

Modern Orthodoxy or Orthodox Modernism?

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An Analysis of Some New Trends in Modern Orthodoxy

A RECENT ISSUE OF *The Commentator*, THE UNDER-graduate newspaper of Yeshiva College, featured a number of questions submitted to Dr. Irving Greenberg, an associate professor of history at Yeshiva College, and the rabbi of an Orthodox congregation. His replies prompted a torrent of protest and criticism which moved him to write a clarification and defense of his views.

Dr. Greenberg has been one of the spiritual mentors of *Yavneh*, the association of Orthodox college students, and some of his views have been reported recently in *The New York Times* in connection with a symposium on Jewish Religious Unity. Together with Dr. Eliezer Berkovits, Dr. Michael Wyschogrod, and others, Rabbi Greenberg is representative of a decided trend among certain Orthodox intellectuals, whose recent pronouncements about fundamental Jewish concepts should not go unchallenged by those whom they have on occasion called "fundamentalists." This essay offers such a challenge by giving *different* answers to some of the questions that were put to Dr. Greenberg.

What do you believe is the essential element in Jewish theology?

DR. GREENBERG: "The covenant idea, the belief that an infinite G-d is concerned for man and will enter into a personal relationship with him."

S. D.: It is certainly *not* a tenuous "covenant idea" (italics mine), a shadowy *belief* that "G-d is concerned for man and will enter into a personal relationship with him." This "covenant idea" could, of course, be taken seriously by non-Orthodox Jews, as Dr. Greenberg states.

The essential element in Jewish "emunah" is *Torah Min Hashamayim*, the Divine revelation of the Torah (Written and Oral) by G-d to Mosheh, *literally speaking, as an objective fact*, and not in any vague, naturalistic, subjective sense. "And when Mosheh went into the tent of meeting that He might speak with him,

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then he heard the Voice speaking unto him from above the ark-cover that was upon the ark of the testimony, from between the two cherubim; and He spoke unto him." (Bamidbar 7:89).

Any attempt, expressed or implied, to qualify the external, objective reality of this revelation of the Written-Oral Torah, any tendency to rationalize it philosophically as a historical development of spiritual insight and response, must be considered a critical departure from *Torah Min Hashamayim*."

This Covenant of the Written-Oral Torah, which G-d revealed to us in detail at Sinai in the literal, unqualified manner mentioned above, is certainly not accepted by the non-Orthodox, either in the manner of its revelation, or in the careful and enthusiastic practice which is predicated on that manner of revelation.

Do you feel that the categories, "Reform," "Conservative," and "Orthodox" have any meaning?

DR. GREENBERG: "The main reality in these categories is an institutional one."

S. D.: These categories have the most decisive meaning beside their institutional reality, as has just been indicated. The inability of the American Jewish layman to discern the basic philosophic gulf between Orthodoxy and non-Orthodoxy with regard to authentic revelation has resulted in serious consequences. The clearest delineation in this matter is vital, indeed crucial.

In his clarification Dr. Greenberg makes the point that "there are individual Jews who call themselves other names [than Orthodox] who accept halachah or are seeking to rediscover it for themselves." He makes the further plea that ideas should not be ignored "simply if labeled Conservative or Reform." Rather, "they should be judged on their merits as measured by a rich and complex understanding of the classic halachic tradition." Moreover, Dr. Greenberg concedes that he "exaggerated by ignoring the differential Orthodox obedience to halacha."

Certainly ideas *should* be judged on their merits rather than by their labels. Nor do I dispute that there may be a few *anomalous individuals* who accept hala-

chah while they describe themselves as being other than Orthodox. Yet it would be dangerous not to recognize the Reform and Conservative norm, which is non-acceptance of the authority of halachah. Dr. Greenberg, in focusing on the "differential Orthodox obedience to halachah," would have us view the difference statistically, or quantitatively. This ignores the fact that the Reform and Conservative movements were conceived by their originators in terms which go beyond quantitative adherence to halachah. The names "Reform" and "Conservative" were not given by statisticians, but by dissident thinkers whose criteria were conceptual, not statistical. Those who call themselves Reform or Conservative normally mean something very clear beyond their institutional loyalty. More important than obedience to halachah as a yardstick is the naturalistic conception of revelation of normative Reform and Conservatism, which is tantamount to non-revelation.

Those isolated few who do not call themselves Orthodox, while they seem to be Orthodox in practice and concept, cannot escape the description of collaborators with anti-Torah forces. Their refusal to call themselves Orthodox renders them, at best, inconsistent and anomalous, or, at worst, actual sectarians whose nearness to Orthodoxy is merely quantitative, external and misleading. Theirs is the onus to demonstrate that they are the former rather than the latter. Whether they should then be accepted by the Orthodox community is debatable. The resultant blurring of delineation is a weighty argument against such acceptance.

What is the primary problem facing today's Orthodox community?

According to Dr. Greenberg it is the need to come out of the European ghetto psychologically. However, in my view, the primary issue is how to contend with the overwhelming sociological forces of America which are working toward the religious assimilation of the Orthodox. Not merely the survival of individuals and groups who consider themselves Orthodox, but rather the survival of Orthodox teaching and practice in their Sinaitic purity, free from assimilated distortions, is the main issue. How can we produce classic *lomdim* who also have the breadth of mind and vision necessary for today's leadership? How can we have a viable laity, trained for survival in this age of automation, whose standards of *Talmud Torah* and *Yiras Shomayim* are not diluted by years of professional training and by intellectual and social contact with the world around them? How can the divergent groupings of authentic Orthodoxy effectively unite organizationally and communally, in order to better confront the monstrous voracity of American cultural assimilation? How can we protect ourselves and our children from the materialism, dishonesty and indecency of the dominant culture? How, in the face of many distracting interests,

can Torah study and performance of mitzvos remain the major enthusiasms of life, as authentic Judaism requires? The answers to these questions constitute the primary problem facing today's Orthodox community.

Ideally, how does Orthodox Judaism believe that Jews can experience the Divine?

I AGREE WITH DR. GREENBERG THAT "ORTHODOXY believes that the Divine can be experienced through the observance of every halachah." However, he goes on to say that, in contrast to the Conservative movement which "changes halachah because popular opinion demands the change," he believes that "changes in halachah should not be the result of popular opinion, but the result of deliberate consideration by the gedolim."

Now the basic difference between Orthodoxy and Conservatism regarding changes in halachah is not whether these changes should be made by *gedolim* or by popular demand. Rather does the difference concern the very definition of halachah, indeed the essential nature of the Oral Torah.

Orthodoxy is based on the classic definition of the nature of *Torah Shebbeal Peh* found in the Talmud, *Geonim* and *Rishonim*. More recently the scholarly investigations of R. Isaac Halevi in his *Doroth Harishonim* have further illuminated this fundamental of Orthodoxy. Except for the *gezeros* and *takkanos*, the main corpus of the *Torah Shebbeal Peh* consists of:

- the detailed halachos revealed to Mosheh at Sinai concomitantly with the more general legal outlines of the Written Torah; and
- the conscientious *definition and application* of the body of revealed halachah to the specific cases that arose in successive generations. The crucial point is conscientious *definition and application*, not to be confused with subjective *interpretation*. The latter is often merely a form of judicial legislation—a new law. Since even the process of conscientious definition and application is carried out by human minds, subjectivity may sometimes enter the scene. However, the Divine Torah provided for this process, and sanctioned it, on the condition, of course, that the authorities sincerely strive for objectivity, and scrupulously avoid conscious distortion of the revealed halachah.

In contrast, the Conservatives subscribe to the heterodox views of Zacharias Frankel and Isaac Hirsch Weiss, who propounded theories of the post-Sinaitic origin of the very essence and substance of what we Orthodox call the revealed *Torah Shebbeal Peh*. It is only according to this un-Orthodox premise that one can logically call for basic "changes in halachah," whether they be the "result of popular opinion," or "the result of deliberate consideration by the gedolim."

Yet many who consider themselves Orthodox—in Eretz Yisroel and in America—subscribe to this non-

Orthodox conception. It is they who clamor for "changes in halachah" through the kind of legislative reinterpretation which may be proper for the United States Supreme Court, but improper for Torah leaders, whose only authority (except for making new decrees) extends to the objective *definition and application* of the received halachah. Thus, in connection with the alleged case of the refusal of a religious Jew in Jerusalem to desecrate the Shabbos on behalf of a non-Jew,* Professor Jacob Katz, professor of Jewish social and educational history at the Hebrew University, wrote:

"The Halachah is the legacy of previous ages whose general principles and details have been preserved in their original form, even when they have been rendered obsolete [!] by their legitimate interpreters. The preservation of the form accompanied by adaptation of the content to changing conditions has enabled the Halachah to act as a basis for a consciousness of the continuity of Judaism throughout its long history."

