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HAMEVASER

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MESSAGE FROM THE EDITOR

Another season of *teshuvah* draws to a close; once again, the *Yamim Nora'im* have seized our imagination, captivated our hearts and minds, and again, so swiftly passed us by, "as a fleeting dream." Our *sukkah* stands built in our yard, and our home is already beginning to fill with the pungent aromas of *Yom Tov* cooking. As we stand to return our *machzorim* to their shelves — where they will collect dust for nearly twelve months — undoubtedly relegating their contents to the periphery of our spheres of consciousness while we engage in every aspect of human endeavor, we cannot help but be struck by the desire — nay, the need — to assess the goals of the unique *teshuvah* process that has been prescribed for this period and to gauge our success in meeting them; what better time than now to reflect upon the essence of the *Yamim Nora'im*.

We began with *teki'at shofar* and *selichot* in the month of Elul; the *selichot* serve to begin the process of personal self-renewal and self-recreation which reaches its apex in the *yom adir ve-kadosh*, the 'powerful and holy day' of Yom HaKippurim. Treatments of the topic of Elul and the *teshuvah* it entails inevitably focus on this element — that of *cheshbon ha-nefesh*, examining our souls and accounting for all our deeds; Elul is generally seen as a prelude to the Yom HaDin. There is, however, another element.

Closer scrutiny of the Rosh Hashanah *machzor* reveals a very different type of *teshuvah*. The first two days of Tishrei, it seems, are intended not for the expiation of personal or even national iniquities, but for the return of the whole world to God's dominion — *le-taken olam bemalkhut Shakai*. The particularistic aspect

which seems to permeate Elul thought and liturgy is set aside for two days, and a latent universalistic aspect is brought to the fore. The *kol shofar* which had been heard but once a day now takes center stage to proclaim the theme of Malkhuyot, *be-chatzotzrot ve-kol shofar hariyu lifnei ha-melekh Hashem*. Before we can achieve personal penance on Yom Kippur, we must reaffirm our allegiance with our exalted national goals; these will reach their ultimate fulfillment in the attainment of our eschatological aspirations, in *ve-haya ba-yom ha-hu yitaka be-shofar gadol, u-ba'u ha-ovdim be-eretz ashur ve-hanidachim be-eretz mitzrayim, ve-hish-tachavu la-Hashem be-har ha-kodesh be-Yerushalayim*. *Teshuvah*, then, is not simply a personal process. We must identify with our community and its great commitments vis-a-vis both God and man. Even in repentance, our vision cannot be limited to our selves and those in our own four *amot*; it must encompass the whole of the Jewish community, even all of mankind.

In that spirit, we have chosen to broaden our scope both in theme and substance. Substantively, we have included some articles and features that we hope the reader will find more accessible and engaging, which thus may expand our readership and, ergo, the recipients of our message. Thematically, we have devoted this issue both to *Teshuvah* and to relations between Orthodox and non-Orthodox Jews, a timely topic which extends our sphere of concern to those of our brethren who stand outside the Halakhic community, and one which allows us to examine the possibilities for mending the *pirud* that has formed within the *goy echad ba-aretz*, the unique Jewish nation which was never

meant to disunite

We live in a *dor de'ah*, a generation of knowledge. The quantity and scale of Jewish education in our community is far more extensive than it has been since biblical times; our traditional sources have been made available to the masses such that even the President of the United States is acquainted with words of our Rishonim. At times, it would seem that the intra- and interdenominational strife that has engulfed us is the sole impediment to the ability of our community to project our message as exemplars of the *derekh Hashem*. It is extremely difficult to forestall the attacks launched upon us by our theological antagonists; it is less difficult — or should be less difficult — to resolve matters of discord between members of our own community, the community of *Shomrei Torah U'Mitzvot*; we can begin with an attempt to overcome artificial distances that we may have created in our own microcosm. Even the most exaggerated, sensationalist reporting often contains a grain of truth; let us never have occasion to read about an "already pronounced chasm in an increasingly factious student body." As we put away our *machzorim* and enter the *Sukkah* in our yard, let us pray and strive toward *u-fros aleynu sukkat shelomekha*; in that merit, we will undoubtedly witness *ve-sukkah tihyeh le-tzel yomam*, the reconstitution of our national center as the focal point of a united Jewish people. —AMH

כתיבה וחתימה טובה

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Repentance Beyond Sin

BY RABBI DR. NORMAN LAMM

The beginning of a new year of learning and living a full Jewish life of mitzvot is a proper occasion to explore the often neglected overlay of meaning of our religious growth in these areas. The following comments are inspired largely by the writings of the founders of the HaBaD school of Hasidism, but they do not necessarily follow them entirely and, indeed, depart from them in certain details. I hope that they will prove of interest — and usefulness — to our students as we enter upon our new zeman.

—N.L.



It is customary to associate *teshuvah* with sin. A person transgresses and he then rues his deed. The proper response is *teshuvah*, repentance. The halakhic analysis of *teshuvah* is highly sophisticated and articulates well with the psychology of the penitent, accompanying him on the various stages of his "return" to his pre-sin state.

However, sin does not exhaust the entire *teshuvah* phenomenon, for were it so, how would we account for the fact that the Talmud and Midrashim recommend *teshuvah* every day of one's life¹ and that the truly righteous are described as those pre-eminent souls who are in a state described as *kol yamav bi-teshuvah*, spending all their lives in repentance? It is stretching the point to answer that the greater the person the more aware he is even of the most minor infractions. Moreover, the Talmud does posit a category of *tzaddik gamur*. Is such a totally blemishless individual to be denied this unique and inspiring mitzvah of *teshuvah*?

The most compelling answer

is offered by R. Shneur Zalman of Lyadi, author of the immortal *Tanya* and founder of HaBaD Hasidism.² He differentiates between two kinds of repentance which he terms a Lower Repentance (*teshuvah tata'ah*) and a Higher Repentance (*teshuvah ila'ah*). The former is the kind of repentance we are most acquainted with — the confession, contrition, resolution, etc., that follow upon sin. This *teshuvah* may take the form of abjuring evil in any and all its many disguises (thus, the negative commandments), or that of the active pursuit of the good and the noble and the holy (the positive mitzvot). The choice is as much a function of individual temperament as ideological preference. But both are motivated by the consciousness of moral or spiritual failure.

The Higher Repentance has nothing at all to do with sin or defeat. It is the reaching out for God in an attempt to overcome the human condition of being separate and alienated from Him. Man's soul is the divine "spark" within him, and this *neshamah* strives for *teshuvah*, or, literally, "return" to its Source. In other words,

teshuvah ila'ah represents a genuinely spiritual yearning, and is unrelated to psychology or disobedience — the realm of *teshuvah tata'ah*. The return, in the former, is not to one's own prior, pristine, pre-sin state, but to one's ontological origin, prior to his very existence separate from his Creator.

Both these forms of repentance bespeak a high level of spiritual maturity, but the difference in focus results in qualitatively different experiences. Thus, the Higher Repentance is thoroughly rational; the striving to reunite that which once was one. The Lower Repentance, however, is irrational, almost absurd. It seeks to undo the past, declaring that the past transgressions never occurred or have even been transformed into virtues (*zekhuyot*).³ It is a violation of causality and, indeed, common sense — although without it, we would be condemned to an inflexible, fatalistic, brutish existence. The divine forgiveness which is the shining goal of *teshuvah tata'ah* defies our reason, and the human reaction to such irrational divine pardon is fear or awe, sheer amazement, as we are overwhelmed by the divine indifference to mere reason and His overruling of necessity and causality (*ki imkha ha-selichah lema'an tivarei*).

In the major elaboration of repentance in the Torah, that of *Nitzavim*, both forms of *teshuvah* are mentioned, but there is a clear separation between them. Thus, verses 1–6 apply to *teshuvah tata'ah*, while the following four verses, 7–10, refer to *teshuvah ila'ah*.

R. Shneur Zalman maintains that the Higher Repentance is addressed to God as the Ein-Sof, as the Infinite beyond all relationship, and is achieved through the study of Torah. The Lower Repentance involves an encounter with God in His self-revela-

tion via the Sefirot, the Ten Emanations of His attributes, and proceeds through performance of the mitzvot. This is a most reasonable view, in light of the role of man in both forms of Teshuvah. In the sin-driven Lower Repentance, a human being strives to reintegrate his personality the wholeness of which has been shattered by sin, and it stands to reason that he should appeal to God in *His* role of personality, i.e., the Ten Sefirot. This reintegration of one's personality is an expression of the psychological dimension of sin and repentance — and this is characteristic of the mitzvot, with their positive and negative modes of conduct both expressing and influencing one's will and emotions. When it comes to the Higher Repentance, however, which is the yearning to rejoin the Source of all being, it is not man's psychic state that moves him but his spiritual fate, his metaphysical and meta-psychological search for his ontological origins. In this stance, therefore, he addresses the Ein-Sof proper, that inner and ineffable essence of Divinity which is beyond personality, beyond the Sefirot, beyond relationship, beyond even divine transcendence itself. This more exalted form of *teshuvah* finds its channel only in the study of Torah, the realm of the "Light of the Ein-Sof."

Which of these two forms of repentance is superior? The question may be irrelevant; both are vital in the development and growth — perhaps very existence — of a religious person. In the *Nitzavim* passage, as we mentioned above, the progression is from Lower Repentance to Higher Repentance, implying that the latter is the more significant goal for which the former is the necessary precursor. Yet an analysis of the *Aseret Yemei Teshuvah* tends to the reverse conclusion. Thus, Rosh Hashanah hardly speaks of sin at all. Its most cogent and significant message is that of the majesty of God — *malkhuyot* — and the sounding of the Shofar, the symbol of the Sinaitic revelation. The Shofar is the wordless cry of the supplicant

aching in his spiritual solitude and calling out to his Creator with whom he seeks not reconciliation (for it is not sin that alienates him from the Creator but his very humanity) but reunion, reintegration, the overcoming of the "real" world which creates the distance between Creator and creature, between the divine and the human.⁴ Reconciliation after sin is the theme of Yom Kippur, and the whole range of lower repentance is evident throughout the day: *vidduy* is recited time and again, the shame and embarrassment attendant upon *chet* is pervasive, the plea for pardon, for *selichah u-mechilah* is repeated again and again. The progression from Rosh Hashanah to Yom Kippur is thus one of *teshuvah ila'ah* to *teshuvah tata'ah*, the opposite direction from that mentioned in *Nitzavim*, and one which, by the same token, would indicate the higher level of *teshuvah ila'ah* over that of *teshuvah tata'ah*.

Perhaps the answer lies in the perspective taken. The Torah is, as it were, the divine point of view: God's anthropology. Here the Higher Repentance is the ultimate desideratum.⁵ The cycle of the year, the precedence of Rosh Hashanah to Yom Kippur, reflects the human experience and therefore the human perspective, and so the final goal is *teshuvah tata'ah*, the Lower Repentance, for this more directly affects one's conduct and therefore his daily life. Or, perhaps, the priority of Rosh Hashanah to Yom Kippur, and the different forms of repentance they represent, is meant to instill in us an awareness of the ultimate goal of all our aspirations, indeed all of our lives, before we proceed to the "practical" task of mending what we have broken in the course of our imperfect existence of the past year.

Both of these exalted experiences should be with us, especially during this season of repentance, buttressing our spiritual courage and our determination to master our studies and, even more important, our very selves. May we succeed in these noble endeavors, and may our study of Torah

and performance of the mitzvot be enhanced by the consciousness of their respective spiritual achievement, and thus inspire us to higher aspirations in both realms.

May all of us, as we enter the new year 5759, succeed in both endeavors, and may the *Ribono shel Olam* grant each of us, all our loved ones, all Israel, and all humanity, a year of peace and prosperity, of reconciliation with Him and with each other. And may our ultimate goals be so lofty that we can never fully achieve them — and yet so inspiring that we never despair of so doing. ☸

NOTES:

¹ *Shabbat* 153a; *Ecc. R.* 9:8; *Mid. Psalms* 90:16; *Shelah, Be'asarah Maamarot, Maamar* 7 (18).

² In his *Likkutei Torah* to *Balak*, 74a.

³ *Yoma* 86b.

⁴ The wordlessness of the shofar and its superiority to mere speech is much commented upon in Hasidic writings, although the interpretations are not necessarily those I am suggesting. See R. Shneur Zalman in his commentary to his *Siddur*, p. 242b; and especially R. Menachem Mendel of Lubavitch, *Or ha-Torah*, section on Rosh Hashanah 2:81.82; *Beurei ha-Zohar* 402:4, and *Derushim le-Rosh Hashanah* 1:374. Cf. the Rav in his *Ish ha-Halakhah*, pp. 57-59.

⁵ Nevertheless, in the course of one's life experiences, the defect caused by sin must be rectified before the process of Higher Repentance is undertaken. See *Tanya* 1:17. ☸



TESHUVA IN THE THOUGHT OF LEO JUNG

BY GAVRIEL POSNER

It is hardly surprising that the major American cultural themes in the decades that preceded and followed the second world war include nationalism, both intra- and international stability, and world peace. For example, the war gave rise to the establishment of the United Nations with its vision of world order, and to the tranquil society of the 1950's. The war also had a profound impact religiously, as rabbis and thinkers addressed those issues which captured the hearts of American Jewish congregations and, no doubt, their own thoughts. One extraordinary example of such a thinker is Rabbi Leo Jung.

In his essay *The Goals of Judaism* (1929), Jung posits that the goal of Judaism is to bring peace, happiness and brotherhood to society. This is a recurring, fundamental theme throughout his works; in a variety of contexts, Jung repeatedly emphasizes the significance of eradicating war and bringing about peace and harmony. Naturally, many emphasized similar notions, especially in Jung's era. Jung, however, not only sees a place for world peace and brotherhood within Judaism; the romantic vision is the purpose, the mission of the Jewish religion, the *raison d'être* of the Jewish people.

Indeed, Jung's emphasis on the importance of forging a more peaceful world largely shaped his outlook in many areas. He saw America, for example, as entrusted with the sacred mission of bringing international peace and stability. His essay *Sinai and Washington* (the name alone is telling) reads, in typical Jung style, as follows:

Out of the chaos of the old world the Lord created the

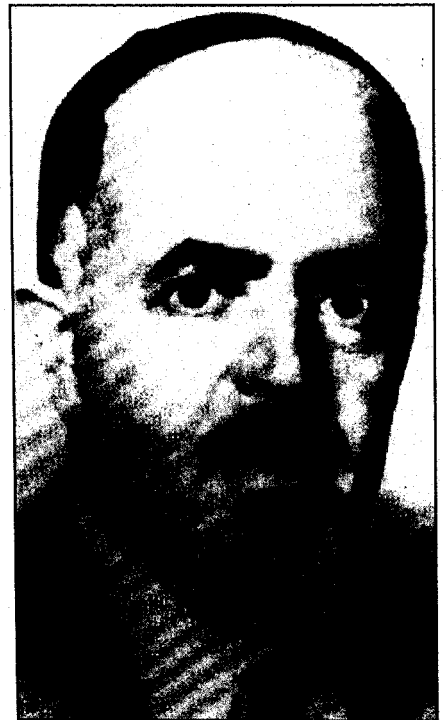
new world. Out of the failure of Europe grew America. What is America but man's second opportunity, the second chance for humanity? What are the United States but another effort of God's to bestow freedom upon man, freedom from the chains of past wrong. In the desert sounded the voice of Sinai. In the United States arose the new message. Democracy as its basis, peace and cooperation. American Patriotism is not mere attachment to thundering rivers and green carpeted plains and enchanting landscapes. It is a way of life in accord with our country's highest ideals. Whosoever proclaims in word and deed that culture is universally human, that no tariff may keep man from humanity, he is a true American though he arrived but yesterday. For true Washington is but an echo of Sinai, the message of the one God to all his children. (Jung, *Crumbs and Character*, 18-9)

Jung's perception of the United States was profoundly influenced by his understanding of Judaism. America and her ideology are sacred, as their mission to bring "humanity" and "freedom" is the same as the Jews'.

Jung's philosophy dictated a dual sociological outlook. On the one hand, the vision of brotherhood and peace finds fulfillment ultimately on a worldwide scale. When the "human family" comes together, when the nations abolish war, the romantic better world has come. Simultaneously, though, Jung focuses upon the individual and his trials. He expects that all "appreciate every citizen's vested interests in the basic needs of life," and, continuing his comments on the sacred American enterprise, that "Democracy must solidify itself into the minimum right of work for every

able bodied citizen who offers his brawn or brain in exchange for the basic comforts of his family." (*Crumbs and Character* 20)

Yet another instance in which Jung's dream of a better world shaped his philosophy is the extraordinary optimism he expresses in numerous contexts. "The new moon is bound to come...darkness prevails, dawn is delayed, and we suffer from hopes deferred. But we in the United States, imbued with the Father's promise and assured that it will come true, must learn to carry the torch." It was only natural for Jung to look to the time when the aspiration of the Jewish people would come to fruition. So captivated was Jung by the notion of realizing the goal of a better world that the religious enterprise itself was fueled by the drive to reach that promised world. "It is the inward assurance of the ultimate victory of the religious ideal that bestows power upon our efforts, and



endows our perseverance with meaning and beauty" (23).

Like many central components of Judaism, *Teshuva*, in Jung's thought, revolves around the "better-world" theme that permeates his ideology. The *shofar* itself is not only a call to *Teshuva*, but a reminder of the *shofar* that will one day declare the universal peace and brotherhood of the messianic era. "Only a removal of sin can bring us that peace which enables us to face the manifold problems of today, and to move from imperfect

reality closer to the realization of the ideal" (114). On a variety of levels, *Teshuva* reflects Jung's understanding of the purpose and nature of Judaism.

Most clearly, in Jung's progressive view of history, *Teshuva* is the change, the character remodeling that brings humanity closer to its ideal, peaceful state. Here, though, Jung illuminates a dual role for the purpose of *Teshuva*. At the interpersonal level, *Teshuva* demands sensitivity and consideration toward the welfare of one's neighbor. On the eve of *Yom Kippur*, "at the entrance to the synagogue men would discover the melody of friendship, opponents with wet eyes would ask each other's forgiveness...and seek peace with God through peace with another" (*Harvest* 97). Additionally, however, Jung sees

Teshuva as a vehicle to achieve peace between oneself and God. Those who are troubled by the world they see around them, those who doubt when evil prevails, declare their faith and trust in the guiding hand of God when they return to Him. "The trust, however, that our religion teaches as a basis of life, truly renews our heart, enables us to banish at a stroke the apprehensions, the suspicions which victimize us, and to recognize right life, life in accordance with His will" (117). Thus, the Jew may achieve "at-one-ment," as

the substantiality, the power of goodness, truth, and beauty... "Accept His guidance," says the prophet, "and you cannot go wrong" (117). To return to God is to have trust in Him and the ultimate prevail of the good that He favors.


Jung's understanding of *Teshuva*, then, draws fundamentally from his thoughts regarding other areas of Judaism. The delicate balance in his thought between concern for the individual and vision of a world gives rise to the twofold purpose of *Teshuva*, the

achievement of inner peace within the individual and of camaraderie in the community at large, "in the doorway of the synagogue." His profound optimism in the Jewish enterprise becomes

"On a variety of levels, Teshuva reflects Jung's understanding of the purpose and nature of Judaism."

Jung often writes, with God and with him or herself. In doing *Teshuva*, the trials of faith are resolved, and the *chozer bi-Teshuva* may lead a more optimistic, peaceful existence.

Indeed, Jung's sense of optimism figures prominently in his understanding of *Teshuva*. He of course assures with confidence that atonement will be granted for the coming year to those who seek God. Additionally, though, the very nature of the *Teshuva* process is a declaration of optimism. *Teshuva* demands a "reliance on the just rule of God, on the ultimate decency of things... Trust in God means in its practical analysis trust in the meaning,

critical in the *Teshuva* process as the *chozer bi-Teshuva*, in seeking inner peace, must have faith in God and the ultimate good He will affect. *Teshuva*, like Judaism itself, is meant to bring about peace, stability, and a better world. 

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EXCLUSIVE INTERVIEW

HAMEVASER'S Aton Holzer Interviews Rabbi Yisrael Meir Lau, Ashkenazic Chief Rabbi of the State of Israel

TRANSLATED BY ATON M. HOLZER

AH: *What is HaRav's opinion as to how to improve relations between religious and secular Jews in Israel?*

RL: In my opinion, it is impossible for one to value and honor something which one does not recognize or understand. Appreciation or admiration results from recognition and knowledge. If one were to conduct a survey of the irreligious, non-observant community — even in Israel — with regard to a most elementary matter, an item which everyone sees and touches, and sometimes even kisses — the case containing a mezuzah — if one were to conduct a survey among all Israelis today regarding what it contains, one would find that close to ninety percent don't know what is inside a mezuzah. With regard to more complex matters such as

what is Shabbat, conversion, kashrut, chalitzah and its purpose, one must understand that if they don't know what a mezuzah contains — and they buy mezuzot, and affix them to their walls, and kiss them, and find them at home, in school, in the office, at factories, banks, hospitals, government buildings and city halls, everywhere — and they never stop at the door and ask as to its contents, namely, *kabbalat ol malchut shamayim, kabbalat ol mitzvot* — they have no idea as to these less familiar issues; when you do not recognize something, you cannot appreciate it.

What is the way to improve relations between religious and secular Jews? The path must be, first and foremost, that they should recognize and to get to know each other. The religious community recognizes secularism, because the religious Jew purchases newspapers; he listens to

the radio, whether he likes it or not, on the bus, in a taxi or his private car; he listens to the news; he reads and knows — it is impossible not to know. But religion, Judaism — if it is not learned, how can it be recognized? I'll give you a practical example. I personally have a very deep feeling with regard to this topic. After I attended Yeshivat Kol Torah and yeshiva in Zichron, (today K'far Chassidim) and after Yeshivat Ponevezh, I went to teach for two years in high schools in Petach Tikva — Brenner and Echad Ha-Am — which were entirely secular. Brenner High School had a strong communistic bent, to the extent that the school had no sessions on the first of May — they were the left of the left (though now the school has changed, and is under the jurisdiction of the municipality). The 12th grade students, 18-year-olds, invited me, the Tanakh teacher, to their Chanukah party. I lived in Tel Aviv, a 20-minute drive from Petach Tikva. I didn't have a private car at the time, and traveled each day by bus. They asked me to attend their Chanukah party. I understood that these parties were not appropriate for me — boys and girls would be dancing together — so I said, "Thank you for the invitation; we'll see." They realized that I wasn't planning to come, and *va-yosifu od shelo'ach sarim rabbim ve-nichbadim me-eleh* (Bamidbar 22:15) — a large delegation arrived, and they said, "We really want you to come to our party, and we have also prepared accommodations for you at Dani Farago — whose father is a doctor and has a villa in Petach Tikva — a room for you for the entire week." I replied, "For a twenty-minute bus ride after the party, why must you prepare a room for me?" They said, "But it is the Chanukah festival — surely you don't travel during the week of Chanukah?!" At that moment, I was somewhat aghast — I came from Ponevezh, a mere 10 kilometers from the Brenner School in Petach Tikva, but the distance was not one of 10 kilometers but of 3,000 years. I was telling them, "So you don't know *hilkhot* Chanukah, and never learned *Kitzur Shulchan Arukh*, nor do you know that Rabbi Shlomo Ganzfried existed. But you aren't new immigrants from Russia, nor do you come from Ethiopia — you are almost all *sabras*, born in Petach Tikva — 40% of which is *Shomer Mitzvot*. Your grocery clerk and mailman could be a Jew with a beard. How much of a distance there must be between you and us — I am sorry that I need to

“speak about ‘you’ and ‘us’ — that you, 18-year olds in Petach Tikva, thought that for the full week of Chanukah, we don’t pick up a phone, don’t get on a bus, don’t go to work, but sit paralyzed in a closed room for eight days — that is the extent to which we are strangers to one other?”

This was 37 years ago — 1961; since then, their teachers and parents haven’t learned more about Judaism, so what will be today — I have already officiated at Bar Mitzvot for the children of these students — when there will soon be a third generation of these children — how will they know? So how do you expect them to value the privilege of Yeshiva students to learn Torah, *toratam umnutam* — what is Torah? If they think that for eight days of Chanukah, we sit at home, observing one long Shabbat, if they don’t know what’s inside a mezuzah box — and I’m not speaking of tefillin, regarding which they have no idea what the four *parshiyot* inside are and why they are there — it is impossible to rectify this without study.

