

Unit 1

'Torah U'mada

✓ 'Torah Im Derech Eretz'

Davar Gadol Davar Katan

Application of Torah Umada in Jewish and Secular Studies

Judaism's Encounter *with* Other Cultures

REJECTION OR INTEGRATION?

edited by

JACOB J. SCHACTER



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Rabbinic Openness to General Culture in the Early Modern Period in Western and Central Europe

Shnayer Z. Leiman

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Before assuming his new post in Frankfurt, Hirsch issued his last circular to the Jewish communities in Moravia. It read in part:

Neither should you lend your ears to those who alienate themselves from life and science, believing that Judaism must fear them as its worst enemies. They are mistaken in believing that Judaism and all that is holy to it can only be saved by shutting off the sanctuary of Israel within its four walls and by locking the door against any gust of the fresh wind of life, or any beam of the light of science. Listen only to the voice of our Sages (who said): If there is no Torah there is no *derech erec*, and if there is no *derech erec*, there is no Torah.¹¹⁴

So central was the theme of *Torah and derech erec* in Hirsch's *Yfkelehandlung* that it was embedded in the foundation stone of his synagogue. The text of the scroll buried in the foundation stone read:

May we merit to raise up together our sons and daughters to *Torah and derech erec*, as we were instructed by the founding fathers of our nation, the true sages.¹¹⁵

Similarly, emblazoned in gold letters on the banner of the Jewish day school founded by Hirsch was the phrase: *yefeh yelmuud torah 'im derech erec*.¹¹⁶

In his writings from the Frankfurt period, Hirsch would address the issue of the relationship between Torah and general culture again and again. Well aware that the phrase *Torah and derech erec* lent itself to misinterpretation—some Jews would equate the terms *Torah and derech erec*; others would make Torah subservient to *Derech Erec*—Hirsch attempted to nip these misinterpretations in the bud. We allow Hirsch to speak for himself:

We hereby declare before heaven and earth that if our religion indeed required us to renounce that which men call civilization and culture, we would be ready to do so without hesitation, precisely because we truly regard our religion as religion, because it is to us the Word of God in which all other considerations must defer. . . .

But is this really necessary? Judaism was never alien to genuine civilization and culture. In almost every era, its followers stood at the very heights of the culture of their day; indeed, they often outstripped their contemporaries in this respect. If, in recent centuries, the German Jews remained more or less alien to European culture, the fault lay not in their religion but in the coercion, the tyranny from the outside that forcibly

114. See Mordecai Breuer, "Torah and Derech Erec" According to the Teaching of R. Samuel Raphael Hirsch" (Hebrew), *Ha-Me'aseh* 9:1 (1969): 1–16, 9:2 (1969): 10–29. Cf. the English version, Mordecai Breuer, *The "Torah-im-Derech-Erec" of Samuel Raphael Hirsch* (Jerusalem, 1970), 47.

115. Breuer, "Torah and Derech Erec," 9.

116. Breuer, "Torah and Derech Erec," 9. Cf. Hermann Schwab, *The History of Orthodox Jewry in Germany* (London, 1950), 43.

confined them to the alleys of their ghettos and shut them off from communication with the outside world. . . .

If, then, our own objectives, too, include the earnest promotion of civilization and culture, if we have expressed this objective in unambiguous terms in the motto of our *Religionsgesellschaft*, "Torah study combined with *derech erec* is a good thing," thus merely building upon the same foundations as those set as standards by our Sages of old, what is that separates us from the followers of "Religion Allied with Progress?"

Just this. What *they* want is *religion allied with progress*. We have already seen how this principle, from the outset, negates the truth of what they call religion. What we want is *progress allied with religion*.

To them, progress is the absolute on which religion is dependent. To us, religion is the absolute on which progress depends.

They accept religion only to the extent that it does not interfere with progress. We accept progress only to the extent that it does not interfere with religion. . . .

The more we understand that Judaism reckons with all of man's endeavors, and the more its declared mission includes the salvation of all mankind, the less can its views be confined to the four cubits of one room or one dwelling. The more the Jew is a Jew, the more universalist will be his views and aspirations, the less alien will he be to anything that is noble and good, true and upright in the arts and sciences, in civilization and culture. The more the Jew is a Jew, the more joyously will he hail everything that will shape human life so as to promote truth, right, peace and refinement among mankind, the more happily will he himself embrace every opportunity to prove his mission as a Jew on new, still untrodden grounds. The more the Jew is a Jew, the more gladly will he give himself to all that is true progress in civilization and culture—provided that in this new circumstance he will not only maintain his Judaism but will be able to bring it to ever more glorious fulfillment.¹¹⁷

The merciful Father of mankind has, in our days, stirred up the spirit of righteousness and humanity in the world, a spirit that has opened the gates of the ghettos and introduced the sons of authentic Judaism into the sphere of European civilization as equal citizens. Could the Jew, under these conditions, find a loftier task than to preserve his ancestral heritage beneath the light of justice and religious freedom, even as he did during the centuries of darkness and under the oppression he suffered in a world of error and delusion? Can the Jew not absorb everything in European culture that is noble and good, godly and true, everything that accords with the teachings of his own ancestral faith? For is not European culture itself, in all its finer and nobler aspects, a daughter of that Divine heritage which the Jew himself has introduced among mankind? Now that his energies have been liberated and he has been given freedom of movement, can he not utilize these opportunities to activate all the lofty, sacred, godly, true, noble and good qualities of his own historical, eternal Judaism with even more zeal and devotion? Can he not bring these qualities out into the light of the larger world, so that the Jews, as Jews, may compete with all their neighbors of European humanity in working to promote the happiness and salvation of all mankind?¹¹⁸

117. Hirsch, *The Collected Writings* (New York, 1900), VI, 120–23.

118. Hirsch, *The Collected Writings*, VI, 21–22.

school joined in the commemoration of the one hundredth birthday of Friedrich von Schiller, the distinguished German dramatist, poet, and historian. Aside from the school's participation at a public ceremony in Frankfurt, where the school's banner with its *Torah and derech eretz* insignia was unfurled and displayed for all to see, Hirsch convened an assembly in his school. As headmaster, he delivered a stirring address filled with quotes from Schiller's poetry, which paid homage to this German cultural hero, while pointing to parallels to Schiller's teaching in biblical and rabbinic literature.¹³¹

While serving as Chief Rabbi of Oldenburg, Hirsch provided quarters in his home for a budding young scholar—later the famed historian—Heinrich Graetz. The nineteen-year-old Graetz was in the throes of a spiritual crisis when Hirsch's *Nineteen Letters* appeared in print. Upon reading the book, Graetz petitioned Hirsch to serve as his mentor and tutor, and Hirsch agreed. In his diary, Graetz recorded the curriculum that Hirsch had prepared for him.¹³²

4–6 A.M.	Talmud; <i>Shulhan 'Arukh</i>
6–8 A.M.	Prayer and breakfast
8–10 A.M.	Talmud
10–12 A.M.	Greek
1–3 P.M.	History, Latin, Physics
3–5 P.M.	Mathematics, Geography
6–8 P.M.	Bible, <i>Halkhah</i>

Here was an early adumbration of the curriculum that Hirsch would implement in his schools.

Clearly, Hirsch's greatest success came in the day school and later the two high schools—one for boys and one for girls—that he founded in Frankfurt.¹³³ Here he moved beyond Bernays and Eitlinger by founding the first Orthodox Jewish high schools. These would serve as models for all the Orthodox Jewish high schools that would follow elsewhere in Germany and Western Europe, and ultimately in the United States and Israel.

No rabbinic leader articulated the need to incorporate secular study into the Jewish curriculum more forcefully and boldly than Samson Raphael Hirsch:

Who among us did not know Me Y., that wonderful man who was so thoroughly imbued with the true Jewish spirit, with Jewish learning, Jewish punctiliousness and Jewish religious fervor? His home was a well-known shining example of a pious Jewish abode in which the Torah was studied and the commandments were practiced so that it stood out like an oasis in the wilderness of present-day moral and spiritual corruption. Anything

that bore even the faintest tinge of un-Jewish thought or un-Jewish belief was kept far away from the threshold of that home. Is there anyone who does not remember this father as one of the outstanding and devoted champions of tradition in Jewish communal life, how he fought against all forbidden innovations at the synagogue and at our school, and saw to it that the religious institutions of our community should remain painstakingly faithful to the requirements of Jewish law? He regarded ignorance of things Jewish as the greatest of all evils. He viewed so-called modern education as the worst threat to Jewish survival because he felt it would supplant Jewish learning. Me Y. therefore regarded it as a sacred matter of conscience not only to get his sons to perform the duties of Judaism most scrupulously but also to make them competent Torah Jews by seeing to it that the sacred writings of Judaism should remain virtually their only intellectual and spiritual nourishment. Moreover, in order to protect them from the poison of modern education, he not only anxiously isolated them from every contact with the "moderns" but filled them with arrogant contempt for all other knowledge and scholarship that he deemed as nothing compared to the study of the knowledge given us by God.

It is said that this man died of a broken heart, grief-stricken because not even one of his sons remained Jewish in feeling and practice. All of them, as youths and later in manhood, had been spiritually ruined by the very tendencies from which he had so zealously sought to protect them in their education. Anyone who knew this man and knows his sons today will see no reason to doubt the truth of this tragedy.

But anyone who would have evaluated his father's educational approach by the standard of *Torah a lad in accordance with the path he will have to follow* (Proverbs 22:6), our standard of education, could have predicted these sad results from the outset. The best way to have our children catch cold the very first time they go out of doors is to shelter them most anxiously from every breeze, from every contact with fresh air. If we want our children to develop a resistance to every kind of weather, so that wind and rain will only serve to make them stronger and healthier, we must expose them to wind and rain at an early age in order to harden their bodies. This rule holds good not only for a child's physical health but equally for his spiritual and moral well-being.

It is not enough to teach our children to love and perform their duties as Jews within the home and the family, among carefully chosen, like-minded companions. It is wrong to keep them ignorant of the present-day differences between the world outside and the Jewish way of life, or to teach them to regard the un-Jewish elements in the Jewish world as polluting, infectious agents to be avoided at all costs.

Remember that our children will not remain forever under the sheltering wings of our parental care. Sooner or later they will inevitably have contacts and associations with their un-Jewish brethren in the Jewish world. If, in this alien environment, they are to remain true to the traditions and the way of life in which they were raised at the home of their parents; if we want them to continue to perform their duties as Jews with calm, unchanging determination, regardless of the dangerous influences and, even more dangerous, the ridicule and derision they may encounter; indeed, if the contrast they note between their own way of life and that of the others will only make them love and practice their sacred Jewish heritage with even greater enthusiasm than before, then we must prepare them at an early age to meet this conflict and to pass this test. We must train them to preserve their Jewish views and to persevere in their Jewish way of life precisely when they associate with individuals whose attitude and way of life are un-Jewish. We

131. See Herman Schwab, *Memoirs of Frankfurt* (London, 1955), 9.

132. Heinrich Graetz, *Tagebuch und Briefe* (Tübingen, 1977), 47–48.

133. See the references cited in n. 129.

must train our children, by diligent practice, to be able to stand up against ridicule and wisecracks. We must train them so that they may be able to draw upon the deep wellsprings of Jewish awareness and upon their own sound judgment based on true Jewish knowledge in order to obtain the armor of determination and, if need be, the naked weapons of truth and clarity, from which frivolity and shallowness will beat a hasty retreat.

Finally, it would be most perverse and criminal of us to seek to inattentively turn our children a contempt, based on ignorance and untruth, for everything that is not specifically Jewish, for all other human arts and sciences, in the belief that by inculcating our children with such a negative attitude we could safeguard them from contacts with the scholarly and scientific endeavors of the rest of mankind. It is true, of course, that the results of secular research and study will not always coincide with the truths of Judaism, for the simple reason that they do not proceed from the axiomatic premises of Jewish truth. But the reality is that our children will move in circles influenced and shaped by these results. Your children will come within the radius of this secular human wisdom, whether it be in the lecture halls of academies or in the pages of literature. And if they discover that our own Sages, whose teachings embody the truth, have taught us that it is God Who has given of His own wisdom to mortals, they will come to overrate secular studies in the same measure in which they have been taught to despise them. You will then see that your simpliminded calculations were just as criminal as they were perverse. Criminal, because they enlisted the help of untruth supposedly in order to protect the truth, and because you have thus departed from the path upon which your own Sages have preceded you and beckoned you to follow them. Perverse, because by so doing you have achieved precisely the opposite of what you wanted to accomplish. For now your child, suspecting you of either deceit or lamentable ignorance, will transfer the blame and the disgrace that should rightly be placed only upon you and your conduct to all the Jewish wisdom and knowledge; all the Jewish education and training which he received under your guidance. Your child will consequently begin to doubt all of Judaism which (so, at least, it must seem to him from your betrayal) can exist only in the night and darkness of ignorance and which must close its eyes and the minds of its adherents to the light of all knowledge if it is not to perish.

Things would have turned out differently if you had educated and raised your child in accordance with the path he will have to follow; if you had educated him to be a Jew, and to love and observe his Judaism together with the clear light of general human culture and knowledge; if, from the very beginning, you would have taught him to study, to love, to value and to revere Judaism, undiluted and unbridged, and Jewish wisdom and scholarship, likewise unadulterated, in its relation to the totality of secular human wisdom and scholarship. Your child would have become a different person if you had taught him to discern the true value of secular wisdom and scholarship by measuring it against the standard of the Divinely-given truths of Judaism; if, in making this comparison, you would have noted the fact that is obvious even to the duller eye, namely, that the knowledge offered by Judaism is the original source of all that is genuinely true, good and pure in secular wisdom, and that secular learning is merely a preliminary, a road leading to the ultimate, more widespread dissemination of the truths of Judaism. If you had opened your child's eyes to genuine, thorough knowledge in both

school—the first elementary school combining Jewish and secular study whose express purpose was the perpetuation of traditional Judaism¹³⁸—then left for Altona-Hamburg, where he studied under Bernays and Ertlinger. In 1843 Hildesheimer enrolled at the University of Berlin where he studied physics, mathematics, history, philosophy, and classical and Semitic languages. He continued his studies in the University of Halle, where he earned his doctorate in Jewish studies in 1846. The very fact that he earned a doctorate (in contrast to Bernays, Ertlinger, and Hirsch who did not do so), and that his field of concentration was Jewish studies, would serve as harbinger of a life-long commitment to *Wissenschaft des Judentums*. That same year Hildesheimer assumed his first role in public affairs by accepting an appointment to the post of "secretary" of the Jewish community of Halberstadt. Here, Hildesheimer's administrative talents came to the fore, though hardly at the expense of time devoted to Torah study. While administering the affairs of the Jewish community, and, in effect, serving as Assistant Rabbi to the aging Chief Rabbi of Halberstadt, R. Menachias Leviau, Hildesheimer found time to lecture to a small cadre of devoted disciples. One of them, Marcus Lehmann—who would later serve as rabbi of the separatist Orthodox community of Mainz and editor of *Israelit*—recorded for posterity Hildesheimer's schedule of lectures in Halberstadt:

Each morning, R. Azriel lectured on *pesukim* from 4 to 6 a.m. From 8 to 10 a.m. he lectured on tractate *Gittin*, and from 10 a.m. to noon he read German literature with his students.¹³⁹ From 2 to 4 p.m. he lectured on tractate *Hulin*, and from 8 to 10 p.m. he lectured again on *pesukim*. On Sabbath we prayed at an early service, and then studied tractate *Sabbat* from 8 a.m. to 12:30 p.m. Friday evenings during the winter season he lectured on tractate *Sbavot*.¹⁴⁰

In 1851—the same year that Hirsch assumed his historical rabbinic post in Frankfurt—Hildesheimer was appointed Chief Rabbi of the Austro-Hungarian community of Eisenstadt. Almost upon his arrival in Eisenstadt, Hildesheimer founded the first yeshiva (i.e., secondary and post-secondary Jewish talmudical academy) to include secular study in its curriculum.¹⁴¹ Moreover, the language of instruction was the vernacular (German), not Yiddish. In its early years, the faculty consisted almost exclusively of Hildesheimer. He taught all the Jewish studies courses, totalling some 25 hours per week. He also taught most of the secular studies courses, including German language and literature, Latin, mathematics, history, and geography, totalling some 12 hours per week. Starting with 6 students in 1851, Hildesheimer's yeshiva eventually became the second largest in Hungary, with over 150 students in 1869. Leading rabbis in Hungary, including R. Judah Aszod (d. 1866) and R. Moses Schick (d. 1879), sent their sons to study at Hildesheimer's yeshiva.¹⁴²

Nonetheless, Hildesheimer's success did not come without a struggle. He was severely criticized from the right and the left. For the most part, Hungarian

Hildesheimer served as *rosh yeshiva* and administrator of the fledgling institution. Not surprisingly, it came to be known as "Hildesheimer's Rabbinical Seminary." Thus the seeds that had been sown in Eisenstadt came to fruition in Berlin.¹⁵⁷ Two features in particular distinguished the Hildesheimer Rabbinical Seminary from the traditional yeshiva. First and foremost was its commitment to secular study. Students were allowed to matriculate only after earning a high school diploma or its equivalent. More importantly, all rabbinical students also enrolled at the University of Berlin, where they earned doctorates while they pursued their rabbinical studies at the seminary. Second, the Hildesheimer Rabbinical Seminary was committed to the study of *Wissenschaft des Judentums*. In his inaugural address delivered at the opening of the rabbinical seminary, Hildesheimer said:

It is impossible that the quest for knowledge in one area of learning will not build bridges to other areas of learning. . . . We have neither the leisure nor the desire to pursue all areas of secular study. Due to our focus on Talmud and ritual practice, we must confine our pursuit of secular study to those of its aspects essential for our learning. This minimal commitment to secular study, however, cannot be compromised. We will engage in these various areas of secular study with the same devotion we apply to religious study, for all our study is for the sake of Heaven. The second half of this century has brought several changes: the new *Wissenschaft des Judentums* has come into its own, and areas that have been known for a long time, i.e., biblical exegesis, demand investigation from a new perspective and require the use of rich linguistic and philological materials, to the extent possible. In our desire to engage in these areas as our own, we will attempt to work in them with absolute academic seriousness and for the sake of, and only for the sake of, the truth.¹⁵⁸

See Ellav, *Rabbiner Eriel Hildesheimer Briefe*, Hebrew section, 57, letter 27, dated November 5, 1878.

157. In general, see Moshe A. Shulvass, "The Rabbinical Seminary in Berlin" (Hebrew), in Samuel K. Mirsky, ed., *Mosedet Torah be-Eropa* (New York, 1956), 689–713; Breuer, *Jüdische Orthodoxie im Deutschen Reich*, 120–33 (Hebrew edition: 118–30; English edition: 125–40) and notes; and the references cited in Hildesheimer, "Toward a Portrait," 80, n. 72. Cf. Isi J. Elsner, "Reminiscences of the Berlin Rabbinical Seminary," *Year Book of the Leo Baeck Institute* 12 (1967): 32–52; and Mordecai Ellav, "Das Orthodoxe Rabbinerseminar in Berlin," in Julius Carlebach, ed., *Wissenschaft des Judentums: Anfänge der Judaistik in Europa* (Darmstadt, n.d. [circa 1992]), 59–73.

158. Azriel Hildesheimer, "Rede zur Eröffnung des Rabbiner-Seminars," *Jahresbericht des Rabbiner-Seminars fuer das Orthodoxe Judentum pro 5634* (1873–1874) (Berlin, 1874), 84–89, cited in Hildesheimer, "Toward a Portrait," 80–81. Cf. David Hoffmann, "Thora und Wissenschaft," *Jerusalem* 7 (1920): 498–99. Hoffmann's remarks were delivered at the opening session of the winter semester at the Hildesheimer Rabbinical Seminary, 1919. For an English translation of his address, see Marc B. Shapiro, "Rabbi David Zevi Hoffmann on Torah and Wissenschaft," *Torah u-Madda Journal* 6 (1995–1996): 129–37.

בשער הספר

ב

עמדו בראש תנועת התחייה הדתית שמטרתה ויתור להחזיר עטרת היהדות ותפארתה וזו המסורת הקדושה ליושגן. אח"כ יסד את בית מדרשו הגדול לתורה ולחכמה ועמד בראשו כל ימי חייו. ר' עזריאל הילדסהיימר ה' גאון תלמודי (תלמידו של בעל "ערוך לנר") ובעל השכלת מדעית מקיפה, בשיבה אל מקורות היהדות בעיון ולימוד בש"ס ופוסקים ובספרות הגאונים והרבנים הגדולה ראה את הערובה היותר בטוחה להתחזקת תפארת היהדות לקימתה. אורה המבהיק של ויתדות המקורית תדחה את חומר החיצוני של התרבות האירופאית החדשה. אבל הוא דרש מתלמידיו שכל ימיהו את העבודה בשדת חכמה ישראל על יסודות המסורה — הוא טען כי לא מספיק בימינו שהרבנים ידעו פרק בהוראות איסור ויתור, כשרות וטריפות, טומאה וטהרה שבוודאי הם יסוד היסודות בחיי-יהדות, אלא הם צריכים לעמוד בפני העולם הגדול ולהוכיח צדקת ויהדות ואמתותיה הנצחיות בפני המדע החילוני. על רבנים כנושאי דבר די להסביר לעם ולעולם את דעת היהדות על כל הבעיות של המוסר, של המשפט ושל התיקון הסוציאלי שהדור החדש מתחבט בהם. עליהם להראות כי אין היהדות אוסף של חוקים ומנהגים דתיים לבד, כי אם כוח רוחני מכריע בחיי האנושיות, ומובן כי אין להם להשאיר שום בעיה ושום התקפה מצד מדעי-הטבע בלא תשובה הוגנת ומשכנעת. בהדגשה מיוחדת הראה הגר"ע הילדסהיימר על חשיבות הורשה בבתי-כנסת ועל הכושר להופעה פומבית. לדרשה ולגאון יש השפעה גדולה בדור של תעמולה ציונית, אי אפשר לרב בימינו להשתמש ולהחזיק בקרן זוית של חדר למוריה עליו לעמוד בשער, ועליו למצוא נתיב ללב הנוער המתגדל ומתחנך בבתי-ספר חילוניים ע"מ לקרבו ולהכניסו לעולמה הרוחני של תורת היהדות. הוא צריך לדעת את המתרחש סביבו בעולם המדע והטכנות, את זרמי הרוח ההולכים ומתחדשים מתקופה לתקופה. בלא הכשרה שיטתית ובלא ידיעת שפת המחשבה המודרנית לא יוכל למצוא את הנתיב ואת המגע הנפשי לעולמו הפנימי של הנוער ושל בני הדור החדש. לאמתו של דבר ולמרות שמו הרשמי לא רצה הנרעיה ז"ל ליצור מוסד מיוחד לרבנים ולמשמשים בקדש. בעיקר רצה ליצור מוסד לגידול אינטליגנציה דתית, כשלון מיהדות בדורו נגלמה בעיקר בשל מחסור

The Rabbinerseminar, first founded by Rabbeinu Hagadol, HaGaon Rabbi Esriel Hildesheimer, may the memory of the righteous serve as a blessing, succeeded in the education, growth, and formation of those preparing for the rabbinate, for halakhic decision making and leadership in Israel. It succeeded and grew to become the central institution of higher education for matters of Jewish law and matters of communal-public conduct and administration in Germany and Central Europe. From the day that Rabbi Hildesheimer, a native of Halberstadt in Germany, returned from his first rabbinical position in Eisenstadt, Hungary, to his homeland and to the city of Berlin its capital, a new period began for Jewish life in Germany, which had already been flooded by the stream of European assimilation. When he first came to Berlin as the founding rabbi of the Orthodox congregation Adass Jisroel,⁷ his community, together with the magnificent community in Frankfurt,⁸ stood together at the head of a resurrected Orthodox religious movement whose purpose was to restore the crown of Judaism and the beauty of a life guided by our holy tradition to their glory. Later, he established (1874) the Rabbinerseminar for Torah and the conferral of rabbinic ordination, and he remained at its head until his death [in 1899]. Rabbi Hildesheimer was a talmudic genius, a student of the *Aruch la-Ner*, Rabbi Jacob Ettlinger of Altona,⁹ who also possessed an all-encompassing secular academic education. He felt that the surest guarantor for returning the prestige of Judaism to its ancient state lay in the precise study and learning of the sources of Judaism—Talmud, responsa, geonic, and rabbinic literature. The shining light of pristine Judaism would keep the external brilliance of the new European culture at bay. However, he demanded that his students not abandon engagement in the field of academic Jewish study that was built on the foundations of the *Messorah* (Jewish tradition). He claimed that it was not enough in

our days that rabbis know those parts of the tradition dealing with *issur* (prohibition) and *heter* (permission) in areas of Jewish dietary law and family purity, albeit without a doubt they serve as the incontrovertible foundations of a Jewish life. Rather, rabbis were needed who could stand before the entire world and demonstrate the righteousness of Judaism and her eternal truths in a secular academic idiom. It was incumbent upon the rabbis, as the bearers of God's word, to provide the Jewish people and the world the insights of Judaism on every problem of ethics, of justice; and social repair that the new generation would attempt to solve and confront. They were obligated to teach that Judaism is not a collection of laws and religious customs alone, but an indispensable spiritual force in human life. It was also understood, they should not fail to provide a proper and appropriate response to any problem or attack lodged against Judaism from the perspective of contemporary secular knowledge and culture. Rabbi Hildesheimer placed special emphasis upon the import demanded of synagogues and on the propriety of public appearance in this modern setting. In a cultural context where scurrilous misinformation was rampant, sermon and speech could render a salutary impact. It is impossible for a rabbi in our days to evade and shrink into an isolated corner in his study. He needs to stand at the gate and discover a path to the hearts of the youths who grow up and are educated in secular schools in order to draw them near and cause them to enter the spiritual world of Torah Judaism. He needs to know what is happening around him in the world of science and literature, the spiritual streams that flow and are renewed from era to era. A rabbi lacking such basic education and knowledge of modern thought will not be able to uncover the path required to make contact with and provide entry to the inner world of youth and the souls of the current generation.

The truth of the matter is that despite its official name, Rabbi Hilde-

ter to the Yeshivah, said "There are minds that can attain their highest development only in an environment that is spiritually sympathetic." There are still, among American Jewish youth, natures that are religious and sensitive to matters spiritual—their birthright and heritage. Thrust into an environment that is not altogether sympathetic, these students fail to respond. An understanding of the backgrounds of Judaism, its teachings and ideals, will quicken the student's insight into his liberal and social studies. In existing colleges and universities most of our student youth are either lost sight of, or, in mistaken efforts at adjustment, are led to efface, or even to deny, their Jewishness. In either case Israel suffers a serious loss. Nor is America enriched by this unnecessary abandonment of the religious, cultural and spiritual ideals and values of Judaism that have helped shape the course of humanity.

While it is not expected that the Yeshivah College will take its place in the near future in the forefront of our higher institutions of secular learning, it will aim to attain and maintain high academic standards.

There have existed in this country, since its beginning, schools for higher learning, founded and maintained by various religious groups.

The true exponents of American culture agree that the enrichment of America will not be furthered by the submerging of all the cultural and spiritual phases and heritages of its constituent elements, but that an American educational and spiritual Renaissance will best be advanced by an equitable cultural "give and take" among its various groups. The contact of our student youth with the sources of our culture can but stimulate the Jewish creative faculties in all fields of cultural endeavor. We can serve our country and humanity best by training our youth in the knowledge and in the spirit of Israel's moral standards and spiritual values. The strengthening of Judaism—a vital force in the humanizing of mankind—through the establishment of institutions of higher learning such as the Yeshivah College,

can mean but added strength to American spiritual progress and make but for the enrichment of American culture and thought.

Some of our talented young men, seeking knowledge and ideally inclined, will find in a College of Liberal Arts and Science under Jewish auspices, a home where they will realize their mental endowments for the enrichment of general and Jewish culture. The Yeshivah College will, as it grows and advances, constitute a contribution to American Jewish life and help perpetuate and advance Jewish ideals and culture, together with the dissemination and increase of general knowledge. It is expected that the Yeshivah College will attract a group of creative personalities to its faculty and will create and, in time, help supply the demand for constructive Jewish academic forces with a Jewish perspective and trend of mind, to whom nothing Jewish is alien. The Yeshivah College thus carries a message of hope to the spiritually languishing student youth.

The Yeshivah College aims to foster this harmonious growth, in which the bases of modern knowledge and culture in the fields of art, science, and service will be blended with the bases of Jewish culture, to develop informed and devoted sons in the undying spirit and faith of Israel. The College aims

at the inculcation of an abiding consciousness of the high ideals and the spiritual heritage of the Jewish people and at the development of intellect and character, through the pursuit of those humanizing studies by which life as a whole may be elevated and enriched, conducted in an environment that is spiritually sympathetic, producing a mind consistent in its outlook, and capable of seeing the harmony of life.

The Yeshivah College aims to make the true Yeshivah ideal, the development of a select body of young men who, in the rabbinate or in Jewish scholarship, in teaching or in social service, or in whatsoever field of work, shall be the standard-bearers of a true Jewish life, the moral and spiritual leaders of their communities, because they have carried with them from the Yeshivah and its college the ideals of

scholarship, spirituality, and service, because they are most nearly making actual in their daily living the ideal of a life of service based upon learning, loyalty, and love of the eternal truths of the Torah, and understanding and love of their fellowmen.

It will be the aim of the Yeshiva College to spread a knowledge of Judaism in its wider sense, together with general culture in the harmony between Shem and Japhet spoken of by our sages; to train its students in full appreciation of the Jewish contribution to the spiritual and intellectual progress of mankind, to inspire them to the conservation and application of this contribution, and to imbue them with a spirituality that flows from the deeply dug Jewish wells of spirit undefiled. In this institution Jewish culture will be on the same plane of opportunity and dignity as the classical studies and modern culture. We be-

lieve that the more unified and inter-related the forces of education, the more potent they become. Under the same auspices to give both general and Hebrew training, to develop character through a single agency by both personal and religious appeal, gives greater promise of quickening moral consciousness and of a mind that is spiritually integrated.

The graduates of the Yeshiva College will be imbued with the Jewish spirit, and the Jewish philosophy of life. Such a Jewishly educated and inspired laity will qualify for that leadership which we now lack, and the absence of which is the greatest drawback to American Jewry. It will give Jewish life new vigor and meaning, will aid in the spiritualization of our lives and the synthesis of the Jewish personality, bringing into harmonious relation the mind of the Torah—true student youth and the modern mind.

Samuel Balkin, "The Truly Higher Education," Essays in Jewish Thought (1956)

the family the sum total of its individual members, and, as our Sages say, each member of the universe may claim that for his sake was the world created. Just as the scientist proceeds on the definite assumption that there exists a unity and continuity in nature, so must the moralist work on the similar assumption that there exists a unity and continuity in the human race and in the moral law.

The future form of our government, our social order, and the relationship of the many diverse groups in society, will depend on the ability of our colleges and universities to implant, through education, these ideals in our growing generation. The power of higher moral ideals, when translated into experience, can make human society function for the good of all.

The significance of Yeshiva College in this connection becomes readily apparent. Yeshiva College was established not for the sake of adding another college to the many excellent institutions of higher learning already in existence in this blessed land. Yeshiva College has endeavored to blaze a new trail of its own in conformity with the great American democratic traditions of education, and in harmony with the spiritual heritage of Israel. It is a true college of liberal arts and science. It is not our intention to make science the handmaid of religion nor religion the handmaid of science. We do not believe in a scientific religion nor in a pseudo-science. We prefer to look upon science and religion as separate domains which need not be in serious conflict and, therefore, need no reconciliation. If we seek the blending of science and religion and the integration of secular knowledge with sacred wisdom, then it is not in the

subject matter of these fields but rather within the personality of the individual that we hope to achieve the synthesis.

The Yeshiva is the living incarnation of the divine wisdom of the Torah which sends out rays of spiritual and moral light to thousands of Jewish souls. The Yeshiva endeavors to perpetuate the Jewish spiritual philosophy of education. It seeks to implant in its students a spiritual and moral concept of life based upon the Torah, the Prophets and the eternal traditions of Israel. The Yeshiva conceives it as its primary function to train spiritually minded men into a collective force for the perpetuation of the spiritual and moral essence of historic Judaism and for the benefit of our great American democracy.

The college of the Yeshiva, like any other American college, endeavors to acquaint its student body with the mysteries of the universe, with the researches and discoveries of the human intellect, with the theories and speculations of the human mind. We shall always look upon its curriculum of liberal arts and sciences as indispensable for the intellectual development of our student body. We shall consider, however, its spiritual and moral teachings as the end, for a moral and spiritual way of life must be the aim and striving of every society. It is our intention to give to secular education a higher purpose and make the Yeshiva, and Yeshiva College, a living symbol of intellectual progress and moral activity. We believe that by reintegrating our lives with the ideals of the Torah and with our search after God's knowledge we can succeed in establishing a medium for the unification of human knowledge.

Norman Lamm, "In yeshiva Address," November 7, 1976

the Jewish community, but to American society in general. It is perhaps worthwhile to summarize briefly what we regard as our distinctive mission.

The guiding vision of this university, as it was formulated by my two distinguished predecessors, was the philosophy of "synthesis": the faith that the best of the heritage of Western civilization — the liberal arts and the sciences — was or could be made ultimately compatible with the sacred traditions of Jewish law and life or, at the least, that this dual program, with all its tensions, was crucial to the development of young Jews in an open society. The very name "Yeshiva University" symbolizes this article of faith.

During the course of time, this formula has been deepened and enhanced. Yeshiva has succeeded in raising several generations of young people who have thereby managed to gain the best of both worlds: the Western and the Jewish; and, by great effort and exertion, it has become a center of advanced research, extending the frontiers of knowledge in the arts, the sciences, and Judaic Studies.

We are committed both to unfettered scholarship, and to the quest for transcendent values,

norms, and the wisdom of tradition. We see no essential conflict between our common humanity, shared with all people of all perceptions and all races, and our distinctive Jewishness; between the universalism of our intellectual pursuits, and the commitment to the study of the heritage of Israel.

Yeshiva University's role as the transmitter of two cultures, and the creative development of both cultures, is thus the first major element in Yeshiva's purpose.

The second is, quite simply, the commitment to excellence. The word, of course, comes easy to the mouth of any educator. I do not know of any university that does not lay claim to the pursuit of excellence. Yet if I mention it here it is not so much to persuade you that we are excellent, as to remind myself that the search for excellence lays a moral obligation upon me and my administration, that we must never cease from pursuing it, though we will never attain it in its fullness.

What Yeshiva reaffirms for itself, and what it must urge upon American society in general, is the love of learning for its own sake — what in the

Jewish tradition is known as *lishmoh*. It is this principle that I believe must be invoked and implemented if higher education in this country is to be spared the humiliation of trivialization.

Despite the acknowledgment by the bearers of this tradition of the need for vocational training, the theme of learning for its own

sake remains a sacred goal — indeed, the preeminent value in all of the tradition. Whereas in the sources, this theme of *lishmoh* refers exclusively to the study of the sacred literature, it becomes our duty to expand this concept from *Torah to hakhmeh* (secular knowledge) in the spirit of Shadda' (God) and Maimonides, so that the concept of learning for its own sake embraces not only sacred but worldly wisdom as well. For ultimately, as that profound sage and gentle mystic, poet, kabbalist, and philosopher, Rav Kook, taught, "The Holy of Holies comprehends both the holy and the profane."

I would be less than candid — indeed, intellectually dishonest — if I stopped here. For what I have said about learning for its own sake does not exhaust the full meaning of *lishmoh*. It is learning itself, indeed, going to save us? Do we have the right to substitute to a kind of salvific mythology of education? Can we

Richard M Joel, "An Inaugural Address, September 21, 2003

strengthen our culture of nobility. To improve civilization, we must model civility. We must tear down walls between the people and institutions that are Yeshiva University. There is joy in nobility. Let us posit a recommitment to a Yeshiva family, where people risk trusting each other, where "we can" is the operative term. We will find social venues for the faculty and administration to know each other, and learn from each other. Let's make sure every employee feels part of the community. Let's treat the students as the gifts that they are. "Every Student Counts" must be our mantra. This agenda is elevating and liberating. Being student-friendly does not mean being student-pandering. Our students deserve standards, and rigor, but delivered with a smile. A culture of caring must be the hallmark of Yeshiva. That requires a commitment of resources and attitude. We simply must enhance the quality of the student experience in every interaction, and in terms of guidance and counseling opportunities for students to feel valued and valuable, beyond what we offer today. Our commitment to excellence must be real. Excellence must be nourished, or it becomes pedestrian. Every university president speaks of excellence. What do I mean in a YU context? Through years of struggle, Yeshiva labored heroically to provide a fine education for each student. And yet, over time, we have become risk-averse. We are too cautious to reach, to attain what Dr. Lamm has called "The Royal Reach." As we look forward, we need to ask, how do we make our constellation of schools places of choice for the serious student? And how do we play to our strengths in doing that? We must look at academic excellence, and at all aspects of what we do. Let me offer a few examples:

ADVANCING EXCELLENCE

Our undergraduate schools are quality institutions. Yet our faculty is overburdened with high courseloads and inadequate research support. We have unique curricular needs. It's too often a difficult choice for students to turn down the Ivy Leagues for Yeshiva. We have so much at YU, that for students who seek an experience in a Torah Umaddeh context, that nobles and enables, coming to Yeshiva should be, as they say, a no brainer. I believe that to model Torah Umaddeh, the quality of the secular experience has to rival the quality of the Torah experience. We should make the fact that we have three relatively small undergraduate schools into a great strength. These gems must be polished to shine. We must build on what we have. What would it take to enhance the faculty, the curriculum, and the academic environment so that our undergraduate schools are schools of choice, treasures of teaching and research excellence? Let's decide which disciplines must be our strengths, or need to be, and ensure that they're excellent. How do we use the resource of New York to attract master teachers and more faculty who embrace the

challenge of Torah Umaddeh? Our curriculum should be so rich that our students look to stay for additional years.
How do we strengthen the professional training components of RIETS so they complement the quality of the learning, even as we support and strengthen our outstanding Yeshiva? What's our plan for making Azriel the premier school of Jewish education? How do we encourage the continuing achievement of Cardozo and its premier faculty?

At the Albert Einstein College of Medicine, we are just now embarking on an historic project to build a center for research in generic and translational science, a key building block in the incredible scientific research being conducted. As we expand the Resnick Campus, we are also concentrating on enhancing the quality of student life.

We are strong enough to offer challenges to all of our graduate schools, Jewish Studies, Social Work, Psychology, to chart a course of excellence.

We have hardly begun to think in interdisciplinary terms. How do we encourage interdisciplinary efforts among and between the schools? What an intellectual and teaching resource we have if we collaborate, if we envision centers for Ethics and Leadership, within our walls, and in the community. Imagine focusing the educational resources of the university on the increasingly fine Yeshiva University High Schools. What a laboratory they can be. The YU Museum is an educational resource waiting to be tapped. The whole can be greater than the sum of its parts. Our faculty and administration are ripe for the challenge; our students are deserving of its success.

THE CENTRALITY OF ISRAEL

The land of Israel and the State of Israel are central to the future vision of the Jewish people, and have always been central to the reality of the Yeshiva University community. More than 2000 alumni now live in Israel. We have a philosophy of life—an approach of Torah Umaddeh that is unique, and could contribute significantly to bridging the corrosive gaps in Israeli society. It is time we concretized our commitment in terms of the university's agenda. More than 600 students enrolled as Yeshiva undergraduates spend their first year studying at Israeli institutions. We offer a first-rate graduate Talmudic Institute on our Gruss campus in Jerusalem. Here, in New York, our undergraduates constitute the largest body of pro-Israel students on any campus outside Israel. And yet, we have not articulated a coherent Israel agenda here or in Israel.

So let's be serious about YU and Israel. Let's review our curricular offerings dealing with Israel and enrich them. Let's make YU the address in New York for

Lebenslauf.

Ich, Josef Solowiczuk wurde
am 27. Februar 1903 zu Pruzana (Polen) geboren.

Im Jahre 1922 absolvierte ich das humanistische
Gymnasium zu Dubno. Daraufhin bezog ich im Jahre 19
die Fr. Polnische Universität, zu Warschau, wo ich
drei Semester Staatswissenschaften studierte.

Im Jahre 1926 kam ich nach Berlin und bezog die
Friedrich-Wilhelms-Universität. Nach Ablegung der
vorgeschriebenen Ergänzungsprüfungen am Deutschen
Institut für das Studium der Ausländer wurde ich mit
Vollmatrikel immatrikuliert. Ich befasste mich mit
philosophischen, nationalökonomischen und hebräischen
Studien.

An dieser Stelle möchte ich meinen innigsten und
herzlichsten Dank meinen hochverehrten Lehrern,
Herrn Geheimrat Prof. Dr. Heinrich Maier und Herrn
Prof. Dr. Max Dessoir aussprechen. Ferner gilt mein
Dank dem Herrn Prof. Dr. Eugen Mittwoch und Herrn
Prof. Dr. Ludwig Bernhard.

cand. phil.

Josef Solowiczuk

I, Joseph Solowiczuk, was born February 27, 1903, in Pruzna, Poland.
In 1922 I graduated the liberal arts "Gymnasium" in Dubno. Thereafter I
entered in 1924 the Free Polish University in Warsaw where I spent three
terms, studying political science. In 1926 I came to Berlin and entered the
Friedrich Wilhelm University. I passed the examination for supplementary
subjects at the German Institute for Studies by Foreigners and was then
given full matriculation at the University. I took up studies in philosophy,
economics and Hebrew subjects.

I wish to express my sincere and hearty thanks to my highly honored
teachers, "Geheimrat," Professor Dr. Heinrich Maier and Professor Dr.
Max Dessoir. Furthermore, my thanks go to Professor Dr. Eugen
Mittwoch and Professor Dr. Ludwig Bernhard.

Shulamith Meiselman

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ence, fearing assimilation or even conversion. They argued,
"It's too dangerous to give our children a secular education. It
would bring them in contact with the gliter and attractiveness
of the free-thinking world, and their interest in Jewish tradition
may disappear, *Chas Vecholila* (God forbid)."

Influenced by my mother's deep conviction that there is no
room for ignorance in an observant Jew, Father adopted an
entirely different approach to secular education. He now main-
tained a new philosophy: that in this changing world both reli-
gious and general education were necessary if one was to have
an effective influence on Jewish young people. A pious Jew
must be part of the world at large and must participate in all the
endeavors of his community, provided they are not at variance
with the tradition and do not threaten his uniqueness as an
Orthodox Jew.

Secular education thus became part of our life. The best pri-
vate tutors were engaged to prepare my two older brothers for
the university. They responded enthusiastically to their new
course of studies and within a few years were ready for their
entrance examinations. To fulfill their lifetime dream about
Joseph Dov's future role in Jewish life, my parents decided to
leave the decision regarding his university education to him. His
choice was the University of Berlin, famous for its philosophy
department, which became his field of interest.

My second brother, Samuel, excelling in mathematics and sci-
ence, chose to major in chemistry at the University of Brussels.
Both brothers left home to face an entirely new world of secular-
ism.

My youngest brother, Aaron, was too young for formal secular
education. He had been completely occupied with his religious
studies since the age of three. His general education was initi-
ated at a much later date.

My sister and I were enrolled in a private Jewish Gymnasium,
since the secondary schools administered by the government

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When he was twenty-two, R. Solovitchik entered the University of Berlin and for the first time approached the serious study of a secular discipline. His chosen field was philosophy. At this University, he plunged into the more abstract and abstruse aspects of philosophy, focusing his interest on a study of logic, metaphysics and epistemology. In all these areas—particularly the last two—the current approach was influenced by the thought and philosophy of Kant, and Solovitchik steeped himself in Kantianism and its dicta.

R. Solov'evichik was especially attracted to this school of thought and to this day maintains considerable interest in mathematics and physics. He studied under the direction of Heinrich

H. Keira

**Das reine Denken:
und die Seinskonstituierung
bei Hermann Cohen.**

Von
Josef Solowiejczyk
 Przyszna (Polen).

Tag der Veröffentlichung: 24. Juni 1980
Tag der Promotion: 10. Dezember 1982.

תלוי סאלאוויצקי
און החסיד האמתי
ר' חיים חלוי זצ"ל

יט אלול תרצ"ח.

לכבוד הרב הג' חו"ק סו"ת איש-האשכולות
הרב ברוך פנחס נ"י

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FRIDERICAE GVILELMAE
BEROLINENSIS

RECTORE MAGNifico
EDUARD KOHLRAUSCH
VIRI VNIvERSITATIS DOCTORE IN HAC VNIvERSITATE PROFESSOR PVBLCO ORDINARIO

EX DECRETO ORDINIS AMPLISSIMI PHILOSOPHORVM
PROMOTOR LEGITIME CONSTITVTVS
FRITZ HARTUNG
ET PHILOSOPHIC DOCTOR IN HAC VNIvERSITATE PROFESSOR PVBLCVS ORDINARIVS SEMINARIJ RECTOR
DIRECTOR ORDINIS CEFVS PVBLCVS IN SECVNDA CLASSE SVTVS
ORDINIS PHILOSOPHORVM H. T. DECANVS

VIRO CLARISSIMO ATQVE DOCTISSIMO
JOSEF SOŁOWIEJCZYK
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ET DISSERTATIONEM LAVDABILEM CVIVS TITVLVS EST:
DAS REINE DENKEN UND DIE SENSATIONSTHEORIE BEI HERMANN COHEN.

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ORNAMENTA ET HONORES

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PHILOSOPHORVM ORDINIS OBSIGNATIONE COMPROBATO
DECLARAVIT



שאינו מכיר, אבל את שמו חטוב שמעתי. וזאת ירשנו לפנות אליו.
בני המאן האמתי הרב ר' יוסף נער חלוי סאלאוויצקי, רב ראשו
מאן רבתי פה אמריקא, נסע בקץ זה לבקר את איי ושחח שם איזה
ס, והוא מועמד אפיפיאלי לשאלת הרבנות בגל אביב, העומדת כעת על
האחרות זה באות.

וגם אינו זקוק להתארים ולתחלות ותשבחות, כי כפי שראיתי בעיתוני איי,
ז והכמות חלכה לפניו והכריזה עליו, וכבר אתמתי ונתפרסם לאחר
לי חידושי. אבל לאשר לדעתי לא זהו מדתי ומשקלו האמתי. וגם אינו דומה
נעראי להכרת קצת ומי כמוני יודע ומכיר אותו מיום חולדתו ועד עתה.
זנס, אין אב מעיד על בנ. אבל בדבר השראה לעינים שאני, ולא בתור עד
בא, כי השמש בחיי בשחקים אינו צריך לסחודתא. והגני רק כמעורר
זה באצבע עליו. הוא מן בפ"ע שצריך התבוננות מיוחדת, ובשלים לעם
אלי.

ד מילדותו השראה למעל כשרון עצום אשר לא בכל יומא חסמא מתרחש,
ז מו"ר המאן החסיד רבן של ישראל זצ"ל נבא עליו כי לבדולות נחצה
לנא רבני ויתקבד. ועוד, כי בחייו ראה חוכרת של חדי"ת מאתה,
תפעלות שלו אז אין לומר. אמר כי הוא תורת אמת אח"כ התפתחונו
זה והכמות חלכה בעצדים גדולים ומחירים, ובה חלך והתפתח, ועתה הוא
ענק גדול אשר בו ישראל יתפאר.

וראות הקדמים דימו שאי אפשר במציאות לחיות תורה ושאר חכמות
לבנים יחד. אפילו, בדור זה כבר מנשנים תורה וחכמה מחוברים. אבל באופן
גדול הדור בתורת באופן מבחיל, כאחד מבדולי הדור בדורות הקדומים.
בשארי חכמות באופן גדול חנו חיחיד ומיוחד, אין טמך כי הוא כעת
ר הדור בתכנת חתורה. חבנתו היא המשקולת ודעתו היא המסרעת בכל
חתורה, קלות וחמורות עד רבות כשנים מכבר כתב עליו המא"י
זומא שהלכה כמותו בכל מקום (חנני מסביר בזה העתק ממכתבו). ומה
נתה, שחרי ת"ח האמתיים כל שמקיינים דעתם מיושבת עליהם.

דע הוא את כל חתורה כולה מתחילתה עד סופה, בידיעה עמוקה וברורה.
ז למד, את הנהונות חיום ואת שאינן נחונת, כמו זרעין קדשים סחורות
יש התודע. והוא כבוד סיד שאינו מאבד טיפת. הוא יחיד הדור בתודע
זרה לאמתה. יש לו חיבור בתוכים על כל ספרי יד החוקה להרמב"ם,
ר בקרוב יבא לאור. ודבריו מאירים את העינים ומשמחים את הלב
זנתם מסיני. עיי חסברתו הנפלאה חכל מרגשים כי כל דבריו אמת ונציב
ז מעין נובע של מים חיים חכים, ואין חפסס לנביעה, ומיד בולע ופולט
כמת חתורה ומעשה מנינים.

הי עילוי ומאן בילדותו, ועתה כבר כל חתורה חקוקה על לבו, וראוי
ורות ולדון בכל דיני חתורה כמפלא שבטנחורין. וחלא אינו בעל מלאכה
ות רכש במידה מרובה גם חפרטאות להכמה, חמעטרים אותו ועותים לו
ת חן ויפה, חשיני את-תאר די"ר פילוסופי באופן חכי מצוין בתאומיבטיטח
לין, וחמפוסטורים דשם היו בחתפעלות מוגדל כשרותתיו ורונח חבנתו
מוקה שלא ראו כאות ומחדש גם בחכמה זו כאופן חדור. כבר חזמים מעט
פה האשכנזית, וחכל על סחורת חקודס. יראתו קודמת לחכמתו. מלא יראת
בכל אברין ונידיו ודמו. צדיק וחסיד בתנהגות. הוא שמש ספר חסודר,
ול לחיות למשל כתורתו חכמתו ויראתו.

.. १५.७.५५

ג"ה יום א' ג' חודש אלול, ה'תרצ"א, קטנא.

כוב גדל ומחיר כזאת השמש בבוקר עולה על שמי החלבור באור חלמל, ולענת וחד יאלי שבאשר דבר ה' זו חלמה בעת ישינים אליו והרשימים יתנשא אור גדל אשר חסנו וישאו למדוסים יתע, הוא נחו גדל אשר כן יאש צעיר לימים ואם לחכמי חז"ל, הנאון חלמתי בענת הוד והפארה, אך נסדון עליו את חלל, כש"ת כחול" יסוף רוב הליו סאלאוייטיו, ג' בן חזאון חודל וכו' כחל"ל משל הליו סאלא-וייטיו ג"י שגחת עליו דוד וקטן. חלל הודי חמרל עובבור, רבס חודל רבן, שגל בל יאשרל בורן חיים הליו סאלאוייטיו, וצלל"ל כמח כשיל ביס חלמבר ער עספי חרובותו וכל זה לא אנוס ל"ל סקלה נסדתו ובעתה נעלמות זרקע נחב אודו בהלבת חעמבול, אשר לארן שוכות לוא רב נאון שעלי נסמל חכמים לחיות מודד ודאן לבני ישראל חלמל כמח בביל מסום, ורובן לשרד ל"ל סבינא חלמלי ועלה ויצלה לרוב דעמד' וסרברא דאסמל' ה', עמו לנלל, עם ה' חרברל חודל ברבים ולשמש במרש עיר חלומת עינא בבין ארזל כחוס בעבורתם חלומי בורכנס.

כעיות חסד' לכביר חודות עמבור דמחל אברדס דכער' חכון שפירא, אברל' קאנא.

פרינציפאל ויקטור פרינציפאל
יוזפה פולובניקוביץ
148 HONOLULU STREET
HONOLULU, HAWAII

September 5, 1939.

Dr. Leo Jung,
131-135 W. 86th St.
New York, N.Y.

Dear Rabbi Jung,

Upon my return home from Chicago I found in my mail your letter of August 14th. Please say my thanks for your invitation to write an essay on a Jewish philosophical subject to be published in the fifth volume of the Jewish Library.

After consideration I arrived at the decision to avail myself of this offer and contribute a chapter to your publication, with the following reservations, however.

1. I regret to say that I don't find the topics you suggested to my interest. It is very doubtful whether the Messianic movement can be at present subjected to an exact philosophical analysis. I would rather choose as my subject the following problem:

"The Neo-Kantian conception of subjectivity and objectification and its application to the analysis of the Theme Hamletworth problem."

The interpretation of this central thought of the Neo-Kantian philosophy will prove to be of great value for the illumination of the basic problems of modern Jewish philosophy. Few dissertations were written on Hermann Cohen's philosophy of religion, based upon his book "Die Religion der Vernunft aus den Quellen des Judentums". But as yet, no attempt has been made to evaluate Cohen's theoretical philosophy as a source of modern Jewish thought. My intention is to exploit this latter field for the purpose of enriching our philosophical-religious aspect.

2. I can not accept any limitation for my essay as to the amount of words. This is not a magazine article which can be shortened or expanded according to space. I will write as much as the full covering of the topic will require. It may be less and it may be more than eight thousand words.

If these conditions are in line with your tentative plan for the publication, please inform me at your earliest convenience.

With greetings for a happy new year,

Yours sincerely yours,

Yozef Polonitsky

Truth 30:4 (1946), p. 31

Truth Twenty

which he communicates to his readers, by the scope, style and subtlety of his writing, tell the entire story. The ready, abundant references and forceful disquisitions buttress his reputation as an enthusiastic propagator of philosophy and a creative religious philosopher.

Similarly, if you knew nothing about the Row's biography and merely studied the *Life of Friedrich Schlegel* (published in 1944) you would confront a massive, strategic reliance on the history of philosophy and science. The first two pages introduce you to Hegel, Kierkegaard, Rudolph Otto and Karl Barth, Eduard Spranger and Ferdinand Lassalle, Rousseau, Nietzsche, Bergson, Spengler and Heidegger—a breathtaking list. A page later you meet Plato and Aristotle, Galileo and Newton and soon thereafter Husserl, Scheler, Berkeley and Hermann Cohen. If you persisted and made your way to the end of this remarkable philosophical-spiritual meditation, the very last note refocuses your attention on a cast of influential figures: Kant and Hermann Cohen, Kierkegaard, Heidegger, Scheler and Heidegger together with the Rambam and Ibn Gabirol and then once again, after a passing reference to Duns Scotus, on to Schopenhauer and Nietzsche. These references reflect not only great erudition and precision in the history of philosophy but also a philosophical temper, a philosophic mode of thinking, a subtle, analytical mind.

