich[49] and Tendler[50] also prohibit feminizing an *androginos*, without explaining their reasoning. However, Rabbis Steinberg[51] and Ben-Efrayim[52] permit masculinizing an *androginos*. R. Steinberg offers no explanation, while R. Ben-Efrayim cites sources indicating that the prohibition on female sterilization is really an extension of *habbalah*, the prohibition to cause a wound, which is waived in cases of need.[53] Finally, R. Asher Weiss writes that even if the *Hatam Sofer* is taken into account, there is no prohibition to remove malformed organs which will never be fit for use in procreation;[54] this opinion would open up many possibilities for surgical treatment of an *androginos*.

Conclusions

As Jews, for us to properly relate to people who do not fit neatly into our preconceived boxes, we must learn to synthesize two perspectives. We cannot compromise on Halakhah, but neither may we neglect sensitivity. The intention of this article is to present the first half

of the equation, and emphasize the complexity of halakhic principles at play in the context of the *androginos*. The take-home message is, to cite R. Bleich, that "every decision with regard to the grave and often pain-fraught problems of sex determination requires consultation with competent rabbinic authorities."[55] However, this piece would be incomplete without a word about the human element. The curious case of the *androginos* reminds us that even something as basic as gender is not to be taken for granted, and the most appropriate attitude toward the *androginos* is acceptance, within a proper halakhic framework. The *androginos*, too, is a creation of God, and - in the case of a Jewish *androginos* - lacks not an iota of *kedushat Yisra'el*, which is why the Gemara elaborates the *halakhot* of the *androginos* in great detail. Armed with the best of modern medicine and psychology, and guided by the advice of responsible *posekim*, we must give the *androginos* the respect due to any fellow Jew (if relevant) and human being faced with a difficult lifelong challenge.

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1 Rambam, *Mishneh Torah*, *Hilkhot Ishut* 2:24-25.

2 For example, see the fourth *perek* of *Mishnayot Bikkurim*.

3 For more details on different types of *androginos*, see Jonathan Wiesen and David Kulak, "'Male and Female He Created Them:' Revisiting Gender Assignment and Treatment in Intersex Children," *Journal of Halacha and Contemporary Society* 54 (2007): 5-29, at 12-13.

4 *Minhat Hinnukh* 1:2, author's translation.

5 Scott F. Gilbert, *Developmental Biology, 9th Edition* (Sunderland, Massachusetts: Sinauer Associates, Inc., 2010), 511-525.

6 Linda J. Heffner and Danny J. Schust, *The Reproductive System at a Glance, 3rd Edition* (Malaysia: Wiley-Blackwell, 2010), 33-35.

7 Lisa Allen, "Disorders of Sexual Development," *Obstetrics and Gynecology Clinics of North America* 36 (2009): 25-45, at 27.

8 For example, XYY males are not noticeably different from standard XY males; see Jeff M. Milunsky, "Prenatal Diagnosis of Sex Chromosome Abnormalities," in *Genetic Disorders and the Fetus*, edited by Aubrey Milunsky and Jeff M. Milunsky (Hong Kong: Wiley-Blackwell, 2010),273-312, at 288-9.

9 Carla Murphy, L. Allen, and Mary Anne Jamieson, "Ambiguous Genitalia in the Newborn: An Overview and Teaching Tool," *Journal of Pediatric and Adolescent Gynecology* 24 (2011): 236-50, at 239-242.

10 Rambam, *Mishneh Torah*, *Hilkhot Terumah* 7:14; *Kesef Mishneh* and *Lehem Mishneh* ad loc.

11 *Minhat Hinnukh* 280:4.

12 To be precise, the question is whether we would say "since it has changed, it has changed" - i.e., since the child's revealed organs are unusual, need we suspect that the hidden area of the genital region is also unusual?

13 Gilbert 523.

14 *She'elat Ya'avets* 1:171.

15 R. Moshe D. Tendler, "Halachic Considerations in the Determination of Sex in the Newborn with Ambiguous Genitalia," *Torah u-Madda* (Hebrew) 5 (1975): 24-21, at 21.