You asked me how to rectify the situation. As the pedagogues answer the question, “From what age must education begin?” — twenty years before the child is born — one must begin by educating the parents. We must begin to teach Judaism not in 3rd, 4th or 5th grades in school, but in seminars for teachers (which, in Israel, is mainly seminars for *morot* — there has been a feminization in education); we must begin to teach the teachers so that they know the basics of Judaism, that they teach these children how Jews gave their lives for the mitzvah of Brit Milah, how they gave their lives for tallit and tefillin. There are countless stories in Jewish martyrology to illustrate what Tefillin means to the Jewish people, what Brit Milah means, the *mesirut nefesh* on the part of Russian Jewry to acquire Matzot for Pesach and Etrog for Sukkot. From the moment they recognize (*yakir*), there is hope that they will also appreciate (*yokir*); if they don’t value and recognize us, the abyss will, heaven forbid, continue to grow and deepen.

AH: What is HaRav’s opinion on how best to engage in Kiruv among the secular? Does he recommend the tactics employed by Kiruv organizations in America and abroad?

RL: I don’t know exactly, or even

“The religious community recognizes secularism, because the religious Jew purchases newspapers; he listens to the radio, whether he likes it or not, on the bus, in a taxi or his private car, he listens to the news; he reads and knows — it is impossible not to know.”

generally, what is done in the United States, but I can discuss the issue as a matter of principle, extending also to Eretz Yisrael. Meetings between religious and irreligious youth from the same approximate age group are very dangerous. A young boy in our system, even if he is in a Yeshiva high school or even if he is learning in a Yeshivat Hesder, still lacks the knowledge and tools to influence and to ensure, above all, that he is not influenced. I will give you a memorable example. We claim that there is a thirst for *devar Hashem* — if only it were so. We have already discussed the fact that there is a drought, and it is well known; if only there were also a thirst. We believe that we, the *benei Torah*, know how to quench this thirst and water it. There are two ways to water a garden. One can connect a pipe to a faucet or a cask and walk with the pipe or sprinkler and water the garden; as much water as the garden receives, it receives; the water runs out, and that’s the end. There is another way. If you place a cask in the middle of the garden and connect a pipe from the spring, or the faucet, to the barrel, then the water in the cask rises above its brim, spills over the top of the cask and waters its entire surroundings. Then, while the surroundings are soaked by the water, the cask also remains full. This is called *tofe’ach al menat lehat-pi’ach* (Berakhot 25b), nurturing so as to nurture others. This is the meaning of *shetehei hashalhevet olah me-eleha* (Shabbat 20a), that the flame rise on its own — not as an ember, which, when dimming and giving out, requires constant blowing to produce a momentary flame which immediately extinguishes — to allow the fire to rise, so that the bush is aflame, while ensuring that the bush itself is not consumed. For that purpose, it is

necessary to bring them to the sources of water, and not to bring the water to them, for then you will be left, heaven forbid, dry, and you can be further desiccated by the entire atmosphere, mentality and environment around.

However they conduct these Kiruv efforts — and I will not enter the technical, organizational or administrative aspects — the principle must be that [they employ] only those people who have the capability to influence others without being influenced themselves. If members of the same age group, with all due respect to our very dear members of B’nei Akiva, for instance, must meet with members of HaShomer HaTza’ir and answer their questions, they don’t always have the power to answer the questions, and often they stumble into that which befell the Jew who became an *Apikores* from the Abarbanel. A Jew accepted upon himself from Shabbat Beraishit to learn the Abarbanel on Parshat HaShavua on every Friday night of that year. The Abarbanel first asks twenty questions on the Perek; before he got to the part with the answers, the Jew would fall asleep at the table. Over the course of a full year, what entered his mind, and thus his heart, were only questions — that this is unsatisfactory, and that is unclear, and this is not good, and that does not fit — he didn’t know one answer, but received all the questions; this is what is liable to occur, God forbid, to one of our boys or girls who will hear questions about the Sho’ah, about *tzaddik ve-ra lo, rasha ve-tov lo*, about pluralism and *kefiya datit*, and all sorts of complaints, about religious politics — there are many questions, but he doesn’t have sufficient tools to provide the answers; I fear that instead of having a positive influence, the youth will be negatively influenced, and this is a great dan-

“However they conduct these Kiruv efforts — and I will not enter the technical, organizational or administrative aspects — the principle must be that [they employ] only those people who have the capability to influence others without being influenced themselves.”

ger. Hence, in the Mishnah in Pirkei Avot (2:14), it is not written *hashev le-apikores*, answer the scoffer, but *da ma she-tashiv* — know what to answer. First of all, today, there are no *apikorsim* — to be an *apikores*, one must first be a great Torah scholar. There are very few rabbis who are *apikorsim*, for most didn't learn enough so as to be rabbis, and hence didn't learn sufficiently to know in what and why to scoff. There is much ignorance, but even boors know how to ask questions; hence does the Gemara tell us that *apikores* refers to a gentile, but there is no need to respond to a Jewish *apikores*; how much more so when we speak not of an *apikores* but of a boor, and even more so since the Mishnah doesn't say *le-hashiv* but to know. We must learn a great deal to fill the cask with water so that it flows over its brim, and only with a *shalhevet olah me-eleha* is it possible to accomplish Kiruv.

AH: Does the Rav see a broader role for women in religious life in Israel?

RL: The Halakha doesn't budge from its place. Women are exempt from most *mitzvot asei she-ha-zeman gerama*, and it is self-evident that not a hair, crown or thorn will fall from a letter of the Torah. HaKadosh Baruch Hu created the world; as for man, *zachar u-nekeiva bera'am*, and he gave us 613 Mitzvot and exempted women from several *mitzvot asei she-ha-zeman gerama*, but as for the rest of the Mitzvot — and this is the vast majority — they are equal to men; as far as all *mitzvot* to *ta'aseh*, all *mitzvot asei she-en ha-zeman gerama*, and regarding even some *mitzvot asei she-ha-zeman gerama*, such as Matzah on Pesach, women are responsible due to the Hekesh of *mi she-yeshno be-val tokhal chametz yeshno be-kum ekhol matzah* (Pesachim 91b), and women have accepted to keep the obligation of hearing Shofar on Rosh Hashanah, and many other such *mitzvot asei* exist. On the other hand, many Mitzvot exist which are specific to women — for example, separation of Challah, Niddah, and *hadlakat ha-ner*, to the extent that the Vilna Gaon said regard-

ing the verse in Eishet Hayil, *sheker ha-chen ve-hevel ha-yofi* (Mishlei 31:30), 'grace is false and beauty is vain,' that "*ha-chen*" constitutes the *roshei teivot* for *hadlakat ner*, Challah and Niddah. If, heaven forbid, *sheker ha-chen*, if the woman is delinquent with regard to these three Mitzvot and does not fulfill the *torat emet*, then, *hevel ha-yofi* — beauty is vain, for only the *ishah yir'at Hashem*, the God-fearing woman, *hi tithalal* — shall be praised. We have a special status and place for the woman; we bring her to Hakhel because she brings her children to Hakhel, because her reward comes from ensuring that her husband goes to the Bet Midrash to study Torah; the Torah values this role of the woman to the extent that she is exempt from *mitzvot asei she-ha-zeman gerama*, and we don't change it, for the world cannot change the Halakha in any manner.

What has happened is that technology has progressed. Washing machines, dryers, mixers, blenders and microwaves have granted the woman much more spare time; disposable pampers, which she needn't wash and hang to dry, gives the woman the freedom to learn and ponder those matters with which Judaism and Halakha encourage her to be familiar. If she learns more *parashat ha-shavu'a*, if she learns more *halakhot*, if she learns more *machshevet Yisrael* — it has reached the stage that our daughters know Tanakh better than my sons, who study at Yeshivot — I must say that this is a phenomenon that was unknown to previous generations, and it is somewhat of a revolution, but one which is within the framework of Halakha and not, God forbid, a deviation. The upheaval that one Sarah Schenirer began in Poland and the rest of Europe over seventy years ago with the establishment of the Beth Jacob schools, which introduced the idea of girls' Torah study, was a tremendous revolution. My father, who was a Rabbi in three large communities in Western Europe, garnered supporters for the idea of Beth Jacob, but there were groups, particularly in Hungary, who looked upon the movement with a disap-

proving eye; they saw in the movement an act of rebellion. Thank God, it sprouted a generation of girls who were prepared to establish homes of Torah with *benei Torah*, whose Torah is their profession, and today there is already a second and third generation of homes upon whose *akeret ha-bayit*, meaning *ikaro shel ha-bayit*, it can be said, *u-me-Hashem islah maskelet*; a house and capital, writes Shlomo HaMelekh, is inherited from parents, but *u-me-Hashem islah maskelet* (Mishlei 19:4). Thank God, we have, within the framework of Halakha, roles for women, roles of great support for the husband, and also central roles regarding issues of Chesed, charity, and primarily regarding issues of education and instruction. For this, we are grateful; *tavo alehen berakha*.

AH: What of the women who serve as *To'anot Bet Din*, or Halakhic lawyers, in the Rabbinic courts in Israel?

RL: Today, there is a phenomenon in Batei Din throughout Israel, in nearly every Bet Din, of female *to'anot rabbanivot*. They are all themselves *shomrei mitzvot* and honor the Batei Din. They know what is necessary to help, in particular, women who appear in Dinei Torah and don't know their privileges or responsibilities, and they do this in a very relevant and respectful manner. And — I want you to understand this — the moment that Batei Din in Israel are part of the state — for in Israel, there is no separation of church and state — they oblige the entire population, also the irreligious and even the non-Jewish, until it becomes clear that they are non-Jews, to appear in the Rabbinic courts, and they appear with male and female attorneys; female attorneys, who don't always come in modest dress or with covered hair, and are not themselves experts in the Aleph-Bet of the foundations of Halakha, appear in the Rabbinic courts. A *To'enet Rabbanit* is a graduate of a religious high school and seminary, and studies these matters with all of the *yir'at shamayyim* that they

require — so *lo t'hei kohenet ke-pundakit* (Mishnah Yevamot 16:7), should not the priestess be the hostess? Hence did the previous chief rabbis, Rabbi Avraham Shapira and Rabbi Mordechai Eliyahu, permit the appearance of *to' anot rabhaniyot* in Rabbinic courts. I must tell you that today, three months since I entered the role of *nasi bet ha-din ha-gadol* and assumed responsibility for the entire Rabbinic court system in Eretz Yisrael, I see much blessing from their appearance in a very dignified manner, particularly with regard to custody battles in divorce cases, *lo alenu*, the *to' enet rabbanit* is of great assistance to the judges to establish where the children belong, and where these children of broken homes will receive the best education...; I think that in our current situation, it is a blessing.

AH: *What is HaRav's opinion regarding women sitting on local religious councils, Mo'etzot Dativot?*

RL: First, one must be realistic and recognize the circumstances. Not all issues can be discussed purely in terms of that which is ideal or desirable, the *ratzui*; we must also recognize the reality which prevails, the *matzui*. We cannot abandon a very important element in the religious community in the State of Israel who are not prepared to sit with one woman on a steady basis at meetings or sessions of a religious council — the community which is associated with Agudat Yisrael, Degel HaTorah and Shas — we must not eschew this precious and important community, which can furnish decisive contributions in all the religious topics with which a religious council must toil. Therefore, I suggested, when I was still Rabbi of a neighborhood in Tel Aviv, before I became Rabbi of Netanya, from the other perspective, not to forgo the element of *nashim chashuvot*, women of stature, who have much ability to contribute to the topics of Mikva'ot, marriage counseling and even Kashrut, synagogue beautification, education and preparation, Bat Mitzvah and so

forth... I suggested to create, as a parallel to the religious council which will remain for men, "*eshet chayyil*" (woman of valor) — a counterpart institution with the same privileges and the same number of members, with an identical budget. Halakhic decisions — how to build a Mikvah, how to set up an Eruv, how to operate kosher slaughterhouses — will remain the province of the religious councils for men, with Rabbis who sit and direct the members of the council. But regarding tasks such as the spiritual absorption of immigrants from Russia, Ethiopia or the Anglo-Saxon countries, establishing Shiurim for them, visiting them at home to show them how to Kasher the home, preparing their children for Judaism, establishing kindergartens, tending to the aesthetics of a synagogue — why must we forgo the female element? But to forcibly mix men and women, so that when in the middle of a meeting, when it is necessary to pray Mincha, the men must tell the women to leave, to get out — for me, it is uncomfortable. In Tel Aviv and Yerushalayim each, there are 31 men on the religious council — so what harm will come if there are 31 women in Yerushalayim from all communities — Yemenite, Bukharian, Anglo-Saxon, Sabra, and Russian women, who are familiar with their communities, who can contribute. We can split the budget between the two councils, and can establish by law which council deals with which issues. To my dismay, the politicians, who must draft the law and apportion the budget, still have not accepted my advice, but I haven't given up; as someone once said, *im tirtzu, en zo agada*.

AH: *What is HaRav's view of the future of religious life in Israel for the next fifty years?*

RL: In this regard, there is much idealism and a great deal of optimism in my perspective, but at times, it is tempered by no small amount of realism that makes me a bit pessimistic.

Let us begin with disgrace

(*genut*) and finish with praise (*shevach*), as with the *Haggadah Shel Pesach*. The distance between *Shomrei Torah u-Mitzvot*, Torah observant Jews and those who are not *Shomrei Torah u-Mitzvot* continues to widen, for the simple reason that a great number of the irreligious community today find it difficult to return to the sources, as they are unfamiliar with the sources — they have no place to which to return. This stands in contrast to the non-religious of 30, 40 and 50 years ago. Then, there was a greater possibility that a certain age, or a certain event, such as the six-day war and recapture of the Kotel, would return them to the *mekorot*. Today, a great portion of the community doesn't know the sources nor recognize their roots, and hence have no place to which to return. Today's teachers know less than those of 30 and 50 years ago. It won't help even if the department of education agrees upon a curriculum of Jewish culture to be taught in secular state schools — there is no one to teach there, for they are unwilling to accept Rabbis like us in those schools, and they themselves don't know the basic material — they don't know what is in the *bayit* of Tefillin — so as to explain to their classes what Tefillin are and why we wear them. Therefore, on one hand, I see a distancing which is unavoidable given the situation as it stands today. The Aliyah which is arriving from the European portion of the Commonwealth of Independent States — as opposed to the Asiatic portions — is only amplifying the distance and widening the chasm, for most immigrants know absolutely nothing; they have been *tinokot she-nishbu* for three generations already; this gap creates, *lo alenu*, hatred.

On the other hand, as I said, we can end in praise. I see religious influence becoming increasingly manifest in the state, for the reasons that, aside from the Aliyah from the CIS, there is a smaller but steady Aliyah from the western countries, and 85% of it consists of *shomrei mitzvot*. The overwhelming majority of immigrants from the United States, England, France, South America and South Africa are reli-

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gious Jews. There is practically no *verida* on the part of the religious community; they simply do not leave. There is a sizable religious Jewish community in *chutz la-aretz*, but the vast majority are not Israeli. From the other side, there is a quiet but stable movement of what they call *chazara be-teshuva*. I personally don't call it *chazara be-teshuva* because they aren't returning — they've never been here; you can only return to a place where you've been once — but they are revealing their Judaism. The opposite direction — leaving the religious community — is happening less and less. There was a time when in state religious schools and even in Yeshiva high schools, many would remove their kippah when they reached the army or the university; today, thank God, this phenomenon has stopped. There are cases of it, but it is no longer a phenomenon.

Look, even today, at the appearance of the state regarding this topic of religious influence. There are brigadier generals and colonels in combat — not chaplains — with kippot. There is not one hospital which lacks doctors with Kippot and Tzitziyot; there is no university, whether in Jerusalem, Haifa, Tel Aviv or Be'er Sheva, the Weizmann institute or the Technion, without lecturers with Kippot of every type, and even wearing Tzitzit out. In the government, you find religious people in positions such as minister of the interior, education and culture, labor and commerce, transport — not only minister of religions but minister of absorption and the treasury. The commissioner of national service is a religious Jew; the director-general of the prime minister's office is a religious Jew; the chairman of the Bank of Israel is a Sabbath-observing Jew, the attorney general.... There are 24 Knesset members from religious parties, while there were but 16 at the state's founding, and to this we must add religious Knesset members who do not hail from religious parties — today there are more than 30 members of Knesset who are genuinely religious. *Shomrei Shabbat*, aside from the many traditional members of Knesset. You can see a trend, one which, with God's help, will continue to increase. This is also one of the reasons for the great fear on the part of the secular community, some of whom call themselves 'Charedim min ha-

charedim' — fearful of the devout. Obviously, I see these developments as positive, and I am optimistic. It is of utmost importance that concomitant with a minimum of involvement in the life of the individual, there be a maximum of Judaism in public so as to justify the title of "Jewish State;" it is interesting that in the Independence Scroll, which so many speak about, particularly in the Jubilee year, the word "democracy" and "pluralism" isn't mentioned once; the word "Jewish" appears at least ten times — a Jewish state, the Jewish nation — the initial purpose of the state was to be open to Jewish immigration, without embarrassment; it was to this that David Ben-Gurion and the others signed. What is a Jewish state? Not merely a state of Jews, to solve the problems of anti-Semitism; it is an adjective — a Jewish state in its very nature; there is no public transportation on Shabbat, all schools, banks, markets and factories know that Shabbat and Jewish festivals are days of rest; in public, Kashrut is upheld, whether in Tzahal, hospitals, even in jails — and there is one matter which is indeed private, but to safeguard the consensus of the nation, it must follow Halakha — that is, *nisu'in*, which is a coin with three sides — marriages, divorces and conversions; these three are the *chut ha-meshulash lo be-mehera yinatek* (Kohelet 4:12), the triple rope which creates the Jewish family, and the Jewish family is the microcosm of the Jewish people. Regarding these, there clearly is *kefiyah datit*, "religious coercion," but in their absence, there is no Am Yisrael. If I tell a Kohen that he may not marry a divorcee or convert, and that a Get must be Halakhic and five years of separation is insufficient, and that conversion needs to be Halakhic so as to permit entry to the Jewish family — these are truly examples of *kefiyah datit*, but without them, God forbid, we cannot ensure the continued survival of the Jewish nation as an *Am Yehudi* and, hence, the state, which arose as a Jewish state and homeland for the Jewish nation. Even the Knesset understood this, on 2 Adar 5730, and amended the law of return to define a Jew as one who was born to a Jewish mother and is not an adherent of another religion, or one who converted. Over a hundred Knesset

members, across party lines, voted for that amendment; the Reform, who affirm patrilineal descent, oppose not merely Halakha but also the law of the land; it is interesting that while many demand that we change Halakha, none demand that we change the law of the Knesset. It is clear that *sofo lamed mi-inyano* — when the beginning of the law speaks of a "Jew," it is defined not as one who speaks Hebrew, holds Israeli citizenship, serves in Tzahal, or whose father or grandfather was Jewish, but rather, one who was born to a Jewish mother and did not convert to another religion, as did Brother Daniel, or someone who converted. So it is clear what they meant when they said "converted;" as with the beginning, the end refers also to Halakha.

Aside from these three matters, marriage, divorce and conversion, there is no involvement in private life, rather merely in public matters, and here I see a trend of increasing Judaism, and this is a result of the strengthening that has come from *chazara be-teshuva*, less defection from the religious framework, lack of *yordim*, the influx of religious immigrants, and a greater birth rate in religious homes; all of these factors guarantee that in fifty years hence, there will be a greater degree of Judaism in the Jewish state.

AH: *There are many in the religious camp who have suggested that it is better not to interfere with regard to marriage, because of potential problems if the couple leaves the country to obtain a civil divorce. What is HaRav's view on this?*

RL: We don't live in isolated communities, and we don't simply say *shalom alayich nafshi* and worry for ourselves; our vista is to *K'lal Yisrael*. We speak much about *kol yisrael areivim zeh ba-zeh*; the word is not *la-zeh*, to each other, but *ba-zeh*, in each other. The Gemara in Sanhedrin 27b and Shevuot 39a, regarding *ve-kashlu ish be-achiv* (Vayikra 26:37), "and a man shall stumble in his brother," writes *be-avon achiv*, "due to the sin of his brother" — *melamed shekol yisrael areivim zeh ba-zeh* — we are mixed within each other, as one unit. As the Ba'al HaTanya wrote, *K'lal Yisrael consists of one soul in different bodies*;

HaRav Kook spoke often of the totality of the Jewish nation — so we must do all in our power that when a Jewish home is established, it is established as a Jewish home *ke-dat Moshe ve-Yisrael*. Thank God, we have reached a situation in which, in the Jewish state, there are only religious marriages, and the potential bride and groom are sent both to the Rabbinate, to register, and, almost by law, to speak to a *Rabbanit*, a marriage counselor — there are organizations that deal with this — and there they teach them *taharat ha-mish-pacha* — not merely to immerse in the Mikveh on the night prior to the wedding, but all the laws, and some laws of Kashrut and Shabbat. If we don't do it, it is our failure; but we can't solve the problem by using a ring which isn't his, invalid witnesses and officiating over a mock marriage — this isn't our job, our responsibility or our right. We received a mandate not to be merely rabbis of Jews who come to pray thrice a day, but to be rabbis for *K'lal Yisrael*, and to prevent obstacles, and to ensure to the extent that it is possible that there be a Jewish home; we must figure out ways to repair the matter, not pour out the baby with the bathwater.

AH: What were the most outstanding experiences for HaRav as Chief Rabbi?

RL: When you are Chief Rabbi, you become familiar with *Am Yisrael* and *Medinat Yisrael*. In the five years that I have been Chief Rabbi, I have had the opportunity to visit, speak, deliver Shiurim, *posken* halakhah and resolve disputes, in — and I am not exaggerating — about three hundred towns. Are any of your readership familiar with Tel Te'omim? I've been there for the dedication of a Mikvah; it is in the valley of Bet She'an. Has anyone heard of a town called Avnei Etan? It is in the Golan Heights. Has anyone heard of Karkom? I was there for a *Hakhnasat Sefer Torah*. I'm not talking about new religious towns such as Chemdat, where I'll be this Thursday,

where there is a pre-army preparatory Yeshiva, also in the valley of Bet She'an. Three families live there, but the school has several dozen young men who study Torah there for a full year prior to entering the army. Has anyone heard of Karmei Tzur? I was there for a dedication of a synagogue and a *Hakhnasat Sefer Torah* donated by the Rennert family on *isru chag* of Shavuot. On one day in Elul, I was in nine different towns in Gush Katif, like Ganei Tal or Rafiach Yam, a settlement with fifty families. Has anyone heard of Dugit? This is a great experience — to be familiar with the entire land, from the Golan Heights in the north to Do'ar Na Chevel Eilat next to Eilat, to reach Kibbutz Yotvatah, which is close to Eilat. I'm not even referring to the times when I was able to reach settlements in the Sinai such as Irgafgefah, Tassa, Porta-Ufik, and even to Fa'id, in Egypt, from where I have a Tanya

the murderer had shot him also nearly destroyed the bridge between the religious and secular in Eretz Yisrael; this was a very difficult experience. To this day, we have not recuperated from this type of experience, and I hope that there will not be, heaven forbid, any similar experiences, but that there be more positive experiences which strengthen the bond between the various populations throughout the land.

AH: What does HaRav see as the role of American Jews and Rabbis with regard to religious life in Israel?

RL: If you'll permit me, I'll tell you that first and foremost, I see the role of American Jews to contribute to religious life in America — with all due respect and love. When I first came across the awesome numbers of intermarriages and,

hence, assimilation, I didn't have to look far to discover the root of the problem. When I spoke with Dr. Alvin Schiff on one of my first visits to America, in 1974, I was informed that the percentage of Jewish stu-

“As unpopular and impractical as it sounds, the primary contribution will be to study in Yeshivot in Eretz Yisrael, that there not be one religious boy in America who will not come for at least one or two years to study in a Yeshiva in Eretz Yisrael.”

that was printed for me there when I went to give a lecture to the soldiers there. The greatest feeling is to be familiar with the entire Jewish nation from every tribe and every Diaspora, throughout its entire network of settlement, which is the most important.