THE LONELY MAN OF FAITH

In other words, man is a dignified being and to be human means to live with dignity. However, this equation of two unknown qualities requires further elaboration. We must be ready to answer the question: What is dignity and how can it be realized? The answer we find again in the words of the Psalmist, who addressed himself to this obvious question and who termed man not only an honorable but also a glorious being, spelling out the essence of glory in unmistakable terms: "Thou hast made him to have dominion over the works of Thy hands. Thou hast put all things under his feet." In other words, dignity was equated by the Psalmist with man's capability of dominating his environment and exercising control over it. Man acquires dignity through glory, through his majestic posture vis-à-vis his environment.*

4

Our representatives who meet with the spokesmen of the community of the many should be given instructions similar to those enunciated by our patriarch Jacob when he sent his agents to meet his brother Esau.

ויצו את חזקשון לאמר כי יפגשך עשו אחי ושאלך לאמר למי אתה ואנה תלך ולמי אלה למנוך ואסרת לעבדך לעקב מנחה היא שלוחה לאדני לעשו והנה גם הוא אחיך ויצו גם את חשני גם את ושלשי גם את כל החלכים אחרי חקדיום לאמר כדבר מוח חזקשון אל עשו במצאכם אותו. "And he commanded the foremost, saying, when Esau my brother, meeteth thee and asketh thee, saying: whose art thou and whither goest thou? And whose are these before thee? Then thou shalt say they are thy servant Jacob's; it is a present sent unto my lord Esau, and behold he also is behind us. And he commanded also the second, and the third and all that followed the droves, saying in this manner shall ye speak unto Esau when ye find him." (Genesis 32:18-20).

What was the nature of these instructions? Our approach to and relationship with the outside world has always been of an ambivalent character, intrinsically antithetic, bordering at times on the paradoxical. We relate ourselves to and at the same time withdraw from, we come close to and simultaneously retreat from the world of Esau. When the process of coming nearer and nearer is almost consummated, we immediately begin to retreat quickly into seclusion. We cooperate with the members of other faith communities in all fields of constructive human endeavor, but, simultaneously with our integration into the general social framework, we engage in a movement of recoil and retrace our steps. In a word, we belong to the human society and, at the same time, we feel as strangers and outsiders. We are rooted in the here and now reality as inhabitants of our globe, and yet we experience a sense of homelessness and loneliness as if we belonged somewhere else. We are both realists and dreamers, prudent and practical on the one hand, and visionaries and idealists on the other. We are indeed involved in the cultural endeavor and yet we are committed to another dimension of experience. Our first patriarch, Abraham, already introduced himself in the following words: "I am a stranger and sojourner with you" — "בר ורושב אנכי עמכם" — Is it possible to be both — בר ורושב — at the same time? Is not this definition absurd since it contravenes the central principle of classical logic that no cognitive judgment may contain two

Man of old who could not fight disease and succumbed in multitudes to yellow fever or any other plague with degrading helplessness could not lay claim to dignity. Only the man who builds hospitals, discovers therapeutic techniques, and saves lives is blessed with dignity. Man of the seventeenth and eighteenth centuries who needed several days to travel from Boston to New York was less dignified than modern man who attempts to conquer space, boards a plane at the New York airport at midnight and takes several hours later a leisurely walk along the streets of London.† The brute is helpless, and therefore, not dignified. Civilized man has gained limited control of nature and has become, in certain respects, her master, and with his mastery he has attained dignity as well. His mastery has made it possible for him to act in accordance with his responsibility.

Confrontation

mutually exclusive terms? And yet, the Jew of old defied this time-honored principle and did think of himself in contradictory terms. He knew well in what areas he could extend his full cooperation to his neighbors and act as a תושב, a resident, a sojourner, and at what point this gesture of cooperation and goodwill should terminate, and he must disengage as if he were a גר, a stranger. He knew in what enterprise to participate to the best of his ability and what offers and suggestions, however attractive and tempting, to reject resolutely. He was aware of the issues on which he could compromise, of the nature of the goods he could surrender, and vice versa, of the principles which were not negotiable and the spiritual goods which had to be defended at no matter what cost. The boundary line between a finite idea and a principle nurtured by infinity, transient possessions and eternal treasures, was clear and precise. Jacob, in his instructions to his agents, laid down the rule:

כי יפגשך עשו אחי ושאלך לאמר למי אתה ואנה תלך ולמי אלה למנוך. "When Esau my brother meeteth thee and asketh thee, saying: whose art thou, and whither goest thou and whose are these before thee?" My brother Esau, Jacob told his agents, will address to you three questions. "Whose art thou?" To whom do you as a metaphysical being, as a soul, as a spiritual personality belong? "And whither goest thou?" To whom is your historical destiny committed? To whom have you consecrated your future? What is your ultimate goal, your final objective? Who is your God and what is your way of life? These two inquiries are related to your identity as members of a covenantal community. However, Jacob continued, my brother Esau will also ask a third question: "And whose are these before thee?" Are you ready to contribute your talents, capabilities and efforts toward the material and cultural welfare of general society? Are you ready to present me with gifts, oxen, goats, camels and bulls? Are you willing to pay taxes, to develop and industrialize the country? This third inquiry is focused on temporal aspects of life. As regards the third question, Jacob told his agents to answer in the positive. "It is a present unto my lord, even unto Esau." Yes, we are determined to participate in every civic, scientific, and political enterprise. We feel obligated to enrich society with our creative talents and to be constructive and useful citizens. Yet, pertaining to the first two questions — whose art thou and whither goest thou — Jacob commanded his representatives to reply in the negative, clearly and precisely, boldly and courageously. He commanded them to tell Esau that their soul, their personality, their metaphysical destiny, their spiritual future and sacred commitments, belong exclusively to God and His servant Jacob. "They are thy servant Jacob's," and no human power can

HALAKHIC MAN

Rabbi Joseph B. Soloveitchik

Translated from the Hebrew by LAWRENCE KAPLAN

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I

HALAKHIC man¹ reflects two opposing selves; two disparate images are embodied within his soul and spirit. On the one hand he is as far removed from *homo religiosus* as east is from west and is identical, in many respects, to prosaic, cognitive man; on the other hand he is a man of God, possessor of an ontological approach that is devoted to God and of a world view saturated with the radiance of the Divine Presence. For this reason it is difficult to analyze halakhic man's religious consciousness by applying the terms and traits that descriptive psychology and modern philosophy of religion have used to characterize the religious personality.

The image that halakhic man presents is singular, even strange. He is of a type that is unfamiliar to students of religion. But if, in the light of modern philosophy, *homo religiosus* in general has come to be regarded as an antithetical being, fraught with contradictions, who wrestles with his consciousness and struggles with the tribulations of the dualism of affirmation and negation, approbation and denigration, how much more so is this true of halakhic man? In some respects he is a *homo religiosus*, in other respects a cognitive man. But taken as a whole he is uniquely different from both of them.

Halakhic man is an anti-nomic type for a dual reason: (1) he bears within the deep recesses of his personality the soul of *homo religiosus*, that soul which, as was stated above, suffers from the pangs of self-contradiction and self-negation; (2) at the same time halakhic man's personality also embraces the

soul of cognitive man, and this soul contradicts all of the desires and strivings of the religious soul. However, these opposing forces which struggle together in the religious consciousness of halakhic man are not of a destructive or disjunctive nature. Halakhic man is not some illegitimate, unstable hybrid. On the contrary, out of the contradictions and antinomies there emerges a radiant, holy personality whose soul has been purified in the furnace of struggle and opposition and re-deemed in the fires of the torments of spiritual disharmony to a degree unmatched by the universal *homo religiosus*. The deep split of the soul prior to its being united may, at times, raise a man to a rank of perfection, which for sheer brilliance and beauty is unequalled by any level attained by the simple, whole personality who has never been tried by the pangs of spiritual discord. "In accordance with the suffering is the reward" [Avot 5:23] and in accordance with the split the union! This spiritual fusion that characterizes halakhic man is distinguished by its consummate splendor, for did not the split touch the very depths, the innermost core, of his being? There is much truth to the fundamental contention set forth both by the dialectical philosophies of Heraclitus² and Hegel with regard to the ongoing course of existence in general and the views of Kierkegaard, Karl Barth,³ and Rudolf Otto with regard to the religious consciousness and its embodiment in the experience of *homo religiosus*—in particular, namely, that there is a creative power embedded within antithesis;⁴ conflict enriches existence, the negation is constructive, and contradiction⁵ deepens and expands the ultimate destiny of both man and the world.

Our aim in this essay is to penetrate deep into the structure of halakhic man's consciousness and to determine the precise nature of this "strange, singular" being who reveals himself to the world from within his narrow, constricted "four cubits" [Berakhot 8a], his hands soiled by the gritty realia of practical Halakha [see Berakhot 42]. However, in order to fulfill the task we have set before us in this monograph, we must under-

take a comparative study of the fundamental and distinctive features of the ontological outlooks of *homo religiosus* and cognitive man. For only by gaining an insight into the differences and distinctions existing between these two outlooks will we be able to comprehend the nature of halakhic man, the master of rabbinic dialectics.

11

HOW radically different is the approach of *homo religiosus* to God's world from that of cognitive man! When cognitive man observes and scrutinizes the great and exalted cosmos, it is with the intent of understanding and comprehending its features; cognitive man's desire is to uncover the secret of the world and to unravel the problems of existence. When the theoretical and scientific man peers into the cosmos, he is filled with one exceedingly powerful yearning, which is to search for clarity and understanding, for solutions and resolutions.⁶ Cognitive man aims to solve the problems of cognition vis-à-vis reality and longs to dispense the cloud of mystery which hangs darkly over the order of phenomena and events.

Cognitive man does not tolerate any obscurity, any oblique allusions and undeciphered secrets in existence. He desires to establish fixed principles, to create laws and judgments, to negate the unforeseen and the incomprehensible, to understand the wondrous and the sudden in existence. Cognitive man establishes a cosmic order characterized by necessity and lawfulness. Any phenomenon which cannot be subjected to the rule of law and principle is relegated to the realm of the nonbeing and nothingness (*μηδεν*) of the Platonists or, at best, to the hyletic matter (*δυσμυς* or *ύλη*) posited by Aristotle.

The common denominator of both the Platonic and Aristotelian views is that the random and the particular are not deemed worthy of being granted the status of the real and

Notes

P A R T O N E

1. Obviously the description of halakhtic man given here refers to a pure ideal type, as is the case with the other types with which the human sciences (*geistwissenschaftlern*) are concerned. Real halakhtic men, who are not simple but rather hybrid types, approximate, to a lesser or greater degree, the ideal halakhtic man, each in accordance with his spiritual image and stature. See Eduard Spranger, *Lebensform geisteswissenschaftliche Psychologie und Ethik der Persönlichkeit* (Halle, 1922) [Types of Man, trans. P. J. W. Pigors (Halle, 1928)].

2. See Ferdinand Lassalle, *Die Philosophie Herakleitos des Dunklen von Ephesos* (Berlin, 1858; repr. in *Gesammelte Reden und Schriften*, ed. E. Bernstein, vols. 7 and 8 (Berlin, 1920)); and Georg Brandes's book on Lassalle [Ferdinand Lassalle (London/New York, 1911), pp. 38-41]. Lassalle's contention that there is an accord between Herakleitos's philosophy and that of Hegel has not been accepted by historians of Greek philosophy.

3. The father of dialectical or crisis theology.

4. Even though Kierkegaard disagreed with Hegel's philosophy from beginning to end and made it the object of his fierce, stinging attacks, he, nevertheless, accepted from him the dialectical principle (with many significant changes, to be sure). And this concept of the dialectic, which he and Karl Barth introduced into the analysis of the unfolding of the religious consciousness, and this view concerning the antinomic structure of religious experience, which was revised and refined by Rudolf Otto in his book, *The Idea of the Holy*, give the lie to the position that is prevalent nowadays in religious circles, whether in

Protestant groups or in American Reform and Conservative Judaism, that the religious experience is of a very simple nature—that is, devoid of the spiritual tortuousness present in the secular cultural consciousness, of psychic upheavals, and of the pangs and torments that are inextricably connected with the development and refinement of man's spiritual personality. This popular ideology contends that the religious experience is tranquil and neatly ordered, tender and delicate; it is an enchanted stream for embittered souls and still waters for troubled spirits. The person "who comes in from the field, weary" (Gen. 25:39), from the battlefield and campaigns of life, from the secular domain which is filled with doubts and fears, contradictions and refutations, clings to religion as does a baby to its mother and finds in her lap "a shelter for his head, the nest of his forsaken prayers" [H. N. Bialik, "Hakminini tshat kenafekh"] and there is comforted for his disappointments and tribulations. This ideology is partially embedded in the most ancient strata of Christianity, partially rooted in modern pragmatic philosophy, but mainly it stems from practical-utilitarian considerations. The advocates of religion wish to exploit the rebellious impulse against knowledge which surges from time to time in the soul of the man of culture, the yearning to be freed from the bonds of culture, that daughter of knowledge, which weighs heavy on man with its questions, doubts, and problems, and the desire to escape from the turbulence of life to a magical, still, and quiet island and there to devote oneself to the ideal of naturalness and vitality. This Rousseauian ideology left its stamp on the entire Romantic movement from the beginning of its growth until its final (tragic) manifestations in the consciousness of contemporary man. Therefore, the representatives of religious communities are inclined to portray religion, in a wealth of colors that dazzle the eye, as a poetic Arcadia, a realm of simplicity, wholeness, and tranquillity. Most of the sermons of rivalists are divided in equal measure between depicting the terrors of hellfire and describing the utopian tranquillity that religion can bestow upon man. And that which appears in the sermons of these preachers in a primitive, garbled form, at times interwoven with a childish naïveté and superficial belief, is refined and purified in the furnace of popular "philosophy" and "theology" and becomes transformed into a universal religious ideology which proclaims: If you wish to acquire tranquillity without paying the price of spiritual agonies, turn unto religion! If you wish to achieve a fine psychic equilibrium without having to first undergo a slow, gradual personal development, turn unto religion. And if you wish to achieve an instant spiritual wholeness

and simplicity that need not be forged out of the struggles and torments of consciousness, turn unto religion! "Get thee out of thy country," which is filled with anxiety, anguish, and tension, "and from thy birthplace," which is so frenzied, raging, and stormy, "to the land" that is enveloped by the stillness of peace and tranquillity, to the Arcadia wherein religion reigns supreme. The leap from the secular world to the religious world could not be simpler and easier. There is no need for a process of transition with all its torments and upheavals. A person can acquire spiritual tranquillity in a single moment. Typical of this attitude is the Christian Science movement.

It would appear to me that there is no need to explain the self-evident falsity of this ideology. First, the entire Romantic aspiration to escape from the domain of knowledge, the rebellion against the authority of objective, scientific cognition which has found its expression in the biogenetic philosophies of Bergson, Nietzsche, Spengler, Klayes, and their followers and in the phenomenological, existential, and antiscientific school of Heidegger and his coherents, and from the midst of which there arose in various forms the sanctification of vitality and intuition, the veneration of instinct, the desire for power, the glorification of the emotional-affective life and the flowing, surging stream of subjectivity, the lavishing of extravagant praise on the Faustian type and the Dionysian personality, etc., etc., have brought complete chaos and human depravity to the world. And let the events of the present era be proof! The individual who frees himself from the rational principle and who casts off the yoke of objective thought will in the end turn destructive and lay waste the entire created order. Therefore, it is preferable that religion should ally itself with the forces of clear, logical cognition, as uniquely exemplified in the scientific method, even though at times the two might clash with one another, rather than pledge its troth to beclouded, mysterious ideologies that grope in the dark corners of existence, unaided by the shining light of objective knowledge, and believe that they have penetrated to the secret core of the world.

And, second, this ideology is intrinsically false and deceptive. That religious consciousness in man's experience which is most profound and most elevated, which penetrates to the very depths and ascends to the very heights, is not that simple and comfortable. On the contrary, it is exceptionally complex, rigorous, and tortuous. Where you find its complexity, there you find its greatness. The religious experience, from beginning to end, is antinomic and antihedonic. The consciousness of *Homo religiosus* flings bitter accusations against itself and immediately

is filled with regret, judges its desires and yearnings with excessive severity, and at the same time sweeps itself in them, casts derogatory aspersions on its own attributes, flails away at them, but also subjugates itself to them. It is in a condition of spiritual crisis, of psychic ascent and descent, of contradiction arising from affirmation and negation, self-abnegation and self-appreciation. The ideas of temporality and eternity, knowledge and choice (necessity and freedom), love and fear (the yearning for God and the flight from His glorious splendor), incredible, overbold daring, and an extreme sense of humility, transcendence and God's closeness, the profane and the holy, etc., etc., struggle within his religious consciousness, wrestle and grapple with each other. This one ascends and this descends, this falls and this rises.

Religion is not, at the outset, a refuge of grace and mercy for the despondent and desperate, an enchanted stream for crushed spirits, but a raging, clamorous torrent of man's consciousness with all its crises, pangs, and torments. Yes, it is true that during the third Sabbath meal at dusk, as the day of rest declines and man's soul yearns for its Creator and is afraid to depart from that realm of holiness whose name is Sabbath, into the dark and frightening, secular workaday week, we sing the psalm "The Lord is my shepherd; I shall not want. He maketh me to lie down in green pastures; He leadeth me beside the still waters" (Ps. 23), etc., etc., and we believe with our entire hearts in the words of the psalmist. However, this psalm only describes the ultimate destination of *homo religiosus*, not the path leading to that destination. For the path that eventually will lead to the "green pastures" and to the "still waters" is not the royal road, but a narrow, twisting footway that threads its course along the steep mountain slope, as the terrible abyss yawns at the traveler's feet. Many see "the Lord passing by; and a great and strong wind rending mountains and shattering rocks . . . and after the wind an earthquake . . . and after the earthquake a fire" but only a few prove worthy of hearing "the still small voice" (1 Kings 19:11-12). "Out of the straits have I called, O Lord" (Ps. 118:5). "Out of the depths I have called unto Thee, O Lord" (Ps. 130:1). Out of the straits of inner oppositions and incongruities, spiritual doubts and uncertainties, out of the depths of a psychic rent with antinomies and contradictions, out of the bottomless pit of a soul that struggles with its own torments I have called, I have called unto Thee, O Lord.

And when the Torah testified that Israel, in the end, would repent out of anguish and agony [cf. Maimonides, *Laws of Repentance* 7:5], "In your distress when all these things are come upon you . . . and you will

return unto the Lord your God" (Deut. 4:30), it had in mind not only physical pain but also spiritual suffering. The pangs of searching and groping, the tortures of spiritual crises and exhausting treks of the soul purify and sanctify man, cleanse his thoughts, and purge them of the husks of superficiality and the dross of vulgarity. Out of these torments there emerges a new understanding of the world, a powerful spiritual enthusiasm that shakes the very foundations of man's existence. He arises from the agonies, purged and refined, possessed of a pure heart and new spirit. "It is a time of agony unto Jacob, but out of it shall he be saved" (Jer. 30:7)—i.e., from out of the very midst of the agony itself he will attain eternal salvation and redemption. The spiritual stature and countenance of the man of God are chiseled and formed by the pangs of redemption themselves.

5. One of the thirteen rules for interpreting the Torah is the contradiction between two verses and their harmonization by a third verse. Therefore, it is not for naught that the Midrash (Gen. Rabbah 56:8 [cited in Rashi on Gen. 22:12]) informs us that after the angel told Abraham, "Lay not thy hand upon the lad, neither do thou any thing unto him" (Gen. 22:12), Abraham arose and asked: Yesterday You told me "For in Isaac shall seed be called to thee" (Gen. 21:12), and today You told me "Take now, thy son, thine only son . . . and offer him there for a burnt-offering" (Gen. 22:2), etc., etc.—i.e., the exalted drama of the *Akedah*, of the binding of Isaac, is reflected not only in the act of self-sacrifice on the part of the father and the son and in the offering up of Isaac as a sacrifice on the altar, but also in the struggle taking place within Abraham's soul. For it seemed to him as though the words of God were contradictory, heaven forbid; nevertheless, he overcame the pangs and torments of contradiction, rose up early in the morning and saddled his ass. When the angel appeared to him and revealed to him the third verse which harmonized the two contradictory verses, then Abraham rose up and questioned. I once heard from my father [R. Moses Soloveitchik] in the name of our great master, R. Hayyim of Brisk [R. Soloveitchik's paternal grandfather], that as long as the third harmonizing verse had not yet been revealed, Abraham had no right to question God's word, and for this reason he contained himself until the end of the epic. The pangs of consciousness of the man of God and the towering and awesome strength of his self-restraint shine forth here in a clear and pure light.

6. Neither the question of the nature of the metaphysical and noetic impulse of cognitive man, which has been extensively discussed by many philosophers—from Aristotle to present-day scholars—nor

Yehuda Amichai
A Life of Poetry
1948-1994



SELECTED AND TRANSLATED BY
BENJAMIN AND BARBARA HARSHAV.

* TOURISTS *

They come here to visit the mourners.
They sit in Yad Va-Shem, wear grave faces at the Wailing Wall,
And laugh behind heavy curtains in hotel rooms.

They take pictures with the important dead at Rachel's Tomb
And at Herzl's Tomb and Ammunition Hill,
Weep for the beautiful heroism of our boys,
Lust for our tough girls,
And hang their underwear
For fast drying
In a blue, cold bathroom.

Once I sat on the stairs at the gate of David's Tower and put two heavy baskets next to me. A group of tourists stood there around their guide and I served as their orientation point. "You see that man with the baskets? A bit to the right of his head, there's an arch from the Roman period. A bit to the right of his head." But he moves, he moves!! I said to myself: redemption will come only when they are told: You see over there the arch from the Roman period? Never mind; but next to it, a bit to the left and lower, sits a man who bought fruit and vegetables for his home.

The basic dialectic of man and his morally was beautifully captured in two midrashic homilies quoted by Rashi. In his comment to the verse "וְאֵלֹהִים יִצְרֶנּוּ אֶת הָאָדָם" (Gen. 1:26), Rashi says: "And God created man dust of the earth."

וְאֵלֹהִים יִצְרֶנּוּ אֶת הָאָדָם עֲפָרָא דְּתַלְמִינָא

God gathered the dust [from which man was fashioned] from the entire earth — from its four corners.

וְאֵלֹהִים יִצְרֶנּוּ אֶת הָאָדָם עֲפָרָא דְּתַלְמִינָא מִכָּל עֲרֻבָא

He took the dust [from which man was made] from that spot which was designated by the Almighty, at the very dawn of creation, as the future site of the altar. As it is written: "An altar of earth thou shalt make unto me."

Man was created of cosmic dust. God gathered the dust, of which man was fashioned, from all parts of the earth, indeed, from all the uncharted lands of creation. Man belongs everywhere. He is no stranger to any part of the universe. The native son of the sleepy little town is, at the same time, a son of parts distant and unknown. In short, man is a cosmic being.

He is cosmic in a threefold manner:

First, man is cosmic through his intellectual involvement. His intellectual curiosity is of cosmic, universal dimensions. He wants to know, not only about the things that are close to him, but, also, the farthest reaches of the universe. But also about things far removed from him, things and events millions of light years away. Human cosmic intellectual borders almost on the arrogant. Man is restless because he has not yet resolved the mysterious mystery of the cosmic drama. Restlessness marginal, rather than diminishes, man's curiosity. The farther the

In short, cosmic man is mesmerized by the infinite number of opportunities with which his fantasy presents him. He forgets the simple tragic fact that he is finite and mortal, and that to reach out for infinity and eternity is a foolhardy undertaking.

II

Let us examine the other interpretation of the verse in Genesis: man was created from the dust of a single spot. Man is committed to one locale. The Creator assigned him a single spot: the little home. Man is not cosmic; he is home-bound. He is a rooted being, not cosmopolitan but provincial, a villager who belongs to the soil that fed him as a child and to the little world into which he was born.

At this juncture we encounter the old Biblical idea of inheritance or homeland. We recall the solemn words, spoken with trepidation, by Jacob, in response to Ahab's request that he exchange his vineyard for another one:

וְיָבֹעַב אָמַר אֵלֶיךָ יְהוָה אֱלֹהֵי אַבְרָהָם

"The Lord forbid me that I should give the inheritance of my fathers unto thee." Man is rooted in his home. When born away he becomes a stranger, a rootless wanderer, a displaced being. Homelessness, uprootedness is a curse. Man quests for home, for the origin. Because of this origin-consciousness, he is curious to know everything about his roots, about the spot which sustains his folkhood.

Yes, man may roam along the chartered and uncharted lanes of the universe, he may reach for the stars. Yet the traveler, the adventurer, out to conquer lonely, will surely return home. If his homecoming did not occur during his lifetime, because he was too preoccupied with modes and exploration, it will certainly take place posthumously when his body will be brought

home. It is obvious that the term cosmic man should not be taken literally, as reflecting actuality in the sense of a cosmic being. It is a metaphorical term, a poetic device, a way of saying that man is a cosmic being, that he is a being who is not limited by the boundaries of the earth, that he is a being who is not limited by the boundaries of the earth, that he is a being who is not limited by the boundaries of the earth.

home, to the quiet, lonely graveyard which had long been expecting him.

What is the meaning of death in the Biblical tradition? Return! What kind of return? Return to whom, to what? Return to the origin, to the source.

וְיָבֹעַב אָמַר אֵלֶיךָ יְהוָה אֱלֹהֵי אַבְרָהָם
וְיָבֹעַב אָמַר אֵלֶיךָ יְהוָה אֱלֹהֵי אַבְרָהָם
וְיָבֹעַב אָמַר אֵלֶיךָ יְהוָה אֱלֹהֵי אַבְרָהָם

Did not Jacob request of Joseph:

"Carry me out of Egypt and bury me in their [his ancestors'] burying place." The old man wanted to rest with his ancestors; the originators of the covenant.

The dust of which man was fashioned was not taken from all parts of the universe, according to the Midrash, but from a single spot on a mountain where an altar was made, many years later constructed. As we said before, each man is created from and attached to a single spot, the origin, from which he cannot escape. The home for which man yearns attracts him like a powerful magnet; it brings him back, no matter how far he has traveled. "Home is the sailor, home from the sea, and the hunter home from the hill": these beautiful lines by Robert Louis Stevenson contain more than a nostalgic note.

Occasionally, when I am at the airport, I happen to observe the loading of a double coffin, containing the body of a Jew who has lived, worked, raised children, prospered or failed, in the United States. It is being shipped for burial in the land of Abraham, Isaac and Jacob. The mystery of the origin apparently casts a spell even upon people who have few religious commitments. The modern secular Jew wants to rest in eternal peace, in proximity to the site where the patriarchs found their rest.

The man is indeed like the tree in the field. In this context, the

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by
Rabbi Aharon Lichtenstein

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Chapter 4

A Consideration of Synthesis from a Torah Point of View

Few matters concern us – both disturb and affect us – more than the relationship between our religious and secular studies. As students committed to Torah and the study of Torah, and yet deeply engaged in the pursuit of a general education, we feel – and should feel – a strong need to understand the respective positions of the two areas in our lives. The need is related to both our outlook and our experience. Philosophically, we recognize the necessity to determine how these varied aspects of our pluralistic culture coalesce within our overall *Weltanschauung*. Practically, we are often confronted with the need to reconcile the demands that these aspects make upon our loyalties and our energies. The formulation of a Torah attitude toward this question thus takes on paramount importance.

Torah as a Way of Life

How is such an attitude to be formulated? I think that it must rest upon three fundamental premises. The first must be a clear and unwavering recognition of the primacy of Torah as a way of life. This we posit as the supreme value – in a sense, as the *only* value. Fulfilling our spiritual destinies, furthering in ourselves and others the development of Torah, strengthening and deepening our consciousness and experience of God, stimulating our love, fear, and knowledge of Him – this is the alpha and the

omega, our first, last, ever-present goal. Religion demands an axiological monopoly; *yihud Hashem* means simply that religion alone has absolute and comprehensive value. Everything else, no matter how socially or intellectually desirable, has only relative and secondary importance. Its worth is derived solely from the extent to which it contributes, however remotely, to the fulfillment of the divine will. On this point there can be no compromise and should be no misunderstanding. A man's religion means everything or it means nothing.

Torah Study

Our second premise is that the achievement of *hayyei Torah*, a Torah life, is dependent on *talmud Torah*, Torah study. *Yahadut* has always held that the highest development of the Jew's spiritual personality is impossible without the fullest exertion of his intellectual faculties – *lo am ha-aretz hasid*.

This is true for many reasons. Most obviously, study is a necessary prerequisite to proper religious observance. The fulfillment of moral and ritual norms is hardly possible without clear and accurate knowledge of both their general nature and their particular details. But, as was pointed out by the Bet HaLevi, *talmud Torah* is not merely a preliminary to observance. It is itself a *mizvah* – indeed, one of the most basic. Torah study, ideally conceived as both an intellectual exercise and a religious experience, is imposed by the Halakhah as a universal daily obligation. Insisting that God must be served with the head as well as with the hands and the heart, *yahadut* sees intellection as an integral aspect of the religious life of every individual. It has never seen religious study as the private preserve of an ecclesiastical hierarchy or of a privileged intellectual elite. On the contrary, it posits *talmud Torah* as the duty and destiny of all. It realizes that great success in the exercise of reason as part of man's search for God cannot come to all, or even to many, but it considers this no reason for abandoning the attempt. It is precisely for the effort, the *process* of the *recherche*, that the Halakhah presses most insistently. Of *yedi'at Ha-Torah*, the knowledge of Torah, Hazal has relatively little to say; but of *talmud Torah*, they can never say enough.

The significance of Torah study is twofold. First, it gives the Jew an insight, as direct and profound as man is privileged to attain, into the revealed will of his Creator. It affords us an opportunity to get (*salve reverentia*) a first-hand knowledge of the divine will, to deepen and broaden our minute understanding of God's infinite reason. In its essence, the Torah – particularly the Halakhah – constitutes an immanent expression of God's transcendent rational will. By studying its texts, analyzing its principles, and developing its ideas, we are able to approach, however haltingly, that unattainable goal toward which Mosheh Rabbenu strove so desperately – *hodi'eni na et derakhekha*, "Let me know Thy ways."

Insight into Divine Wisdom

Second, Torah study, when properly pursued, affects our total spiritual personality. Partly because it does afford us a better insight into inscrutable divine wisdom, and partly because it engages the mind – and with it the whole man – in pursuit of religious knowledge, it transmutes our innermost being. The knowledge we can acquire of God's will increases our conscious, and subconscious, awareness of Him; the very act of weighing His words or of analyzing His laws draws us imperceptibly nearer to Him and to them. *She-ma'or she-bah mahziran le-mutav* – the light of Torah returns us to Him. It matters not what segment of Torah we study. Provided that we approach it with an awareness of its true character, Bava Mezia will do as well as Berakhot, and Hallah will affect us no less than Avot. As was agreed by both the Ba'al Ha-Tanya and Rav Hayyim Volozhiner, respective pillars of Hasidut and Mitnaggedut, an analysis of the most technical minutiae of *meگو lehotzi* or *hometz nukshah* in the proper context is, at bottom, spiritually uplifting. Torah study leaves an indelible imprint upon our total personality and, in the process, transforms it. Of course, it can only effect this spiritual renovation if we approach it with the proper attitude. If a fundamental awareness of the divine character of Torah is lacking, study can have little force. Indeed, if negatively approached, it may even have a pernicious effect: *lo zakhah* (*le-lomedah li-shmah ule-kayyemah* – Rashi), *na'aset lo sam mitah*. But given this basic acknowledgment, Torah study

becomes the prime agent in effecting a gradual spiritual regeneration. Paradoxically, through a constant reciprocal process, it both sustains piety and is sustained by it. Keener study leads to greater piety, and more fervent devotion leads to profounder knowledge. The dialectical interplay of *talmud Torah* and *yir'at shammayim* is the heart of Torah life.

General Studies

If our first two premises are an insistence upon the primacy of Torah and an awareness of the overriding importance of Torah study, our third is the recognition of the great, albeit ancillary, value of a broad spectrum of general studies. The practical value of general studies is obvious. They provide both professional or vocational training and a general orientation toward the innumerable pragmatic exigencies of human life. These are, in themselves, matters of no little moment; but I am at present concerned with the directly spiritual significance of general studies. To begin on a negative note, secular knowledge is invaluable for an understanding of the environment in which we all, willy-nilly, find ourselves. No matter where we live, we are in the midst of a society that is generally indifferent, if not hostile, to religious values, one in which advancing the development of Torah entails an almost perpetual struggle. "Paganism," said Eliot, "has all the best advertising space." "And paganism" (to adapt a remark once made about the so-called genteel tradition) is best defeated "in the classical way, by understanding it." We cannot combat worldliness until we know what it stands for; we cannot refute the secularist unless we have mastered his arguments. Furthermore, if we wish not merely to react to our environment, but to act upon it, we must be thoroughly familiar with its mores and its values. If *Bnei Torah* are to exert some positive religious influence upon modern society, they must maintain some contact with it. To this end, secular study is virtually indispensable.

We may go even further. In our circumstances certainly, general knowledge is necessary not only for influencing others; it also helps us to preserve our faith. The Mishnah tells us that we should be able to answer the *apikoros*. The person it has in mind need not be a freethinker or an idolater.

There is an apikoros within, a serpent potentially lurking in the finest of Edens, and we must be ready to reply to his proffer of the bittersweet apple. But we must first read a treatise on serpentine psychology.

Aids to Torah Study

Secular knowledge is not merely a tactical weapon, however. It possesses considerable intrinsic merit. We may consider it under two headings. First, secular studies are often invaluable as a direct accessory to *talmud Torah* proper. Consider simply the aid we derive, by elucidation or comparison, from linguistics in Amos, history in Melakhim, agronomy in Zera'im, physiology in Niddah, chemistry in Hometz u-Matzah, philosophy in Yesodei Ha-Torah, psychology in Avodah Zarah, political theory in Sanhedrin, torts in Bava Batra – one could continue almost indefinitely. As the Gaon insisted, there is hardly a province of Halakhah for whose mastery scientific, historical, and linguistic knowledge is not only helpful but indispensable. If pursuing such knowledge is not *talmud Torah*, it is, at the very least, *hekhsher talmud Torah*. And contrary to the general assumption, it is precisely the weaker student who stands most in need of auxiliary aid of this kind. While learning Sanhedrin, R. Hayyim Brisker evolved his own political theory. Most of us merely fumble.

Develop Spiritual Personality

While the importance of general knowledge as a direct auxiliary in the study of Torah is great, it is perhaps even more significant in a third capacity. Secular studies possess immense intrinsic value insofar as they generally help to develop our spiritual personality. Time and again, they intensify our insight into basic problems of moral and religious thought. History and the sciences show us the divine revelation manifested in human affairs and the cosmic order. The humanities deepen our understanding of man: his nature, functions, and duties. In one area after another, a whole range of general studies sustains religion, supplementing and complementing it, in a sense deeper and broader than we have hitherto perceived. Of

course, we cannot always see how a specific isolated detail can have such an effect. One could easily seize upon a minor point – say, L'Hospital's rule or the dates of Louis-Philippe's reign – and ask how that will improve us in any way. We should remember, however, that knowledge is attained only by degrees – nay, by minutes and seconds. Whether a specific fact is sufficiently relevant to merit study is a question that must be decided with reference to a particular context. No doubt one may lose wisdom in the search for knowledge, and knowledge in the search for information, but we shall continue to pursue all three. No one would contend that metrics or grammar has any intrinsic merit. Yet their value as instrumental knowledge led the Ramban and the Ba'al Ha-Maor to master the one, and all *gedolei Yisrael* to learn the other.

Nor should we be deterred by the illusion that we can find everything we need within our own tradition. As Arnold insisted, one must seek "the best that has been thought and said in the world," and if, in many areas, much of that best is of foreign origin, we should expand our horizons rather than exclude it. "Accept the truth," the Rambam urged, "from whomever states it." Following the precept and practice of Rabbenu Bahye, he adhered to that course himself; and we would be wise to emulate him.

The explicitly systematic discussions of Gentile thinkers often reveal to us the hidden wealth implicit in our writings. The Gentiles, furthermore, have their own wisdom, even of a moral and philosophic nature. Who can fail to be inspired by the ethical idealism of Plato, the passionate fervor of Augustine, or the visionary grandeur of Milton? Who can remain unenlightened by the lucidity of Aristotle, the profundity of Shakespeare, or the incisiveness of Newman? There is *hokhmah ba-goyim*, and we ignore it at our loss. Many of the issues that concern us have concerned Gentile writers as well. The very problem we are considering has a long Christian history, going back to Tertullian and beyond. To deny that many fields have been better cultivated by non-Jewish than by Jewish writers is to be stubbornly, and unnecessarily, chauvinistic. There is nothing in our medieval poetry to rival Dante, and nothing in our modern literature to compare with Kant, and we would do well to admit it. We have our own genius, and we have

bent it to the noblest of pursuits, the development of Torah. But we cannot be expected to do everything.

Realistic Problems

I have so far been dealing with our question on a more or less ideal, abstract plane, on which the respective positions of Torah and *madda* can be neatly charted, and can be seen as existing in easy, perfect harmony. We are all well aware, however, that no such easy concord exists. We are only too familiar with complex problems and recurrent conflicts. Certainly, these problems neither can nor should be ignored; we slight them at our own peril. Indeed, they are so formidable that they have led many to question whether religious and secular studies can enjoy any fruitful relationship; whether, in the life of a *ben Torah*, there is any room at all for serious general education.

At Yeshiva University, of course, we take this for granted. Historically, however, the question has been persistently and fervidly debated – and at the very highest levels. *Hakhmei Yisrael* have clearly been divided. As the Rama put it, *zu makhloket yeshanah bein ha-hakhamim*. In Hazal proper, references to the problem are relatively few and, taken as a whole, rather inconclusive; they can be, and have been, interpreted in either direction. Subsequently, however, two conflicting views developed, and they have persisted, with alternating ascendancy, through the centuries.

If the Sephardic Rishonim were mostly in favor, the Ashkenazic were generally opposed. If the Maharal extolled philosophy, the Maharshal condemned it. R. Yisroel Salanter might send his prime students to the finest universities in Europe; but Volozhin, easily the greatest yeshiva of modern times, shut its doors rather than introduce the most limited of secular programs. We are dealing here with *gedolei Yisrael*, not mere obscurants. The problems arising from the integration of Torah and secular studies must have been pressing indeed if they produced such controversy – and they are still pressing. We would be committing the gravest folly were we to regard this controversy (as I am afraid many of us do) as a remotely irrelevant issue, almost as a historical curiosity. I have referred to it briefly

to underscore its seriousness and, at the same time, to remind us of its pertinence. A question *gedolei Yisrael* could discuss with such fervent interest cannot be lightly dismissed.

Even if we feel justified in rejecting the verdict of some – we cannot, after all, agree with everyone – the very awareness that so many of our greatest men, before whom the best of us can only stand with bowed heads, steadfastly opposed secular studies, should in itself prove a sobering influence. By giving us the proper perspective, it may, above all, enable us to grasp the basic problems. For in the course of the controversy, virtually all the major questions concerning the relationship of religious and secular studies have been raised. These questions are so fundamental that any formulation of a Torah view on this issue must not merely answer them but consider them as part of its basic frame of reference.

The Danger of Secular Studies

What are the problems? The principal objections against secular studies will bring them into clear focus. To begin, it has been asserted that secular culture, especially of a freethinking nature, may exert a dangerously powerful influence over students, luring them from the fold of Jewish tradition. Hence, the discussion has tended to center around the question of studying philosophy.

It has also been argued that the study of even innocuous subjects constitutes a waste of precious time, time which might – nay, must – be spent more profitably in deepening and expanding one's knowledge and understanding of the Torah. Vocational training, so runs the argument, might be necessary, but every moment available for spiritual or intellectual concerns must be devoted solely to Torah study. Finally, many have objected that, quite apart from the time which they consume, secular studies weaken the individual's religious position simply by diverting his interest, thus sapping his personal resources. By focusing his attention elsewhere, often by riveting it upon trifling vanities, they drain him of intellectual and emotional energy. Diversification leads to both diversion and distraction; it leaves the student involved with irrelevant matters but unmindful of his

vital religious concerns, "weeping the death of Dido for love of Aeneas, but weeping not his own death for want of love to Thee – as Augustine recalled of his early self in the *Confession*."

Influence

First, the problem of influence. A consideration of influence leads us back to our initial premise. We have been concerned so far with the primacy of Torah on the axiological plane, in the realm of values. The primacy of Torah is also logical, however. We recognize it as the basis upon which all human culture, all arts and sciences, must stand. This recognition is two-fold. First, on the objective level, we see the Torah as the logical groundwork of all truth. Its principles constitute the premises to which everything else is related; and they provide a philosophic framework within which all knowledge attains meaning. Of course, the details of thermodynamics or of the declension of *pes* can hardly be referred back to a specific *pasuk* or Halakhah. In its totality, however, Torah constitutes the objective foundation of all truth: *istakkal be-oraita, bara alma*.

The Torah: The Basis

Second, Torah must be the subjective basis from which, as students, we judge all else. From a religious point of view, secular studies, especially the social sciences and the humanities, should derive not only their value but their meaning from a religious source. For us, Torah is at once the criterion of truth and the touchstone of value. Whatever the *ben Torah* reads, he will read through its eyes; whatever he studies, he must judge by its standards. Its *Weltanschauung* becomes the prism through which everything is seen. The importance of viewing all subjects with a critical appraisal of their relation to Torah can hardly be exaggerated. Failure to do so can only lead, at best, to intellectual schizophrenia. Whatever the Hegelians may say about history, in education, the successive independent study of thesis and antithesis hardly produces synthesis. "Literary criticism," Eliot wrote, "should be completed by criticism from a definite ethical and

theological viewpoint." This may be applied to virtually every field of study. Of course, it does not apply with equal force to all areas. Some subjects – the humanities, for instance – are closer to our religious life than others. Even within the same subject, some aspects are more significant – potentially more enlightening and more dangerous – than others. In all areas, however, Torah furnishes at least a perspective. In some, its relation is much more direct, as it may give us specific guidance.

In a larger sense, the need for a religious approach to secular culture is universal. At one point or another, everyone is in contact with secularism. And critical appraisal in the light of Torah is particularly necessary precisely at those points at which we tend to lower our guard.

I doubt that any yeshiva student has ever been much corrupted by Augustine's *Confessions* or Aquinas's *Summa*. But can the same be said of Ibsen's drama and Whitman's poetry? Berlioz's music and Titian's art? Do we recognize the determinism latent in the writings of so many social scientists – often so pervasive as to be assumed rather than stated? Are we taken in by the quasi-religion of an Emerson or a Carlyle? Do we judge political events by religious standards? Our scrutiny must perhaps be keenest when we are furthest from the library or lecture hall. To return to Eliot, "Explicit ethical and theological standards" must be especially applied to "works of imagination." All of us may be influenced by these.

The Primacy of Torah

The position I have been advancing suggests a practical corollary. If secular culture is to be judged from a religious perspective, religious knowledge is an obvious prerequisite to its study. Ideally, the primacy of Torah should therefore also be chronological. This is, indeed, what the Rambam held – *venimmuko imo*. The student's understanding of his own religious outlook should always be more perceptive and more advanced than his appreciation of corresponding secular viewpoints.

There is, however, a practical difficulty. How is one to know when he is ready? There is no simple answer. Every student's situation is different,

and each case must be decided on its individual merits. With regard to the study of idolatry, Hazal established the principle of *lo tilmad la'asot, aval attah lomed lehavin u'le-horot* – "You shall not study (if it may lead) to practice, but you may study in order to understand and pass judgment." When may one venture, confident of his purpose? The question must be decided on the basis of individual circumstances. A second difficulty is that, in some cases, the lack of early religious training makes the priority of Torah knowledge almost impossible. Under these circumstances, the gap may be partially filled by guidance from friends and teachers (to some extent, such guidance is needed by all of us). But in any event, it is important that the principle be kept intact.

Some may find my position illiberal. Perhaps it is. But are we to sacrifice eternal salvation on the altar of untrammelled objective inquiry? The danger of having our faith undermined by our studies is one which we dare not underestimate. Ideas are potent. They are powerful agents, directly affecting the growth of our spiritual personality.

"It must never be forgotten," Whitehead declared, "that education is not a process of packing articles in a trunk.... Its nearest analogue is the assimilation of food by a living organism, and we all know how necessary to health palatable food under suitable conditions is. When you have put your boots in a trunk, they will stay there until you take them out again; but this is not at all the case if you feed a child with the wrong food." Of course, we prefer to think we have passed out of our nonage. But adults also watch their diets.

If nothing else, the success of modern propaganda has taught us how naive was Mill's notion that the free clash of ideas must result in the triumph of truth. Falsehood does not always stick to the rules. We must be on our guard, and we must not venture out of our depth. Objectivity is fine, but one should beware of indifference. If knowledge is to be meaningful, it must be approached with a point of view. In engrossing ourselves in the "objective" study of a subject, there is danger that we may forget why we wanted to study it in the first place; hence the need for seeing it in a Torah perspective. Absolute *perishut* is the wrong solution, but *zehirut* must be unrelenting.

Our second major problem, no less pressing than the first, is of a more practical nature: simply a matter of budget. Working within the bounds of limited time and energy, we are constantly confronted by the need to balance the conflicting demands imposed by various studies. We return once again to our fundamental premises. Thus, translating the primacy of Torah into pragmatic terms, we must make the study of Torah our principal intellectual endeavor. Especially during our formative educational period, the high school and college years, it is imperative that we devote the major portion of our time and effort to *talmud Torah*. First and foremost, above and beyond all personal and professional ambitions, every student at Yeshiva College should have one overriding aim: to become a *talmid hakham*.

If *talmud Torah* gets the lion's share of our attention, general studies nevertheless are left with a sizable portion. The purists, of course, see them as a waste of time. One must point out, however, that we are dealing with a quantitative rather than a qualitative problem – not a question of whether to study, but how much. If the principle of *bittul Torah* were to be carried out consistently to its logical conclusion, then in applying it to, say, mathematics, we should stop teaching children how to count. The suggestion has yet to be entertained. Where, then, are we to stop? With multiplication? Fractions? Square roots? Logarithms? Determinants? Complex numbers? Clearly, budgeting is a process of weighing *sakhar ke-neged sakhar*, advantage against advantage; and again it should be obvious that no single answer can be offered.

It would be ridiculous to insist upon a uniform standard of so much or so little secular education for all students at all times. Conditions vary, and vary widely. The point of diminishing returns – that at which the loss due to time spent on secular studies exceeds their contribution to the cause of Torah – differs in every case. For some, no doubt, a double program at the college level is too much. For many if not most, stretching the college program over the summers, adding a fifth year, or both, would be highly advisable. The principle to be kept in mind, however, is that the student's development as a *talmid* must come first. As to everything else, a proper sense of proportion must be preserved.

I have hitherto been concerned with the liberal phase of education, that which merely concerns our development as human beings. As Hazal recognized, however, education also has a professional aspect – *le-lammedo ummanut*. This aspect presents a new problem. Hopefully, many students, especially the better ones, will go on to find careers in working for Torah, either in the rabbinate or in education. For these, professional study (one hates to call it that) will happily coincide with further intensive *talmud Torah*. Such a course cannot be followed by all, however; and for those hoping to enter other fields, the problem of budgeting time acquires a new dimension. Particularly in a period so dominated by specialization, placing the primary emphasis upon the study of Torah would seem to block the path to professional success. Our fundamental thesis remains unshaken, however. As liberal educators from Newman to Hutchins have argued, full professional preparation should come in graduate school rather than in college. The graduate student, like the practitioner, may have to shift his emphasis, but the critical college years should focus upon personal development, and this means upon growth as a *ben Torah*.

Of course, college also has a strong bearing upon a student's future. Some will never attend graduate school, and even for those who do, previous college preparation is important. But no matter – first things first. Students who find that their general education interferes unduly with their religious studies could, as I have suggested, stretch out their college program. However, many should be able to combine the two areas. An undergraduate program is not quite that rigorous. Good students putting in what most schools consider a full day on the study of Torah should still be able to pursue a serious college program. Of course, this would require diligence. Full concentration, no frills, no flimflam. But it can be done.

Commitment

The final problem, that of diversion, must be met by a single word: commitment. Realizing the danger of possible distraction, we can avert it by sincere dedication. We must recognize that, deeply involved as we are in other fields, we are committed to only one thing: Torah. This commitment

should be both profound and comprehensive. It cannot merely involve an occasional resolution. Commitment is the permanent recognition, both emotional and intellectual, that Torah is our principal concern. Whatever else we may be doing, we know that Torah and its study, the conscious development of our spiritual personality, is the main thing. Compelling reasons may temporarily force us to lay it aside; but we can hardly wait to return. As Rabbenu Tam said, there can be no *heseh ha-da'at*, no distraction, with regard to *talmud Torah*. Any other activity, whether auxiliary to Torah or independently necessary, we regard as incidental. We have only one spiritual destiny: *Lalekhet ba-hem*, says the Sifre, *ve-lo lippater mitokham*. We can never be done with the study of Torah.

Hence, even in later life, when many will find it necessary to devote the bulk of their energies to earning a livelihood, *talmud Torah* can never cease. Indeed, one should always recognize that *torato ummanuto*, one's main occupation is *talmud Torah*, all else is secondary. As the Rosh pointed out, primacy is not measured by the crude yardstick of time. Most likely, the financier and the grocer spend more time working than studying. What is important is, first, the value-judgment, and second, the determination to devote one's spare time to the study of Torah. A person's avocation – that to which he turns with joy when the fetters of obligation have been cast off – reveals more of his character than does his vocation. As *Bnei Torah*, committed to a life of Torah, we shall know where to turn.

Lifelong study, quite apart from its intrinsic importance, is what gives this commitment a focus. It provides us with an activity that indeed renders everything incidental. Only through study, furthermore, can our total religious life become meaningful.

As Coleridge so keenly perceived, faith can be neither profound nor enduring where the intellect is not fully and actively engaged in the quest for God: "The energies of the intellect, increase of insight, and enlarging views, are necessary to keep alive the substantial faith in the heart. They are the appointed fuel to the sacred fire." Where the mind is dormant, the whole man becomes torpid.

Conclusion

In conclusion, I should like to place our whole problem in a somewhat broader perspective. Ultimately, one's view of the relation of secular and religious studies depends upon a corresponding attitude toward the relation of religious and secular life. On the one hand, there may be a dualistic conception that would set up a rigid barrier between the two, a conception that conceives of man's purely natural life as intrinsically corrupt, that sees the religious as established not upon the secular but despite it; that, in short, considers *kodesh* and *hol* not simply distinct but disjunct. On the other hand, we have a unified conception that stems from a deep-seated belief that life is basically one, that the secular and religious aspects of human experience are in fundamental harmony, the latter perfecting rather than destroying the former; and finally, that while *kodesh* and *hol* are neither identical nor coextensive, they are contiguous and continuous. I think that the attitude of Torah is clearly aligned with the latter view, with what a Canadian scholar has called "the principle of integration." Our whole *Weltanschauung*, from eschatology to ethics, is firmly grounded upon the profound conviction that the physical, the natural, the secular, is not to be destroyed but to be sanctified. The Halakhah stresses not rejection but inclusion, not segregation but transmutation. It has never sought to mutilate life in some Procrustean bed. Rather, with its vitality, flexibility, and breadth, the Halakhah has repeatedly proved to be as expansive and as inclusive as life itself. Its catholicity, its magnificent sweep, and its extraordinary scope – these are of its essence. The Torah is neither world-accepting nor world-rejecting. It is world-redeeming. In the education of a *ben Torah*, therefore, there is room for both secular and religious studies. Not equal room, to be sure; the obverse of integration is the hierarchy of value, and within that hierarchy, Torah reigns supreme. At bottom, however, the comprehension of Torah's outlook establishes a rich education as the basis of a rich life. The final word is with integration and harmony.

The Torah U-Madda Journal 1 (1989)

Dr. Jacob J. Schacter

Torah u-Madda Revisited: The Editor's Introduction

In 1934, Rabbi Simon Schwab, currently Rav of Congregation K'hal Adath Jeshurun in Manhattan and then District Rabbi of Ichenhausen in Bavaria, wrote to many leading rabbinic authorities of his generation asking their opinion on the halakhic legitimacy of secular disciplines in general and the validity of the "Torah 'im Derekh 'Erez" ideology in particular.

שאלו: אם נותר להחשב בחכמות המדעיות והאומות אופן תקינים יותר מה?
... י"ע. אך למסקנה הולכת למעשה בלמוד המדעיות כאלו בקביעתו בנח
באונברסיטה או בה"פ"ק... ואמת יש בה מנוחה גדולה ובה נדלית
וצדקים דעת חכמות ומדעים ומחמא קרא גם בפרטים...¹

After engaging in his own analysis of the issue, Rabbi Schwab concluded:

"כל דבר... הוא רק לעורר אותנו ונחמץ לו דרך סלולת וישנה בענינים
אל... נחמץ להם והוא בדרך עפ"י משפט חודק בדרך כל הפרטים
החכמים והאומות בדרך...²

Among those who responded in writing to this *she'elah* were Rabbi Avrohom Yizhak Bloch, *rosh yeshiva* of the yeshiva in Telshe; Rabbi Barukh Ber Leibowitz, *rosh yeshiva* of the yeshiva in Kamenetz; Rabbi Yosef Rozin, known as "the Rogatchover"; Rabbi Elhanan Wasserman, *rosh yeshiva* of the yeshiva in Baranowicz and Rabbinate Dr. Zev Zevi (Hermann) Klein, then a member of the K'hal Adath Yisrael Ber Din in Berlin and later a rabbi in Buenos Aires, Argentina.³ Rabbi Bloch began his response with a most striking observation:

ע"ד שאלת מעבדת לברית את יהודה ואה, בננו על מרחק הכמות העצום ע"ד חזקת והנהג בארץ אשכנזי בכלל, אמנם קשה מאד בענינים כאלו להשיב תשובה ברורה כחלטה, כי ענינים כאלו בננים הרבה מאד אל השקפות הערות המקצועיות עם חלק האגדה, וגם יש בהם האופי המיוחד שובעניני אגדה כמו בעניני דעות ומדות, שאף שהם בהם עשוי לאתר, עכ"ז אין לקנות בהם מסמרות כמו בחלק חלטה, היינו להוציא פסק הדין לכל, כי חלשים הדברים מאוד מעט מהם מוגזזים חרובי המיוחד, ג"כ חלשים בהנאי חזון המקום המצב והמפריכה.