16 J. David Bleich, *Judaism and Healing: Halakhic Perspectives* (Jersey City, NJ: Ktav Publishing House, 2003), 84.

17 Bleich, Ibid., and Tendler, Ibid.; quote is from Bleich, Ibid.

18 *She'elat Sha'ul*, *Even ha-Ezer*, *Siman* 9.

19 *Mishneh Halakhot* 16:47.

20 *Tsits Eli'ezer* 11:78, author's translation.

21 "Androgen Insensitivity Syndrome," *PubMed Health*, August 31, 2010, available at: www.ncbi.nlm.nih.gov/pubmedhealth/PMH0002163.

22 Tendler, Ibid.

23 Ibid.

24 Ibid.

25 *She'elat Shaul*, Ibid.

26 "Karyotyping," *MedlinePlus Medical Encyclopedia* (December 1, 2010), available at: www.nlm.nih.gov.

27 Jonathan Wiesen, "Don't Judge a Book? Surgical Changes to Anatomical Features in Traditional and Modern Thought," *And You Shall Surely Heal: The Albert Einstein College of Medicine Synagogue Compendium of Torah and Medicine* 1 (2009): 315-321, at 318.

28 Responsum cited in R. Idan Ben-Efrayim, *Sefer Dor Tahpukhot* (Jerusalem: 2004), 280-2, at 281.

29 *Nishmat Avraham*, *Yoreh De'ah* 262:12. Citations from *Nishmat Avraham* follow the numbering found in the 2007 edition.

30 R. Gideon Weitzman, "Is Gender Determined by External Organs or by Genes?" *B'Or Ha'Torah* 19 (2009): 26-35.

31 Murphy et al., 239-42.

32 Bruce Alberts et al., *Molecular Biology of the Cell, Fifth Edition* (United States of America: Garland Science, 2008), 203.

33 *Tsits Eli'ezer* 10:25:26.

34 *Nishmat Avraham*, Ibid.

35 See Ben-Efrayim, 101 and 259.

36 Ben-Efrayim, 100-111.

37 Bleich, 84. ("Surgical removal [of testes]… does not, however, effect a halakhic change of sexual status.")

38 Tendler, 22. ("The act of surgical castration… is of no halachic import.")

39 See Leviticus 22:24, *Shabbat* 110b, and *Shulhan Arukh*, *Even ha-Ezer* 5:11.

40 See Leviticus Ibid.; *Sifra* to *Emor*, *Parashah* 7; and *Shulhan Arukh* Ibid.

41 *Maggid Mishneh* to *Rambam*, *Hilkhot Issurei Bi'ah* 16:11, *Be'ur ha-Gra*, *Even ha-Ezer* 5:25.

42 *Tosafot* to *Shabbat* 111a, s.v. *be-zekenah*, *Rashba* to *Shabbat* 111a, s.v. *be-zekenah*.

43 *Shulhan Arukh* Ibid.

44 291:1.

45 *Shu"t Hatam Sofer* 3:20.

46 *Tsits Eli'ezer* 11:78.

47 R. Moshe Steinberg, "*Shinui Min be-Androginos*," in *Assia* 1, ed. by Dr. Avraham Steinberg (Jerusalem: Rubin Mass, 1979), 142-146, at 144.

48 Cited in Ben-Efrayim, 260-1.

49 Bleich, Ibid.

50 Tendler, Ibid.

51 Steinberg, 144.

52 Ben-Efrayim, 261-5.

53 Ben-Efrayim, Ibid.

54 Responsum cited in Ben-Efrayim, at 281.

55 Bleich, Ibid.

An Interview with Rabbi Zevulun Charlop

BY: Ariel Caplan

AC: What do you remember about the Rabbis' March that your father helped organize to protest the Allies' inaction regarding the massacre of European Jewry? Do you think that the Jewish community should utilize similar methods of activism to support the causes of other oppressed groups today?