Obviously, there were also many painful experiences. One such experience was the Purim that was turned into a terrible tragedy, the murder in Me'arat HaMachpelah. As Chief Rabbi, it was very difficult for me, for it came from our circles. I had the very difficult experience of losing a close friend, Yitzhak Rabin, who was murdered on Motza'ei Shabbat Lekh Lekha; I sat in Ichilov Hospital near his door while three doctors worked on him until they emerged and shook their heads, indicating that there was no more that could be done, that his soul had departed. I felt then that the three bullets with which

students who received Jewish education in Greater New York was only 11.5%; nearly 90% of New York Jewish students received none. This was not Arkansas, Arizona, or Oklahoma, but New York, with its Gedolei Torah, giants of Chassidut and great Jewish institutions. Only 11.5% received a Jewish education, including day schools! I said then that it was a miracle that 50% of American Jews still married Jews, that only 50% of American Jews marry out. Hence, the first, most important matter is that we recognize that a synagogue without some sort of Talmud Torah, kindergarten or Yeshiva for children of a certain age is not good; a *moshav zekeinim*, a home for the aged, is an important social institution, but it doesn't guarantee the future of a nation. Similarly, an orphanage alone is an important social institution that doesn't guarantee the future of a nation, for the latter is a future without a past, and

the former is a past without a future. Without a past and a future together, there is no continuity and eternity. This must be our first concern. Look, for example, at the field of Kashrut; fifty years ago, would anyone believe that there would be such a broad, wide-reaching Kashrut system such as that which the OU and others have succeeded in creating in America — that there be a situation in which throughout the world, everyone recognizes their symbol, and there is almost no ingredient which cannot be obtained in a manner of Kashrut — would anyone have dreamed this to be possible? No; so why can we not invest the same effort in Jewish education, just as we did for building Kehillot and establishing a system of Kashrut? In this manner, youth movements like B'nei Akiva, NCSY, Chabad, and many others, can do great things — why should only Coca-Cola and Chabad reach every place? Yiddishkeit needs to reach every place, every corner, whether in large or small amounts, and in this regard, there is much to be done in the United States of America. I myself spent Shabbat once in Tulsa, Oklahoma; the president of the organization which hosted me for Shabbat not merely didn't know how to make Kiddush — he didn't know there was such a thing as Kiddush. When I got up at lunch and opened the Kosher wine that I brought with me to make Kiddush, he stared at me — and he is a president of an organization associated with Israel — and he didn't know what I was saying. They did Kasher the hotel for me — Hotel Wilhelm Plaza — 15 years ago; they showed on local television there how they Kasher'd the kitchen — very nice; but he didn't know that there was such a thing as Kiddush on Shabbat! And it turned out that the father of that Jewish leader was a pallbearer of Rabbi Yitzchak Elchanan [Spektor] at his funeral in Kovno, and had to go to the Mikvah at 15 years of age before he could merit to carry the coffin of the Kovner Rav. Yet his son couldn't pronounce the word Mikvah; he spoke of a pool. There is much to be done, first and foremost, throughout the United States of America, and therefore, as with regard to Kashrut, the OU's influence in this would reach Canada, Mexico and even Europe, and the Jewish education which would be established by Jewish leadership in America would influence all Jewish diasporas, whether in North America or in places where the intermarriage rate is even



greater.

As unpopular and impractical as it sounds, the primary contribution will be to study in Yeshivot in Eretz Yisrael, that there not be one religious boy in America who will not come for at least one or two years to study in a Yeshiva in Eretz Yisrael; this will also raise the prospects of Aliyah, for which we are so thirsty and which we need so desperately, which will also strengthen the State of Israel as a Jewish state. This is the truest contribution which can be made. It is clear that if we have summer programs by youth move-

ments, NCSY — I address them every year — all these are good and important things, but they are only secondary to the prime objectives, which are to establish a network of education here in the United States which will stem the tide of intermarriage and strengthen the connection fostered by *en Torah ke-Torat Eretz Yisrael*, as it says, *ve-zahav ha-aretz ha-hi tov* (Bereshit 2:12) — to come to study Torah in Eretz Yisrael, and to thereby increase the chances of establishing homes and families that will come to study in Eretz Yisrael, and this is the true, decisive

contribution.

AE: *How can the Haredi community improve its image in the eyes of the secular community?*

RL: I don't really believe in devices or formulae to improve "image." When there are matters which differ at their base, PR can help a little but cannot solve the problem. For example, if someone wanted to speak of solving the problem of image of the Rabbinate and the Halakha in the eyes of the non-religious community, I will give you an example that happened to me. In this respect, American rabbis don't understand the severity of the problem and don't realize how much to value our role in Eretz Yisrael. In America, it is much easier. I was the Rabbi of Netanya; all the *kibbutzim* and *moshavim* of Emek Chefer are obligated to register for marriage with the Rabbinate of Netanya — there are no other marriages. A young woman came from a European country after the six-day war; she fell in love with the *kibbutz* and wanted to convert. She also fell in love with Dani, a young paratrooper, a commander, a serious boy who was born on that *kibbutz*. The woman passed through all the levels of Halakhic conversion — it took her more than three years. She went to a religious *kibbutz*, where she learned to pray thrice a day, and she knew the laws of Shabbat, Kashrut, *taharat ha-mishpachah* and wanted all these; for all this, she received a certificate of *giyyur* from a prominent Beit Din; she was very religious. Dani wanted to marry her; he succeeded in passing a resolution at the general assembly of his *kibbutz* that, first, they not require her to work on Shabbat, and second, that there be a Kosher corner in the *kibbutz's* kitchen for her and him. After all was in order, they came to register for marriage. I was sitting in the next room when suddenly I heard terrible screaming. I asked them to come to my office so I could calm them down. It became clear that this boy's name was Dani Katz, and no Rabbinate — not in Netanya, nor anywhere else — would agree to register him for marriage with the woman who undertook for him — it began for his sake — this entire long path to Judaism. At this point, she would have come even without Dani Katz, but he was stunned. He began to scream, "I am a paratrooper! I fought in the wars of Israel! Who are you to tell me with whom I can

live, whom I can marry, with whom I can raise a family — who are you to tell me! And you can see his point of view.

For an American rabbi, there is no such problem. He'll tell him, "With me, you can't be married. But if you insist, there is a 'rabbi' from another stream; go to him; he won't give you any problems." For me, this is not an alternative. And you speak of an image? What kind of image can solve his problem? Should I put nice posters in the newspaper with a caption saying that I'm pleasant, that I'm smiley? I really want to be pleasant; I really try to smile, to be *be-sever panim yafot*; but I cannot solve Dani's problem in any manner, for it is Torah mi-Sinai, Torah Min ha-Shamayim and I cannot change one iota. So when we speak of an image, to my mind, we speak mostly with a lack of knowledge; one who recognizes the facts knows that the problems cannot go away — a boy sits for eight hours a day in the Chermon in the winter and stands guard so that we may sit in our homes in Yerushalayim and Tel Aviv and live normal lives — while his ears freeze so as to guard us from danger, when he returns from his eight hours at four in the morning, and he enters the kitchen of the base to make himself a cup of tea, and I tell him, "No, it's forbidden to light the gas. Please drink what you have in your thermos from yesterday. It is forbidden for you to light, for this is a kitchen of Tzahal, and Tzahal keeps Shabbat and Kashrut in their kitchens, and it is forbidden to light fire on Shabbat." What kind of image can help this boy, how he speaks of you — he doesn't understand at all what you want from him, particularly now that there are electric lighters. It is a matter of education, of roots; it is all nice and good that there be some public relations, to explain — I obvi-

ously don't oppose these things — but you must be a realist and know that the problems arise from the roots. One must understand the difference between a cosmetic dentist who whitens teeth and the dentist who does root canal; image whitens the teeth — it is very important — but doesn't solve the main problem, the essence.

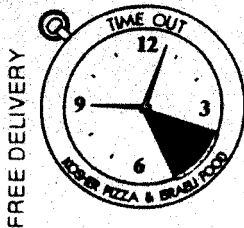
AE: *What is HaRav's position on the Ne'eman commission?*

RL: I've said it many times; we can't change the reality that conversion must be Halakhic — there is no other conversion; one cannot isolate *amekh ami* from *Elokayikh Elokai* (Ruth 1:16). All the members of the Ne'eman commission understood this; I don't want to get into all the tactics, politics and strategy that were involved here. One thing is clear — Ne'eman, out of the purest intentions, wanted to give some sort of compensation to the Reform, who really aren't concerned with conversion but with recognition of them; they aren't interested that we recognize Svetlana as Ruth or Christina as Rina — they want us to recognize their rabbis; they took a hitchhike on the horse that is the issue of Russian immigrants, which is a real and painful problem, and said, "we will try to solve the problem if you recognize us as rabbis" — something we simply cannot do. Yaakov Ne'eman thought that proposing this joint institute would get them to agree to Halakhic conversions. First of all, they never signed to the conclusions of the committee, meaning that they haven't yet compromised regarding their conversions. If they came to us and said, "here are our recommendations, we hope that you accept them..." that would be one thing. But this did not happen. They said, "first, the Chief Rabbinate" must

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accept it." They threw the ball into the court of the Rabbinate. But the Rabbinate didn't appoint the commission, isn't in charge of the commission, and isn't responsible for it. The reason the commission didn't sign wasn't out of honor or deference to the Rabbinate, but because they didn't really intend to compromise on the matter of Conservative and Reform conversions. Never in history did a committee, which was appointed to give recommendations, sit for seven months and not sign its own recommendations until other bodies — which hadn't appointed them — obligated themselves to accept the recommendations.

Let me give you an example to illustrate the reality in Israeli politics. After the Yom Kippur war, there was an Agranat commission. As a result of their recommendations, it became necessary that the chief of staff and practically the entire government quit, including the prime minister and Moshe Dayan. Rabin, who was labor minister then, twentieth on the party's list, replaced Golda. The world shook — there was a political and military earthquake. Did the members of the Agranat commission wait to sign to their own recommendations until the government and Tzahal would accept upon themselves to carry out their propositions, but until then refuse to sign? First they signed, and then the government decided what it decided. Afterward, in 1982, at the time of the Lebanon war, they established the Kahan commission regarding the Sabra and Shatilla massacres. Again, there was an earthquake — Ariel Sharon had to leave the position of minister of defense. Did they wait to sign their recommendations until the Begin administration accepted their decisions? After the Goldstein massacre, the Shamgar commission was formed. In its aftermath, many things changed — did they insist that the Rabin government accept their recommendations and only then agree to sign to them? Shamgar and the other members signed, and then Rabin sat with us to work out which days would be set aside for Muslims and which for Jews, and how to divide the halls on the other days. There were recommendations, and we accepted. The Shamgar commission met again after the Rabin assassination. As a result, Carmi Gillon and the entire Shabak (secret service) saw changes in personnel. Were the recommendations not signed first? They

finished their inquiry, signed their findings, and then the government did what it did. For the first time, we have a commission which says, "we won't sign until the Chief Rabbinate agrees to accept the recommendations." *Ma pit'om!*? You sat for seven months; you were appointed by the Prime Minister, by the government of Israel — so sign! They say that they won't sign to their findings because the Rabbinate rejects them, but the truth is that from the beginning, they never accepted their own findings because it would require them to compromise on Conservative and Reform conversions, matters regarding which they weren't prepared to compromise — so they wouldn't sign, and have to complain about the Rabbinate.

The Rabbinate made one thing known regarding the joint institute, through which they want to get recognition — they won't take a hitchhike on the troubles of the Jewish nation. There is a real problem — mixed families came, with Jewish and non-Jewish members, and some think they can solve the problem if they give the Reform recognition. The institute that they speak of isn't practical. First of all, 90% of those who would register for conversion at this institute are those whose mothers or grandmothers are not Jewish, but whose fathers or grandfathers are — if not, they never would reach Israel. According to the Reform, they don't need any institute — they need no conversion, for they are Jewish so long as their grandfather was Jewish — even from the father's side alone. So how can such an institute operate when the Orthodox and Conservative rabbis on the admissions committee tell such applicants to come, and the Reform tell them that it is unnecessary... It just doesn't work. Afterward, once the applicant gains entry, five Rabbis will explain to him how to *kasher* meat and how many hours to wait from meat to milk, and how to *kasher* a kitchen, and afterward two rabbis will come and tell him, "it's not needed; it's not necessary anymore. It was once, but now it's anachronistic — you don't need Kashrut anymore." We will explain the idea of Muktzeh on Shabbat, for the Rabbinic Beit Din will ask him about it, but the Conservative rabbi will come and tell him, "don't bother with Muktzeh," and the Reform rabbi will tell him that he hasn't even heard of Muktzeh is. Can such an

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institute survive? Natasha will leave completely confused; Gregory won't have any idea what they want from him; or they'll teach him to lie — the Reform rabbi will tell him, "I tell you that you don't need Shabbat, Mikvah or Kashrut, but when you go to the Rabbis to convert, tell them 'I accept this and this and this...' and then they'll give you a certificate, and then you can whistle at their gullibility..." — what kind of school would this be? What sort of entry into Judaism is this, in which each one says something else... It's simply not realistic, not practical. Thus, we said that, regarding Halakhic conversion, we will make every effort in the proper schools and the proper institutions — for we don't convert classes or institutes — conversion is an individual matter. It is a personal issue — *ma'asekha yikarvukha* or *ma'asekha yirachakukha* (Mishnah Eduyot 5:7). Therefore, there is no place for this topic. If they want to solve the problem of their recognition, they can leave the areas of marriage, divorce and conversion. They established Batei K'neset, and we didn't bother them. They wanted to coordinate cultural events and lectures, and we don't bother them. They established youth movements and women's organizations, and we didn't bother them. But *nisu'in*, *gerushin* and *giyyurin* — here we must preserve the consensus of the Halakha, without which, God forbid, there is no survival and continuity for Am Yisrael. Specifically out of concern for the completeness of the nation, for the peace of the nation, for the unity of the nation, and for the future of the nation, we must guard the Halakha. To the extent that we have watched over the Halakha, it has preserved us as Am Yisrael, and one who doesn't understand this, I regret, is unworthy of the title of "Rav be-Yisrael."

AH: *Why and under what circumstances did HaRav meet with the Pope?*

RL: In Elul, 5753 (1993), there was a large conference in Lascalla, Milano, on the topic of peace — the perspective of each religion regarding the

topic of peace. It took place in the same month that Rabin signed the first agreement on the White House lawn. The symposium invited me as the representative of the Jewish religion — I had been Chief Rabbi of Israel for half a year. They also invited, *lehavdil*, Cardinal Martini of Milano, the heir apparent to the papacy, as well as Sheikh Al-Azhar to represent Islam, and an atheist, Mikhail Gorbachev, to speak about peace from a non-religious perspective. When I received the invitation



to attend on September 17, 1993, the organizers also asked if I was prepared to meet with the pope in Rome on the same trip, since I would be in Italy. I replied that it was forbidden for me to enter the Vatican, as there are many *issurim* involved due to all the statues and paintings. They replied that the pope has a summer home in a village called Castell Gandolfo, a 40-minute trip from Rome, and that he usually stays there until July or August, but he would be willing to tarry there until mid-September, when I could meet with him. Then I said, "Very nice, and thank you very much. But will he be ready to speak about matters which are close to my heart?" I asked if he was prepared to help in our search for prisoners of war and the missing in action —

then, there were still six, Ron Arad, Izvi Feldman, Zecharya Bannet and Yehuda Katz, and there were two others whose fate we then did not know — Yossi Fink and Rachamim Alsheich. *zikronam le-ver-akha*. I wanted to know if he would be ready to help, if I could describe the situation to him, because then it would be important for me to go as a matter of *ptku'ach nefesh*. Second, I wanted to know if he was prepared to condemn anti-Semitism, which still thrives in all parts of the world — I discussed this with him at length — if he is prepared to condemn the use of the name of God for murder. "Allahu Akbar." I told him how the week that we met, an Israeli bus driver on the 300 line, from Tel-Aviv to Ashdod, was killed by an Arab terrorist. The Arab boarded the bus, screamed "Allahu Akbar" — "God is great" — and plunged a knife into the driver's neck, killing him on the spot. I wanted to know if he would declare that use of God's name for murder adds sin to iniquity. Also, I wanted to know if he would be prepared to help us to prohibit a Catholic mission from proselytizing in Israel — they had been manipulating new immigrants with economic and social problems by giving them money and tickets to Canada or South Africa in exchange for their conversion — would he be prepared to recognize that Israel is the *tevat Noach*, Noah's Ark for the *she'erit ha-peleta*, the remnant of the Jewish people, to allow us to live here, at least, as Jews and not

use our economic troubles to proselytize for Christianity. If he was willing to accept these conditions, I was willing to meet with him.

It took several weeks, and the response was positive — he was ready to discuss all these topics, and he added that regarding anti-Semitism, he was already speaking everywhere against the nonsense that the Jews are to blame for the crucifixion. He told me, in our talk, that the picture of us together would pull out the rug from under the feet of the primitives, or "Primitivski," as he said, who blame us for the crucifixion.

When I entered, I was accompanied by the Israeli ambassador to Italy, Avi Pazner, who today is the ambassador to

France. At the time, there was no ambassador to the Vatican. We went up the stairs of the house in Castell Gandolfo, and he (the ambassador) expressed awe — he had been there when the Pope received Gorbachev, and at every corner in the stairwell, there had been a statue — a madonna, or some other icon. But for my visit, the Pope ordered all statues removed from Castell Gandolfo, and in their place stood soldiers from the Swiss guards saluting the Chief Rabbi of the Jews. The Israeli ambassador was very impressed by this gesture.

When I entered the room, he bade me "Shalom" in Hebrew; he didn't want to sit in the usual format, in which the seat of the pope is elevated above the others. He removed all the elevations and set up three chairs on the floor. He had requested that my brother, Naftali Lau-Lavi, who had saved my life, also be present, since a large part of our talk was devoted to the topic of the holocaust. He had been a priest in the city of Krakow at the time of the Shoah. My brother Naftali, and my mother, *Hushem yikom damah*, were born in Krakow, and my grandfather, the Skaviner

Rebbe, Rabbi Frankel-Teomim, a grandson of the Divrei Chaim, and a great grandson of the Baruch Ta'am, was then the Rabbi in Krakow. The pope asked me, "I remember that your grandfather would walk to the synagogue on Shabbat surrounded by his many grandchildren. How many grandchildren were there?" I didn't even remember; my brother answered, "forty-seven." Then, the pope asked, "How many survived the Holocaust?" This I knew — only five. Forty-two grandchildren, among them my brother, Shmuel, a Bar-Mitzvah boy, were killed in the Shoah, and that was just from my mother's side. When he heard that forty-two grandchildren of Rabbi Frankel, whom he knew, died in the holocaust, he looked down to the floor and said, "I always say that we, all mankind, are obliged and committed for the future and the continuity of our senior brother, the Jewish people." In our talk, he mentioned the word "Israel" three times; afterward, Ambassador Pazner told me that he had never mentioned the word Israel — he had always spoken of the "promised land" or the "holy land" — he had never recognized the State of Israel as

Israel until I came. Afterward, I spoke with him about Yerushalayim, and he understood my point deeply; I explained to him that for us, Jerusalem appears 587 times in Tanakh, and Zion appears 151 times — together, 718 times. In the Koran, *le-havdil*, the word Jerusalem appears not once. I told him, "Sir, we have no claims on the Vatican, nor on Mecca and Medina; why don't you leave us, at least, Yerushalayim, which has always been in the hearts of the Jewish nation?" And so on and so forth.

When he asked me about the captives, whose names I told him, he asked me if I believe that they are still alive. I responded that I had asked the parents the same question; one father told me, "even if they aren't alive, I would wish that there be a grave in Israel with a headstone with the name of my son where I can make a memorial service." The pope corrected me, and said, not memorial service, but "Kaddish, Kaddish, Kaddish." III



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Orthodox-Bashing — Is It Becoming An Addiction?

Julius Berman, esq., YC '56, RIETS '59 is past Chairman of the Conference of Presidents of Major American Jewish Organizations and Honorary President of the Orthodox Union.

BY JULIUS BERMAN

The war of words within the Jewish community is, unhappily, nothing new. But recently we appear to be experiencing a novel form of intramural dispute that has taken a nasty — indeed, unprecedented — turn. The leadership of the Reform and Conservative movements in the United States, apparently unsatisfied with vigorous debate on substantive issues, is now resorting to criticism of Orthodox practice which can be accurately described only as Orthodox-bashing for its own sake.

It all started with a decision in late 1995 by the Israeli Supreme Court. In the face of an accepted practice dating to the very creation of the State, the Court held that requiring conversions to Judaism within Israel to be sanctioned by the Chief Rabbinate had no statutory basis in Israeli law. The not-unexpected reaction was an effort by the religious parties in the Knesset to enact a new law that would permit the practice that existed prior to the Court decision to be continued.

That effort received a boost by the 1996 Israeli election. Capitalizing on the inevitable inter-party post-election negotiations that culminate in a coalition government, the religious parties insisted, as a condition of their joining the Netanyahu Government, that the Cabinet agree to sponsor such a statute. And then the avalanche commenced. Even before the ink was dry on the election returns, there was an eruption of anti-Orthodox vituperation by American leadership of the Reform and Conservative streams of Judaism. The Orthodox were bombarded as extremist, radical, fanatic, disgraceful, medieval, benighted, corrupt and cultic.

Following a respite of a few

months from that initial injection of vitriol, the de facto cease-fire ended abruptly at the 1997 Convention of the Union of American Hebrew Congregations. There, Rabbi Eric Yoffie, the newly elected leader of the Reform movement in America, plumbed the depths in attacking the Israeli Chief Rabbinate as “[e]xtremist and radical and fanatic...a medieval chief rabbinate that is a disgrace to the Jewish people and its religion.”

At about the same time, Rabbi Yoffie's Conservative counterpart, Rabbi Ismar Schorsch, the Chancellor of the Jewish Theological Seminary, also decided to escalate the unpleasantness. Rabbi Schorsch declared that it was time to hold the Jewish Federations throughout the country hostage in the battle against the proposed Israeli conversion law. To that end, he called on Reform and Conservative Jews, as well as the Federations throughout the United States, to stop funding Orthodox organizations and institutions that disagree with him on the issue of pluralism. Small wonder that a New York Times editorial (April 20, 1997) scolded Rabbi Schorsch for his “intemperate” remarks in having “inflamed passions further.”

It goes without saying that Dr. Schorsch's campaign to enmesh the local Federations in Israel's “religious pluralism” battles would, if successful, destroy the very fabric of unity that we of the American Jewish community have painstakingly woven over the years — a unity which has enabled us to work together on matters of common concern without sacrificing our respective core religious principles. America's Federation system is a cardinal reflection of this spirit. Moreover, to “hold hostage” the hundreds of thousands of beneficiaries of Federation campaigns here, in Israel, and throughout the world would take

needed succor from the frail, the elderly, Holocaust survivors, the homeless, victims of domestic violence and the mentally and physically handicapped. Simply put, that would be patently immoral and an affront to the very essence of the Jewish tradition of tzedakah.

Thus, to further their short-term goal of aborting the proposed conversion law in Israel, the Reform and Conservative leadership was prepared to sacrifice the long-term, beneficial, unifying concept of the Federations and punish the disadvantaged, who rely heavily on the Federations' support. As wrong-headed as that campaign was, at least there was a “method to the madness.” The non-Orthodox leadership obviously concluded that the threat to the success of the Federation campaigns would activate the Federation leadership to join in the battle in Israel against the conversion legislation. Needless to say, that could not justify the intemperate language in which the campaign was couched; but one could understand its motivation.

Now we appear to have arrived at a new era. The Reform and Conservative leadership is attacking the Orthodox for no purpose other than the attack itself. Take, for example, a recent installment of Rabbi Schorsch's weekly Torah Commentary over the Internet. Using as his point of departure the refusal of five Orthodox Jewish students at Yale to live in co-ed dorms, he fires salvos at many practices of the Orthodox Jewish community, such as the “triumph of glatt kosher in America,” the “higher mehitzas separating men and women in the synagogue,” the “ever more products at Passover with special certification,” and so forth. Labeling as “ultra-Orthodox” the “mind set” of the Yale students who want the benefits of a Yale education without sacrificing their religious principles, he accuses them of taking actions that, in his opinion, are reflective

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What Unites Us, What Divides Us

BY JOSHUA YUTER

Note: Due to the personal nature of this article, I will first present the opinions to the best of my ability in as objective a manner as possible, followed by my personal reflections. This article has been edited to ensure neutrality.

At a time of strained relationships between the Reform, Conservative, and Orthodox movements, three leading Rabbis in Springfield, New Jersey assembled to discuss the similarities and differences between the denominations. The three panelists, Rabbi Alan J. Yuter (Orthodox), Rabbi Perry Rank (Conservative), and Rabbi Joshua Goldstien (Reform) presented their views, partially responded to each other, and answered questions from the audience. The purpose of this forum was not to attack, but rather to explain issues of disagreement, to "listen and learn" and "agree to disagree."

Rabbi Yuter, the first speaker, addressed the issue of Judaism in everyday life. Rabbi Yuter stressed that Judaism permeates every aspect of life, in accordance with the verse in Psalms, "I place God before me at all times" (Tehillim 16:8); for example, the laws of kashrut determine what foods Jews can eat, and the blessings before eating serve as a reminder of God's authority. Rabbi Yuter acknowledged that individuals inevitably change. He maintained that nevertheless we must consider whether these changes are good for Judaism or if they will cause the erosion of the Jewish community.