Although Rabbi Bloch went on to take a dim view of the validity of secular knowledge, the openness with which he began his analysis of the issue is remarkable. At the very outset, he acknowledged that one cannot treat this matter as one would a strictly halakhic issue, offering a clearly definitive *pasak* applicable to all. On the contrary, he felt that it is inappropriate to make a blanket statement prohibiting all such activity. In fact, he explicitly acknowledged the validity of a subjective approach to this issue, arguing that one must first take into account "the conditions of time, place, circumstance and environment."³

There is, indeed, no question that many great rabbinic scholars valued secular knowledge, pursued it and even integrated it into their halakhic and religious works. Writing in opposition to the Rashtba's ban in 1305 against the study of philosophy before the age of twenty-five, Yediah b. Abraham Bedersi (ha-Penini) argued:

... שפעוד בכל הדורות אצות החובים בספרד ובכל ארצות שמתוך
דברתם בחרתם על הכל כדור והרחקת ההמשמה בפרט בראות
אז במעט אשר הם מעורבנים לשון החרב חזקתה לזרוע רוח החכמה בלב
דברתם בחרתם על הכל כדור והרחקת ההמשמה בפרט בראות

He went on to cite a list of predecessors who had been learned in secular wisdom including R. Sa'adya Gaon, R. Yitzhak ibn Gilyat, R. Moshe ibn Ezra, R. Shlomo ibn Gabirol, R. Yehudah ha-Levi, R. Avraham b. Eljya, R. Yitzhak ha-Yisraeli, R. Yonah ibn Janah, R. Avraham ibn Ezra and, of course, Maimonides.⁴ It would be easy to bring the list up to date, for the last six centuries also featured prominent scholars well versed in extra-Talmudic disciplines. Such a more recent list would include R. Moshe Isserles, Maharal of Prague, R. Yair Eljyim Bacharach, R. Ya'akov Emden, R. Samson Raphael Hirsch, R. Isaac Halevi Herzog, R. Yaakov Yehiel Weinberg and, *wibedel le-hayyim*, R. Joseph B. Soloveitchik. Clearly, the legitimacy, validity, and even the value of extra-talmudic disciplines for the religious Jew have long been recognized and accepted by outstanding rabbinic authorities throughout the generations.⁵

In the nineteenth century, R. Samson Raphael Hirsch expanded and institutionalized this involvement in secular scholarship. No longer was it to be considered the private domain of a few especially gifted individuals

but rather it was, for Hirsch, to be the focus of attention of all Jews. Rejecting the notion that such involvement should be limited only to the intellectual elite, Hirsch incorporated secular learning into the school curriculum, even in the younger grades. In a work written almost two and a half decades ago, Rabbi Schwab noted:

At all periods of our history there were Geomim—who commanded authority within and became our spokesmen without—who had added secular knowledge to their profound wisdom. There is a colorful roster of immortal masters such as R. Saadia Gaon, Rambam, Maharal and so forth, all the way down through the ages to the Gaon of Vilna. They all have successfully employed the so-called "outer wisdom" as the "spice mixers and the cooks" for the royal table of the Divine Teaching.

What R. Samson R. Hirsch 5⁷yi propagated is not really the principle itself as much as its introduction into 1917, i.e., the educational program for the Jewish school and for the growing youth. This is the true 1917 which Hirsch initiated! There were always learned adults who had a positive attitude toward worldly knowledge which they acquired *after* they had mastered Shass and Poskim. Hirsch innovated a school program for *children*, starting from the elementary level all the way up to higher education during the formative years of life.⁶

This notion gained its most substantial institutional legitimacy with the establishment of Yeshiva College in September, 1928 in New York City. While the story of the founding of Yeshiva and its development from a small cheder on New York's Lower East Side to a multi-faceted university has been told and retold from different perspectives,⁷ it is important to analyze the ideology which underlay the founding of this institution and to trace its development both in official pronouncements as well as in student publications from its inception until the present time. To be sure, the joining together of Torah and secular wisdom as the optimal educational model was by no means accepted at either of the two schools whose merger in 1912 had made possible the founding of this institution. On the contrary, the founders and faculties of both Yeshivat Ez Chaimm and the Rabbi Isaac Elchanan Theological Seminary (RIETS) saw their schools as classic East European yeshivot transplanted onto American soil where, following the model of the Torah academies on the other side of the Atlantic, secular studies had no place.

Yeshivat Eyz Chaim was founded in 1886. Although its "Constitution of the Society Machzeki Jeshbath Eyz Chaïem" written that year indicated that each afternoon "two hours shall be devoted to teach the natives that each afternoon,"³ this did not represent a serious commitment to language, English,⁴ this did not represent a serious commitment to secular studies on the part of the administration. Their attitude towards secular knowledge was a less than enthusiastic one and was described in

the Yiddish autobiography of the famous novelist and journalist, Abraham Cahan, who served as one of the first English teachers of the yeshiva, from 1887-1888:

Old fashioned Orthodox Jews of the old-world type wanted their children to be raised in America as they and their fathers were raised in Eastern Europe ("in der heim"). Instead of attending public school where one sits bareheaded, learns non-Jewish subjects and speaks not Yiddish, (they wanted) their boys to spend the(ir) days at the Gemara like old-world yeshiva *babym*. The Yeshiva Ez Chaim was founded for this purpose. However, one must still know a bit of the worldly studies ("welliche *himmdim*") as well, whether the pious father wants it or not; after all, America is not Poland or Lithuania of seventy years ago. Unwillingly, the trustees ("gabbers") of the yeshiva hired a few teachers to teach the boys a bit of the "goytische" subjects...

I was supposed to teach the boys grammar, the second part of arithmetic, reading and spelling. The trustees had no clear conception of what one must teach the children for they themselves never tasted such spiritual fare ("geistige *ma'abbolim*").

The entire "school" was (established) more for the sake of fulfilling an obligation than for the true purpose of giving the children a modern education... I had sympathy ("sympathie") for them and used to spend more time with them than my contract entitled them to... The Orthodox trustees used to complain to me *why* I "devote so much energy" on the lessons. "They already know, even now, enough English,"—one (of them) used to say to me...

There were very few schoolbooks: two or even three boys used to have to read from one "Reader." Other books were altogether missing."

Nevertheless, with the passage of time the level of the general studies improved and by 1910 a group of parents were sufficiently pleased with the school's secular curriculum to take out an ad in one of the Yiddish newspapers thanking the Board of Directors, "for the excellent education that the Yeshiva gave their children in Jewish and other subjects." In addition to a thorough grounding in traditional rabbinic texts, the students "completed the public school curriculum in a short time and entered City College."¹⁰

A very similar scenario was played out at RIETS which was founded slightly over a decade later, in 1897. The newspaper announcement describing the founding of that institution noted that, "a daily 'shul' will be taught by a Rosh Yeshiva and a teacher will give instructions in the language of the land."¹¹ But, once again, the administration of the school had no intention of taking the latter responsibility seriously and secular subjects were not originally part of the curriculum at all. However, in this case, dissatisfied with the lack of formal secular instruction, students of RIETS insisted upon an expansion of the curriculum to include a more

central role for these disciplines as well. When the directors asserted that such material is inappropriate for a yeshiva, the students attempted to marshal public support for their position and, at one point, went so far as to go on strike. A newspaper editorial supporting the students' position even appealed to historical precedent to buttress their arguments:

Not by your perpetuating in New York the old fashioned methods of Aishishok will you make Judaism great in America; not by shutting for them the doors of worldly education ("welliche *bildung*") will you create spiritual leaders. Judaism does not at all fear the light of secular education ("bildung"). The leaders of Judaism were not unenlightened. The Rambam with his philosophical knowledge, R. Yehudah ha-Levi with his philosophy and medicine, the Gaon of Vilna with his knowledge ("*wissenschaft*") and mathematics—these were the representatives of Judaism.

Open the windows, give more light and fresh air to those whom you want to place at the head of American Judaism.¹²

The recurring struggle between the students and the administration over the inclusion of secular studies into the curriculum of RIETS was a bitter one and it represents one of the most interesting chapters in the history of the attempt of American Orthodoxy to come to terms with its new environment in the first decade of the twentieth century.¹³

In 1915, thirty-year-old Dr. Bernard Revel was appointed as the *rosh yeshiva* and president of the faculty of the Rabbinical College of America, representing the recently merged Ez Chaim and RIETS. A child prodigy and *muqraneh* at the age of sixteen; a student of law at Philadelphia's Temple University while enrolled in courses on ancient Hindu philosophy, oriental languages, and economics at the University of Pennsylvania; a graduate student of comparative religion, Semitic languages and philosophy at New York University; and the holder of a doctor of philosophy degree from Dropsie College, he was obviously a man who himself combined advanced rabbinic learning with sophisticated secular scholarship. Indeed, for Dr. Revel, this double emphasis was not simply a grudging accommodation to the realities of his newly adopted country but was the result of a firm ideological commitment to the basic importance of both Torah and secular wisdom for the religious Jew, a commitment he had already expressed prior to his coming to America and which he maintained for his entire life.¹⁴ On the day Dr. Revel was inducted in his new post, the *Yiddisher Tageblatt* hailed his appointment in an English editorial:

It certainly is a departure from old custom to elect as head of such an institution a man of the type of Dr. Revel. There has been some fear in the past and not without cause, that a modern education leads away from orthodoxy. True in Germany? Dr. Hildesheimer, father and son, Dr. Lehmann, Dr. Bamberger, Samson Raphael Hirsch, scholars in the Jewish

the proper *integration into an organic unity* of our Jewish religious heritage with modern secular culture.²⁵

In fact, they need not have been concerned. Dr. Revel's vision for Yeshiva College was enhanced and even further concretized by his successor, Dr. Samuel Belkin, who assumed the presidency of Yeshiva in 1943, at the age of thirty-one. He too had already demonstrated his personal commitment to both Jewish and general knowledge long before his appointment. Like Dr. Revel, he too had been considered a child prodigy, received rabbinic ordination in Europe while only in his teens, and held a Ph.D. in his case in classics from Brown University. In 1935, Dr. Revel appointed him instructor of Greek at Yeshiva College and one year later invited him to join the Talmud faculty at RIETS. In a president editorial published in November 1935, *The Commentator* hailed his appointment.

As a man who has established a name for himself in both secular and learned Jewish circles, Dr. Belkin is ideally suited to become a member of the Yeshiva College faculty. The administration is to be commended for its choice, for it is men of this type who have a real understanding of the ideals of Yeshiva that should be attracted to this institution.²⁶

In arguing for Dr. Belkin to succeed Dr. Revel as president close to eight years later, Rabbi Joseph H. Lookstein noted that he was, "first and foremost . . . a confirmed and widely recognized *talmid chocham*, in the oldest and most traditional sense of the word . . . and he possess(ed) secular knowledge." Rabbi Lookstein claimed that, as a result, Dr. Belkin represented, "the philosophy of *integration* that is the soul of Yeshiva College; the *fusion* of piety, Torah, and secular learning in one talented individual."²⁷

Dr. Belkin was elected president of Yeshiva on June 24, 1943. In his Inaugural Address delivered on May 23, 1944, Dr. Belkin spoke about "the *blending* of science and religion and the *integration* of secular knowledge with sacred wisdom" and averred that "it is not in the subject matter of these fields but rather within the personality of the individual that we hope to achieve the *synthesis*."²⁸ In 1945, Dr. Belkin expanded Yeshiva from a college to a university and, in a later talk delivered to the Rabbinic Alumni of RIETS, he adopted the same terminology used by Dr. Revel some two decades earlier during the founding of Yeshiva College. Dr. Belkin noted that, "The primary reason for the establishment of Yeshiva University was to develop a generation here in America which would reflect a *harmonious blending* of Jewish traditions and the heritage of the great academies of Jewish learning with a liberal education in the arts and sciences."²⁹ In a number of his later addresses, Dr. Belkin returned to this theme. For example, on another occasion he stated that, "We are not against secular and contemporary knowledge. On the

contrary, we firmly believe that the acquisition of human knowledge is indispensable for the proper development of the human intellect which in itself possesses a spark of godliness."³⁰ In fact, he once even went so far as to read this ideology back into the minds of those who founded the Yeshiva in 1896.³¹ Although historically inaccurate, as has already been pointed out, it clearly indicates the central role this notion had in his own thought.³²

The assertion that familiarity with secular literature is indispensable for the totality of a traditional Jewish life already expressed by Drs. Revel and Belkin was eloquently and articulately reasserted by the third and present president of Yeshiva University, Dr. Norman Lamm. As a young man, Dr. Lamm received his elementary and high school education at the Yeshiva and Mesivta Torah Vodaath. He entered Yeshiva College in 1945 as a chemistry major and in 1949 was graduated *summa cum laude* and was the class English valedictorian. His expertise in both *limudei kodesh* and *limudei hol* was acknowledged by the college administration for, at graduation, he received both The Histradruth Ivrit Prize "for excellence in Hebrew Language and Literature" and The Jewish Academy of Arts and Sciences Prize "to the graduate who ranks highest in his college studies." He received semicha from RIETS in 1951 and a Ph.D. in Jewish philosophy from Yeshiva's Bernard Revel Graduate School in 1966. As a successful rabbi in New York's The Jewish Center, Dr. Lamm formulated much of modern Orthodoxy's current ideology including its insistence upon the legitimacy of the pursuit of secular knowledge. Indeed, in a speech delivered to a convention of the Orthodox Union nine years prior to his election as president of Yeshiva, Dr. Lamm argued for "our involvement in the wider culture as an integral part of our world outlook." He went further and said,

We must make it explicit and clear that we are committed to secular studies, including our willingness to embrace all the risks that this implies, not alone because of vocational or social reasons, but because we consider that it is the will of G-d that there be a world in which Torah be effective; that all wisdom issues ultimately from the wisdom of the Creator, and therefore it is the Almighty who legitimates *all* knowledge.³³

This idea was prominently featured by Dr. Lamm in his investiture address on November 7, 1976, where he clearly asserted that:

The guiding vision of this university, as it was formulated by my two distinguished predecessors, was the philosophy of "*synthesis*," the faith that the best of the heritage of Western civilization—the liberal arts and the sciences—was or could be made ultimately compatible with the sacred traditions of Jewish law and life or, at the least, that this dual program, with all its tensions, was crucial to the development of young Jews in an open society. The very name "Yeshiva University" symbolizes this article of faith

words "גורן מרח" establishing for the first time the seal still currently in use.⁴⁶ Unfortunately, and somewhat inexplicably, no extant documents are available either in the university archives or in student publications which could shed light on the considerations which led to this particular choice.⁴⁷

In any case, although now officially part of Yeshiva's emblem, the phrase did not immediately take hold. There are no references to "Torah u-Madda" in *The Commentator* for at least four years after it was granted formal status. However, by the early 1960's it was fully in use as representing the philosophy of Yeshiva and had by then been so used and overused that it was already being treated with cynicism as well. In June 1963, the Student Organization of Yeshiva founded yet another journal, this one edited by Steven Riskin and Oscar Wachstock and entitled *Gaibet*, "acting as a bridge—a connecting link—between the knowledge gained in the secular and in the religious departments."⁴⁸ The following "Introduction" was printed inside the front cover of the first issue:

The duality which is Yeshiva University consists of Torah U-Maddah, symbolized by the Torah scroll and the microscope. It is sometimes felt, however, that although the two are juxtaposed they are never really united; cynics would even maintain that the only relationship between the two lies in the fact that within the Y.U. framework the former can only be seen with the aid of the latter.

After a Foreword which consisted of an English translation of an address by Rabbi Joseph B. Sobovitchik, there followed several articles on the overall theme of "synthesis" including excerpts from Dr. Belkin's Inaugural Address of May, 1944; an overview of "Synthesis in the College" by the then dean of Yeshiva College, Dr. Isaac Bacon, who made repeated references to the "dual program," "principle" and "philosophy" of "Torah u-Madda" and an article entitled, "A Consideration of Synthesis from a Torah Point of View" by Rabbi Aharon Lichtenstein. "Torah u-Madda," with its complexities and nuances, ambiguities and frustrations, was clearly at Yeshiva to stay.⁴⁹

For close to fifty years, Yeshiva's students have consistently challenged the administration to clarify its goal or raison d'être. Almost a year did not pass, from the early 1940's and on, that did not feature some article in one of Yeshiva's undergraduate student newspapers calling attention first to the ambiguities of the term "synthesis" and later to the lack of clarity surrounding the term "Torah u-Madda." The words written in an editorial in *The Commentator* over forty-five years ago, in May 1943, could easily have been written today:

In the past year it has become increasingly evident that there exists an urgent need for orientation. By orientation we do not mean merely a closer fraternization among students; nor do we refer only to the lower classroom. We think there is a tragic lack of understanding among many students of what Yeshiva College is, what it stands for and what it is attempting to do. Too often the word "synthesis" has been thrust into our faces; in our hearts and minds we are still confused over its meaning. "Yeshiva College attempts to effect a synthesis of religious and secular studies," we have been often told. What does this mean?

Some of us think that to effect a proper synthesis we must enter the institution with few preconceived notions, with a sort of tabula rasa, and then, faced with a world of religion and a world of secularism, we must juggle them around somehow until a state of peace and harmony exists between them. The result is that religious convictions are lost and secular studies leave a bad taste in the mouth.

By "synthesis" we must understand not a co-existence of equals but an integrated system of religious and secular ideas based on the eternal verities of our religion. We begin our career here with the basic postulates of Orthodox Judaism. Then, as we continue our studies, we fit the secular ideas into the religious pattern, thus broadening our understanding and enriching our religious life.

This is a message we shall attempt to bring home to the students time and time again. We prefer to pronounce the name of our institution as YESHIVA College, not Yeshiva COLLEGE.⁵⁰

It was with a desire to clarify the term "Torah u-Madda" and all that it represents which motivated Dr. Lamm to found The Torah u-Madda Project at Yeshiva which it has been my privilege to direct since the Fall of 1985. The purpose of this Project is to sensitize primarily the undergraduate student bodies at Yeshiva—Yeshiva College, Stern College for Women, and the Sy Syms School of Business—to the complexities, challenges, and truths that lie in the interaction between "Torah" and "Madda," and from there move to raise the level of discussion about these issues in the Jewish community at large. To that end, the Project has sponsored a number of public lectures by leading *rishrei yeshiva* and scholars from Yeshiva as well as other institutions; Club Hour and other presentations by members of the faculties of Yeshiva College, Stern College for Women, and the university's affiliate, RITTS; a questionnaire aimed at determining current student opinion on the issues relevant to Torah u-Madda; and Student Think Tanks and Faculty Colloquia. While the models developed may change their foci, it is our expectation that these and other innovative programs will continue to take place in the months and years ahead.

There also is a publication component of the Project, of which this journal is only the first fruit. I am editing a volume which will trace the interaction between Torah and extra-talmudic disciplines throughout Jewish history. It will feature essays by Dr. Gerald Blidstein on *teshuvah* *Hazal*, Dr. David Berger on the medieval period, Dr. Shmayer Leiman on modern times, and Rabbi Aharon Lichtenstein who is preparing a more conceptual presentation, unconstrained by any specific historical time frame. In addition, I am editing a collection of essays on "Torah u-Madda" themes that have appeared during the last few years in obscure journals not generally available even to the interested layman. It will deal with relationships between Orthodox and non-Orthodox Jews, attitudes towards non-Jews, the role of women in contemporary Orthodoxy and the religious significance of the State of Israel, among other issues. Finally, edited versions of all The Torah u-Madda Public Lectures delivered under the aegis of the project since 1987 will appear in a single volume. All three of these works should be ready for publication within the next two years.³¹

The Torah u-Madda Journal is yet another component of this effort. This first issue contains edited transcripts of lectures that were delivered at various forums, primarily during Club Hour, under the sponsorship of The Torah u-Madda Project during the 1987-1988 academic year. It is my hope that this journal will appear on a regular basis, serving as a forum for discussion on issues relating to the theme of Torah u-Madda in its broadest sense. Edited transcripts of the 1988-1989 Club Hour talks sponsored by The Torah u-Madda Project are being prepared and should be ready for publication next year. Given the nature of the audience originally addressed in the oral versions of these talks, as well as those to whom this journal is primarily directed, I have decided to retain much of the Hebrew terms and quotes in their original form. Furthermore, their oral style has, for the most part, been retained as well.

The appearance of the first publication sponsored by The Torah u-Madda Project gives me the opportunity to thank several people whose assistance has significantly contributed to its success:

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NOTES

1. I gladly thank the following people for their assistance to me during the preparation of this essay: Mrs. Haya Gardin, Dr. Jeffrey Gurock, Mr. Sam Hirschstein, Rabbi Theodor Lasdon, Rabbi Berish Mandelbaum, and Mr. Ted Redlich.

2. See Rabbi S. Schwab, "Be-inyan Torah'im Derech 'Eretz' ha-Pardes XIII:9 (December, 1939), 26-28. In a telephone conversation with Rabbi Schwab on April 13, 1989, he informed me that this essay is the text of the *shetlah* he addressed to the *gedolim* of his time.

3. Rabbi Bloch's responsum was first published by L. Levi, "An Unpublished Responsum on Secular Studies," *Proceedings of the Association of Orthodox Jewish Scientists* 1 (1966), 107-12 and was reprinted in *idem*, "She'et Teshuvah 'al Limud Hokhmot Hazoniyot," *ha-Maayan* XVI (1976), 11-16. For a critical assessment of one of R. Bloch's conclusions, see L. Levi, "Letter to the Editor," *Intercom* VII:12 (March, 1967), 19-20. The responsum of Rabbi Lebowitz was published posthumously in, "Be-inyan Torah'im Derech 'Eretz' ha-Pardes XIII:10 (January, 1940), 16-22) and reprinted with some changes in *idem*, *Birkhat Shmuel*, Kiddushin, #27. The introduction indicating that it was written in response to Rabbi Schwab's *shetlah* appeared in *ha-Pardes* was omitted from the reprint in *Birkhat Shmuel*. The title there reads: "תורת תורה ודארת" *ha-Torah ve-Shar ha-Hokhmot*. "Yad Ha-Tamuz" (Jerusalem, 1973), 214-16 and *idem*, "She'et Teshuvah," *ibid.*, 4-9; Rabbi Winer's (1984)

9. A. Cahen, *Bleat Ezer Mein Laben II* (New York, 1926), 357-59. The alleged translation of this work by L. Seitz, P. Conan and L. Davidson as *The Education of Abraham Cahen* (Philadelphia, 1969) is more of a summary than a translation. See pp. 371-72.
10. *Yiddisher Tagblatt* (The Jewish Daily News), October 2, 1910, p. 10b; cited by G. Klapperman, *op. cit.*, 32.
11. For the role of secular studies in the Yeshiva Ez Chaim curriculum, see G. Klapperman, *ibid.*, 20, 25-6; J. Gurock, *op. cit.*, 11-12, 15.
12. *Judische Gazette* (The Jewish Gazette), January 15, 1897; cited in G. Klapperman, *ibid.*, 49, 246.
13. The editorial was printed word for word in two different newspapers. See *Yiddisher Tagblatt*, May 6, 1908, p. 4b and *Judische Gazette*, May 15, 1908, p. 4a.
14. For more on the student struggle for secular studies at RIETS until 1915, see J. Harstein, "A Half Century of Torah in America," *Federale Jukhe Publication of the Students' Organization of the Rabbi Isaac Elchanan Theological Seminary and Yeshiva College* (New York, 1936), 22-24; G. Klapperman, *op. cit.*, 53-4, 78, 81-119; A. Rothkoff, *op. cit.*, 24-25; J. Gurock, *op. cit.*, 19-42. A slightly different version of Dr. Harstein's article appeared in *The Commentator* V:7 (April 7, 1937), 3.
15. See L. Jung, *op. cit.*, (n. 3), 12.

Always loyal to his premier mentor, the Torah as taught in the great academies of Lithuania, he was deeply appreciative of the high standards of the German Wissenschaft des Judentums. He would join enthusiastically a discussion of the relative merits of Bishop Berkeley and Immanuel Kant, and had original things to say about the mystic quess of Beardsley.

There is no basis for Rothkoff's assertion (*ibid.*, 72) that Revel did not share Hirsch's intrinsically positive attitude towards secular education but rather considered it to be nothing more than a concession to the sorry realities of American Jewish life during the first part of this century. On the contrary, all evidence supports the notion that Revel considered "the combination of Jewish and general knowledge . . . not a compromise but an integral part of the Jewish world concept" (A. Rothkoff describing Hirsch, *ibid.*). In fact, shortly after his arrival in America, Revel wrote an appreciation of Hirsch in honor of the centenary of his birth, published in Philadelphia's *The Jewish Exponent* in June, 1908, where he noted how, "imbued with the highest modern knowledge, filled with endless love for Israel and Judaism, he applied to Judaism the scientific methods of his time." "There is no reason to believe that he felt any differently himself. Indeed, in a newspaper interview published on July 1, 1915, he noted that, "I see no conflict, no inconsistency between Americanism and Judaism." (*Yiddisher Tagblatt*, p. 4c-4d) and was himself compared by that same newspaper to none other than Hirsch some five and a half months later, on December 12, 1915. See below, n. 15. Indeed, in a recent article (above, n. 7), Rothkoff himself noted that Revel "also was influenced by the spirit of the Haskalah" and that he "pursued his secular studies on his own," both while yet in Europe. See p. 3.

16. For more information on Revel's student career, his secular interests and his reorganization of RIETS, see G. Klapperman, *op. cit.*, 138-42, 153; A. Rothkoff, *op. cit.*, 31-3, 36, 38-9, 47-51; J. Gurock, *op. cit.*, 45-53.

17. B. Revel, "The Yeshiva College: A Statement of Aims," *The Jewish Forum* XI:5 (May, 1928), 253-55. A different version of this essay was printed in the *Torah U'Mada Reader*, ed. by S. Carmy (New York, 1984), 1-4. Subsequent issues of *The Jewish Forum* (XI:6 [June, 1928], 291-96 and XI:7 [July, 1928], 358-61) printed reactions to Revel's statement from several prominent Jewish scholars and educators. See also the text of a letter from Dr. Revel to Samuel Levy written on May 1, 1926; cited by A. Rothkoff, *ibid.*, 81.

For the significance of the italicized words, see below.

18. N. Davidson, "Enter: The Yeshiva College," Yeshiva College Department of Public Relations, for release October 19 (1928).
19. Cited by A. Rothkoff, *op. cit.*, 92.
20. See the beginning of an early undated press release entitled, "Yeshiva College Opens First Year Course with 35 Student Body" and the press release cited above, n. 18, p. 1.
21. For the history of the founding and early years of Yeshiva College, see G. Klapperman, *op. cit.*, 149-70; A. Rothkoff, *op. cit.*, 71-157, 181-203; J. Gurock, *op. cit.*, 89-95. For a brief description of the opposition to Revel by members of the RIETS faculty, see Rothkoff, *ibid.*, 140-42.
22. *The Commentator* 1:3, April 8, 1935. The points made in this editorial were reiterated in a subsequent editorial on May 20, 1935 (4:5).
23. *Ibid.*, IV:1, October 14, 1936.
24. See H. Bloom, ed., *Hedem*, *op. cit.* (n. 13), English section, 17.
25. *Op. cit.*, XII:6, January 8, 1941.
26. *Ibid.*, November 21, 1935.
27. Cited by J. Gurock, *op. cit.*, 137.
28. This part of Dr. Belkin's address was reprinted on the front page of *The Commentator* XIX:7 (May 25, 1944). Parts were also excerpted in *Hazadeh*, a magazine published by the Student Organization of Yeshiva, II:1 (April, 1945), 8-9. It was first published in full in a pamphlet entitled, *The Inauguration of Samuel Belkin as the President of Rabbi Isaac Elchanan Theological Seminary and Yeshiva College* (New York, 1945).
29. S. Belkin, *Enayim*, *ibid.*, 66. The press release announcing the founding of the university also quoted Dr. Belkin as hailing "the creation of an harmonious blending between the cultural heritage of our American democracy and the ancient spiritual traditions of Israel." See "Yeshiva Now a University," Yeshiva and Yeshiva College Press Release, December 3, 1945, 1. This phrase was also used in "The Yeshiva University," *The Jewish Forum* XXVIII:12 (December, 1945), 289.
30. S. Belkin, *ibid.*, 44-45.
31. *Ibid.*, 135.
32. On Dr. Belkin and the growth of Yeshiva University under his leadership, see G. Klapperman, *op. cit.*, 177-84; J. Gurock, *op. cit.*, 136-245.
33. N. Lamm, "Modern Orthodoxy's Identity Crisis," *Jewish Life* XXXVI:5 (May-June, 1969), 7.
34. "Dr. Norman Lamm: Investiture Address, November 7, 1976," printed as a separate pamphlet and reprinted in the *Torah U'Mada Reader*, *op. cit.*, 13.
35. *Torah U'Mada Reader*, 17.
36. The Hebrew work *YTD* has been transliterated in different ways. Although it often appears as "madda," I prefer the more technically precise "maddah."

In addition to many of the quotes cited above in which one or more of these terms are used, note also the following:

Dr. Revel:

1. "... of the Yeshiva so that they may harmoniously combine the best of modern culture with the learning and the spirit of the Torah and the ideals of traditional Judaism." (A. Rothkoff, *op. cit.*, 78)

2. "The interaction of Jewish culture and philosophy of life, and all knowledge of mankind, the harmonious development of the human and the Jewish consciousness, will help to create harmony in the heart and the mind of the Jewish youth and will help develop a complete Jewish personality." (*Ibid.*, 79)

3. "... the blending of the Jewish approach to life with that pointed by modern culture..." (*Ibid.*)

- (a) on the cover of the program of the first commencement exercises of RIETS and Yeshiva College held on June 16, 1932.
 - (b) on the cover of the program of the fifth annual commencement exercises of Yeshiva College held on June 16, 1936.
 - (c) on the cover of the program of the ninth annual commencement exercises of Yeshiva College held on June 20, 1940.
 - (d) on the cover of the program of the annual commencement exercises of Yeshiva College, Teachers Institute and the Bernard Revel Graduate School held on June 26, 1945.
 - (e) on the cover of the program of the annual commencement exercises of Yeshiva University held on June 11, 1946.
 - (f) on the cover of the Senickin convocation program of RIETS held on March 4, 1956.
 - (g) was first adopted at the end of 1988.
47. Compare the paucity of information available about Yeshiva University's seal to the wealth of information available about the seals of both Yale University and Harvard University. For the latter two, see D. Oren, *Joining the Club: A History of Jew and Yale* (New Haven and London, 1985), 305-14 ("The Yale Seal"); adapted and reprinted as, "Urim v'Tumim: The Yale Seal," *Orim* 1:2 (Spring, 1986), 117-22.
- It is interesting to note that the logo of the Association of Orthodox Jewish Scientists is also *urim v'tumim*. It appeared on the first issue of its *Journal* published in September, 1950 and continues to appear on the back cover of its current publication entitled *Intercom*. For an attempt, albeit unsuccessful, to change the wording, see L.L., "Our Motto," *Intercom* VIII:2 (March, 1967), 3. Also, the name of the publication of the Association of Orthodox Jewish Scientists in Israel is *urim v'tumim*.
48. *Gerber* was described this way in the premier issue of a new newspaper, *Hamessner*, the "Student Publication of RIETS, TI and JSP." See *Hamessner* 1:1 (Cheshvan 5723 = November, 1962), 1.
49. See *Gerber* 1:1 (June, 1963), 2-17.
- The title of Rabbi Lichtenstein's article has an interesting history. It first appeared in *The Commentator* LIII:4 (Ayvat 27, 1961) with the title, "A Consideration of Synthesis from a Torah Point of View" although Rabbi Lichtenstein never intended to use the word "synthesis" at all. See S. Carmy, "Rejoinder: Synthesis and the Unification of Human Existence," *Tradition* XXIV (Fall, 1985), 50, n. 2. In a recent conversation, Rabbi Carmy informed me that Rabbi Lichtenstein commented in *shur* about the unfortunate choice of that word by the editors of *The Commentator* and said something to the effect that he wrote some five thousand words in that essay and had been careful to insure that not one of them was "synthesis." Mindful of this objection, when Rabbi Curry planned to include this essay in the *Torah U'Mada Reader* he suggested a new title for Rabbi Lichtenstein's essay, "A Consideration of General Studies from a Torah Point of View" and Rabbi Lichtenstein did not object. See the *Torah U'Mada Reader*, *op. cit.*, 33.
50. *The Commentator* XVII:8 (May 20, 1943). See also M. Fenster, "Courses of Study in Yeshiva Neccessitate Spiritual Guidance," *The Commentator* XXVI:4 (December 11, 1947), 2; C. Broverman, "Synthesis—Student's View," *Hamessner* 1:3 (Nisan, 5723 = April-May, 1963), 1; Gotlib, "Views on Synthesis Contrasted: Practical Commitments Needed," *Hamessner* III:2 (Shevat, 5723 = January, 1963); Y. Skovronsky, "Synthesis Evaluated—Limudei Kodesh in a Secular World," *Hamessner* V:2 (November 10, 1960), 6; "Needless to say, synthesis is one of the most popular subjects of writing and discussion at YU. And yet, as more and more is said about synthesis, I find myself more and more surprised. It seems to me that the most crucial and most disturbing aspect of synthesis at YU is barely ever touched upon."
51. In addition, Dr. Lamm has recently completed a whole volume devoted to this theme which will be published shortly.

[illegible][illegible][illegible]

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need efficient, reliable, and

-125-

והחמס- ובוה הם מביאים טובה רבה ליישובו של עולם, וכן אמר חז"ל על המאגיסטרים וצווחה- וכול אדם להתמסר לחורו והתחממה אלדיות ולחגיגה על ידו לחיי העולם הבא. פריץ שום "מיישבי העולם" (סוף כב. י. כ) ביישוב עולם הגון של שלום אמתי. כלל פריץ שום לא כמו "החממה האלהית" שהיא רק מנת חלקם של רחבי לב וגדולי כינה בעלבי.

מחברים במעשה-מרלכה ובמעשה-בראשית.

המסחרין האלוהי ויורעי ח"י, רמזה כעלי המסחרין וה"מקובלים" בדורות הבאים. צאצא בו נקם להגדר בו; וגם מצא בו גוסריקון נאה מתאים לשיטתם: פשט. רמז דרוש. סוד. "התגלה יד" כנסת פסוק בו ולהוות בעולם ה' על

Chair of CNRD
Jed Not due till

The Best of Torah U'mada:

Using common knowledge in the service of Jewish Studies

1. Evolution
2. Astronomy
3. Archeology
4. Mathematics
5. Geometry
6. History
7. Anthropology
8. Etymology
9. Forensics
10. Politics
11. The Human Condition
12. Psychology
13. Music
14. Art
15. Biology

משלי ב

פירוש הרוקח

[ד] אם תבקשנה ככסף וכמטמונים תחפשנה. עם מ"ט פנים סהור ועם מ"ט פנים סמא⁶ היינו צ"ח, מי שלמד תורה ניצול מצ"ח קללות,⁷ והיכן נרמז, מ"ט מונים.⁸

[ה] אז תבין יראת ה'. כשאדם לומד תורה, תחילה מקרא ואחר כך משנה ותלמוד, ואחר כך חכמת הטבע, ואחר כך חכמת כוכבים ומזלות, ואחר כך חכמה שאיתה זוכה לנבואה.⁹ משל לבן מלך שנשבה ביער, כך הנשמה אינה עולה עד שלמדה בסדר הזה.¹⁰

קולות

ישראל

א
ב דברי קהלת בן-דוד מלך בירושלים: הכל הקלים אמר
ג קהלת הכל הקלים הכל: מה-יתרון לאדם בכל-עמלו
ד שיעמל תחת השמש: דור הלך ודור בא והארץ לעולם
ה עמדת: וזרח השמש ובא השמש ואל-מקומו שואף וזרח
ו הוא שם: הולך אל-דרום וסובב אל-צפון סובב וסובב הולך
ז הרוח ועל-סביבותיו שב הרוח:

אז ידבר יהושע ליהוה ביום תת יהוה
את-האמרי לפני בני ישראל ויאמר לעיני ישראל שמש
בגבעון דום וירח בעמק אילון: וידם השמש וירח עמד עד-
יקם גוי איביו הלא-היא כתובה על-ספר הישר ויעמד
השמש בחצי השמים ולא-אץ לבוא ביום תמים: ולא היה
ביום ההוא לפניו ואחריו לשמע יהוה בקול איש כי יהוה
נלחם לישראל:

Archeology



כא-כא יד-כא

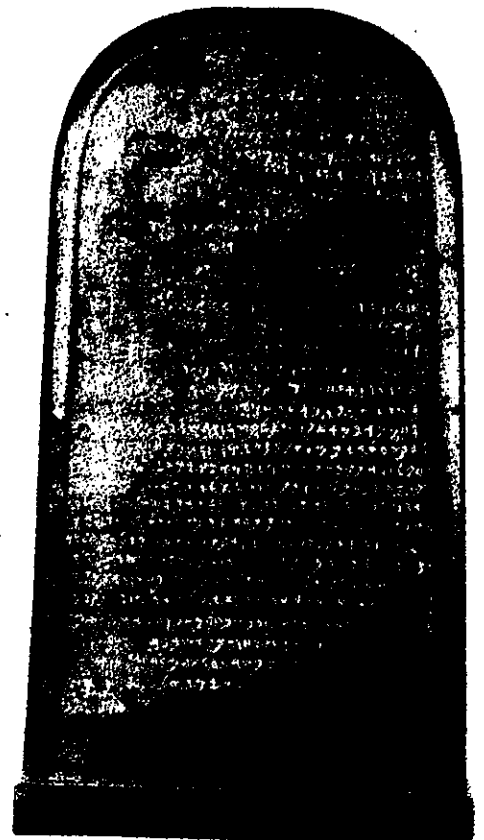
י ויהי כן: כל ארץ ישראל כד-אמרי פלשתים פן יעשו
העברים הרב או חנית: ויחדו כל-ישראל הפלשתים ללחום
אש את-מחנהם ואת-אמל ואת-קדמם ואת מחנהם: ויהיה
הפחדה פים למחנהם וללחום וללחום קלסון ולחנהם
ולחנהם סדרה:

'פיים' (משקולת מלכיש)

MOABITE

1. The Moabite Stone. Cir. 850 B.C. Louvre.

אנך כישע בן-כמיס... כלך כאב-הד
יבני אבי כלך יל-כאב שלשן סת ואנך סלב
תי ארר אבי ואניס-הבבת ואת לבכט בקרחת: בנ...ני



כתובת מישע מלך מואב

א
ב מואב היה נקד והשיב למלך-ישראל מאה-אלף כדים
ג ומאה אלף אילים צמר: ויהי כמות אחאב וישע מלך-
ד מואב במלך ישראל: ויצא המלך יהורם ביום ההוא משמרון
ה ויפקד את-כל-ישראל: וילך וישלח אל-יהושפט מלך-
ו יהודה לאמר מלך מואב פשע בי התלך אתי אל-מואב
ז למלחמה ויאמר אעלה כמני כמוך פעמי כעמד כסוסי
ח כסוסים: ויאמר איזה הדרך נעלה ויאמר דרך מדבר ארזים:

Mathematics

א' כ' ה' ז'

י' כ' ה' ז'

5335!

א' אָנִי הַגִּבּוֹר רֹאֵה עָלַי בְּשִׁבְטְ עֲבֹדָתוֹ: אוֹתִי נָהָג וַיִּלָּךְ חֲשָׁךְ וְלֹא-
אֹר: אֲדָבָר בִּי יֵשֶׁב יִהְיֶה יָדוֹ כָּל-הַיּוֹם: כָּלָה בְּשָׂרִי וְעוֹרִי שָׁכַר
עֲצָמוֹתַי: בָּנָה עָלַי וַיִּקַּף רֹאשׁ וַתִּלְאַחַּה: בְּמַחֲשָׁפִים הוֹשִׁיבָנִי

ומעת הוסר התמיד ולתת
שקוץ שמם ימים אלה מאתם ותשעים: אשרי המחכה
ויגיע לימים אלה שלש מאות שלשים וחמשה: ואתה
לך לקץ ותנוח ותעמד לגרלך לקץ הימים:

ותתפלל חנה אב

ותאמר עלץ לבי ביהוה רמה קרני ביהוה רחב פי על-אויבי
פי שמחתי בישועתך: איך-קדוש ביהוה כי-אין בלתי ואין ב
צור כאלהינו: אל-תרבו תדברו גבהה גבהה יצא עתק
מפיכם כי אל דעות יהוה ולא נתכנו עללות: קשת גברים
חתים ונכשלים אזורי-חיל: שבעים בלחם נשפרו וירעבים חדרו
עד-עקרה ילדה שבעה ורבת בנים אמללה:

skine

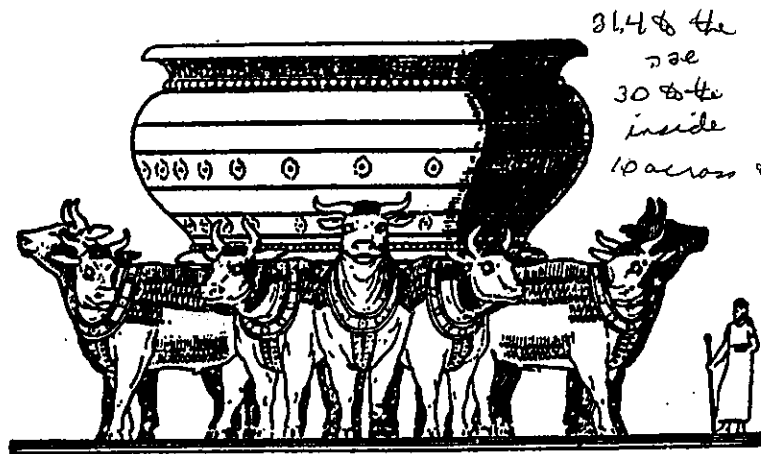
Geometry

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30664709384460955058223172535

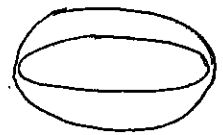
ס' מ' ו'
ח' ט'

ויעש את-
הים מוצק עשר באמה משפתו עד-שפתו עגל וסביב וחמש
ט. באמה קומתו וקוה שלשים באמה יסב אתו סביב: ופקעים
מתחת לשפתו וסביב סבבים אתו עשר באמה מקפים את-
הים סביב שני טורים הפקעים יצקים ביצקתו: עמוד על-שני
עשר בקר שלשה פנים וצפונה ושלשה פנים וימה ושלשה
פנים וגבה ושלשה פנים מזרחה והים עליהם מלמעלה וכל-
ט אחריהם ביתה: ועביו טפח ושפתו כמעשה שפת-כוס פרח
ט שושן אלפים בת יכיל:

$$17 = \frac{111}{106} \times 3$$



31.4 to the
top
30 to the
inside
10 across to the top



13.1 on
rounded off

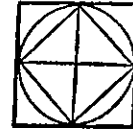
The molten sea as reconstructed by Gressman
from the description in 2 Kings vii.²

10 כה

*הני מלי בעיגולא אבל בריבועא בעיא שפי
מכדי כמה מרובע יותר על העיגול רביע
בשיתר סני ה"מ בעיגול דנפיק
מגו ריבועא אבל ריבועא דנפיק
מגו עגולא בעיא שפי משום
מורשא דקרנא *מכדי כל
אמתא בריבועא אמתא ותרי
חמשא באלכסונא בשיבסר נבי
חמשי סניא לא דק אימור



אחר בתוך אותו עיגול והתא למימר שנתמנע
העגול רובע של ריבוע החילון וריבוע פנימי
נתמנע מריבוע חילון פלגא ורובע ופלגא קיימי
אריבוע חילון ואם תאמר והלא ריבוע של שבעה
על שבעה אם תעשה צו עגול של שבע על שבע
אחמס ותחזור ותעשה בתוך העגול ריבוע של אלכסונו שבעה
כמות העגול הלא ליה ריבוע פנימי תמשה על תמשה



10 כה

אסתר דניאל עזרא נחמיה

History

ארתור, ארנולד, ארנולד, ארנולד

Anthropology

אריאל, אריאל, אריאל

Forensics

Etymology

MOZESON



: וישלח דוד את ידו אל הפלי ויקח משם
אבן ויקלע ויך את הפלשתי אל מצחו ותטבע האבן במצחו
ויפל על פניו ארצה: ויחזק דוד מן הפלשתי בקלע ובאבן
ויך את הפלשתי וימתהו וחרב אין ביד דוד:

SIBLINGS
COUPLES

The Human Condition

Psychology

טז. (ב) הנה נא עצמתי ה' מלדת. אף על פי שאמר לתת לך זרע כאמרו "לזרעך אתן את הארץ הזאת" (יב ז), לא אמר שיהיה לך אותו הזרע ממני. אולי אבנה ממנה. אולי קנאת הירך תעורר הכח למעולותיו ויתחזק לחשיג זרע. לקול שרי. נטה לבבו שיהיה דעתה אמתי לפיכך קיבל דבריה, לא להתענג במשגל האשה.

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פתייתי יהוה ואפת חזקתני ותוכל
הייתי לשחוק כל-היום בלה לעג לי: כי-מדי אדבר אוזק
חמס ושד אקרא כי-היה דבר-יהוה לי לחרפה ולקלס כל-
היום: ואמרתי לא-אזכרנו ולא-אדבר עוד בשמו והיה בלבי
כאש בערת עצר בעצמתי ונלאיתי בלכל ולא אוכל: כי
שמעתי דבת רבים מגור מסביב הגידו ונגידנו כל אנוש
שלמי שמרי צלעי אולי יפתה ונוכלה לו ונקחה נקמתנו
ממנו: ויהוה אותי בגבור עריץ על-כן רדפי ופשו
ולא יכלו בשו מאד כי-לא השפילו כלמת עולם לא
תשכח: ויהוה צבאות בחן צדיק ראה כליות ולב אראה
נקמתך מהם כי אליך גליתי את-ריבי:
ליהוה הללו את-יהוה כי הציל את-נפש אביון מיד
מרעים: ארור היום אשר ילדתי בו יום אשר-
ילדתי אמי אל-יהי ברוך: ארור האיש אשר בשר את-אבי
לאמר ילד-לך בן זכר שמח שמחה: והיה האיש ההוא
בערים אשר-הפך יהוה ולא נחם ושמע ועקה בפקר ותרועה
בעת צהרים: אשר לא-מותתני מרחם ותהיל לי אמי קבלי
ורחמה הרת עולם: למה זה מרחם יצאתי לראות עמל
ויגון ויכלו בבשת ימי:

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Music

ותשר דבורה וברק בן-אבינעם ביום ההוא
לאמר: בפרע פרעות בישראל בהתנבב
עם ברכו יהוה: שמעו מלכים האזינו
רזנים אנכי ליהוה אנכי אשירה אומר
ליהוה אלהי ישראל: יהוה בצאתך
משעיר בצעריך משרה אדום ארץ
רעשה גם-שמים נטפו גם-עבים נטפו
מים: הרים נזלו מפני יהוה זה

3 p' 10120



גלי יקר דראשי - פרק 2

107100 קרע' מ"ט

(יב) לחם לפי המף. אף על פי שהיה בידו להרבות להם מזון נתן להם במדה מספקת, כאמרם וז"ל "בזמן שהצבור שרוי⁵ בצער, אל יאמר אדם אלך לביתי ואוכל ואשתה, ושלוש עליו בפשרי".

בזעת אפיך תאכל לחם. יש סמך מכאן לדברי
הרופאים האומרים שקודם כל אכילה
צריך האדם לעסוק באיזו מלאכה המחממת את
בעליה כי זה עוזר אל העיכול וכמו שכתוב
יגיע כפיך כי תאכל אשריך וטוב לך וזהו
שכתוב בעצבון תאכלנה כל ימי חיך כי עצבון
הוא לשון מלאכה כמו שאמר באיוב ידיך
עצבונך ויעשונך. ובאמרו כל ימי חיך הורה
שיאכל כדי חייו לבד ולא ידרוש אחר המותרות
כי מה יתרון לו שיעמול לרוח.

Because with too much sleep, not only does one lose time, but one's intellect also is put to sleep, and one loses one's diligence. However, [one who sleeps] less than the appropriate [amount] can also greatly harm the body and soul. And they said in the name of the Rambam that he slept eight hours every night, and the mnemonic is "I would sleep then [az]¹, it would be restful for me."² However, this was before he was fifty years old, but after that, when the grinding of the foundations of the body are not as great as in his younger years, and one doesn't need as much rest, the scientists write that it is sufficient for one to sleep five or six hours every night. (*Tiferet Yisrael*, commentary on the Mishna, *Pirkei Avot* 6:5)

2. The Philosophical and Theological Worldview of the *Tiferet Yisrael*

Due to the nature of the commentary, which often elaborates on and explains specific issues beyond the simple interpretation of the Mishna, many fundamental underpinnings of the philosophical and theological worldview of the *Tiferet Yisrael* are evident from it.

A. Attitude Toward Secular Wisdom

In the previous *shiur*, we noted that one of the unique features of the commentary is utilizing secular wisdom in interpreting the Mishna. This usage certainly attests to a fundamentally positive orientation toward secular wisdom. Indeed, this attitude is expressed clearly in a number of places in the commentary.

The Mishna in tractate *Sota* (9:15) lists a number of Sages whose deaths caused a specific characteristic to be removed from the world. For example, the Mishna states that following Rabbi Yochanan ben Zakkai's death, the splendor of wisdom ceased to exist. The *Tiferet Yisrael* there makes the following comment: "Aside from the fact that he was great in Torah, he also knew other types of wisdom, which impart a beautiful countenance and adornment of the Torah in the eyes of every person." The *Tiferet Yisrael* thus stresses the importance of knowing other types of wisdom and sees them as adding distinction to the Torah in the eyes of the world.

An additional comment addressing this issue appears in his commentary to the Mishna in *Pirkei Avot* (6:5), which lists forty-eight ways to acquire the Torah, one of them being "yishuv." The *Tiferet Yisrael* explains the meaning of the word *yishuv* as follows:

That he should be calm in his mind, and not hasty in his words. And some say that [this means] he should be expert in the settling of the world, both in proper conduct [*derekh eretz*], as well as the natural sciences and

¹ The *gematria*, numerical value, of the word *az*, is eight: *Aleph* equals one, and *zayin* equals seven.

² This refers to the verse in *Iyov* (3:12): "For now, I would be lying tranquilly; I would sleep then, it would be restful for me."

studies. Because these can serve him as perfumers and cooks for the holy Torah, meaning that these will be its servants [that help] understand it properly, as all of them are included in it. In this way, one will be nice and pleasant in the eyes of the people. (*Tiferet Yisrael*, commentary on the Mishna, *Pirkei Avot* 6:5)

The *Tiferet Yisrael* here emphasizes the necessity of studying secular wisdom as a method of better understanding the Torah, as well as its value in influencing the reputation of a Torah scholar in the eyes of the greater population, as in the previous source.

An additional instance where the *Tiferet Yisrael* addresses this question is in his commentary to *Pirkei Avot* on the Mishna (3:18) that states: "Astronomy and *gematriot* are the condiments for wisdom."

This means to say, they are like an appetizer for the wisdom of the Torah, as the Torah is compared to bread for the soul, which is sustained by it. As it is stated, "Go partake of my bread (*Mishlei* 9:5)," and just as bread tastes better to a person when he adds condiments, spreads butter on the bread, and the like, so too the Torah will be sweeter for him if he adds other wisdoms, like perfumers and cooks (see Rambam, *Hilkhos Yesodei Ha-Torah* 4:13). However, just like one who eats butter or condiments without bread is disgusted with it, and he will not be satiated, so too one who makes these other wisdoms his primary occupation, his soul will not be satiated from them, and they will not enable it to be maintained... (*Tiferet Yisrael*, commentary on the Mishna, *Pirkei Avot* 3:18)

The *Tiferet Yisrael* explains here that on one hand, engaging in the study of secular wisdom can increase the sweetness of Torah, but on the other hand, one must be careful not to confuse one's priorities and make secular wisdom primary and the study of Torah secondary.