RZC: I remember that there was great excitement at that time. My father was very involved in the Federation of Palestine Jews in America. The Rabbis' March was organized by Peter Bergson, whose real name was Hillel Kook and was a nephew of Rav Kook. He was an international personality and is quite well-known now – there are plays about him. Ben Hecht, one of the preeminent playwrights and journalists in the middle of the twentieth century, was inspired to a very large degree by his interactions with Peter Bergson. And Bergson developed a relationship with my father because he was very much taken by what was happening in Erets Yisra'el, and he wanted to create a state. He was, by the way, an Irgun man. (There were no Likudniks then, but Irgun was the equivalent of a Likudnik today.)

Bergson thought that it could be a wakeup call for Jews, and possibly Gentiles as well, asleep in America, to have a group of American rabbis stage a protest – there was nothing to lose, and there was no precedent. Interestingly, the march succeeded in garnering significant participation, with five hundred or more rabbis in attendance, but not as successful as it should and could have been, nor was it successful for the task at hand at all, because there were many people who were opposed to this Rabbis' March for a variety of reasons. The outstanding Jewish leader of that time – outstanding meaning not necessarily the best Jewish leader, but certainly a very formidable figure – was Stephen S. Wise. Stephen S. Wise was the leading Jew in America at that time, and he always played a very dominant role in the American Jewish scene, certainly in the last thirty or forty years of his life. An outstanding orator, he held people in thrall. He had, I think, a little bit of a messiah complex about himself – I don't think he had enough of a messiah complex about the Jews as he had about himself. I'm sure he wanted to save the Jews, and he was a foremost Zionist, of course. He was certainly the most powerful Jew in America, largely because of his friendship with Franklin Delano Roosevelt, who probably gave him whatever he wanted. Everyone knew he was very close to the president of the United States, and he told the president what he believed, but he wouldn't do anything to hurt the president. The president, of course, was a genius of a personality, and he was able to impress many people with his sincerity of purpose. And when the rabbis came down, the president asked Wise, "What should I do?" And had Wise said, 'these are the most respected rabbis in America, these are the great scholars, *talmidei hakhamim*, most of them European, you should listen to them,' Roosevelt might have. But Wise didn't. Millions of Jews were being killed, and the president knew that they were being killed, because he was certainly privy to all the information that was coming in.

The success of the parade of rabbis, of the protest of rabbis, cannot be underestimated, except in its failure. Meaning, it failed because Wise didn't allow the president to show any interest in it. When the rabbis went to the White House, they couldn't get into the White House, they couldn't get to first base – they were not allowed in the front door or the back door. Many people, we know now, go in through the back door to see the president, and that was true then too. But Roosevelt couldn't do that; he would have five hundred rabbis coming in. So when the rabbis went to Congress and stood on the steps of the Congress, Vice President Henry

Agard Wallace represented the president. And then there were two or three speakers. One of them was my father, who read the rabbis' proclamation to Wallace.

We now know that President Roosevelt, a month before he died, quietly met on an American battleship with Ibn Saud, who was the king of Saudi Arabia at that time, and promised him that he opposed the State of Israel. This was all at the time when all the Jews voted for him – 98 percent. The Jews were liberal, more or less, always were. This was for good reason, because they wanted to better everyone's lives. And Roosevelt came in – he was a patrician, he spoke well, with tremendous charisma; it's hard to imagine anyone with charisma like him today. People were under his spell, and I was already fifteen or sixteen when he died, so I can tell you that it was just incredible. I remember the speech R. Joseph Lookstein gave in Lamport Auditorium when Roosevelt died, citing Walt Whitman: "O captain, my captain…"

I know the model of political activism and protest worked in my day even for the State of Israel, beginning at the establishment of the State of Israel. There were great protest meetings, there were great numbers at rallies in New York – maybe 100,000, 150,000 people came to support the State of Israel during the Six Day War, and in earlier times. The main speakers were Stephen S. Wise, as well as Abba Hillel Silver, who had the silver voice, as Stephen S. Wise did. He was a Republican, and it was important to have a Republican with the stature of Stephen S. Wise.