The "bottom line," according to

Rabbi Yuter, is Halakhah, Jewish law. In order to keep Judaism alive, "we need literacy, not just rituals which will bore people....[We] must commit to read the sources." For Rabbi Yuter, it is the sources that shape Jewish identity, although there may be disagreement as to how to interpret the sources. The first Christians left Judaism when they intermarried out of the faith and did not have Jewish children. The "ultimate bar" by which to evaluate one's own commitment is the ability to continue the Jewish tradition not through one's children, but grandchildren.

Rabbi Rank emphasized the need for debate and discussion. He pointed out that Jews have thrived despite disagreeing with each other for three thousand years; Jews are by nature an "am keshei oref" (Shemot 32:9), a stiff-necked people. As examples, he provided the schools of Hillel and Shammai, which were constantly engaged in debate, as well as the Sadducees and Shabbtai Tzvi, who also caused divisions within Judaism, and most recently, the hassidic and mitnagdic movements who disagree, and yet, Judaism has persisted.

According to Rabbi Rank, this process of argumentation leads to the elusive truth. For him, the Bible is not the only source needed to render judgment; there must also be reason. "No one in this room knows what the answers are. It takes time to figure out the answers." Conversely, the lack of argument and discussion leads to "ridiculous opinions" because no challenges are allowed. Rabbi Rank cited arguments from unnamed Orthodox

Rabbis contending that the Holocaust happened because people were not acting correctly, and that a recent terrorist was an emissary from God because his victims lacked *kosher mezuzot*. Furthermore, Rabbi Rank related an incident that took place between himself and a young "searching" religious student who asserted that there was not much of a difference between Jews for Jesus and Lubavitch Judaism. According to Rabbi Rank, "the kid was right."

Rabbi Rank continued to aver that when people reject a *beit din* of people who are *shomrei shabbat* and *mekabel ol malkhut shamayyim*, yet affiliated with the Conservative movement, they are not rejecting them, but the Torah. According to Rabbi Rank, when people do not debate, there are no checks and balances. Rabbis also tend to "get carried away" by "speaking when they should be silent and being silent when they should speak." Ultimately, all Jewish people need to follow the dictate of "*ve-ahavta le-rayakha kamokha*" (Vayikra 19:18) in their discussions and debates.

Rabbi Goldstien addressed three controversial issues: conversion, same-sex marriages, and the future of Orthodox, Conservative, and Reform relations. Rabbi Goldstien remarked that of the three, the conversion issue draws the most passion and anger; the Ne'eman commission's proposal, which included the necessary *brit milah* and *tevilah*, was accepted by the Knesset, but not by the Rabbanut. However, said Rabbi Goldstien, the Conservative and Reform movements do not need Orthodox approval; they

“Rabbis also tend to ‘get carried away’ by ‘speaking when they should be silent and being silent when they should speak.’”

just want the same rights. Goldstien was not surprised by the inability to achieve a real compromise, but was distressed at the tension between Jewish groups. Rabbi Goldstien organizes men-only minyanim for mourners so as not to offend Orthodox visitors. However, asked Rabbi Goldstien, “what about offending the women?”

Rabbi Goldstien continued to complain that offensive and demeaning misconceptions exist regarding the Reform movement. According to Rabbi Goldstien, Reform Judaism was created to prevent people from leaving the faith. Their legal Jewishness was never questioned until now. However, Rabbi Goldstien admitted that Reform Judaism is not a halakhic movement — it is not based on Jewish law.

According to Rabbi Goldstien, since the purpose of Reform Judaism is to prevent people from leaving the faith, Reform rabbis do not require a resolution approving same-sex marriages; although this may cost the

Reform movement its allegiance with its Conservative brethren, allowing same-sex marriages is still an opportunity for outreach.

Rabbi Goldstien concluded by stating that there always can be a dialogue. Lubavitch runs programs in the Reform temple with “no strings attached;” the goal is to create Jewish Unity. Rabbi Goldstien maintained that Reform does not need approval, but the love of Jewish life; people have the right to choose their religion, and Orthodoxy should not be imposed on all Jews.

Personal Reflections:

The forum achieved its goal of open, polite communication between the three denominations. Rabbi Goldstien preempted any questions I had by saying that Reform is a non-legal movement. Once he made that concession, any arguments from texts would have been irrelevant. Rabbi Rank’s examples of the history of debate in Judaism were incongruous.

One cannot compare an argument based in halakhah like that of Hillel and Shammai to the messianic mistake of Shabbtai Tzvi nor to the current debates within Judaism.

While this forum accomplished its goal of a polite discourse, I am not convinced that it served a purpose. Most people in attendance were, on average, roughly ~~fifty~~ years old. It is more important to reach the youth of the communities in order to effect a change. We should open channels with Conservative and Reform, and do so politely. Our first reaction to Conservative and Reform Jews should be not one of rejection, but of reflection; we should not automatically disregard all their criticisms, as some may have merit. Certainly, we must not resort to gratuitous name-calling and insults. As Rabbi Yuter mentioned, we must all follow the dictum of “*Divrei hakhamim be-nachat nishma'im*” (Kohelet 9:17) and treat all others — even those with whom we disagree — with dignity and respect. ■

(“Berman,” continued from page 19)

of what is happening in Orthodoxy today.

After all is said and done, what is their sin? They desire the benefits of the Yale Ivy-League education, with its broadening, worldly outlook, without forsaking their moral principles. Is that really so terrible? Has American morality descended to such a state that refusal to live in a co-ed dorm constitutes, as Rabbi Schorsch puts it, a “plea for self-segregation as if gentiles and non-Orthodox Jews were an unremedial source of contamination”? One minute, he acknowledges that “[m]odesty in attire and behavior...is a cardinal Jewish value”; the next minute, he attacks anyone who insists on adopting such a value.

Not to be outdone by his Conservative colleague, Rabbi Yoffie recently devoted an entire article to the “new challenge” facing American Jewry “as we approach the millennium: the emergence of ghetto Judaism in American life.” And what does he cite as an example of ghetto Judaism? Living in Williamsburg?

Boro Park? B’nei B’rak? Not at all — it’s living on the hallowed campus of Yale University in New Haven but insisting on maintaining an elemental level of modesty by refusing residence in a co-ed dorm. This insistence by the Yale students, claims Rabbi Yoffie, demonstrates the rejection of the “culture of modernity” and the wish “to live circumscribed, isolated, inward-looking lives.”

What is even worse — much worse — is that this new chapter in the campaign against Orthodoxy has none of the supposedly justifying features that existed in the prior one over the conversion bill. There, at least, the excuse for the attack was the battle surrounding the proposed legislation or, more accurately, the effort by the non-Orthodox streams to receive legitimization in Israel. The current attacks by Rabbis Schorsch and Yoffie relate solely to Orthodoxy in America and can have no purpose — or effect — other than to alienate the Orthodox and non-

Orthodox streams in this country further from each other and expand the divide between them.

A contemporary maggid (storyteller), Chanoch Teller, once uttered a pithy aphorism: “We’re too small a people to be small people.” Would that we all took that much more to heart. ■

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'Splendid Isolation?'



BY RABBI YOSEF BLAU
Mashgiach Ruchani, MYP/RIETS

The question of what relationship should exist between the Orthodox community and non-Orthodox Jewry has apparently been settled. Proponents of disassociation within Orthodoxy have won. With Reform and Conservative having moved to the left religiously, and with their leaders finding Orthodoxy-bashing effective, there is little support for re-examining the issue. Yet the same heightening of rhetoric and increased distancing between Orthodox and non-Orthodox should cause us to reflect on whether this change has really been beneficial. What has emerged is a lot of invective and arguments about authenticity and fundamentalism.

The slogan "pluralism," which implies that all views are equally valid, conflicts with the essential nature of religious belief which is exclusive and absolute. Basic disagreements about revelation, rabbinical authority, and the very definition of who is a Jew are not reconcilable. With the adoption by Reform of patrilineal descent, marriage between Orthodox and Reform Jews becomes problematic. Studies show that the Orthodox and non-Orthodox communities in general have sharply conflicting views about Israeli and American politics and seem to have less and less in common.

Orthodox synagogues no

longer cater to the non-observant Jew who returns to say *kaddish* or *yizkor* in the place where his father prayed; most Reform and many Conservative Jews have been so for generations and are no longer familiar with Orthodoxy. The increased insularity within Orthodoxy allows its adherents to see

"The slogan 'pluralism,' which implies that all views are equally valid, conflicts with the essential nature of religious belief which is exclusive and absolute."

all non-Orthodox Jews as non-religious, non-observant and assimilating. With little in common and great animosity, there would appear no point in dialogue.

Yet Jews still face a common destiny. All approaches to Judaism involve a notion of a Jewish people and our enemies clearly do not differentiate. The events of this past century that have powerfully transformed Jewish history have affected all Jews. Extended families still include the full gamut, from intermarried to *baalei teshuva*. Endless situations remind us

of our shared Jewishness.

The time is ripe for a new kind of dialogue, one that admits that some differences are irreconcilable and that, while we do not recognize each other's religious doctrines as legitimate alternatives, we still have a great need to talk with each other. Orthodox Jews need acknowledge that the large majority of American Jews are not interested in becoming Orthodox and that we appreciate the role of Conservative and Reform in keeping them Jewish. Conservative and Reform leaders must stop viewing Orthodoxy as a Jewish equivalent of Moslem fundamentalism and begin to appreciate its role in maintaining Jewish knowledge and tradition.

We, the Orthodox, suffer from a lack of faith in the impact of Torah. Ignorance of basic Jewish knowledge in the broader Jewish community is scandalous. Serious study of Torah does not guarantee observance, but lack of knowledge almost certainly precludes it. The opportunities for teaching Torah to those who are interested, even though not observant, are many. However, if Orthodox Jews are perceived as "other," and there are no connections, then secular academicians will be the teachers.

As the divide widens, many Jews no longer have any ongoing relationship with any Orthodox Jew. They certainly are incapable of distinguishing between a Chasid and a student at

"All approaches to Judaism involve a notion of a Jewish people and our enemies clearly do not differentiate."

Yeshiva College. They see all Orthodox Jews as potential rock-throwers at Reform or Conservative Jews praying at the kotel, if not as future assassins of Israeli Prime Ministers. Fifty years ago, it was a truism that to successfully integrate into American society Jews would have to give up observance. Now after successfully overcoming prejudice and penetrating all aspects of professional life in America, Orthodox Jewry is losing the battle of image and allowing itself to be viewed as the stereotyped Jew in the ghetto.

Contrary to the misconception that *baalei teshuva* come from totally assimilated Jews, they usually emerge from those who have some connection. A weak non-affiliated Jewish day school may leave its graduates dissatisfied, but from that unhappiness some will search for a more authentic and consistent Judaism. Those who know nothing about Judaism are more likely to search for spirituality in Christianity or eastern religions than in an Orthodoxy that is foreign to them.

Pragmatically, it is in all our

interests that channels of communication be maintained. A sectarian war is not in anyone's interest. The threat to Jewish survival is assimilation, which on some level affects all.

When people from Orthodox backgrounds stop being observant, it is not because Reform or Conservative theology seduces them. They either are turned off by their own world or attracted by secular society. Once we, the Orthodox, acknowledge that neither Conservatism nor Reform seriously threatens Orthodoxy we will be able to objectively evaluate the positives and negatives of a relationship with them. Any real relationship necessitates understanding their world and working with their leaders.

Survival of the broader Jewish community, which should be a religious goal, is also a practical one. At the same time that we, the Orthodox, underestimate our ability to explain our Torah commitments to others, we overestimate our ability to function in isolation. The internal logic of isolation leads to fragmentation, which increases strain on limited resources.

We, the Orthodox, should honestly acknowledge that there are those who find it difficult to find their place in an Orthodox world. Is it better for them to assimilate completely? A path is needed to allow them to remain Jewish, enabling them or their descendants to return.

Reopening channels of communication is equally important for the non-Orthodox. The leaders of the Conservative and Reform movement must realize that attacking Orthodoxy will not increase any meaningful Jewish commitment of their members nor enhance Jewish survival. It is inconceivable that any responsible Jewish leader wants a Jewish world without those who maintain the halakhic observances shared by all our ancestors. The existence of a segment of Jewry who devote themselves to traditional learning enhances everyone's Judaism.

We can work together for common goals only if respect for religious principles is maintained. We should be able to disagree agreeably, find those areas that are in common and build on them. ■

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Shalom vs. Emet

By DOV WEISS

Obviously, we can never prescribe any degree of legitimacy to liberal theologies which reject Torah MiSinai and do not view halakhah as binding. Liberal movements that declare in the name of Judaism that "one does not have to keep Kosher," or that whether one keeps *Taharat Hamishpacha* is a matter of "personal autonomy," has distorted Torah and the will of God. Too often, those who support dialogue and cooperation become complacent and forget to feel pain and anger towards the ideologies of those movements which misrepresent Judaism. We must constantly be mindful of this fact.

The word "pluralism," therefore, is a dangerous one for our community — precisely because it means so many different things to so many different people. Although many in the Modern Orthodox camp, which yearns for better relations with the wider Jewish community, seek to define pluralism as granting "tolerance and respect" to other approaches — but not conferring legitimacy outright, most Jews, especially those in the liberal camps, understand the word to imply legitimacy, that "I think I'm right, but your perspective is equally valid." Given the unclear nature of this term, the Orthodox community should fight tooth and nail against the application of this "ism" to the general Jewish community.

At the same time, though, it is crucial to recognize that although from a theological/philosophical perspective, the liberal theologies are not legitimate ones, from a pragmatic point of view, they are reaching thousands of Jews that otherwise would never be reached. Take the thousands of kids who experience *Eretz Yisrael* every year through USY or NIFTY, or the thousands of Jews who say *Shema Yisrael* and *Shemoneh Esrei* in liberal synagogues — or the thousands of Jews who learn to read Chumash

or Navi in liberal day schools and Hebrew Schools — would we rather this didn't occur? Can we deny that these developments contain positive elements? Regarding this point, Rav Aharon Lichtenstein, Rosh ha-Yeshiva of Yeshivat Har Etzion, once wrote in *Tradition* (20:1 p.47-50):

Nor do I share the glee that some feel over the prospective demise of the competition. Surely, we have many sharp differences with the Conservative and Reform movements and these should not be sloughed over or blurred. However, we also share many values with them and this, too, should not be obscured. Their disappearance might strengthen us in some respects, but would, unquestionably, weaken us in others. Can anyone responsible state that it is better for a marginal Jew in Dallas or in Dubuque to lose his religious identity altogether rather than drive to his temple?

Moreover, when we do criticize liberal movements, we need to remember that many of their adherents are people who are sincerely motivated and engaged in *Avodat Hashem*, though at times we may disagree with the manner in which they express it. As a Wexner Graduate Fellow from RIETS, I have had contact with rabbinical students from non-Orthodox movements. On one such occasion I peeked into

the "traditional/egalitarian minyan" at one of the Wexner institutes, and although I was taken aback by the sight of women donning *tallit* and *tefillin*, I was struck by the seriousness of the *tefillah* and sensed a real yearning to come closer to God. Were their tefillot not heard by HaKodosh Barukh Hu because they were sitting in a room without a *mechitzah* and women were called up to the Torah?

Rav Lichtenstein, in speaking at a public forum this past March about Orthodoxy's relationship with the Reform and Conservative, drew this distinction — between the legitimacy of the liberal movements, on the one hand, and recognizing the sincerity of liberal Jews on the other. He said,

If the issue is legitimacy, *Elu ve-Elu* — of course we cannot accept that — obviously. But recognizing some spiritual value, some spiritual significance, some sincere quest for the *Ribbono Shel Olam* — in a form which I find in part objectionable, and in part simply impartial, but nevertheless it has value and significance — that is something to which we can subscribe, something with which we must subscribe.

All of this is in the realm of theory. How should Orthodoxy relate with the Reform and Conservative movements practically? On the one hand, any cooperation with these liberal movements may be

perceived by others as an implicit legitimization of their deviant practices, and theology. On the other hand, the value of *Achdut* has always been an important one in Judaism — even regarding those Jews who are far from Orthodoxy (see Rav Soloveitchik's distinction between "fate" and "destiny" in *Ish HaEmunah*). Moreover, public interaction with the

"The word 'pluralism,' therefore, is a dangerous one for our community — precisely because it means so many different things to so many different people."

Reform and the Conservative movements will allow Orthodox Rabbis and educators access to the broader Jewish community, enabling dynamic, charismatic rabbanim to spread authentic Judaism to the nation.

Perhaps the best solution is to draw a distinction between, on one hand, cooperation in areas in which a clear theological component is dominant — in which the emphasis is *Torat Yisrael* — and on the other, running joint programs in which the primary focus is the celebration of *Am Yisrael* and *Eretz Yisrael*, areas that have strong theological components, but which also emphasize the *Klal Yisrael* component, thus constituting areas in which all Jews, regardless of religious affiliation, can take part. In my mind, there is a great difference between holding joint *Simchat Torah* celebrations with Reform and Conservative synagogues — which implies that “we are different, but we all share a common commitment to Torah” — an idea that we never can accept — and holding a joint celebration for *Yom Ha’atzma’ut* or memorial for *Yom HaShoah*, days in which the element of *Am Yisrael* as a unified nation plays a central role. Rav Lichtenstein, this past March, echoed this very point. He said,

I seem to recall not long ago — from a former talmid — who was a prospective candidate for *rab-bonus* for a particular community and he asked — assuming that he was going to be interviewed — that he would be asked about having a “joint gathering” (with Reform and Conservative) on *Yom Hashoah* and *Yom Ha’atzmaut*. I was very much taken aback. I said — if we can’t somehow come together around events of the most terrible calamity, and on the other hand, such tremendous import nationally and spiritually — if we can’t come together on these two events — how far have we been driven? How far have we drifted? ...around that we can’t unite?!

There exist today, amongst Orthodox Rabbis in various communities around the country, differences regarding the degree to which Orthodoxy ought to cooperate with the liberal movements. It must be stated that these differences do not always reflect a fundamental disagreement regarding how Orthodoxy looks upon Reform and Conservative movements, but

rather, a different assessment of the situation at hand, i.e., will this particular manifestation of public cooperation be perceived by others as a legitimization of the liberal movements and as granting them the status of *Elu ve-Elu*? Clearly, respect should be granted to all positions.

Yet, whatever one’s perspective is on the “public cooperation” issue, there is no question that “personal contact” — that is, getting to know rabbis and leaders of the liberal movements on an informal level — is crucial. The relationships created can have a lasting and positive effect on both sides.

Criticisms that we, the Orthodox, have against the liberal movements are heard and taken more seriously when a personal relationship exists between both sides. By creating a friendship of mutual respect with those in the liberal movements, Orthodoxy’s serious concerns about their deviations from Torah are more likely to be heard. The method of influence is far more effective than that of attacking the liberal movements in the local Jewish newspapers.

Through my dialogue with liberal rabbis, I have also been affected. I have become more sensitive to the pain and hurt that they feel when their movements are being delegitimized. I remember one time being struck by my friend Aaron’s description of what it was like to be a rabbi whose marriages and conversions were not being recognized in Israel. He asked me to try and understand his frustration, or in his words — “To try to sense what its like to spend years preparing to be a rabbi — to bring Jews back to God — and then having the State of Israel — the Jewish State —

not recognize you as a religious figure.

Although my position, on the issue have obviously remained the same that there is a need for one standard, the standard of *halakhah*, regarding issues of personal status — there is no doubt that through my encounter with Aaron, I have come to a better understanding of his point of view and his personal anguish. After these difficult discussions, our positions never really change, but the degree of civility and understanding that now exists between us is greatly enhanced. His hostility towards Orthodoxy has lessened because he recognizes that Orthodoxy’s position is not meant to hurt others, but that it derives from the fact that we have certain beliefs and standards that can never be compromised.

In short, I firmly believe that interaction between us and the liberal movements will benefit *Am Yisrael* and *Torat Yisrael*. It enables us to work together on issues that affect the physical safety of Jews, it allows us to come into contact with — and influence — all of *Klal Yisrael* rather than but a small segment of it, and it grants us an appreciation of the fact that many non Orthodox Jews are sincere Jews who have “spiritual value.”

Having said that, we must always be mindful of the possible dangers that cooperation/contact bring as well. We can’t let our personal relationships with those from the liberal camps subconsciously pressure us to water down our own principles or make us compromise on matters of theology. This is certainly a difficult line to walk, but there doesn’t seem to be any other way. ■



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"Ve-Tzaddik be-Emunato Yichyeh"

OCCUPATIONAL HAZARDS OF THE JEWISH DOGMATIST

BY EITAN MAYER

Sky-diving, bungee-jumping, crocodile-wrestling, and formulating religious dogma: which doesn't belong on this list? Clearly, all of these can be thrilling activities, but while the first three threaten only one's life in this world, the fourth poses a threat also to one's life in the next world. Unlike the obvious dangers of the former three—the failure of one's parachute, the snapping of one's elastic lifeline, the unexpected ravenousness of one's reptilian sparring partner—the fourth activity holds dangers more subtle but no less real: one false step on the tightrope of faith could send you cartwheeling headlong into a bottomless pit of heresy. Is it safe to think about *ikkarei emunah*, principles of faith? We seem caught on the horns of a fateful dilemma: while the search for correct dogma might lead to wrong conclusions, avoiding the search might also leave us holding incorrect beliefs; heretics if we do, and heretics if we don't!

Of the major medieval Jewish authorities who discuss principles of faith at significant length—Maimonides,¹ Rashbetz,² Crescas,³ Albo,⁴ and Abravanel⁵—most also discuss the consequences of holding incorrect beliefs. Albo, for example, opens *Sefer ha-Ikkarim* with a warning to all would-be philosophers interested in investigating the principles of their faith:⁶ if your conclusions stray from the true principles of your religion, you will have cut yourself off from your co-religionists and forfeited your share of the everlasting reward!⁷ Albo offers several colorful examples from the Jewish world of dogma-formulation:

...In the talmudic treatise *Sanhedrin*, chapter "Helek" [99a], we find a statement of Rabbi Hillel, one of the Jewish sages of the *Gemara*, that the Jews need expect no Messiah, seeing that they had enjoyed his benefits in the time of Hezekiah, king of Judah. According to Maimonides, this sage would have to be classified as an infidel and excluded from a share in the world to come.

Albo also points out that the sword

is double-edged, and can turn against Maimonides as well:

...According to the opinion of the one who regards creation in time as a fundamental principle of the Torah, Rabbi Moses ben Maimon would be an unbeliever⁸, God forbid!... For this reason, we have said that there is grave danger in the investigation of principles. For how can one tell what those things are, the denial of which, and of their fundamental character, constitutes one an unbeliever (Husik 48)?

Before we consider the positions of various medieval Jewish philosophers on the risks of pursuing principles, it will be useful to articulate the key questions we will be investigating about heresy and its consequences:

1) Normally, Jewish law (*halakhah*) distinguishes between sins committed *be-mezid*, with knowledge and intent, and those committed *be-shogeg*, accidentally. Only the sinner who sins with intent suffers the full punishment prescribed by the Jewish legal system, though the inadvertent sinner may also be held responsible to some degree. Does the same distinction between *mezid* and *shogeg* apply to one's duty as a Jew to believe in Judaism's dogma? If so, then only one who denied a principle with full knowledge that Judaism expected him to accept it could be considered a heretic;⁹ the "accidental heretic," who denies an *ikkar* because he believes it is not a dogma of Judaism, would be excused of the charge of heresy.¹⁰

2) In considering the positions of various authorities on the consequences of *kefirah* (denial of a cardinal principle), we will also evaluate the aim of these consequences: do the consequences punish the *kofer* himself, attempting to punish the grave sin of *kefirah* with appropriate retribution—or do the consequences address the communal effect of the denial, aiming at damage control rather than punishment *per se*? Consequences such as the *kofer's* loss of his portion in the world to come would be easier to understand as punishment than as damage control, while other consequences, such as excommunication, would more like-

ly be intended as damage control—preventing the spread of heresy by silencing it.

These two questions, the question of *shogeg* and *mezid*, and the question of punishment versus damage control, are related: one who holds that only the *kofer be-mezid* suffers ill consequences for his heresy, while the *kofer be-shogeg* is excused, will likely conceive of the ill consequences of heresy as punishment (for the intentional sinner) rather than damage control (since, if damage control were the goal, the distinction between *shogeg* and *mezid* would fall away); one who does not distinguish between *mezid* and *shogeg* will likely conceive of the consequences for heretics as damage control (since the *shogeg* cannot, of course, be punished for an act he committed with no evil intent).