Yet this letter was quoted by *The Commentator* (the editors of which certainly consider themselves Orthodox) with approval and with the remark that Professor Katz is "himself an observant Jew." He may be an *observant* Jew, but his view of the continuity of Halachah by reinterpretation of its original intent in order to adapt to new conditions is *not* Orthodox.

The *Posekim* may indeed be implored to objectively define and apply the *received* halachah to the new situations that are constantly arising. This has always been their sacred task, as is recorded in their responsa. Naturally there must be no pressure, political or otherwise, to extract a "favorable" decision. Nor can there be any talk of a "thorough re-examination of the Shulchan Oruch," as Dr. Greenberg demands. This can be urged only on the premise of a non-Orthodox conception of *Torah Shebbeal Peh* (the Talmud, and the *Shulchan Aruch*, which is its compendium according to the authoritative understanding of the *Rishonim*), a premise which Dr. Greenberg, as an Orthodox rabbi, cannot accept.

CLASSICAL HALACHAH—TO ORTHODOXY—IS NOT AN ALL-purpose instrument to be used freely in the service of general Torah values by translating them into concrete laws. There has always been an area of general *hashkafah-values*, *middos* and *musar*, which were not concretized in the specific details of the Divinely-revealed legal system of the *Torah Shebbeal Peh* (halachah), but were the domain of the Agadah. The *legalistic* application of the revealed halachah to the specific cases of successive generations is in the main a *judicial*, not a *legislative*, function. In the process of defining and applying the revealed halachic details to specific cases, general Torah values inevitably entered the picture at times. Fundamentally, however, the halachic process of definition and application was intended for what Dr. Greenberg complains are "technical and procedural issues." Dr. Greenberg's demand to apply

the classical process to "the areas of quantitative modern experience and broader thought and value issues, [war, poverty, civil rights, welfare capitalism and manufacture control] which are the strongest challenges today" can consistently be made only in line with the non-Orthodox theories of substantive, post-Sinaitic halachic creation. The point here is not that Dr. Greenberg subscribes to these theories of Frankel and Weiss, but that he fails to realize that his demand of "halachic change," in which term he includes "expansion, adaptation, changes in strategy, as well as re-evaluation of halachot," is logically consonant only with those theories. He is in gross error when he thinks that "our historic Gedolim have led this process," or that this process becomes consistent with Orthodoxy because of his concluding sentence: "Naturally I am speaking of using halachic norms and this is clearly stated in my answer to question #4 in my interview"—in which he states that "changes in halachah should not be the result of popular opinion, but the result of deliberate consideration by the gedolim." Indeed, his very approach is tenable only outside the halachic norm, outside the halachic process as taught by classical Orthodoxy.

How can Orthodoxy — halachic Judaism — become relevant in America?

ACCORDING TO DR. GREENBERG, WE MUST FIRST recognize the challenge and the opportunity of becoming more fully integrated into the democratic society of America by changing the ghetto attitudes that foster indifference to the larger community. "For example," states Dr. Greenberg, "we should recognize that it is our religious responsibility to participate in the current civil rights struggle."

Let us be clear about what is meant by becoming "relevant in America." If it means a growing participation in the American non-Jewish *community*, such "relevance" would be suicidal. Even the Hirschian approach of *Torah im Derech Eretz* never intended to lessen the force of: "Lo, it is a people that shall dwell apart, and not reckon itself among the nations" (*Bamidbar* 13:9). R. Samson Raphael Hirsch comments on this passage: "It will live in an insulated land without much intercourse with other nations, living its 'internal' mission as *am* as a national social body."

Halachically this is expressed in the intentional *eruv* difficulties that the Sages put in the way of Jews living in the same courtyard with a non-Jew. The Sages discouraged such contact "lest one learn from his (the non-Jew's) acts" (*Erubin* 62a). Such an attitude does not, as Dr. Greenberg asserts, reflect "cowardice" or "that our beliefs are shallow," but rather a realistic evaluation of sociological principles. The detail and the intensiveness of the Torah's requirements can be carried out as a viable tradition only in a psychologically separate, non-integrated community. G-d

* See: 'א"ח סימן ש"ל, סעיף ד', ומשנה ברורה ס"ק ח'.

RELEVANCE?

"One must settle in the end for pleasing oneself," the Rabbi was continuing . . . "Oneself—and to be sure, one's God." Was there a tone of apology as he said the final word? . . .

"But you must excuse me . . ." the Rabbi responded, struggling to bring his wristwatch up into view out of the surrounding tangle of elbows and arms and fists full of whiskey glasses that had already begun to slop over onto the purple and gold and green of his prayer shawl. "In just fifty-five minutes I must be on the plane for Alabama. Selma, you know." At this evocation of the spirit of Civil Rights, his face lit up with a glow as it had not at the earlier mention of God.

THE LAST JEW IN AMERICA
A Novel by Leslie A. Fiedler
Stein and Day, New York

gave His Torah to *Yisrael* as His *am* to carry it out as an *am*, a separate national (or at least communal) social body. Our Torah mission is to testify to G-d's truth to the world as a model, non-integrated community.

There are then three approaches to Orthodox relevance in America. Isolationism rejects the idea that Orthodox Jews must in any way relate to the total surroundings of the age. Some of the greatest Jews have been, and still are, advocates of this approach. At the other extreme are those who, like Dr. Greenberg, would risk integration into the very fabric of the American community, while clinging (or attempting to cling) to Orthodox teaching and practice. This course has no record of success in Jewish history. Indeed, such an accomplishment would fly in the face of sociology. The third path is that of non-integrated adaptation, which is the Hirschian approach as I understand it.

According to this method, Orthodox Jews live their own communal life, which is unintegrated religiously, socially, culturally and *psychologically*. Within this community, however, there is an awareness of the intellectual and cultural trends of the nation and of the world, and a conscious reaction to these currents. The reaction may be positive or negative, an acceptance or a rejection of the surrounding norms. But even when the contributions of the wider milieu are accepted, they serve only as cultural raw material for the implementation of *Torah life* through Orthodox forms of expression.

Yet, as Rav Hirsch writes, "this isolation is only an illusion. Judaism imbues its adherents with an all-embracing love . . . that offers always the warmest, fondest sympathy for all human suffering and human hope . . . Torah-true Jews are 'isolationists' whose very strength centers in the knowledge that, together with them, all men walk towards the Kingdom of G-d on earth wherein will dwell truth and love, justice and sanctity."

Thus, the non-integrated Orthodox Jews will be concerned with the nation's policies, domestic and foreign, and will say and do what should be said and what can be done to insure the justice and wholesomeness of those policies. However, they will do this without violating their *am*-character—without entering into non-Jewish groups and their activities. The Orthodox Jewish community will, of course, express friendship to the non-Jewish community for "the ways (of the Torah) are ways of pleasantness and peace." Civic duty is enjoined upon us by our heritage. But all this will be done from within the framework of a non-integrated Orthodox community, which glories in its religious, social and cultural isolation.

THUS, IN ANSWER TO THE QUESTION OF RELEVANCE, Orthodoxy does not seek to become relevant in *America*. Instead it wants America to become relevant in the Jewish community to the extent that the unchanging Torah be applied to the American raw material (when it is not objectionable), transforming it into Torah modes of living. Through this non-integrated adaptation, the American Torah modes will vary from those of Israeli Jews, or British Jews, or any other Jews, but only as *modes*, only as variants of *minhag*, so to speak—never as essentials.

I believe this process of non-integrated adaptation has ever been going on in our history, even—to some extent—among communities that held a seemingly "isolationist" viewpoint. It should not, however, be confused with *integrated* adjustment, which leads only to ultimate assimilation. In the past, when religious differences were deemed important—even when there was no persecution—there was little opportunity for Jews at large to make anything but a non-integrated adjustment. In modern times the situation has changed. We must now cultivate the separate *am* concept.

If I may be permitted a personal reference, I have always been deeply stirred by American history, tradition, and principles. I am patriotic in a sense that is almost old-fashioned among the literate today. But I nevertheless deeply feel that the moment we Jews think of ourselves as part of the American *am*, instead of *Am Hashem* (and one cannot belong to two *ammim*), we have started the process of disintegration and final assimilation. We must be an American *Am Hashem*, not Jewish members of the American *am*!

As a second step toward making Orthodox Judaism relevant in America Dr. Greenberg suggests:

Orthodoxy must train a body of scholars—especially in Biblical criticism. We should acknowledge a debt to Bible critics. They have shown that the Torah is not toneless, but has elements in common with the temporal experience of the ancient Near East. This does not undermine our faith because the Jewish idea of a holy life is the proper utilization of the temporal. However, contemporary scholarship denies G-d and sees *only** the temporal qualities of the ancient Jew. We need Jewish scholars who assume that *man can relate to G-d*. This type of Jewish scholarship would illuminate our

* Emphasis in this passage is mine—S.D.

understanding of the ancient Jew; it would enable us to understand the exact point of meeting between the Divine and the temporal. We would be able to see how the ancient Jew utilized the temporal in a Divine manner . . . We need to undertake Biblical scholarship in order to more fully understand our own revelation. We should be committed by faith to the Torah as Divine revelation, but what we mean by 'Divine revelation' may be less external or mechanical than many Jews now think.