B. Attitude Toward Non-Jews

One of the famous sources regarding the status of non-Jews is the commentary of the *Tiferet Yisrael* on *Pirkei Avot* (3:14) where the Mishna states: "A person [*adam*] is beloved, because he is created in the image [of God]." The *Tiferet Yisrael* elaborates there on this issue, and first proves that the "person" referred to here is a non-Jew:

It seems to me that the correct version is "the person [*ha-adam*]," which means even a non-Jew [in accordance with *Tosafot*, *Yevamot* 61a], as since the latter clause concludes, "Israel is beloved," the first clause refers to any type of person, meaning even a non-Jew. Likewise, the proof that the *tanna* brings from the verse, "He made the man" (*Bereishit* 9:6)" is also referring to a non-Jew, as it is stated to the sons of Noach [as the *Tosafot Yom Tov* notes], and also [regarding] the king of Ai, and the five kings that

Unit 2

Confronting Modernity

Orthodox and Non-Orthodox P'sak

Social and Cultural Changes

Y. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100. 101. 102. 103. 104. 105. 106. 107. 108. 109. 110. 111. 112. 113. 114. 115. 116. 117. 118. 119. 120. 121. 122. 123. 124. 125. 126. 127. 128. 129. 130. 131. 132. 133. 134. 135. 136. 137. 138. 139. 140. 141. 142. 143. 144. 145. 146. 147. 148. 149. 150. 151. 152. 153. 154. 155. 156. 157. 158. 159. 160. 161. 162. 163. 164. 165. 166. 167. 168. 169. 170. 171. 172. 173. 174. 175. 176. 177. 178. 179. 180. 181. 182. 183. 184. 185. 186. 187. 188. 189. 190. 191. 192. 193. 194. 195. 196. 197. 198. 199. 200. 201. 202. 203. 204. 205. 206. 207. 208. 209. 210. 211. 212. 213. 214. 215. 216. 217. 218. 219. 220. 221. 222. 223. 224. 225. 226. 227. 228. 229. 230. 231. 232. 233. 234. 235. 236. 237. 238. 239. 240. 241. 242. 243. 244. 245. 246. 247. 248. 249. 250. 251. 252. 253. 254. 255. 256. 257. 258. 259. 260. 261. 262. 263. 264. 265. 266. 267. 268. 269. 270. 271. 272. 273. 274. 275. 276. 277. 278. 279. 280. 281. 282. 283. 284. 285. 286. 287. 288. 289. 290. 291. 292. 293. 294. 295. 296. 297. 298. 299. 300. 301. 302. 303. 304. 305. 306. 307. 308. 309. 310. 311. 312. 313. 314. 315. 316. 317. 318. 319. 320. 321. 322. 323. 324. 325. 326. 327. 328. 329. 330. 331. 332. 333. 334. 335. 336. 337. 338. 339. 340. 341. 342. 343. 344. 345. 346. 347. 348. 349. 350. 351. 352. 353. 354. 355. 356. 357. 358. 359. 360. 361. 362. 363. 364. 365. 366. 367. 368. 369. 370. 371. 372. 373. 374. 375. 376. 377. 378. 379. 380. 381. 382. 383. 384. 385. 386. 387. 388. 389. 390. 391. 392. 393. 394. 395. 396. 397. 398. 399. 400. 401. 402. 403. 404. 405. 406. 407. 408. 409. 410. 411. 412. 413. 414. 415. 416. 417. 418. 419. 420. 421. 422. 423. 424. 425. 426. 427. 428. 429. 430. 431. 432. 433. 434. 435. 436. 437. 438. 439. 440. 441. 442. 443. 444. 445. 446. 447. 448. 449. 450. 451. 452. 453. 454. 455. 456. 457. 458. 459. 460. 461. 462. 463. 464. 465. 466. 467. 468. 469. 470. 471. 472. 473. 474. 475. 476. 477. 478. 479. 480. 481. 482. 483. 484. 485. 486. 487. 488. 489. 490. 491. 492. 493. 494. 495. 496. 497. 498. 499. 500. 501. 502. 503. 504. 505. 506. 507. 508. 509. 510. 511. 512. 513. 514. 515. 516. 517. 518. 519. 520. 521. 522. 523. 524. 525. 526. 527. 528. 529. 530. 531. 532. 533. 534. 535. 536. 537. 538. 539. 540. 541. 542. 543. 544. 545. 546. 547. 548. 549. 550. 551. 552. 553. 554. 555. 556. 557. 558. 559. 560. 561. 562. 563. 564. 565. 566. 567. 568. 569. 570. 571. 572. 573. 574. 575. 576. 577. 578. 579. 580. 581. 582. 583. 584. 585. 586. 587. 588. 589. 590. 591. 592. 593. 594. 595. 596. 597. 598. 599. 600. 601. 602. 603. 604. 605. 606. 607. 608. 609. 610. 611. 612. 613. 614. 615. 616. 617. 618. 619. 620. 621. 622. 623. 624. 625. 626. 627. 628. 629. 630. 631. 632. 633. 634. 635. 636. 637. 638. 639. 640. 641. 642. 643. 644. 645. 646. 647. 648. 649. 650. 651. 652. 653. 654. 655. 656. 657. 658. 659. 660. 661. 662. 663. 664. 665. 666. 667. 668. 669. 670. 671. 672. 673. 674. 675. 676. 677. 678. 679. 680. 681. 682. 683. 684. 685. 686. 687. 688. 689. 690. 691. 692. 693. 694. 695. 696. 697. 698. 699. 700. 701. 702. 703. 704. 705. 706. 707. 708. 709. 710. 711. 712. 713. 714. 715. 716. 717. 718. 719. 720. 721. 722. 723. 724. 725. 726. 727. 728. 729. 730. 731. 732. 733. 734. 735. 736. 737. 738. 739. 740. 741. 742. 743. 744. 745. 746. 747. 748. 749. 750. 751. 752. 753. 754. 755. 756. 757. 758. 759. 760. 761. 762. 763. 764. 765. 766. 767. 768. 769. 770. 771. 772. 773. 774. 775. 776. 777. 778. 779. 780. 781. 782. 783. 784. 785. 786. 787. 788. 789. 790. 791. 792. 793. 794. 795. 796. 797. 798. 799. 800. 801. 802. 803. 804. 805. 806. 807. 808. 809. 810. 811. 812. 813. 814. 815. 816. 817. 818. 819. 820. 821. 822. 823. 824. 825. 826. 827. 828. 829. 830. 831. 832. 833. 834. 835. 836. 837. 838. 839. 840. 841. 842. 843. 844. 845. 8

תע"ב ע"ב

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CHAGIGA 3b

BABA METZIA 59a

R. Nathan met Elijah and asked him: What did the Holy One, Blessed be He, do in that hour?—He laughed [with joy], he replied, saying, 'My sons have defeated Me, My sons have defeated Me.'

ה"ר 5713

⑦

ה'תשנ"ח
ב מנחם
ב יוני
ב אדר
ב שבט

2:15 5/38
Jke 0/5

⑧

הקולמה

מכירך דברי החזק
כלומר שכל
ספק ודבר ורבים הלכה
נכונים לפי חזקת
דברי החזק בן
ובמובנים שהם ירא
לפי דברי החזק כגון
האסוראים ששק
הלכות ובשוראים מעם
החזק יכולן למסוק
כמדת חזק נשתקעו
דבריו לא חזק נשתקעו
יכולן לחזק דבריו
חזקתם שהי חזקתם
ספק נכחם ובמסוק
ספק זה יכולן למסוק
דבריו שכן אסור
החזקתיהם חזקתם
ואולי שלא נחזקתם
דברי החזק כגון חזקת
לא חזקתם רבים
לפי חזקת דור חזק
חזקתם רבים למסוק
לפי חזקת חזקתם
כל החזקתם נאסרת
כן למסוק מעם חזקתם
ובנים לפי חזקתם
לפי חזקת חזקתם
חזקתם ואסור חזקתם
חזקתם רבים לחזקתם
אולי חזקתם חזקתם

65

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החברת
במ"א

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४६० ३३१० ८८०

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⑩

R. Isaac said: There was one town in Palestine where they followed R. Eliezer,¹ and they died there at the [proper] time.² Moreover, the wicked State³ once promulgated a decree against Israel concerning circumcision,⁴ yet did not decree [it] against that town.

11. 17. כתובות 17.

66

אח. א.ח.ק. עמק (ויק' במ:לז) (ב"ח כס) (סיפרא ויק' במ:לז)

$(\text{קריטריון } \alpha)$

$(\text{C} \cdot \text{S} \delta' \text{C}) (\text{C} \cdot \text{S} \delta' \text{C}) e \cdot K$

$(\gamma^{\mu\nu}, \delta^{\mu\nu}, e^{\mu\nu}) (1, 1, 1) \quad 913 \text{ NJ}$

$$(x/c \cdot e^i)(y/c \cdot e^j) \int_{\mathbb{R}^d} e^{i(x \cdot \xi + y \cdot \eta)} d\xi d\eta$$

12

67

Unit 3

The Mitzva to Love Jews

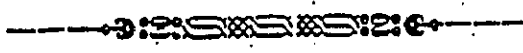
The Heretic or Irreligious Jew in the Eyes of Halakha

פתיחה

הצגה
723

לספר בראשית

זה הספר הנקרא ספר בראשית. נקרא בפי הנביאים ספר הישר כדאיתא
במ' עבודת כוכבים (כ"ה ע"א) על שני מקראות במ' יהושע (ו' י"ג) הלא
היא כתובה על ספר הישר. ובמ' שמואל ב' (א' י"ח) ויאמר ללמד בני יהודה קשת
הנה כתובה על ספר הישר. ומפדש ר' יוחנן זה ספר אברהם יצחק ויעקב שנקראו
ישרים שנאמר תמות נפשי מות ישרים. ויש להבין הטעם למה קרא בלעם את
אבותינו בשם ישרים ביחוד ולא צדיקים או חסידים וכדומה. וגם למה מכונה זה
הספר ביחוד בכינוי ישרים. ובלעם התפלל על עצמו שיהא אחריתו כמו בעלי זה
הכינוי. והענין דנתבאר בשיחת האזינו עה"פ הצור תמים פעלו וגו' צדק וישר הוא.
דשבח ישר הוא נאמר להצדיק דין הקב"ה בחרבן בית שני שחיה דור עקש ופתלתל.
ופורשנו שהיו צדיקים וחסידים ועמלי תורה, אך לא היו ישרים בחליכות עולמים. ע"כ
מפני שנאת הנם שבלבם וא"ז חשדו את מי שראו שנוהג שלא כדעתם ביראת ה' שהוא
צדוקי ואפיקורס. ובאו עי"ז לידי ש"ד בדרך הפלגה ולכל הדעות שבעולם עד שחרב
הבית. ועי"ז היה צדוק הדין. שהקב"ה ישר הוא ואינו סובל צדיקים כאילו אלא באופן
שהולכים בדרך הישר גם בחליכות עולם ולא בעקמומיות אע"ג שהוא לש"ש דוח גורם
הרבן הבריאה והריכות ישוב הארץ. וזה היה שבת האבות שמלכד שהיו צדיקים
וחסידים ואהבי ה' באופן היותר אפשר. עוד היו ישרים. היינו שהתנהגו עם אה"ע
אפי' עובדי אלילים מבוזרים. מ"ם היו עמם באהבה וחשו לטובתם כאשר היה קיום
הבריאה. כמו שאנו רואים כמה השתמח א"א להתפלל על סדום. אע"ג שהיה שם
אותם ואת מלכם תכלית שנאה עבור רשעתם כמבואר במאמרו למלך סדום. מ"ם
הפין בקומם. ובכרת פ' וירא (פמ"ט) איתא עי"ז שאמר הקב"ה לא"א אהבת צדק ותשנא
רשע. אהבת להצדיק את בדיחתי ותשנא להרשיען ע"כ וכו'. והיינו כמש"כ כאב הסון
גוים שאע"ג שאין הבן הולך במישרים מ"ם שוחר שלום וטוב. וכן הוצק הן וד"א
נפלא על דבר אברהם את לוט. כמו שנתבאר פ' לך. וכן ראינו כמה נח היה יצחק
אבינו להתפייס כמשנאיו ובמעט דברי פיוס מאבימלך ומרעיו נתפייס באופן היותר
סמך עבדו כמנו כמבואר במקומו. ויעקב אבינו אחר שהיטב יחזה לו על לבן שידע
שביקש לעקרו לולו ה'. מ"ם דבר עמו דברים רבים עד שאמרו עי"ז בכ"ר (פע"ד)
קפדותן של אבות ולא ענותנותן של בנים ע"ש. ונתפייס עמו סחר. וכן הרבה לסדנו
מהליכות האבות בד"א. כה שטיף לקיום העולם המיוחד לזה הספר שהוא ספר
הבריאה. ומש"ה נקרא כמ"כ ספר הישר על מעשה אבות בזה הפרט. ובלעם בשעת
הה"ק לא היה יכול להתפלא על דוע מעשיו שאינו צדיק וחסיד כאברהם יצחק ויעקב
אחרי שהוא נביא אה"ע. וראשו במקור הטומאה. אכן התפלא על דוע הילוכו בד"א
שאם שראוי היה לו לשנוא את ישראל תכלית שנאה כאשר שחמם בני אברהם יצחק
ויעקב וראשם במקור הקדושה. אבל כ"מ לא היה ראוי לפניו לבקש לעקר אופה
שלימה. ואינו דרך ישרה בקיום העולם. ועי"ז צעק תמות נפשי מות ישרים. היינו
מקיימי הבריאה. ובדברנו נתיישב יפה על מה נקרא זה הספר ספר הישר שהוא
ספר הבריאה.



Invoke Maimonides

Reflecting a concept of history unfolding on different levels, Wurzbarger also invoked the Rambam, who, he recalled, wrote that "(even Christianity) may be a vehicle for bringing some notion of *kiddush Ha-Shem* (holiness) to the world."

Weinberger declared it "shocking and repulsive" to set up Ben-Gurion as a hero. "He would have had no Israel to build up without generations of Jews who prayed for it and treasured it," said the rabbi.

Comparing the limited opening to Reform with the first tentative acceptance of homosexuality as something less than a disease, Weinberger noted it could evolve into acceptance as a "natural alternative lifestyle."

Concluding his case for rejecting all truck with Reform, however limited in purpose, Weinberger told an often critical audience, "When someone teaches others to violate Torah and rips out its pages, though it may be harsh for your ears, I submit to you, it's a mitzvah to hate him." □

Dear Editor:

After I read the report of "Orthodox rabbis debate issue of cooperation with Reform" (November 4-10, 1983) between Rabbis Bernard Weinberger and Walter Wurzbarger and saw the quote attributed to Rabbi Weinberger, "... I submit to you, it's a mitzvah to hate him," referring to the Reform Jew, I immediately checked the Torah and Rabbinic sources to see where that mitzvah was. I saw mitzvot about love — loving God, human beings — being concerned, caring, but no mitzvah to hate. But if an Orthodox rabbi said it, it must be so. After all, he is knowledgeable in *Tanach*, *Talmud*, the *Shulchan Aruch*, and other rabbinic sources, so I checked these sources again; but I was unsuccessful a second time. Perhaps this rabbi wrote a new *Shulchan Aruch*, the kind that guides bigots and *hats mangers*.

The words used by Rabbi Weinberger are reminiscent of those that anti-Semites have used over the centuries to incite crowds to burn, pillage, rape, and destroy Jewish communities. This kind of harsh rhetoric fires up crowds to murder Jews. This is the legacy that Rabbi Weinberger is transmitting to his people; not love, not understanding, not caring, but venomous hate. How tragic! Instead of walking in the ways of our great spiritual heroes such as Hillel who taught, "Do not unto others what you would not have others do unto you," or Rabbi Akiva who emphasized the Biblical teaching of, "Love thy neighbor as thyself," Rabbi Weinberger chooses the path of the evil-mongers, the slanderers, and the bigots of history.

We at least forgive him his outburst. I wonder, however, if God will, for he has desecrated God's holy name by maligning God's children.

Rabbi Bernard M. Zlotowitz
Director
New York Federation
of Reform Synagogues

③

ירקא קדשים וט

16 בְּצֶדֶק תִּשְׁפֹּט וְיִשְׁפָּט: לֹא יִחַלְדָּךְ רִבִּי בְּעֶמְדְךָ לֹא תִחַלְדָּךְ

17 עַל־כֵּן נִשְׁעָ אֵי דְנִי: לֹא תִחַשְׁשָׁא אֶת־אִתְךָ בְּלִבְכֶּךָ

18 וְהִכָּה תִּהְיֶה אֲדַמְיָתְךָ וְלֹא תִחַשְׁשָׁא עֲלֵי תַמָּא: לֹא

תִּקָּם וְלֹא תִחַשְׁשָׁא אֲדַמְיָתְךָ עֲלֵיךָ וְאִתְבַּרְכַּת לְהַלְלָהּ בְּמִיךָ אֵי

19 דְנִי: אֲתִדְלָקִי תִשְׁמַח בְּרִמְיָתְךָ לֹא תִחַרְבֵּי בְּלֵאִם

Shabbat 31a ④ אַהֲבָה וְרַחֲמֵי כְּחוֹךְ

שֶׁב מַעֲשֵׂה בּוֹרֵא אֵד שְׂבֵא לִפְנֵי שְׂמֵא אֵל נִיחֵי עִם שְׁתַּלְמִדֵי כָל הַתּוֹרָה כּוֹלָה כְּשֶׁאֵי עוֹשֶׂה עַל רַגְלֵי אֶחָד הָדָם בְּאֶמֶת הַבְּנִין שְׂבִידוֹ בֵּא לִפְנֵי הָאֵל *נִיחֵיה אִמֵּר לוֹ רַעֲלֵךְ מִי לְהַסֵּךְ לֹא תַעֲבִיד וְ הָיָא כָּל הַתּוֹרָה כּוֹלָה וְאֵד פִּירוּשָׁה הָיָא וְיָל נִסְד: שֶׁב מַעֲשֵׂה בּוֹרֵא אֵד

why is הלל's statement in the negative?

לפני

⑤

Maimonides, Hil. De'ot, Chapter VI

בְּמִדְבַר טָלוֹן אוֹרְחִים: ב' "מִצְוֹת עֲשֵׂה לְהַדְבֵּק בַּחֲכָמִים וּתְלַמִּידֵיהֶם כִּי לְלַמֵּד מִמֵּעֲשִׂיהֶם כְּעוֹנִין שְׂנֵאִמֵּר וְכוּ תְדַבֵּק. וְכִי אֲפֻשֶׁר לְאָדָם לְהַדְבֵּק בְּשִׁבְיָהּ. אֲלֵא כִךְ אֲמַרְו חֲכָמִים בְּפִירוּשׁ מִצְוָה זוֹ הַדְבֵּק בַּחֲכָמִים וּתְלַמִּידֵיהֶם. לְפִיכָךְ צִוֶּה אָדָם לְהִשְׁתַּדֵּל יִשְׁשֵׂא בֵּת תְּלַמִּיד חֶכֶם וְיִשְׂאֵא בְּרוֹ תְּלַמִּיד חֶכֶם וְלֵאבֹל וּלְשִׁתּוֹת עִם תְּלַמִּידֵי חֲכָמִים וּלְעֲשׂוֹת פְּרָקְמִסִּיא לְתַלְמִיד חֶכֶם וְלִהְיָתְחֵבֵר לָחֵן בְּכָל מִינֵי חֲבוֹד שְׂנֵאִמֵּר וּלְדַבְּקָה בּוֹ. וְכֵן צִוּ חֲכָמִים וְאִמְרוּ וְהָיָא מִתְאַבֵּק בְּעַפֵּר רַגְלִיָּהּ וְשׁוֹתָה בְּצִמָּא אֶת דְּבָרֵיהֶם: ג' "מִצְוָה עַל כָּל אָדָם לֵאחֹבֵב אֶת כָּל אֶחָד וְאֶחָד מִיִּשְׂרָאֵל כְּנוֹפֵי שְׂנֵאִמֵּר וְאַהֲבָת לְרַעַךְ כְּמִכָּךְ [ו]. לְפִיכָךְ צִוֶּה לְכַפֵּר בְּשִׁבְחוֹ וּלְחַסֵּם עַל מִמְנוֹ כֹּאשֶׁר הוּא חָם עַל מִמּוֹן עֲצָמוֹ וְרוֹצֵחַ בְּכַבּוֹד עֲצָמוֹ. וְהַמְתַּכְבֵּד בְּקִלּוֹן חֲבִירוֹ אִין לוֹ חֵלֶק לְעוֹלָם הַבָּא: ד' "אַהֲבָת הָעָר שְׂבֵא וְנִכְנֵס תַּחַת כִּנְפֵי הַשְּׁבִינָה שְׁרֵי מִצְוֹת עֲשֵׂה. אֶחָת מִפְּנֵי שְׂחִיָּא בְּכָלִל רִיעִים וְאַחַת מִפְּנֵי שְׂחִיָּא נֵר וְהַתּוֹרָה אִסְרָה וְאַהֲבָתָם אֶת הָעָר. צוּה עַל אַהֲבַת הָעָר כְּמוֹ שְׂחִיָּא עַל אַהֲבַת עֲצָמוֹ שְׂנֵאִמֵּר וְאַהֲבַת אֶת ה' אֱלֹהֶיךָ. הִקְבִּ"ה עֲצָמוֹ אוֹהֵב גִּדִּים שְׂנֵאִמֵּר וְאוֹהֵב נֵר: ו' "כָּל הַשְּׂנֵאִי אֶחָד מִיִּשְׂרָאֵל בְּלָבוֹ עוֹבֵד בְּלֹא תַעֲשֵׂה שְׂנֵאִמֵּר לֹא תִשְׂנֵא אֶת אֶחָד בְּלִבְכֶּךָ. וְאִין לֹקוֹן עַל לֹא זֶה לִפִּי שְׂאִין כּוֹ מַעֲשֵׂה. וְלֹא הוֹחֲלִירָה תוֹרָה אֲלֵא עַל שְׂנֵאִי שְׂבֵלֵב. אֲבֵל

6

Hillel's dictum, "Do not do to your neighbor that which would be hateful to you," is well known. It was his response to the request of a heathen to teach him the Law in the briefest terms possible. "This is the entire Law. Everything else is only its explanation; now go and study it," Hillel added. "This is the entire Torah, while the rest is its explanation; go and learn it" (Shabbath 31a). Hillel's statement is simply a negative version of that which our text, "and love . . ." sets forth as a positive commandment. "The command to do nothing to your neighbor that would be hateful to you" proclaims the complete equality of all men as the guiding principle for all our actions; it appeals to us to regard the woe and weal of all others as if it were our own and transforms egotism and self-love into respect and love for our neighbor, teaching us to love and respect each fellow man as our full equal. If we interpret the term תְּהַבֵּךְ as including not only our fellow men but also all our other fellow creatures, Hillel's statement indeed sums up the content of the whole Law, which, after all, is simply the teaching to shun anything that would be inimical to our own life's happiness or to that of all the other creatures which enjoy existence in this world along with us. But of course the Law does not leave it to the subjective, limited views and vague emotions of man to decide what is inimical to our own welfare and to that of our fellow creatures; it has given us for this purpose a standard revealed by the wisdom and insight of God. This is what Hillel called "its explanation"; this is the commentary on the statement which is to be derived from the Law. Thus, Rashi ibid.: "Only by studying the rest of the Torah can we find out what is truly hateful to us."

Of course, if one interprets Hillel's dictum simply as, "Do not do to others what you would not want others to do to you" and transforms this wise adage into a maxim of practical expediency: "If you do not want others to do you harm, you must also not harm them, for violence begets violence and wrong begets wrong; therefore, he who does not wish to be wronged himself must also do no wrong to others," then, of course, one has not only failed to convey the true content of our Divine Law but has not even set forth a lesson in "ethics." In that case one has taught only expediency and elevated calculating selfishness to be the guiding principle for all of human conduct.

כ"א עקב - כן ס' זכר
כ"א מ' זכר - כן

ס' זכר - ו' א' זכר

How does "כ"א עקב" use

ו' א' זכר
Qualify א' זכר
כ"א זכר ?

7

שנים שהיו מהלכין בדרך
וביד אחד מהן קיחון של מים אם שותין
שניהם ממים ואם שותה אחד מהן מניע
לישוב דרש בן פנורא מוטב שישתי שניהם
וימתינואל יראה אחד מהם במיתתו של
הבירי עד שבא ר' עקיבא ולימד וחי אחד
עמך חייך קדמים לחיי תבירך

ס' זכר - ו' א' זכר

8

ע"ה (ז) ו' א' זכר עמך
ז' דרש בן פנורא שנים שהיו מהלכין בדרך
ואין ביד אחד אלא קיחון של מים אם
שותה א' מניע לישוב ואם שותים אותו
שנים שניהם ממים דרש בן פנורא ישתו
שותה וימתינואל שנתאר ו' א' זכר עמך
אל ר' ע' ו' א' זכר עמך חייך קדמים
לחיי תבירך

Note the proof texts

ז' כן ס' זכר

and כ"א זכר

conclusions

What is more logical ?

א' זכר - א' זכר

כ"א זכר - א' זכר

ח' זכר - ח' זכר

on the 31st

רחם
מנין האצות
מצות ילד

דמקל ה' כולל נ נ נ נ נ

⑪

[illegible]

CONCEPT OF
प्रतिष्ठा

Yore De 'ah 158

272

ב' נח' והאִיִּקְרֹסִים הֵם שְׁעוּבִים הַ לַעֲבוֹרָת טוֹכִים (ו) או הַעוֹשֶׂה עֲבוֹת
(ט) לַחֲבָעִים (ת) אֶלּוּ (ז) אֶל לְבִילָה או לְבִישׁ שְׁעָמֹן לַחֲבָעִים (ס) וְהִדְּיָה
טוֹבֵר (י) וְהַאִיִּקְרֹסִים ו' (יא) הֵם שְׁטוּפִים (ב) בְּרוּרָה וּבְנוּבָא מִיִּשְׂרָאֵל הִיוּ
שָׁעָן בּוֹסֵן הַבֵּית לַדָּהֵם (יב) וְאֵם יֶשׁ בְּדוֹ כֵּחַ לַהֲנֵם בְּסִיף בְּפִרְדֵּסָא הֵת
הֵת וְאֵם לֹא הֵת בֹּא עֲקֻלָּתָא עַד שִׁמְכָב הִיִּתּוּ כִּיִּצֵּד רֵאָה אֶתֶּר מִדָּם שֶׁפֶל
לְבָאִי הַשֶּׁמֶלֶם בְּבֹאִי עֲקֻלָּתָא הֵתָּ אִמֵּי הִיִּתּוּ מִדָּם לְהַדִּיר בְּנֵי מִן רֵגֵל
וּמְחִירָתָא לֵךְ וּמְחִירָתָא בְּרִיִּים אֵלּוּ :

The Baal Shem Tov used to say: "Love your fellow man as yourself. You know that you have many faults, nevertheless, you still love yourself. That is how you should feel toward your friend. Despite his faults, love him." (*Likutai Avraham*, p. 221)

(19)

ע"כ א"ע פ"א

So it is with regard to one's neighbours. All Israel are related one to the other, for their souls are united and in each soul there is a portion of all the others. This is the reason why a multitude carrying out the divine commands cannot be compared with the few who do so, for the multitude possesses combined strength. This is the reason, too, for the Rabbis' explanation that those who are counted among the first ten in the Synagogue receive reward equal to all who come later, even if the late-comers are a hundred in number. The number 'a hundred' is meant literally, for the souls of the first ten are united in each other so that there are ten times ten, each one of the ten including one hundred souls in his own soul. For this reason, too, all Israel are surety one for the other since each possesses literally a portion of all the others; and when one Israelite sins he wrongs not only his own soul but the portion which all the others possess in him. From which it follows that his neighbour

(20)

is a surety for that portion.

And since all Israelites are related to each other it is only right that a man desire his neighbour's well-being, that he eye benevolently the good fortune of his neighbour and that his neighbour's honour be as dear to him as his own; for he and his neighbour are one. This is why we are commanded to love our neighbour as ourself. It is proper that a man desire the well-being of his neighbour and that he speak no evil of him nor desire that evil befall him. (Just as the Holy One, Blessed is He, desires neither our disgrace nor our suffering because we are His relatives so, too, a man should not desire to witness evil befalling his neighbour nor to see his neighbour suffer or disgraced. And these things should cause him the same pain as if he were the victim. The same applies to his neighbour's good fortune.)

A student asked Rabbi Schmelke: "We are bidden to love our neighbors as ourselves. How can I do this when my neighbor does me ill?"

The Rabbi answered: "Thou must understand the command aright: love thy neighbor, as something that thou art thyself; for all sons are one. Each is a spark from the original soul, and that original soul is in all of you, as the soul is in all the limbs of thy body.

"It may sometimes happen that thy hand slips and strikes thee. Wouldst thou then take a rod and beat thy hand because of its blunder, and thus add to thy pain? So it is if thy neighbor, whose soul is part of thy soul, does thee ill in his blindness. If thou dost retaliate upon him, thou merely injurest thyself."

The scholar asked him again: "But if I see a man who does ill to God, how can I love him?"

"Dost thou not know," said the Rabbi, "that the world-soul issues from God, and that every human soul is a part of God? And wouldst thou not pity it, dost thou see one of the holy sparks from that soul caught fast and likely to be extinguished?"

(21)

R. Schmelke of
Nikolsburg

If given a choice between loading the donkey of a hated person or unloading the donkey of a beloved one, the Gemara Bava Metzla 32b gives precedence to loading the donkey of a hated person, in order to force one's will to conform to what is right. But how is it to be considered forcing oneself to do what is right and therefore help him, when the mitzvah is to hate him? The answer is that when one hates a fellow Jew, that other Jew hates one in return, as reflected in the verse "as with water, face answers face, so too is the heart of man to man" (Proverbs 27:19), and as a result the two of them will come to

שראה ט דבר ערוה - ואם חלמך דבאלו מליחוס (כ"ח דף נ"ב) (חם) חמרינן אורב לברוך ושונא לטעון מלוא בשונא כד לכוף חם ילדו והשתחא מה כפיית ילד שייך כיון דמלוא לשונא וי"ל כיון שהוא שונא גם חבירו שונא אותו דכתיב (משלי כז) כמים הפנים לפנים כן לב האדם לאדם ופאין מחוך קד ליד שונא גמורה ושייך כפיית ילד :

Sefer Ha-Chinuch, Positive Mitzvah 243

(Rebbe Akiva means that) there are many commandments of the Torah that depend on this principle, for if you love your fellow like yourself you will not steal from him... or harm him in any way... And whoever violates a transgression against his fellow not only violates those particular prohibitions but this one ("love") as well."

(23a)

ונוקמת מצינה זו בכל מקום ודבר וקדו. וקעובר עליה ולא נוסר בקמחון חבירו. וקל-שפן אם חזיק אותו בקמחון או צצרו בשום דבר לרעה - בשל עשה זה. מלבד החיוב שבו למי שהגון שהחיקו. כמו שמפרש במקומו.

Baal Ha-Tanya, Likutei Amarim, Ch. 32

As for the Talmudic statement to the effect that one who sees his friend sinning should hate him and should tell his teacher to hate him also, this applies to a companion in Torah and Mitzvot, having already applied to him the injunction "You shall repeatedly rebuke your friend" (Leviticus. 19:17) meaning "he is with you in Torah and Mitzvot", and who nevertheless has not repented of his sin... But as for the person who is not one's colleague and is not on intimate terms with him, Hillel said: "Be of the disciples of Aharon, loving peace and pursuing peace, loving all human beings, and drawing them near to the Torah" (*Pirkei Avot* 1:12) This means that even in the case of those who are removed from God's Torah and His service, and are therefore classified simply as "beings", one must attract with strong bonds of love, perchance one might succeed in drawing them near to Torah and divine service. If one fails one has not forfeited the merit of brotherly love. Even with regard to those who are close to him, and whom he has rebuked, yet they had not repented of their sins, when he is enjoined to hate them, there still remains the duty to love them also, and both are right: hatred because of the wickedness in them; and love on account of the aspect of the hidden good in them, which is the divine spark within them, which animates their divine soul. He should also awaken pity in his heart for the divine soul, for she is held captive, as it were, in the evil of the demonic forces that triumph over her in wicked people. Compassion destroys hatred and awakens love.

(24)

My dearest Suri,

As I fasted today, I sat and reflected on what our fast is all about. Why was our beautiful home in Yerushalayim destroyed? Why did the presence of hHashem leave us? What did we do to drive ourselves into this long bitter golus (exile)

I always knew the answer, but I don't think I understood it as well as I do right now. It was destroyed because we were judgmental of those who did not ACT the way we wanted them to act. We were embarrassed of those who did not DRESS the way that we wanted them to dress. We looked down at those that did not TALK the way we wanted them to talk. And our misplaced ego caused us to think that we are better than they are. This is what caused us to destroy ourselves completely. Without having a ayin tovah, a favorable and understanding eye on those around us, we are not deserving of having the divine presence of Hashem live among us. We threw ourselves out with our self-righteous mindset.

Which group of us caused the destruction? The ones "on the derech" (Derech meaning the Jewish religious way) or the ones "off the derech"?

On this I sit and cry... my eyes fill with tears... the epiphany just hit me like a ton of bricks: It was not the ones wearing the jeans (as an example) that caused the destruction, rather, it was the ones not wearing jeans who then looked down upon those who wore the jeans! WE are the ones who destroyed the beis Hamikdosh (temple) and we have not yet corrected our sin! In fact, with Torah and mitzvos (good deeds) being so strong... we have perhaps even strengthened our sin... we have taken it to a higher level.

I look at myself... am I not part of the group who uses our beautiful religion to look down at others? And if so, am I not the one responsible for our current exile? What good is my fasting and sitting on a floor if I cannot face the truth that "I" am currently responsible for this tragedy?!

I now fully realize that it is not you and your friends who are preventing Moshiach from coming... it is me and my friends!

I wrote my own kinniss: Woe is to me for I have repeated and repeated the original sin that caused the churban! Woe is to me for I have stabbed my own flesh and blood! Woe is to me for I took the holy Torah that is supposed to be sweet and peaceful "dirachehuh darchei NOAM vichal nesivosehuh SHALOM" and I used it to form a dagger which I then used to stab you - and others - over and over again!!

And so after a long day of fasting and contemplation, I look back at the way that I treated you and for this I now sit and cry. My dear sweet beloved Suri !! How can I ever take back the pain that I caused you? How can I ever repay you for the smiles and hugs that you so deserved... but didn't get from me because I was too busy justifying to myself why it is OK for me to look down at you... to judge you harshly... and to actively destroy the Bais Hamikdosh? How can I give you back the lost years?

My dear Suri, a long long long time ago, I looked into the future and dreamed about the day that you would grow up, mature, learn right from wrong, wake up from your selfishness and finally come ask me for forgiveness... but after alot of inner searching... "I" grew up, and "I" matured, and "I" learned right from wrong, and now "I" finally finally woke up from MY selfish, haughty, egotistical, judgmental attitude! And now on this painful day I turn to you and I ask you - no, I BEG you - for forgiveness!!

I accept upon myself to shower you with love and affection, with hugs and kisses, and to do everything in my power to always be there for you through thick and thin! I pledge to work so so hard to make up for all of the pain that I caused you. I pledge to never look down at you, your friends, or on ANY JEW ever again. I am DONE with the negative attitude! I am DONE with being the judge and jury to another Yid! I am DONE with thinking that I am BETTER than ANY other Jew in Klal Yisrael. I am DONE being a part of the problem... and I pledge that as of right this moment... I will become a part of the SOLUTION!!

My Suri, please open your heart to me... please open your arms to me... hug me, hold my hand and let us build the beis Hamikdosh (temple) together...

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What do you say?

Your loving Tatty (father)

Unit 4

Challenges of Science and Medicine

Four Models of the Physician-Patient Relationship

Ezekiel J. Emanuel, MD, PhD, Linda L. Emanuel, MD, PhD

DURING the last two decades or so, there has been a struggle over the patient's role in medical decision making that is often characterized as a conflict between autonomy and health, between the values of the patient and the values of the physician. Seeking to curtail physician dominance, many have advocated an ideal of greater patient control.^{1,2} Others question this ideal because it fails to acknowledge the potentially imbalanced nature of this interaction when one party is sick and searching for security, and when judgments entail the interpretation of technical information.^{3,4} Still others are trying to delineate a more mutual relationship.^{4,5} This struggle shapes the expectations of physicians and patients as well as the ethical and legal standards for the physician's duties, informed consent, and medical malpractice. This struggle forces us to ask, What should be the ideal physician-patient relationship?

We shall outline four models of the physician-patient interaction, emphasizing the different understandings of (1) the goals of the physician-patient interaction, (2) the physician's obligations, (3) the role of patient values, and (4) the conception of patient autonomy. To elaborate the abstract description of these four models, we shall indicate the types of response the models might suggest in a clinical situation. Third, we shall also indicate how these models inform the current debate about the ideal physician-patient relationship. Finally, we shall evaluate these models and recommend one as the preferred model.

As outlined, the models are Weberian ideal types. They may not describe any particular physician-patient interactions but highlight, free from complicating details, different visions of the essential characteristics of the physician-patient

interaction.⁷ Consequently, they do not embody minimum ethical or legal standards, but rather constitute regulative ideals that are "higher than the law" but not "above the law."⁸

THE PATERNALISTIC MODEL

First is the *paternalistic* model, sometimes called the *parental*⁹ or *priestly*¹⁰ model. In this model, the physician-patient interaction ensures that patients receive the interventions that best promote their health and well-being. To this end, physicians use their skills to determine the patient's medical condition and his or her stage in the disease process and to identify the medical tests and treatments most likely to restore the patient's health or ameliorate pain. Then the physician presents the patient with selected information that will encourage the patient to consent to the intervention the physician considers best. At the extreme, the physician authoritatively informs the patient when the intervention will be initiated.

The paternalistic model assumes that there are shared objective criteria for determining what is best. Hence the physician can discern what is in the patient's best interest with limited patient participation. Ultimately, it is assumed that the patient will be thankful for decisions made by the physician even if he or she would not agree to them at the time.¹¹ In the tension between the patient's autonomy and well-being, between choice and health, the paternalistic physician's main emphasis is toward the latter.

In the paternalistic model, the physician acts as the patient's guardian, articulating and implementing what is best for the patient. As such, the physician has obligations, including that of placing the patient's interest above his or her own and soliciting the views of others when lacking adequate knowledge. The conception of patient autonomy is patient assent, either at the time or later, to the physician's determinations of what is best.

THE INFORMATIVE MODEL

Second is the *informative* model, sometimes called the *scientific*,⁹ *engi-*

neering,¹⁰ or *consumer* model. In this model, the objective of the physician-patient interaction is for the physician to provide the patient with all relevant information, for the patient to select the medical interventions he or she wants, and for the physician to execute the selected interventions. To this end, the physician informs the patient of his or her disease state, the nature of possible diagnostic and therapeutic interventions, the nature and probability of risks and benefits associated with the interventions, and any uncertainties of knowledge. At the extreme, patients could come to know all medical information relevant to their disease and available interventions and select the interventions that best realize their values.

The informative model assumes a fairly clear distinction between facts and values. The patient's values are well defined and known; what the patient lacks is facts. It is the physician's obligation to provide all the available facts, and the patient's values then determine what treatments are to be given. There is no role for the physician's values, the physician's understanding of the patient's values, or his or her judgment of the worth of the patient's values. In the informative model, the physician is a purveyor of technical expertise, providing the patient with the means to exercise control. As technical experts, physicians have important obligations to provide truthful information, to maintain competence in their area of expertise, and to consult others when their knowledge or skills are lacking. The conception of patient autonomy is patient control over medical decision making.

THE INTERPRETIVE MODEL

The third model is the *interpretive* model. The aim of the physician-patient interaction is to elucidate the patient's values and what he or she actually wants, and to help the patient select the available medical interventions that realize these values. Like the informative physician, the interpretive physician provides the patient with information on the nature of the condition and the risks and benefits of possible interventions.

From the Division of Cancer Epidemiology and Control, Dana-Farber Cancer Institute, Boston, Mass (E.J.E.); Program in Ethics and the Professions, Kennedy School of Government, Harvard University, Cambridge, Mass (E.J.E. and L.L.E.); and Division of Medical Ethics, Harvard Medical School, Boston, Mass (L.L.E.). L.L.E. is also a Teaching and Research Scholar of the American College of Physicians.

Reprint requests to Division of Cancer Epidemiology and Control, Dana-Farber Cancer Institute, 44 Binney St, Boston, MA 02115 (Dr E. J. Emanuel).

Comparing the Four Models

	Informative	Interpretive	Deliberative	Paternalistic
Patient values	Defined, fixed, and known to the patient	Inchoate and conflicting, requiring elucidation	Open to development and revision through moral discussion	Objective and shared by physician and patient
Physician's obligation	Providing relevant factual information and implementing patient's selected intervention	Elucidating and interpreting relevant patient values as well as informing the patient and implementing the patient's selected intervention	Articulating and persuading the patient of the most admirable values as well as informing the patient and implementing the patient's selected intervention	Promoting the patient's well-being independent of the patient's current preferences
Conception of patient's autonomy	Choice of, and control over, medical care	Self-understanding relevant to medical care	Moral self-development relevant to medical care	Assenting to objective values
Conception of physician's role	Competent technical expert	Counselor or adviser	Friend or teacher	Guardian

Beyond this, however, the interpretive physician assists the patient in elucidating and articulating his or her values and in determining what medical interventions best realize the specified values, thus helping to interpret the patient's values for the patient.

According to the interpretive model, the patient's values are not necessarily fixed and known to the patient. They are often inchoate, and the patient may only partially understand them; they may conflict when applied to specific situations. Consequently, the physician working with the patient must elucidate and make coherent these values. To do this, the physician works with the patient to reconstruct the patient's goals and aspirations, commitments and character. At the extreme, the physician must conceive the patient's life as a narrative whole, and from this specify the patient's values and their priority.^{12,13} Then the physician determines which tests and treatments best realize these values. Importantly, the physician does not dictate to the patient; it is the patient who ultimately decides which values and course of action best fit who he or she is. Neither is the physician judging the patient's values; he or she helps the patient to understand and use them in the medical situation.

In the interpretive model, the physician is a counselor, analogous to a cabinet minister's advisory role to a head of state, supplying relevant information, helping to elucidate values and suggesting what medical interventions realize these values. Thus the physician's obligations include those enumerated in the informative model but also require engaging the patient in a joint process of understanding. Accordingly, the conception of patient autonomy is self-understanding; the patient comes to know more clearly who he or she is and how the various medical options bear on his or her identity.

THE DELIBERATIVE MODEL

Fourth is the *deliberative* model. The aim of the physician-patient interaction is to help the patient determine and

choose the best health-related values that can be realized in the clinical situation. To this end, the physician must delineate information on the patient's clinical situation and then help elucidate the types of values embodied in the available options. The physician's objectives include suggesting why certain health-related values are more worthy and should be aspired to. At the extreme, the physician and patient engage in deliberation about what kind of health-related values the patient could and ultimately should pursue. The physician discusses only health-related values, that is, values that affect or are affected by the patient's disease and treatments; he or she recognizes that many elements of morality are unrelated to the patient's disease or treatment and beyond the scope of their professional relationship. Further, the physician aims at no more than moral persuasion; ultimately, coercion is avoided, and the patient must define his or her life and select the ordering of values to be espoused. By engaging in moral deliberation, the physician and patient judge the worthiness and importance of the health-related values.

In the deliberative model, the physician acts as a teacher or friend,¹⁴ engaging the patient in dialogue on what course of action would be best. Not only does the physician indicate what the patient could do, but, knowing the patient and wishing what is best, the physician indicates what the patient should do, what decision regarding medical therapy would be admirable. The conception of patient autonomy is moral self-development; the patient is empowered not simply to follow unexamined preferences or examined values, but to consider, through dialogue, alternative health-related values, their worthiness, and their implications for treatment.

COMPARING THE FOUR MODELS

The Table compares the four models on essential points. Importantly, all models have a role for patient autonomy; a main factor that differentiates the models is their particular conceptions of pa-

tient autonomy. Therefore, no single model can be endorsed because it alone promotes patient autonomy. Instead the models must be compared and evaluated, at least in part, by evaluating the adequacy of their particular conceptions of patient autonomy.

The four models are not exhaustive. At a minimum there might be added a fifth: the *instrumental model*. In this model, the patient's values are irrelevant; the physician aims for some goal independent of the patient, such as the good of society or furtherance of scientific knowledge. The Tuskegee syphilis experiment^{15,17} and the Willowbrook hepatitis study^{18,19} are examples of this model. As the moral condemnation of these cases reveals, this model is not an ideal but an aberration. Thus we have not elaborated it herein.

A CLINICAL CASE

To make tangible these abstract descriptions and to crystallize essential differences among the models, we will illustrate the responses they suggest in a clinical situation, that of a 43-year-old premenopausal woman who has recently discovered a breast mass. Surgery reveals a 3.5-cm ductal carcinoma with no lymph node involvement that is estrogen receptor positive. Chest roentgenogram, bone scan, and liver function tests reveal no evidence of metastatic disease. The patient was recently divorced and has gone back to work as a legal aide to support herself. What should the physician say to this patient?

In the *paternalistic model* a physician might say, "There are two alternative therapies to protect against recurrence of cancer in your breast: mastectomy or radiation. We now know that the survival with lumpectomy combined with radiation therapy is equal to that with mastectomy. Because lumpectomy and radiation offers the best survival and the best cosmetic result, it is to be preferred. I have asked the radiation therapist to come and discuss radiation treatment with you. We also need to protect you against the spread of the cancer to other parts of your body. Even though

the chance of recurrence is low, you are young, and we should not leave any therapeutic possibilities untried. Recent studies involving chemotherapy suggest improvements in survival without recurrence of breast cancer. Indeed, the National Cancer Institute recommends chemotherapy for women with your type of breast cancer. Chemotherapy has side effects. Nevertheless, a few months of hardship now are worth the potential added years of life without cancer."

In the informative model a physician might say, "With node-negative breast cancer there are two issues before you: local control and systemic control. For local control, the options are mastectomy or lumpectomy with or without radiation. From many studies we know that mastectomy and lumpectomy with radiation result in identical overall survival, about 80% 10-year survival. Lumpectomy without radiation results in a 30% to 40% chance of tumor recurrence in the breast. The second issue relates to systemic control. We know that chemotherapy prolongs survival for premenopausal women who have axillary nodes involved with tumor. The role for women with node-negative breast cancer is less clear. Individual studies suggest that chemotherapy is of no benefit in terms of improving overall survival, but a comprehensive review of all studies suggests that there is a survival benefit. Several years ago, the NCI suggested that for women like yourself, chemotherapy can have a positive therapeutic impact. Finally, let me inform you that there are clinical trials, for which you are eligible, to evaluate the benefits of chemotherapy for patients with node-negative breast cancer. I can enroll you in a study if you want. I will be happy to give you any further information you feel you need."

The interpretive physician might outline much of the same information as the informative physician, then engage in discussion to elucidate the patient's wishes, and conclude, "It sounds to me as if you have conflicting wishes. Understandably, you seem uncertain how to balance the demands required for receiving additional treatment, rejuvenating your personal affairs, and maintaining your psychological equilibrium. Let me try to express a perspective that fits your position. Fighting your cancer is important, but it must leave you with a healthy self-image and quality time outside the hospital. This view seems compatible with undergoing radiation therapy but not chemotherapy. A lumpectomy with radiation maximizes your chance of surviving while preserving your breast. Radiotherapy fights your breast cancer without disfigurement.

Conversely, chemotherapy would prolong the duration of therapy by many months. Further, the benefits of chemotherapy in terms of survival are smaller and more controversial. Given the recent changes in your life, you have too many new preoccupations to undergo months of chemotherapy for a questionable benefit. Do I understand you? We can talk again in a few days."

The deliberative physician might begin by outlining the same factual information, engage in a conversation to elucidate the patient's values, but continue, "It seems clear that you should undergo radiation therapy. It offers maximal survival with minimal risk, disfigurement, and disruption of your life. The issue of chemotherapy is different, fraught with conflicting data. Balancing all the options, I think the best one for you is to enter a trial that is investigating the potential benefit of chemotherapy for women with node-negative breast cancer. First, it ensures that you receive excellent medical care. At this point, we do not know which therapy maximizes survival. In a clinical study the schedule of follow-up visits, tests, and decisions is specified by leading breast cancer experts to ensure that all the women receive care that is the best available anywhere. A second reason to participate in a trial is altruistic; it allows you to contribute something to women with breast cancer in the future who will face difficult choices. Over decades, thousands of women have participated in studies that inform our current treatment practices. Without those women, and the knowledge they made possible, we would probably still be giving you and all other women with breast cancer mastectomies. By enrolling in a trial you participate in a tradition in which women of one generation receive the highest standard of care available but also enhance the care of women in future generations because medicine has learned something about which interventions are better. I must tell you that I am not involved in the study; if you elect to enroll in this trial, you will initially see another breast cancer expert to plan your therapy. I have sought to explain our current knowledge and offer my recommendation so you can make the best possible decision."

Lacking the normal interchange with patients, these statements may seem contrived, even caricatures. Nevertheless, they highlight the essence of each model and suggest how the objectives and assumptions of each inform a physician's approach to his or her patients. Similar statements can be imagined for other clinical situations such as an obstetrician discussing prenatal testing

or a cardiologist discussing cholesterol-reducing interventions.

THE CURRENT DEBATE AND THE FOUR MODELS

In recent decades there has been a call for greater patient autonomy or, as some have called it, "patient sovereignty,"²⁰ conceived as patient choice and control over medical decisions. This shift toward the informative model is embodied in the adoption of business terms for medicine, as when physicians are described as health care providers and patients as consumers. It can also be found in the propagation of patient rights statements,²¹ in the promotion of living will laws, and in rules regarding human experimentation. For instance, the opening sentences of one law state: "The Rights of the Terminally Ill Act authorizes an adult person to control decisions regarding administration of life-sustaining treatment. . . . The Act merely provides one way by which a terminally-ill patient's desires regarding the use of life-sustaining procedures can be legally implemented" (emphasis added).²² Indeed, living will laws do not require or encourage patients to discuss the issue of terminating care with their physicians before signing such documents. Similarly, decisions in "right-to-die" cases emphasize patient control over medical decisions. As one court put it:²³

The right to refuse medical treatment is basic and fundamental. . . . Its exercise requires no one's approval. . . . [T]he controlling decision belongs to a competent informed patient. . . . It is not a medical decision for her physicians to make. . . . It is a moral and philosophical decision that, being a competent adult, is [the patient's] alone. (emphasis added)

Probably the most forceful endorsement of the informative model as the ideal inheres in informed consent standards. Prior to the 1970s, the standard for informed consent was "physician based."²⁴⁻²⁶ Since 1972 and the *Canterbury* case, however, the emphasis has been on a "patient-oriented" standard of informed consent in which the physician has a "duty" to provide appropriate medical facts to empower the patient to use his or her values to determine what interventions should be implemented.²⁷

True consent to what happens to one's self is the informed exercise of a choice, and that entails an opportunity to evaluate knowledgeably the options available and the risks attendant upon each. . . . [I]t is the prerogative of the patient, not the physician, to determine for himself the direction in which his interests seem to lie. To enable the patient to chart his course understandably, some familiarity with the therapeutic alternatives and their hazards becomes essential.²⁸ (emphasis added)

SHARED DECISION MAKING

Despite its dominance, many have found the informative model "arid."²⁰ The President's Commission and others contend that the ideal relationship does not vest moral authority and medical decision-making power exclusively in the patient but must be a process of shared decision making constructed around "mutual participation and respect."^{20,28} The President's Commission argues that the physician's role is "to help the patient understand the medical situation and available courses of action, and the patient conveys his or her concerns and wishes."²⁰ Brock and Wartman²⁹ stress this fact-value "division of labor"—having the physician provide information while the patient makes value decisions—by describing "shared decision making" as a collaborative process

in which both physicians and patients make active and essential contributions. Physicians bring their medical training, knowledge, and expertise—including an understanding of the available treatment alternatives—to the diagnosis and management of patients' condition. Patients bring knowledge of their own subjective aims and values, through which risks and benefits of various treatment options can be evaluated. With this approach, selecting the best treatment for a particular patient requires the contribution of both parties.

Similarly, in discussing ideal medical decision making, Eddy³⁰ argues for this fact-value division of labor between the physician and patient as the ideal:

It is important to separate the decision process into these two steps. . . . The first step is a question of facts. The anchor is empirical evidence. . . . [T]he second step is a question not of facts but of personal values or preferences. The thought process is not analytic but personal and subjective. . . . [I]t is the patient's preferences that should determine the decision. . . . Ideally, you and I [the physicians] are not in the picture. What matters is what Mrs. Smith thinks.

This view of shared decision making seems to vest the medical decision-making authority with the patient while relegating physicians to technicians "transmitting medical information and using their technical skills as the patient directs."²⁸ Thus, while the advocates of "shared decision making" may aspire toward a mutual dialogue between physician and patient, the substantive view informing their ideal recombines the informative model under a different label.

Other commentators have articulated more mutual models of the physician-patient interaction.^{31,32} Prominent among these efforts is Katz³¹ *The Silent World of the Doctor and Patient*. Relying on a Freudian view in which self-knowledge and self-determination

are inherently limited because of unconscious influences, Katz views dialogue as a mechanism for greater self-understanding of one's values and objectives. According to Katz, this view places a duty on physicians and patients to reflect and communicate so that patients can gain a greater self-understanding and self-determination. Katz' insight is also available on grounds other than Freudian psychological theory and is consistent with the interpretive model.¹³

OBJECTIONS TO THE PATERNALISTIC MODEL

It is widely recognized that the paternalistic model is justified during emergencies when the time taken to obtain informed consent might irreversibly harm the patient.^{12,20} Beyond such limited circumstances, however, it is no longer tenable to assume that the physician and patient espouse similar values and views of what constitutes a benefit. Consequently, even physicians rarely advocate the paternalistic model as an ideal for routine physician-patient interactions.²²

OBJECTIONS TO THE INFORMATIVE MODEL

The informative model seems both descriptively and prescriptively inaccurate. First, this model seems to have no place for essential qualities of the ideal physician-patient relationship. The informative physician cares for the patient in the sense of competently implementing the patient's selected interventions. However, the informative physician lacks a caring approach that requires understanding what the patient values or should value and how his or her illness impinges on these values. Patients seem to expect their physician to have a caring approach; they deem a technically proficient but detached physician as deficient, and properly condemned. Further, the informative physician is proscribed from giving a recommendation for fear of imposing his or her will on the patient and thereby competing for the decision-making control that has been given to the patient.²⁴ Yet, if one of the essential qualities of the ideal physician is the ability to assimilate medical facts, prior experience of similar situations, and intimate knowledge of the patient's view into a recommendation designed for the patient's specific medical and personal condition,^{34,35} then the informative physician cannot be ideal.

Second, in the informative model the ideal physician is a highly trained subspecialist who provides detailed factual information and competently implements the patient's preferred medical intervention. Hence, the informative model perpetu-

ates and accentuates the trend toward specialization and impersonalization within the medical profession.

Most importantly, the informative model's conception of patient autonomy seems philosophically untenable. The informative model presupposes that persons possess known and fixed values, but this is inaccurate. People are often uncertain about what they actually want. Further, unlike animals, people have what philosophers call "second order desires,"^{33,34} that is, the capacity to reflect on their wishes and to revise their own desires and preferences. In fact, freedom of the will and autonomy inhere in having "second order desires" and being able to change our preferences and modify our identity. Self-reflection and the capacity to change what we want often require a "process" of moral deliberation in which we assess the value of what we want. And this is a process that occurs with other people who know us well and can articulate a vision of who we ought to be that we can assent to.¹³ Even though changes in health or implementation of alternative interventions can have profound effects on what we desire and how we realize our desires, self-reflection and deliberation play no essential role in the informative physician-patient interaction. The informative model's conception of autonomy is incompatible with a vision of autonomy that incorporates second-order desires.

OBJECTIONS TO THE INTERPRETIVE MODEL

The interpretive model rectifies this deficiency by recognizing that persons have second-order desires and dynamic value structures and placing the elucidation of values in the context of the patient's medical condition at the center of the physician-patient interaction. Nevertheless, there are objections to the interpretive model.

Technical specialization militates against physicians cultivating the skills necessary to the interpretive model. With limited interpretive talents and limited time, physicians may unwittingly impose their own values under the guise of articulating the patient's values. And patients, overwhelmed by their medical condition and uncertain of their own views, may too easily accept this imposition. Such circumstances may push the interpretive model toward the paternalistic model in actual practice.

Further, autonomy viewed as self-understanding excludes evaluative judgment of the patient's values or attempts to persuade the patient to adopt other values. This constrains the guidance and recommendations the physician can offer. Yet in practice, especially in pre-

ventive medicine and risk-reduction interventions, physicians often attempt to persuade patients to adopt particular health-related values. Physicians frequently urge patients with high cholesterol levels who smoke to change their dietary habits, quit smoking, and begin exercise programs before initiating drug therapy. The justification given for these changes is that patients should value their health more than they do. Similarly, physicians are encouraged to persuade their human immunodeficiency virus (HIV)-infected patients who might be engaging in unsafe sexual practices either to abstain or, realistically, to adopt "safer sex" practices. Such appeals are not made to promote the HIV-infected patient's own health, but are grounded on an appeal for the patient to assume responsibility for the good of others. Consequently, by excluding evaluative judgments, the interpretive model seems to characterize inaccurately ideal physician-patient interactions.