Among Jewish thinkers, the first to speak to the issue of the consequences of heresy is Maimonides, in his commentary to *Perek Helek* in *Sanhedrin*. Since Maimonides' position is quite complex—and quite scattered through his works—we will develop a more nuanced understanding of it as the evidence from his many statements amasses. The implications we draw as we consider each piece of the puzzle will have to be adjusted to fit with other evidence as it arises.

On the heels of his famous enumeration of the thirteen principles of Judaism,¹¹ Maimonides also enumerates the consequences for denying these principles:

When a man believes in all these fundamental principles, and his faith is thus clarified, he is then part of that "Israel" whom we are to love, pity, and treat, as God commanded, with love and fellowship. Even if a Jew should commit every possible sin, out of lust or mastery by his lower nature, he will be punished for his sins, but will still have a share in the world to come. He is one of the "sinners in Israel." But if a man gives up any of these fundamental principles, he has removed himself from the Jewish community. He is an atheist, a heretic, and an unbeliever who "cuts among the plantings." We are commanded to hate him and destroy him.¹² Of him it is said: Shall I not hate those who hate You, O Lord?¹³ [Psalms 139:21].¹⁴

From this passage, it appears that Maimonides condemns only the "intentional" heretic: He characterizes the *kofer* as one who "hates...[the] Lord," a description

which would not fairly describe the “accidental” heretic; he holds that the heretic loses his portion in the world to come, a consequence which aims to punish rather than to damage-control; and overall, Maimonides’ tone of harsh condemnation seems a more appropriate response to a sinful act than to an act of otherwise excusable heterodoxy which must nevertheless be silenced because of the spiritual danger it poses to others.

Maimonides touches on the issue of denial once again in *Mishneh Torah*, *Hilkhot Teshuvah*, chapter three, section six:

The following have no portion in the world to come, but are cut off and perish, and for their great wickedness and sinfulness are condemned for ever and ever: Sectarians and *apikorsim*; those who deny the Torah, the resurrection of the dead or the coming of the Redeemer...¹⁵

Once again, Maimonides describes a consequence—the heretic’s loss of his afterlife—designed to punish an evil act rather than limit the spread of heretical views. This punishment orientation applies best to the “knowing” heretic. Furthermore, the characterization of the heretic as “wicked” and “sinful” implies that Maimonides refers only to “knowing” *kefira*. On the other hand, Maimonides does not expressly distinguish between “knowing” and “accidental” denial, leaving room for the possibility that he condemns both. In fact, Ra’avad¹⁶ appears to read Maimonides in precisely this way, as is clear from his *hasaga* (gloss) on Maimonides’ inclusion among the heretics of one who believes that God has a body:

Why has he called such a person a heretic? There are many people greater than and superior to him who adhere to such a belief on the basis of what they have seen in verses of Scripture and even more in those *aggadot* which corrupt right opinion about religious matters (Twersky 282).

Ra’avad seems to agree with Maimonides that God is incorporeal, as he refers to the belief in corporeality as a “corruption” of “right opinion,” but he objects to Maimonides’ condemnation of those who hold this belief. After all, he argues, it is easy to be fooled by misleading verses of Scripture and *aggadot*, misled into thinking that Judaism does not demand that we accept God’s incorporeality. Ra’avad, then, holds that “accidental” heresy may be excusable: those who have at least studied the Torah and can claim to have been misled by anthropomorphic expressions and descriptions may not be condemned for

their error. On the other hand, Ra’avad’s leniency might not extend to those who have not studied the Torah and do not accept the axiom that they must embrace the Torah’s principles.

Maimonides sprinkles references to heresy and its consequences throughout *Mishneh Torah*, wherever the topic of heresy is relevant to the area of *halakhah* under discussion. But unlike the above passage from *Mishneh Torah*, which leaves the impression that Maimonides looks at heresy as a personal crime and at its consequences as punishment rather than damage control, several of his mentions of heresy elsewhere leave the opposite impression:

...But the traitors and *epikorsin* among Israel, the law was to actively destroy them and to bring them down to the pit of destruction, because they used to plague Israel and led them astray away from God [italics mine].¹⁷

Once it has become well known that one is a denier of the Oral Torah, [the law is that we arrange to] throw them down [into a pit] and not bring them up, and they are like all other *epikorsin*, and those who say that the Torah is not from Heaven, and traitors, and apostates; for all these [classes] are not included in Israel. [Executing them] does not require witnesses [to their crime] or warning or judges; instead, anyone who kills one of them does a great *mitzvah* and has removed a stumbling block [italics mine].¹⁸

In these passages, Maimonides describes the execution of the heretics as the removal of a stumbling block; those who would lead others astray have been permanently silenced. These descriptions, along with the “informal” character of the death sentence—no requirement for witnesses, no trial by judges, the lack of the normal warning offered to sinners before they commit a crime—point toward damage control rather than punishment *per se*, since imposing punishment for a sin would require the formal trappings of the Jewish judicial system.

A more complex Maimonidean stance seems to emerge from all we have seen so far. In some contexts, Maimonides stresses the sin/punishment aspect of heresy, implying a possible distinction between *shogeg* and *mezid*. But elsewhere Maimonides hints to the damage control focus of heresy’s consequences, which would work against any possible distinction between *shogeg* and *mezid*.¹⁹ At this stage, it appears that Maimonides certainly condemns *kefira be-mezid* as a crime deserving the most severe punishment, such as loss of one’s portion in the world to come, while

with regard to *kefira be-shogeg*, Maimonides expresses the need for damage control, although it remains unclear if he limits the imposition of damage control measures with some consideration for mitigating factors.²⁰

Maimonides addresses the consequences of heresy once again in *Moreh Nevukhim*, the *Guide to the Perplexed*, as part of a parable he employs to illustrate various levels of closeness to God. In the parable, God is the king, enthroned in His castle in a city. Those furthest from Him stand outside the city. Where do the theologically mistaken stand?

Those who are within the city, but have turned their backs upon the ruler’s habitation, are people who have opinions and are engaged in speculation, but who have adopted incorrect opinions either because of some great error that befell them in the course of their speculation, or because of their following the traditional authority of one who had fallen into error. Accordingly, because of these opinions, the more these people walk, the greater is their distance from the ruler’s habitation. And they are far worse than the first. They are those concerning whom necessity at certain times¹ impels killing them and blotting out the traces of their opinions lest they should lead astray the ways of others (Pines III:51, p. 619).

Maimonides’s presentation here differs in two critical ways from his approach in *Perush ha-Mishnah* and *Mishneh Torah*: 1) Here, Maimonides supplies not even a hint that he distinguishes between *shogeg* and *mezid*, the thinker who rejects a principle he knows Judaism espouses, and one who believes his heresy only because he believes Judaism does not hold otherwise. The thinker may not even be aware of Judaism; the mere fact of his heresy seals his fate. In his earlier works, on the other hand, Maimonides’ characterization of the heretic as “wicked” and “sinful” hinted that only the *kofer be-mezid* was being condemned. 2) In contrast to the “punishment” focus of *Perush Ha-Mishnah* and *Mishneh Torah*, Maimonides focuses here on damage control. He sounds almost regretful as he asserts that “necessity at certain times impels killing” those who arrive at incorrect conclusions about Judaism’s principles, hinting that the act of heresy in isolation would not merit such draconian measures. Only the potentially deleterious effects of the spread of the incorrect opinion demand that it be silenced.

Maimonides’ position is further clarified by several other passages in the

Guide. In Part I, chapter 36, Maimonides elaborates further on the occasional necessity of eradicating people to prevent the spread of their beliefs; here, he refers to those who worship idols which they see as agents of God:

...You know that whoever performs idolatrous worship does not do it on the assumption that there is no deity except the idol....Rather, it is worshipped in respect of its being an image of a thing that is an intermediary between ourselves and God....However, in spite of the fact that those infidels believe in the existence of the deity, their idolatrous worship entails their deserving destruction; for the reason that their infidelity bears upon a prerogative reserved to God alone, may He be exalted—I mean the prerogative of being worshipped and magnified....This is so ordained in order that God's existence may be firmly established in the belief of the multitude....For the multitude grasp only the actions of worship, not their meanings or the true reality of the Being worshipped through them. Consequently, the idolatrous worship of the infidels entails their deserving destruction; just as the text has it: *Thou shalt not save alive a soul*. And it explains the reason for this, which is to put an end to this false opinion so that others should not be corrupted through it. As Scripture says: *That they teach you not to do, and so on*. And it calls them *enemies, haters, and adversaries*, and says that he who does this *provokes* [God's] *jealousy, anger, and wrath* (Pines I:36, pp. 83-4).

Here Maimonides clearly condemns those who worship God through idols—the *shogeg*, as it were, who believes that such is the proper way to worship God—along with those who worship idols as deities in their own right. Idol worshippers, even those who see the idols as intermediaries to God, are considered “enemies, haters, and adversaries” of God despite their ultimate fealty to God as the Deity! Such people might feel deep love for God and see themselves as His faithful worshippers, yet they are described as God's haters and enemies because their actions will mislead the ignorant and simple-minded masses into believing that the idol is the real God.²² Apparently, there is nothing *inherently* evil in worshipping an agent of God, especially for one who believes sincerely that by doing so he ultimately worships God. Nevertheless, damage control demands a death sentence for one who worships an idol under any circumstances. Emotionally, privately, the worshipper of the idol-as-agent-

of-God is a lover of God; effectively, however, he is a hater of God, for his actions will redound to the diminished glory of God.

Maimonides expands further on the issue of wiping out people with potentially destructive opinions and practices in I:54, where he offers advice to political leaders on how to balance mercy and justice:

It behooves the governor of a city, if he is a prophet, to acquire similarity to these attributes [the thirteen attributes of God's mercy], so that these actions may proceed from him according to a determined measure and according to the deserts of the people who are affected by them, and not merely because of his following a passion....Sometimes, with regard to some people, he should be merciful and gracious, not out of mere compassion and pity, but in accordance with what is fitting. Sometimes, with regard to some people, he should be *keeping anger and jealous and avenging*²³ in accordance with their deserts, not out of mere anger; so he may order an individual to be burned without being angry and incensed with him and without hating him, because he perceives the deserts of that individual and considers the great benefit that many people will derive from the accomplishment of the action in question. Do you not see in the texts of the Torah, when it commanded the extermination of the seven nations and said, *Thou shalt save alive nothing that breatheth*, that it immediately follows this by saying: *That they teach you not to do after all their abominations, which they have done unto their gods and so ye sin against the Lord your God?* Thus it says: Do not think that this is hard-heartedness or desire for vengeance. It is rather an act required by human opinion, which considers that everyone who deviates from the ways of truth should be put an end to and that all the obstacles impeding the achievement of the perfection that is the apprehension of Him, may He be exalted, should be interdicted....Accordingly, Scripture [commanded]...to kill the offspring of idolaters, even if they are little children, together with the multitude of their fathers and grandfathers. We find this commandment continuously in the Torah in all passages. Thus he commands with regard to the city that has been led astray to idolatry: *Destroy it utterly and all that is therein*—all this being done with a view to blotting out traces that bring about necessarily great corruption, as we have made clear.²⁴

Here, too, Maimonides formulates his condemnation as a pragmatic measure: heresy, even if forgivable, must not be allowed to spread. Maimonides emphasizes that the proper approach involves no anger, virtually no emotion at all, and is merely the implementation of common sense. Although heresy in its own right, as a personal theological crime, might not justify capital punishment if committed *be-shogeg*, the need to bar its insidious spread justifies the most extreme measures. While the piece above does hint that idol-worshippers suffer their fate as punishment, not simply as damage-control—“the deserts of that individual”—the overall message focuses on “the great benefit that many people will derive from the accomplishment of the action in question,” a pragmatic issue. The frailty of human convictions and their susceptibility to influence necessitates protecting correct opinions by silencing wrong opinions.

Maimonides' discussion of the fate of idol worshippers gains greater relevance to the topic of heresy *per se* in I:36, where Maimonides compares heretics to idol worshippers²⁵—and asserts that heretics are worse:

[A person who] does not believe that He [God] exists; or believes there are two gods, or that He is a body, or that He is subject to affections; or again that he ascribes to God some deficiency or other...is indubitably more blameworthy than a worshipper of idols who regards the latter as intermediaries or as having the power to do good or ill. Know accordingly, you who are that man, that when you believe in the doctrine of the corporeality of God...you *provoke His jealousy and anger, kindle the fire of his wrath, and are a hater, an enemy, and an adversary* of God, much more so than an idolater (Pines I:36, p. 84).

Again, Maimonides considers the worship of divine agents a pragmatic problem, but still only a problem in potential—the masses will observe the worship of God's agents and might come to forget God Himself. Spreading the doctrine of corporeality, on the other hand, is a problem in the present, even if one who spreads it innocently is less blameworthy than one who does so knowing the Torah rejects it. Maimonides' warnings that proponents of corporeality “provoke His jealousy and anger, kindle the fire of his wrath,” that by espousing such ideas one becomes “a hater, an enemy, and an adversary of God,” are linguistically impressive, but in truth are probably meant simply to lend the warning greater weight. By describing God's reac-

tion in terms of violent emotions, Maimonides is attempting only to warn the reader away from corporeality; since a person would do his best to destroy his enemies, and God commands the destruction of the heretics, they are described as His enemies, although in truth they are only casualties of the effort to contain mistaken beliefs.²⁶

As Maimonides continues in 1:36, however, the issues become more complex and more interesting:

If, however, it should occur to you that one who believes in the corporeality of God should be excused because of his having been brought up in this doctrine or because of his ignorance and the shortcomings of his apprehension, you ought to hold a similar belief with regard to an idolater; for he only worships idols because of his ignorance or because of his upbringing: *They continue in the custom of their fathers.*²⁷ (Pines 1:36, pp.84–5).

Maimonides now shifts to the case of the heretic who has been miseducated or whose lack of intelligence has led him to *kefira*. The phrasing is ambiguous, but Maimonides may be hinting that such a heretic is a shade better than the one described above. Instead of being worse than an idolater, he is on the same level. More likely, however, Maimonides' point is that the excuses of both are irrelevant, since the dire consequences they face are not punishments, but pragmatic necessities. Maimonides continues by responding to Ra'avad's gloss on *Mishneh Torah*:

If, however, you should say that the external sense of the biblical text causes men to fall into this doubt, you ought to know that an idolater is similarly impelled to his idolatry by imaginings and defective representations (Pines 85).

As above, misled heretics stand with idolaters, presumably because both suffer fates demanded by the need to protect the faith of the community.

Maimonides concludes this section with what may be the most overt hint that he is willing to partially excuse some level of denial:

Accordingly, there is no excuse for one who does not accept the authority of men who inquire into the truth and are engaged in speculation, if he himself is incapable of engaging in such speculation...particularly in view of the existence of the interpretations of Onqelos and Jonathan ben Uziel, may peace be on both of them, who cause their readers to keep

away as far as possible from the belief in the corporeality of God (Pines 85).

Saying that "there is no excuse for one who does not accept the authority of men who inquire into the truth and are engaged in speculation" implies that there is an excuse for someone who *does* consult thinkers who happen to be wrong themselves. Maimonides cannot mean that such a person escapes all consequences, since the opinion must be contained even if it is innocently held, but perhaps there is some room to maneuver. Since Maimonides says nothing here about whether the heretic merits a portion in the world to come, maybe one who denies a principle on the authority of someone he consulted merits some portion of the world to come. Perhaps such a heretic might also escape the pragmatic consequences in this world, especially if circumstances make it unlikely that the false opinion will spread—maybe, after all, the degree to which the heretic is responsible for his current beliefs *does* to some degree affect even his pragmatic fate.

Such a "forgiving" approach is exemplified by Maimonides' ruling about Karaites who have been raised by their parents to believe Karaite teachings and reject the Oral Torah (*Hilkhot Mamrim* [Laws of Rebels] 3:3). After codifying the law that known heretics are to be executed, vigilante style, by anyone with the power to do so, Maimonides notes an important exception:

When is this so? With regard to one who denied the Oral Torah through his own thought, by way of his own logic, and followed his inconsiderable intellect and the desires of his heart in denying the Oral Torah on his own...but the children of those who strayed, and their children's children, whose parents misled them, who were born among the Karaites and raised with their beliefs, they are like babies captured by them [i.e., the Karaites] and raised by them, and they are not quick to take hold of the ways of the commandments...Therefore, it is proper to bring them back in repentance and to draw them with words of peace, until they return to the strength of the Torah [translation mine].

If such tolerance can apply to the children of the Karaites, perhaps it can also apply to others who are misled by mistaken authorities.²⁸

To summarize: except in discussing Karaites, Maimonides consistently expresses an uncompromising attitude toward heresy, whether *shogeg* or *mezid*. In *Perush Ha-Mishnah*, he speaks of punish-

ments for the evil of heresy while in *Moreh Nevukhim* he focuses primarily on damage control measures taken against heretics; in *Mishneh Torah*, he focuses on both punishment and damage control. Some of his formulations in the *Guide* and *Mishneh Torah* leave room for the possibility that the circumstances of heresy might soften the consequences to some degree.²⁹

Rabbi Shimon ben Tsemah Duran, in his commentary on Job, *Ohev Mishpat*, appears to agree with Ra'avad's moderate position on heresy rather than Maimonides' hard-line position:

He who denies what was included in the Torah—knowing that it was the teaching of the Torah—is a heretic and is excluded from Israel...One who has properly accepted the roots of the Torah, but who was moved by the depth of his speculation to believe about a branch of the faith the opposite of what has been accepted as what one ought to believe, and tries to explain the verses of Scripture according to his belief, even though he errs, he is no heretic. For he was not brought to this deviation by heresy at all, and if he found a tradition from the Sages to the effect that he ought to turn from the position he had adopted, he would do so. He only holds that belief because he thinks that it is the intention of the Torah. Therefore, even though he errs, he is not a heretic according to what is agreed upon by our people, since he accepted the roots of the Torah as he should.³⁰

For Duran, rejecting what one knows to be a principle of Judaism is heresy, but if one accepts axiomatically that he must believe the principles of Judaism, and rejects a given principle only because he believes, based on his research in the Torah, that it is not a principle of Judaism, he cannot be considered a heretic. Despite the similarity of this position to that of Ra'avad, a careful reading of the passage shows that unlike Ra'avad, Duran tolerates "accidental heresy" only as regards the "branches of faith," what he terms "*se'ifim*," but—like Maimonides—does not tolerate even accidental denial of the *basic* principles themselves.³¹

Rabbi Yosef Albo, who borrowed significantly in his *Sefer Ha-Ikkarim* from both Duran and Crescas, stakes out a position similar to Duran's: One who denies an *ikkar* because his study of Torah sources leads him to conclude that it is not a principle of Judaism is not a heretic, but one who denies a principle which he knows Judaism embraces, is considered a heretic and suffers the consequences:

Every Israelite is obliged to believe that everything that is found in the Torah is absolutely

true, and any one who denies anything that is found in the Torah, knowing that it is the opinion of the Torah, is an unbeliever... But a person who upholds the law of Moses and believes in its principles, but when he undertakes to investigate these matters with his reason and scrutinizes the texts, is misled by his speculation and interprets a given principle otherwise than it is taken to mean at first sight; or denies the principle because he thinks that it does not represent a sound theory which the Torah obliges us to believe; or, erroneously denies that a given belief is a fundamental principle, which, however, he believes as he believes the other dogma of the Torah which are not fundamental principles... a person of this sort is not an unbeliever. He is classed with the sages and pious men of Israel, though he holds erroneous theories. His sin is due to error and requires atonement (Husik 49-50).

Albo does not draw Duran's distinction between *se'ifim* and *ikkarim*—he holds that accidental denial of even *ikkarim* is excusable, and, conversely, that knowing denial of the subsidiary beliefs is no better than denial of the *ikkarim* themselves.³²

As mentioned briefly above, the position taken by Ra'avad, Duran, and Albo excuses heresy based on misunderstandings of the Torah or rabbinic literature; since the thinker in question has accepted the axiom that he must believe the principles of Judaism, and his mistakes have been made in the context of sincere Torah research, he is only a sinner—and an unintentional one at that—and not a heretic. What is the import of the qualification that the mistake must be made in the context of Torah research—is it that the Torah context proves the thinker's sincerity or his axiomatic acceptance of Judaism's principles, or is it merely a justification of his mistake, in light of the fact that the Torah and rabbinic texts can be misleading and that one who misinterprets them is therefore not fully responsible—or, is it both of these rationales at once? On this question, Ra'avad parts company with Duran and Albo. Ra'avad implies that the misleading verses of *Tanakh* and the *aggadot* inspire the error themselves, while Duran and Albo describe the thinker's independent formulation of the idea and subsequent attempt to read his beliefs into the texts, implying that the texts are mentioned only to prove that the thinker is sincere in his commitment to Judaism and in his attempt to arrive at the beliefs espoused by the Torah.

What about a thinker who makes a doctrinal mistake without having accepted the axiom that he must believe Judaism's principles and whose mistake is based not on a misunderstanding of the Torah or rabbinical texts, but on the error of his own independent reason—would a non-Jewish thinker who has never heard of

Judaism be punishable as a heretic? Maimonides, of course, condemns the theologically mistaken and the idol worshipping nations on purely pragmatic grounds, even if they are not worthy of punishment in a fundamental sense. It does not really matter what led them to their beliefs or practices, only that their beliefs or practices must be prevented from spreading. Albo, however, who excuses "accidental" denial, surprises us by agreeing with Maimonides that adherents of other religions are considered heretics:

This is the meaning of the saying of the Rabbis in the treatise *Avodah Zarah* [2a], "In the future, God will take the Torah in His bosom and say, 'Let all those who occupied themselves with this, come and get their reward.' At once all the nations of the world will come crowding before Him, pell mell...." The Rabbis mean to say that in the future, God will bring all the idolatrous nations to justice because they did not fulfill the divine law.... They will then reply in turn that as the Israelites are to be rewarded for observing the Law which they received by tradition, so they should be rewarded for fulfilling *their* law, which was also received by tradition. God will then reply.... The meaning is that the nations who claim that they relied on their tradition, must tell us 'former things,' i.e., they must tell us the principles of their religion, which they accepted and upon which they relied.³³ They must tell us whether they were perceived with the senses with great publicity, as were the principles of the Law of Moses (Husik I:20, pp. 171-2).

Is this the same Albo who excuses accidental heresy? Does Albo not echo Maimonides here? Careful reading shows that Albo remains consistent, but that he grants tremendous importance to the axiomatic general acceptance of both the Torah and the necessity of believing its principles. The passage above, Albo's treatment of the Sinaitic revelation in general, and the passage about accidental denial all give center stage to a general acceptance of Judaism and the idea that its principles must be believed. On this score, Albo is implacable: One who denies the truth of Judaism, and as a result either denies its principles (I:2) or practices another religion (I:20), is considered a heretic and will pay the price, either on an individual level or, as described in the passage from *Avodah Zarah*, along with his co-religionists in a final accounting in the end of days. Note also that in indicting such heretics, Albo maintains his position that heretics suffer the consequences of heresy not merely to prevent the spread of their ideas or because of the *argumentum ad absurdum* that demands that a line of heresy be drawn somewhere,³⁴ but because they should have investigated the reliability of their religions' revelation and concluded that Judaism is the only (or most) plausible alternative.

Albo's indictment of adherents of other religions—his claim that they should have investigated and rejected their religions and chosen Judaism—is at the core of another issue he discusses: May one, and if so must one investigate his own religion's principles? If he may investigate, may he choose whichever religion seems most true to him? Indicting the nations on the grounds that they failed to investigate their religions clearly implies that one must investigate his religion and choose the one which seems most true. Curiously, though, Albo does not consider this obvious in his discussion of the question. On the one hand, he says, allowing or demanding investigation of religious principles is dangerous because it produces a situation in which no one can ever be sure of his chosen religion, since there always may be a truer religion one has not heard of. On the other hand, forbidding investigation produces the monstrous injustice of forcing people to maintain their false religion and at the same time holding them accountable for doing so. Albo's solution to this problem seems even stranger than the problem itself:

Our solution of this question is as follows: If it were true that all the known religions of the world are opposed to one another, every one saying that the other is not divine, the question we raised would be a difficult one indeed and hard to solve. But since all religions agree in accepting the divinity of one of them,³⁵ the only objection to it being that, according to them, it was temporary in character and its time has passed, our opinion is that every one should investigate the principles of his religious belief (Husik I:24, pp. 190-1).

It appears that by offering Judaism as the acknowledged divine law, Albo aims to limit the field of possible religions one must investigate before being satisfied with his own religion. As long as a religion accords with the basic principles of Judaism insofar as it is a divine law (meaning that it accepts God's existence, the revelation of a divine law, and reward and punishment), that religion may be legitimate. Albo adds that these are only the basic requirements for religious legitimacy: a legitimate religion must also impose order on society through its laws, indoctrinate its adherents with beliefs concerning spiritual matters, and trace its founding to a public revelation which would leave no doubt that the prophet of the religion was sent by God to deliver a law.