When I first read this passage I viewed it in the context of the statement by Dr. Greenberg at the previously-mentioned Symposium on Jewish Religious Unity. To this symposium, Jacob Petuchowski, professor of rabbinics at Hebrew Union College-Jewish Institute of Religion in Cincinnati (Reform), submitted a paper which contained the following words.

One of the most encouraging answers to those questions [i.e., What do we conscious Jews have in common? To what kind of greater unity may we yet aspire?] has recently been given by Eliezer Berkovits, in the magazine *Tradition*. Writes Berkovits:

The Ikkarim (principles) that should determine ideological divisions in Israel should be so formulated as to leave the gates wide open for communication with the broadest possible sections of Kelal Yisrael. We suggest that the recognition of three principles is sufficient to become the foundation of ideological unity. They are belief in a personal G-d, in *Torah min hashamayim* (that the Torah was revealed by G-d to Israel) and Torah shebe'al peh, the inseparable connection between the Written Torah and the Oral tradition. Jews who acknowledge these principles, even though they may disagree with each other in matters of interpretation, should be looked upon as belonging to the same ideological grouping. Once the basic principles are affirmed, differences in interpretation should not be permitted to become dividing walls between Jew and Jew.

(*Tradition*, Vol. VII, No. 2, Summer 1965, p. 80.)

To all of this I can only say, 'Amen and Amen!' In the essentials which Berkovits has singled out, he has, I believe, laid the foundations of the future religious unity of Israel. There is little I could add by way of improving on his formulation. Perhaps I would have liked him to be a little more specific in spelling out the difference between what he calls 'principle' and what he calls 'interpretation.' If, for example, *Torah min hashamayim*, as a 'principle' permits of the kind of interpretation which Louis Jacobs gives to it [An interpretation which accepts Higher Criticism, and which the London Beth Din properly considered heretical and inconsistent with Orthodoxy—S.D.], then it is a 'principle' which I can and do accept. (I would even allow the 'mechanical' (italics mine) view of Revelation as a possible and legitimate 'interpretation' of that 'principle'.) But if the 'principle' itself is meant to commit us to fundamentalism—as the London *beth din* means it to commit us—then, of course, the 'principle' itself could not be one of the foundations of a future religious unity. Again, if the centrality of Torah shebe'al peh can legitimately be understood in the way in which Zacharias Frankel understood it, it would be a suitable 'foundation.' But if the 'principle' itself is meant to commit us to the position of a Samson Raphael Hirsch [Who criticized Frankel for having essentially departed from the principle of *Torah Shebe'al Peh Min Hashamayim*—S.D.], then, obviously, it could not serve as a foundation of religious unity.

In the discussion that followed the reading of the papers Prof. Greenberg commented: "There is *nothing** in Professor Petuchowski's words that I felt could not be fully acceptable to Orthodoxy—as it will look

after going through the modern experience, and possibly even now within many circles of Orthodoxy. It is a matter of degree at that point whether a person keeps part or all of the mitzvot. I fear, however, that this agreement is a rather misleading one, because when we get down to the hard question of specifics—what we mean by Covenant, what we mean by G-d and so on—there is where the sticky points will stick."

In the subsequent discussion Dr. Michael Wyschogrod, assistant professor of philosophy at the College of the City of New York, and a member of the editorial staff of *Tradition*, remarked: "I had planned to remain silent at this meeting for the simple reason that my good friend Irving Greenberg has been expressing my own views so well, and I so deeply and profoundly agree with everything he has said."

(All the foregoing in *Judaism*, Vol. 15, No. 2, Spring 1966.)

It seemed to me that when Dr. Greenberg spoke of a Divine revelation that "may be *less** external or *mechanical*" he was associating himself with Dr. Petuchowski's rejection of "the '*mechanical*' view of Revelation." The latter denies "mechanical" revelation completely; Dr. Greenberg feels that revelation may be *less* "mechanical" that many now think. It was in this sense, it seemed, that he could say: "There is nothing in Professor Petuchowski's words that I felt could not be fully acceptable to Orthodoxy—as it will look after going through the modern experience" (presumably, after it will undertake modern Biblical scholarship).

THIS UNDERSTANDING OF DR. GREENBERG'S WORDS, ALSO seemed to clarify how Orthodoxy, by training a body of scholars in Biblical criticism, could become more relevant in America. Modern naturalistic thought—Jewish and non-Jewish—heretically rejects *Torah Min Hashamayim* as the literal, objective phenomenon of "And the Lord spoke to Mosheh," which is the very basis of Orthodox Judaism. Thus Orthodoxy cannot become relevant to modern thinking in America unless it modifies its classical, "mechanical" view of Revelation, which is too fundamentalist for modern *apikorsim* to accept.

This reading of the passage also seemed to explain several other nuances of expression.

Naturally the Torah "has elements in common with the temporal experience of the ancient Near East." Who has not heard of the Code of Hammurabi? Dr. Greenberg says: "This does not undermine our faith because"—because what? We would say: "because at the time of *Mattan Torah* G-D REVEALED to us how the temporal Semitic context was to be accepted, modified, rejected, or by-passed. Dr. Greenberg says: "because the Jewish idea of a holy life is the proper utilization of the temporal."

* Emphasis in this passage is mine—S.D.

"We need Jewish scholars who . . ."—we would conclude: "are convinced that G-d has revealed the Torah to man." Dr. Greenberg concludes: "who assume that *man* (my emphasis) can relate to G-d."

From Dr. Greenberg's words it seemed that understanding: a) "the ancient Jews;" b) "the exact point of meeting between the Divine and the temporal;" c) "how the ancient Jew utilized the temporal in a Divine manner" (for which reason his faith is not undermined); and d) "our own revelation . . . [which] may be less external or mechanical than many Jews now think," are synonymous, and that this understanding will be that fruit of a new type of Jewish Biblical scholarship. The stress seemed to be man-oriented ("the ancient Jew"). We, on the other hand, do not require an improved Jewish scholarship to "enable us to understand the exact point of meeting between the Divine and the temporal." The Semitic temporal ends and the Divine begins with the words: "And the Lord said to Mosheh—Now *these* are the *mishpatim* which you shall set before them" (*Sh'mos* 20:19-21:2).

The only other possible interpretation of Dr. Greenberg's words—that he was arguing *only* for an acceptance of the fact that G-d gave us the Torah in a Semitic temporal context—failed to take into account the above-mentioned man-oriented nuances. Moreover, the viewpoint that G-d gave us the Torah in a temporal Semitic context (Code of Hammurabi, etc.) is widely accepted even among "fundamentalists" like the present writer. Why, then, the impassioned plea for a new type of scholarship? Nor could this interpretation explain—except by tortuous reasoning—how such a viewpoint would make Orthodoxy more relevant in America. The whole tenor of Dr. Greenberg's argument seemed to be about a more basic issue.

Nevertheless, in his later clarification Dr. Greenberg wrote concerning "Revelation—and Bible Criticism" (one of the three main areas of protest and criticism of his statements, which indicates that many had understood the words as I had):

On this I specifically reject the liberal religious solution to the conflict of criticism and faith which answers that Torah is merely the product of humans 'inspired by G-d.'—But contemporary Biblical scholarship (Wellhausen has been dead now for a long time) has enriched our understanding of the meaning of Tanach—and this despite its secular, humanist bias. I anticipate an even greater enrichment when we develop our own Biblical scholarship by men who believe that G-d does communicate with man [a different stress and direction from "Jewish scholars who assume that man can relate to G-d"—S.D.] but who will not work from an apologetic or stereotyped base.—Still we cannot blink that the Torah has been placed in the setting of the ancient Near East by contemporary scholarship. My comment that Divine revelation 'may be less external or mechanical than many Jews think' [the original passage read "than many Jews *now* think"—S.D.] simply means that I believe we can legitimately move from the assertion that the Torah was given totally without reference to the actual human situation in which it was given.—In addition, I believe that we need generations of our own scholarship to explore and illuminate the entire Tanach. Nor need we block such scholarship *a priori* from encountering the theses of contemporary scholarship and evidence. There

will be time enough to evaluate whether this new scholarship will give us acceptable conclusions or even will deepen our faith. I believe that we can be disciplined enough to reject conclusions that do not meet our tests of validity when, and if, this becomes necessary."

Despite the aforementioned difficulties engendered by this clarification of Dr. Greenberg's original intent (the charge has been implied in print and heard orally that the entire clarification, on other issues as well, is so inconsonant with the plain meaning of the original passages that it constitutes more of a retraction than a clarification), we must, of course, accept the author's clarification in good faith. Yet Dr. Greenberg must accept responsibility for having used language with misleading connotations.