OBJECTIONS TO THE DELIBERATIVE MODEL

The fundamental objections to the deliberative model focus on whether it is proper for physicians to judge patients' values and promote particular health-related values. First, physicians do not possess privileged knowledge of the priority of health-related values relative to other values. Indeed, since ours is a pluralistic society in which people espouse incommensurable values, it is likely that a physician's values and view of which values are higher will conflict with those of other physicians and those of his or her patients.

Second, the nature of the moral deliberation between physician and patient, the physician's recommended interventions, and the actual treatments used will depend on the values of the particular physician treating the patient. However, recommendations and care provided to patients should not depend on the physician's judgment of the worthiness of the patient's values or on the physician's particular values. As one bioethicist put it³⁴:

The hand is broken; the physician can repair the hand; therefore the physician must repair the hand—as well as possible—without regard to personal values that might lead the physician to think ill of the patient or of the patient's values. . . . [A]t the level of clinical practice, medicine should be value-free in the sense that the personal values of the physician should not distort the making of medical decisions.

Third, it may be argued that the deliberative model misconstrues the purpose of the physician-patient interaction. Patients see their physicians to

receive health care, not to engage in moral deliberation or to revise their values. Finally, like the interpretive model, the deliberative model may easily metamorphose into unintended paternalism, the very practice that generated the public debate over the proper physician-patient interaction.

THE PREFERRED MODEL AND THE PRACTICAL IMPLICATIONS

Clearly, under different clinical circumstances different models may be appropriate. Indeed, at different times all four models may justifiably guide physicians and patients. Nevertheless, it is important to specify one model as the shared, paradigmatic reference; exceptions to use other models would not be automatically condemned, but would require justification based on the circumstances of a particular situation. Thus, it is widely agreed that in an emergency where delays in treatment to obtain informed consent might irreversibly harm the patient, the paternalistic model correctly guides physician-patient interactions. Conversely, for patients who have clear but conflicting values, the interpretive model is probably justified. For instance, a 65-year-old woman who has been treated for acute leukemia may have clearly decided against reinduction chemotherapy if she relapses. Several months before the anticipated birth of her first grandchild, the patient relapses. The patient becomes torn about whether to endure the risks of reinduction chemotherapy in order to live to see her first grandchild or whether to refuse therapy, resigning herself to not seeing her grandchild. In such cases, the physician may justifiably adopt the interpretive approach. In other circumstances, where there is only a one-time physician-patient interaction without an ongoing relationship in which the patient's values can be elucidated and compared with ideals, such as in a walk-in center, the informative model may be justified.

Descriptively and prescriptively, we claim that the ideal physician-patient relationship is the deliberative model. We will adduce six points to justify this claim. First, the deliberative model more nearly embodies our ideal of autonomy. It is an oversimplification and distortion of the Western tradition to view respecting autonomy as simply permitting a person to select, unrestricted by coercion, ignorance, physical interference, and the like, his or her preferred course of action from a comprehensive list of available options.^{34,35} Freedom and control over medical decisions alone do not constitute patient autonomy. Autonomy requires that individuals critically assess their own values and preferences;

determine whether they are desirable; affirm, upon reflection, these values as ones that should justify their actions; and then be free to initiate action to realize the values. The process of deliberation integral to the deliberative model is essential for realizing patient autonomy understood in this way.

Second, our society's image of an ideal physician is not limited to one who knows and communicates to the patient relevant factual information and competently implements medical interventions. The ideal physician—often embodied in literature, art, and popular culture—is a caring physician who integrates the information and relevant values to make a recommendation and, through discussion, attempts to persuade the patient to accept this recommendation as the intervention that best promotes his or her overall well-being. Thus, we expect the best physicians to engage their patients in evaluative discussions of health issues and related values. The physician's discussion does not invoke values that are unrelated or tangentially related to the patient's illness and potential therapies. Importantly, these efforts are not restricted to situations in which patients might make "irrational and harmful" choices³⁶ but extend to all health care decisions.

Third, the deliberative model is not a disguised form of paternalism. Previously there may have been category mistakes in which instances of the deliberative model have been erroneously identified as physician paternalism. And no doubt, in practice, the deliberative physician may occasionally lapse into paternalism. However, like the ideal teacher, the deliberative physician attempts to *persuade* the patient of the worthiness of certain values, not to *impose* those values paternalistically; the physician's aim is not to subject the patient to his or her will, but to persuade the patient of a course of action as desirable. In the *Lysis*, Plato³⁷ characterizes this fundamental distinction between persuasion and imposition for medical practice that distinguishes the deliberative from the paternalistic model:

A physician to slaves never gives his patient any account of his illness . . . the physician offers some orders gleaned from experience with an air of infallible knowledge, in the brusque fashion of a dictator. . . . The free physician, who usually cares for free men, treats their diseases first by thoroughly discussing with the patient and his friends his ailment. This way he learns something from the sufferer and simultaneously instructs him. Then the physician does not give his medications until he has persuaded the patient; the physician aims at complete restoration of health by persuading the patient to comply with his therapy.

Fourth, physician values are relevant to patients and do inform their choice of a physician. When a pregnant woman chooses an obstetrician who does not routinely perform a battery of prenatal tests or, alternatively, one who strongly favors them; when a patient seeks an aggressive cardiologist who favors procedural interventions or one who concentrates therapy on dietary changes, stress reduction, and life-style modifications, they are, consciously or not, selecting a physician based on the values that guide his or her medical decisions. And, when disagreements between physicians and patients arise, there are discussions over which values are more important and should be realized in medical care. Occasionally, when such disagreements undermine the physician-patient relationship and a caring attitude, a patient's care is transferred to another physician. Indeed, in the informative model the grounds for transferring care to a new physician is either the physician's ignorance or incompetence. But patients seem to switch physicians because they do not "like" a particular physician or that physician's attitude or approach.

Fifth, we seem to believe that physicians should not only help fit therapies to the patients' elucidated values, but should also promote health-related values. As noted, we expect physicians to promote certain values, such as "safer sex" for patients with HIV or abstaining from or limiting alcohol use. Similarly, patients are willing to adjust their values and actions to be more compatible with health-promoting values.²² This is in the nature of seeking a caring medical recommendation.

Finally, it may well be that many physicians currently lack the training and capacity to articulate the values underlying their recommendations and persuade patients that these values are worthy. But, in part, this deficiency is a consequence of the tendencies toward specialization and the avoidance of discussions of values by physicians that are perpetuated and justified by the dominant informative model. Therefore, if the deliberative model seems most appropriate, then we need to implement changes in medical care and education to encourage a more caring approach. We must stress understanding rather than mere provisions of factual information in keeping with the legal standards of informed consent and medical malpractice; we must educate physicians not just to spend more time in physician-patient communication but to elucidate and articulate the values underlying their medical care decisions, including routine ones; we must shift the publicly assumed conception of patient autonomy that

shapes both the physician's and the patient's expectations from patient control to moral development. Most important, we must recognize that developing a deliberative physician-patient relationship requires a considerable amount of time. We must develop a health care financing system that properly reimburses—rather than penalizes—physicians for taking the time to discuss values with their patients.

CONCLUSION

Over the last few decades, the discourse regarding the physician-patient relationship has focused on two extremes: autonomy and paternalism. Many have attacked physicians as paternalistic, urging the empowerment of patients to control their own care. This view, the informative model, has become dominant in bioethics and legal standards. This model embodies a defective conception of patient autonomy, and it reduces the physician's role to that of a technologist. The essence of doctoring is a fabric of knowledge, understanding, teaching, and action, in which the caring physician integrates the patient's medical condition and health-related values, makes a recommendation on the appropriate course of action, and tries to persuade the patient of the worthiness of this approach and the values it realizes. The physician with a caring attitude is the ideal embodied in the deliberative model, the ideal that should inform laws and policies that regulate the physician-patient interaction.

Finally, it may be worth noting that the four models outlined herein are not limited to the medical realm; they may inform the public conception of other professional interactions as well. We suggest that the ideal relationships between lawyer and client,²³ religious mentor and laity, and educator and student are well described by the deliberative model, at least in some of their essential aspects.

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Understanding Tanach through the eyes of the Ancient Near East

Many cryptic words, esoteric prophecies and confounding stories in Tanach can be elucidated with knowledge of contemporary events in the Ancient Near East. Rashi routinely used Arabic in order to explain difficult biblical words and phrases. Had Rashi known Ugaritic and Akkadian he'd have used these languages as well.

In addition, as the Rambam so often did both in the Moreh Nevuchim as well as the Mishne Torah, even Mitzvos can be elucidated by knowledge of the contemporary practices in the ancient world.

See how we can shed light on the pages of Tanach while staying true to the sacred traditions of Chazal in their insights and commentaries.

תורה אבות (I)

תורה אבות

Exodus 23:17-19

ב.י.ע. = א.י.ע. ב.י.ע.

(A)

17 שְׁלֹשׁ פְּעָמִים בַּשָּׁנָה יֵרָאֶה כָּל זָכָרְךָ אֶל־יְיָ אֱלֹהֶיךָ יִקְרְאֶנָּה
 18 לֹא־תִזְבֹּחַ עֹל־קֶחֶן דְּבַחֲסֵי וְלֹא־זֶלֶן סֶלֶב־סֵי עֵד
 19 וְאֵשֶׁת בְּכֹרִי אֶדְמֶנָּךְ תָּבִיא בֵּית דָּעָה אֲלֶיךָ לֹא־תִבְשֵׁל
 בְּדִי בְסֶלֶב אִמִּי: ׀

17 Three times a year all your males shall appear before the Sovereign, the LORD.
 18 You shall not offer the blood of My sacrifice with anything leavened; and the fat of My festal offering shall not be left lying until morning.
 19 The choice first fruits of your soil you shall bring to the house of the LORD your God.
 You shall not boil a kid in its mother's milk.

1929 Ras Shamra Ugaritic fertility ritual
 חנ:ד:פ:מ:ר:ב: : נבטית : אפח:
 1986 : Bruce Zuckerman : Hawaii study

(B)

Deuteronomy 24:16

VICARIOUS PUNISHMENT

לֹא־יָמוּת אָבִיךָ עִל־בְּנֶיךָ וְכֵן לֹא־יָמוּת בֶּן־אָבִיךָ
 אִם־אִישׁ בְּעִמְּלוֹתָיו יָמוּת:

16 Parents shall not be put to death for children, nor children be put to death for parents: a person shall be put to death only for his own crime.

✓
 CODE OF HAMURABI §48

SEE MAKKOT 24a →

MIDRASH TANNAIN. Dt. 24:16 ; ח:ד:פ:מ:ר:ב: 84

(c) - (ע) ג

(D) לא תשמו קדשה בין עניכם לאו (ע) ג בין עניכם

(E) LEX TALIONIS

Exodus 21:22-25

וְכִּי יִלְחָצוּ אֲנָשִׁים וְאֶחָד מֵהֶם דָּחַק אֶת הָאִשָּׁה הַהִיא וְהָיָה לָהּ זָרָה וְלֹא הָיָה אֵסֶן
וְהָיָה לָהּ זָרָה וְהָיָה לָהּ זָרָה וְהָיָה לָהּ זָרָה וְהָיָה לָהּ זָרָה וְהָיָה לָהּ זָרָה
וְהָיָה לָהּ זָרָה וְהָיָה לָהּ זָרָה וְהָיָה לָהּ זָרָה וְהָיָה לָהּ זָרָה וְהָיָה לָהּ זָרָה
וְהָיָה לָהּ זָרָה וְהָיָה לָהּ זָרָה וְהָיָה לָהּ זָרָה וְהָיָה לָהּ זָרָה וְהָיָה לָהּ זָרָה

22 When men fight, and one of them pushes a pregnant woman and a miscarriage results, but no other misfortune ensues, the one responsible shall be fined according as the woman's husband may exact from him, the payment to be based on reckoning. 23 But if other misfortune ensues, the penalty shall be life for life. 24 eye for eye, tooth for tooth, hand for hand, foot for foot, 25 burn for burn, wound for wound, bruise for bruise.

DEFINE:

(22) וְהָיָה לָהּ זָרָה

(23) וְהָיָה לָהּ זָרָה

(F) DIFFERENCE IN SEVERITY BETWEEN TORAH LAW
AND CUNEIFORM LAW IN re. BEATING PARENTS
KIDNAPPING

-2-

cf. SHALOM PAUL: CUNEIFORM LAW

וְהָיָה לָהּ זָרָה

(A) לא יִהְיֶה כְּלִי-גִבּוֹר עַל-אִשָּׁה וְלֹא-
יִלְבַּשׁ גִּבּוֹר שְׂמֹלֶת אִשָּׁה כִּי תוֹעֵבֶת יִהְיֶה אֱלֹהֶיךָ כָּל-עֲשֵׂה
אֱלֹהִים:

EPIC OF KRET: SEE - CYRUS H. GORDON,
I Aght: 206-7 UGARIT AND ITS SIGNIFICANCE
from BIBLICAL STUDIES AND
CONTEMPORARY JUDAISM
ed. MIRIAM WARD (1975) pp 161-169
DANIEL OR DANIEL?

בְּיָדֵי אֱדֹם אֶרֶץ כִּי תִחַטְּאוּ לָוִי לְמַעַל-מַעַל וְנִטִּיתִי יָדִי
עָלֶיךָ וְשִׁבַּרְתִּי לָהּ מִטֶּה לֶחֶם וְהִטְלַחְתִּי-בָהּ דָּעַב וְהִכַּרְתִּי
מִמֶּנָּה אֶדֶם וּבִהֶמָּה: וְהָיוּ שְׁלִשֶׁת הָאֲנָשִׁים הָאֵלֹהִים בְּתוֹכָהּ נָח
דְּנָאֵל וְאִיִּיב הֶמָּה בְּעִדְקָתָם יִצְלוּ נַפְשָׁם נָאֵם אֶדְנִי יְהוָה: לֹד
חַיָּה דַּעַב אַעֲבִיר בְּאֶרֶץ וְשִׁפְלָתָהּ וְהִיתָה שְׂמֵמָה מִבְּלִי עוֹבֵד
מִמֶּנָּה חַיָּה: שְׁלִשֶׁת הָאֲנָשִׁים הָאֵלֹהִים בְּתוֹכָהּ חִי-אֲנִי נָאֵם אֶדְנִי
יְהוָה אֲסַפְּנִים וְאֲסַפְּנוֹת יִצְלוּ הֶמָּה לְבָדֶם יִצְלוּ וְהָאֶרֶץ
תִּהְיֶה שְׂמֵמָה: אוֹ חֲרֹב אָבִיא עַל-הָאֶרֶץ הַחַיָּה וְאֶמְדַּתִּי חֲרֹב
תִּעֲבֹד בְּאֶרֶץ וְהִכַּרְתִּי מִמֶּנָּה אֶדֶם וּבִהֶמָּה: וְשְׁלִשֶׁת הָאֲנָשִׁים
הָאֵלֹהִים בְּתוֹכָהּ חִי-אֲנִי נָאֵם אֶדְנִי יְהוָה לֹא יִצְלוּ בָנִים וּבָנוֹת כִּי
הֵם לְבָדֶם יִצְלוּ: אוֹ דָבָר אֲשַׁלַּח אֶל-הָאֶרֶץ הַחַיָּה וְשִׁפְכֹתִי
חֲמָתִי עָלֶיךָ בָּרֶם לְהִכַּרְתִּי מִמֶּנָּה אֶדֶם וּבִהֶמָּה: וְנָח דְּנָאֵל
וְאִיִּיב בְּתוֹכָהּ חִי-אֲנִי נָאֵם אֶדְנִי יְהוָה אֲסַפְּנִים אֲסַפְּנוֹת יִצְלוּ
הֶמָּה בְּעִדְקָתָם יִצְלוּ נַפְשָׁם:

יְהוָה דְּבַר-יְהוָה אֵלַי לֵאמֹר:

בְּיָדֵי אֱדֹם אֶמְרָ לְנִגְיָד עַד כְּהֵאמֹר: אֶדְנִי יְהוָה יִצֵּן גִּבּוֹר
לְבָרְךָ וְהֵאמֹר אֵל אֲנִי מוֹשֵׁב אֱלֹהִים יִשְׁבַּחִי בְּלִבִּי וְאֵתָה
אֶדֶם וְלֹא-אֵל וְהִתֵּן לְבָרְךָ אֱלֹהִים: הֵנָּה חֲכָם אֵתָה מִדְּנָאֵל
כָּל-סִתּוּם לֹא עִמְמוֹךְ: בְּחִכְמָתְךָ וּבִתְבוּנָתְךָ עֲשֵׂיתָ לָךְ חֵיל
וְתַעֲשֶׂה וְחֵב וְכֶסֶף בְּאוֹצְרוֹתֶיךָ: בָּרֶם חֲכָמָתְךָ בְּרַכְּלָתְךָ הַרְבֵּית
חֵילְךָ וְיִגְבַּהּ לְבָבְךָ בְּהִילָד:

יחזקאל כח

מִדְּנָאֵל

(B) honey and yeast in קרבנות : יקרא בויא

EPIC OF KRET : 165

א מ נ ו מ ו ר ו י ק י א ב ג ו .

(C) ב ר ע ל א מ ל → ב ר ע ל ק ר ע י פ : א ל ו ב ו י ר צ ו י

וְלֹא תִלְכּוּ בַּחֲקֵת הַגּוֹי אֲשֶׁר־אֲנִי מְשַׁלֵּחַ מִפְּנֵיכֶם :
כִּי אֶת־כָּל־אֱלֹה עֵשׂוּ וְאָקִין בָּם : וְאָמַר לָכֶם אַתֶּם תִּירְשׁוּ :
אֶת־אֲדֹמֹתֵיכֶם וְאֲנִי אֶתְנַנֶּה לָכֶם לְדֹשֶׁת אֶתֶּה אֶרֶץ זֶבֶת חֶלֶב
וְדָבַשׁ אֲנִי יְהוָה אֱלֹהֵיכֶם אֲשֶׁר־הִבְדַּלְתִּי אֶתְכֶם מִן־הָעַמִּים :
וְהִבְדַּלְתֶּם מִן־הַבְּהֵמָה הַשְּׂחָדָה לְטִמְאָהּ וּבִין־הָעוֹף הַשָּׁמַי
לְשָׂחָד וְלֹא־תִשְׁקְנוּ אֶת־נַפְשֹׁתֵיכֶם בַּבְּהֵמָה וּבָעוֹף וּבְכָל־
אֲשֶׁר תִּרְבֹּשׁ הָאֲדָמָה אֲשֶׁר־הִבְדַּלְתִּי לָכֶם לְטִמְאָה : וְהָיִיתֶם לוֹ :
קֹדְשִׁים כִּי קָדוֹשׁ אֲנִי יְהוָה וְאֶבְדֵּל אֶתְכֶם מִן־הָעַמִּים לְהִיּוֹת
לִי : וְאִישׁ אִו־אִשָּׁה כִּי־יִהְיֶה בֵּינֶם אוֹב אוֹ יָדְעִי מוֹת יוֹבָתוֹ :
כֹּאֲשֶׁן יִדְגְּמוּ אֶתֶם דְּמֵיהֶם בָּם :
אָמַר יְיָ וְיֹאמַר יְהוָה אֱלֹהֵיכֶם אָמַר אֱלֹהֵיכֶם בְּנֵי אֶהְרֹן וְאֶמְרַת אֲבֹת
אֱלֹהִים לְנֶפֶשׁ לֹא־יִשְׁמָא בְּעַמּוּ : כִּי אִם־לִשְׂאֹרוֹ הַקָּרֵב אֱלֹוֹ :
לֹאֲמוּ וְלֹאֲבִיו וְלִבְנוֹ וְלִבְתּוֹ וְלֹאֲחִיו : וְלֹאֲחֹתוֹ הַבְּתוּלָה הַקְּרוֹבָה :
אֱלֹוֹ אֲשֶׁר לֹא־הָיְתָה לְאִישׁ לֶהָ יִשְׁמָא : לֹא יִשְׁמָא בְּעַל בְּעַמּוּ :
וְקָדְחוֹ לְהַחֲלוֹ :

CONTRASTS

EX NIHILŌ

NATURE AND ITS BOUNDARIES

MAGIC

NEW YEAR RITUALS

(A) פ"ב

I Samuel 13:19-23

וְהָיָה כִּי לֹא יָמָא בְּכָל אֶרֶץ יִשְׂרָאֵל כִּי־אֲמָרִי פְּלִשְׁתִּים בְּפָנַי וְשָׂמוּ
הַפְּלִשְׁתִּים חֶרֶב אוֹ מִקֵּיט: ¹⁹ וַיֵּרְדּוּ כָל־יִשְׂרָאֵל הַפְּלִשְׁתִּים לְלַמֹּשׁ
אֶשׁ אֶת־מִסְדֵּמָתָם וְאֶת־אֵילָם וְאֶת־קַדְדָּמָם וְאֶת מַחֲבָרֵיהֶם: ²⁰ וַיְהִי־הָאֵת
הַפְּעִירָה פִּים לַמִּסְדָּה וְלָאֵלִים וְלִשְׁלֵשׁ קַדְדָּן וְלַמִּחְבָּרִים
וְלַחֲבִירֵי הַדֶּרֶךְ: ²¹ וַהֲיָה בְּיוֹם מִלְחָמָתִי וְלֹאִי נִמְצָא חֶרֶב וְחֵמֶת
בְּיָד כָּל־הָעָם אֲשֶׁר אֶת־שָׂאֵל וְאֶת־יוֹנָתָן וְהַמֶּצָא לְשָׂאֵל וְלִיוֹנָתָן
בָּהֶם: ²² וַיֵּצֵא מֶלֶךְ פְּלִשְׁתִּים אֶל־מִצְבֵּר מִכְמָשׁ: *

¹⁹ No smith was to be found in all the land of Israel, for the Philistines were afraid that the Hebrews would make swords or spears. ²⁰ So all the Israelites had to go down to the Philistines to have their plowshares, their mattocks, axes, and colters' sharpened. ²¹ for plowshares, mattocks, three-pronged forks, and axes, and for setting the goads. ²² Thus on the day of the battle, no sword or spear was to be found in the possession of any of the troops with Saul and Jonathan: only Saul and Jonathan had them. ²³ Now the Philistine garrison had marched out to the pass of Michmas.

(B) ה"ל

(C) ח"ל - יו"ד א"ו - יו"ד א"ו



ח"ל
פ"ב
מכיר
דעת מקרא
ספר שמואל

פ"ב (משקולת מלכיש)

(III) STORYLINE

י"א כ' . כח נדב ע"נ (A)

וְאֵל כִּי רָעָה נָגַד פְּנִיָּם. * בְּרִיטָנוֹן. וּמִדָּשׁ. ² אֶחָד שְׁמֹעֶתָ, כּוֹכֵב אֶחָד יֵשׁ
שְׁמֹעֶתָ רָעָה, אֲמֵר לָהֶם בְּרִיעַה יִזְאֵה אֵינִי בְּאִימָנִינִיּוֹת שְׁלִי אוֹתוֹ כּוֹכֵב, עוֹלָה לְקִרְאָתְכֶם
בְּמִדְבָּר, הוּא סִימָן דֵּם יִהְיֶה, וּבְשִׁחְטָאֵי יִשְׂרָאֵל בְּעוֹל וּבְקֶשׁ תִּקְבְּלוּ לְהִרְגֵם, אֲמֵר
מִשָּׁה בְּתַפְלֹתוֹ ¹ לֵמַח יֵאמְרוּ מִצְרִים לְאַחֵר בְּרִיעַה הִצִּיאָם. הֵן הוּא שְׂאֵמֵר לָהֶם, רָאוּ
כִּי רָעָה נָגַד פְּנִיָּם! מִדָּה רִחַם הוּא עַל הָרָעָה, וְהִפֵּךְ אֶת הָרָם לָדֵם מִלֵּה, שֶׁמֶל
יִהְיֶעַ אֹתָם, וְהוּא שְׂאֵמֵר ² הַיּוֹם גִּלְתִּי אֶת הָרֶסֶת מִצְרִים מַעֲלִיבֵם, שְׂחָזוּ אוֹמְרִים
[לָכֵם] דֵּם אֶחָד הוּאֵן עֲלֵיכֶם בְּמִדְבָּר:

צ/רבה - תש"ז

(B) 7102 genre

(c) CROSSING A RIVER.

(D) COMMERCE IN MESOPOTAMIA IN 18TH-20TH CENTURIES BCE

(E) p. 23N 56.31 / HABIAV TRIBES - EMANUEL VELARHOVSKY

(F) MESA STONE - כ"ס מ' כ"ס 2 (תוספת קררה צר ונקקד
באמצעות כותל)

(G) 713 - THE BLIND AND THE LAME

בְּשִׁלְשִׁים שָׁנָה הָיָה בְּמִלְכּוֹ אֲדָמָה
שָׁנָה מִלֵּךְ: בַּחֲדָרָן מִלֵּךְ עַל יְהוּדָה שִׁבְעַת שָׁנִים וְשִׁנְיָה חֲדָשִׁים
וּבְיִזְרְעֵל מִלֵּךְ שְׁלֹשִׁים שָׁנָה עַל בְּלִישְׁתָּאֵל וְיְהוּדָה:
וְלֵךְ הַמֶּלֶךְ וְאִשְׁתּוֹ יִזְרְעֵל אֶלְהֵבֶסֶי וְשֵׁשׁ חֲדָשִׁים וְאַחֲרָיִם
לְדָוִד לְאַחֲרָיִם הָיָה כִּי אֶסְתַּחֲסִיף הַעֲוִרִים וְהַפְסָחִים
לְאַחֲרָיִם לְאַחֲרָיִם הָיָה: וְלֵךְ הָיָה אֶת מַעֲדָה עֵינֵי הָיָה
עֵינֵי הָיָה: וְאַחֲרָיִם הָיָה הָיָה פֶּלֶאֲמָה יִבְסִי וְנָעַ פֶּלֶאֲמָה
וְאֶת־הַפְסָחִים וְאֶת־הַעֲוִרִים שָׁנָה נָפֶשׁ הָיָה עַל־פֶּן וְאַחֲרָיִם
עוֹר וּפֶסֶח לֹא יָבֹא אֶל־הַפְסָחִים: וְשֵׁשׁ הָיָה בְּמַעֲדָה וְיִקְרָאֲלָה
עֵינֵי הָיָה וְיִבְסִי הָיָה מִן־הַמִּלּוֹא וּבִיתָה: וְלֵךְ הָיָה הַלּוֹד
וְגִדּוֹל וְיְהוּדָה אֱלֹהֵי עֲבָאוֹת עֲשׂוֹ:

ILL
TREATMENT
OF
LEP'DN 7

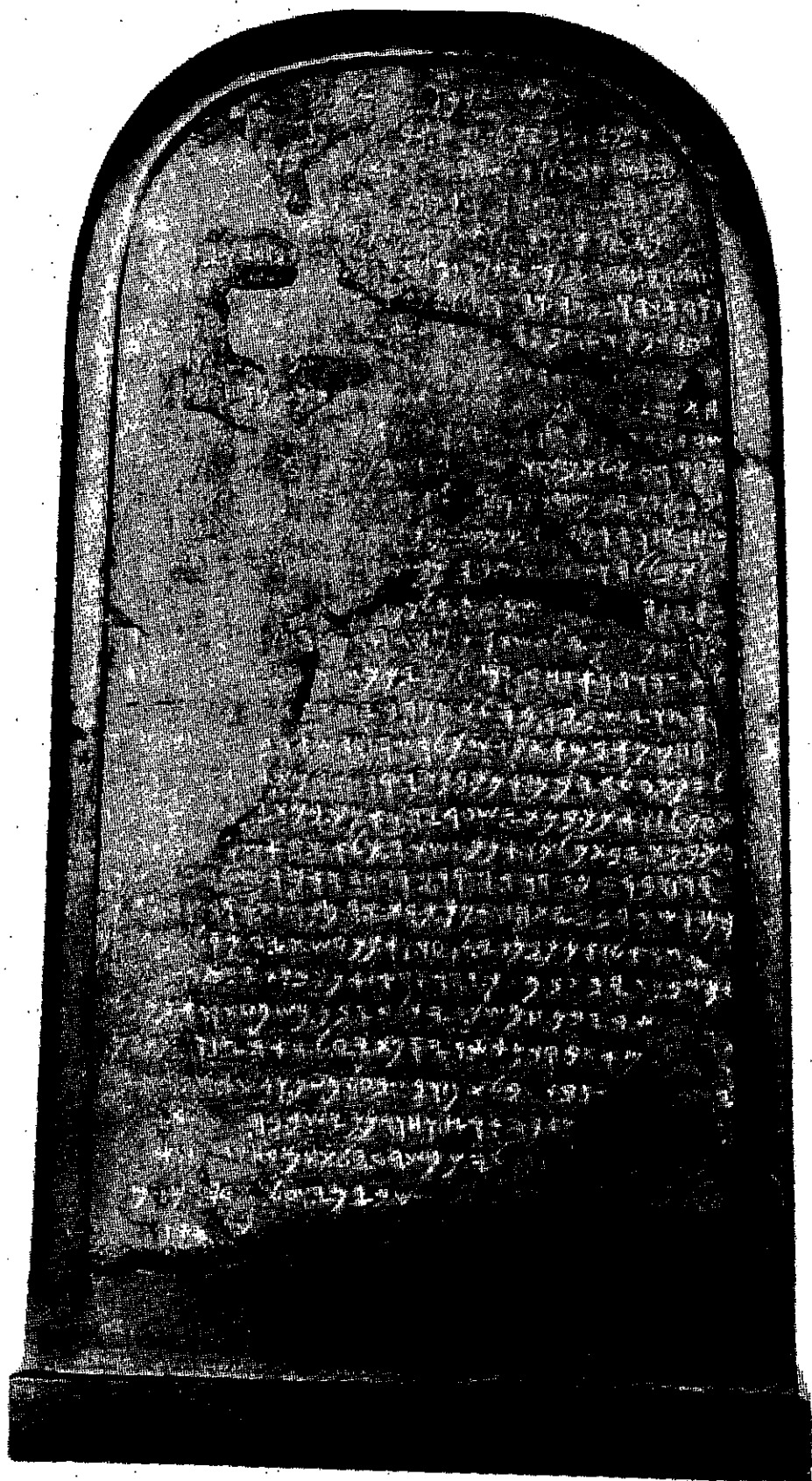
(H) יְהוֹשִׁיעַ
MENU

NORTH SEMITIC INSCRIPTIONS

MOABITE

1. The Moabite Stone. Cir 850 B.C. Louvre.

- 1 אנך כישע בן כמיש... כלך כאב הד
- 2 יבני אבי כלך יל כאב שלשן ית ואנך סלב
- 3 תי אדר אבי ואעיש רבפת ואת לכבש בקרחה בנ... [י]
- 4 שיע כי השעני מבל ה לכן ותי דראני מכל שטאי וסר
- 5 י כלך ישראל ויגעו את כאב יכן רבן כי יאנף כבש כאר
- 6 צה ויהלפה בנה ויאבר נם הא אגעו את כאב ימי אברי....
- 7 וארא בה יבבתה ישראל אבר אבר ילם ררש יברי את [אר]
- 8 ין בהדבא רישב בה יכה חצי ימי בנה ארבען שת ריש
- 9 בה כביז בימי ואבן את כילכין ואעיש בה האשות ואבן
- 10 את קריתן ואס נר ישב בארין יצרת כיילם רבן לה כלך
- 11 ישראל את יצרת ואלתרם בקר ואחזה אדרג את כל הנם
- 12 הקר רת לכמיש ולכאב ואסב כשם את אדאל רודה ואנס
- 13 הבה לפני כביש בקרית ואסב בה את אס שן ואת אנס
- 14 כרת ויאבר לי כביש לך אחז את נבה יל ישראל וא
- 15 הלך כללה ואלתרם בה כבקע השחרת עד הצדרם ואח
- 16 זה וארת כל יטבנת אלם נבצקו ו... תברתו..
- 17 ת ודרבת כי ליצרת כבש החרבתה ואנף כישם א...
- 18 לי יהוה ואסב רם לפני כביש וכלך ישראל בנה את
- 19 יהן רשב בה בהלחרתה כי ורעשה כביש כשני [ו]



כתובת מישע מלך מואב

Unit 5

Relations with the Nations of the World

Particularism and Universalism

Is Judaism Exclusive?

Chosenness and Its Enemies

Jon D. Levenson

FEW RELIGIOUS doctrines have attracted more virulent criticism than the idea of the chosen people. Over the past several centuries alone, both Jews and non-Jews have judged this key tenet of classical Judaism to be undemocratic, chauvinistic, superstitious—in short, retrograde in every way that matters to the progressive mind.

Nor is it just progressives who have found it deficient. It, and Jews who still believe in it or otherwise decline to assimilate to prevailing norms, have been savaged by everyone from captains of capitalism to Soviet commissars. Henry Ford, to cite a famous example, sponsored the publication of the *Protocols of the Elders of Zion*, the notorious forgery originating in czarist Russia and alleging a Jewish plot to achieve global domination. Things have been no better on the other side of the political spectrum. The Soviet Union viciously persecuted the Jews, even issuing a book equating Zionism with racism and Nazism long before such moves became the hardy perennial of anti-Zionist invective.

Not to be outdone, President Charles de Gaulle of France, in a press conference not long after the Six-Day war of 1967, identified Jewish separateness not only as a reflection of the noxious character of the Jews themselves but as the cause of anti-

Semitism in others. The Jews, de Gaulle observed, have long been “an elite people, self-confident and domineering”—and, presumably for that reason, guilty of “provoking ill will in certain countries and at certain times.”

And yet, like the Jews themselves, the idea of the chosen people will not die. Those drawn to it, moreover, are not always detractors. Last year, for example, the distinguished social critic Charles Murray published in *COMMENTARY* a much-discussed article in which he sought to explain what he called “the disproportionate Jewish accomplishment in the arts and sciences.”¹ This record of achievement, he argued, correlates with the brute fact that “Jews have been found to have an unusually high mean intelligence as measured by IQ tests.” Nor is this statistic simply a consequence of modern social history. Instead, Murray speculated, the higher average intelligence of Jews existed even in antiquity. And that raised a larger question, to which Murray offered a benignly provocative answer:

Why should one particular tribe at the time of Moses, living in the same environment as other nomadic and agricultural peoples of the Middle East, have already evolved elevated intelligence when the others did not?

At this point, I take sanctuary in my remaining hypothesis, uniquely parsimonious and

JON D. LEVENSON is the Albert A. List professor of Jewish Studies at Harvard Divinity School and the co-author (with Kevin J. Madigan) of *Resurrection: The Power of God for Christians and Jews* (Yale University Press).

¹ “Jewish Genius,” April 2007. The letters elicited by Murray’s article, and his response to them, appeared in the July-August 2007 issue.

happily irrefutable. The Jews are God's chosen people.

WHETHER OR not Murray intended his concluding words in full seriousness, what is curious is how readily the old theological idea of the chosen people came to the mind of "this Scots-Irish Gentile from Iowa," as he described himself. Alas, many a Gentile thinker has been decidedly less positive. In a recent study of the ancient teaching and its role in modern anti-Semitism, the Israeli diplomat and political scientist Avi Beker presents a broad assortment of contemporary attacks on the Jews that in one way or another echo the analysis put forward by Charles de Gaulle.² There is, for example, the acclaimed Greek composer Mikis Theodorakis, who not long ago told an interviewer that "today it is possible to say that this small nation is the root of all evil; it is full of self-importance and evil stubbornness." Asked by his (Jewish) interlocutor, "what is it that holds us Jews together?" Theodorakis—not coincidentally, the composer of the Palestinian national anthem—replied, "It is the feeling that you are the children of God. That you are the chosen."

And then there is José Saramago, the Portuguese writer and Nobel Prize laureate, who a few years ago described the Jews in perfervid terms as

contaminated by the monstrous and rooted "certitude" that in this catastrophic and absurd world there exists a people chosen by God and that, consequently, all the actions of an obsessive, psychological, and pathological exclusivist racism are justified; educated and trained in the idea that any suffering that has been inflicted, or is being inflicted, or will be inflicted on everyone else, especially the Palestinians, will always be inferior to that which they suffered in the Holocaust.

As for the genealogy of this enduring set of attitudes, it stretches back all the way to early Christian writings that portray the Jews as a self-righteous and spiritually blind people, the enemies or even the murderers of God. In some of its inflections, it goes even farther back, to Greco-Roman depictions of Jews as culturally inferior newcomers and misanthropes whose religion forbids them to show goodwill to outsiders. Theodorakis, for one, exhibits the influence of both streams. He speaks of his grandmother's admonition to avoid the Jewish neighborhood on Easter because "the Jews put Christian boys in a barrel with knives inside. Afterward they drink their blood." But he also boasts:

"They have only Abraham and Jacob, who were shadows, while we [Greeks] have Pericles."

But the hoary resonances of such bigotry should not mislead us. In focusing on the very *idea* of a chosen people, these modern anti-Semites break with the classical Christian tradition to reveal an indebtedness to Enlightenment notions of universalism. The Church, as Joel S. Kaminsky points out in a highly illuminating recent book, not only accepted the idea of a chosen people; it also claimed to *be* the chosen people.³ As a New Testament letter ascribed to the apostle Peter puts it: "You are a chosen race, a royal priesthood, a holy nation, God's own people." Christianity, that is, did not claim to replace the people Israel with an undifferentiated humanity; rather, with few exceptions, it claimed the status of Israel for itself exclusively.

Given the massive expansion of Christianity in the intervening centuries, it is easy to forget that the Enlightenment belief in a uniform humanity, loyal to reason alone and disregarding all claims of historical revelation and normative tradition, poses a formidable challenge to Christians as well as to Jews. Once upon a time, the question was, which is the real chosen people? For the past two centuries or so, the question has been, how can there be a chosen people at all?

KAMINSKY'S STUDY, the work of a scholar of the Hebrew Bible, is exceptionally helpful in clarifying the first question—in which the second has perforce become entangled. For even ostensibly careful readers of the Bible fall captive to the historical animus against the doctrine of the chosen people. Among some Christian scholars, indeed, the traditional belief in the supersession of the Jews and of Judaism has often proved toxic, all the more so when melded with the Enlightenment commitment to universalism. Hence the common misconception that Christianity is open, inclusive, and universal, while Judaism is tribalistic, ethnocentric, and xenophobic.

Gerd Lüdemann, for example, a prominent German professor of the New Testament, writes that "the Nazis shamelessly directed ideas which were similar to those developed by Jews under Ezra and Nehemiah," two biblical leaders at the time of the Persian empire who strove to protect their endangered little community in Palestine from intermarriage. For her part, Regina Schwartz, an English-

² *The Chosen: The History of an Idea, and the Anatomy of an Obsession*. Palgrave, 240 pp., \$35.00.

³ *Yet I Loved Jacob: Reclaiming the Biblical Concept of Election*. Abingdon Press, 242 pp., \$29.50.

literature specialist at Northwestern, reads the Bible, and biblical chosenness, through the prism of today's invidious polarities of the "self" and the "Other":

The Other against whom Israel's identity is forged is abhorred, abject, impure, and in the "Old Testament" vast numbers of them are obliterated. . . . The very idea that identity is constructed "against" suggests scarcity, as though there were a finite amount of identity itself, and so a space must be carved out for it and jealously guarded, like finite territory.

In countering such convergences of religious and anti-religious bias, Kaminsky has his work cut out for him. He begins by situating the biblical concept of election in the narratives of fraternal rivalry in Genesis. The primordial example is the story of Cain and Abel. The favor that God shows Abel, Kaminsky argues, is not "primarily dictated by [the two brothers'] human behavior," as embodied in the offerings brought by each; rather, it results from "a mysterious divine fiat." Efforts by readers to figure out what Abel did right and Cain did wrong—efforts that were already under way in antiquity—do violence to the narrative, which is revealingly focused not on the favored (and doomed) younger brother but on the non-elect, on Cain. The key words are those God directs to the angry future fratricide:

Why are you distressed,
And why is your face fallen?
Surely, if you do right,
There is uplift.
But if you do not do right
Sin couches at the door;
Its urge is toward you
Yet you can be its master.⁴

The point for Kaminsky is this: "God's 'unfairness' in choosing some over others is not simply a benefit for the chosen or a detriment to the non-chosen." Rather, chosenness "was always about God's plan for the whole world, the elect and the non-elect alike." For the latter, the task is learning to "accept that God's blessing flows through the world in mysterious ways that, while merciful, are not, strictly speaking, equitable."

This is, to say the least, a much subtler vision than the drearily familiar picture of the chosen and the non-chosen facing off in deadly and inevitable opposition—a picture propounded by learned and unlearned enemies of chosenness alike. And if the little tale of Cain and Abel already sounds the

themes that will characterize chosenness in the Hebrew Bible—God's mysterious favor, the dissension and alienation this produces within the human family, the special obligations and suffering of the chosen one(s), the possibility of reconciliation in the end—another version of the pattern appears in the figure of Abraham.

HERE ONE element in particular is worth stressing. In the literature of post-biblical Judaism, the story of God's choice of Abraham is often embroidered with accounts of Abraham's own surpassing merit, most memorably as the son of an idol-maker who saw through the false ideas of his inherited culture and reasoned his way to the one true God. But as important as this tradition would become in Judaism—and Islam—it has no source in Genesis. There, the singling-out of Abraham comes as a bolt out of the blue, with no sense that the future patriarch has done anything extraordinary to deserve it.

In the book of Deuteronomy, the same idea recurs, now transposed to Abraham's Israelite descendants:

For you are a people consecrated to the Lord your God: of all the peoples on earth the Lord your God chose you to be His treasured people. It is not because you are the most numerous of peoples that the Lord set His heart on you and chose you—indeed, you are the smallest of peoples; but it was because the Lord loved you and kept the oath He made to your fathers that the Lord freed you with a mighty hand and rescued you from the house of bondage, from the power of Pharaoh king of Egypt.⁵

Here, once again, Israel's special status derives not from any special gifts or feats of its own. The chosen family—like, ideally, any family—begins in an act of love, a love that cannot be fully accounted for by a list of the beloved's attributes or a "scientific" argument for the beloved's uniqueness. There is something grandly unconditional in biblical chosenness, something that makes all rationalistic attempts to explain it seem cramped and uncomprehending.

But why should there be a division between chosen and non-chosen in the first place? If we are to

⁴ Unless otherwise noted, all translations from the Hebrew Bible are taken from *Tanakh* (Jewish Publication Society, 1985). This passage presents difficulties at a number of points.

⁵ I have replaced "favored" with "loved," the better to capture the sense of a covenant.

understand the biblical vision in all its nuance and complexity, the context of family relations is essential and must not be hastily dismissed as primitive. For the God of the Hebrew Bible is nothing if not personal. He is not an abstract concept, a moral ideal, or a physical force. He is a personality, though a divine one, and His capacity for feelings is not an embarrassing impairment of that divinity but precisely that which makes it possible for Him to have relationships with human beings.

One of those feelings is love. As Kaminsky puts it: "No human lover loves his or her beloved in the same way he or she relates to all other people in the world. Nor does one love other families as much as one's own." As a judge, the biblical God is said to be impartial and impervious to bribery. But He is not only a judge: He is also a *father*. At the base of Jewish chosenness there stands neither an abhorrence of the Other nor the defensiveness engendered by "a finite amount of identity." Instead, there stands God's love for the people with whom He has entered into covenant and whom He has chosen to name as His own children—or, in a variant metaphor, as the bride to whom He has solemnly plighted His troth.

DETRACTORS OF the idea of a chosen people approach the matter from the opposite side. The subtle theology of God's surprising love and gracious election does not engage them. Their gaze is fixed instead on the plight of the *unchosen*, whom they see as the inevitable victims of Jewish ethnocentrism, racism, and malevolence. But Kaminsky points to an essential distinction that they miss. In the Bible, there are not two categories but at least three, which he names the elect, the non-elect, and the anti-elect.

That a group is non-elect does not necessarily mean that it is deficient, unworthy, or outside of God's care. The contrary idea derives mainly from the Christian tradition in which the "elect" are often synonymous with the "saved," and those who are not elect with the "damned"—the result being the longstanding and much-controverted question of whether there can be salvation outside the Church.

To be sure, traces of this dualistic system lie within Judaism itself, and specifically in the apocalyptic literature prominent among Jews about the time that Christianity emerged; remnants appear in later Jewish sources as well. But, on balance, both biblical and rabbinic thought affirm that the non-elect are deprived neither of dignity nor of the possibility of a portion in the world-to-come—the Jewish equivalent of "salvation."

In the Hebrew Bible, especially, it is all mankind, and not just the chosen, who in the famous words of Genesis are created "in the image of God." All belong to the same race—the human race—and descend, as the biblical account would have it, from the same parents. This alone shows how ugly and uncomprehending it is to brand ancient or modern efforts by Jews to maintain their peoplehood as the equivalent of Nazism or other forms of racism. Race, in the modern scientific or pseudo-scientific sense of the word, is irrelevant to the Hebrew Bible.⁶

Chosenness, then, need not entail implacable enmity on anyone's part; nor are the unchosen the enemies of God or of the Jewish people. The Other has dignity while remaining the Other. He is not required, in the biblical view, to be brought low, to convert, least of all to die.

The anti-elect, however, are another matter, and much more challenging. By this term, Kaminsky means such groups as the sinful Canaanite nations, whom God enjoins Israel to annihilate in order to take possession of the promised land, and the Amalekites, a tribe that is reported to have savagely attacked the Israelites as they journeyed in the desert and that became an enduring symbol of murderous anti-Semitism. In both cases, "genocide" is a fair description of what God commands to be done.

But even here qualification is needed. "While some have compared the [Bible's] anti-Canaanite polemic to certain Nazi policies," Kaminsky writes, "no biblical text ever advocated the pursuit and slaughter of Canaanites who lived outside Canaan or fled its bounds." Moreover, archaeology has cast grave doubt on the claim that the Canaanites were indeed ever annihilated, a claim that is similarly undermined by a close reading of the biblical text. Today, in fact, many scholars see evidence for the proposition that Israel itself originated from a community of marginalized Canaanites.

The genocidal command is further attenuated if we juxtapose to the biblical text the relevant sources from later rabbinic literature. Kaminsky points to talmudic interpretations that propound a counternarrative in which genocide would have been averted had the Canaanites repented and sued for peace. Maimonides, the great medieval legal authority and philosopher, says the same thing about the Amalekites. Other talmudic passages declare that no currently living individuals or peoples can be identified with the Bible's abominated nations, in effect rendering the offending passages of historical interest only—except for the enduring

⁶ See Hillel Halkin, "Jews and their DNA," in the September 2008 COMMENTARY.

lesson that Jews must shun the idolatrous practices associated with the Canaanites, be ever-vigilant to the lethal dangers symbolized by the Amalekites, and demonstrate exclusive devotion to their God.

Some things are gained when the idea of the chosen people is viewed from the vantage point of the anti-elect—but not so much as is asserted by their latter-day advocates and defenders. Meanwhile, much is lost.

THE COMPLICATED dynamics of chosenness come together in their tightest and most highly developed form at the end of the book of Genesis, in the story of Joseph: a gem of biblical narrative and a highly sophisticated theological text. The favor received by the young Joseph, marked by the distinctive coat given him by his father; enrages his ten older brothers, nearly brings his life to an end, and results in his being sold into slavery in Egypt. Yet it is precisely his experience in Egypt—where he again meets with favor, first from his master, then from the warden of his prison, and finally from Pharaoh—that saves the lives of these same brothers when, beset by a worldwide famine, they come looking for food.

Where the first story of sibling rivalry in Genesis results in the murder of the favored son Abel and the exile of his older brother Cain, the final story offers a vision of potentially lethal rivalry defanged and turned to good, through the uncanny workings of providence and for the rescue of the entire family—indeed the entire world. At the end of the narrative, the younger brother, Joseph, is still in charge, his mysterious chosenness intact. His authority, however, is no longer a burden to his brothers but a blessing, and a family rent by strife has been reunited and become the recipient of immense favor of its own.

Kaminsky sees in this tale of familial discord and reconciliation a reflection on the wider issue of Israelite chosenness, which can work to the benefit not only of the chosen but of the unchosen, including those altogether outside the chosen family. Like Pharaoh in the Joseph story, Gentiles who are kindly disposed to the Israelites benefit richly. And here one is put in mind of the words of God's initial call to Abraham, assuring him that "all the families of the earth/Shall bless themselves by you" (or "be blessed through you").

Finally, the tale of Joseph is a tale of profound transformation within the chosen one himself. The protagonist, once a brash teenager who appears to accept his adolescent dreams as so many guarantees of dominance, succeeds, not without much travail,

in becoming a skilled courtier and administrator, able to keep his counsel, devise elaborate plans, and earn the appreciation of both his family and his lord.

In this perspective, the mere fact of chosenness provides no exemption from turmoil, peril, or the need for inner growth. To the contrary, it would seem to entail a high degree of suffering. And this, as Kaminsky points out, tells us something very important about the Hebrew Bible:

The ability to sense one's chosenness and also to see one's character flaws is perhaps one of the greatest achievements of the Israelite religious mind. It creates a sense of ultimate meaning for one's nation, but it does so in ways that mitigate movement toward an unfettered . . . triumphalism.

IF KAMINSKY centers his attention on the Bible, Avi Beker in *The Chosen* focuses on Jewish history, especially the history of anti-Semitism. His book is sweeping in its range and rich in examples and quotations, including the ones by Mikis Theodorakis and José Saramago cited earlier. But the paucity of social and historical context renders his discussion somewhat thin.⁷

Beker's handling of Christian theology is particularly weak. He writes that the apostle Paul in the New Testament "made a conscious and, in the event, historic decision to turn the new faith away from its Jewish origins," that Paul "treats the Jews like the devil," and that the "hatred first propagated by Paul" is still to be found among Christian anti-Semites.

This is simplistic if not wrongheaded. In his own mind, Paul was not turning away from Judaism or founding a new religion but following out the logical implications of living in a period when the biblical promises of messianic redemption were in the process of being fulfilled, especially the promises centered on the Gentiles. His arguments with Judaism were based, for the most part, on his reading of the Hebrew Bible, which he quotes abundantly and interprets using methods familiar to the Jews of the time. Yes, Paul thought that the God of Israel had done something new through the advent of Jesus that voided the Mosaic commandments (which never applied to the Gentiles anyway). It is also undeniable that his thinking about his fellow Jews was shifting and unstable, and that misread-

⁷ The manuscript could also have used a good fact-checker. For example, Beker quotes the reaction of the philosopher Martin Buber to the Israeli capture of the Western Wall in the Six-Day war—no small feat, since Buber had died two years earlier.

ings of it have fueled fierce theological anti-Semitism over the centuries. But that does not excuse a restatement of such misreadings as settled fact.

To his credit, Beker acknowledges the profound changes in Christian thinking that have occurred in the last decades and the ample presence today of devout Protestants and Catholics who repudiate the Church's historical teachings of contempt for the Jewish people. He also takes note of the positive effect that a profound immersion in the Bible has had on British and American statesmen, including Arthur Balfour, David Lloyd George (prime minister at the time of the Balfour Declaration committing Great Britain to the re-establishment of a Jewish homeland in Palestine), and Harry Truman. He might have added George W. Bush to the list. What this suggests is that even before the recent momentous changes in Church doctrine, a strong Christian faith did not necessarily entail anti-Jewish attitudes or policies.

BEKER'S PRINCIPAL contention is that anti-Semitism is traceable primarily to jealousy over the Jews' unique status as the chosen people. This idea, too, has been around for a long time, having been propounded by no less than Sigmund Freud. In elaborating it, Beker notes that while Christianity and Islam have also insisted on being chosen, "only the Jews are condemned for continuing to claim the title." Actually, not quite: Muslim attacks on Christians for persisting in the claim of chosenness begin as early as the Qur'an itself. Nor, historically, has Christianity been welcoming of the Muslims' own assertion of specialness. For that matter, as I noted earlier, democratic societies with a strong investment in egalitarianism tend to look askance at all claims of chosenness. Among secular liberals in America, this is one source of the powerful prejudice against evangelicals and traditional Roman Catholics.

Still, the Jewish claim to be the chosen people does indubitably attract the greatest attention. Why it does so seems to me to have a simpler solution than jealousy.

Unlike most Christians and Muslims, Jews have for thousands of years constituted a small minority in almost every country in which they have lived; today, they continue to be a small minority everywhere except in Israel, which is itself a tiny minority in its Arab/Muslim region. When a group claiming chosen status is a vast majority, the idea of chosenness loses its social edge and can easily fade from mind. When a minuscule group makes the same claim, the majority may well re-

sent it—all the more so when that majority adheres to a religion that sees itself as having superseded the one from which the claim derives. Add to this the fact that Judaism entails practices, like dietary laws and Sabbath observance, that continually draw attention to distinctions and render fraternization with members of the host culture difficult, and it is not hard to see how the non-Jewish mind would be drawn to dwell on the difference that being Jewish makes.

In any social system, whatever negative feelings already exist about a minority group will surely be exacerbated when that group claims to be nothing less than God's chosen. In democratic societies, where accidents of birth are thought to be subordinate to the self-determination of the individual, it can be all the more galling that God should be thought to have chosen a *people*—chosen, that is, not only arbitrarily but on the basis of family rather than individual merit. In this respect again, modern secular liberalism, however sworn to the ideal of tolerance, is as susceptible of bigotry as the most "benighted" religious tradition.

GIVEN THE animosity that the very idea of a chosen people generates in the modern West, it is hardly surprising that many Jews over the last two centuries have sought to reformulate their religion so as to downplay or eliminate the offending doctrine. Kaminsky notes the forthright statement of the Berlin Reform Congregation in the prayer book it adopted in 1844:

[T]he concept of holiness and of a special vocation arising from this has become entirely foreign to us, as has the idea of an intimate covenant between God and Israel which is to remain significant for all eternity. Human character and dignity, and God's image within us—these alone are signs of chosenness.

Here, chosenness falls victim to death by redefinition and dilution: because all mankind has become the chosen people, no people is singled out and thus none is really chosen.

Somewhat less radical is an approach taken by many Jews whereby chosenness is primarily defined as a special Jewish vocation to be, in words from the book of Isaiah, "a light unto the nations," spreading monotheism, social justice, lovingkindness, or their equivalents to the great masses of humanity that have not yet seen the light. This supposedly renders an inherently non-egalitarian doctrine more palatable to a culture in which inequality of any sort is deemed offensive. The general

idea was well captured by Allan Bloom in *The Closing of the American Mind*:

[T]he avant-garde (usually used in relation to art) and the vanguard (usually used in relation to politics) are democratic modes of distinguishing oneself, of being ahead, of leading, without denying the democratic principle. The members of the vanguard have just a small evanescent advantage. They now know what everyone will soon know.