The most obvious difficulty with Albo's approach is his assumption that all religions accept the divinity of Judaism, certainly an assumption which requires examination afresh. If some world religions reject Judaism's divinity, we are back where we started: "The question we raised [is] a difficult one indeed and hard to solve." Facing the same problem—

whether (and if so, why) the nations are accountable for practicing heretical religions. Maimonides gives a technical answer: Fundamentally, they are not accountable. They are dealt with as circumstances dictate is necessary to prevent the spread of their practices and beliefs.

Problematic or not, Albo's conclusion partially explains why he writes a book on religious principles despite the dangers of such an undertaking (and with awareness of which he begins his discussion). Even those who continue to practice Judaism, the acknowledged divine law, should investigate its principles; and so, in one hundred forty five chapters, Albo does just that. Ironically, however, Albo's position limits investigation as it encourages;³⁶ since accidental denial is excusable only if accompanied by sincere acceptance of the Torah and the requirement to believe in its principles, it follows that one cannot be excused for investigating and reaching heretical conclusions on the existence of God, the divinity of the Torah, and perhaps several other principles as well.

For Albo, principle investigation may have other benefits besides helping one avoid heresy. Albo prefaces *Sefer Ha-Ikkarim* with a detailed table of the contents of each chapter of the book. Immediately preceding this table, he writes:

...It is not possible by human intellect alone to arrive at a proper knowledge of the true and good, because human reason is not capable of comprehending things as they are in reality, as will be explained later.³⁷ There must therefore be something higher than human intellect by means of which the good can be defined and the true comprehended in a manner leaving no doubt at all. This can be done only by means of divine guidance. It is incumbent therefore upon every person...to know that one divine law which gives this guidance. This is impossible unless we know the basic principles without which a divine law cannot exist (Husik 1-2).

Albo repeats this thesis and expands on it in his introduction to the book proper:

...All the people we know of in the world today possess a law, and it is inconceivable that a person should be subject to or identified with a law without knowing its principles or having some notion of them sufficient to induce belief in them, as we do not call a person a physician who does not know the principles of medicine, nor do we call one a geometrician who does not know the principles of geometry, or at least have some notion of them (Husik 35).

Complaining that previous thinkers have given only superficial treat-

ment to the principles of divine law, he considers it his task to grant them their due in explication and analysis.

Albo complicates the picture in Book I, Chapter 21, where he asserts that *emunah*, belief, is superior to philosophical and speculative knowledge. He offers proof from the fact that the elect of God's faithful achieve prophecy and can cause miracles to occur, while no philosopher has ever been known to do either of these. What is the purpose of Albo's book, though, if not to span the chasm between simple faith and pure philosophy by supplying logic and argument to support the principles of faith? Does he consider himself a "believer" and not a religious philosopher? We can only guess. Perhaps, while *Sefer ha-Ikkarim* might appear to be a carefully reasoned philosophy of law, it is at bottom based on faith and not reason. Public revelation of law may be a necessary criterion for belief in that law, but it is no guarantee of truth. Alternatively, Albo may mean that a divine system of law is superior to a system of law conceived by a human mind, and therefore it is better to subscribe to the former than to the latter.

Lest we think that the principles are anything but a beginning, Albo goes to great pains in Book III, Chapters 3-5, to explain that the philosophers are mistaken, that knowledge is not, after all, the point. Actions guided by the intention of worship and service are the machinery and mechanism of religion, and the principles are only the nuts and bolts.

Thus, Albo insists that we investigate the principles, cautions us of the dangers, assures us that our mistakes will be forgiven,³⁸ and finally qualifies the enterprise of principle-investigation with the thesis that action accompanied by intention—not merely knowledge of the truth—is the true focus.

De facto, somewhat informally, Orthodox Judaism today has accepted Maimonides' principles of faith.³⁹ Most prayer books reproduce an abridged version of his thirteen principles, and I would venture that most Jews, even most Orthodox Jews, are unaware that other thinkers produced different lists of Judaism's principles. Both popular and scholarly works which focus on Maimonides' principles abound, works which focus on explicating Maimonides' principles rather than evaluating his principles in light of the critique of those who came after him.⁴⁰ With regard to the treatment of heretics—or at least with regard to the imposition of heresy's most dire consequences—the final word has been uttered by Chazon Ish. Rav Avraham Yeshaya Karelitz, a chief halakhic authority of the last generation:

It seems to me that the law that we drop [into a well, i.e., kill] an *apikores* [heretic] only existed in an epoch when divine Providence was perceived by all as self-evident, as in those times when overt

miracles were abundant and the Heavenly Voice [that *Toll*] was heard, and when the righteous men of the generation were under the specific Providence that was visible to all. The heretics of that day were particularly spiteful in their rejection (of Torah) and pursuit of hedonistic values and amorality. Then, the eradication of wicked people was a way to protect the world, for everyone knew that the waywardness of the generation brought destruction upon the world: pestilence, war, and famine. However, in a time when God's Providence is hidden and when the masses have lost faith, the act of eradicating unbelievers does not correct a breach in the world; on the contrary, it creates a larger breach, for it will appear to others as nothing more than wanton destruction and violence. God forbid. Since [the purpose of the law of dropping into the well] is meant to repair, this law does not apply when it fails to repair. We must instead woo back [those who have strayed] with love and enable them to stand upright with the strength of the Torah insofar as we can.⁴¹

Echoing Maimonides' treatment of the children of the Karaites, Chazon Ish asserts that we must relate to heretics in our day with love and compassion, attempting to draw them closer to God and His Torah (rather than drawing them closer to empty wells for disposal there). Although Chazon Ish does not explicitly relate to the degree of responsibility such non-believers will bear in God's eyes, we may speculate that the very mitigating factors which absolve the community of the need to execute heretics also absolve the heretics themselves, to some degree, of their heresy.

I close with the prayer that *emunah* increase in our day, that we merit the privilege of drawing Jews back to their rich heritage and enabling them "to stand upright with the strength of the Torah."⁴²

1 Rabbi Moshe ben Maimon, 1135-1204. I refer to Maimonides as such and not as "Rambam," the convention with which I am more comfortable, in order not to distract the reader accustomed to the scholarly convention. The same applies to the absence of "Rabbi" before the names of Crescas, Albo, Abravanel, and others throughout this paper.

2 Rabbi Shimon ben Tsemah Duran, 1361-1444.

3 Rabbi Don Hasdai Crescas, died c. 1412.

4 Rabbi Yosef Albo, dates uncertain (15th century).

5 Rabbi Yitzhak Abravanel, 1437-1508. Space considerations make considering Abravanel's view in this paper impossible. See the excellent analysis by Menachem Kellner in both his *Dogma in Medieval Jewish Thought: From Maimonides to Abravanel* (Oxford University Press: Oxford, 1986, pp. 179-195, and his translation of Abravanel's book on principles of faith, *Rosh Amanah* (translation entitled *Principles of Faith*, Associated Presses for the Littman Library of Jewish Civilization: East Brunswick, N.J., 1982), particularly the introduction. Among others, Abravanel holds the view that it is wrongheaded to formulate principles of faith, since in order to merit a place in the world to come and to be considered a Jew in good standing, one must accept every single word of the Torah.

6 Albo, it should be noted, wrote *Sefer ha-Ikkarim* not as a study of Judaism alone, but as a study of "divine law" in general and Judaism in particular. His aim is almost explicitly polemic, in that he first delineates at length the principles (*ikkarim*) which must be acknowledged in order for any religion to be considered a "divine law," and then discusses the beliefs of Judaism which distinguish it from other religions which claim to be divine law. Not surpris-

A National Answer: Rav Kook's Decision on the Shemittah Question

BY JOSH JOSEPH

One look at the man and even someone unfamiliar with Orthodox Jewry could recognize his seriousness and dedication to the halakhah. This is the same man who wrote of his love for all Jews: "...and that brotherhood and friendship and connection will increase in all of Israel!"; the same man whose philosophic writings crossed all bounds in his effort to free his people's thoughts, as well as his own; the same man who often stood alone as the champion of liberal positions. This man is Rabbi Avraham Yitzhak Ha-cohen Kook, the great Jewish scholar/philosopher/kabbalist of the late 19th and early 20th centuries. His struggles were the struggles of his people, and he attempted to relate to all of his brothers and sisters on deep spiritual, philosophical and emotional levels. But in his own conservative demeanor, and in his practical, halakhic essays, he strictly adhered to the utmost stringencies of the ultra-Orthodox. The question is, then, 'Where the twain shall meet.' First, did Rav Kook's philosophy influence his halakhic comments? Moreover, if such is the case, did Rav Kook view the entire halakhic system from a certain perspective — did he develop an overarching philosophy of this system, i.e., a meta-halakhah?

I. Philosophy and Halakhah

To the former question, one can unequivocally answer in the affirmative: certain of Rav Kook's *teshuvot* are clearly influenced by a number of his philosophic convictions. An explicit example of such can be found in an analysis of the 555th letter in *Iggerot Harayah*.² His famous opinion permitted Jews to do agricultural work in Israel during the *shemittah* year. The basis for this *heter* came not merely from theoretical, halakhic incentives and sources as well as practical and real considerations, but even from his philosophical foundations.

Rav Kook argued that retaining stringent laws regarding the sabbatical year would adversely affect the people's relating to God, veritably causing *chillul*

Hashem rather than strengthening the Torah and mitzvot:

My intent...is only to strengthen all of the holiness of Israel, and the holiness of the land, including the holiness of *shmittah*...for surely if we are as lenient as we can be, within the bounds of the proper decision-making processes...with this we will awaken love within them [i.e., the non-religious, secular Jews]...many will join us, to fulfill the mitzvah as it should be, with love, and we will not face dissension...and they will not be able to say that we are destroying the settlement of the holy land, and consequently many of the pure faith of Israel will be awakened to come and settle in the land of Israel [i.e., make *aliyah*]...further, [those who attempt to remain stringent on this issue] through stringencies, distance the holiness of the sabbatical year from arriving to the holy land! But I in my lenient views... hereby bring closer and reach out and strengthen the holiness of the *shmittah* in the holy land...³

Rav Kook's general philosophy affects his decision: he is extremely concerned with the non-observant Jews in Israel and does his utmost to keep them as close to religion as he can. He also relates to those Jews who are strictly observant but do not yet live in Israel. His focus on various segments of the Jewish population stems from his view that all Jews are important in forming the nation of Israel. Moreover, he stresses the significance of the land, another focal point in his general philosophy. Thus, nation and land take precedence over strict adherence to the Torah, as long as the latter is not breached completely.

In fact, Rav Kook feels that leniency provides a strong foundation for the future of Torah observance though it causes 'bending' of the law in the short run. At once he emboldens the non-religious and demonstrates the importance of the land itself; and eventually there will be no need to 'bend' because all will come close to God through this development and [messianic?] changes will provide that the *shmittah* will not negatively affect the crops of the farmers!⁴ He encapsulates this

in one of his remarks:

The way that leads to the path of lovingkindness [*chesed*] — specifically this will bring the holiness of *shmittah* back to the land of Israel, thereby causing our beloved brothers of Israel to settle in this holy land.⁵

For Rav Kook, then, his philosophical outlook on the nation and land of Israel affect — at least in this case — how he views the halakhah.

II. Meta-Halakhah

Now that we have established that Rav Kook does allow the fields of theology and law to meet, we must endeavor to determine whether this confluence exists within his general attitude to the Halakhic system.⁶ Rav Kook does not delve into philosophic discussion in every letter and responsum, and in certain cases his decisions seem to run counter to his philosophic opinions. Still, the letter regarding the laws of *shmittah* provides a reasonable basis to discuss which is the exception and which the rule.

Perhaps one might suggest that this *tshuva* represents an anomaly. After all, Rav Kook himself seems to imply that this is the case: he uses the term *hora'at sha'ah* consistently throughout the essay. This does not clearly prove that Rav Kook did not envision this halakhic response on an *a priori* level, but it goes a long way to that effect.

...this decision is just a decision for the moment [*hora'at sha'ah*], and only because of great need... because... [the status quo] might lead to hunger and famine... [and] destroy the basis of the settlements. But in any case when the situation ameliorates, and there is a possibility to completely fulfill the mitzvah of *shmittah* without danger, God forbid that one should uproot the holy laws....

This concept is repeated a number of times throughout the piece, thereby limiting the other aspects of the argument. One might suggest that the whole response is a *hora'at sha'ah*, and he therefore is not operating within the normal confines of the decision-making process.

Rav Kook provides three reasons for why he is able to invoke a 'decision for the time.' First, he posits that the observance of *shmittah b'zman ha-zeh* is *derabanan*.⁸ That being the case, one is

allowed to depend upon the ruling of a *mi'ut* (minority) or *da'at yachid* (one opinion) in a case of extreme need. This leads to the second basis, which demonstrates that it is a time of extreme need: *sakanat nefashot*.⁹ In other words, people's lives and livelihood could be in great danger if extreme action is not taken. Finally, Rav Kook rationalizes that

In decision-making issues, if it is a convincing, rational argument and there is room to be lenient, this is a commandment and the will of God is to be lenient.¹⁰

In other words, when reason and the powers of the mind innovate a possible answer to a difficult question, that suffices for halakhic processes, but only when there is great need.

Still, Rav Kook does not end with just these points. True, the argument can be made, and made convincingly, that these points form the basis for his attitude to this particular law and that he views the halakhic system in general in normative terms. But the essay contains much else, and it is here that one sees a general view of the world and legal issues through the spectacles of Rav Kook's philosophy.

At the beginning of the letter, Rav Kook expresses his intentions:

...to sanctify the name of God, and to endear the Torah and those who study it to humanity, and to bring the masses to Torah, and to give increased strength and courage to the settlement of the nation of God on His holy land.¹¹

This is Rav Kook's world view: developing the **nation** and the **land** of Israel through **Torah** means. Within the context one might suggest that these three tenets are simply his intentions in life, and not particularly for halakhic discussions. However, as we will see, this letter is the prime example of Rav Kook's *weltanschauung* and so inherently, his general intentions influence his specific intent in developing this opinion.

His vision involves three main components:

1. The Nation:

...we need all of the powers of the people to be connected, that each person help his brother, to strengthen and embolden our nation and our cities of God...¹²

There must be national unity and there are

two areas that need focus for this to happen.

a. *Aliyah*:

...and the whole basis for our efforts must be specifically to increase the entry of the *Ynet Hashem* into the holy land.¹³

Here he emphasizes on an important principle which guides his hand: the need to bring religious Jews on *aliyah*. For Rav Kook this is the basis upon which the future of the land of Israel and the people of Israel depend.



b. *The Secular Jew*:

In our generation many souls about that — though they are very low in terms of *bechirah*, and by default they are connected to many bad deeds and thoughts, still the light of *segulah* shines within them, and thus they love the congregations of Israel and the land of Israel, and a few good and precious things from the morals that stem from the *segulah* of Israel is in the nature of their souls.¹⁴

For Rav Kook, two components contribute to the holiness of Israelites: *segulah* and *bechirah*, destiny and choice.¹⁵ The former, he posits, is linked to a *brit avot*, and therefore it is a covenant for all Jews, not just those who are observant. This provides him a basis to both boost the ego of the secular Jew as well as defend the permissibility of bringing them closer to God, Torah and *mitzvot*.

The question is: how to reach them. Of utmost importance to Rav Kook is that only those who are "capable of dealing with the innermost aspects of the secrets of the Torah, who are full of loving kindness of *Torat chesed*"¹⁶ can be — in fact, must be — involved in outreach. Moreover, one who "does not have a well-developed intuition as to the nature of people... is oblig-

ated to stay away from those who need *Torah*..."¹⁷ Finally, the way to do just reach is to speak *be'eder u'be'nachal*.¹⁸ Thus, the capable leader, who are knowledgeable and sensitive should seek out the positive side of the secular Jew, bring him closer to Judaism and incorporate him in the nation of Israel.¹⁹

Thus complete, the first stage of Rav Kook's greater vision: developing and strengthening all of the nation and unifying the people through Torah. The first stage leads to the second, "to strengthen and embolden our nation and our cities of God..."

2. The Land:

...with the holy intent and purpose to which I refer, because it is the land of God, that He chose and loves more than the whole world, and it has holy elements for prophecy, and for the reigning of the holy spirit...and even for the exiles it brings good...for certainly the land of Israel elevates and sanctifies them...²⁰

The land is the goal to which the nation must strive. Inherently it brings secular Jews closer to God and provides the place for national unity. Thus, through Torah means, the nation and the land combine to provide the basis for the third element in Rav Kook's world view:

3. The time of *Mashiach*, the time of Torah:

Throughout the letter Rav Kook refers to the time of the *mashiach*.²¹ At that time, there will be no need for *hora'at sha'ah*, and all will be able to study and fulfill the Torah to the uttermost completion.²²

This, then, is the ultimate goal of all of our endeavors. We can and must act in the prescribed manners in order to bring about the grand finale of the combination of Nation and Land, i.e., the time of *mashiach*.

This equation allows Rav Kook to *pasken* on a *bediavad* level, because the loss in the short run in the level of adherence to the Torah is more than accounted for by the result to which it leads — the time of the *mashiach*. The ends justify the means. This is one possible explanation for why and how Rav Kook invokes elements of his philosophy in this halakhic framework. But there is another possibility as well.

Rav Kook separates the *a priori* from the secondary level in another way: he distinguishes between the law for the individual and the law for the community.²³ He very carefully explains that his

decision is for the masses, but that certain privileged individuals who feel they can attain a stricter adherence to the law can do so and are praised for their actions.

I explicitly stated that they cannot force any person who wants to act in accordance with the ways of the stringent ones, to act against his will...

Moreover, those who can keep the more stringent ways, and do not use the *heter* for *shmittah* are "atzei ha-takhlit" of each settlement, and through their merit the rest of the nation's requirements are fulfilled in the eyes of God.²⁵ Finally, Rav Kook provides us with a methodological point about *teshuvot* in general. He states that one cannot learn from a specific *psak*, given at a certain time, for another situation:

and how is it possible to learn from one case of *hora'at sha'ah* to another? Everything depends upon the rationality and situation.²⁶

Thus, Rav Kook develops a distinction between *psakim* given on a national level and those meted out to individuals. When dealing with the nation as a whole, one must consider various levels of halakhic acceptability in order to incorporate the general goals and the future of the Jewish people. On the other hand, each

individual may decide on his/her own the level that best suits his/her needs and capabilities. For the individual, the standard is set higher, but allowances are made for movement to a less stringent level. But for the public, the level must be set low in order to incorporate all into the Jewish nation.

Therefore, Rav Kook's philosophy affects his halakhic decisions because he considers broader goals and a wider perspective than that which relates to the specific issue. Is this proof of a meta-halakhah? One might suggest that the only reason Rav Kook allows himself to involve non-halakhic dimensions is that we are dealing with a *bediavad* situation, a *hora'at sha'ah*, but that in general he would not involve these elements.

However, I think there might be another plausible answer. Perhaps Rav Kook invokes his philosophic ideas in all cases that relate to an issue of *psak* that affects the masses. *Shmittah* is a mitzvah for the people of Israel as a whole, not for individuals.²⁷ Thus, any time there is a mitzvah for the *rabbim*, the *posek* must consider the larger, philosophic issues of the people as a whole. And so, Rav Kook includes his thoughts from his general world view, and provides a *heter* so that the nation of Israel will come together on the land of Israel, and will adhere to the Torah; this will bring the *mashiach*, "bimeherah be-yamenu!" III

NOTES:

- 1 R' Avraham Yitzhak ha-Cohen Kook, *Iggerot HaRavah*, vol. 2, section 555, p. 198.
- 2 *ibid.*, pp. 184-98.
- 3 *ibid.*, pp. 184-5.
- 4 *ibid.*, p. 184.
- 5 *ibid.*, p. 195.
- 6 Due to the limitations of the paper, i.e. its focus on one letter of Rav Kook, it will be very difficult to draw broad conclusions on this issue. I am attempting here merely to demonstrate the possibility of a meta-halakhah in his writings.
- 7 *ibid.*, p. 184.
- 8 *ibid.*, p. 185.
- 9 *ibid.*, p. 190.
- 10 *ibid.*, p. 198.
- 11 *ibid.*, p. 186.
- 12 *ibid.*, p. 190.
- 13 *ibid.*, p. 197.
- 14 *ibid.*, p. 187.
- 15 *ibid.*, p. 186.
- 16 *ibid.*
- 17 *ibid.*, p. 187.
- 18 *ibid.*, p. 189.
- 19 Rav Kook is even 'guilty' of giving *musar* to the other *gedolei ha-dor*, p. 189: "And there is no doubt if you and the *gedolei ha-dor*... would join me and act as I act as much as each one can, the Name of God would be sanctified and much peace and blessing would fall upon Israel and its land, and many would repent completely..."
- 20 *ibid.*, p. 194.
- 21 See p. 186, 188, 189, 195-7.
- 22 *ibid.*, p. 184.
- 23 See p. 184, 185, 190-2.
- 24 *ibid.*, p. 190.
- 25 *ibid.*, p. 192.
- 26 *ibid.*
- 27 the mitzvah is "ve'shavat ha-aretz," the land should be at rest; thus, it is in actuality incumbent upon the land itself! Still, we say that though there are specific acts from which the individual farmer must refrain, it is still a mitzvah on all of Israel as a whole, *rabbim*.

("Dogmatist, continued from page 41")

not say that he was a heretic, even though one who believed this today would be a heretic according to what Maimonides firmly taught. The reason for this is as we stated above: since they accept the roots, we ought not to exclude them from the community of Israel if they fail to believe in one branch of the roots because of their mistaken interpretation of Scripture (translation Kellner, *Dogma*, p. 89; italics mine).

Duran articulates the distinction between roots and branches at least half a dozen times in the text following the above citation.

On the other hand, Menachem Kellner, analyzing Duran's position, asserts that Duran distinguishes only between *mezid*—denial of a dogma one knows the Torah holds true—and *shogeg*, denial of a dogma one mistakenly believes the Torah does not hold true (*Dogma*, p. 99). I believe that this distinction between *mezid* and *shogeg* applies, for Duran, only to "branches"; "roots," however, must be accepted to avoid heresy.

32 On the equation of fundamental and subsidiary principles with regard to denial, see *Sefer Ha-Ikkarim*, I:13.

33 Husik's translation interpolates slightly. I assume for the sake of clarity; literally, Albo says, "They should tell us how the foundations of their religion, which they accepted and relied upon, were perceived by them: were they perceived by the senses and with great publicity..."

34 In *Rosh Amanah*, Abravanel, perhaps similarly motivated, argues that taking a conciliatory position toward accidental heresy would require us to consider Christians, who err in good faith (no pun intended), to be Jews in good standing.

35 Albo refers, of course, to Judaism.

36 We pointed this out above in reference to Albo's view on accidental denial. Since he excuses denial only by one who sincerely accepts the truth of Judaism and the requirement to believe in its principles, and makes his mistake in the context of Torah research, he obviously does not excuse accidental denial of the existence of God, the divinity of the Torah, or of the requirement to accept Judaism's principles.

37 I:8.

38 If we make the right mistakes!

39 See, however, Marc Shapiro's tracing of the debate surrounding Maimonides' principles, "Maimonides' Thirteen Principles: The Last Word in Jewish Theology?", *The Torah U-Madda Journal*, vol. 4, 1993, pp. 187-242. See also several responses to Shapiro's work, and his response, in *The Torah U-Madda Journal*, vol. 5, 1994, pp. 182-9.

40 See, for some example: Agasi, Shimon Aharon, *Kuntres Yesodei Ha-Torah: Ve-Hu Biur...al Ha-Yod Gimmel Ikkarim...ke-fi She-Man'am...Ha-Rambam* (Jerusalem: Yeshivat Hevrat Ahavat Shalom, 1976); Fendel, Zechariah, *Torah Faith—The Thirteen Principles: An Exposition on the Cardinal Principles of Torah Faith, Including a Selection of Relevant Holocaust Narratives* (New York: Hashkafah Publications, 1985); Gurary, Natan, *The Thirteen Principles of Faith: A Chasidic Viewpoint* (Northvale, N.J.: Jason Aronson, 1996); Gottesman, Abraham Joseph, *Emuna Shelema: Bi'ur Rahav al Ha-Yod Gimmel "Ani Ma'amin," she-hem Ha-Yod Gimmel Ikkarei Ha-Dat Vi-Yesodei Ha-Torah* (Brooklyn, N.Y.: A.J. Gottesman, 1940); Kaplan, Aryeh, *Maimonides' Principles: The Fundamentals of Jewish Faith: An Anthology* (New York: National

Conference of Synagogue Youth, Union of Orthodox Congregations of America, 1975); Max, Mosheh, *Ani Ma'amin, I Believe: An Exposition of Maimonides' Thirteen Principles of Faith and their Implementation in Jewish Life* (Jerusalem and N.Y.: Feldheim, 1973); Neriyah, Avraham Yitzhak, *Yod-Gimmel Ikkarim*: (Biuir U-Mekorot) (Kefar Ha-Ro'eh: Hai Ro'i, 1992); Weinberg, Ya'akov, *Fundamentals and Faith: Insights into the Rambam's 13 Principles* (Southfield, Mich.: Targum Press, 1991).