But even the clarifying statements are characteristically rash. To advocate a non-apologetic approach to Bible criticism, with the implied free speculation inherent in such an approach, with only the reservation that "there will be time enough to evaluate" later, and in the belief that "we can be disciplined enough to reject conclusions . . . when, and if, this becomes necessary," is to substitute non-Jewish standards of study for those of Torah Judaism. The only permissible course of study where the principles of *emunah* are involved is an *a priori* acceptance of the Divine Torah as our historically received truth, and an *a priori* rejection of *apikorsus*, for the apologetic purpose of confirming our *emunah* and refuting the *apikorsim*.*

THE CONCLUSION CANNOT BE AVOIDED that a *new trend* is asserting itself under the leadership of men who are expert in the jargon and vagaries of modern theologians like Barth, Tillich and Buber, but not in the *depths* of the Talmud and the *Rishonim* and *Acharonim*. Dr. Berkovits not only reduces the thirteen *Ikkarim* of Classical Orthodoxy to three (not even the three of Albo); he also leaves them open to the widest interpretation, so that the non-Orthodox can accept them according to their vitiating views. Professor Petuchowski pounces upon this opportunity to explain Revelation according to the notions of a Louis Jacobs, not the London Beth Din, and *Torah Shebbeal Peh* according to Zacharias Frankel, not Samson Raphael Hirsch, and Dr. Greenberg feels "there is nothing in Professor Petuchowski's words that . . . could not be fully acceptable to Orthodoxy—as it will look after going through the modern experience." And Professor Wyschogrod agrees "with his good friend Irving Greenberg . . . deeply and profoundly." In their desire to become relevant and more acceptable to the non-Orthodox intellectuals, they will become alienated from the authentically Orthodox (as they would have it, "fundamentalists").

Fundamentalists we are indeed in the original sense of the word. We hold the thirteen *Ikkarim* to be fundamental to Torah Judaism, without the self-defeating

* ספר האמונות והדעות לרב סעדיה גאון, הקדמת המחבר.

interpretations of Jacobs, Petuchowski and company. Also fundamental—Classical Orthodoxy historically has accepted instruction on *Ikkarim* only from those whose main area of study was the Talmud, in which they were the accepted experts. It is for this reason that Rambam and Ramban are decisive to Orthodox thinking. Certainly not Karl Barth and Paul Tillich, or Martin Buber. Not even Dr. Berkovits and his colleagues!

THE ASSIMILATORY PRESSURES AND THE LACK OF CLASSIC *lomdus* make it inevitable that a trend of pseudo-Orthodoxy will, sooner or later, emerge in America. When that time comes—and perhaps it has already come—we must have the moral stamina and the religious courage, despite personal considerations, to

draw the line clearly between modern *Orthodoxy* (that is, Classical Orthodoxy in modern times) and *Orthodox Modernism* (that is, modernism couched in Orthodox forms). We must speak out fearlessly against those who speak out recklessly.

The real future of Orthodoxy depends on the increasing number of the true *Bnei Torah* and their families, not on the philosophical professors or the professorial theologians. Surely a way must, and can, be found to unite all true *Bnei Torah* organizationally in a manner that overrides all other demarcations, without necessarily obliterating them. The old organizational arrangements have proved, it seems to me, inadequate. The staggering assimilatory challenge to authentic Orthodoxy must be met with constructive unity. □

N. L. Rabinovitch

It Is a Future For a Jewish Boy!

A Rabbi Explodes Some Myths About the American Rabbinate

MYTHS DIE HARD. Long after the kernel of truth which gave rise to them has evaporated they continue to influence opinions and shape attitudes. When they stand in the way of a constructive evaluation of reality, they can be downright dangerous.

American Jewry suffers the ill-effects of such a mythology. So great is its power that it poisons the minds of some of our best Torah youth, distorts their vision and destroys their initiative. It feeds on escapism and cultivates superciliousness and endangers the future of our community.

These are strong words indeed! What myths are these with might so great? You can hear their echo in every Yeshivah in America. Just mention to a *Ben Torah* the possibility of becoming a rabbi — a real honest-to-goodness rabbi, leading a congregation; not a salesman sporting a title in the phone-book and at *simchas*—and you will be greeted with a look of amazement and mystification. If your respondent suspects that you are yourself indeed a rabbi, a coloratura of pity and no small measure of contempt will come

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into his voice. If, fortunately, he is unaware what you are, a little skillful questioning will bring out the details of the mythology of the *Rabbi in America*.

It is axiomatic, almost, that the nemesis of the rabbi is the Schul president. The president twists the poor rabbi around his little finger. The rabbi is entirely at the mercy of his president. Of course, the president is an ignoramus and although rich, he is very stingy. The rabbi's paltry salary is doled out by the president as if it were a personal grant. Nobody, but nobody, is interested in Yiddishkeit and the rabbi dares not talk about any obligations imposed by Torah. There are no *she'elos*, since nobody cares enough to ask. Learning is taboo and besides, even if the rabbi wanted to study Torah on the sly he doesn't have time to spare from the Sisterhood and the Junior girls and the Brotherhood and "young-marrieds" and the fund-raising committee and the . . . *ad infinitum*.

The implications are obvious. If you want to be a *Yrai Shomayim* and a *Talmud Chochom*—and which *Ben Torah* doesn't?—spend your years in the Yeshivah learning diligently. But, shy away from studying *Shulchan Aruch*—THAT smells of the Rabbinate.

The true status symbol of Torah is learning *Kodshim*. It matters little that you don't know basic laws concerning Shabbos or family life—the genuine *Kollel'nik*

A Letter to the Editor

TO THE EDITOR: I have had the privilege of being a congregant of Rabbi Shelomoh Danziger. Thus I came to appreciate his learning, [and] cogent reasoning . . . Accordingly, I regret that he has not read my own words with the sensitivity or accuracy that I feel would do justice to them. However, nothing that I say here should obscure my appreciation for him, for his taking my words seriously and for 'defending' the tradition—even if, in this case, I think he has pegged me wrong. Moreover, I hope this exchange will start a process of dialogue and clarification which will strengthen Orthodox thinking.

MY COMMENTS on halachic process and halachic change are predicated on the same structure of *Torah She B'al Peh* that is described by Rabbi Danziger. Yet while attacking my views vigorously, he concedes, in essence, what I said. He speaks of *definition* and *application*, of the body of revealed Halocha. I quote him: "The crucial point is *definition* and *application*, not to be confused with subjective *interpretation*." But this is words: All definition and application is a form of interpretation. (What is the crucial element in a case? What is the foreground and what background? What is the salient feature found in both and what are the differences which count in deciding whether our new case is the same as the old). Rabbi Danziger completes his admission by conceding that since it is carried out by human minds "*subjectivity* may sometime enter the scene." Clearly Rabbi Danziger recognizes what I do: the operation of Halocha in history and in changing circumstances. But by rhetoric he refutes my views while in essence conceding them. Rabbi Danziger and I would probably differ on the extent of subjectivity as do the writings of, for example, Reb Yisroel Meir Alter and the Chofetz Chaim) but as he concedes, this is the prerogative of the Gedolim as long as they scrupulously avoid conscious distortion." This is all that I speak of when I say that halachic change can only take place as "the result of deliberate consideration of the Gedolim." Naturally this means that Gedolim will not distort or twist Halocha—that is why I insist that Gedolim alone can handle this matter.

If anything it is Rabbi Danziger who reduces the classic halachic tradition when he states that my definition of halachic change including "expansion, adaptation, changes in strategy, as well as re-evaluation of halachos" is not compatible with Orthodox theories. All these can be illustrated in actual halochos. I also think he obscures how much the decisions of *Chazal*

and *Rishonim* reflect the goals and value judgments which they saw in Torah. Thus 'expansion' is the entire record of *Torah She B'al Peh* (cf. the Rambam's *Hakdomoh* to *Seder Zeraim*. It is noteworthy that Rambam's *hakdomoh* uses the term *sevoroh* to describe the derivation of the expanded laws.) 'Adaptation' can be illustrated by such cases as *heter iska*, *mechiras chametz*, *prosboul*, *cherem d'Rabeinu Gershom*, the Geonic permission for the wife to force an immediate divorce (to prevent the multiplication of *mamzerim* if she is kept betwixt and between, say the *Rishonim*!)—all these keep Halocha properly functioning in changing economic or social circumstances; 'changes in strategy' can be seen in the expansion of the role of the *Bais Haknesses* and the 'active' form of prayer, particularly after the shattering tragedy of the destruction of the *Bais Hamikdash* with its more sacramental tone; 're-evaluation of halochos' is exemplified in the Geonic ruling that heirs are obligated to pay parents' debts even from *metaltalin* (movable property) although the Talmud excuses them from such payments; the changing use of imprisonment if a debtor tries to evade payment, or the question of sending away a wife after ten years of barren marriage, or the Israeli Rabbinate's attempt to give the mother priority in custody of children in a divorce. (Needless to say, these examples are chosen at random. One could compile a list of all four categories of change as long as Rabbi Danziger's article.) And all this is not to mention the extraordinary range of interpretation of the meaning, purpose and function of halochos (*taamei hamitzvos*) which has marked our tradition. Clearly, all these halochos and understandings are *not* outside of the halachic process or the classic tradition.