Perhaps, indeed, some of the appeal of political progressivism to modern Jews is owing to its affinities with traditional notions of chosenness, now transposed into a very untraditional—and often explicitly anti-traditional—key. But whether a stance of progressivism—of being not *above* everybody else, just *ahead* of everybody else—escapes the charge of elitism that so offends the egalitarian mind is open to much doubt. Nor, from the standpoint of Jewish identity, does it satisfy as a replacement for the concept of chosenness. For it is surely hard to justify the enormous sacrifices that the survival of Jewish identity has required over the centuries if the Jews' special status is both evanescent and about to become universally available.

Besides, according to traditional theology, much of what Jews are commanded to observe is not intended for Gentiles at any time; nor is it a light waiting to shine on the unknowing. It is, rather, the patrimony and the obligation of the Jewish people alone.

FOR ALL their differences, both Joel Kaminsky and Avi Beker steer clear of such contemporary apologetics and write as firm proponents of the classical idea of the chosen people. For Beker, Jewish differentness, despite the ready availability of conversion and assimilation, is inescapable. In this vein, he faults those of his fellow Israelis who imagine that redefining the Jews as a territorial people will cure the world of the longstanding disease of anti-Semitism. "Many Israelis fail to realize," he remarks, "how the features of the Chosen have made Israel the main object of anti-Semitism in the 21st century."

For Kaminsky, too, as we have seen, chosenness inevitably entails suffering, including the suffering inflicted on the chosen by the unchosen. But he also stresses the possibility that election may work to the benefit of all, as part of a providential plan in which jealousy and enmity are not the last words. Can we, then, see the recent changes in Christian teaching as heralding an age in which the Jewish theology of chosenness will cease to be a neuralgic point? Will the different groups claiming the title of the biblical chosen people come to find, in that claim itself, a deep commonality and not just mutual rejection?

Perhaps; but perhaps not. What seems more certain is that, despite the determined efforts of so many, Jews and Gentiles alike, to do away with the idea of the chosen people, this ancient idea, like the Jewish people itself, is likely to be around for a long time to come—poorly understood, but hardly neglected.

Unit 6

Zionism and the Religious Significance of the State of Israel

Zionist Vision of Yirmyahu and Zecharia

The Zionist Vision of Jeremiah

1. Understand the long historical aspirations of the Nation of Israel (Shir HaShirim)
2. The land is a gift from Hashem (27)
3. Physical work of the land (32)
4. The vision will be anticipated and come with an announcement (Malachi 3)
5. The Return will come from the corners of the world (16, 23)
6. No one will be excluded (3)
7. Lost tribes will be identified (3)
8. Prosperity will return along with public celebration (end of Amos, Yoel)
9. The role of Rachel (Agada in Rashi)
10. Who makes the 1st move (Agadat Chelek)
11. הציבי לך ציונים - (Sifre Devorim 11:18) (see Rashi)
12. עד מתי תתחמקין - (Shir HaShirim 5)
13. נקבה תשובב גבר - (Radak, Kara, Malbim)
14. Repopulation of the land (Zechariah 8)
15. Working of the land (32)
16. Rebuilding and replanting (1:10)
17. Divine retribution (Zechariah 1)
18. Brit Chadasha (Ramban Dev. 30:6)
19. Assurance that all this will come to pass
20. Specific prophecy

כֹּה אָמַר יְהוָה קוֹל בְּרָמָה י
נִשְׁמָע נְהִי בְּכִי תַמְרוּדִים רָחַל מִבֶּכֶה עַל-בְּנֶיהָ מֵאֲנָה לִהְיוֹת
עַל-בְּנֶיהָ כִּי אֵינֶנּוּ: כֹּה אָמַר יְהוָה מִנְעִי קוֹלְךָ י
מִבְּכִי וְעֵינֶיךָ מִדִּמְעָה כִּי יֵשׁ שָׂכָר לִפְעֻלָּתְךָ נֹאס־יְהוָה וְשָׁבוּ
מֵאֶרֶץ אוֹיֵב: וַיִּשְׁתַּקֵּה לְאַחֲרֵיתֶךָ נֹאס־יְהוָה וְשָׁבוּ בָנִים י
לְגִבּוֹלָם: שְׁמוֹעַ שְׁמַעְתִּי אִפְרָיִם מִתְנוּדֵד יִסְרֵתֵנִי וְאֶזְכֹּר כְּעֹל י
לֹא לְמוֹד הַשְׁבֵּנִי וְאֶשׁוּבָה כִּי אַתָּה יְהוָה אֱלֹהֶי: כִּי-אַחֲרֵי שׁוּבוֹ י
נִחַמְתִּי וְאַחֲרֵי הִזְדַּעֲנִי סִפְקֹתַי עַל-יָרֵךְ בִּשְׁתִּי וְגַם-נִכְלַמְתִּי כִּי י
נִשְׁאַתִּי חֲרַפְתָּ נְעוּרַי: הִבֵּן יָקִיר לִי אִפְרָיִם אִם יֶלֶד שְׁעִשׂוּעִים י
כִּי-מִדֵּי דַבָּרִי בּוֹ זָכַר אֶזְכְּרֶנּוּ עוֹד עַל-פֶּן הָמוּ מֵעַי לֹא רַחֵם י
אֶרְחַמֶּנּוּ נֹאס־יְהוָה: ① הַצִּיבִי לְךָ צִיָּנִים שְׁמוֹי לְךָ י
תַמְרוּדִים שְׁתִּי לִבֶּךָ לְמַסְלָה דֶּרֶךְ הַלְכֹתִי שׁוּבִי בְּתוֹלֵת י
יִשְׂרָאֵל שָׁבִי אֶל-עֲרִיךְ אֱלֹהֶ: עַד-מָתַי תִּתְחַמְקִין הַבֵּת י
הַשׁוֹכֵנָה כִּי-בָרָא יְהוָה חֲרָשָׁה בְּאֶרֶץ נִקְבָה תִּסּוּבְבִי
גִּבֹר:

①
יְרֵמְיָהוּ

אֲנִי י
יִשְׁנָה וְלִבִּי עַר קוֹל וְדוּדֵי דוֹפֵק פְּתַח-לִי אַחֲרֵי רַעֲיוֹתִי וְנָתַנִּי י
תַּמְתִּי שְׂדֵאשׁוֹ נִמְלֵא-טָל קוֹצוֹתַי רְסִיסֵי לֵילָה: פִּשְׁטֹתַי אֶת- י
כְּתָנֹתַי אֵיכָכָה אֶלְבֹּשְׁנָה רַחֲצֹתַי אֶת-דִּגְלִי אֵיכָכָה אֶטְגַּפֵּם: י
דוּדֵי שֶׁלַח יָדוֹ מִן-הַחֹזֶר וּמֵעַי הָמוּ עָלָיו: קָמְתִי אֲנִי לִפְתָּח י
לְדוּדֵי וַיְדִי נִטְפוֹ מִזֹּר וְאֶצְבָּעוֹתַי מִזֹּר עָבַר עַל כַּפּוֹת הַמִּנְעוּל: י
פְּתַחְתִּי אֲנִי לְדוּדֵי וְדוּדֵי חֲמֵק עָבַר נִפְשִׁי יֵצֵאָה בְּדַבְרוֹ י
בְּקִשְׁתִּיהוּ וְלֹא מֵצֵאתִיהוּ קָדַאתִיו וְלֹא עָנְנִי: מֵצֵאתִי י
הַשְׁמָרִים הַסֹּבְבִים בְּעִיר הַפּוֹנִי פִצְעוּנִי נִשְׁאוּ אֶת-רִדְדִידִי מֵעָלִי י
שְׁמָרֵי הַחֲמוֹת: הַשְׁבַּעְתִּי אֶתְכֶם בְּנוֹת יְרוּשָׁלַם אִם-תִּתְמַצְאוּ י
אֶת-דוּדֵי מִה־תִּגִּידוּ לוֹ שְׂחוֹלֵת אֶהְבֶּה אֲנִי: מִה־דוֹחֵךְ מִזֹּר י
הִיפָה בְּנָשִׁים מִה־דוֹחֵךְ מִזֹּר שִׁפְכָה הַשְׁבַּעְתֶּנּוּ: דוּדֵי י
צֹחַ וְאִדּוֹם דִּגּוֹל מִרְבֶּבָה: רָאשׁוּ כְּתָם פֹּז קוֹצוֹתֵינוּ תִּלְתְּלִים י
שְׂחָרוֹת כְּעוֹרֵב: עֵינָיו כִּיּוֹנִים עַל-אִפְיקוֹ מִיִּם רַחֲצוֹת בְּחֹלֶב י
וְשָׁבוֹת עַל-מִלֵּאת: לָחִיו כְּעֶרְוַת הַבֶּשֶׂם מַגְדָּלוֹת מִרְקָחִים י
שְׁפָתוֹתָיו שׁוֹשְׁנִים נִטְפוֹת מִזֹּר עָבַר: יָדָיו גְּלִילֵי זָהָב מִמְּלָאִים י
בְּתַרְשֵׁישׁ מֵעַי עֶשֶׂת שָׁן מַעֲלַפֵּת סַפִּירִים: שׁוֹקִיו עֲמוּדֵי י
שֵׁשׁ מִיִּסְדִּים עַל-אֲדָמִי-פֹז מִרְאֵהוּ כְּלָבָנוֹן בַּחוּר כְּאֲרֻזִּים: י
חִבּוֹ מִמִּתְקִים וְכָלֹ מִחֲמָדִים זֶה דוּדֵי וְזֶה רַעֲיוֹת בְּנוֹת יְרוּשָׁלַם: י
אָנָּה הֵלֶךְ דוֹחֵךְ הִיפָה בְּנָשִׁים אָנָּה פָּנָה דוֹחֵךְ וַיִּבְקֹשְׁנוּ י
עֲמָךְ: דוּדֵי יָרֵד לִגְפוֹ לַעֲרָגוֹת הַבֶּשֶׂם לְרַעוֹת בְּנָשִׁים וְלִלְקֹט י
שׁוֹשְׁנִים: אֲנִי לְדוּדֵי וְדוּדֵי לִי הִרְעָה בְּשׁוֹשְׁנִים:

②

יְרֵמְיָהוּ

ירמיה לא

תרגום

קול ברמה נשמע נהי בכי תמרורים
רחל מבכה על בניה מאנה להנחם
על בניה כי איננו : כה אמר יהוה
מנעי קולך מבכי ועיניך מדמעה כי

כי נבחרתך נב
קפולתך קרמית אלך
ידרכו בקד ירושלם
מבבא על קנהא
מסבבא לאתחמא על
קנהא אבי לו : מו פדנן
אמר : מנעי קולך
מבכי ועיניך
מלשנך דמנע אבי אית

ת"א קל כספי . מנעי קולך

יש

מהר"י קרא

בני תמרורים . בני ישראל בוכים בקול רם כשחלבים בגלות
נשמע באוני . כמו שמענו בענין שמעו שבעתי אפרים
מנעוד : רחל מבכה על בניה . שמתה בכייתה שחיה בוכה
מבכה את אנדלים עמה . ואינו אמר דבר זה על רחל אשת
יעקב ממש אלא בניה של רחל שבשם שקראו הכתוב לבני
יהודה ולבני שמעון יהודה ושמעון דכתיב ואמר יהודה לשמעון
אחי עלת אתי בגדלי כנען קרא לבניה של רחל רחל וזה
השמות שנקראו על שם אפרים שצא מרחל : מאנה להנחם
על בניה כי איננו . שכולם הלכו בגלות . והקב"ה משיבה מצו

(יד) קול ברמה נשמע . קול גרום עלמא ליסתמם
קל בית ישראל דכנן על . ידמיהו נכחיל כד שלח יתיה
נבחרתך מרמחא לשוכ . מאחר הגולים אל גדליהו
בן אחיקם כמו שאמר בספר זה (לקמן ל"ט) : רחל
מבכה על בניה . מדרש אנדה אמר שהלכו אבות
ואמהות לפנים את הקב"ה על שהעמיד מנשה דמות כהיכל
ולא נתפסו כנפסה רחל אמרה לפניה רכש"ע רחמי מי
מרוכים רחמיך או רחמי כ"ו הו אומר רחמיך מרוכים
וחלף את הכנסתי לרחמי כחוד בתי שכל עבודה שעבד יעקב את אבי לא עבד חלף כשכילי כשכחתי ליכנס לחוסה

18. ושם את

דברי 48 אף לאחר שתגלו וזו מצוינים במצות הנידח תפלין ועשו מחזות כדי
שלא יהיו לכם חדשים כשתחזרו וכן הוא אמר 44 הציבו לך ציונים :

ר"י צדק
א"י

וכן בספרי : 'אמ' ע' ברסבין שכתב על דברי רש"י כי המצות האלה חובת הנגף חן שנתנו
גם בחורל ובאמת בספרי לא חשב מצות מרשיות וע' בהכתב והקבלה שהיא על המדרש איכה
מסוק קראתי למאהבי וזהו רשביי פתח קרא כנביאי האמת שהיו מאהבין אותו להקב"ה חסד
דמוני שהיו מרסין כי ואומרים לי הפרישו תרומות ומעשרות וכי יש תרומות ומעשרות כגבול
אלא כשביל לאהבים לחקיקה הוא שורפיהו אמר הציבו לך ציונים חצויים במצות שיהיו ישראל
מצוינים בהם עכ"ל והנה כזה יהיו דברי רש"י שבסדרש מתאחרים עם דברי הספרי דעתם ספרי
רש"י ואפשר שנתהוה טעות ע"י ראשי תיבות ת"ר"ם כסוכו תרומות ומעשרות ונשתכשו
מאו ומקדם לקרוא תפלין וכוונות :

מדרש
ל' אהבה חסד
ע

ירמיה לא

תרגום

בארץ נקבה תסובב נבר : כה אמר
יהוה צבאות אלהי ישראל עוד יאמרו
את הדבר הזה בארץ יהודה ובעריו
בשובי את שבותם יברכה יהוה נהי
צדק תר הקדש : כה יושבו ביה יהודה
וכל עריו יחדו אפרים ונמסעו בעדר :
כי הרויתי נפש עיפה וכל נפש
דאבה מלאתי : כה על זאת הקיצתי

קרא חרמא בארץ
נשקא בית ישראל
יתנהו לאוביטא :
כ פדנן אפר וצבאות
אלהא וישראל עוד
ימרון ית פתקמא תבין
בארץ רבית יהודה
ובקדושה פד אפיב ית
גלותהו וקדושה וי
קדור קדושה מורא
קדושה : כי ויתבון ביה
רבית יהודה וקד
קדושהו פתקמא אפרין
ויתבון פסיען : כי אפר
שקיעת גפס קשהתא
וקד גפס וצפא פליתי
קל טוב : כה אפר נבא

ת"א מסוכב נבר . יכנסו כל זכר כדלשים :

ואראה

מהר"י קרא

מאחר שאין את שבה עוד יבא יום שיכרא חי חדשה בארץ הכל : (כה) על זאת הקיצתי . כך אמר ירמיה כל מה
שנקבה תסובב נבר . כלומר שהאשה שהיתה עד עכשיו
סודרת בבעלה . שמתכב היא אחר בעלה להשיבו אותה ויחלץ יסאן לשוב וכל זה משל וירמיה הוא על ישראל לפי שבמה שנים היה
הקב"ה משלח עבדיו הנביאים אחרי ישראל שישובו ותם מסאנים לשוב . כשראה הקב"ה שמיאנו לשוב . אמר אלך ואיבה אל
מקומי עד אשר ראשם ובקשו פני בצר להם וישחזרונני : תתחמקו לשון נסמנו כמו חמץ עבר . ור"י מנחם מ"ר חלבו מ"ר עד מתי
התחמקין . עד כתי את עוברת ממני ומורדת כי : הכת השוכבת . האשה המורדת בבעלה וחלף אילו היתה שבים אלי היתה בורא
חדשה בארץ . שישראל שתשש כוחם בין האומות תחפץ כוחם לבח נבר . והענין מוכיח על פתרון זה שהוא עיקר שלא ריכר הענין
לא למעלה היסנו ולא למטה היסנו אלא בנחמה : (וכך) עוד יאמרו את הדבר הזה . כלומר איש אל רעהו יאכבה יברכך חי . שוכן
בנות צדק שגם הקב"ה ישכן שכנתו ביה הקדוש וישכן ביה יהודה וכל עריו : (כג) אפרים ונמסעו בעדר . כלומר דעי צאן : (כד) על

5

9

(כג) עד מתי תתחמקין. תחית מסובבת לכאן ולכאן מן המך עבר שענינו סבב: תבת השוכבת. שהיתה שוכבת ופזורה
בי כלומר עד מתי תמכני תנה תנה ולא תלכי דרך ישראל לשב אל אישך הראשון כלומר עד מתי תתעצלי במשכב
כי ברא ה' חדשה בארץ. עתיד לברוא חדשה אחר שתשבי בגלות יסיסרכים ומה היא תחדשה כי נקבת המסובב גבר שדרך
העולם שהאיש בחור ומסובב אחר האשה וכן ארז"ל בעל אכדת פחור על אכדתו חזו דמסבת המסובב אחר אישה כלומר שישבו

רד"ק

מנחת שי

(כג) ונסעו בערי. נהגו מדויקים הנהגת קמח (כג) הקלתי. סוף כח
וסגול וס' ג' במסורת וז' האחרים הם נקבה מהלם ס' ג' וס' קל"ס והמסורת
תלוקות חילת דמסרי הכל כ' מלא וזין חמר וחילת דמסרי כ' חמר וז' מלא:
זו הפרשה עתירה וכן הפרשיות תבואות אחריה על דברך אשר היה אל ירמיהו: בארץ יהודה. וכן יהודה לפי שבחלק
בית המקדש והוא נזה הצדק הר הקדש ואמרו יברכך ה' כלומר שלא תחריב עוד: (כג) וישבו בה. בארץ יהודה שוכבו וישבו
בה יהודה כמו שהיה בזה: וכל עריו. פי' ובכל עריו ובית בה עוסדת במקום שנים: אכרים נסעו בער. פי' וישבו בה
אכרים ועובדי השדות ורועים עדריהם יסעו בהם במקום למקום ולא יפחדו וי"ת אימרון ודגמליו בסיען: (כד) כי תרחלו
נפש עיפה. נפש ישראל שהיתה עיפה וצמאה בגלות תריותי אותה כמעתי חיוסות: וכל נפש דאבה. שדאבה וראת
לרוב חצרות מלאתי אותה כל טוב שתשטח המך הראבון וכת"י סליתי כל טוב: (כה) על זאת הקיצותי. תח"א בשרא

מצודת דוד

מצודת ציון

שעס היות שנתם נמשל לנקמה שימשול בה נמלם לפי שנתך
לדונים קשים הנה לא חסוב נכח למשול עוד על האומה נכח
על אשה: (כג) עוד יאמרו ונו'. מור יכל זמן לשך הכל יאמרו:
בשבו. כמה אשכ כי השכי למקומם יאמרו יברכך ה' למען
הלדק וקוף יפושלים: הר הקדש. וזו בית המקדש: (כג) וישבו
בה. כיפושלים כקבלה נוס הלדק: וכל עריו. וכל עריו יפושלים
כמלם יחד יסעו: אכרים. סס יסין עובדי המלחמה כחריסם ונעו
(כד) כי תרחלו. כי לא אשכיו נסע כתיסם ולמלם
למים וכל נפש מלמל טובה: (כה) על זאת. נפסור הכבולם

ירמיה

באור הענין

תוכחת

הבועל אותה, כמ"ש כי יבעל בחור בתולה
יבעלך בניך, וכמו שמנהג העולם שהאיש יחזור
ויסובב לבקש את האשה ולא בהפך, כן ישתדלו
העם לכבוש את הארץ שירצו לשבת עליה ע"י
כיבוש ומלחמה, אולם בימי בית שני ששבו
לארצם בלא כיבוש ומלחמה, וכאילו הארץ תבקש
אותם ותכין את עצמה לקראת הגבר שיבא
אליה, אמר כי בארץ ברא ה' חדשה, שהגם
שנקבה אחרת תבוקש ותסובב מן הגבר, הנקבה
הזאת שהיא הארץ ברא לה ה' סבב חדש
שהיא תסובב את הגבר ותבקש אותו שיבא
אליה והוא לא יבקש אותה ע"י השתדלות של
כיבוש ומלחמה: (כב) עוד יאמרו בשובי את

נחמיה

10

נחמיה

11

הנה ימים פאים נאס-יהודה וברתי את-
לא בית ישראל ואת-בית יהודה ברית חדשה: לא כברית אשר
ברתי את-אבותם ביום החזיקו בידם להוציאם מארץ
מצרים אשר-המה הפרו את-בריתי ואנכי בעלתי כם נאס-
יהודה: כי זאת הברית אשר אכרת את-בית ישראל אחרי
הימים ההם נאס-יהודה נתתי את-תורתך פקדנם ועל-לפם
לכרתם והייתי להם לאלהים והמה יהי-לילי לעם: ולא
למדו עוד איש את-דעהו ואיש את-אחיו לאמר דעו את-
יהודה כי כולם ידעו אותי למקטנם ועד-גדולם נאס-יהודה כי
אסלח לעונם ולחטאתם לא אפיר-עוד:

(1) וסל זה אלהיך את לבבך. והו שאמר: "בא לטהר מסייעין אותו. מבסיתך שתשוב אליך בכל לבבך והוא יעזור אותך. ונראה מן הכתובים ענין זה", שאמר כי בזמן הבריאה היתה רשות ביד האדם לעשות כרצונו צדיק או רשע. וכל זמן התורה כנ", כדי שיהיה להם זכות בבחירתם בטוב ועונש ברצונם "ברע. אבל לימות המשיח * תהיה הבחירה בטוב להם טבע. לא יתאוו להם הלב למת שאינו ראוי ולא יחפזו בו כלל. והיא המילה הנזכרת כאן. כי החמדה והתאווה ערלה ללב וסל הלב הוא שלא יחמד ולא יתאוו. וישוב האדם בזמן ההוא לאשר היה קודם חטאו של אדם הראשון. שהיה עושה בטבעו מה שראוי לעשות ולא היה לו ברצונו דבר חפכו. כמו שפירשתי בסדר בראשית "וזהו מה שאמר הכתוב בירמיה "הנה ימים באים נאם ה' וכרתי את בית ישראל ואת בית יהודה ברית חדשה לא כברית אשר כרתי את אבותם וגו'. כי זאת הברית אשר אכרת את בית ישראל אחרי הימים ההם נתתי את תורתך בקרבם ועל לבם אכתבנה "וזהו בטול יצר הרע ועשות הלב בטבעו מעשהו הראוי. ולכן אמר עוד, והייתי להם לאלהים והמה יהיו לי לעם ולא ילמדו עוד איש את רעהו ואיש את אחיו לאמר דעו את ה' כי כלם ידעו אותי למקטנם ועד גדולם "ובידוע כי יצר לב האדם רע מנעוריו "וצריכים ללמד אותם ובזמן ההוא אין צריכים ללמד אותם אלא שיתבטל יצרם בזמן ההוא לגמרי. וכן נאמר ביהושע "ונתתי לכם לב חדש ורוח חדשה אתן בקרבכם. ועשיתי את אשר בחוקי תלכו "והלב החדש ירמוח לטבעו. והרחק לחפץ ולרצון "וזהו שאמר רבותינו "הגיעו שנים אשר תאמר אין לי בהם חפץ "אלו ימות המשיח. שאין בהם לא זכות ולא חובה. כי בימי המשיח "לא יהיה באדם חפץ אבל יעשה בטבעו המעשה הראוי. ולפיכך אין בהם לא זכות ולא חובה. כי הזכות והחובה תלויים בחפץ:

רמב"ן פ' דברים (12)

ר"י
האנן של הקצ"ה הוא, הוא בראה ונתנה לאשר יצר בפינו, ברצונו נתנה להם, וברצונו נתנה מהם ונתנה לנו (כ"ר א"כ): בראשית ברא. אין המקרא הזה אומר אלא דורשני, כמו שדרשונו רז"ל בשביל התורה שנקראת ראשית דבר (משלי ח:כב; תנחומא י"ן ה) וכשביל ישראל שנקראו ראשית תבואתה (ירמיה כג; תנחומא י"ן ג; ויק"ר ל"ד).

(13)
ר"י
א"כ
א"כ

כו * בראשית ממלכת יהוה יקם בן-אוישיו מלך יהודה ה'ה תדבר הנה אל- ירמיה מאת יהוה לאמר: כה-אמר יהוה אלי עשה לך מוסרות ומטות ונתתם על-צווארך; ושלחתם אל-מלך אדום ואל-מלך מואב ואל-מלך בני עמון ואל-מלך צר ואל-מלך צידון ביד מלאכים הבאים ירושלם אל-צדקיהו מלך יהודה; וצדת אתם אל-אחיניהם לאמר כה-אמר יהוה * צבאות אלהי ישראל כה תאמרו אל-אחינכם: אנכי עשיתי את-הארץ את-האדם ואת-הבהמה אשר על-פני הארץ בכלי הנדול ובקורשני י הנסיה ונתתיה לאשר יצר בפיני; ועתה אנכי נתתי את-פל-הארצות האלה ביד נבוכדנאצר מלך-בבל עבדי וגם את-חית השדה נתתי לו י לעבדו; ועבדו אתו כל-הגוים ואת-בני ואת-בנות עד בא-עת ארצו * וגם-הוא ועבדו בו גוים רבים ומלכים גדלים:

רמב"ן פ' דברים

(14)

Unit 7

Islam and Christianity and End of World Scenarios

כ"א ז' א' ①

אמר. לפי סדר לשון הפרשה היה לו לכתוב יום ראשון
א כמ"ס בשאר הימים שני ושלישי רביעי למחצית אחד לפי
שהיה הקב"ה יחיד בעולמו שלא נבראו המלאכים עד יום
שני כך תפוש כנ"ר

כ"א ז' א' ②

②

כ"א ז' א'

וְנָהַר
יָצָא מֵעֵדֶן לְהַשְׁקוֹת אֶת-הָעֵץ וּמָשָׁם יִפְרֹד וְהָיָה לְאַרְבָּעָה
א רָאשִׁים: שֵׁם הָאֶחָד פִּישׁוֹן הוּא הַסֹּבֵב אֶת כָּל-אֶרֶץ הַחַיִּילָה
ב אֲשֶׁר-שָׁם הָאָדָם: וְהָיָה הָאֶרֶץ הַהִוא טוֹב שֶׁם הַבְּרִלָה וְאֵבֶן
ג הַשָּׁהִם: וְשֵׁם הַנְּהָר הַשֵּׁנִי גִיחוֹן הוּא הַסֹּבֵב אֶת כָּל-אֶרֶץ
ד כּוּשׁ: וְשֵׁם הַנְּהָר הַשְּׁלִישִׁי תִּיגִיִּס הוּא הַהֹלֵךְ קִרְמַת אֲשׁוּר
ה וְהַנְּהָר הָרְבִיעִי הוּא פָּרָת:

כֹּה וַיַּעַשׂ אֱלֹהִים
אֶת-חַיֵּית הָאָרֶץ לְמִינָהּ וְאֶת-
הַבְּהֵמָה לְמִינָהּ וְאֶת כָּל-רֶמֶשׂ
הָאֲדָמָה לְמִינָהּ וַיֵּרָא אֱלֹהִים בִּי-
טוֹב: וַיֹּאמֶר אֱלֹהִים נַעֲשֵׂה אָדָם
בְּצַלְמֵנוּ כְּדִמוֹתֵנוּ וַיְבָרֵךְ בְּדִגְת הַיָּם

נעשה:
אדם. ח"ס שלא סייסוהו בזוירתו ויש מקום למינים לרדות
לא נמשך הכ' מלמד דרך ארץ ומדת ענוה שיהא הגדול נמלך
וטפל רשות מן הקטן א ואם כתב חטא חסד לא למדת
שה' מדבר עם בית דינו אלא עם עולמו. ותשובתו ב כתובה
כלדו ויברא את האדם ולא כתיב ויבראו: בצלמנו.
כדפוס ג שלטו: כדמותנו. להכין ד ולהשכיל: וירדו
בדגת הים. יס כל' הזה ל' רידוי הגשון וירידה וזה רודה
כחות וכבמות לא וזה נעשה ירוד לפניהם והחיה מושלת
כ:

כ"א ז' א' ④

כ"א ז' א' ⑤

כ"א ז' א'

⑥

R. Abbahu commended R. Safrā to the *Minim*¹ as a learned man,
and he was thus exempted by them from paying taxes for thirteen
years.² One day, on coming across him, they said to him; 'It is written:
*You only have I known [or loved] from all the families of the earth; therefore I
will visit upon you all your iniquities;*³ if one is in anger does one vent it
on one's friend?' But he was silent and could give them no answer;
so they wound a scarf round his neck and tortured him. When
R. Abbahu came and found him [in that state] he said to them,
Why do you torture him? Said they, 'Have you not told us that
he is a great man? he cannot explain to us the meaning of this verse!' Said
he, 'I may have told you [that he was learned] in Tannaitic
teaching; did I tell you [he was learned] in Scripture?' — 'How is it
then that you know it?' they contended. 'We,' he replied, 'who are
frequently with you, set ourselves the task of studying it thoroughly,
but others? do not study it as carefully.' Said they, 'Will you
then tell us the meaning?' 'I will explain it by a parable,' he replied,
'To what may it be compared? To a man who is the creditor of two
persons, one of them a friend, the other an enemy; of his friend he
will accept payment little by little, whereas of his enemy he will
exact payment in one sum!'⁴

היה שקיל שמא ולא מקבל שוחדא, בעו
לאחזי ביה. אעיינא ליה שרגא דהבא
ואוול לקמיה. אמרה ליה: בעינא דניפלגי לי
בנכסי דבי נשי, אמר להו: פלונו. א"ל, כתיב
לן: במקום ברא. ברתא לא תירות! א"ל: מן
יובא דגליתין מארעכון, איתנמלית אורייתא
דמשה ואיתיהיבת ספרא אדיתין, וכתיב
ביה: ברא וברתא כחדא ירתין. למחר הדר
עייל ליה איתו חמרא לובא, אמר להו:
שפילית לסיפיה דספרא, וכתיב ביה: אנא לא
למיפנת מן אורייתא דמשה איתתי [*ולא]
לאוספי על אורייתא דמשה איתתי, וכתיב
ביה: במקום ברא. ברתא לא תירות. אמרה
ליה: נהור נהורך כשרגא, א"ל רבן גמליאל:
אתא חמרא ובטש לשרגא. 1.

⑦

ויספך יהוה דבר אל-אחיו לאמר:
"שאל-לך אות מעם יהוה אלהיך העמק שאלה או הגבה
למעלה: ויאמר אחיו לא-אשאל ולא-אנסה את-יהוה:
וַיֹּאמֶר שְׁמַעְרָנָא בֵּית דִּין הַמַּעֲט מִבֵּם הַלְאוּת אַנְשִׁים כִּי
ד תלואו גם את-אלהי: לכן יתן אדם הוא לכס אות הנה
העלמה הרה וילדת לן וקראת שמו עמנואל:

el
3

⑧

(כ) כמעשה אופן הכרכבה. תרגם יונתן
כשכד נלגלי מרכבה אופן כחך האופן שתי וערכ כמו
שחבר ציחוקאל במרכבה גבוה:

(טו) רשלה כדיו. כשראה את הענין תשם ברו ולא היה בו כח להשליש רחוק כעט קצת שלא דק את הנלי
בנחלם כדק כל כחליכי סדר כשאן בהם כח לשאת. וכן ראיתי במקום של רבי אליעזר פשוטו כך: (כ) דר. דר. דר. ויק.

ורא' 15

11
א"כ ה

10

הנה ימים באים נאסיהוה וברתי את
בית ישראל ואת בית יהודה ברית חדשה: לא כברית אשר
ברתי את אבותם ביום החזיקי בידם להוציאם מארץ
מצרים אשר יהמה הפרו את בריתי ואנכי בעלתי בם נאס-
יהוה: כי זאת הברית אשר אכרת את בית ישראל אחרי
הימים ההם נאסיהוה נתתי את תורתך בקרפם ועל לבם
אכתבנה והייתי להם לאלהים והמה יהיה לי לעם: ולא
ילמדו עוד איש את דעהו ואיש את אחיו לאמר דעו את-
יהוה כי כולם ידעו אותי למקטנם ועד גדולם נאסיהוה כי
אסלה לעונם ולחטאתם לא אפר עוד:

היא ואתה
בית ילחם אפרתה צעיר להיות
באלפי יהודה ממך לי יצא להיות
מושל בישראל ומוציאתיו מקרם מימי
עולם:

12

(12) ואתה בית ילחם אפרתה. אשר
אפרתה לחדש איהוה בית ילחם וכן נאסיהוה שם בדרך אפרת
הוא בית ילחם ואמר בית ילחם אשר ליהודה נראה כי בית ילחם
אמר הוקדש כנגד בית ילחם אפרתה בית ילחם צעיר להיות באלפי
יהודה אף על פי שהיה צעיר באלפי יהודה כדן לי יצא שופם
להיות כושל בישראל והוה הספך השטות ופי' להיות להיותך
נמנה כערי אלפי יהודה צעיר אלה כנגדם ואנכי כסך יצא לי
השטות כי כוונת דוד שהיה כבית ילחם יהיה ויהי קאמר וכוונתו
בקרם מימי שלם כי כוונתו השטות בוכנו יאכרו כי סקדם
בוכן רב היו כבית ילחם והוה דוד כי יום וכן רב כן דוד וכן כלך
השטות ויהי אל שרוא כיון קרם מימי עולם יצא לעולם השטות
כי הוא לא משל בישראל אבל הם בשלבו ובה שאמר כי כי
היה מימי קרם אלא אל ויהי שר כי האל קרם ימי שלם היה והם אפרים כי בקרם מימי שלם היו כוונתו כלומר כי הוא יצא
האל קרם בלי ראשית ופי' כי בעולם עד שלם אלה אל רל ספרם עולם כפי' בפרם היום יולדו וכן כשלם נסמתי בפרם
עולם כפי' עד לא נשה ארץ והוצאת ויהי כן ואת בית ילחם
אפרתה ונר:

ק"ק
א"כ ה

ק"ק
ק"ק
21

— 2 —

(א) לא תספ עליו ולא תגרע ממנו:
נלומר: אם לא תספ לא תגרע, אבל אם תספ
הגרע, כמו שפירשתי לעיל [ה, ב].
(ג) ובא. האות והמופת
(ד) לא תשמע
אל דברי הנביא ההוא: שאפילו העמיד לך
חמה בחצי הרקיע כיהרשע [י, יג] לא תשמע
אליו. רבי יוסי הגלילי אומר: הגיעה תורה לסוף
דעתה כל עבדה דורה, לפיכך נתנה לה ממשלה
[ספרי כאן ריש סימן פה, וסנהדרין ז, א]
כלומר: הגיעה לסוף דעתה של בריות של עבדה
זרה, לידע ולנסות אותם אם לבם שלם עם הקב"ה
שלא יוכל שום אדם לפתוחם, ולפסוק פסם
שהקב"ה מקיים דברי נביאיה בעל העצא, לנסות
בהם את יראיה כדכתי' כי מנסה ה' אלהיכם
אתכם לדעת הישכם אוהבים: לא יוכל
שום דבר להפרידכם באחריתם. תניא אמר
רבי עקיבא: חס ושלום! שהקב"ה מעמיד חמה
לעוברי צווג אלא כגון חנניא בן עוזר
הסתהילתו נביא אמת וזבסוף נביא סקר, והבי
קאמר קרא: "כי יקום בקרבך נביא אמת,
ונתן אליך אות או מופת בעזר שהוא נביא
אמת על דברים אחרים שאמר לו הקב"ה וזבא
האות והמופת שאמר, ועכשיו אמר לך: "עבוד
אלהים-אחרים: ע"ז, שנעשה סקר נביא
ואומר: אלה יכול לספק עלי, שהרי הרבה אותות
ומופתים ראית עלי ידי לא תאבה לו ולא תשמע
אצלו, ואם יאמר באתר סופו לקלקל למה
עשה הקב"ה תהלה נביא אמת פן יעשה את
בניו ואמר: כי מנסה ה' אלהיכם, וכליטנו
אם יעשה עלידי כעשיות כגון ישי'ן
שהוציא כעשים כעצרים [סנהדרין קה, ב]
בנבי' בליבקותה, אן על ידי גניבה
שכמע דברי נביא אמת שאמר, כך וכך
יהיה ביום פלוני והולך הוא ואמר כן בשם
ע"ז לא תשמע לו:

14

(14) א) השביעי ויקדש אותו — ס"ת ישי"ו, רמו שעתיד לעמד יסו להעביר השבת
ולעשות יום איד ביום ראשון. לכך נאמר ויברך אלהים את יום השביעי
כלי הודו, שלא תשנו אחרי יסו ולא תעשו שבת ביום הראשון כי הקב"ה
בחר בשביעי ויברכו.
ערו"ם בגי' ישי"ו כי נח"ס ויש"ו לאבד את העולם נחמונו, זה בגוף וזה
בנשמה. פרשת רשלה (ג)

"אלהי נכ"ר" גימ' ישי"ו.

פרשת ראה.

15

(15) "כי יסיתך אחיך ב"ן אמך א"י" גימ' ותי' ישי"ו הנצרי, מכאן ראינו
למינים להשיבם על שמאמינים ביש"ו שאומר להם כבר הקדימנו משה רבינו
וצוה לנו שלא לתאמין לאותו שאתם אומרים שילד מאם בלא אב אם שנאמר
אחיק בן אמך כי הרג ההרגו שווי מיתות סקילה ותליה כי כל הנסקלין
נתלין.

פרשת תצא

16

(16) "וכי יהיה באיש הטא משפט מות" זה יסו הנצרי. "משפט מות" שתי מיתות
סקילה ותליה כי כל הנסקלין נתלין. "באיש הטא" מש"ס" גימ' ישי"ו
המש"ס, "אודיו ע"ל ע"ץ ל"א" גימ' בקלי"ת ש"ל כרו"ב: "כי קבור
תקברנו" שתי קבורות, כמו שלא נסאר בקבורתו כמו שמצינו בתולדות ישי"ו.

פרשת יתרו

"ל"א יהיה לך אלהים אחרים" גימ' אלי' ישי"ו ומחמ"ד עם האותיות.

"שער התלמוד"

פרשת בראשית

(17)

לכך אין כתי' כי טרב בשני במלאכת המים לפי שצפה הקב"ה שעתיד ישי"ו
להטעות האבות בטנוף מים אשר לא טובים אלא סרוחים.

אמרת
כסא

(1)

ע'ס'ס'ס'

בִּי-יָלֵךְ יִלְד־לָנוּ ה
 בֶּן נִמְנֵן-לָנוּ וְתִהְיֶה הַמְּשֻׁרָה עַל-שִׁכְמוֹ וַיִּקְרָא שְׁמוֹ פֶּלֶא
 יִצְעַן אֵל גִּבּוֹר אֲבִי-עַד שֶׁר־שָׁלוֹם: לְסִרְבָּה הַמְּשֻׁרָה 6
 וּלְשָׁלוֹם אֵין-קֶץ עַל-פֶּסֶא דְדוֹד וְעַל-מַמְלַכְתּוֹ לְהִכִּין אֶתְּהָ
 וּלְסִעֲרָה בְּמִשְׁפָּט וּבִצְדָקָה מִעֲתִידָהּ וְעַד-עוֹלָם קִנְיַת יְהוָה
 צְבָאוֹת תַּעֲשֶׂה-זֹאת:

(2)

ס'ס'ס'ס'
ר'ר'

Of the increase⁴ of his government and peace there shall be no end.⁵
 R. Tanhūm said: Bar Kappara expounded in Sepphoris, Why is
 every *mem* in the middle of a word open, whilst this is closed?⁶
 —The Holy One, blessed be He, wished to appoint Hezekiah as
 the Messiah, and Sennacherib as Gog and Magog;⁷ whereupon the
 Attribute of Justice⁸ said before the Holy One, blessed be He:
 'Sovereign of the Universe! If Thou didst not make David the
 Messiah, who uttered so many hymns and psalms before Thee,
 wilt Thou appoint Hezekiah as such, who did not hymn Thee in
 spite of all these miracles which Thou wroughtest for him?' There-
 fore it [sc. the *mem*] was closed.⁹ Straightway the earth exclaimed:
 'Sovereign of the Universe! Let me utter song before Thee instead
 of this righteous man [Hezekiah], and make him the Messiah.' So
 it broke into song before Him, as it is written, *From the uttermost*
c part of the earth have we heard songs, even glory to the righteous.¹

(3)

ס'ס'ס'ס'
ר'ר' : 2

וַיִּנָּשִׂים | מִעַם עַמִּי וְלֹא-הִגִּדְתִּי לְאָדָם מָה אֱלֹהֵי נִתָּן
 אֶל-לִבִּי לַעֲשׂוֹת לִירוּשָׁלַם וּבִהְמָה אֵין עַמִּי בִּי אִם-
 הִבְהִמָּה אֲשֶׁר אֵין רַב־בָּהּ: וְאַצְאָה בְּשַׁעַר-הַיָּא לִילָה 13
 וְאֶל-פָּנַי עֵין הַתִּנָּן וְאֶל-שַׁעַר הָאֲשַׁפֶּת וְאֶל שֹׁכֵר בְּחוֹמַת
 יְרוּשָׁלַם אֲשֶׁר-הֵמָּה פְּרוֹצִים וְשַׁעֲרֶיהָ אִכְלוּ בָאֵשׁ:

(4)

ס'ס'ס'ס' : 1
ר'ר'

לו ונצח סנחריב הופרת : אל גבור , יכול גבור שא"מ שבא סנחריב בחיל גדול וגבורים היה יכול עיניהם וגבר וברגע קצת
 הכה את סנחריב : אבי ער . שהוא קיים לעולם והוא אבי הוסיף ובראו ובידו הוא להוסיף ולגדול ולעשות זמן חיי חזקת
 ס'ס'ס'ס' (1) לפיכך-המשפט . המ"ל סנחריב בכתוב וקרי במ"ס פתוחה ובהפך זה בעלרא המ"ס שרצים מ"ס פתוחה
 בסוף תתיב בכתוב ויש בו דרש כאשר יפתחו חומות ירושלם שהם פרוצים כל זמן הגלות ולעת הישועה יסתבר הפרוצים
 ואז תפתח המשרת שהיא סנופת עד בליך המשיח . למריבה . הוא שם והוא סמוך למיכך דא נקוד בצר"י אבר לרוב-הסדרת

(5)

ס'ס'ס'ס' : 1
ר'ר' : 2

*The burden of Dumah. He calleth to me out of Seir, Watchman, what
 of the night? Watchman, what of the night?*⁸ R. Johanan said: The angel
 in charge of the souls is named Dumah. All the souls assembled
 before Dumah and said to him, What [sayeth] the Watchman [sc.
 God] of the night, What [sayeth] the Watchman of the night?⁹
*The watchman said, The morning cometh, and also the night: if ye will
 enquire, enquire ye: return, come.¹⁰*

studies. Because these can serve him as perfumers and cooks for the holy Torah, meaning that these will be its servants [that help] understand it properly, as all of them are included in it. In this way, one will be nice and pleasant in the eyes of the people. (*Tiferet Yisrael*, commentary on the Mishna, *Pirkei Avot* 6:5)

The *Tiferet Yisrael* here emphasizes the necessity of studying secular wisdom as a method of better understanding the Torah, as well as its value in influencing the reputation of a Torah scholar in the eyes of the greater population, as in the previous source.

An additional instance where the *Tiferet Yisrael* addresses this question is in his commentary to *Pirkei Avot* on the Mishna (3:18) that states: "Astronomy and gematriot are the condiments for wisdom."

This means to say, they are like an appetizer for the wisdom of the Torah, as the Torah is compared to bread for the soul, which is sustained by it. As it is stated, "Go partake of my bread (*Mishlei* 9:5)," and just as bread tastes better to a person when he adds condiments, spreads butter on the bread, and the like, so too the Torah will be sweeter for him if he adds other wisdoms, like perfumers and cooks (see Rambam, *Hilkhot Yesodei Ha-Torah* 4:13). However, just like one who eats butter or condiments without bread is disgusted with it, and he will not be satiated, so too one who makes these other wisdoms his primary occupation, his soul will not be satiated from them, and they will not enable it to be maintained... (*Tiferet Yisrael*, commentary on the Mishna, *Pirkei Avot* 3:18)

The *Tiferet Yisrael* explains here that on one hand, engaging in the study of secular wisdom can increase the sweetness of Torah, but on the other hand, one must be careful not to confuse one's priorities and make secular wisdom primary and the study of Torah secondary.

~7622 B. Attitude Toward Non-Jews

One of the famous sources regarding the status of non-Jews is the commentary of the *Tiferet Yisrael* on *Pirkei Avot* (3:14) where the Mishna states: "A person [*adam*] is beloved, because he is created in the image [of God]." The *Tiferet Yisrael* elaborates there on this issue, and first proves that the "person" referred to here is a non-Jew:

It seems to me that the correct version is "the person [*ha-adam*]," which means even a non-Jew [in accordance with *Tosafot*, *Yevamot* 61a], as since the latter clause concludes, "Israel is beloved," the first clause refers to any type of person, meaning even a non-Jew. Likewise, the proof that the *tanna* brings from the verse, "He made the man" (*Bereishit* 9:6)" is also referring to a non-Jew, as it is stated to the sons of Noach [as the *Tosefot Yom Tov* notes], and also [regarding] the king of Ai, and the five kings that

Yehoshua hung, he lowered them before evening.³ Learn from here that even a non-Jew was created in the image of God. (*Tiferet Yisrael*, commentary on the Mishna, *Pirkei Avot* 3:14)

He then comments that this is a good opportunity to elaborate about the topic of non-Jews. He first adduces proof from additional sources that all humans are created in the same image of God.⁴ He then writes:

Even if not for the holy mouths of Chazal that said this to us, we would already know this based on logic, as "God is righteous in all His ways, and is pious in all His actions" (*Tehillim* 145:17). And we see a number of their pious ones who aside from [the fact that that] they acknowledge the Creator of the world and believe that the holy Torah is divine, and perform kindness to Jews as well, some of them have done especially good things for everyone in the world. Like the pious Jenner,⁵ who invented the vaccine, which saves tens of thousands of people from illness, death, and the plague. And Drake,⁶ who brought the potato to Europe, preventing famine a number of times. And Gutenberg,⁷ who invented the printing press.

And a number of them who were not recompensed at all in this world, like the pious Reuchlin,⁸ who risked his life to prevent the burning of the Talmud that was commanded by the Emperor Maximilian in the year 5662 due to the incitement of the heretic Pfefferkorn, the grinder of bones, [who made] a knot of evil with the priests. And Reuchlin threw himself against this, and with his arguments he changed the heart of the Caesar to retract his order, and because of this, they chased him and his enemies the priests heaped bitterness on him, and made him poor to the point that he died in his poverty and with a broken heart... (*Tiferet Yisrael*, commentary on the Mishna, *Pirkei Avot* 3:14)

The *Tiferet Yisrael* in this paragraph lists a number of figures who provided humanity with tremendous benefits, and were not Jewish. Later on in his commentary, he explains that the nations of the world actually have a certain spiritual advantage over the Jewish people:

³ Yehoshua 8:29.

⁴ One of his proofs is from the verse, "and you shall be a distinction for Me from among all the peoples" (*Shemot* 19:5), which proves that the other nations also have an element of prominence. He also cites the words of Chazal that the pious ones of the nations of the world receive a portion in the world to come (*Tosefta, Sanhedrin* 13; Rambam, *Hilkhos Teshuva* 3:13).

⁵ This refers to Dr. Edward Jenner, who died in 1823, and discovered the cure for smallpox. He essentially invented the entire concept of vaccination.

⁶ The reference is to Francis Drake (sixteenth century), who headed many expeditions to the New World who discovered new lands, and was the second person to circumnavigate the world. The *Tiferet Yisrael* here credits him with bringing the potato to Europe.

⁷ This refers to Johannes Gutenberg (fifteenth century), the inventor of the printing press.

⁸ The *Tiferet Yisrael* here refers to Johann Reuchlin (fifteenth and sixteenth century), who was a learned Christian that struggled against the attempts of the heretic Johannes Pfefferkorn to burn the Talmud.

We find that Israel and the other nations each have an exclusive advantage over the other. The advantage of the nations over Israel is that they have made themselves through their own free choice and with their own strength, and this is certainly a higher level than Israel, who were dragged by the headlocks of their head with the force of God to make them complete. And they should not credit themselves, as that which God amazingly made them complete, and that the hand of God was with them for all these, [it is] only in the merit of their forefathers.

However, there is also an exclusive advantage to Israel, as the nations achieved all that they achieved only with their intellect; therefore, there are many *mitzvot* in the Torah that are greatly exalted above human comprehension, like all of the *chukim* in the Torah, they [the non-Jews] still will not do them, because they do not understand them [until the end of days, when God will pour His spirit on all flesh⁹]. And moreover, because all that they have achieved they only achieved with human intellect, any of them that neglected to open his eyes over the course of time, is still immersed in the filth of the abominations of the early ones, like most of the residents of Africa, and also in Asia and America, there are many nations that still walk in darkness, and worship idols and sacrifice their sons to demons like their forefathers of old, because they did not know God, and did not recognize His Torah. Not so is Israel; they keep all of the statutes of the Torah, even those that are above human comprehension. And the entire people, from small to large, live on its faith... nursing from the Torah of God, and it will compel him to open his eyes to see the path of life. (*Tiferet Yisrael*, commentary on the Mishna, *Pirkei Avot* 3:14)

According to the *Tiferet Yisrael*, the greatness of the other nations stems from the fact that their spiritual achievements result from their own merit alone, which is achieved by exercising their free will positively. The greatness of the Jewish people, in contrast, is that they fulfill the Torah, which is above human intellect. This level is one that is unreachable with the power of intellect alone.¹⁰

⁹ Based on *Yo'el*, 3:1.

¹⁰ It appears from here that the *Tiferet Yisrael* believes that there is a common divine image shared by Israel and the nations, and the difference between them is not fundamental. However, his approach is more complex than this, as Moshe Weinstock has illustrated in his doctorate, *Emuna Ve-halakha Ba-olam Ha-moderni: Mifaleihem Ve-hagutam shel R. Yisrael U-beno R. Barukh Lifshitz*, Hebrew University, 5768, p.163-168.

In his commentary elsewhere on *Pirkei Avot* (6:10), the *Tiferet Yisrael* explicitly notes that Jews have an additional soul, "drawn from a quarry that is high and exalted." It is based on this idea that he states in the *Derush Ohr Ha-chaim* that all Jews, including the wicked, have a portion in the world to come. In the same paragraph quoted in the text, he also states explicitly that in messianic times, non-Jews will be similar to Jews, and will perform all of the *mitzvot*. This is consistent with his comments on *Pirkei Avot* 5:2 that initially, God's intention was that all humans would receive the Torah and "all precious things," but sin caused them all to be rejected. This statement indicates that although God's choice of Israel as the chosen people was fundamental in nature, it was also based on the historical factor that the other peoples did not live up to His aspirations, a notion that has implications for the future as well.

Unit 8

Are There Idolaters Today?

Christianity arose in such an epoch of weakness, and it wrought injury to the nation. Its founder was endowed with a remarkably charismatic personality, and he exerted great spiritual influence, but he had not escaped the defect of idolatry, which is an intensification of spiritual influence without the prior training in the existing moral and cultural disciplines. And he and his followers were so committed to the cultivation of the spiritual life that they lost their Jewish characteristics and became alienated, in deed and spirit, from the source whence they had sprung.

An earlier document concerning the true message of Christianity was a letter to the *Va'ad Arba Aratzot* (Council of the Four Lands), written in 1757 by Rabbi Jacob Emden. Rabbi Harvey Falk, the letter's translator, sheds important light on this historical manuscript:

Rabbi Jacob Emden (1697-1776) was one of the leading Torah authorities of the past several centuries... In his time, he was a fearless champion of Orthodox Judaism. His scholarly stature and endless quest for truth were surely the catalysts responsible for catapulting him into the forefront of the battle against the Shabbatean messianic movement. [Shabbetai Zvi, a 17th century mystic (d. 1676), presented himself as the Messiah, and many Jews initially believed his claim. When the Turks threatened him with death unless he converted to Islam, he meekly acquiesced, expiring in ignominy. However, secret cells of believers still followed his teachings and hoped for new leadership.]...

In Rabbi Emden's time, a group of Polish Shabbateans under the leadership of Jacob Frank posed an enormous threat to the Jewish community of Poland. This group — distorting various Kabbalistic formulas — violated Jewish law and practiced sexual immorality. When excommunicated by the Polish rabbinate, they complained to several Catholic bishops that they were being persecuted by their fellow Jews because they believed in the Trinity. This eventually led to

the burning of the Talmud in Poland. The Frankists also sought to revive the notorious blood libel against the Jews.

During this controversy, the Council of the Four Lands — the central institution of Jewish self-government in Poland — turned to Rabbi Emden for guidance. The basic question was whether it was permitted to inform the Polish authorities — both governmental and ecclesiastical — about the true nature of the Frankists. Rabbi Emden not only replied that it was their obligation to do so, no matter what the consequences, but he also advised them to appeal to the Christian community [to support their] struggle against the immoral Frankists and generally to aid the Jews in their observance of the Torah. This led Emden into a thorough analysis of the beginnings of Christianity and especially the original intentions of Jesus and Paul. He believed that the Nazarene and the Apostle to the Gentiles acted entirely within the *halachah* (Jewish law) in creating a religion for the Gentiles based on the Noahide Commandments, and he interpreted various passages in the Gospels to show that both considered Jewish Law eternally binding upon Jews. [The seven Noahide Commandments consist of the prohibitions against idolatry, blasphemy, killing, stealing, sexual sins, eating the limb of a living animal (cruelty to animals) and the imperative to establish courts of justice. According to the Talmud and *Tosefta*, those Gentiles who observe these statutes are considered to be of the *Chasidim* (pious ones) of the Nations and to merit a share in the World to Come.]

Although many Jewish authorities have written positively concerning Christianity, it is clear that Emden went much further. He wrote that Jesus "brought about a double kindness to the world" and that "Paul was a scholar, an attendant of Rabban Gamliel the Elder."

It might be argued that Rabbi Emden wrote this letter at a time of great turmoil and that he may have abandoned his position at a later date. It would be erroneous to assume so,

as he frequently reiterated his positive views concerning Christianity — and Islam as well — in his other books. Commenting on the passage, "May all inhabitants of the earth recognize and know..." in the *Aleinu* prayer, Emden wrote: "The proper reason for these words is to pray for the Gentiles; we witness here the greatness of our Sages and their magnanimous desire for [the Gentiles'] true success."