41 Karelitz, Avraham Yeshaya, *Hazon Ish*, 6 vols. Bnei Brak, 1973, *Yoreh De'ah* 13:16. Trans. Lamm, Dr. Norman, "Loving and Hating Jews as Halakhic Categories," *Tradition* 24(2), Winter 1989, p. 111.

42 For further treatment of the matters touched upon in this paper, see works cited throughout this paper as well as: Alexander Altmann, "Articles of Faith," *Encyclopaedia Judaica* (Jerusalem, 1971), iii, cols. 654-60; Gerald Blidstein, "Who is not a Jew?—The Medieval Discussion", *Israel Law Review*, xi, (1976), pp. 369-90; Salis Daiches, "Dogma in Judaism," *The Jewish Library*, ed. Leo Jung (New York, 1930); Louis Jacobs, *Principles of the Jewish Faith*, (New York, 1964); Menachem Kellner, "What is Heresy?" *Studies in Jewish Philosophy* 3 (1983), pp. 55-70; *idem*, "Kefirah be-Shogeg be-Hagut Yehudim Bimei ha-Benayim: Ha-Rambam ve-Abravanel mul Rashbetz ve-Rahak," *Jerusalem Studies in Jewish Thought* 3 (1984), pp. 393-403; *idem*, "Heresy and the Nature of Faith in Medieval Jewish Philosophy," *Jewish Quarterly Review* 77 (1987), pp. 299-318.

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On Hostile Ground: A Brief History of Orthodox/Non-Orthodox Relations in the United States

BY JEFFREY A. BANDER

There is an old Yiddish saying, "Though the wolf may change his coat, he never changes his character." Much of what appears as novel in Jewish history is often nothing more than old history disguised in the clothes of its age. Today, Jewish periodicals are filled with pleas for Jewish unity, tolerance and pluralism. Sensationalist writers proclaim that a battle for the heart of American Jewry has begun. Among community leaders and laymen, the discussion always seems to turn to the topic of "who is a Jew." Partisan groups on both sides of the rift remonstrate about the terrible miscarriages of justice the other side is perpetrating against them. The Orthodox call the Reform illegitimate, and the Reform call the Orthodox fundamentalists.

The battle over the authenticity of religious beliefs dates back to the biblical story of Korach. Korach was the first to challenge the "authority," Moses' Torah, which he felt was inconsistent and irrational. 150 years ago, 19th century America saw another battle in this long war.

19th Century America: A precedent for hostility

About a year ago, the Agudas HaRabbonim issued a statement asserting that Reform Judaism is not a valid expression of Judaism, but rather another religion. The Agudas HaRabbonim's controversial statements attracted media attention from Jewish as well as mainstream press; it made headlines on CNN and other news networks. The statement was characterized by both Reform and

Conservative leaders, as well as by some moderate Orthodox leaders, as depraved and antagonistic.

What was fascinating about this statement was that it contained absolutely no new information, no change in stance or approach to Reform Jews. The Agudas HaRabbonim had made many similar statements; in fact, the Agudah itself was created as a response to Reform. The organization was established for the purpose of "the training of

ed Kaplan and publicly burned a copy of his newly issued siddur.

Excommunication had been used as a weapon in earlier battles between the Orthodox and Reform. Isaac Mayer Wise, father of American Reform, was excommunicated because of his Siddur *Minhag Israel* and his Reform theology; in fact, many leaders of the Reform movement were excommunicated, and many ritual slaughterhouses were banned. In America, however, excommunication had few practical repercussions.

America has no office of Chief Rabbi, and the American government never interferes in religious matters. Unlike 19th century Germany, where the fledgling Reform movement was suppressed by the government, it flourished in America. Without governmental intervention, rabbis who were excommunicated continued to preach and lead their congregations.

Last year, the Chief Rabbi of England was derided for not attending the funeral of an eminent reform rabbi. Yet, this sort of behavior seemed to be standard protocol both in England and America during the heyday of the Orthodox/Reform conflict. In 1846, Rabbi Nathan Adler, Chief Rabbi of England, refused to marry a young couple because the girl's father was a member of the Reform temple.

The aforementioned was not the only instance in which Rabbi Wise was to find himself embroiled in battles with Orthodox proponents. In a debate with Samuel Bruel, an Orthodox community leader from Cincinnati, Wise taunted him and the rest of the Orthodox leadership, calling them "eyeless mules" and "dim-eyed



ordained rabbis, teachers and preachers who have mastered the English language and who will be fit to wage combat against the forces of reform." The organization declared that rabbis from the Jewish Theological Seminary were not rabbis, and that RIETS was the only acceptable Rabbinical seminary in America. Thus did Agudas HaRabbonim declare war on both Reform and Conservative Judaism.

In 1945, the Agudas HaRabbonim again declared war; this time, the target was Mordecai Kaplan and the Reconstructionists. In a series of speeches which can be described as infinitely more inflammatory than the 1997 statement, members of the Agudas HaRabbonim excommunicat-

“The failures of Israel’s Ne’eman commission is not unique; it joins a long list of failed attempts.”

dwarves, standing in the narrow hall of their limited conceptions.” Aside from constant name-calling and insult hurling, there was occasional violence. The riot in the Beth-El synagogue of Albany on Rosh Hashanah 1850 is but one example. While preparing to recite a benediction over the Torah, Rabbi Wise was punched by the synagogue’s Orthodox president, Louis Spanier. Spanier’s punch precipitated a fight between Spanier’s supporters and Wise’s supporters; the fight ended with police arresting several worshipers and temporarily closing down the synagogue.

Today, leaders of both the Orthodox and Reform movements inject name-calling and inflammatory statements into Jewish public discourse. Recently, Rabbi Bakshi Doron, Chief Rabbi of Israel, referred to Reform Jews as “Zimri” and declared it *assur* to save a Reform Jew on Shabbat. In the Reform camp, Rabbi Alexander Schindler pronounced that “where Orthodoxy alone prevails, stale repression, fossilized tradition and ethical corruption hold sway.” These outbursts are the culmination of more than 150 years of rhetoric that has characterized the Reform Orthodox debate.

From Cleveland to Jerusalem

Two weeks ago, in a two-page spread in the Jewish Week, Rabbi Emanuel Rackman expounded upon his halakhic approach to freeing *agunot*. The “*agunah* issue” seems to be the Achilles’ heel of Orthodoxy, for it was precisely over that issue that the fledgling American reformers began their slow departure from Orthodoxy. Nineteenth century America, like twentieth-century America, saw an abundance of *agunot*. The *agunah* problem in the 19th century was primarily due, not to recalcitrant husbands, but to geographical concerns. Women who wanted to perform *chal-*

itza with brothers-in-law who lived in Europe often could not, because the brother-in-law would refuse to travel to the U.S. to perform the ceremony. Rabbi Isaac Mayer Wise, along with Max Lillienthal, a radical reformer, declared the Halitza ceremony not binding. Wise was immediately rebuked and taunted by the Orthodox community; and for several months, a debate raged in the pages of *The Israelite*, a paper founded by Wise, and in another paper, *The Asmonean*. To settle the issue, Wise called for a conference of rabbis to take place in Cleveland that would constitute, in Lillienthal’s words, “The re-establishment of the old Sanhedrin ... by means of which all religious questions of the day may and will be resolved to the entire satisfaction of all who can be satisfied....”

It was at the Cleveland conference of 1855 that the battle between Orthodoxy and Reform first came to a head. The conference was attended by Reform clergy as well as by some Orthodox clergy, including Isaac Leeser. Aside from adopting a position introducing *kiddushin al tannai*, which, according to Wise and Lillienthal solved the *Agunah* problem for good, Wise proposed to define American Judaism and to organize a central religious body which would be representative of all the major elements of American Jewry. Leeser and other leaders soon left the meeting because they did not trust that a body led by Wise could be even remotely Orthodox. Wise’s meeting never succeeded in uniting the American Jews under one flag; in fact, it began the slow creation of an unbridgeable gap between the Orthodox and Reform.

In 1850, there were over 200 Orthodox congregations in America and only six Reform ones. The situation was to be reversed only 30 years

later, when the US census of 1880 reported 200 reform congregations and eight Orthodox ones. The mid-1800’s were to be the last heyday for American Orthodoxy for almost a century. Despite these figures, Reform never triumphed completely in America. Wise was opposed by American “Enlightened Orthodoxy.” The self-proclaimed spokesman for this ideology was Isaac Leeser. Leeser, though not ordained, was minister of the Spanish and Portuguese synagogue in Philadelphia.

Leeser was a moderate who wanted American Jews to adopt a dignified, English speaking, “Western” form of Orthodox Judaism. In religious affairs he cooperated with Wise and the Reformers, as long as they did not go too far in breaking with tradition.

Leeser continually battled Wise’s reforms in his newspaper, *The Occident*, and in *The Jewish Advocate*. In 1867, Leeser founded Maimonides College, the first seminary to train American Rabbis in the United States. The college soon failed, but Orthodoxy had at least erected a banner of moderate traditionalism to combat Wise’s well known intent to establish a seminary for American Judaism.

As time went on, Wise and the reformers continued to develop their prayerbook *Minhag America*, the American religious rite. The reformer believed that American Jews were living in unprecedented conditions and were therefore a new religious phenomenon. This religious phenomenon, they argued, created the need to adapt Judaism to America in conformity with the Talmud and Jewish thought. Leeser, along with Rabbis Abraham Rice, Sabato Morais and Michael Heilperin, a Jewish intellectual and editor, continued to assert that ‘being Jewish’ meant belonging to ancient

worldwide tradition, which Jews had no right to reform. These men would not allow American Jewry to be entirely swept away by the doctrine of Reform.

Where Wise had failed in Cleveland, he succeeded in Cincinnati in 1873 with the establishment of the Union of American Hebrew Congregations (UAHC) and the Hebrew Union College. Its stated purpose was to train native-born Americans for the Rabbinate in the United States. Some time later, in 1889, the organizational structure of Reform Judaism would be completed by the creation of the Central Conference of American Rabbis (CCAR). Reform Judaism in America had consolidated itself into a distinct group; the rift with the Orthodox was now complete.

In 1898, a group of Orthodox rabbis and laymen responded to these developments by establishing the Union of Orthodox Jewish Congregations. They declared their goal to be the advancement of "rabbinical, traditional and historic Judaism." To counter Reform, they reaffirmed their belief in divine revelation and ceremonial law. They emphasized their commitment to "the authoritative interpretations of our rabbis as contained in the Talmud and codes and the Maimonidean Thirteen Principles." The delegates rebuffed Reform by affirming their belief in *mikvah*, *tevilah* and in the coming of Messiah. In a clear response to the Pittsburgh platform, they declared "we are a nation, though temporarily we are without a national home." This was in contrast with the reformers who, in 1856 in Columbus, Ohio affirmed that "we consider ourselves no longer a nation but a religious group and therefore expect neither a return to Palestine nor sacrificial worship...."

With the marginalization of Orthodoxy in the years following the Pittsburgh platform and the dwindling number of Orthodox congregations throughout the country, Orthodoxy

began to take a less vocal stance. When Eastern European immigrants from Nazi Germany began to arrive in America, once again burgeoning the ranks of Orthodoxy, the traditionalists once again felt secure in attacking Reform. This renewed assertiveness was demonstrated in the aforementioned burning of Mordecai Kaplan's Reconstructionist siddur in 1945. In a widely reported edict issued in 1956, eleven Orthodox rabbis issued a ban for Orthodox groups to participate in any rabbinic organizations that contained non-Orthodox Rabbis. Other bans soon followed, including ones prohibiting prayer in non-Orthodox synagogues and the general use of Reform or Conservative synagogues. In a direct attack against the Reform and Conservative movements, Rabbi Moshe Feinstein declared Reform and Conservative Jews *pasul le-eidut*. The ruling meant that all religious documents such as *gittin* and *ketubot* that were administered by non-Orthodox clergy were invalid. Orthodox rabbis no longer referred to their less traditional counterparts as rabbis, fearing that it might lend legitimacy to their movements. Rabbi Ralph Pelcovitz explained that "by submerging ourselves, we lose our identity; we sacrifice our unique voice, we forfeit our opportunity to project our viewpoint...."

Leaders today constantly call for cooperation between the Orthodox and non-Orthodox, particularly in matters relating to 'Who is a Jew,' and matters of marriage or divorce. The failures of Israel's Ne'eman commission is not unique; it joins a long list of failed attempts.

The most notable attempt at a compromise was the creation of the Denver Beth Din in the 1970's. Reform, Conservative and Orthodox rabbis formed a Rabbinic court to oversee conversions; the purpose of the pluralistic Beth Din was to avoid a situation in which rabbis in Denver did not recognize each others' converts to Judaism. The Beth Din functioned for

six years until it was disbanded when the Reform accepted the idea of patrilineal descent, in effect eliminating all common ground between the groups. Judging by the response of the Orthodox to the "Denver experiment," future similar compromises seem even less likely.

The failure of the Denver experiment was not the first time that a pluralistic attempt had failed in America. In 1953, the Conservative and Orthodox were on the verge of passing a bill that would help alleviate the *agunah* issue. The "Lieberman Clause," as it came to be known, was rooted in halakhah, and for some time it enjoyed the support of Rabbi Joseph Ber Soloveitchik. However, at the last minute the Rav pulled his support and the Orthodox did not recognize the clause.

Historically, the conflict between tradition and non-tradition has been unfriendly at best and violent at worst; there has never been a time in our long tumultuous relationship when the circumstances allowed cooperation. There is no simple solution for "bridging the gap;" The Orthodox/Reform split won't be solved by a commission or a joint Beth Din, but rather by the only force powerful enough to do so, the force of history; We, as Orthodox Jews, believe that history will declare us the victor this long, protracted battle. III

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WHO WAS MOSES MENDELSSOHN?

BY SHANON KLEINMAN

When reviewing the biographies of the many individuals that have shaped modern Jewish history, a person would be hard-pressed to find a figure more controversial than Moses Mendelssohn, founder of the Haskalah, the Jewish enlightenment movement. Although nowadays this group generally consists of the Reform component of the Jewish community, Mendelssohn himself was a practicing Orthodox Jew his entire life. This paradox effuses a glaring quandary. How could an individual who conformed to the ancient rituals of Judaism leading back to the time of Moses be considered the leader of a movement dedicated to the doctoring of the Jewish religion to fit the times? Unfortunately, this dilemma, having no inherent solution, has spawned a fiery debate amongst Jewish historians. Who was Moses Mendelssohn? What was his philosophy regarding Judaism in the modern era? Why was he considered to be the leader of Haskalah? In addition to the questions of Mendelssohn's personal beliefs, it is also worthwhile to explore the dichotomy that exists amongst historians as to how Mendelssohn is viewed in Jewish history. Moses Mendelssohn had an interesting and colorful personality; he was a man with special talents and unique diversity. He was born on September 6, 1729, in Dessau, the capital of the German State of Anhalt, to a poor, yet learned, family. As a teenager, he attended a yeshiva in Berlin headed by the former rabbi of Dessau and soon became a promising scholar of Talmud and Rabbinics. His economic situation was like that of all the other yeshiva students in his time; he provided sustenance for himself through a conjunction of free meals from neighborhood families and odd tutoring jobs.

During these years, after developing proficiency in the traditional Jewish studies, Mendelssohn extended himself to various secular subjects including languages, mathematics, logic and philosophy. He excelled in all these, mostly due to hard work and intellectual prowess, under the tutelage of devoted friends. Eventually he acquired such a breadth of knowledge in these fields that he developed a very prestigious reputation as a prominent scholar of philosophy. As Jospe writes, "He used the German Language with such lucidity and elegance that he became a leading figure in German literary criticism and the philosophy of his time."¹ He wrote important philosophical works such as the *Philosophical Dialogues* (1754) and *Letters on the Sensations* (1755) and translated various philosophical books and essays into German. One of his most striking accomplishments was his capturing of



first prize in an essay competition of the Berlin Royal Academy of the Sciences, with his *Treatise on Certainty in Metaphysical philosophy*. Immanuel Kant took second place. Being an observant Jew, he also applied his knowledge of philosophy to the realm of Judaism, commenting on specific works by Jewish philosophers like Maimonides and Judah Halevi and writing books such as *Jerusalem*.

Regardless, Moses Mendelssohn wasn't the first to blaze the path of the Jew into the secular world. Long before his time, individual Jews—physicians, scientists, writers and musicians—had played distinguished roles in the general European culture. Jewish diplomats and financiers enjoyed prestige and power in the public life of England, France, and Holland. The most notable of these figures, the "Court Jew," was appointed by the leaders of specific countries to aid them in matters pertaining to the establishing of internal economic policy, international trade, and general legislation. Mendelssohn's significance in modern Jewish history is not based on the fact that he melded with the world outside the walls of the traditional Jewish ghetto per se, but rather in the manner in which he went about doing so.

One scholar describes this manner as such:

Mendelssohn was the first to make a deliberate effort not merely to acquire European culture for himself but to use his influence to bring modern culture to his fellow Jews and, speaking publicly as a Jew to the non-Jewish world to demand respect for his people's faith and human rights. A new epoch in Jewish history begins with him.²

Before Mendelssohn, the Jew, due to the remnants of anti-Semitism that existed in Europe from previous eras, had been an outsider; at best, he was a passive observer and was generally uninvolved as far as the culture of the world was con-

cerned. Mendelssohn was the first modern Jew to be an active participant in that world and a formative influence in that culture. Although the emancipation of the Jews was not the achievement of any one particular individual, Mendelssohn was a key figure in the struggle to remove the cultural and social barriers dividing the Jew and the non-Jewish world.

It is based on the fact that Mendelssohn led both a secular and Jewish traditional life that a controversy exists amongst scholars as to his place in Jewish history. Was he the model of what nowadays would be considered the apex of Modern Orthodox Judaism—the ability to synthesize two seemingly irreconcilable worlds? Or was his agenda to create a new brand of Judaism, one that enables the metamorphosis of Jewish law to take place with the changing of modern society?

In what was the first book-length biography of Moses Mendelssohn, Isaac Euchel took the position of the former. He called Mendelssohn "singular in his generation, unique in his nation." Furthermore, he said that Mendelssohn should be an example for all Jews, "his life should be our standard, his teaching our light."³ Similarly, although more reserved in his praise, Meyer Kayserling, an author-biographer said that Mendelssohn, as "a sincere religious Jew and a German writer" was "a noble model for posterity."⁴

The other interpretation sees the two faces of Mendelssohn as coming into conflict with each other, branding him the leader of Jewish assimilation and denationalization. The German poet Heinrich Heine saw Mendelssohn as "the reformer of the Jews" who "overturned the Talmud as Luther had the Papacy."⁵ In the same vein, the nineteenth-century German Jewish theologian, Solomon Ludwig Steinheim (1789–1866) wrote that Mendelssohn was "a heathen in his brain and a Jew in his body."⁶ Others, such as Peretz Smolenskin, a nineteenth-century Hebrew publicist, point to Mendelssohn's own family as a microcosm of the way his views may have influenced the modern Jew. "R. Moshe ben Menahem held to the view of the love of all humanity, and his household and friends followed him. But where did it lead to? Almost all of them converted."⁷ Indeed, within two generations, not one member of Moses Mendelssohn's family was unobservant of Jewish law, and many married outside Judaism.

While it is certainly possible that Mendelssohn was a reformer of Judaism at heart with a manifesto to "modernize" Jews, one wonders whether he, being Orthodox, really had this in mind. Perhaps the fact that most of Mendelssohn's followers became entrenched in a secular

realm of thought can be attributed more to the times — he lived in the time of the enlightenment — rather than to Mendelssohn himself.

The best definition of the enlightenment was probably given by Immanuel Kant with the Latin maxim "sapere aude" or "dare to use your reason":

¹ Enlightenment is man's release from self-incurred tutelage. Tutelage is man's inability to make use of his capacity to use reason without outside direction. Self-incurred is this tutelage when it is caused not by inability (to employ our faculty to use our reason) but by a lack of resolution and of courage to use it without outside direction. *Sapere aude!* Have the courage to use your own reason — that is the motto of the enlightenment.⁸

The enlightenment, as one can see, encouraged man to trust his own intellect in deciding how he should live his life. With people adhering to this dogma, it is not hard to see why the Catholic Church and religion in general, had much of their power and influence sapped during this era. In its place moved a natural religion based on the search for self-fulfillment achieved through the happiness of individuals. This was to theoretically be brought about through acts of kindness and mutual assistance.

This philosophy attracted a large number of people and specifically young Jews, because of its proclamation of the equality of all people. The average Jew, having been oppressed and discriminated against for his entire life, was more than happy to leave the ghetto to join the crowd. However, in order to accomplish this, he had to forsake the practice of his daily rituals and observances that were inconvenient and that set him apart from his fellow man. It was, therefore, inevitable that he would begin to question the value and meaningfulness of traditional Judaism. If the world refused to accept the Jew, could it be that he himself was at fault? As long as he maintained the practice of the traditional Jewish rituals, which, in effect, set him apart from the gentile, did the Jew have the right to expect full acceptance? These questions weighed heavily on the skullcap-covered heads of the religious Jew. "A number of Jews felt they had to 'modernize' Judaism by discarding the ideas and life style that separated them from their environment, or even forsake Judaism altogether, so that they could no longer be distinguished from their gentile neighbors."⁹

However, not all facets of the enlightenment were the antithesis of religion. Many representatives of the clergy

and rabbinate welcomed the new science and philosophy as a means to rejuvenate faith. The Haskalah was the Jewish version of this "religious enlightenment" and Moses Mendelssohn was its primary representative.

According to some, the Haskalah was originally a movement dedicated to "correcting the historical anomaly of a Judaism out of touch with central aspects of its textual heritage as well as with the larger culture."¹⁰ This did not mean that the reformation of the religion was in order, but rather that it needed to get back to its roots. Throughout most of the Middle Ages in Europe, and especially during periods of high tolerance of Judaism, Jews had sustained a balanced view of their own textual heritage as well as a healthy interaction with their surrounding cultures. In the post-Reformation period, however, Ashkenazic Jewry had increasingly isolated itself form its surroundings and concentrated their efforts mainly on the study of Talmud. In this, the community's interaction with the outside world, its study of Kabbalah, Bible, Hebrew and Jewish philosophy greatly diminished. This phenomenon is one that the Haskalah movement had hoped to offset. It was only after Mendelssohn that the platform of the Haskalah became the reformation of Judaism and as a result many of its members assimilated. The original Haskalah is best represented by Moses Mendelssohn's philosophy.

It has been said that Mendelssohn relied on what some call the "Andalusian" tradition in medieval Jewish thought, based on a flexible approach to Judaism. Its defining characteristic was that observance and piety were held above philosophy. As one scholar put it: "it refuses to admit a contemplative educational ideal that promotes search for ultimate truths or secret knowledge."¹¹ By limiting the reach of human knowledge, the Andalusian tradition established boundaries regarding Rationalism yet did not reject rationalism outright. Instead, it was devoted to observance of religion through a broad curriculum including Philosophy, Bible, Hebrew and Talmud.

While this school of thought might most closely reflect that of Maimonides, who wrote the famous philosophical work *The Guide For the Perplexed*, Mendelssohn was not a Maimonidean. "Mendelssohn had detailed knowledge of Maimonides' work and borrowed freely from it. Yet, on the most fundamental issues Mendelssohn differed with him."¹² One such fundamental issue was with regards to a "Ger Toshav," a gentile who gains a portion in the world to come if he agrees to adhere to the "seven Noahite laws."

Mendelssohn felt that all laws in the Torah were considered to be divine legislation revealed by Moses at Sinai. Since we cannot fathom the completeness of God's reason, there are some laws whose reason for existence is unable to be demonstrated by reason. These laws, he claimed, were completely Jewish in their essence. Other laws, which could be explained by reason, he considered to be natural laws or redemptive truths to which the entire world was required to adhere. Granted this, if a gentile agreed to adhere to "the seven Noahite laws," but refused to admit that these laws were divine legislation given by Moses at Sinai, he would nonetheless attain the status of "Ger Toshav." This view contradicts that of Maimonides, who displays no concept of "natural laws" in his works. According to Maimonides, a gentile cannot attain the status of "Ger Toshav" unless he admits that "the seven Noahite laws" constitute a part of the divine legislation.