AC: Can you recount some personal experiences of political activism?

RZC: I founded one protest rally that was extraordinarily successful. In 1971, the Iraqi Jews were being persecuted and killed. At the time, I was already teaching Talmud and American History at Yeshiva but I was also the president of the Council of Young Israel Rabbis, and in that role I used to attend the Conference of Presidents of Major American Jewish Organizations. When I went to the conference, someone brought up the question of the Iraqi Jews, and nobody was doing anything. So I got up (I was much younger and I was not as prominent as most of the people there) and I said that we need to stage a protest. Everybody makes protests, and protests work. Many people were against it, but they took a vote, and the consensus was for the protest. They said: if Charlop is willing to do it, we will support it. So we raised some money and very quickly, in less than a week, we put up signs. I asked R. Ahron Soloveichik to be the guest speaker, and I appointed Rabbi Marvin Luban (rabbi of the Young Israel of Forest Hills) to serve as chairman. We put a big ad in *The New York Times*. Interestingly, we met with a Jewish printer for the *Times*, and printers often have a lot of say about placement, although you wouldn't know it. We went to him at midnight and said, "We want to put this in tomorrow." He read it and was very moved by it. He was very helpful –he got it onto a page with a big story, so everyone would see it. And with just a week to work with, we gathered around 15,000 people, built a platform in front of the United Nations, and had a rally there.

So we had this rally and it was a big hit, but we never knew what happened. We never heard if the Iraqi Jews were saved. Then, I once went down to Texas for whatever reason, and I was picked up at the airport by a taxi man, and I saw his name was Shushan. I asked him, "Are you from the Middle East?" And he said, "Yes, I'm Persian." And I said, "I was involved with organizing a protest a few years ago when they were killing Jews, and no one seems to know what really happened." He said, "They all escaped into Iran! The entire thing was hush-hush." So we saved everyone, and this was verified by an Arab Gentile!

I was also involved with the struggle for Soviet Jewry. Rabbi Luban and I also organized a rally in the great tennis stadium in Forest Hills, where they had the U.S. Open. We filled up that stadium with thousands of people. Every seat was taken. Eventually, the Russians started letting out the Soviet Jews; people called this the Miracle of Return, and that phrase, which became a buzzword for the struggle for Soviet Jewry, was coined for this rally.

So I do think that protests helped, and we see it today. Now AIPAC has become very powerful, as effective as these rallies, and its voice is acknowledged by members of Congress.

AC: Today there are other causes for which people have rallies, such as protesting the genocide in Darfur. Should the Jewish community be involved in political activism to support such causes, and, if so, to what extent?

RZC: I think for a yeshivah student, the most important thing to do is to be a *talmid hakham* and a *yerei shamayim*, and also to show much concern for the Jewish community at large, and also concern for the world at large. My grandfather wrote, "The future redemption is the redemption of the entire world, all of Israel and all the nations, and all the animals and plants and inanimate objects, and the whole host of the heavens, all the planets, and all the worlds. All will be redeemed to eternal freedom."i We have to believe in this idea and feel it: *ge'ulah* (redemption) is not for Jews alone. It's for the whole world.

Still, overwhelmingly, our obligation is to the Jewish community. There are so many millions of people, so many young Jews who are assimilating, just falling off the ragged cliffs of Jewish heights and eternity, so, to a certain extent, we have to be focused on the Jewish world. Furthermore, in order for us to be involved in the broader world as we are in our *yeshivah*, we have to have a solid center. Turning a *yeshivah* into a big tent can be a dangerous thing; if we start lessening our inward Torah focus then we may start neutralizing learning and, *rahamana litslan*, *yir'as shamayim*. In order to be able to sustain the multifaceted world that we have here in Yeshiva, we have to be deeper in the core. So long as we know that in this process we may be willy-nilly, lightening the thrust of our Torah learning, then widening the tent cannot be achieved. Rather, we must widen and, indeed, deepen our Torah learning and *kiyyum ha-mitsvos* at the core. Otherwise, Heaven forfend, we may be sliding down a slippery slope, and who can calculate what would, *has ve-shalom*, await us there? But if widening the tent will not hinder – if it would indeed enhance the deepening of Torah and *shemiras ha-mitsvos* – then it can become a *nes*, not only in the sense of miracle, but *nes* as a *degel*, a flag of pride. I know that this is President Joel's guiding star. Everything he does, I know, is to bring us to that quintessential realization.