His letter to the Council of the Four Lands appeared as an appendix to his *Seder Olam* (1757) and was republished in his *Sefer Shimmush* (1758-63). The early and final sections of the letter, which deal with the Shabbateans and the internal situation in Poland, are omitted from the translation. The passages on Christianity are given in full.

Rabbi Jacob Emden's letter to the Council of the Four Lands follows:

For it is recognized that also the Nazarene and his disciples, especially Paul, warned concerning the Torah of the Israelites, to which all the circumcised are tied. And if they are truly Christian, they will observe their faith with truth, and not allow within their boundary this new unfit Messiah Shabbetai Zvi who came to destroy the earth.

But truly, even according to the writers of the Gospels, a Jew is not permitted to leave his Torah, for Paul wrote in his letter to the Galatians (Gal. 5) "I, Paul, say to you that if you receive circumcision, the Messiah will do you no good at all. You can take it from me that every man who received circumcision is under obligation to keep the entire Torah." Again, because of this, he admonished in a letter to the Corinthians (1 Cor. 7) that the circumcised should not remove the marks of circumcision, nor should the uncircumcised circumcise themselves.

Many have claimed that Paul appears to contradict himself here. In the Acts of the Apostles (Acts 16), it is

mentioned that Paul circumcised his disciple Timothy. They found this very puzzling, for this seems to contradict the latter text which seems to indicate that he considered circumcision a temporary commandment until the Messiah's arrival; but this took place after the time of the Nazarene! Therefore you must realize — and accept the truth from him who speaks it — that we see clearly here that the Nazarene and his Apostles did not wish to destroy the Torah for Israel, God forbid; for it is written so in Matthew (Mt. 5), the Nazarene having said, "Do not suppose that I have come to abolish the Torah. I did not come to abolish, but fulfill. I tell you this: So long as heaven and earth endure, not a letter, not a stroke, will disappear from the Torah until it is achieved. If any man therefore sets aside even the least of the Torah's commandments, and teaches others to do the same, he will have the lowest place in the Kingdom of Heaven, whereas anyone who keeps the Torah, and teaches others to do so, will stand high in the Kingdom of Heaven." This is also recorded in Luke (Lk. 16). It is therefore exceedingly clear that the Nazarene never dreamed of destroying the Torah.

We similarly find Paul, his disciple, in a letter to the Corinthians (1 Cor. 5), accusing them of fornication, and condemning one who lived with his father's wife. You may therefore understand that Paul doesn't contradict himself because of his circumcision of Timothy, for the latter was the son of a Jewish mother and a Gentile father (Acts 16), and Paul was a scholar, an attendant of Rabban Gamliel the Elder, well-versed in the laws of the Torah. He knew that the child of a Jewish mother is considered a full Jew, even if the father should be a Gentile, as is written in the Talmud and Codes. He therefore acted entirely in accordance with the *halachah* by circumcising Timothy. This would be in line with his position that all should remain within their own faith (1 Cor. 7). Timothy, born of a Jewish mother, had the law of a Jew, and had to be circumcised, just as he was enjoined to observe all commandments of the Torah (Paul's

condemnation of the man who lived with his stepmother is similarly understandable, as such an act is also forbidden to Noahides), for all who are circumcised are bound by all the commandments. This provides a satisfactory reply to the question.

This will also solve the apparent contradictions in the Nazarene's own statements. Christian scholars have assumed from certain passages in the Gospels that he wished to give a new Torah to take the place of the Torah of Moses. How could he then have said explicitly that he comes only to fulfill it? But it is as I have said earlier: that the writer of the Gospels never meant to say that the Nazarene came to abolish Judaism but only that he came to establish a religion for the Gentiles from that time onward. Nor was it new, but actually ancient: [its commandments] being the Seven Commandments of the Sons of Noah, which were forgotten. The Apostles of the Nazarene then established them anew. However, those born as Jews, or circumcised as converts to Judaism ("The same law shall apply both for the native-born [Israelite] and for the proselyte that joins you"; Exodus 12:49) are obligated to observe all commandments of the Torah without exception.

But for the Gentiles he reserved the Seven Commandments which they have always been obligated to fulfill. It is for that reason that they were forbidden pollutions of idols, fornication, blood, and things strangled (Acts 15). They also forbade them circumcision and the Sabbath. All of this was in accord with the law and custom of our Torah, as expounded by our Sages, the true transmitters of Moses from Sinai. It was they who sat upon his seat (as the Nazarene himself attested; Mt. 23). It was they (the Sages or Pharisees) who said that it is forbidden to circumcise a Gentile who does not accept upon himself the yoke of all the commandments. The Sages likewise said that the Gentile is enjoined not to observe the Sabbath [fully]. The Apostles of the Nazarene

therefore chose for those Gentiles who do not enter the Jewish faith that instead of circumcision they should practice immersion (for truly immersion is also a condition of full conversion) and a commemoration of the Sabbath was made for them on Sunday.

But the Nazarene and his Apostles observed the Sabbath and circumcision as mentioned earlier, for they were born as Jews. They observed the Torah fully, until after a period of time a few of them decided to give up the Torah among themselves completely. They said that its observance was too difficult for them and agreed to remove its yoke from their necks (Acts 15).

But even here they did correctly as far as the Gentiles were concerned, for they [the Gentiles] were not commanded to observe it. Nor is it proper to make it difficult for them, since they did not accept the Torah and are not enjoined to observe the 613 commandments. However, it is completely different as far as the Jews are concerned, for they became obligated to fulfill the Torah because God delivered them from the iron furnace (Egypt) to be the people of his possession. Therefore, they and their children became subject to it forever. This, their covenant, will not be forgotten by the Jewish people, nor be discontinued from their children. For it, they have given their lives throughout the generations, as the Psalmist has recorded, "All this has overtaken us. Yet we have not forgotten You, nor have we been false to Your covenant" (Psalms 44:18).

Certainly, therefore, there is no doubt that one who seeks truth will agree with our thesis, that the Nazarene and his Apostles never meant to abolish the Torah of Moses for one who was born a Jew. Likewise did Paul write in his letter to the Corinthians (1 Cor. 7), that each should adhere to the faith in which he was called. They therefore acted in accordance with the Torah by forbidding circumcision to Gentiles, according to the *halachah*, as it is forbidden to one

who does not accept the yoke of the commandments. They knew that it would be too difficult for the Gentiles to observe the Torah of Moses. They therefore forbade them to circumcise, and it would suffice that they observe the Seven Noachide Commandments, as commanded to them through the *halachah* from Moses at Sinai.

It is therefore a habitual saying of mine (not as a hypocritical flatterer, God forbid, for I am of the faithful believers of Israel, and I know well that the remnant of Israel will not speak falsehood, nor will their mouths contain a deceitful tongue) that the Nazarene brought about a double kindness in the world. On the one hand, he strengthened the Torah of Moses majestically, as mentioned earlier, and not one of our Sages spoke out more emphatically concerning the immutability of the Torah. And, on the other hand, he did much good for the Gentiles — (provided they do not turn about his intent as they please, as some foolish ones have done because they did not fully understand the intent of the authors of the Gospels. I have recently seen someone publish a book, and he had no idea about what he was writing. For if he had understood the subject, he would have kept silent and not wasted the paper and ink. There are also found among us foolish scholars who know not their right from their left in the Written and Oral Torahs and cause the people to err with their pompous pronouncements. But there are true scholars among the Christians, just as there are the chosen few among Torah scholars; and there are few of the truly great) — by doing away with idolatry and removing the images from their midst. He obligated them with the Seven Commandments so that they should not be as the beasts of the field. He bestowed upon them ethical ways, and in this respect he was much more stringent with them than the Torah of Moses, as is well-known. This in itself was most proper, as it is the correct way to acquire ethical practices, as the philosopher (Maimonides) mentioned. We have written

similarly in our *siddur* [prayer book]. However, it is not necessary to impose upon Jews such extreme ethical practices, since they have been obligated to the yoke of Torah, which weakens the strength of the (evil) inclination without [these practices]. They have taken the oath at Sinai and are already trained in proper practice and nature. These are clear words that will not be rejected by a clear-thinking person.

If certain Christians who consider themselves scholars would understand this secret, who believe that they are commanded to abolish the Torah of Moses from the seed of Israel, they would not engage in such foolishness. The people listen to their self-conceived words, something which was never intended by the writers of the Gospels. Quite the opposite, they have written clearly that they intended the contrary.

Because of these errant scholars, hatred has increased towards the Jews who are blameless of any guilt and proceed innocently to observe their Torah with all their heart, imbued with the fear of God. They should instead bring their people to love the ancient Children of Israel who remain loyal to their God, as indeed commanded to Christians by their original teachers.

They even said to love one's enemies. How much more so to love us! In the name of heaven, we are your brothers! One God has created us all. Why should they abuse us because we are joined to the commandments of God, to which we are tied with the ropes of His love? We do this not to enjoy the pleasures of the (evil) inclination and the emptiness of a passing world. For truly, "We have become a byword among the nations" (Psalms 44), and with all this, "In God have we gloried all the day, and we will give thanks unto Your name forever" (ibid.). We pray for the good of the entire world, and especially for the benefit of these lands in which we reside, protecting us and our observance of the Torah...

You, members of the Christian faith, how good and pleasant it might be if you will observe that which was commanded to you by your first teachers; how wonderful is your share if you will assist the Jews in the observance of their Torah. You will truly receive reward as if you had fulfilled it yourselves — for the one who helps others to observe is greater than one who observes but does not help others to do so — even though you only observe the Seven Commandments. I have written similarly in my pleasant work, *Torat Hakina'ot*: that the Jew who observes the Torah, but does not support it, is considered among the cursed; while the Gentile who does not observe the 613 commandments, but supports it, is considered among the blessed. [This letter was translated into English by Rabbi Harvey Falk, Brooklyn, New York, and published by *The Journal of Ecumenical Studies*, 19:1, Winter 1982.]

This is an example of how we are to view history through the light of Torah. On the one hand, Christianity was a tragedy of immense proportions for the Jewish nation. On the other hand, it served as a blessing for the many people who knew nothing of One God and the Seven Noahide commandments that are the basic commandments for all humanity. Unfortunately, many failed to understand its true message. This is another step in preparing the world for the Messianic Era which we will usher in, we hope, in the near future.

I conclude with an important statement by Maimonides (the Rambam) that was censored until just a few years ago. At the end of his *Mishneh Torah* (Code of Jewish Law), the Rambam writes:

The human mind cannot fathom the plan of the Creator, for God's ways and thoughts are not like ours (Isaiah 55:8). All these things concerning Jesus the Nazarene and [Mohammed] the Yishmaelite who arose after him, serve only to pave the way for the King Messiah who will perfect the

entire world and bring all men to serve God together. It has thus been predicted, "I [God] will then transform all nations [by giving them] an evolved language, so that they may all call out in the Name of God and serve Him as one man" (Zephaniah 2:9).

How will this come about? The world is already permeated with ideas about the Messiah, the Torah and the Divine commandments. These ideas have already spread to the farthest corners of the world. Many nations have taken a serious interest in these matters. They engage in dialogues about the Torah's commandments. Some claim that they were to be taken literally [at one time], but today are abrogated. There are others who claim that they were never meant to be kept in the first place. They are just allegories with hidden meanings behind them, and that the Messiah has already come and revealed these hidden meanings. However, when the Messiah will truly come for all of human kind, and he will succeed in unifying humankind and bringing them to God and His Torah, then all will realize retroactively that they inherited misunderstandings and were misled by their leaders." (Laws of Kings, 11:4, M.S. Oxford Newbyer 568. Printed in *Sefer Hasofot shel HaRambam*, Pardes, Israel).

37. The proper understanding of evolution is really the backbone of the holy Ari's writings. The Ari explains how each spiritual level is a denser manifestation of its (higher) predecessor, which then manifests itself in a denser form at the next level down, etc. This entire evolution proceeds from the highest spiritual level to the lowest and final physical state of manifestation. Then, after complete rectification is attained, the process is reversed. Everything is elevated from level to level to reconnect to its inner root on a higher level, thereby revealing a greater whole (see footnotes 6 and 7). Today, this elevation takes place only in the inner, not outer, mode (of physical reality). In the future, even the outer mode

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חלומות יסורי התורה מדע

שמועה

ומזכו סתם' ולא ימי לאה דכתיב וירבה' ולגדשו' דלא
אסרה חורם אלא במידי דלא לזיו' ועיין בסופ' י"ב ב"ש' וחסו'
ואזי' בלון כיון דאסור לשחוק בכל ענין ש"ס וד"א הריכה בלי
אדם קו' י' ואומרים לשון שחם שיש ליון שחם להנחיל ב"ה
ולפניו שגשגה הטובה על ידו' וסוי ממם כמשה' ש"ס וד"א'
ואף שכתבו החסו' דדוקא במידי
דאסור אסרה חורם' מ"מ
נראה דבכ"ג אסור ונדלמרי'
במ"ס טובה' (ד' מ"ס ע"כ ליה
אנו מודים דמקשה הש"ס
אמתי' דקמגי בשחם פטירון
היו אומרי יופי לך מוכח
ר"א אומר ליה ולך מוכח
ומקשה הש"ס ודא קמשה' חק
ש"ס וד"א ומשני ס"ק ליה חנחנו מודי' ולמזבח חנו'
מקלסין ומשכבין : ופרש' מודים לאו לשון הור' אלא לשון
חורם שאלו מודים בו ולא כופרים' . מבואר משם דאם מודים
היו לשון הור' שאלו לשון שחם כי אמר חס"כ וכך דהיינו למזבח
אנו משכבים הוי כמשה' ש"ס וד"א כיון לשחוק לשון שחם
אלמלא כל מידי דקולוס ושחם חליה לשחוק ש"ס וד"א ואמר
נפשו' ירחק להיות שומר פיו ולבטו' . ואמר חס"כ
שדרשו מעל פני שלל לשחוק ש"ס ב"ה כפ"ג והוא מקמדרש :
ובש"ס דרשו מכללי ד' לכדו :

ב שרא לחלל ארז השם (א) והוא שעובר

על אחד מבד המצות האמורות

בתורה להכביע בשאט נפש או אף על ידי אונס

במקום שמחויב למסור את נפשו על קדושת

שמו

בעצמו של יום עדין וכנ"ל (ג) מבואר דח"י צריך לזהר
במעשיו ואסור לעשות אף דבר הנדמה בעיני חסמו' שהוא
אסור ובאמת הוא היחיד גמור ועונש גדול לח"ה דהיי' עין שחם
בו ח"ה . ונכון לפרש הוא דלמרי' חנלעל דליח ל"י ד"א
וחרע' לדרת' עיני ד"ל בזה כמ"ס חת"ש' . דכא לומר
דח"ה שאין בו יראה שמים עושה חרע' לדרת' שממנו יראו
וכן יעשו וידמה בעיניהם כסח' גמור : ומוכח שלא יראה לו
סחם כלל שלא ילמדו ממנו כלל . (ד) הקנה מקח ואינו
משלם מיד הוי עברה שיש בו ח"ה . ולהרמב"ם אם קנה בחקש
וזה מלמנו בלך וסוב כשחכמו' מעותיו' הוי ח"ה . ונראה
דדוקא במקח ולא בהלוואה דלית' להוצאה אף אם אינו משלם
למ"מ לא הוי כל כך ח"ה . ואף שלא מלמנו להדיח לחלק
מ"מ י"ל דבדמי מקח החמירו עפי עיין בח"מ סימן ק"א פ"ע'
ג' שהחמירו שט במוכר כחורה . (ה) דאמרו בשנים
שהקידו אלא ח' או שהלוי לא דאם בא ח' לקבל חלקו ח'ין
שומעין לו' ואין ליון כא' בלא חכר

אבל

מדה חסידות לשלם לשחוק ח' ועיין בח"מ סימן
ע"ו ובש"ך שם . (ו) מסתמך לשון הש"ס דאמר
עבר על מ"ע ע"כ דאינו מ"ע עד שמוחלין לו' . נראה דאין
חילוק אם בשב' וא"כ וינין אם עבר בקוה ועשה כ"ג (ז) לאו
הניחק לעשה שום למ' על עינין זה דאם שב מוחלין אותו מיד
כן הכתיב בש"ס כאמ"ו וז"ל ח"ה . ולענין לאו שאכ"מ יבואר
ג"כ דשות קצת למ"ע ע"כ (ח) מ"ע על חנוטא לשב
מחטא

ודענין

אזי בני נח מזהרין על השיחוק ונ"מ בזה לקבל
שכחונו של עכו"ם מבואר בחסו' דאין כ"כ מזהרין
על השיחוק : וראייה בש"ס ח"א סימן ב' : שכתב דמלשון
הרמב"ם דכיל כלל אבה' מלמדים דכל ע"א שב"ד של ישראל
ממיתן עלי' כ"כ נהרג עליו ופליגי שיחוק ודאי כ"ד ממיחין
אוח' והוא שאמרו שאין בני נח מזהרין על שיחוק היינו
לעירב בשחוק ודאי דמזהר' : רק לשבט בשחוק ועיין
והנהו השכחה הוא בכלל חנוקא כבוד רבא' ש' דמב"ם ב"מ ע'
דכשמו השכח עיין בש"ס ח"א ב"ר יב' .

והנה

כבוד מח"ו הרב הגאון המפורסם מוה"ר חיים
מוהר"י ישי' פיק מברעסלי כמד חלי בדבר זה הרבה
שהי קונטרס חל' למראה גיני' : והאריך בעולם ידו החזקה
דאין כ"כ מזהר כלל אשיחוק ולא עת חסיד' להעתיק דבריו
הנעימים ויבואר במקום אחר ומ"ס על דבריו הנ"ל ועל מ"ס
לענין חומרי שחוק :

הסמך

סימן ס"א הביא בלאו דלא יחי' לך : דכעת ממזלחא שלל יקום אליל בדיחו' . וז"ל שלל לקיים אליל בדי' : והלא'
חלוק מן העש' דואבדחם אף שחם דאבד' טיין' . כשהוא שלל לאחר שלקחה בו' וקצת ז"ע : דמ"ל לא זיק למזל'
דרך לעצמו הי"ך דעת רוב מיני שחוק דמ"ל דלא כמכילתא ר'ן' . דלא יחי' לך קאי אמהב' . נ"מ ואלו הוא שלל יקחנה
מהעובדים' . ולפ"ס ל' דכרי המזלחא אף שהוא בדיחו' בלי מעשה עובר בלאו : ועיין מ"ל סימן ל"ט : ולד' ממ"ס
למעלה דמהלמוד דידן מוכח שלא דכרי המזלחא יש להוכיח עוד דלדין ליתא לדברי המזלחא . שכתב במכילתא דאלוהים
אחרים פירושו אלהים של אחרים כלומר ששאלן לאלהות דהיינו שכבר עבדו אותו : מבואר דמ"ל דכל שלל עשאו לאלהות אינו
עובר וע"כ דאחי' כמ"ד ע"א של עכו"ם אינו אסור עד שיעבדוהו : וא"כ לדין דקיי"ל דאסור מיל כשנפלו ועשאו בע"א של
של עכו"ם ע"כ אלקים אחרים צריכין לפרש כמ"ס הרמב"ן והבטחי למעלה דבריו כ"כ ודכרי הסמך ז"ע :

ב (א)

והוא שעובר בו' : ב"ה דנרי הרמב"ם פ"א . ובסמ"ק לאיוס יומן ס"ג שהעובר להכניס הוא בכלל מחלל השם וזהו
מכשיוט שקר דכתיב ב' ואללח אחר . ובמ"כ אף לא קידש השם במקום שחיו' נקדש שמו ויחברך הוי' כ"כ בכלל
ח"ה דכתיב ולא מחללו נ' ונקדשתי נ' : ומדמכז ענין לז"מ דאם לא קידש הוי מחלל השם : והסמ"ג סימן ב' לא הביא כא'
דחוטא ומחטא הוי בכלל ח"ה : ואל הביא דיני' הללו דעובר צמוד או שאינו מקיים קד' דאי' בכלל ח"ה וצריך ליון טעם לזה .
עוד הביא הסמ"ג בדרש לגלות ישראל שהמשקרים לגוי' ה' מחלל השם שגורמים שיאמרו העכו"ם אין חורם לישראל ונאמר
שארי ישראל גוי' והביא שם ע"ה דאין דהקן כמ"ס אבות פ"ד כל המחלל שם שמים בשאר' נאמר עיין ממנו בבבלי ח' סנה' ב' :
ונראה דהכריז דא דמייחיה מהך דמ"ס אבות דהקן כמ"ס אבות פ"ד כל המחלל שם שמים בשאר' נאמר עיין ממנו בבבלי ח' סנה' ב' :
קרב זה אל זה : ונראה הנ"ל מצינו פלגים הרבה שחשבו ב"ה אף בפני עכו"ם : דאף דלכא' עיקר ח"ה היינו מחטא שאר בני
אדם שמתנו יראו וכן יעשו : ואפשר דבישראל חשבו כן ולא בעכו"ם : אלא דמצינו ב"ס י"ב (ד' פ"ד ע"א) דר"ח חס' נאפרינא
עאל לבני' מטרניחא ח"ל אשכחע לי דלא מבליח נפק דרש בו' : לא לז"ל דישאל לא מבלי' לישראל בו' . ופרקי' והא איבא ח"ה
ע"ס פרש"י אלא דמצינו ח"ה שאסור אף בפני עכו"ם : ועיין לא שמענו לומר שנתעב כמחלל ש"ס בפני עכו"ם כמו שמצינו שוכח
במחלל השם בפני ישראל אמנם יש להוכיח מלשון המשנה שאמר כל המחלל ש"ס בנחור ודקדקו המפרשים כיון דח"ה היינו חוטא
ומחטא ח"כ היכי משכח ח"ה בנחור ועיין דהו' י"ט : ועוד דלאו כל המחלל מחי אחר לרבי מילת כל : ונראה דהנהגה
יחבסי דח"ה הוא היפך קד' : ובקילוס השם כריב ונקדשתי בחוץ בני ישראל דילפינן בש"ס דבפדקסיה יסר ואל יעבור
דכתיב

OK!

אשכ עמכם חפסי עריות, וח'ל חפסי ספ'ד, וחשתי אשכ וכו'. א לעג'ד יכולה לטמון ולומר פי' לא טאמרה בכו' אשכ גוי אשכ גוי יכולה להסתכר ע"י מלוכמים וספ'ד נכרי' כ"כ שם מוטעים עמכם כאלו אמרה עכ"ם אני ואין כורגין אומה אפי' אי מספקא להו אבל באים לא חפסי דיוכין לבדר. ב פי' ר"ף וקרבז לז' פרש"י סנהד' ע"ד. ג שאלמות וארל ומפרשו' ל' דל"ג לשנויי' ערקאש. ד ע"ז י"ב. ה דבאלו אפי' צנועה וגויי חכוון להנאחו יסבר וא"י כדאי' פסמים כ"ס צבל ומתפרשין מין וכו'. ו סנהד' ע"ד, כל היכא דידעי יו"ד מישראל סוי צפרס', וכל ישראל שבשטן ידעו שנקמה לצואה גוי, אבל מ' ג"ע דאפי' צנועה יסבר לא פריך, דלא מקרי ג"ע אלא בערוס דמידי כרח ולפסמות הכחוב' פנייה היכה ולא כמגלה ע"י שהיכה אשכ מרדכי (כ"כ נמוק' וצחוס' יסוב אחר) ונעטלה לגוי אינה אלא מגורת סם (ע"ז ל"ו ולא דאור' חוס' יבמות ט"ז) ע"כ ודרך חתונה נמי ליכא אלא אלא לבטאוי' ולא פריך נמי טעם גזרה סוי ואפי' צנועה יסבר, דלא גור על פי ישראל לחוד אלא ע"כ מדיוות סנה' ד קטר עשה וסבכלי לבטאוי' ע"י פרש"י ונקי' הייט אלס צפרסמיו אלס טעמ' ג' מלכות אלס יסבר וכל יסבר, ודמוק' בטעם חת' ואפי' אחר רבא אלס סגוי לבטאה' ע"י חזק' ונקי' וסבר ואלס יסבר, ס"י בטעם סנה', נסי דלוי מלוק בין צנן לניעה לפרסטיא, מ"מ אש גויי חכוון להנאח ע"י, ח' למסור ל' בשאר. טבירות, ואין מלוק בין סנה' לאינו סנה', אלא דבסנה' אפי' צנועה יסבר על כל עברס אש גויי חכוון לסעבירו ע"י כח"ס רש"י טל ירגילו עכ"ם להמריך לבבות בך, וס סייך אש גויי חכוון לסעבירו ע"ד ולא אש טושס להנאח, וכ"כ רמב"ם בס' סמ' ל"ח ס"ג וכ"מ מנאמור ומלמחות פ' בן סורר ובאגרת סמור סמיוחס לרבו"ס וסבור בצפסי ר"אש צואתו פרק, וק' י' לפרס' לטון סטור ולא ככ"ס. ט סמאור. י ססר, ע' מלמחות ורליחו מוסב' ע"ה בשלמא ח"א' ספיר ומפסמים כ"ס חולתס יא שאלמות וארל, ופרס' כלס סכופין על ירות וגמלים טל חילת אש צבית וב"כ ממחמומין צסס וספרסיס ומחורין צבתי יסלס וקוקמס בטע' ומולכין לבית עכ"ל טלל ומיחין אפי' צבילס מון צבית ע"ז כדאי' גטין י"ז מרדס סקל טרגל מקמיחו. יב פסמ' י"א יסב דבע"ז א"ס וס'ד יסכור וכל אצחוריו אפי' אצחור לאו יסבר ועמקאי' וס"ך ס"ק י"ז ובעל ח"כ יומא פ"ב מולק לענין ללא' דעריות. יד סנהד' ע"ד. טו למס' סודס לו סובל' צפרסטיא אסור, אט"ג בישראל צנועה' נמי אסיר דנפקא מקרלי דף ע"י מיסו כיון דבצי ק"ס בחור צ"י כ' אפי' נטעו צ"י על ק"ס לא ונטעו אלא בחור צ"י וצבית רמוון אולי ישראל ידעו כמסקנה חוס' א' אי יומא צנועה אין צ"י מלוס, מ"מ קסי' דכולל צפרס' אסור. ולעג'ד אפשר דס"ס צנו' לדיק אפי' לרבא חרי' דסיסא טמעתה וס"ל בע"ז י"ד כר"ס אפי' ישראל צנועה יעבר וכו' וער"אש סס. (טז) קסס לו לח"ס ס"ע ח"א' קר' צסס ר"ן גויי ח"מ על סחוק' מתי ראי' מנעמן ססאמין צ' אף טמעתמוס נמי לע"ז לא עביר אסור ומ"ס ללחא יסלס טעוסס דבר סקר טלל סאמין כלל בע' וספיר אחר סכנא לך בשל' ? טלל דהי' צבור דכעת סאמרוי' דבויי מלואי' עביר לסחוק, וכונת חוס' צבורות צ' סלון סכנרי חסי' אלא לצורא סמיס ומס סמוכיר קדסיס טלו לא לללסות קמחין, ובישראל אסור לסחחק ס"ס ור"א' מבלתי יס' וכלי לז' אלא סמי' על זס. ומו ח"ך אמרו ע"ז וי"ו אסור ל"ל ציוס חרס' מוסס לעל"מ חילי לפני' לו מפקדין כדאי' י"ד. ורליחי' במ"א סלין ססדרין י"ז וי' דסייסי טעובדס לבדס מוסס חל' מוסס אל ססריין דלפני' לפני' לו מפקדין כדאי' י"ד. ורליחי' במ"א סלין ססדרין י"ז וי' כונתו ללחי' דאי' סס דכרס סב"ד טל ישראל מליחסיס צ"י מוסריין, ובדף מ"מ מירי דלורחא פרש"י ע"ז לא לורחא ספ"ז א' ע"ז א' ע"י טלל ססחמוס לס מידי, ואמחי' אכתי חילי לעובדס בשחוק, ובדף מ"מ מירי דלורחא פרש"י ע"ז לא לורחא ספ"ז א' ע"ז א' ע"י טלל ססחמוס, ורליחי' סמציא ראי' טלל נטעו על סחוק' דסבוריו' ח' לטון סיס אשכ טס' ס' וסלסל ללורוטיכני' חיוס מלוס טלמחוס צחלסס זס ע"ז, וסריך יו"ד מלח נטעו במרס קוקס מוכי ומסיק דליחא מרס. וכיון דע"ז במלח טללנו' צ' ולמדת מויע' ס' אלק' אין צ' אלא ע"ז, ססד' י"ז, ח"כ דהי' טוי רלשון כול, אלא דהי' ממלח ע"ז לב"י לא מיייר כיון דלחי' מ' על סחוק'. ולאו ראי', דקרא אלס"ז ללורוטיכס מנעח טלמחור' ללורו' ישראל מנעחי, וסמלח סקרא אשכ טס' ס' אליכס ב' מוסס

ל' כ"ט
פס'
ספר יחזקאל
חלק 3
"ס'
אל'

ענין יחזקאל
כתוב וזמנו

1 * והנה בסנהדרין (סג:) אמר אבוב דשמואל, אסור לאדם שיעשה שותפות עם גוי שמא
2 יתחייב לו שבועה וישבע בעבודה זרה שלו, והתורה אמרה לא ישמע על פיך. וכתבו התוספות,
3 אומר רשב"ם, שכל שכן שבועה עצמה שאין לקבל ממנו. ורבינו חם אומר, שמותר לקבל ממנו
4 שבועה, שלא יפסיד ממנו, כי בזמן הזה כולם נשבעים בקדשים שלהם ואין תופסים בהם
5 אלהות, ואף על פי שמזכירים שם שמים וכונתם לדבר אחר, מכל מקום אין זה שם עבודה
6 זרה, וגם דעתם לעושה שמים וארץ, ואף על פי שמשתפים שם שמים ודבר אחר לא מצאנו
7 שאסור לגרום לגוים לשותף, וגם אסור לפני עור לכתב, שבני נח לא הוזהרו על השיתוף. ע"כ.
8 וכן כתב הרא"ש שם. (וראה עוד בהר"ן סוף פרק קמא דעבודה זרה). וכן כתב הרמ"א בהגה
9 אורח חיים (סימן קנז), שבני נח לא הוזהרו על השיתוף. ולכאורה אם הדברים כפשוטן, אין
10 בכניסה שלהם דין בית עבודה זרה, שהרי הם משתפים שם שמים ודבר אחר. אולם בשו"ת
11 גודע ביהודה תנינא (חלק יורה דעה סימן קמח) כתב, ומאי דמרגלא בפומיהו דאינשי שאין
12 בני נח מצווים על השיתוף, טעות הוא בידם, ויצא להם דבר זה ממה שכתב הרמ"א (בסימן קנז),
13 ובאמת שאין הכוונה כן, אלא לומר שכשהגוי נשבע בעבודה זרה עם שיתוף שם שמים ואינו
14 אומר אלי אתה, אינו מוזהר על כך וכי. ע"ש. ולפי זה לפי מה שנוהגים הנוצרים בכניסה
15 שתופסים שם דרך אלהות בקידה והשתחוויה, בודאי שיש להם דין עובדי עבודה זרה, וכדברי
16 הרמב"ם והפוסקים שכתבו שהנוצרים עובדי עבודה זרה הם. וכעין דברי הגודע ביהודה כתבו
17 בשו"ת שער אפרים (סימן כד) בשם הגאון מהר"ם בעל חלקת מחוקק, ובשו"ת מעיל צדקה
18 (סימן כב). ע"ש. ובגלל אשכול על ספר האשכול חלק ג' (עמוד קט אות טז), כתב שיש
19 ראייה לדברי האחרונים שגם בני נח מצווים על השיתוף, ממה שאמרו בסנהדרין (עד). להוכיח
20 שכן נח אינו מצווה על קידוש ה', מנעמן שאמר והשתחיתו בית רמון לדבר הזה יסלח ה'
21 לעבדך, ויאמר לו לך לשלום. ואם איתא הרי גם כשהיה משתחוה לא היה מאמין בעבודה זרה,
22 ולא היה יותר משיתוף שם שמים ודבר אחר, אלא ודאי שגם בן נח מצווה על השיתוף וכו'.
23 ע"ש. והגאון יעב"ץ בספר מור וקציעה (ריש סימן רכד) הביא הדברים כפשוטם, שאין בן נח
24 מצווה על השיתוף, ושכל עבודה זרה שלהם בזמן הזה אינה אלא שיתוף שם שמים ודבר
25 אחר, וכמו שאמרו במנחות (ק). ובכל מקום מוקטר מוגש לשמי, דקרו ליה אלהא דאלהיא.
26 והתחתי תשובה יורה דעה (סימן קמז סק"ב) העיר על דברי הגודע ביהודה הנ"ל, שאף על פי
27 שכן האמת, וכן כתב גם הפרי מגדים יורה דעה (סימן סה שפתי דעת ס"ק מה), מכל מקום
28 אי אפשר לומר כן בדעת הרמ"א, כי מדברי הרמ"א בדרכי משה לקמן (סימן קנא) מבואר
29 להיפך, ובספר משנת חכמים (בריש הלכות יסודי התורה) הביא שהגאון רבי ישעיה ברלין כתב
30 אליו בדיון זה, והאריך בעוצם פלפולו להוכיח שבאמת אין בן נח מוזהר כלל על השיתוף. וע"ש.
31 עת"ד. והשואל ומשיב תנינא חלק א' (סימן נא) הביא בשם הריטב"א (חולין ה: והושט
32 בדפוס מאימת הצנזורה), שאחאב היה מאמין בה' ובתורתו, ובכל זאת נמשך אחר גביאי הבעל
33 לעבוד בשיתוף. וכתב עוד שם, שלכן שתי דברות ראשונות אנכי ולא יהיה לך מפי הגבורה
34 שמענו, כדי להזהיר אותנו על יחוד הגמור שבאמונת ה', ושלא כבני נח שלא הוזהרו על
35 השיתוף. ע"ש. וכן כתב בקובץ על יד (סוף הלכות מילה). ועיין בספר סדר משנה (הלכות
36 יסודי התורה פרק א' הלכה ז'), שהעלה כפשוטו דברי התוספות שכן נח אינו מצווה על
37 השיתוף. ובשו"ת בנין ציון חלק א' (סימן סג) נשאל, אם מותר לקנות בית ששימש לכניסה
38 של נוצרים, על מנת להופכו לבית כנסת לתורה ולתפלה. והשיב לאסור, שאף על פי שבני
39 נח לא נצטוו על השיתוף, ולא נשתמשו בכניסה לשם עבודה זרה ממש, מכל מקום הרי התפללו
40 בה לאליל שלהם, והאומר לעבודה זרה אלי אתה והמקבל לאלוה אפילו שלא בפניו נחשב
41 לעובד עבודה זרה. ועוד שמה שבני נח אינם מצווים על השיתוף, לא יועיל הדבר לישראל
42 שמצווים על השיתוף, ולגבי ישראל נחשבים כעובדי עבודה זרה ממש. ע"ש. (ולפי זה יש
43 לפרש הגמרא ביבמות (מז:) מה שאמרה נעמי לרות שבאה להתגייר, אסיר לן עבודה זרה,
44 וקשה. והלא בני נח גם הם נצטוו שלא לעבוד עבודה זרה. ועיין במהרש"א ושאר מפרשים שם.
45 ולפי האמור יש לומר שכונת נעמי שאסור לנו גם שיתוף שם שמים ודבר אחר, אף על פי
46 שלא נצטוו על כך בני נח). ואני תמה על הגאון מהר"י אסאד בשו"ת יהודה יעלה (חלק יורה
47 דעה סימן קע), אשר נטה קו להקל בנידונו, משום שאליל שלהם לא נחשב עבודה זרה,
48 ודבריו נפלאו ממנו, שהרי מבואר בדברי הרמב"ם (סוף פרק יא מהלכות מאכלות אסורות)
49 שעבודת הנוצרים היא עבודה זרה. וכן פסקו הפוסקים. ושוב ראיתי להגאון ממזנקאש בשו"ת
50 מנחת אלעזר חלק א' (סימן נג אות ג') שהרבה להשיב על דבריו בזה, והביא גם כן דברי
הרמב"ם וכו', והעלה דחשיבא עבודה זרה ממש. ע"ש. ודו"ק.

ד' סיכום אהרן

יבא ר"ס אהרן
י"ח
יורה דעה
וכן אהרן ח"ט

Unit 9

Women's Issues

Leadership

Time Bound Mitzvot

Orthodox Women Rabbis? Tentative Thoughts that Distinguish Between the Timely and the Timeless

By: MICHAEL J. BROYDE and SHLOMO M. BRODY¹

I. Introduction: Unity without Uniformity, Diversity without Divisiveness

In the second half of the twentieth century, the halakhic community has confronted several new intellectual challenges to the structure of Jewish law. Painting with a broad brush, these include: The reestablishment of the State of Israel with all of its unique halakhic dilemmas; the welcoming of Jews as equal citizens into the open Western democracies of the United States, Canada, and many other nations; the rise of new and powerful technologies as part of daily life; and the changing social status of women in the world.

Orthodox Judaism has not responded to any of these developments with a unified approach. Before we focus on the issue of women, it is worth briefly reviewing the first three topics. The reestablishment of the State of Israel has produced diverse responses, ranging from Rabbi Tzvi Yehuda Kook's advocacy of messianic

¹ We thank the dozens of *poskim*, rabbis, and lay leaders who provided valuable comments to earlier drafts of this article, which has been significantly revised and expanded since its original presentation and limited distribution at the April 2010 Rabbinical Council of America (RCA) convention.

Michael J. Broyde is a Professor of Law at Emory University School of Law, was the Founding Rabbi of the Young Israel in Atlanta, and is a Dayan in the Beth Din of America.

Shlomo M. Brody teaches at Yeshivat Hakotel, serves as the online editor of *Tradition* and its *Text & Texture* blog, and writes the *Ask the Rabbi* column for *The Jerusalem Post*.

Zionism to the Satmar Rebbe's full-blown rejection of the State as the devil's work. Most of Orthodoxy falls comfortably between these poles, and we recognize the entire spectrum as part of the Orthodox halakhic community. The welcoming of Jews as equal citizens in America has produced a similar diversity, from Rabbi Menashe Klein's denial that *dina demalkhuta dina* applies in America to Rabbi Joseph Soloveitchik's claim that it is a sin to purchase products from people who do not pay sales tax. Again, most of Orthodoxy resides between these poles. While more subtle, the same diversity exists with regard to approaches and attitudes to technology. Ranging from the contrary analyses of Rabbi Shlomo Zalman Auerbach and the Chazon Ish of the prohibition to use electricity on Shabbat, to larger questions regarding medical ethics and other technological advances, the Orthodox community lives with a diversity of very different approaches.

Many of these disagreements remain passionate and unfortunately sometimes hostile, to the point where some disputants have dismissed their interlocutors as beyond the pale of Orthodox Judaism. Most Orthodox Jews, however, continue to recognize their disputants as acting within the framework of halakhic Judaism, even if they deem the opposing position to be in error. While occasionally an attitude of complete intolerance toward other positions may be correct (the dangerous anti-Zionist activities of certain members of the *Neturei Karta* come to mind), we think that the more expansive demarcation of Orthodox opinions, in almost all circumstances, remains the better approach.

Until the reestablishment of a Sanhedrin, we need to achieve unity and not uniformity, enabling diversity without divisiveness. This is the appropriate historical lesson of the terrible schism within European Orthodox Jewry in the nineteenth and early twentieth centuries. The vicious fights between religious groups (Hasidim versus Mitnagdim, Zionists versus anti-Zionists) and the many polemical disputes about the details of ritual life (sermons in the vernacular, the placement of the *bimah*, *shekittah* knives) strike one, with the wisdom of hindsight, as unwise. The fratricidal fighting did not help our community or Judaism as a whole, and appears particularly misguided in light of how we have come over time to live with these differences. This has been made possible, in part, because we

have learned which areas we can and cannot fully cooperate together, but largely because we recognize that there are different acceptable Orthodox responses to modernity. As such, much work is done together in *kashrut*, *gittin* (divorce documents) and *batei din* (judicial courts)—areas in which reciprocal recognition of *ne'emanut* (fealty to halakhah) are essential—even as our different rabbinic and synagogue organizations advocate varying Orthodox ideologies and agendas.

This same motto of “unity without uniformity, diversity without divisiveness” should also apply to the range of opinions regarding women’s issues, and in particular, the role of women as students and teachers of Torah. Clearly, there exists a wide spectrum of opinions on this matter, ranging from Rabbi Soloveitchik’s opinion that Talmud study ought to be a routine part of women’s education, to Rabbi Teitelbaum’s approach that women may only be taught the Written Torah without even Rashi’s commentary. Many others fall out between these two poles, again recognizing that all remain a part of the Orthodox community.

Recently, the Orthodox community came perilously close to fissuring over the decision by Rabbi Avi Weiss to grant the title *Rabba* (the feminine of the Hebrew term *Rav*, or *Rabbi*) to a woman who he felt was deserving of this title. The fissure was partially averted, at least temporarily, by Rabbi Weiss’s decision to cease granting such titles in the future, but his actions have thrust the larger issue of women clergy onto the public stage.

In the coming pages, we attempt to offer a framework for understanding the legal and meta-halakhic factors that shape the divisive debate over women rabbis. We hope that our study will foster dialogue and generate greater clarity of the relevant issues, even as we acknowledge that different opinions will remain.

It is important to emphasize that serious halakhic questions with major ideological and sociological implications require sensitive and nuanced analysis. In particular, we aim to avoid polemics and theatrics, and instead carefully define all of the relevant issues. The first step always entails delineating questions of technical halakhah, and only then addressing the significant elements relating to more global values, the “spirit of the law,” “public policy,” and “intra-communal politics.” Given that halakhah forms the backbone of

our behavior, we cannot risk distorting or misrepresenting the Torah by conflating the different elements, as they all remain independently significant considerations within the halakhic process. We thus divide this essay into two sections: technical halakhic questions and meta-halakhic considerations.

II. Technical Halakhic Questions

A. Eligibility to Receive Semikhah

What is *semikhah* (ordination) and may it be given to women? The contemporary notion of formal ordination, which first appears in fourteenth-century halakhic literature, does not authorize the same judicial activities as classic *semikhah* of Mosaic origins given exclusively in Eretz Yisrael in the Talmudic and pre-Talmudic eras.² Rather, as Rabbi Yitzhak ben Sheshet (Rivash 271) delineated and Rabbi Moshe Isserles (Rama) codified (*Darkhei Moshe* and YD 242:14), *semikhah* grants license by a teacher to a student to issue rulings on matters of Jewish law. It thus certifies the knowledge of the recipient of the degree, and further warrants him to issue halakhic rulings even within the locale of his teacher.³ While Rivash believed that it was not necessary to receive such *semikhah* following the death of one's teacher, R' David ben Hayyim HaKohen (Shu"t Radach 18:10) and others always required it to prevent unqualified people from issuing *hora'ah*. This *semikhah* was not necessary to teach Torah or to explicate basic or decided matters of halakhah (YD 242:8-9).⁴

² Confusion regarding this matter led some Sephardic figures to criticize their Ashkenazic colleagues for issuing *semikhah*, which in its classic form, cannot be issued outside the land of Israel. See, for example, the 6th chapter of *Nahalat Avot*, Rabbi Yitzhak Abarbanel's commentary to *Pirkei Avot*.

³ In this respect, Rivash adds, the student literally becomes his own master (or "rav"), since he is no longer subject to the limits of his teacher's jurisdiction.

⁴ It should be noted that the licensing given through *semikhah* was not a form of necessary investiture that granted powers invested by God, so to speak. As such, someone who decided not to accept *semikhah*, out of modesty or piety, could still perform functions like weddings and *gittin* (YD 242:14). Conversely, even if one had *semikhah*, but did not have the

Three different theories emerged regarding eligibility for contemporary *semikhah*. The first and simplest view, drawing the logical conclusion from the above depiction of *semikhah* and adopted by Rama in both the *Darkhei Moshe* and *Shulhan Arukh*, concludes that anyone is eligible to receive *semikhah* when their teacher certifies they have acquired requisite knowledge and licenses them to issue halakhic rulings. The scope of this license may be limited to certain areas of law (depending on the student's actual knowledge and qualifications) and may be granted to one who is ineligible to receive Mosaic ordination that was present in Talmudic times. As such, basic contemporary *semikhah* is based on one's knowledge and competence to answer questions of law.⁵

A second approach, taken by Rama in his responsa (24), contends that modern ordination should adopt the standards of the classical Mosaic ordination, and therefore one should not ordain anyone who could not receive the classical *semikhah* of Talmudic times.⁶ The criteria for classic *musmakhim* (recipients of ordination)

proper knowledge to perform certain functions, the standing of this individual's actions could be called into question.

⁵ This system, of course, may lead to situations of abuse, since two *musmakhim* with vastly different degrees of knowledge and qualifications may share the same title. Indeed, throughout the generations, some have protested the abuse of the title rabbi by those who issue rulings on matters on which they are not sufficiently qualified. See, for example, *Yam Shel Shlomo, Bava Kamma* 8:58. This may have particularly dire consequences in cases relating to personal status (such as *gittin*), and therefore Rama adds that one must be particularly careful that only rabbis competent in this complex area of law should engage in *gittin*. Nonetheless, the basic concept of *semikhah* remains the same for all. One frequently sees this manifested today by yeshivot that issue separate *semikhot*, one for *yoreh yoreh* and the other for *yadin yadin*. Each *semikhah* testifies to the successful completion of a distinct course of study, and licenses the recipient accordingly. Similarly, the Israeli Chief Rabbinate issues different *semikhot* for judges, neighborhood rabbis, and city rabbis, in addition to their basic *yoreh yoreh* certification.

⁶ Rama cites concerns that those ineligible to perform certain tasks will not be able to garner proper communal respect. Rabbi Moshe Sofer, *Hatam Sofer EH* 2:94, also adopts this position, albeit for a different concern, that out of self-pity or ignorance, the rabbi will ultimately err and end up per-

included that they be eligible to perform all judicial functions of the Sanhedrin, even if their particular ordination only permitted them to do limited tasks (*Mishneh Torah, Hilkhhot Sanhedrin* 4:8-10). Women are thus not eligible for contemporary ordination in this view, since they cannot fulfill all duties performed by recipients of Mosaic ordination.

A third approach argues that for various cultural and legal reasons, different limitations were imposed on who could receive *semikhah*. For example, debates were held whether a minimum age was required to receive *semikhah*, or if it should be issued only at one's wedding. A more prominent issue related to competition and the licensing of someone to practice in an area where other rabbis presently served. Some *semikhot*, for example, authorized a person to establish their own yeshiva, despite the presence of others previously established.⁷

Similar issues relating to synagogue rabbis are highlighted by Rabbi Yehiel Michel Epstein in his *Arukh Ha-Shulhan* (*Yoreh Deah* 242:29). After affirmatively citing the Rama, he adds:

In our times and for many previous generations, each city chooses its official rabbi (*rav muvhak*) to issue legal rulings (*psak*) and to adjudicate (*lehorot ve-ladun*), and he is considered the official rabbi for the entire city and its surrounding areas. No one else has permission in this area, even if they have achieved requirements to issue rulings on Jewish law and adjudicate (*higgia le-hora'ah lehorot*), unless the city rabbi grants him permission by giving him ordination so that he can be chosen as the rabbi of any given community (*kehillah*). But without

forming tasks ineligible to him. He does provide a *limud zekhut*, however, for those who followed different standards of *semikhah* eligibility.

⁷ On the history of modern *semikhah*, including the various cultural and legal debates involved in these ordinations, see Mordechai Breuer, "Ha-Semikhah Ha-Ashkenazit," *Zion* 33 (5728), p. 15-46 (also reprinted in his collection of articles, *Assif: Mi-Pri Et Ve-Et*, Rimonim Publishers, 1999). On the concept of *heter hora'ah*, see Rabbi Dr. Yaakov Blidstein, "Heter Hora'ah Be-Mishnat Ha-Rambam U-Mashmuato Ha-Hevratit," in his *Iyyunim Be-Mahshevet Ha-Halakhah Ve-Ha-Aggadah*, Ben Gurion University Press, p. 103-113, and the sources cited in *Encyclopedia Talmudit*, "Hora'ah" (vol. 8), p. 486-494.

such ordination, it is prohibited to be a (synagogue) rabbi or resolver of questions (*moreh tzedek*) and this has been the practice for generations. Heaven forbid: one should not deviate! This is currently the central matter of ordination. It is getting permission and an attestation that one has reached the stage where one can issue ruling on matters of Jewish law.

The context of the statement clearly applies to a situation in which a locale has a bona fide community rabbi (*mara de-atra*). The larger issue of authorization (*reshut*) is less relevant in many contemporary situations since multiple rabbis can function within a given area. Nonetheless, *Arukh Ha-Shulhan* understands that one conception of *semikhah* authorizes—and therefore necessitates one to be eligible for—the position of synagogue rabbi. That is to say, the licensing given to anyone who has received this ordination is that they have received the social sanction to lead a *kehillah*, and not just issue rulings of Jewish law (*hora'ah*).⁸ Rabbi Yehiel Y. Weinberg further attests that the meaning of standard *semikhah* or *heter hora'ah* was to authorize a person to serve in a rabbinic position (*rav*, *dayan*, or *moreh tzedek*).⁹

One might conclude that whether women may be ordained as rabbis depends, in part, on the dispute between these three different conceptions of *semikhah*. In his responsum, Rama limits *semikhah* to those men who could theoretically perform all tasks filled by members of the Sanhedrin. In the *Shulhan Arukh*, however, he rules that anyone sufficiently knowledgeable to answer questions of Jewish law may be given *semikhah*. For the *Arukh Ha-Shulhan* and others this would only be so if he were additionally eligible to do the jobs customarily performed by those with *semikhah*, such as serving as a synagogue rabbi.

⁸ However, all agree that ordination is not required to teach Torah, either to adults or children, neither as a matter of logic nor as a matter of historical practice.

⁹ See the 4th volume of *Seridei Esh*, p. 138, Mosad Harav Kook edition (1969). In some recent reprints of *Shu"t Seridei Esh*, as well as the Bar Ilan CD version, the non-responsa essays have been removed. See also his essay in *Lifrakim* (new edition) in which he depicts the roles necessary to serve as a contemporary rabbi.

Different *poskim*, we suspect, would resolve this technical dispute of halakhah differently, as each position is supported by other authorities and historical practices.¹⁰ Any *semikbah* issued to women would have to resolve this issue and explicitly delineate the nature of its ordination.

B. The Issue of Serarah

Independent of the official licensing and title one receives from *semikbah*, a separate issue is whether women may perform certain rabbinic tasks or hold offices that constitute positions of *serarah*. The concept of *serarah* emerges from the Talmudic and halakhic discussions that exclude women and converts from being appointed as monarchs and serving as judges (*dayanim*).¹¹ In the *midrash halakhah* that excludes women from the monarchy, Ḥazal use the term to describe the fear (*eimah*) that the monarch instills upon his subjects.¹² An exact definition of the restricted positions, nonetheless, remains somewhat elusive. Rabbi Moshe Feinstein, in his responsum that permitted women to serve as supervisors for kashrut agencies, defined it as any position in which someone has discreto-

¹⁰ This dispute might be reflected in the fact that a few yeshivot only issue *semikbah* that includes both *yoreh yoreh* and *yadin yadin* licensing, thereby licensing their graduates to perform almost all rabbinic tasks (with the exception of issuing *gittin*). Most *yeshivot*, such as RIETS, as well as the Israeli Chief Rabbinate, however, issue a basic *heter hora'ah*, primarily based on *Orakh Hayyim* and *Yoreh De'ah*, while granting other *semikhot* to graduates who have achieved more advanced training. Other *yeshivot* regularly issue something colloquially known as "*Rav u-Manbig semikbah*," which is mostly an honorific title. In some *yeshivot* it was issued on condition that one not engage in *psak halakhah*, yet in other *yeshivot* it authorized one to serve as a religious authority, with bearers of these certificates frequently adopting rabbinic positions. (Rabbi Weinberg states that in the Hildesheimer Seminary in Berlin, this *semikbah* was issued only to certify one's qualifications as a teacher, but not to issue *hora'ah*. This certification helped garner the proper respect necessary to teach, while preventing those unqualified from issuing *hora'ah*.)

¹¹ See, for example, *Yevamot* 45b, *Shevu'ot* 30a, *Kiddushin* 76b, and *Yevamot* 102a.

¹² *Sifri Devarim* 17:15, #157.

nary, coercive powers to impose obligations or responsibilities against someone's will.¹³ In his responsum that permitted women and converts to serve as communal leaders and *poskei halakhah*, Rabbi Eliyahu Bakshi Doron, the former Israeli Sephardic chief rabbi, defined the forbidden job as a position in which the authority of their decisions stems from their appointment to a position of power (*shilton*), as opposed to their knowledge and wisdom (*yo'etz*).¹⁴

As Rav Moshe and others have noted, Rambam (*MT Melakhim* 1:5) understands the prohibition of women serving as a monarch as a prohibition of women functioning in all communal roles.¹⁵ The *Sefer Ha-Hinuch* (497), on the other hand, explicitly limits the prohibition for women to the realm of monarchy, even as he extends it more broadly in its application to *gerim* (498).

More significantly, independent of the definition and scope of *serarah*, many medieval authorities (and according to Rav Moshe,

¹³ *Iggerot Moshe* YD 2:44–5. This definition flows from *Shakh* YD 269:15.

¹⁴ *Shu"t Binyan Av* 1:65.