Mendelssohn's "natural law theory" is a prime example of Mendelssohn's philosophy—the application of rational thought to Jewish law while at the same time remaining within "traditional" confines. This further reflects his lifestyle—he lived in a modern secular world yet remained a devout Orthodox Jew.

However, while this may seem admirable to some, Moses Mendelssohn will always have critics who attack his motives, lifestyle, and philosophy. Allan Arkush, a contemporary Mendelssohn biographer claims that Mendelssohn was a Reform Jew, or heretic, at heart, and retained his orthodoxy merely for cosmetic purposes. This was necessary, according to Arkush, in order for Mendelssohn to have any hope of success in propagating a version of Judaism suitable to modern times. Arkush states: "While posing as someone who sought to restore ancient original Judaism, he was, in reality trying to fashion a Judaism unlike any had ever seen before.... Mendelssohn strove, above all, to modify the scriptural religion to which he owed allegiance so that it could serve as a civil religion."¹³ Arkush, like many, felt that Mendelssohn, as leader of the Haskalah movement, was hell-bent on the reformation of Judaism to fit the times — the only reason for retaining his practices was so that Torah-true Jews might heed his words of reform.

Still, there are others who valiantly defend Mendelssohn and point instead to the era in which he lived as the basis for his children's and many of his followers' disparaging from Judaism. They also explain that Mendelssohn was hailed as the leader of the Haskalah, a movement synonymous with the changing of Jewish law, at a time when its platform was different than that of today. In general, they felt he

was misunderstood. "Mendelssohn's other face resulted from the denigration of his life and the novel means he employed, a critical view that made Mendelssohn the symbol for everything thought to be amiss with Judaism and the Jews."¹⁴

In the book "A World of Ideas," Lee A. Jacobus writes about another prominent figure named Charles Darwin whose persona, similarly to Mendelssohn's, is historically viewed as controversial.¹⁵ Darwin's theory of evolution, which states that nature operates on the principle of "the survival of the fittest," was seen as an attack on religious theology in its time. However, in all likelihood, it is doubtful that Darwin meant to revolutionize religion when he proposed his theory, for Darwin was not a heretic; he was trained as a minister and possessed a deep knowledge of Bible.

By the same token, it is doubtful that Moses Mendelssohn meant for himself to be seen as the leader of a movement dedicated to changing Judaism, for he himself was an Orthodox Jew. At best, the fact that he is viewed as its propagator nowadays can be seen as incidental. His true goal was to connect the Jew with the world outside the ghetto walls. He did this through leading by example — flourishing in a secular society, yet still following in the footsteps of his forefathers. Nonetheless, Mendelssohn's rapport and success regarding his secular environment will always prompt people to ask whether Moses Mendelssohn was, indeed, a heretic or believer? ❧

NOTES:

1 Alfred Jospe, introduction, *Moses Mendelssohn, Selections from His Writings*, ed. and trans. Eva Jospe (New York: The Viking Press 1975) 4-46.

2 Ibid., 7.

3 David Jan Sorkin, introduction, *Moses Mendelssohn and the Religious Enlightenment*, (Berkeley: University of California Press, 1996) xvii-xxv.

4 Ibid.

5 Ibid.

6 Ibid.

7 Alexander Altmann, *Moses Mendelssohn, A Biographical Study*, (Alabama: University of Alabama Press, 1973) 92.

8 Immanuel Kant, *What is Enlightenment?* trans. and ed. L.W. Beck (Chicago: Viking Press, 1955) 286.

9 Alfred Jospe, introduction, *Moses Mendelssohn, Selections From His Writings*, ed. and trans. Eva Jospe (New York: The Viking Press, 1975) 4-46.

10 David Jan Sorkin, introduction, *Moses Mendelssohn and the Religious Enlightenment*, (Berkeley: University of California Press, 1996) xvii-xxv.

11 Ibid.

12 Ibid.

13 Allan Arkush, *Moses Mendelssohn and the Enlightenment*, (Albany: State University of New York Press, 1994) 273.

14 David Jan Sorkin, *Moses Mendelssohn and the Religious Enlightenment*, (Berkeley: University of California Press, 1996) 151.

15 Lee A. Jacobus, introduction, *A World Of Ideas, Essential Readings for College Writers*, ed. Lee A. Jacobus, 5th ed. (Boston: Bedford Books, 1998) 375.

("Jewish Dogmatist" continued from page 31)

ingly, Judaism does the best job of meeting Albo's criteria for testing the truth of a particular religion.

It should also be noted that Albo, along with several other medieval Jewish philosophers, understands "principle of faith," or perhaps the function of such principles, differently than Maimonides does: for Maimonides, principles of faith are those which every religionist must accept in order to qualify for membership in good standing in the religion, while for Albo, principles of faith are simply the dogma a religion must assert if it is to qualify as a "divine law."

7 Albo, R. Yosef, *Sefer Ha-Ikkarim: Book of Principles*, Trans. Isaac Husik, Jewish Publication Society of America: Philadelphia, 1929, p. 44.

8 As noted by many later readers of his list of principles, Maimonides omitted creation in time as a principle of faith, although in several other places in his works he confirms that he does accept the doctrine himself (silencing critics who accused him of believing, like the Greek philosophers, in the antiquity of creation). See on this point Kellner, *Dogma*, pp. 54-61, who notes that in later versions of his list of principles, Maimonides seems to have added a short explanation about his omission of creation in time. Albo's point here, it seems, is that even if Maimonides accepts the doctrine of creation in time, his not counting it as a principle might qualify as heresy.

9 Even with regard to the *kofer be-mezid*, who rejects an *ikkar* he knows Judaism holds true, the question of responsibility remains relevant. Let us consider, for example, a Jew who discovers at age thirty that he is Jewish. Deeply curious but not blindly accepting of Judaism, he seeks his new-found faith and its doctrines. If he rejects a given *ikkar*, such a person might be considered *mezid* in the sense that he knows Judaism espouses the *ikkar* he rejects; on the other hand, he did his best to evaluate the truth of his religion and found it wanting. What more can be asked of him? [The same question could be posed about any Jew, even one who is aware all his life of his Jewishness and who observes all of the commandments, but who, when he undertakes to examine his beliefs, discovers that they differ from those of his life-long religion.] This scenario raises the age-old question of whether there is free choice in belief, a question medieval authorities debate ferociously. If one can choose to accept a belief or reject it, he can be held as responsible for his beliefs as he could be held responsible to eat kosher or keep *Shabbat*. If one cannot choose beliefs, however, there is no longer any necessary connection between the sinful act and *mezid*'s usual companion, evil. See Kellner, *Dogma*, esp. pp. 127-135. Maimonides, it should be noted, offers several indications that he holds there is free choice in beliefs.

The question of free choice in belief comes up not only with regard to responsibility for heresy, but also in the discussion (including chiefly Maimonides and Crescas) over whether belief in God can be a religious obligation (*mitzvah*), since it would appear reasonable to assume that one cannot be commanded to obey a norm unless one has free choice in the matter.

10 Within the category of shogeg as well, one might draw a further distinction between 1) one who accepts in theory whatever Judaism demands he believe, but who in practice errs in his understanding of what this includes, and 2) one who errs in his beliefs but who does not share the first thinker's overarching acceptance of the Jewish creed. On one hand, this second thinker avoids blatant, knowing rejection of Judaism's principles (avoiding being classed as *mezid*); on the other hand, he does not begin his search for principles from a position of fundamental commitment to Judaism.

11 Not only famous, but also the first such enumeration of Jewish beliefs. For speculation on why Jewish thinkers before Maimonides largely ignored the issue of dogma, see Kellner, *Dogma*, pp. 1-9.

12 In *Hilkhot Rotze'ah U-Shemirat Ha-Nefesh* (Laws of the Murderer and of Preserving Life) 4:1, Maimonides codifies the obligation to kill heretics: "If one has the power to kill them in public with a sword, one should; if not, one should find indirect ways to cause their death...."

13 In *Hilkhot Avel* 1:10, Maimonides rules that close relatives of heretics must celebrate the death of the heretic rather than engaging in the normal (and halakhically mandated) process of *avelut*, mourning. The same verse—"Do I not hate those who hate You, O Lord?"—is adduced as support.

14 Twersky, Isadore, *Rabad of Posquieres*, rev. edn. Jewish Publication Society: Philadelphia,

1980 p. 422.

15 Maimonides, *Mishneh Torah, Sefer ha Madda* [Book of Knowledge], ed. and trans. Moses Hyamson, Feldheim, New York 1974, p. 84b.

16 Rabbi Avraham ibn Daud, c.1125-1198.

17 *Hilkhot Avodat Kokhavim* (Laws of Idolatry) 10:1.

18 *Hilkhot Mamrim* (Laws of Rebels) 3:2.

19 In his work on *ikkarei emunah*, *Rosh Amanah*, Abravanel offers a different explanation for Maimonides' hard-line stand on unintentional heresy: Abravanel asserts that believing incorrect dogma is for the soul like eating arsenic would be for the body. One might eat poison thinking it was food, but one would die just the same. Without the correct beliefs, the soul simply perishes and does not survive to pass to the afterlife.

20 See below, where we shall discuss Maimonides' relatively gentle treatment of Karaites misled by their parents.

21 The words "at certain times" add to the impression that Maimonides believes that the need for damage control is to be evaluated in each case, and is not necessarily a reflexive response to unintentional heresy.

22 Put slightly differently: Just as Maimonides would say that when the Bible describes God as loving, hating, joyful or angry, the true sense is that God behaves as one would who loved, hated, felt joy or anger, in a similar sense, when the Bible describes idolaters as haters and enemies of God, the true sense is that they behave as enemies of God would—although they do so quite unintentionally—because their worship of idols as His representatives misleads the masses into believing that there is no God but the idol.

23 Paraphrasing the text of the thirteen attributes of divine mercy.

24 Maimonides, *The Guide of the Perplexed*, trans. Shlomo Pines. University of Chicago Press: Chicago, 1963, I:54, pp. 126-7.

25 Maimonides specifies that he refers only to idol worshippers who believe in God and worship idols as His agents, or who believe that the idols have some power but are not gods themselves.

26 It is ironic that Maimonides, who goes to such great lengths in the Guide to explain that all anthropomorphism in Tanakh is not literal, himself employs anthropomorphism in the Guide to make a point (in this case, to deliver a warning) more strongly.

27 B.T. Hullin 13a.

28 See also Maimonides' *Perush Ha-Mishnah* to Hullin ch. 1, cited by Lamm, "Loving and Hating," pp. 112-3.

29 In his response (#264), Maimonides further accents the need for damage control: Heretics who repent of their heresy are not accepted by the Jewish community, and are to be eyed with continued suspicion, for fear that the appearance of repentance masks the heretic's intention to fool the community, and, presumably, subvert it.

30 Translation of *Ohev Mishpat*, (Venice, 1590, repr.: Tel Aviv, Zion, 1971), chapter 9 (p. 14b), corrected by Kellner according to manuscripts and translated by him in *Principles of Faith*, p. 23. I have corrected one inaccuracy in Kellner's translation, which led him to believe that Duran excuses inadvertent denial of the principles themselves. The accurate translation of the text shows that Duran excuses only the denial of a "se'if," a "branch," i.e., a detail of one of the principles. See following footnote.

31 This admittedly fine distinction between "roots" ("ikkarim") and "branches" is supported by Duran's own distinction between them in his *Magen Avot* (Leghorn [Livorno], 1785, repr.: Jerusalem, Makor, n.d.), p. 2b; more to the point, Duran explicitly distinguishes between denial of a "root" and a "branch" in the very exposition from which the citation above is taken. In explaining why the Sages of the Talmud did not condemn Rabbi Hillel, who claimed that Hizkiyahu was the messiah and that no future messiah was to be expected:

Even though the Sages condemned him for his statement and revealed his error, they did

(continued on page 34)

A Rose By Any Other Name: *Ha-Mekhaneh Shem Ra le-Chaveiro*

excerpted from his forthcoming "The Right and the Good: Halakhah and Interpersonal Relations"
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The civil codes that exist and have existed throughout world history are centered largely on rectifying damage inflicted upon person or property. Verbal offenses are often included, to the extent that they carry a broader impact, such as libel and defamation of character. It is assumed, however, that the spoken word, to the extent to which it is contained at that, is beyond legal redress. "Sticks and stones may break my bones, but words will never hurt me," goes the adage, and the law generally shares this indifference. The right to be referred to in casual conversation as one wishes is therefore not a right actionable in court or even recognized in constitutions. This is yet another area, then, in which Torah laws transcend those of society at large. "Three descend to *gehinnom* and do not rise up," states the Talmud, and concluding the list, after the adulterer and he who humiliates others in public: "one who creates a derogatory nickname for his fellow."¹

The Talmud continues to note that the second category, humiliating others, would seem to include the third; addressing others in an insulting manner would apparently be a detail of the broader category of embarrassing another. To this, the distinction is offered, "even though he has become used to the name."² Rashi adds, "He has already become accustomed to that that they refer to him as such, and his face is not whitened, nonetheless he intends to humiliate him." Some suggest that the latter detail comes to indicate that there is no difference between one who creates the sobriquet and one who perpetuates its usage.³ R. Yisrael Yosef Rappaport⁴ suggests that the severity of the second instance is due to the negative intent, regardless of the result.⁵ Thus there emerges a dually tiered prohibition in regards to creating a new name for another. To the extent that he bears humiliation, that larger transgression is certainly violated; and further, even once the burning embarrassment that accompanies the initial labeling is passed, a separate prohibition remains operative.

It might be possible to suggest

that these two prohibitions are reflective of two disparate elements present in the distortion, or complete fabrication, of an individual's nomenclature. The aspect of humiliation is self-evident, and is treated as such in the Talmud. Addressed in a manner beneath his dignity, the recipient of such name-calling is subject to a profound degradation. As such, the extensive body of ethical and legal literature governing the embarrassment of others steps back not an inch in encountering this behavior.

Nevertheless, the offense does not end there, as is clear from the Talmud's delineation: the singling out of this transgression from the latter category of humiliation is to instruct on this element. Beyond embarrassment, a further level of emotional violation is present. One's name is his connection to his sense of identity, to his awareness of his own existence as an independent individual. Indeed, the rabbinical sages considered names to be deeply indicative of one's inner character; R. Meir gleaned information about those he met from the meanings of their names, and R. Yosef suffered for failing to do this.⁶ In a less spiritual sense, the name serves to identify to the individual himself his very essence. To be deprived of this name is to become disenfranchised from the reality of being a unique creation; it is to stand bereft of any evidence of individuality. The resulting alienation is profound; it clearly impacts differently than humiliation in other forms, yet apparently in as devastating a manner. The fact that the initial sense of embarrassment has abated is thus inconsequential, and a degradation all its own remains.⁷

It is perhaps for this reason that the halakhic authorities found it necessary to give serious attention to the question of whether even a neutral, or possibly a laudatory, designation is also to be outlawed. In fact, the very word used Talmudically to indicate a nickname, *kinui*, contains an interpretational ambiguity. *Tosafot*⁸ offer two possible definitions of the term, similar sounding words that result from variant texts. The first text provides "*shem shafel*", that is, a "low" name, one bereft of dignity and respect, consis-

tent with those designed to humiliate. The second definition, however, is not inherently pejorative: "*shem tafel*", a secondary name. Whether the quality of being secondary, while not necessarily being insulting, is enough to forbid the name is as stated the topic of some discussion.

Nonetheless, it should be noted from the outset that the Talmud does use the adjective "*ra*," bad, in formulating the prohibition. Thus, the basis to question this ingredient deserves some analysis. At first glance, it might relate to the reality that the offensiveness of any name is subjective; what might be intended as affectionate may be received as a verbal assault. This reasoning is present in the writings of R. Shraga Feivel Shneebalg, to an additional degree. He considers the possibility of a name acceptable to its subject, but considered slighting by the general populace.⁹ His inclination is toward stringency, apparently feeling that the reality of the degradation that ensues transcends the victim's reduced appreciation of the potential in this area.

However, there exists another aspect to the non-judgmental nickname, in line with that stated above. The loss of identity that accompanies the deprivation of one's given nomenclature does not distinguish between artificial names that are endearing and those that are contemptuous. Thus, it might be suggested that even innocent nicknames are to be restricted, as the focus is not as much on the acceptability of the new designation as it is on the abandonment of the original one. *Tosafot*¹⁰ considers it an appropriate expression of extra piety to avoid even innocuous nicknames, possibly following this reasoning, as R. Moshe Troyesh comments¹¹, "additional affection is displayed when using the actual name." Additionally he suggests that R. Zeira, who attributed his long life to this stringency, was concerned that the usage of any artificial name could result in a derogatory one being tolerated. The Meiri¹² probably goes the farthest, in that he interprets the Talmud's condemnation of nicknames to extend even when the subject has no objection.

Alternatively, the grounds to be lenient are also significant; a name that is not hurtful to its designee may become a welcome aspect of his dignity, and a reference as such becomes not significantly different from the utilization of the name given in infancy. Indeed, the adjective of "bad" is adopted in the phrasing of the *Shulchan Arukh*,¹³ as it is in the Talmud. As such, Rashi¹⁴ does not seem to be concerned at all by nonoffensive nicknames,¹⁵ although the words of the Rambam¹⁶ are inconclusive. This position explains the apparent usage of such terms in various places in the Talmud.¹⁷

R. Ya'akov Davidson¹⁸ offers a parallel from another area of halakhah to display the severity attached to a derogatory appellation. Both a bathhouse and a lavatory may not be prayed in. However, a bathhouse that has not yet been used for that purpose, merely designated as such, does not yet attain this status.¹⁹ This is not the case, however, with the lavatory; merely labeling a room as such renders it unfit for prayer.²⁰ R. Yisrael Meir Kagan²¹ explains the distinction, based on the Talmud²², as stemming from the fact that the lavatory is more distasteful. This reflects an unfortunate reality; the more degrading a designation, the greater ease with which it attaches itself to its target. The same is certainly true of people.

R. Aharon David Grossman²³ discusses the tendency of Rashi to be lenient on this point, as indicated above by his language, *nitkavein lihakhlimo*, "he intended to humiliate him". The implication is that not only is a benign nickname permissible, but that the operative factor is the intent of the user, and therefore even a name with negative possibilities may not be out of the question if the intentions are innocent. This is evidenced by Rashi's position elsewhere, in commenting on the Talmud's identification of R. Yose as "*hachorem*."²⁴ To the authors of *Tosafot*,²⁵ wary of any nickname, this had to be a reference to the city that he came from. To Rashi, however, the term indicates "sunken nostrils", as defined elsewhere in the Talmud.²⁶ The lack of offensive intent apparently renders such a designation acceptable. Support for such reasoning can also be found in the *Shittah Mekubetzet*,²⁷ where the definition of the commonly used term "*shinina*" is given as "having big teeth".²⁸ However, the latter may be more consistent with good health,²⁹ and thus distinguished from Rashi's "*hachorem*." Thus, the element of intent is crucial.

This is taken up similarly by R.

Yosef Chaim ibn Eliyahu, the *Ben Ish Chai*, in his response.³⁰ He concludes simply, that "the matter is judged according to the time and the era, and according to the feelings of the people, and if their practice is to take offense at this or not".³¹ The responsum deals with a case similar to that of "*hachorem*", and thus it is surprising that the *Ben Ish Chai* does not adduce that Talmudic text as a proof. R. Grossman suggests therefore that the case in the Talmud involved using the name as identification when the subject is not present, and thus is of limited relevance to the *Ben Ish Chai*'s analysis which concerns addressing the individual in this manner. Thus, it is possible that the following formulation is appropriate: in the individual's presence, the most significant concern is the subject's sensitivity to the name, as the *Ben Ish Chai* writes; and for third-person references, the central issues are the inherent nature of the name and the intent of the user, as Rashi indicates. Along these lines, R. Moshe Dreifuss³² is lenient concerning a name used in jest, that the subject does not object to, providing also it is not used regularly. R. Troyesh observes, from the fact that humiliation was considered by the Talmud to be an integral part of this transgression, that the primary evil is in using the name in the individual's presence. However, it seems from *Tosafot*³³ that even references in the absence of the designee pose a problem.

The issue of identification is central to the analysis of R. Avraham Binyamin Silverberg.³⁴ He deals with a situation in which one's name is insufficient to distinguish him from confusion with others, and therefore his acquaintances wish to attach a physically descriptive, but not derogatory, term to his name. He adduces midrashic proof³⁵ to his conclusion that this is certainly permissible.³⁶

Further, a distinction might be drawn between names that are neutral and those that are complimentary. Of the latter, the authors of the *Tosafot*³⁷ felt that laudatory names are permissible, concluding as such that it is acceptable to refer to an individual using only the name of his family. R. Grossman adds, however, that in modern society, to do so without some kind of title is often considered disrespectful. This is already hinted to in the Midrash³⁸, where it is related that King David felt humiliated that he was referred to as "Son of Yishai" rather than by his given name.

The sensitivities that lie within the human being are multileveled and beyond the range of the easily perceptible. The boundaries set by the halakhic authorities to the creation of nicknames necessitate that a thorough attempt to grasp the depths of these sensitivities precede the utilization of these appellations. Absent such analysis, this behavior is fraught with interpersonal risk of the first order. TH

NOTES:

- 1 Bava Metzia 58a.
- 2 The phrase used, dash bet, is defined, in another context, by the Shut Terumat HaDeshen (#25) as having endured a thirty-day period; see Shulchan Arukh, Orach Chaim 128:30 and Orach Meisharim 5:6.
- 3 See, for example, R. Yosef Cohen, Sefer HaTeshuvah, Hilkhot Teshuvah 3:14.
- 4 LiTeshuvah HaShanah, Hilkhot Teshuvah 3:14.
- 5 See also R. Avraham Erlanger, Birkat Avraham, Bava Metzia 58b.
- 6 Yoma 83b.
- 7 R. J. David Bleich, in an article in the journal HaDorim 35:140, suggests somewhat differently, that beyond the aspect of humiliation is the element of the user relating to the subject with an attitude of disrespect, a transgression regardless of the subject's reaction. Similarly, see R. David Rosenthal, Divrei Yosher to Pirkei Avot 3:11.
- 8 Nedarim 2a, s.v. kol kinuyyeci.
- 9 Shut Shraga HaMeir 6:6:2.
- 10 Megilah 27b, s.v. v'lo. The Tosafot are coming to explain why R. Zakkai attributed his long life to not using nicknames, when this is apparently required behavior anyway. R. Moshe Mordechai Shteger, Bearot Mayim to Megilah, suggests he was careful even when not in the presence of the subject: note the discussion below.
- 11 Orach Meisharim 5:6.
- 12 Bava Metzia 58b.
- 13 Choshen Mishpat 228:5.
- 14 See Kesef Mishneh, Hilkhot Teshuvah 3:14.
- 15 See also R. Moshe Rosmarin, D'var Moshe to Pirkei Avot, ch. 3 #154.
- 16 Mishneh Torah, Hilkhot Deiot 6:8; Hilkhot Teshuvah 3:14. See Orach Meisharim and R. Menachem Krakowski, Avodat Melekh.
- 17 See, for example, Bekhorot 58a, Ketubot 79a, Kiddushin 58a, Chulin 110a.
- 18 Hilkhot Derekh Eretz ch. 63.
- 19 Shulchan Arukh, Orach Chaim 84:1.
- 20 Orach Chaim 83:2.
- 21 Mishnah Berurah 84:2.
- 22 Shabbat 10b.
- 23 Shut V'Darashta V'Chakarta, Choshen Mishpat #12.
- 24 Menachot 37a.
- 25 s.v. R. Yosef Hachorem.
- 26 Bekhorot 43a.
- 27 Ketubot 14a.
- 28 This is also the definition provided by the Arukh (erekh sheyn).
- 29 See Ketubot 111b.
- 30 Shut Torah U'Shmah #421.
- 31 Note Bekhorot 44a. See also Sefer Sha'ar Shimon Echad 3:74.
- 32 In the journal Ohr Torah, vol. 24, p. 157.
- 33 Pesachim 112a, s.v. tzivah.
- 34 Shut Mishnah Binyamin #23.
- 35 See Midrash Rabbah, Shemot 2.
- 36 As he observes, the facts specific to his discussion actually result in the proposed nickname being a type of blessing; the individual's name was Chaim, and as he was tall, they wished to call him Chaim Arukhim — translatable both as "Tall Chaim" (ungrammatically) or "long life".
- 37 Ta'anit 20b, s.v. b'hakhinoti.
- 38 Bamidbar Rabbah 18:13.

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