In our hearts and minds, we have to be involved in everything. But there is a real question as to how much time we can give to each cause. We have to make sure that the *Beis Medrash* remains as strong as it is, and even gets stronger, and that, individually, our commitment in time and energy is strong. If the yeshivah is going to be a mediocre yeshivah, then we don't need the university, the medical school. As President Joel has reminded us time and again, there are other excellent universities and medical schools. But if the yeshivah is a genuine success in spite of all this, living in the world and maintaining a strong *Beis Medrash*, then it's a real accomplishment, a desideratum.

Still, we really have to believe the piece I quoted about bringing *ge'ulah* to everybody. *Yiddishkayt* is universal.

A: Can you discuss the struggles you encountered as a rabbi and communal leader during the civil rights movement?

RZC: There was a time in the Bronx when we had a wonderful Jewish community, with many Yiddish-speaking homes, and excellent public schools available – Clinton High School, and Bronx High School of Science, which had an overwhelmingly Jewish enrollment. The general community was exceptional as well. It was 25% Jewish, 25% Irish, and a strong Italian and German community as well.

But there were minority populations in adjacent and not-so-adjacent neighborhoods who were economically behind. Their young ones possibly suffered most of all from comparatively poor to abysmal education. In order to ameliorate the situation, the city wanted to start bussing these students into our neighborhood, and the neighborhood was very opposed to the move. There was a very powerful and liberal Jewish communal leader who said we have to show our Jewish liberalism and humanity, and we can't be opposed to bussing. So we met in my eminent neighbor R. Herschel Schacter'sii shul, the Mosholu Jewish Center, and the two speakers who represented the community were R. Herschel Schacter and me. The place was packed; there must have been three or four hundred people. We started to espouse the liberal position, to say that if we Jews are allowed into schools, how can we keep the blacks out? And then I told a story:

There was a soldier in the Second World War, stationed in Pennsylvania. He had boots that were old and shoddy, and he had to get them repaired. So he went to a small town in Pennsylvania that had a shoemaker and gave his boots to the shoemaker and said, "I'll come back for them in two days; can you be finished by that time?" The shoemaker said, "Yes," and he gave the soldier a ticket for his boots. The soldier returned to his base at three o' clock in the morning only to discover that he was slated to immediately leave Pennsylvania and go to a port in Brooklyn, which he couldn't tell anybody because "loose lips sink ships." Eventually, he was sent off to Europe and he remained there for several years. After returning to the U.S. he became a salesman. At some point, twenty to twenty-five years later, his route was changed, and he suddenly realized: His new route passes through the town where he gave in his boots to be repaired! When he came to that area, he rushed to that town and searched for the shoemaker, who was still there! Upon arriving at the shop, the soldier pulled the ticket out of his wallet and gave it to the shoemaker. Without indicating any surprise or anything unusual, the shoemaker went to the back of the store, stayed there for a few minutes, and when he emerged, he said, "I'm sorry, they're not ready yet. Can you come back tomorrow?"

With that introduction, I said, "We promised the dignity of man. The Founding Fathers who allowed slavery knew it was a cancer, but they didn't have any other way of getting this country going. Hundreds of thousands of blacks died in the Civil War, the First World War, and the Second World War. We had the Thirteenth Amendment and the Fourteenth Amendment and the Fifteenth Amendment and then we had the Warren decision… After all of these things, you want us to say to them, 'come back tomorrow?'"