IT IS APPARENTLY Rabbi Danziger's contention that Halocha cannot be involved in the areas of social and political reality as they unfold in history. Here he confuses the idea that *Torah She B'al Peh* is a late innovation of the *Perushim*—which he correctly rejects—with the idea that Halocha cannot deal with later historical phenomena—which is incorrect. In today's changed world, his view would leave Halocha totally out of the major areas of human work and relationships (except the private area). It would result in Halocha as an intellectual abstraction divorced from life. The historical experience areas he claims can be covered only by *Hashkofo*. Many areas are best left to *Hashkofo* (although our leadership has done precious little in this aspect). But his theory can lead to strange results. Thus he states the demand to apply the classical ha-

halachic process to "areas of qualitative modern experience and broader thought and value issues [war, poverty, civil rights, welfare capitalism and manufacture control]—I quote him—"can consistently be made only in line with non-Orthodox theories of substantive, post-Sinaitic halachic creation." Well, everyone of these categories whose treatment Rabbi Danziger finds incompatible with Orthodox Halacha has been dealt with halachically in the tradition. In *Hilchos Melachim* (especially chapters 5-6), Rambam deals with halachic definitions of types of wars and the prescription of methods legitimate to each type of war. In *Hilchos Matnas Aneeyim* (especially chapters 7-10) he deals with poverty and society's obligations toward the poor—including that classic of anti-poverty directives: the eight degrees of charity. As for 'qualitative modern experiences,' there are halachos that regulate the type of approaches and endearments one may use to one's wife. And 'manufacture control' is exemplified in laws of *onaah* (legitimate profit margins) and the restrictions on building tanneries in a residential neighborhood. I could go on and on but the basic point is clear. The shifting social, economic and political framework of Jewish existence has brought with it, classically, halachic attempts to deal with the new conditions. The *Poskim* sought to realize the goals of the Torah and to this end the Halacha was properly, flexibly extended and directed to deal with reality. I am struck by the irony that some contemporary 'Orthodox' conceptions of Halacha have become so restrictive and over-static (as a defensive reaction to recent times attacks on Halacha) that they end up overlooking or obliterating the actual magnificent record of its history. But is it not a *reductio ad absurdum* if Hillel is made to look like Louis Finkelstein and the Rambam like Frankel and Weiss? I take my stand with the tradition in its richest and most effective way as a living force in actual history. Perhaps the best summary of my position would be: [Many Orthodox err in thinking that] "What actually is eternal, progressive development was [is] a static mechanism and the inner significance thereof as extra-mundane dream worlds." These are the words of Samson Raphael Hirsch in *The Nineteen Letters* (p. 122). In Hirsch's words, I seek to avoid being a member of the party "which bears it [Judaism] as a sacred relic, as a revered mummy, and fears to awaken its spirit" and of the party which is "filled with noble enthusiasm for the welfare of the Jews, but they look upon Judaism as a lifeless framework . . . they seek its spirit and find it not, and are in danger with all their efforts to help the Jew, of severing the last lifeline of Judaism out of sheer ignorance" (*ibid.*, pp. 126-7). Hirsch states that "these two opposing elements are alike in the one great respect, that they are both in the wrong."

RABBI DANZIGER'S treatment of my views on Revelation is, I believe, regretably polemic. He imputes Biblical

Critical views to me by two crucial misreadings of my words out of context. He quotes me as saying: "There is *nothing* [Danziger's italics] in Professor Petuchowski's words that I felt could not be fully acceptable to Orthodoxy as it will look after going through the modern experience . . ." (Rabbi Danziger quotes this sentence three times to associate me with dangerous views.) In fact, I endorsed only *one specific aspect* of Prof. Petuchowski's—his call that if men are willing to accept Halacha as the divine commandment, that we not judge their observance by quantitative criteria. To this I said:

"Here I would agree with Professor Petuchowski that, were Orthodoxy to stop measuring *Tzitzit* both *within as well as without its ranks, more people would be reconciled to the Tradition* [my italics]. There is nothing in Professor Petuchowski's words [on quantitative criteria] that I felt could not be fully acceptable to Orthodoxy—as it will look after going through the modern experience, and possibly even now within many circles of Orthodoxy. It is a matter of degree at that point whether a person keeps part or all of the mitzvot."

Even this agreement of mine does not represent surrender of any of the claims of any mitzvos but a recognition found in the tradition that, as moderns have particularly stressed, the best exhortation (and the way best calculated to raise observance) is example and personal contact rather than judgemental measurements or denunciation. Thus "after going through the modern experience," we would instinctively testify by *doing all the mitzvos* rather than by criticizing those who don't. Similarly, Rabbi Danziger implies that my words "as it [Orthodoxy] will look after going through the modern experience" mean—after we accept Bible criticism. But I *specifically defined* "going through the modern experience" in my text not as Bible Criticism, but "the renewal of the process of imbuing the contemporary experience with religious impact by applying religious values and practices to all areas of secular life." And, this includes, I said, making it crystal clear that Orthodoxy's "affirmations do not proceed from being in a cultural backwater or because Orthodoxy does not yet recognize the problems which have been raised." (*Judaism*, vol. 15, No. 2, p. 138). I sincerely believe that Rabbi Danziger's misreadings were unintentional but they vitiate much of his comments. Moreover, I believe he has a grave moral responsibility to make clear his error lest the doubts he has raised by these quotes linger.

LET ME STATE that my words on Revelation were deliberately general because I believe that we need much more scholarship if we are to speak in more than generalities. As I put it in an address at the Yeshiva University Rabbinic Alumni convention in Oct. 1965 (long before my interviews in *Commentator*) "Of course, if we are Orthodox Jews, we believe in *Torah Min Ha-*

shamayim. The real issue is, do we want to spell out what we mean by *Torah Min Hashamayim*? Are we willing to deal with the concrete problems posed by the fact that there may be a parallel in Babylonian literature to *Tanach*? But, I added, "instead of trying to deal with this honestly; instead of investing in our Yeshivot intellectually; instead of trying to invest in a Bible Department and in a student of the Bible who will be capable of carrying out a serious, concrete exposition of the problems and facing up to them, we continue to publish affirmations." I appreciate Rabbi Danziger's comment that the answer to the parallel is "because at the time of *Mattan Torah* G-d REVEALED to us how the temporal Semitic context was to be accepted, modified, rejected or bypassed." I too think this is a highly promising approach to the resolution. But to my knowledge a number of Roshei Yeshivos reject this. Indeed, it appears to me that Rav Aharon Kotler's talk to the yeshiva *mechanchim* on the *Avos*, by implication, seems to rule out his approach. (This is why I spoke as neutrally as possible in saying that Revelation "*may be*" [my italics] less external etc.) But does this mean that Rabbi Danziger is guilty of heresy?

I personally believe that we don't even have one serious full length study of what traditional thinkers thought *Torah Min Hashamayim* meant concretely throughout history. Nor do I know what modern scholarship will look like after religious scholars work through it. But we certainly need a lot of work in this area. "Who has not heard of the Code of Hammurabi" asks Rabbi Danziger and thereby implies that I must be driving at terrible heresies. If by 'heard' he means: takes it seriously into account, then the answer to Rabbi Danziger's question is: probably *not* most of the Gedolim of our time. Moreover, there are a host of other items needing scholarship, to wit; supposed contradictions in the text, city, place, names or dates which are allegedly inaccurate or anachronistic, the whole problem of the history and development of ideas, etc. There is no need to look for heresy to explain my call for such scholarship. Until we provide such scholarship, we shall be intellectually irrelevant in this area because people think that our affirmations stem from ignorance of the problems. Rabbi Danziger implies 'rashness' and use of non-Orthodox criteria in my call for non-apologetic studies. But at least one Rosh Yeshiva whom I deeply respect said in response to my interview that Orthodox students or scholars should never be exposed to Bible criticism lest they go astray. To this I replied: "Nor need we block such scholarship from encountering the thesis of contemporary scholarship and evidence." This has nothing to do with rashness or *apikorsik* assumptions in Torah study for our scholars.