The frenzy in the eyes and faces of those Jews was indescribable. The rage in their eyes seemed to cry out, "Traitor!" Here I was, a respected member of the community. R. Schacter essentially said the same thing as me, and they wanted to figuratively lynch us! (Not literally, figuratively.) If you saw the frenzy in that crowd - how the Jews felt betrayed…

Within two to three years, Jews were gone from the community, and with them went the Talmud Torahs and Hebrew schools, and much of the social life of the Jews. Synagogues once brimming were emptying. The Jewish flight from the Bronx was in full force! That's what the battle cost us.

Rabbi Zevulun Charlop is Dean Emeritus of RIETS, Special Advisor to the President on Yeshiva Affairs, and rabbi of the Young Israel of Mosholu Parkway in the Bronx, NY.

Ariel Caplan is a senior at YC majoring in Biology, and is an associate editor for Kol Hamevaser.

1 R. Yaakov Moshe Charlop, *Mei Marom* 18, 89. Translation by Ariel Caplan.

2 R. Schacter was a former chairman of the Conference of Presidents of Major Jewish Organizations as well as the rabbi of the Mosholu Jewish Center for over fifty years. He was also previously a chaplain in the U.S. Army, during which service he had famously participated in the liberation of the Buchenwald concentration camp and the resettling of refugee Holocaust survivors. He is not to be confused with current RIETS *rosh kollel* Rabbi Hershel Schachter.