LET ME CONCLUDE by saying that Rabbi Danziger and I are operating from different visions of the current

situation. He feels that the assimilation of authentic Orthodoxy is the most present danger. I feel that for all such dangers, the fact is that Orthodoxy has made its stand. Its survival is now recognized as beyond question even by groups that hailed its 'demise' only decades ago. A new situation is emerging. The shattering events of our time and the recognition of the failures of modernism have opened up exciting opportunities for authentic Judaism—if we can be worthy of our opportunity. We have proven that we can stand fast and say no to the excessive claims of modernity. People are now willing to listen to us. The question now is: can we exercise leadership; can we enter into and sanctify every aspect of life; can we reconcile to the Tradition and save masses of Jews who face assimilation and extinction unless led back constructively? We must shift gears from defensive denial and self-justification to a search for a "rich and complex understanding of the classic halachic tradition," a searching self-criticism and new media of reaching out and restating our message. Our self-criticism should stem from the recognition that if we have been ineffective with others and with ourselves it was because of the shallowness of our understanding of the Torah. We are small and fallible and the Torah is great. To this end, too, I am searching for what I would call tentatively 'continuum concepts' or 'conveyor concepts.' These are concepts which are many-layered so that they reach out and speak even to someone on the margin who understands it at his level. Then as he deepens his study, he is led—as by a conveyor—through new layers of meaning into the heart of the tradition. In short, such concepts would be paths of *teshuva* in our time. One such term is the covenant idea—which is neither tenuous nor shadowy nor a way of sidestepping *Torah Min Hashamayim*, as Rabbi Danziger implied. It is precisely the affirmation of the Torah that the infinite G-d—who is ultimately beyond our comprehension, praise, or help—nevertheless in his infinite *chesed*, chooses to enter into covenantal relationship with us (Man) who by comparison to Him are puny, imperfect often wilful. It is this miraculous fact which underlies His giving *Torah Min Hashamayim*, His commanding us and His covenant in which He too is committed. (Conceivably, He might have created the world yet not cared for it or given Revelation to it. There might have been a *Torah Min Hashamayim* in which He commanded us without committing Himself.) Once he understands the Halacha as the terms of the covenant, the religious person's observance is deepened and related to G-d in all ways. At the same time, a marginal Jew may be caught by the awareness of covenant—even in a non-Orthodox manner. As he is drawn into it, he comes to see that at least some part of the Halacha is the expression of this covenant. (This is the stage that Petuchowski and many like him have reached.) As he deepens farther, he will come to realize that, if so, *any* Halacha may be

the expression of the covenant. (One or two Reform thinkers have already conceded this.) From there, the step to the heart of Torah is clear and close . . .

MY ANALYSIS of where we stand today leads me to look for a language and terminology that is *mekarev recho-kim* even as its depths and meaning would enrich those deepest in the tradition. Rabbi Danziger seems to insist on a language which would be *merachek even kerovim*. This is his privilege but I do not think that he can exclude not only those who disagree with his content but even those who would put things in their language rather than his.

I CAN NOT REPLY to Rabbi Danziger's views on separatism or his implied attitude toward other Jews. I could not do justice to my alternative in the space of a letter. He is entitled to his view which calls for the path of self-enclosure and erection of maximum fences. I believe it is no less authentic to go with the path of seeking maximum closeness and inclusiveness toward the rest of Israel. When G-d offered *Moshe Rabeinu* a way whereby the Torah would be preserved through Moshe while the rest of sinful Israel would be consigned to extinction, Moshe rejected this. He went so far as to say: blot *me* out from your book but save Israel. In effect, Rabbi Danziger is saying that the same offer is being made to us—but he believes we should accept it with relish. Indeed, he seeks to prevent any solution other than this.

Finally, Rabbi Danziger speaks of Orthodox Modernists. Here is where he really fails to read me. The modernist assumes that modern culture is normative and that Torah must be cut to its measure. I reject this and am a severe critic of modern culture (and of aspects of 'Modern Orthodoxy'—a term which I detest). I do not believe, however, that Eastern Europe had the full range of the tradition. And I do believe that there are aspects of our classic tradition which we have neglected, underutilized or even trampled, which certain valid insights of modern culture recall us to or even open up prospects of deepening. The current situation offers new media and opportunities for the flowering of Torah and an expansion of its influence unprecedented in history. It is not a question of dilution or selling out but of enriching our understanding of the tradition and recovering its full range. And, as I said in the Symposium on Religious Unity: we must go through the modern experience. This means, I said:

I am not speaking of *Kulot*, or of dismantling the law. Still less am I calling for uncritical acceptance of the categories of modern thought. If anything there is a need for more *mitzvot*. There is a need for the renewal of the process of imbuing the contemporary experience with religious import by applying religious values and practices to all areas of secular life. But this can only be done when Ortho-

doxy works through, in depth, the modern experience so that it speaks to this generation and in it. There is not a single affirmation or mitzva that it must *a priori* surrender. [This is contra Mordecai Kaplan who claims that the modern temper and naturalistic categories rule out a Personal G-d or *ata bechartanu* etc.] If men remain open and ready to hear, the voice of G-d may speak from anywhere. But it must be crystal clear that such affirmations do not proceed from being in a cultural backwater or because Orthodoxy does not yet recognize the problems which have been raised. (*Judaism*, op. cit., p. 138)

I believe that the influence of Torah and the Yeshiva world (and their religious effectiveness) will be multiplied a hundred-fold when we master our fears and face up to the problems and challenges we are encountering—and it should be done in a spirit of humility and *Ahavas Yisroel*. Nor are the sources for this approach to be found in "Karl Barth and Paul Tillich or Martin Buber." If I may say so, I have read very little of Karl Barth and Paul Tillich and only a moderate amount of Buber. The major influences on my thought in addition to the classic sources of Tanach, Talmud and Halocha were Reb Yisroel Salanter (and some of his 3rd-generation disciples): Rav Kuk and *yibadel lichayim*, Rav J. B. Soloveichick. (Needless to say, none of these men is to be held responsible for my interpretations or errors—if such they are). Here Rabbi Danziger's appeal to labels is misplaced and hardly compatible with his expressed agreement that "ideas should be judged on their merits rather than by their labels." I think the key is a willingness *lekabayl es ha-emes mi-mi she-amro*. We should seek not to proscribe or to semantically refute but to try to make ourselves worthy of being the *merkavah* for the *Ribbono Shel Olam* in our time.

DR. IRVING GREENBERG

Author's Reply

RABBI DANZIGER REPLIES: Dr. Greenberg has referred to my relationship with him. Let me, therefore, similarly express at this point my appreciation of his *middos tovot* and his humility, which mark all his personal dealings. I also appreciate his wide reading and his sincerity in promoting a program of renewal for Judaism, a program which he considers beneficial. An extended exchange such as ours almost inexorably engenders overtones of sharpness regarding, not only the divergent views, but also the persons representing these views. Let me hasten to reassure Dr. Greenberg, as I have already done verbally, that I understand the inevitability of such overtones in his letter. I hope that

The Jewish Observer / December, 1966

he too will understand my present remarks the same way. For, indeed, we do not want men of Dr. Greenberg's stature to become alienated from the mainstream of Orthodox tradition. *We want him with us, not against us.*

Yet, many of us are alarmed by his radical proposals, which, if unchecked, would incline toward non-Orthodox concepts and practices. Despite his humility *bein adam lachavero* and his acknowledgement of the role of our Gedolim, he has on many occasions and in many places assumed the role of making radical pronouncements on fundamental matters of *emunah* and practice. Therefore, my article was, let it be remembered, not an offensive attack, but rather a *defensive response* to his initiative, to his pronouncements.

WITH REGARD to Dr. Greenberg's letter, I regret to say that it changes very little. The clarification of issues must be based upon precision of language and logical argument; it will not result from homiletic or rhetorical approaches.

For example, the crux of the issue between us concerning the nature of *Torah She B'al Peh* and its application in successive generations is contained in my sentence, which Dr. Greenberg quotes: "The crucial point is conscientious *definition and application*, not to be confused with subjective interpretation." (In quoting me, Dr. Greenberg omitted the word "conscientious.") Dr. Greenberg says: "But this is words. All definition and application is a form of interpretation." Obviously, then, Dr. Greenberg refuses to see the difference, which is really fundamental.

Webster's Third New International Dictionary defines INTERPRET as:

1. To explain or tell the meaning of.
2. To understand and appreciate in the light of individual belief, judgment, interest, or circumstance.

There is a great difference between these two definitions. To give an example from American Constitutional Law, the first definition is that of strict construction. The strict constructionist wants only "to explain or tell the meaning of" the Constitution according to the objective definition of its legal categories. The loose constructionist, on the other hand, wants to understand the Constitution *in the light of the best interest of the nation in its changed circumstances*. The legal *text* of the Constitution becomes almost a *pretext* for new legislation.

The more candid of our experts admit that the law is not interpreted in sense 1 of Webster's International Dictionary, but rather in sense 2, in the light of the interest and circumstance of the nation. They see nothing wrong in this, because constitutional law is not sacred; it is merely a useful instrument in the service of society.

In the words of one writer, the Constitution "is of secondary importance; it is the instrument employed in the process. As a result, the Supreme Court assumes a legislative function." Or as another has written, "The life of the law . . . is not logic, but experience. Constitutional law is not a matter for categories." This is in contrast to those who view the Constitution as "received law . . . fundamental, absolute, and immutable."

But *G-d's revealed Written-Oral Torah* in all its halachic detail is obviously a different matter entirely. It must be defined and applied *objectively* and strictly, according to the *rigorous logic of legal categories*, for it is the *received law* of G-d—sacred, fundamental, absolute and immutable. There is no room here for loose, bold, subjective interpretation in the light of best interests and circumstances. This must be consciously and conscientiously and rigorously avoided. Only when there enters into the decisions some element of *unconscious* subjectivity on the part of the human Torah authorities, *despite their most conscientious efforts to avoid such subjectivity*, only then does the Torah tolerate such human imperfection.

In equating the concepts 'definition' and 'interpretation,' Dr. Greenberg opens the door to the *deliberate* injection of human elements and, in effect, permits legislation by interpretation—something completely contrary to Torah. (Naturally, the foregoing does not apply to the rabbinical *gezeros* and *takanos* which the Torah authorized. In *certain areas* and *according to certain rules* those who are invested with the required authority can decree *gezeros* and *takanos* in accordance with the circumstances of successive generations. These devices are limited by the Torah in scope to only certain areas. They are also limited to certain rules of application. In all the foregoing discussion, the insistence on the objective definition and application of legal categories refers, not to the issuance of *gezeros* and *takanos*, but to the definition and application of the main corpus of the revealed Halacha—the revealed law.)

Of course, to an *apikoros* like Isaac Hirsch Weiss: "Tradition [i.e., Halachah—s.d.] is . . . the history of interpretation of the Scriptures, which [interpretation] was constantly liable to variation, not on grounds of philology, but through the subjective notions of successive generations regarding religion and the method and scope of its application" (*Studies in Judaism* by Solomon Schechter, First Series, p. 183). Weiss could accept loose subjective interpretation, because he denied Sinaitic revelation of the legal categories of the received Halacha in the first place. To quote Schechter again: "Weiss does not consider even the Halachah as having come down from heaven, ready-made, and definitely fixed for all time" (*ibid.*) This is what I meant when I wrote that Dr. Greenberg's demand for "a thorough re-examination of the *Shulchan Oruch*" and "expansion, adaptation, changes in strategy, as well as re-evaluation of halachos" can be urged only on the premise of a

non-Orthodox conception of *Torah She B'al Peh* (Frankel, Weiss and Schechter), a premise which ignores the need for strict interpretation, for objective definition and application of the received legal categories.

But Dr. Greenberg chooses to ignore all this. Instead he stresses "how much the decisions of *Chazal* and *Rishonim* reflect the goals and value judgments which they saw in Torah." He notes that "Rambam's *hakdama* uses the term *sevorah* to describe the derivation of the expanded laws," and he cites this as support of flexible 'expansion' of halocha. But the Rambam is very clear about the kind of *sevorah* he means. To quote: "You will find in the whole of Talmud that they investigate the sense of the *sevorah* which is the cause of the *machalokes*, and they say: *bemai kamiflege* (what is the legal logic behind the disagreement) or *mai taama deRabbi Peloni* (what is the legal reasoning of Rabbi So-and-So) . . ." Every student of the Talmud knows from innumerable examples what is meant by this. It is the *sevorah* of strict, objective definition of the halachic category according to the rigorously legal logic found throughout the Talmud, the *Rishonim*, or the precise definitions of Reb Chaim Brisker. Larger goals and value judgments do not enter the process of rigorous analysis of legal categories. Neither do *Taamei Hamitzvos*; even though they certainly are not outside the classic tradition, they too are not relevant to the halachic process of legal definition and application. Goals and values emerge automatically from the halochos themselves after the rigorously objective process has been completed. In any case, the halachic opinion stands or falls on the basis of that objective process of legal analysis.

Now Dr. Greenberg is certainly not advocating *this* as 'expansion' of Halocha. Why would he advocate with such fanfare what has always been done and is still being done? The seriousness of the issue requires that we at least be *candid*.

TO ILLUSTRATE 'adaptation' Dr. Greenberg cites the well-known examples: "*heter iska, mechiras chametz, prosboul, cherem d'Rabeinu Gershom*, the Geonic permission for the wife to force an immediate divorce (to prevent the multiplication of *mamzerim* if the wife is kept betwixt and between)"—an incongruous combination of irrelevancies!

Heter iska and *mechiras chametz* are merely applications of advantageous aspects of the objective legal categories. Only the uninitiated non-Talmudists consider these to be subjective, loose 'adaptations.'

Prosboul and *cherem d'Rabeinu Gershom* are rabbinical *takanos*. No one opposes the right of the proper authorities to issue *gezeros* and *takanos* within their limited scope and according to their rules of application, as we have explained from the outset. But adaptation of the received Halocha by subjective, loose interpretation in areas of Halocha where *gezeros* and *takanos*

cannot be issued is non-Orthodox, as we have already explained at length.

The power to force a man to give a *get* for reasons considered adequate by *Beis Din* was always, according to the objective Halocha, a prerogative of *Beis Din*.

The remaining examples cited by Dr. Greenberg are *takanos deRabbanan*, and therefore irrelevant, as already explained. One could indeed compile a long list of such irrelevancies.

WHAT ABOUT the application of Halocha to major contemporary issues? *Hilchos Melochim* (chapters 5-6) does indeed deal with halachic definitions of types of wars and the methods legitimate to each type. *Hilchos Matonos Aniyim* does indeed deal with obligations toward the poor. Does Dr. Greenberg really believe that I am unaware of the fact that we have halochos dealing with war, obligations toward the poor and legitimate profits (*onaah*)? What I wrote was: "The legalistic application of the revealed Halochos to the specific cases of successive generations is in the main a judicial, not a legislative, function [i.e., objective definition and application of the received legal categories, not loose interpretation of "expansion, adaptation, changes in strategy, as well as re-evaluation of halochos" in order to legislate what does not follow from the objective definition and application of the received halachic categories—s.d.]. . . . Dr. Greenberg's demand to apply the classical process to . . . broader thought and value issues [war, poverty, civil rights, welfare capitalism and manufacture control] . . . can consistently be made only in line with the non-Orthodox theories of substantive, post-Sinaitic halachic creation." Why? Because the classical process of objective definition and application of the received halachic categories of *Hilchos Melochim* will not yield even one halocha concerning Vietnam. We will find halachic guidance on the topic of *our obligations* to the country in which we live; when we are called upon to further its safety and well-being. But, as for the war itself, Halocha is silent, as it deals exclusively with wars waged by Yisroel (upon authorization by the Sanhedrin of seventy-one). Only loose, legislative, subjective interpretation can create from this legal category any halochos concerning Vietnam. This is non-Orthodox, substantive, post-Sinaitic creation of new halachic categories. Of course, we may be guided in Vietnam by the spirit of *Hilchos Melochim*. But this is Hashkofa not Halocha. The same is true of civil rights, welfare capitalism, etc. It is not the Rambam who looks "like Frankel and Weiss," it is Dr. Greenberg!

In all the foregoing, we have not even touched on the fact that the received Halocha, as laid down in the Talmud, is vested with a fixed canonical authority, (and to a somewhat lesser degree in the *Shulchan Aruch*) which rules out "re-evaluation of halochos" even through objective legalistic interpretation. Objec-

The Jewish Observer / December, 1966

tive interpretation, since the conclusion of the Talmud, must be limited to the *application*, not the re-evaluation, of the received canonical Halochos. Only in non-canonical areas can there be re-evaluation of earlier decisions—and, of course, even then only through objective legal methods.

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IS THIS CONCEPTION of Halocha what Rabbi S. R. Hirsch criticized as a static, mechanical approach? The quotation from Rabbi Samson Raphael Hirsch's *Nineteen Letters* has obviously been completely misunderstood by Dr. Greenberg, or else wrested out of context. Rabbi Hirsch complains that "a form of learning came into existence" [i.e., Kabola] which should have been understood in terms of "eternal progressive development." Instead it was construed as "a static mechanism and the inner significance thereof as extramundane dream worlds." Rabbi Hirsch was not complaining, as Dr. Greenberg does, about the lack of progressive development in *Halocha*. In all the vast writings of Hirsch—the great reviver of Judaism's spirit in relation to modern, cultured man—there is not a word to suggest the need to develop Halocha in conformity with modern notions. His complaint was only that the same received halocha of old was practiced by the Torah-True as a "mechanical habit, devoid of spirit," and borne by them "as a sacred relic, as a revered mummy, and [with] fear to awaken its spirit." Of the leaders of Reform, who *did* demand halachic change, Hirsch writes that they "are partly filled with noble enthusiasm for the welfare of the Jews, but they look upon Judaism as a lifeless framework [of Halocha] . . . and are in danger, with all their efforts to help the Jew, of severing the last life-nerve of Judaism out of sheer ignorance." Dr. Greenberg says he seeks to avoid being a member of this party. Yet reluctantly I must say that Hirsch's description actually fits Dr. Greenberg. He *is* filled with noble enthusiasm, but he *is* endangering Orthodox Judaism. His approach to Halocha, in effect, subverts it from within. I am forced to agree with the Israeli periodical *Shearim* (26 Av 5726), which reported Dr. Greenberg's pronouncements in Israel under the caption: REFORM IN ORTHODOX GARB.