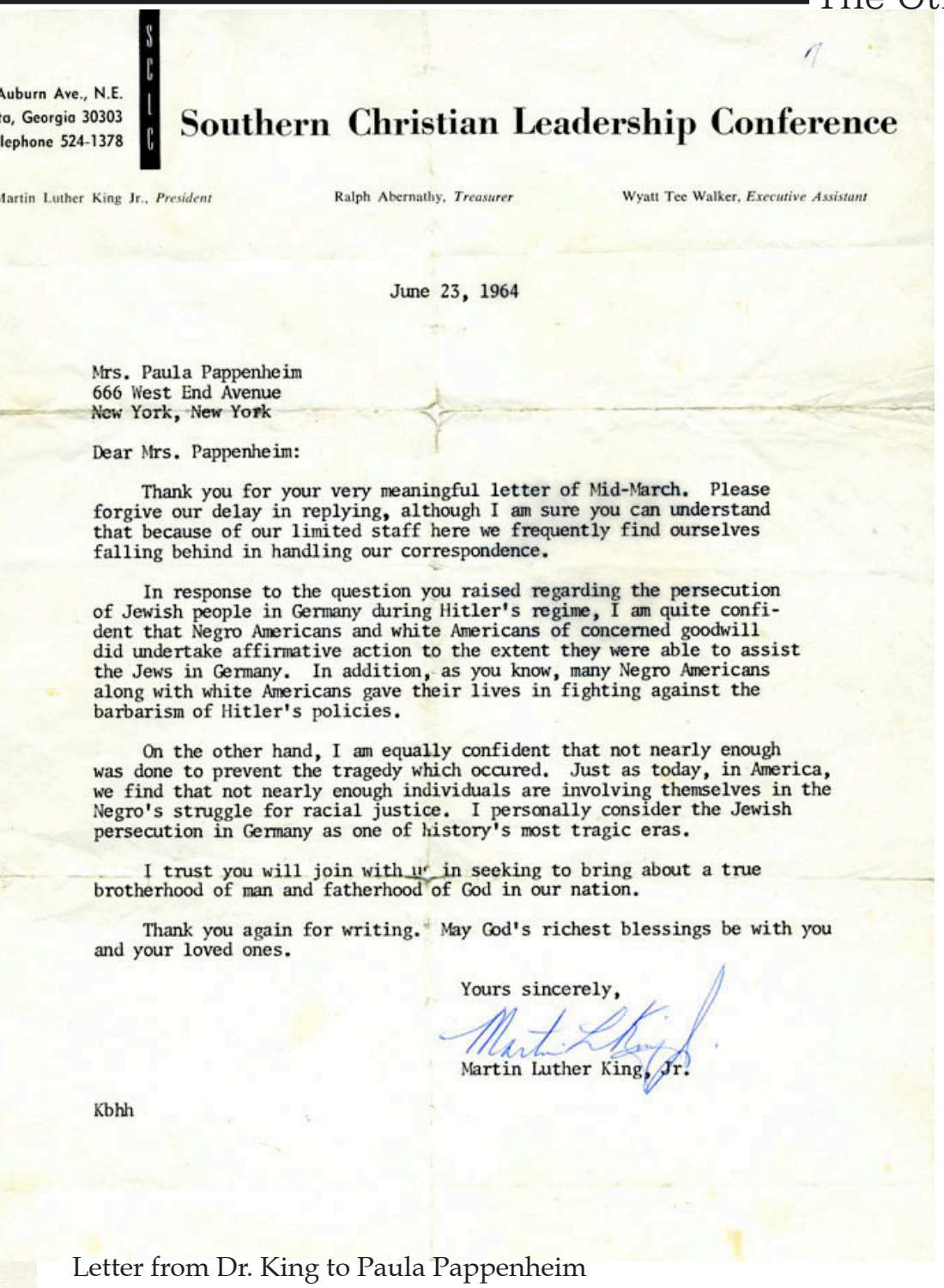
Creative Arts

Torture of Simon of Trent
Nuremberg, 1493
Artists: Michael Wolgemut (d. 1519) and Wilhelm Peydenwurg (d. 1494)
Woodblock print

JEWISH FAMILY ON MOUNT ZION.
England, 19th century.
Engraver: Cousen. W.H. Bartlett, Walks about Jerusalem. Engraving. Collection of Yeshiva University Museum (2008.041).

Bartlett described his visit in 1842 to the family of the wealthiest Jew in Jerusalem. There he met the women in the family as well as the men and expressed his surprise at the "equality" of the women with the males of the family, in contrast to the manner of "...the wives of Oriental Christians." A later visitor, Elizabeth Anne Finn, describes the profusion of gold jewelry worn by the women of this family.

Images and information provided by the Yeshiva University Museum. Please visit www.yumuseum.org



Auburn Ave., N.E.
ta, Georgia 30303
lephone 524-1378

SCLC

Southern Christian Leadership Conference

Martin Luther King Jr., *President* Ralph Abernathy, *Treasurer* Wyatt Tee Walker, *Executive Assistant*

June 23, 1964

Mrs. Paula Pappenheim
666 West End Avenue
New York, New York

Dear Mrs. Pappenheim:

Thank you for your very meaningful letter of Mid-March. Please forgive our delay in replying, although I am sure you can understand that because of our limited staff here we frequently find ourselves falling behind in handling our correspondence.

In response to the question you raised regarding the persecution of Jewish people in Germany during Hitler's regime, I am quite confident that Negro Americans and white Americans of concerned goodwill did undertake affirmative action to the extent they were able to assist the Jews in Germany. In addition, as you know, many Negro Americans along with white Americans gave their lives in fighting against the barbarism of Hitler's policies.

On the other hand, I am equally confident that not nearly enough was done to prevent the tragedy which occured. Just as today, in America, we find that not nearly enough individuals are involving themselves in the Negro's struggle for racial justice. I personally consider the Jewish persecution in Germany as one of history's most tragic eras.

I trust you will join with us in seeking to bring about a true brotherhood of man and fatherhood of God in our nation.

Thank you again for writing. May God's richest blessings be with you and your loved ones.

Yours sincerely,

Martin Luther King, Jr.