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REGARDING THE NATURE of Revelation, I am more than pleased to accept Dr. Greenberg's statement that any imputation of Bible Critical views to him represents a misinterpretation of his words. As a matter of fact, I made it clear in my article that "we must, of course, accept the author's clarification [i.e., Dr. Greenberg's disclaimer of Critical views] in good faith." In response to his demand that I dispel any lingering doubts about his views, I hereby reiterate gladly what I wrote in my article, that I accept his statement that the inference of Critical views represents a wrong interpretation of his words. However, I must also reiterate the statement

of my article that "Dr. Greenberg must accept responsibility for having used language with misleading connotations."

How is one to know that the words "There is nothing in Professor Petuchowski's words that I felt could not be fully acceptable to Orthodoxy—as it will look after going through the modern experience" refer only to the one specific paragraph of Petuchowski's that we not judge observance by quantitative criteria ("measuring Tzitzit")? And how is one to understand the very next passage which concludes: "I fear, however, that this agreement is a rather misleading one, because when we get down to the hard question of specifics—what we mean by Covenant, what we mean by G-d and so on—there is where the sticky points will stick"? Does this not conote that the agreement with Petuchowski was related, not only to quantitative criteria of *observance*, but also to fundamentals of *emunah*? Was there not a striking parallel between Dr. Greenberg's use of the expression that Divine Revelation may be "less external or *mechanical* (italics mine) than many Jews now think" and Petuchowski's disdain for "the *mechanical* (italics mine) view of Revelation"? Again I publicly and joyfully accept Dr. Greenberg's clarification; but *his* is the responsibility for the misleading connotation.

In fact, in reacting to Dr. Greenberg's utterances, even where we agree with them as he later clarified them, we cannot be guided by what he *meant*, but only by what he *wrote*. Even though *he* did not mean what the words conveyed, too many others unfortunately understood them that way, seeing in them assent to views totally opposed to Torah. For that reason we must point out the unacceptability of such views, even while gladly noting that Dr. Greenberg himself does not share them.

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DR. GREENBERG WOULD have us establish Bible departments in our yeshivos in which the *apikorsus* of Bible Criticism would be encountered by our *talmidim*. He wants us to deal with the challenge of Bible Criticism. Refuting the *apikorsim* and exposing their fallacies is indeed part of our tradition. Dr. Greenberg has himself read several of my own monographs containing refutations of Bible Critical arguments in connection with a number of Scriptural passages involving some of the items he has enumerated. Hence he knows that I accept *in principle* that Bible Criticism should be refuted by Orthodox scholars. The anti-Critical work of Gedolim like R. David Hoffmann, R. Isaac Halevi and R. Chaim Heller—*zichronam liverocha*—was appreciated by all our Gedolim as *melech Hashem*. But I remind Dr. Greenberg that refutation of *apikorsim* has traditionally been the work of *individual* scholars, whose works are available to all—Orthodox or non-Orthodox—who have a special interest in the matter. However, to subject our *talmidei hayeshivos* as a matter of routine to the systematic poison of Bible Criticism, or any other

apikorsus, is strategically unsound and dangerous.

In other words, those who have been exposed to poison need to be provided with the antidote. It would be folly, however, to systematically feed poison to the majority of our healthy *talmidim*. Some might even die before the antidote did its work. Others might never be restored to full health. Moreover, as I once heard Prof. Elizur of the Hebrew University comment. "If we would take the time to refute *all* the Critical nonsense that is printed almost daily by so-called scholars, we would have time for nothing else." As Rav Breuer once characterized the attitude of the Hirschian school: "G-d's Torah is not on trial."

* * *

DO I WANT to exclude "those who would put things in their language" rather than mine?—certainly not. But "their language" ("conveyor concepts") must not imply a diminution of Torah. To communicate implied falsifications of Torah to the *rechokim*, those far from us, is worse than no communication. Dr. Greenberg was asked about "the essential element in Jewish theology," and he answered: "The covenant idea." Naturally, the Divine Covenant in the context of *Torah Min Hashomayim* is "neither tenuous nor shadowy." But covenant without *Torah Min Hashomayim* is indeed tenuous and shadowy. Nor for one moment did I assume that Dr. Greenberg personally was using the 'covenant idea' to sidestep *Torah Min Hashomayim*. But he *did* use it to sidestep the implication of *Torah Min Hashomayim* to the *rechokim*. He himself conceded this. This, in my view, is unacceptable communication, because the Torah message is diminished by implication. Be it remembered, moreover, that his answer was addressed, not to COMMENTARY, but to COMMENTATOR, the newspaper of Yeshiva College, read by young talmudic students whose religious concepts are still being modified as they grow into mature Jews. "Conveyor ideas" is a two-way system. They also convey implications to the *kerovim* (those close to us). Dr. Greenberg does not subscribe to the implied dilutions. But he knows that these dilutions *are* being bandied about in many circles today (witness COMMENTARY's recent symposium on Jewish Belief). His "conveyor ideas" have the effect of granting legitimacy to these dilutions.

THE SEPARATISM I ADVOCATED was not one of "erection of maximum fences," as Dr. Greenberg charges. I called it "non-integrated adaptation," and presented it as a carefully considered alternative to maximum isolation. In view of the rampant assimilation of our day, it deserves more serious treatment than Dr. Greenberg's derisive—and incorrect—analogy from Moshe Rabeinu. The separation I invoked was *not* against my fellow-Jews, but against contemporary society at large, because of its assimilatory dangers. This is clear from the context of my remarks. We must, of course, draw close

our fellow-Jews by exemplary Torah living—*bein adam la-Makom* and *bein adam la-chavero*—by friendship, and by exposition of undiluted Torah views. The Greenbergs do not have a monopoly either on 'humility' or on *Ahavas Yisroel*. In my view, however certain stipulations must be met in our endeavors to be *mekarev rechokim*. The effort must be made from a stance which does not imply any diminution of the *kovod* of Hashem's Torah as the only absolute truth and the noblest program for human living. This rules out any dialogue out of mutual respect for each other's religious views. Also the character of the *kehilla* must be Orthodox, and its *leadership*, but *not membership*, must be limited to the Orthodox. Moreover, we can draw close only to the misguided laymen, not to the leaders who are the very propagators of anti-Torah doctrines.

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DR. GREENBERG counts R. Yisroel Salanter and Rav Kook among his major influences. They never spoke of halachic liberalization in their efforts to be *mekarev rechokim*. R. Yisroel was opposed to the *Orthodox (yereim)* seminaries of Germany because, in his view, they produced rabbis who tended "to be lenient in the views of the *Achronim*." He opposed the formation of a rabbinical seminary in Vilna because he did not believe that a modernized curriculum could possibly produce "great Talmudists, men of piety, and solid faith." (For both citations see *Tenuas Hammusar*, Vol. 1, pp. 164, 167). Rav Kook's responsa were not different in kind or degree from those of other *Poskim*. His attitude toward the American Conservative movement was adamant. Rav Kook's son, the present Rosh Yeshiva of *Merkaz Harav*, recently caused an uproar because of his 'extreme' position in opposing the lecturing of Cecil Roth in the Bar Ilan University because the latter included Bible Critical views in his books. This was not a departure from his great father's kind of *Ahavas Yisroel*.

As for the influence of Rav J. B. Soloveichick, it is a curious fact that his truly devoted *talmidim*, those who strain their minds to grasp the rigorous definitions of objective halachic categories that are the glory of Brisk, are the ones in Yeshiva University who most vigorously oppose Dr. Greenberg's program.

IN CONCLUSION, I ENVY Dr. Greenberg his exalted goal of becoming worthy "of being the *merkova* for the *Ribono Shel Olom* in our time." I know that I too should aspire to become like Avraham, Yitzchak and Yaakov, who did indeed reach this exalted *madreiga*. Realistically, however, I will have to content myself with the more humble aspiration of being one of His lesser servants. Dr. Greenberg's *merkova* attitude goes far to explain his 'broad shoulders' in espousing revolutionary changes in Orthodox Judaism. □

The Jewish Observer / December, 1966