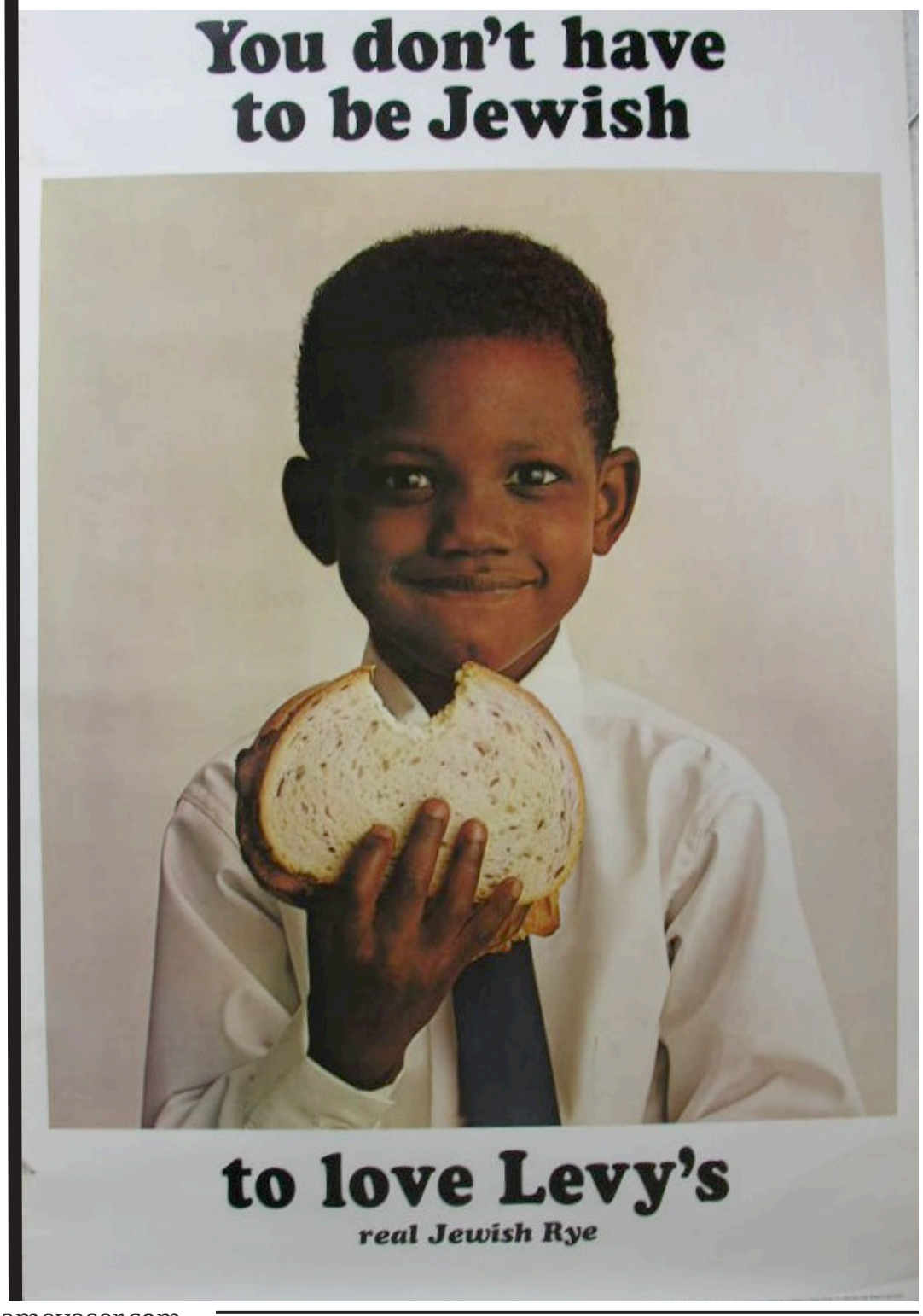
Kbhh

Letter from Dr. King to Paula Pappenheim

Atlanta, Georgia, 1964

Collection of Yeshiva University Museum

Gift of Lucy Lang



Poster advertising Levy's Rye Bread, copywriter: William Taubin; photographer: William Zieff, U.S.A. 1960s.

Stern College for Women
TAC
Torah Activities Council

SOY-JSC
Student Organization of Yeshiva - Jewish Studies Council

TAC-SOY SPRING SHABBATON

April 20-21
Shabbat Parashat Shemini
Beren Campus

Guests: Dr. Michelle Levine and
Rabbi Dr. Meir Soloveichik

Motzei Shabbat Activity:
Dave & Buster's

A Nation's Journey:
והלכת אל המקום
אשר יבחר ה'