¹⁵ The contested source of Rambam's ruling has garnered much discussion, since many editions of the Sifri only exclude women from the monarchy, even as research has shown several manuscripts that include textual variants to the Sifri which justify Rambam's position. See, most recently, Aliza Bazak "Dayyanut nashim: nitu'ah mekorot ha-din u-behinatan be-dayyanut u-be-serarah" in *Lihyot Ishah Yehudiyah* (Vol. 3, 2005), ed. T. Cohen and A. Lavi, p. 89–98. (While this article focuses specifically on women serving as judges, it also discusses the larger issue of women holding positions of *serarah*). It is therefore surprising that Rabbi Daniel Sperber, in his responsum (online at <<http://yeshivatmaharat.org/resources-0>>) to justify the ordination of a woman, simply rejects Rambam's position, because, in his words, "Later authorities stated that they know no source for this opinion (R. Moshe Feinstein, *Iggerot Moshe*, *Yoreh de'ah*, vol. 2, 44–45), and that it is "a rejected ruling" (R. Ben-Zion Meir Hai Uziel, *Mishpetei Uziel*, vol. 3, *Hoshen Mishpat* 6)." Yet they, of course, did not have access to these manuscripts, and it is precisely Rabbi Sperber himself, in his very erudite work, *Netivot Pesikah* (Reuven Mass, 2008), who has most forcefully argued for the use of manuscript research in halakhic decision making. In any case, it remains undeniable that this was Rambam's position, which was also held, in part, by the Ritva (see below).

the majority) contend that communal acceptance would grant women the license to hold positions of authority in regard to political power and legal matters. The context of these statements is a discussion about the prophetess Devorah's extended reign as a "*shofetet*," normally translated as a judge. The Talmudic commentators are bothered by the possibility of how she could function as a judge, since the Talmud seems to prohibit women from that role.¹⁶ One common answer affirmed that she functioned as a judge, which was allowed on the basis of a well-established rule that litigants can agree (*kabbalah*) to be judged by those normally forbidden from this position.¹⁷

¹⁶ This is the widespread understanding of *Yerushalmi Shevu'ot* 4:7 and *Bavli Shevu'ot* 30a, which was ultimately codified in halakhah, *Hoshen Mishpat* 7:4. See *Tosafot Niddah* 50a d.h. *kol* (cited by *Ritva Kiddushin* 35a d.h. *ve-ha* and *Rashba Bava Kamma* 15a d.h. *asher*) for a different opinion. Cf. *Kobelet Rabbah*, *Parasha* 2. *Tosafot Niddah* alternatively cites a position that Devorah was an entirely unique circumstance because she was chosen by God. Cf. *Tosafot Bava Kamma* 15a d.h. *asher*, *Tosafot Yevamot* 45b d.h. *keivan*, and *Radbaz Hilkhoh Melakhim* 1:5.

¹⁷ Normally, such acceptance of judges is done on an *ad hoc* basis. *Sefer Ha-Hinuch* (#87) however, posits the possibility that the communal leaders appointed Devorah to this position, firmly establishing her position as a judge, usually held for an indefinite time period. This would explain the duration of her service. The issue of indefinite or permanent *kabbalah* for judicial positions has greatly engaged *poskim* who sought to understand how the converts Shmaya and Avtalyon could be appointed *Nasi* and *Av Bet Din*. Rabbi Chaim Benvenisti, *Knesset Ha-Gedolah*, *Haghot Bet Yosef* CM 7:1, asserts that the *kabbalah* of all Klal Yisrael works to appoint a *ger* as *Av Bet Din* or *Nasi*. This position was challenged by Rabbi Yonatan Eybeschütz, *Tumim* CM 7:1, and Rabbi Yehezkel Landau, *Doresb Le-Zion* #3. Alternatively, Rabbi Yithak ben Asher (*Riv"u Al Ha-Torah*, *Parshat Mishpatim*, citing Rabbi Moshe of Coucy) and Rabbi Shimon Duran (Tashbetz, *Magen Avot* 1:10) assert that *gerim* are not *pasul* for such positions if they are the most qualified for the job. This might constitute a definitive exception to the *serarah* rule. (Cf. *Midrash Eliyahu Rabbah*, 10, d.h. *u-Devorah Ishah Neviah*, where the *midrash* notes that Devorah was chosen as the *shofetet* over Pinhas ben Elazar, and then further elaborates that all people—Jews and non-Jews, men and women, free-people and slaves—are blessed with the divine spirit according to the merits of their actions.) Alternatively, Rabbi Meir Dan Plotzki, *Hemdat Yisrael*, *mitzvah* 362, un-

Others, however, answered that while she could not function as an official judge, she could teach the relevant laws for the disputed case.¹⁸ The judges could then simply act on her halakhic wisdom. Yet many *rishonim*, including Ramban, Rashba, and Ritva, alternatively asserted that the term *shofetet* means that she served as a political authority.¹⁹ This was not prohibited to her under the terms of *serarah*, since the people decided to follow her authority.

In other words, the autonomous choice of people to accept in practice someone's authority, be it political or intellectual (and possibly judicial), precludes their power from constituting *serarah*. It is on this basis, for example, that a number of *poskim* in Israel have permitted women to hold office in the democratically-elected Knesset, despite the power of these positions. Similarly, many American rabbis have permitted women to be elected as presidents of their

derstands that their greater qualifications naturally led to their assumption of leadership roles, as opposed to a (forbidden) formal appointment. Rabbi Hayyim David Azulai (Hid"i), *Birkei Yosef* HM 7:6, while initially citing the opinion of the Knesset Ha-Gedolah, ultimately adopts the opinion of the Tashbetz and seems to conclude that *kabbalah* does not work for *gerim* to assume positions of *serarah*. He also mentions the alternative position, advocated by the Maharal (*Avot* 1:10), that Shmaya and Avtalyon were mere descendants of converts, but not actual *gerim*.

¹⁸ *Tosafot Niddah* 50a, *Hinuch* 87. On this notion, see *Hilkhos Dayanim im Halakhah Pesukah*, Machon Harry Fischel, p. 94-95, and Rabbi Joseph B. Soloveitchik, *Reshimat Shiurim: Shevu'ot-Nedarim*, ed. Rabbi H. Reichman, vol. II, p. 4.

¹⁹ Ramban *Shevu'ot* 30a d.h. *matni*, Rashba 30a d.h. *ve-lo nashim*, Ritva 30a d.h. *matni*. The latter source is particularly significant since he, like Rambam, explicitly states that the prohibition of *serarah* encompasses all communal positions, but contends that communal acceptance precludes this from being a *minui* of *serarah* and other *mesimot*. It appears that communal acceptance (*nohagin bah ke-din malkah* or *nohagin al pi-bah*) is seemingly differentiated by many *rishonim* with the *kabbalah* done in judiciary cases, which may be governed by different limitations, as noted above. Yet some *apharonim* seem to equate the two factors. It should be noted that Rabbi Ben-Zion Uzziel, *Shu"t Mishpatei Uziel*, vol. 4, HM #6 and others believed that even Rambam would allow women to fill positions when they have received communal acceptance. This interpretation, however, is far from universally accepted.

synagogues and schools.²⁰ Rabbis, who are almost universally elected and selected by their synagogues or schools, work under a limited employment contract, and do not inherit their office,²¹ are logically also covered by this license.

²⁰ The major reasons cited by the lenient *poskim* are one or many of the following factors traditionally found in the liberal democratic process: 1) the officer is elected by the public, 2) the power is either limited or shared with others, 3) the position is held for a limited time period, and 4) officers cannot automatically bequeath this power to their heirs. For different perspectives of these issues relating to *serarah*, see Rabbi J. David Bleich, "Women on Synagogue Boards," *Tradition* 15:4 (Spring 1976), (reprinted in his *Contemporary Halakhic Problems*, Vol 2, Ktav Publishing House, 1983, p.254-267) and more recently, Rabbi Aryeh Frimer, "Women in Communal Positions: Shul Presidents," *Text & Texture* (2 June 2010), <<http://text.rcarabbis.org/?p=931>>, which is an edited transcript of an oral presentation based on his Hebrew article, Aryeh A. Frimer, "*Nashim beTafkidim Tsiburiyyim beIdan haModerni*" in *Afikei Yehudah! Rabbi Yehuda Gershuni zt'l Memorial Volume*, ed. R. Itamar Warhaftig, Ariel Press: Jerusalem, 5765 (2005), pp. 330-354. These articles, of course, discuss positions shaped by many issues, and not just the concept of *serarah*. Additional discussion may be found in Prof. Menachem Elon, *Ma'amad Ha-Ishah*, Hakibbutz Hameuchad Publishing House (2005), pp. 51-100. See also Rabbi Dr. Ariel Pikard, "*Ma'amad Ha-Nokhri Be-Medinat Yisrael Be-Pesikat Rabbanei Ha-Tzionut Ha-Datit*," *Reshit* 1 (2009), p. 187-208, which discusses non-Jews filling positions of power within the State of Israel.

²¹ This point is significant, since in addition to its indefinite duration, one of the classic characterizations of positions of *serarah* is that it includes the rights to bequeath the position to inheritors (much like the monarchy). See Rambam *Hilkhhot Melakhim* 1:7, *Shu"t Hatam Sofer* OH 12-13, *Shu"t Avnei Nezer* 312, and the discussion in *Encyclopedia Talmudit*, "*Chezkat Serarah*" (vol. 14) p. 346-373. This was a historically accepted practice in many locales with regard to the rabbinate, even as it was highly disputed and certainly not universal. On this topic, see Rabbi Ephraim Weinberger, "*Yerushah Ba-Rabanut*" in *Ba-Tzomet Ha-Torah Ve-Hamedinah*, vol. 1 (Tzomet Institute) p. 294-300 (republished in his *Yad Ephraim, siman* 2). For a recent historical survey, including a detailed bibliography, see Shaul Stampfer, *Families, Rabbis, and Education: Traditional Jewish Society in Nineteenth-Century Eastern Europe*, Littman Library (2010), chapter 14. In such circumstances, rabbinic positions might indeed constitute *serarah*. However, in most communities today, there is no definitive inheritance right for children in rabbinic positions. See the position of R' Weinberg-

Of course, one might argue that if we rule like Rambam and furthermore do not adopt the concept of communal acceptance, then those limited by the strictures of *serarah* could not receive *semikhab* and serve in any rabbinic positions. This, however, is not the established practice, since very few, if any, yeshivot exclude male *gerim* from receiving *semikhab* and functioning as rabbis.²²

er, as well as *Arukh Ha-Shulhan* 245:29, who affirm the legitimacy of this practice. It should be further noted that the controversial historical practice of purchasing one's position from either the community or the previous rabbi is no longer practiced today, a factor that was also occasionally cited as contributing to a *serarah* position.

²² In the course of writing this essay, we spoke with a senior administrator at a universally respected yeshiva that regularly issues *yoreh yoreh yadin yadin semikhab*. He told us that his yeshiva planned to issue this distinguished *semikhab* to a student who was a *ger*, as a sign of his accomplishment in learning, even as he would be instructed that he could not serve as a *dayan*. He would, however, be allowed to serve in the shul rabbinate, a position which the yeshiva deemed not as *serarah*, but rather as "*avdus*" (servitude), because of the nature of the communal service and pressures. One historical precedent for such a stand may be found in Rabbi Yitzhak (ben Avraham) Graanboom (d. 1809), author of *Zera Yitzhak* (Amsterdam 1789) on *Pirkei Avot*. A convert, he served as a rabbi of multiple congregations in Amsterdam, and was for an interim period the Chief Rabbi of Amsterdam. See Dan Rabinowitz, "The Chief Rabbi of Amsterdam: A Jewish Convert," *The Seforim Blog* (6 Dec 2006), accessible at <<http://seforim.blogspot.com/2006/12/chief-rabbi-of-amsterdam-jewish-convert.html>>.

It is reasonable to argue that contemporary shul rabbis in modern America do not possess coercive powers over their congregants, who can easily leave the institution but cannot be easily barred from membership, at least by the rabbi alone, and whose behavior cannot be easily regulated. One European reader has noted to us that the lack of *serarah* in the American rabbinate—as indicated by both their lack of coercive powers as well as their partial subservience to the whims of the synagogue board—remains problematic, as rabbis do not feel sufficiently empowered or protected to perform their duties with dignity and integrity. Indeed, in certain cases, this lack of *serarah* can be harmful and even malicious, as evidenced by the 2010 RCA Convention resolution to assist pulpit rabbis in difficult employment situations. Nonetheless, we believe that even as the rabbinate is entitled to greater respect and discretionary power, this does not change the fact that the hiring, contract, and powers of rabbis are sub-

This is despite the fact that the full scope of *serarah* restrictions more definitively applies to them, and they cannot serve as *dayanim* or in rabbinic positions of compulsory authority.²³

This halakhic tradition seems to reflect the understanding that many rabbinic duties—with the definite exception of acting as a standing rabbinic court judge—do not constitute *serarah*. This is especially so in situations where rabbis are elected to that position and are subject to restraints of other governing bodies. As such, it remains unpersuasive to bar women, on the basis of the *serarah* ar-

ject to checks and balances imposed by the community. In any case, however one understands this specific rabbinic position, the larger issue of giving women *semikhah* and allowing them to fill some rabbinic positions remains the same.

²³ Even if one would understand a certain position to constitute *serarah*, such as a synagogue rabbi, that does not necessarily preclude a *ger* from serving, in function if not in title, in that position. See *Teshuvot Ve-Hanhagot* 3:305, where Rabbi Moshe Sternbuch, *shlit"z*, permits appointing someone else with the official title of shul rabbi, and letting a *ger* act in practice as the *posek*, even with a title of *moreh tzedek* or assistant rabbi. This goes beyond the statement of Rav Moshe Feinstein, who asserted that even according to those who believe a *kashrut mashgiach* is a position of *serarah* forbidden to women, a female could be a kashrut supervisor since the ultimate authority rested with the (male) head of the kashrut agency. Alternatively, Rabbi Eliezer Waldenberg, *Tzitz Eliezer* 19:47-8, suggests that even according to those who do not accept the concept of *kabalah* for positions of *serarah*, a *ger* could be included within a group of people serving in a certain position, if the community accepted his appointment to this committee. This would seem to be especially true if the person was deemed as the most qualified to serve in a certain position, which was cited by many *rishonim* and *poskim* as a mitigating factor to override the *serarah* limitations to *gerim*, as noted by Rabbi Waldenberg and others. In any case, everyone agrees that many positions currently filled by rabbis do not constitute *serarah*, and as such, *gerim* may receive *semikhah*. Parenthetically, we expect the number of *gerim* with *semikhah* will greatly increase in the coming generations, as many children will undergo Orthodox conversion because their mother originally did not receive a halakhic conversion.

gument alone, from receiving *semikbah*, when the long-time halakhic tradition has not applied that standard to *gerim*.²⁴

Indeed, it is worth noting that one position in the Jewish community which seems to contain some form of coercive powers is the one communal position that is most likely to be held by women: Head of School. A school principal has powers to discipline students and hire and fire staff, amongst their other duties of determining curriculum and shaping school policy. Nonetheless, our communities regularly hire women for these positions, and this is because the nature of their hiring, plus the checks and balances im-

²⁴ On this point, it is worthwhile to investigate the writings of Rabbi Moshe Feinstein with regard to *serarah*. In his most thorough treatment on the topic, written about a widow who wanted to succeed her husband as a *mashgiah kashrut* (*Iggerot Moshe YD II:44*), Rav Moshe asserted that according to most *rishonim*, women are not excluded from most communal positions, in contrast with the position of Rambam. Rav Moshe, who makes clear that he would like to allow, if possible, the widow to receive this livelihood, then argues that we can construe the position to be permissible for all women, even according to Rambam, if she serves under a rabbinic kashrut administrator. In the next responsa (II:45), Rabbi Meir Amsel correctly noted that according to Rav Moshe's understanding of the *sugya*, the majority halakhic position would allow women to serve as Israel's prime minister or as a shul president. Rav Moshe affirmed that this was the case, but asserted that we do not have to worry about such a proposition, since *frum* people under the guidance of a rabbi would not act accordingly, and would rule like Rambam. He then asserts that we should follow Rambam, unless there is some case of need (such as with the widow). In other words, Rav Moshe understood that according to the majority of *rishonim*, *serarah* would not prohibit a woman from acting in a communal position, but that we should not *pasken* like this position unless there was such a need (as in the case of a widow, or if the alternative candidates for a communal position were less observant or supportive of religious tenets). In his next *teshuva* on *serarah*, with regard to appointing a *ger* to the position of Rosh Yeshiva (*Iggerot Moshe 4:26*), Rav Moshe stated that there was a need to be *mekil* in light of the *mitzvah* of *ve-ahavtem et ha-ger*. It seems clear that Rav Moshe believes that *serarah* alone is not an insurmountable problem should there be a perceived need for women (or converts) to fulfill such positions. Of course, all things being equal, Rav Moshe clearly believed that women should not fill such positions, presumably for other reasons mentioned in this paper.

posed upon them by their boards, prevents this position from constituting *serarah*.²⁵ As such, we believe that a compelling case can be made that the halakhic principle of *serarah* alone does not preclude women from receiving *semikhah* and fulfilling rabbinic roles practiced by rabbis in America today.

C. Concerns of Women as Decisors of Jewish Law and Modesty Matters

Two other technical questions remain. The first is "Can women issue decisions of Jewish law?" It seems clear from a number of halakhic sources that there is no limitation on women issuing decisions of Jewish law (*psak halakhah*) in matters for which they are sufficiently trained. This point, stated in both the *Sefer Ha-Hinukh* (77, 152) and *Minhat Hinukh* (78:9), is also implied in many of the sources (cited above) regarding Devorah. This remains the clear ruling in recent halakhic compendiums, from rabbinic works like *Encyclopedia Talmudit* (vol. 8, p. 494), *Hilkhhot Dayanim im Halakhah Pesukah* (7:4, p. 95) and Dayan Masud Elchadad's *Minhat Asher* (*Hoshen Mishpat*, vol. 1, p.14) to halakhic handbooks such as Rabbi David Auerbach's *Halikhot Beitah* (28:8). Of course, if we want to have such women, we will need to train them, but that is exactly the issue at hand. Normative halakhah allows a woman who is competent in Jewish law to issue decisions on matters of halakhah.²⁶

In their role as communal leaders, teachers, and *ba'alot hora'ah*, women will almost inevitably be found in the public limelight. In general, the virtue of *tzni'ut* (modesty) encompasses a significant

²⁵ This point is made explicitly by Rabbi Aryeh Leib Grosnass, *Shu"t Lev Aryeh* 2:21. Rabbi Moshe Feinstein, as noted above, similarly contends that a *ger* can serve as a Rosh Yeshiva because their administrative powers do not constitute *serarah*.

²⁶ We think it is not insignificant that in the rare historic circumstances when women did achieve the requisite level of knowledge or expertise in halakhah, they did engage in halakhic discourse. See, for example, the sources cited in *Halikhot Bat Yisrael* 9:7. See also Shlomo Ashkenazi, *Nashim Lomdaniyot: Sekirah Historit* and Shoshana Pantel Zolty, 'And Your Children Shall Be Learned': *Women and The Study of Torah in Jewish Law and History*, Jason Aronson Press, 1993.

element to many laws, and our community must vigilantly maintain this value. Many of these laws are objective and timeless, applicable in any era or context. Yet it is important to note that some matters of *tzni'ut* remain subject to time and context, as attested to by the *gemara* and confirmed in *Tosafot*, *Pithei Teshuvah*, and many other sources.²⁷ In broader society, women regularly work with men, and serve as professors, lawyers, doctors, and other professionals with highly public roles, and this is not seen as immodest behavior. In Orthodox communities in which women work in these jobs, it seems inconsistent to contend that women cannot fulfill such roles in the context of serving the community.²⁸ This is particularly true within the non-Hasidic community, where, for example, many regularly address the OU and RCA conventions while others give *shiurim* and lectures in many synagogues. Of course, in communities where women are not allowed to hold such jobs, such communal behavior might be deemed inappropriate or forbidden.²⁹

²⁷ *Tosafot Kiddushin* 81a d.h. *hakol le-shem shamayim*, *Pithei Teshuva* EH 21:3. For example, in the early 20th century, *poskim* debated the right of women to vote, with many arguing that it was immodest. Today, all *poskim* permit it and recognize it as perfectly appropriate behavior. Similarly, women regularly serve as school teachers, even though this position is explicitly prohibited to them in the *Shulhan Arukh* (YD 245:21), lest it lead to inappropriate interaction with their students' fathers. For other examples of this larger phenomenon, see *Tzitz Eliezer* 9:50 and *Yabia Omer* OH 6:13.

²⁸ A similar point was already made by Rabbi Yitzchak Herzog in *Tepukah le-Yisrael al-pi ha-Torah*, vol. 1, p. 98-99 and Rabbi Ben-Zion Uziel, *Mishpatei Uziel* 4 CH 6 d.h. *ha-halakhah ve-ha-musariyut*. Some have further contended that it might be more appropriate for fellow women to address certain halakhic and pastoral questions relating to women, such as the area of *Hilkhos Niddah*.

²⁹ One reader of an earlier draft contended that it would be inappropriate for women to hold rabbinic positions because they would not receive the requisite respect required for the office. As codified in Rambam *Hilkhos Melakhim* 1:6, this was a reason why people who had occupied socially-denigrated positions (such as a barber, tanner, or bathhouse caretaker) could not become king. (Indeed, *Arukh Ha-Shulhan He-Atid*, *Hilkhos Melakhim* 71:9 cites Rambam's position and suggests that the prohibition of

III. Meta-Halakhic Considerations

We believe that the technical halakhic questions regarding women rabbis remain debatable, but that ultimately a reasonable case can be made that it is not forbidden to issue qualified women *semikhah* and let them perform many rabbinic functions. Yet this does not necessarily make it appropriate or advisable in the current context. As with all cases of changes in normative halakhic practice, one needs to weigh and address other meta-halakhic or non-halakhic issues. This calculation plays a central role in determining whether we should deviate from traditional practice and begin to ordain women.

A. Some Thoughts on the Mesorah

Many have invoked "mesorah" or traditional practice to explain why ordaining women is prohibited. While we agree that ordaining women as rabbis would certainly be a profound departure from the traditional practice, it is important to delineate the different definitions and roles the concept of *mesorah* plays within halakhah.

In one sense, *mesorah* refers to specific halakhic traditions relating to subject matters which, by their nature, were difficult to codify in words. Examples of such phenomena include the *trop* (musical notes) for Torah reading or the identity of kosher birds. A *mesorah* remains necessary in these cases to transmit the relevant laws. In such cases, these traditional practices become binding, absent some contrary halakhic argument.

Another example of such a phenomenon applies to cases in which a certain position has taken root in practice, even as the technical halakhah might point in a different direction. Under some circumstances, for example, the community might follow a *mesorah* to practice leniently on a given matter, even as many halakhic

serarah for *gerim* and women was to ensure that the position of king receives the greatest of respect.) This assessment, based on sociology and not sources, would seemingly lead to the conclusion that the positions of Israeli Prime Minister or Chief Justice, British Prime Minister, or United States Secretary of State, have become lessened in the public's eyes because they are or were held by women. We believe this to be incorrect, and do not see why genuinely qualified women would garner less respect or tarnish the stature of the rabbinate.

sources might rule stringently. At other times, contemporary practice might refrain from performing certain behaviors, even as the sources explicitly permit them.

A well-known example of the latter phenomenon (because it is found within the first paragraph of *Yoreh De'ah*) includes women serving as ritual slaughterers (*shohetot*). The mishna explicitly permits women to slaughter animals, a position which is codified by Rabbi Yosef Karo in *Shulhan Arukh* (YD 1:1), against those medieval authorities who claimed that women should not perform this function for ancillary reasons (such as concerns for fainting). The Rama, however, following the position of the Agur, contends that we do not allow women shohetot, since this has become the common practice. The logic of this position—that which we have not seen should not be done—is disputed by Rabbi Yosef Karo in his Bet Yosef, who contended that the fact that something has not yet occurred does not imply any impropriety in doing it. Accordingly, a contemporary practice to refrain from a certain action only becomes authoritative if we have a *mesorah* that *poskim* specifically addressed this question and forbid the behavior.

Shakh (YD 1:1 and HM 37:38), however, defends Rama, and citing a *teshuvah* of the Maharik, contends that we do not need a *mesorah* of a prohibitive *psak* to assert that the absence of certain behavior proves that this was halakhically-required abstinence. We do, however, require it to be the type of question which would have regularly arisen, for if it would have been a permitted behavior, then someone would have acted accordingly on some occasion.³⁰ Since the need for meat arises regularly, and the laws of shehittah (in those times) were a matter of day-to-day practice, Shakh contends that we would have seen women slaughterers had they been allowed to fulfill that function. Regarding the dispute on the different defi-

³⁰ See *Mahatzit Ha-Shekel* to Shakh YD 1:1 who confirms this straightforward reading of the Shakh. In the case of *shehittah*, one presumes that the reason to prohibit women from slaughtering stemmed from ancillary concerns, such as concerns for fainting, an issue raised in numerous halakhic sources. Parenthetically, it appears that in a few Sephardic communities, women continued to serve as slaughterers. See, for example, Rabbi Hayim David Azulai (Hid"ah), *Birkei Yosef* YD 1:4.

nitions of *mesorah*, different *poskim* may take varying positions, with some siding with R' Yosef Karo and others following the Shakh.³¹

³¹ Rabbi Aryeh Frimer has suggested that Rabbi Joseph B. Soloveitchik, based on his explanation of this Rama in his *Yoreh De'ah shiurim*, as well as other rulings of his regarding women in leadership rules, would forbid women from serving as rabbis. See "The View of Rav Joseph B. Soloveitchik on the Ordination of Women," *Text & Texture* (26 June 2010), <<http://text.rcarabbis.org/?p=958>>. We think this view is insufficiently proven as the view of Rabbi Soloveitchik, for the following reasons: A) Firstly, it should be emphasized that the Rav made his statements regarding *minui kahal* in *iyyun shiurim*, based solely on Rambam, and never gave a specific *psak* regarding women as rabbis. B) Secondly, Rabbi Soloveitchik's well-known view, practiced *le-ma'aseh*, was to give *semikbah* to converts, even as it has been reported that he felt they should not take on synagogue pulpits. In other words, *semikbah* can be given to someone, even if the proscriptions of *serarah* may limit their rabbinic activities. C) Rabbi Frimer's conjecture is partly based on a statement of Rabbi Soloveitchik in his *Yoreh De'ah shiurim* which suggested that women were excluded from communal positions beyond those prohibited to *gerim*. This remains counter-intuitive, however, since for many rishonim like the *Sefer Ha-Hinuch*, the exclusion of *gerim* from positions of *serarah* is more definitive than it is for women, as noted above, and further remains inconclusive in the writings of Rambam, who in fact seems to understand the proscriptions regarding a woman to derive from the more explicit Biblical statements regarding a *ger*. Of course, the Rav was speaking in an *iyyun* context, exclusively using Rambam to explain a difficult Rama, and was not specifically asked *le-ma'aseh* if women could receive *semikbah* or work in rabbinic positions. D) It further remains possible that Rabbi Soloveitchik could have permitted women to receive *semikbah*, and not function as synagogue rabbis, a view that Rabbi Frimer simply dismisses, even as it was exactly the view of the Rav with regard to converts. E) Furthermore, in a statement in *Hamesh Derashot* p. 122 fn. 9 (a source not cited by Rabbi Frimer), the Rav distinguishes the appointment of a shul rabbi from the selection of a member of a Sanhedrin or *bet din*. The latter—classic beholders of *serarah* positions—are chosen by a limited group and specialize in *hora'ah*, *din*, and *harbatzat Torah*. The former, however, also serve as a communal leader and representative—a *parnas*—and therefore requires the consent of the entire community, based on R' Yitzhak's statement in *Berakhot* 55a. (Cf. *Nefesh Ha-Rav*, ed. Rabbi Herschel Schachter, p. 267, where the Rav is quoted as telling an embattled shul rabbi that he is not entitled to his position if the community does not

Be that as it may, we believe this dispute is not germane to our question for two important reasons. Firstly, even according to Shakh, the belief that contemporary practice proves halakhic propriety only applies to cases in which an issue would have regularly arisen, and therefore the abstinence from such behavior proves that *poskim* believed it was prohibited. Given the lack of formal education for women, the question of women rabbis, quite simply, did not arise on a regular basis. There is no basis for a *mesorah* which would assert that women were regularly qualified to serve as rabbis, but did not do so for some halakhic reason. This seems to be proven by the fact that in the vast literature written from the fourteenth century onward regarding the nature of *semikhab*, the issue of women *musmakhot* simply does not arise, even as they do discuss the propriety of ordaining a qualified minor. As such, we do not find it compelling to claim that women cannot receive *semikhab* or serve as rabbis based on this notion of *mesorah*.

want his services.) This might indicate that the Rav understood that even though the rabbinate constitutes a *parnas*, it has imposed upon it certain limitations that prevent it from becoming a *serarah* position. The statement in *Hamesh Derashot* might derive from a well-trodden position in rabbinic literature that the rabbinate represents *keter Torah* and cannot constitute lordship. See, for example, *Shu"t Hatam Sofer OH 12*, where he posits the right to *yerushah* could exist in many communal positions like a *sofer* or a *shoter*, but not in positions of *kedushah*. For further sources, see *Encyclopedia Talmudit*, "Hezkat Serarah," cited earlier, and the sources cited on p. 542 of the source index to the Frankel edition of Rambam's *Hilkhot Melakhim 1:7 d.h. marbitz Torah*. Hence, it remains possible that the prohibition of *serarah* might exclude a woman from serving as a synagogue president but not as its rabbi. (This, parenthetically, was reported to us as to have been the view of Rav Ahron Soloveichik, who believed that a shul president constituted *serarah*, but a shul rabbi did not. We were told that he felt this way because contemporary *shul* presidents possess greater discretionary power than the rabbi.)

In any case, as Rabbi Frimer notes, other *poskim* certainly may (and did) disagree with the Rav's positions on each particular matter. In fact, many of the Rav's most devoted students have departed from his *psak* regarding women as shul presidents, because they understand the relevant sources, and the described position and social context, differently today.

Secondly, as a general rule, contemporary needs will trump this notion of *mesorah* in cases when no technical issue prohibits engaging in a certain behavior. There is no doubt that certain practices remain immutable within Orthodox Jewish law. For example, neither a great rabbi nor a panel of great rabbis could announce, "Given the needs of the time, pork now becomes permanently kosher," or, "From now on, Shabbat will be observed on Sunday." That authority is simply not present in Orthodox Jewish law. Such is not the case with practices established by tradition alone. When the Orthodox community, its leaders, and its *poskim* feel that circumstances have changed and that the needs of a time are such, any practice that is permitted as a matter of technical Jewish law receives halakhic mandate, even if it has never been done within the Orthodox community.³² That is exactly what occurred a century ago with the expansion of women's Torah education. It is precisely this innovation that has led to the new possibility of female clergy and provides an appropriate conceptual framework to understand the relevant meta-halakhic issues.

³² In this regard, see *Shu"t Noda Be-Yehudah Tanina* OH 18 (R' Yehezkel Landau on 12 windows in a shul) and *Shu"t Orakh Mishpat*, OH 112 (R' Abraham Isaac Kook on the consumption of sesame oil on Pesach), who affirm that matters which have not been traditionally practiced, but are *mutar* according to law, are absolutely permissible once deemed necessary. This point, which we believe is readily apparent to all students of halakhah, is made by Professor Eliav Shochetman in his trenchant critique of women's *aliyot*. He notes that as opposed to the latter case, in which there is an explicit prohibition listed in the *gemara* and *poskim*, many other recent innovations in female ritual practice, such as bat mitzvah celebrations, received the approbation of many *poskim* precisely because they felt there was no technical *assur* and that such innovation was mandated, even as it went against traditional practice. See Eliav Shochetman, "Aliyot Nashim La-Torah," *Sinai* 135-136 (5765), p. 338-343. This section of the article was unfortunately not included within its recent translation in the book, *Women and Men in Communal Prayer: Halakhic Perspectives*, ed. Chaim Trachtman, Ktav Publishing House, 2010.

B. Continued Changes in Talmud Torah for Women

Rabbi Yisrael Meir Kagan, the Hafetz Hayyim, felt very strongly that the tradition (*mesorah*) of not teaching women Torah from texts had to change.³³ Based on this premise, *poskim* debated throughout the 20th century what this study should entail, and in particular, if it should encompass intense study of *Torah she-Be'al Peh*. Some believed that women's education must include Talmud study, others limited this to the intellectual elite, while others discouraged this study and some prohibited it. The question of what changes should be made, and at what rate, remains an open conversation, and therefore women learning torah on a serious level is certainly far from a universal practice. As with other hotly-debated issues, holders of the various positions remain members of the broader Orthodox community. Different communities adopt diverse models, each with its own strengths and weaknesses.

The pressing question today is whether to retain the status quo, or if women who have received intense Talmudic training should have new outlets to utilize their knowledge and skills. This

³³ As he explicitly notes in his *Likutei Halakhot*, *Sotah* 20b (emphasis added): It seems that all of this [prohibition against women learning Torah] applies only to times past when all daughters lived in their fathers' home and tradition was very strong, assuring that children would pursue their parents' path, as it says, "Ask your father and he shall tell you." On that basis we could claim that a daughter needn't learn Torah but merely rely on proper parental guidance. But nowadays, in our iniquity, as parental tradition has been seriously weakened and women, moreover, regularly study secular subjects, it is certainly a great mitzvah to teach them *Humash*, Prophets and Writings, and rabbinic ethics, such as *Pirkei Avot*, *Menorat Hamaor*, and the like, so as to validate our sacred belief; otherwise they may stray totally from God's path and transgress the basic tenets of religion, God forbid.

The *Hafetz Hayyim* recognized that a change in the way women are educated is needed when confronting modernity. Indeed, simply contrast the above statement with Rabbi Yehiel M. Epstein's observation (*Arukh Ha-Shulhan* YD 246:19) in the 1880s, "Since the beginning of time, we have the practice not to teach women from a book, and we never heard of such a practice. Rather, for the laws that one needs to know, a woman teaches her daughter or daughter-in-law."

represents a natural question within our heritage that believes in *lilmod u-le-lamed*, to learn and to teach. Moreover, one must ponder whether the community could benefit from the additional resources afforded by a cadre of learned and talented women. These are important questions to ask, and as we attempt to keep Torah meaningful in the contemporary context, we must act with great forethought, acknowledging that any changes in the *mesorah* must develop carefully.

To take root, these changes need to become accepted and validated by a significant spectrum of the community. In Israel, the recently-developed positions of *yoatzot halakhah* (advisers in *hilkhot niddah*) and *toanot rabbaniyot* (rabbinical court advocates), created with the endorsement of a series of *poskim* and *gedolim*, have achieved much initial success and growing acceptance. The former position has now been introduced into the American Orthodox community, while other synagogues begin to experiment with female community scholars. In this early stage, the concept of women rabbis has certainly not received broad acceptance, and any further developments should only evolve after continued dialogue with *poskim*, rabbinic and lay leaders, and the community of learned women.

C. Slow and Careful Changes Take Root over Time

Second, the nuanced hesitations expressed by Rabbi Norman Lamm, *shlit"z*, requires serious thought. He states:

There are certain things that are acceptable only in the long run. I approve of the idea of increasing the role of women in religious life and think it is an important one... Just imagine: we have taken women who have good brains, good characters, and good personalities and devoted their lives to Hitler's 3 K's: *Kinder* (children), *Küche* (kitchen), and *Kirche* (church)! Women are not just good for these three things. There are enough individual cases that are exceptions to allow you to learn *min ha-perat el ha-kelal* (from the specific case to the general category). It is just not true that they cannot think straight—they can. We have crooked ideas if we think otherwise.

At the same time, things have to be done gradually. To have a woman learn Gemara a generation or two ago like women learn Gemara today would have been too revolutionary. But with time, things change; time answers a lot of questions, erodes discomfort, and helps. So my answer, when I was asked by a reporter about what I think about women rabbis, was, basically: "It's going too fast." I did not say it was wrong, I did not say it was right. It just has not paced itself properly. I was criticized, of course. People asked, "You mean that *al pi din* they're allowed to become rabbis?" My response: "I don't know—are you sure they're not allowed to?"³⁴

We should take note of Rabbi Lamm's reservations and hesitations regarding the future and recognize that the pace of change is central to achieving a positive outcome, whatever that might be. His nuanced formulation addresses well the question of change in *minhag Yisrael*. *Minhag Yisrael* does evolve over time, and it certainly has changed considerably in the last century with regard to women's general and religious education. Slow and careful change facilitates greater insight, feedback, and development, and could be a good motto for Orthodoxy in this area.³⁵

D. Practical Issues that Must be Resolved

One element of this process would entail contemplating whether the many complex practical issues associated with women rabbis

³⁴ Interview with Rabbi Dr. Norman Lamm, *YU Commentator*, Feb 12, 2010. It can be read at: <<http://www.yucommentator.com/kol-hamevaser/an-interview-with-rabbi-dr-norman-lamm-1.1127268>>. To a certain extent, a similar sentiment was expressed in the early 1950s by Rabbi Yehiel Yaakov Weinberg, *Seridei Esh* 1:139 (new edition), on the topic of women's suffrage and rights to serve as elected communal officials. After very briefly noting the different halakhic arguments, he refrains from taking a stand, contending that 1) time will determine the matter, and 2) that the halakhic argumentation is secondary to "deeper" issues at stake.

³⁵ In this regard, let us share a witticism of one of our teachers: "Change in Orthodoxy is a lot like orthodontics. To move teeth, you have to apply small amounts of pressure over great periods of time. Lots of pressure over small periods of time do not move teeth but break them. So too with the Orthodox community. Slow change produces positive developments, while large movements break us apart."

remain resolvable—and if the potential solutions are worthwhile steps. Even if one were to basically agree that as a matter of technical halakhah, women can serve as rabbis—in the sense that they may teach Torah in various settings, provide guidance on Jewish theology to individuals and groups, perform certain roles of emotional and pastoral care, answer questions of Jewish law on many matters which they are trained, and, from these tasks, ultimately function as communal figures and leaders—certain practical issues must be addressed. Many rabbinic job descriptions entail serving in functions prohibited to women as a matter of Jewish law, including being the *hazzan* or *ba'al kore*, serving on a bet din, and many other matters. A great deal of clarification as to what a rabbi is empowered to do by their *semikhab*, and expected to do in a given position, would be needed before women rabbis could be considered.³⁶ Of course, the most important practical change needed to even consider the possibility of women rabbis is the creation of women's seminaries that focus intensely on providing a top-flight multi-year talmud and halakhah curriculum. Most rabbis in training learn in yeshiva for the better part of a decade nearly full-time before *semikhab*, and there is no program like that for women anywhere in the world now. Indeed, we recognize that it took women nearly a century to climb to the top echelons of American law (a discipline less broad or complex than halakhah) and the same long journey is likely present here as well. On the other hand, long journeys start with small steps.

To prevent confusion and mishaps that will lead to violations of halakhah, the exact delineations of these roles would require understanding within both scholarly circles and the broader public.³⁷ This

³⁶ Another issue to be examined is how the issues of *serarah* and authority differ in various communities with different rabbinic organizational structures, such as England, continental Europe, the United States and Israel. While the power of *kabbalah*, as well as internal checks and balances of power, may be able to surmount all of these issues, they nonetheless must be fully explored.

³⁷ For example, it would need to be clear that despite the fact that the rabbi is the tenth person in the room, she cannot make the *minyan*, or serve as the *hazzan* despite the fact that others in the room have inferior Hebrew skills. While these halakhot remain obvious in today's environment, they might become sociologically awkward (and therefore liable to violation)

is not easily or quickly achieved. Toward this goal, we might need different titles and ordinations for men and women clergy. In England, for example, different members of the Orthodox rabbinate go by distinctly different titles, reflecting different roles, functions and rights: Reverend, Minister, Rabbi, and Dayan. This model may be worthy of being adapted for these issues and adopted in different locales.

E. Non-Orthodox Movements?

Others add another cautionary factor into this calculus. Given the broader phenomenon of non-halakhic egalitarianism with liberal Judaism, the introduction of women as rabbis might appear as a concession to non-Orthodox movements. As such, they claim, we ought to prohibit this development, even if in a different cultural context it would be permissible.

This very real world calculus—focusing not on the halakhic reality, but rather on the perception of reality—is important to consider. If one were to decide to employ this reasoning, of course, it would be important to recognize and stress that the underlying activity is not really prohibited, and that the ruling serves as a prophylactic tool to address the needs of the generation. Otherwise, we would run the risk of distorting the halakhic tradition for polemical purposes.

In the end, however, we do not think this concern should play the deciding role for three reasons. First and foremost, as a general principle, we believe that the spiritual needs of women and the attempt to resolve these types of issues should trump fears of sectarian triumphalism. As Rabbi Aharon Lichtenstein *shlit"a* has recently argued, with his characteristic wisdom:

when the woman is the congregation's spiritual leader. Indeed, it was this consideration that led the *Hatam Sofer*, cited above, to forbid giving *semikhah* to anyone not eligible to perform all duties of Sanhedrin members. While some rabbis play a less fundamental role in performing these functions, there remains no question that many regularly perform such rituals and all are expected to be able to do so. As such, the halakhic parameters and communal expectations would have to be greatly clarified to prevent halakhic violations.

Serious and responsible *poskim*, impeccably committed and with catholicity of Torah knowledge, should, I believe, give greater weight than in recent generations has been assigned, to the dispensation of *la'asot nahat ruah lenashim*³⁸ cited in the Gemara and in *Shulhan Arukh* as the basis for permitting what might otherwise have been proscribed.

Second, this is especially true in our case, since we are uncertain if the issue of ordaining women stems from non-Orthodox origins. It is quite reasonable, as Rabbi Lamm observed, this is simply a logical conclusion of the policy supporting women's immersion in Talmud study. Many pious Orthodox women, fully dedicated to halakhah, genuinely desire to use their knowledge toward serving the community. As a general rule, we should not thwart the genuine religious desires of some simply because others may have nebulous motivations for a similar goal.

Moreover, we believe that the threat of sectarian triumphalism with regard to halakhic matters has greatly abated. In early generations, one might have plausibly worried that different changes could be perceived as acceptance of the claims of non-Orthodox movements. That applied in eras when Orthodoxy was embattled, and the non-Orthodox movements tried to justify themselves through halakhic discourse. Today, even as it continues to face significant challenges and dilemmas, Orthodoxy is thriving, and the non-Orthodox movements are no longer perceived as competing or threatening alternative halakhic societies. As such, our community will understand that changes made with some form of consensus of the Orthodox community and its *poskim* represent genuine and legitimate halakhic activity.

We do believe, however, that within the more liberal segments of Orthodoxy today, there exists a nascent movement to try to push the envelope toward greater egalitarianism in the prayer setting and create halakhic change in other areas, with or without rabbinic approbation. In recent years, this sector has published articles to justify, and sometimes implemented in practice, amongst other proposals: women's *aliyot*; the allowance for unmarried women to

³⁸ *Hagigah* 16b. Loosely translated, "To give spiritual satisfaction to women."

go to the *mikveh*; the unjustified nullification of marriages without a *get*; and the abolishment of the seven "clean days" of *niddah*. While each of these cases adopts various degrees of radicalism and halakhic plausibility, they all reflect frustration with, and occasionally animosity toward, traditional halakhic norms and contemporary rabbinic leadership, and they have the potential to recklessly break the bonds of Orthodoxy.

The appropriate response to this phenomenon, however, is not to launch polemical halakhic rejoinders or to engage in overly sensationalistic rhetoric. Defensive, reactionary responses, lacking both direction and nuance, will only inflame the situation. Rather, we must display responsible halakhic leadership by openly tackling each issue, separately and transparently, with care to distinguish and address technical halakhic arguments and meta-halakhic considerations. This process maintains halakhic integrity without compromising traditional values, and is the only way that we can address contemporary needs while maintaining full fidelity to the Torah and the mesorah.

F. The Breakdown of Gender Distinctions within Judaism

Others have expressed concern that the ordination of women will lead to the breakdown of all gender distinctions found within the Torah, halakhah and the *mesorah*. This has been raised by a number of people who are generally sympathetic to other developments regarding the role of women in halakhic ritual and Jewish public life.³⁹

³⁹ In the above cited interview, Rabbi Lamm expressed a general sketch of this concern. He stated,

"Do I think having women rabbis is a good thing? I do not know. I am, however, concerned that, before long, we will find ourselves overly feminized, and I would not want to see that happen. Women will begin complaining about why they cannot be *Kohanim* and *dukhan*. I can name 100 different *halakhot* that just do not work with women—for instance, a woman cannot be an *ed kiddushin* (a witness for betrothal)... When it comes down to it, I am a believer that there are differences between men and women that should be reflected in halakhic practice."

If we understand this concern correctly, we may break it down into halakhic and sociological considerations. The halakhic argument, it would seem, fears a slippery-slope situation, in which the ordination of Orthodox women rabbis leads to a barrage of other changes not mandated by halakhah, all in the name of egalitarianism. We definitively oppose such a non-halakhic movement, and believe that anyone who would advocate such an agenda will find themselves excluded from the community of those committed to halakhah.

Each halakhic issue should be individually and appropriately addressed. Sometimes changes are permissible and a good idea, other times they remain *assur*, and many proposals fall into a grey area.⁴⁰ One should not simply address all issues relating to women under the heading of "*Hilkhot Feminism*" (in a positive or negative sense).

See also the remarks of Rabbi Gidon Rothstein in two essays on *Text & Texture*: "Women and the Splitting of Modern Orthodoxy: Confronting the Underlying Issues" <<http://text.rcarabbis.org/?p=769>> and "The Component Issues of a Traditional Jewish Womanhood" <<http://text.rcarabbis.org/?p=804>>.

Indeed, many have understood the entire notion of *serarah* as stemming from the need to differentiate roles between men and women. See, however, the contrary position of Rabbi Hayyim David Halevi, *Tehumin* 10, p. 121, who states that the law is a *gezerat ha-katurv*. He bases this on the position, adopted by Rabbi Yehezkel Landau, *Noda Be-Yehuda Kamma*, *HM* 1 and pondered by *Minhat Hinuch* 497:2, that *serarah* only prohibits the action of a formal anointment (*hakhtarah*), but not their assumption of powers by inheritance. Since a woman might be able to inherit a position, but not receive the initial formal appointment, gender differentiation seems an insufficient explanation for the law. (The position that women may inherit *serarah* is explicitly rejected by Rabbi Yechiel M. Tu-chizinsky, *Ha-Ishah Al-Pi Torat Yisrael*, p. 50-51. For further sources on the inheritance of women to *serarah* positions, see p. 540 of the source index to the Frankel edition of Rambam's *Hilkhot Melakhim* 1:5.)

⁴⁰ For example, something might be technically *mutar* but a bad idea for other reasons. Alternatively, one might make a plausible halakhic argument for a change, but the contrary read of the sources remains more compelling. Likewise, something might only have the support of a *da'at yachid* in the sources, but *gedolei Yisrael* might believe that the times dictate following this opinion. All of these models, well established within the history of halakhah, apply to all realms of halakhic discourse.

The ordination of women certainly is not the first issue that has been raised regarding the role of women in the last century, nor will it be the last. Yet as long as we remain within the framework of the established halakhic process, led by our *poskim* in consultation with our rabbinic and lay leadership, we believe that this will prevent the distortion of halakhah and the destruction of communal unity.

Alternatively, some contend that on a sociological level, the ordination of women will lead to the distancing of men from the synagogue and communal leadership. The evidence for such a claim stems from recent studies of the non-Orthodox movements which find that as these movements adopt egalitarian norms and special programming aimed to attracting women, men have become less engaged in communal and religious life.⁴¹ It remains difficult to gauge the exact nature of this threat. It is important to note, however, that if we continue to work within the framework of the established halakhic process, we will not find ourselves anywhere close to the full-fledged non-halakhic egalitarianism advocated by non-Orthodox movements. We cannot imagine a situation in which gender distinctions will not forever remain with the Orthodox community. Moreover, while this issue may require caution and further thought, it should not prevent us from addressing the issues that already distance (for one reason or another) many women (and men) from an Orthodox halakhic lifestyle.

IV. Concluding Thoughts: A Path Forward

We believe that any requisite amount of consensus needed within Orthodoxy for ordaining women is far from being present. The law has thus not changed. Yet one of this article's central intellectual endeavors is to assert that when seeking to determine whether certain practices are timely or timeless, one must distinguish between the unchanged and the unchangeable.

⁴¹ See Sylvia Barack Fishman and Daniel Parmer, *Matrilineal Ascent / Patri-lineal Descent: The Gender Imbalance in American Jewish Life*, Hadassah-Brandeis Institute, 2008. The study is available online at <http://www.brandeis.edu/hbi/pubs/Gender_Monograph_5aug08_Complete.pdf>.

Especially if one follows the position of the Rama on *semikhab* found within his *teshuvot*, and Rambam's position on *serarab*, one may reasonably argue that women cannot serve as Orthodox rabbis because of technical halakhic argumentation. We believe, however, that a reasonable argument may be made that no technical halakhic issues prohibit Orthodox women from serving as rabbis, or at least receiving some other form of ordination as Orthodox clergy. Nonetheless, this halakhic question does not require immediate resolution. A host of others concerns—relating to *mesorah*, practical rabbinics, communal unity, and unpredictable sociological consequences—leads us to favoring slow and non-radical development on this issue as some form of consensus develops and emerges.

We have tried to present a framework for thinking about the halakhic and meta-halakhic issues involved in this issue, so that our community can try to develop some form of consensus on this issue over a period of time. This is the responsible approach on this matter, given the complexity of the total picture and the importance of the institution of the rabbinate to Orthodox life.

Some will not like this conclusion because they will maintain, "If this is plausibly *mutar* on a technical level, we should proceed at full speed." Others will not like it because it did not conclude, on whatever basis, that "Giving *semikhab* to women is categorically *assur*." Both approaches are not a proper vision of how Jewish law ought to work. Halakhah, like life, is frequently nuanced and complex, and is not always well encapsulated merely by words like *hayav* or *assur*.⁴² This is such a case, and it is important to strive to be wise, acting with foresight and vision, as well as insight and probity. Simple solutions to complex problems are always easy to find, but they are rarely correct.

The responsible handling of these issues will help ensure Orthodox unity even as we respect our diversity. We should not fall prey to the errors made in previous eras and allow our lack of

⁴² Hence, halakhic literature has phrases like "*ain ruah hakhamim noha ha-menu*" or "*mutar aval eino raui*" or "*reshut aval eino hayav*."

uniformity to become overly divisive. Orthodox women rabbis should not be a schism issue between the various groups within Orthodoxy. All the communities need to take small steps toward fulfilling their vision, and not giant steps that rip us apart as a broad community of people bonded by halakhah.⁴³ Over the last half-century the role of women within the halakhic community has vastly changed, and yet thankfully, all those committed to halakhah remain within the broader tent of Orthodoxy. Slow and steady movement is wise, as is civil discourse, coordinated interaction, and dialogue between all members of the Orthodox community.

Support for women learning gemara is wide and deep within a segment of the Orthodox community, deriving from the clear and direct leadership of Rabbi Joseph B. Soloveitchik, *zt"l*, as well as many other *gedolim* both in America and in Israel. We support this for the community that needs and wants it, and believe that women's (and men's) learning deserves even more communal encouragement and institutional support. Pious women involved in intense study should receive access to all realms of Torah knowledge by the best educators and *talmidei hakhamim*, and receive proper training to serve the community. Even without a rabbinic title, genuinely deserving women should receive appropriate *kavod ha-Torah*, and be included in all communal matters for which they are qualified to contribute, including those areas not related to "women's issues."

⁴³ Based on this, we believe the unprecedented decision to ordain a woman with the title rabba was justly criticized since it was not supported by a major halakhic authority, did not develop with appropriate communal coordination, and did not address the major issues raised by such a change. We further believe that it would have been much better—for the sake of the halakhic process as well as the long-term growth of women's participation in Torah and mitzvot—for the title to be forsaken for now by its sole user. The continued use of this title will only continue to serve as a distraction from the central issues that must be appropriately addressed regarding women's leadership roles. We believe that this could be rectified through a self-sacrificing action for the sake of communal unity, women's scholarship, and the halakhic process, following the model of Rabbi Yehoshua (*Rosh HaShanah* 25a).

Given that there does not appear a panel of Torah giants to endorse the immediate and far-reaching change of giving *semikhab* to women, those who support increasing women's leadership roles should return to the path of incremental development on which Orthodoxy has been traveling until recently. Women should sit and study for increasingly long periods of time, write serious scholarship in Torah, develop as inspiring spiritual personas, and lead torah institutions, in function if not in form. In short, they should build the Orthodox community brick by brick, and see what happens over time. The passage of time, as Rabbi Lamm observes, solves many problems. We endorse this approach. G

Unit 10

Human Sexuality

Laws of Yichud

Modern Halakhic Approaches to the Unconventional Family.
Boundaries of Integration

Judaism and the Modern Attitude to Homosexuality

1975

Norman Lamm

Popular wisdom has it that our society is wildly hedonistic, with the breakdown of family life, rampant immorality, and the world, led by the United States, in the throes of a sexual revolution. The impetus of this latest revolution is such that new ground is constantly being broken, while bold deviations barely noticed one year are glaringly more evident the year following and become the norm for the "younger generation" the year after that.

Some sex researchers accept this portrait of a steady deterioration in sex inhibitions and of increasing permissiveness. Opposed to them are the "debunkers" who hold that this view is mere fantasy and that, while there may have been a significant leap in verbal sophistication, there has probably been only a short hop in actual behavior. They point to statistics which confirm that now, as in Kinsey's day, there has been no reported increase in sexual frequencies along with the alleged de-inhibition in rhetoric and dress. The "sexual revolution" is, for them, largely a myth. Yet others maintain that there is in Western society a permanent revolution against moral standards, but that the form and style of the revolt keeps changing.

The determination of which view is correct will have to be left to the sociologists and statisticians—or, better, to historians of the future who will have the benefit of hindsight. But certain facts are quite clear. First, the complaint that moral restraints are crumbling has a two or three thousand year history in Jewish tradition and in the continuous history of Western civilization. Second, there has been a decided increase at least in the area of sexual attitudes, speech, and expectations, if not in practice. Third, such social and psychological phenomena must sooner or later beget changes in mores and conduct. And finally, it is indisputable that most current attitudes are profoundly at variance with the traditional Jewish views on sex and sex morality.

Of all the current sexual fashions, the one most notable for its militancy, and which most conspicuously requires illumination from the sources of Jewish tradition, is that of sexual deviancy. This refers primarily to homosexuality, male or female, along with a host of other phenomena such as transvestism and transsexualism. They all form part of the newly approved theory of the idiosyncratic character of sexuality. Homosexuals have demanded acceptance in society, and this demand has taken various forms—from a plea that they should not be liable to criminal prosecution, to a demand that they should not be subjected to social sanctions, and then to a strident assertion that they represent an "alternative life-style" no less legitimate than "straight" heterosexuality. The various forms of homosexual apologetics appear largely in contemporary literature and theater, as well as in the daily press. In the United States, "gay" activists have become increasingly and progressively more vocal and militant.

LEGAL POSITION

Homosexuals have, indeed, been suppressed by the law. For instance, the Emperor Valentinian, in 390 C.E., decreed that pederasty be punished by burning at the stake. The sixth-century Code of Justinian ordained that homosexuals be tortured, mutilated, paraded in public, and executed. A thousand years later, Gibbon said of the penalty the Code decreed that "pederasty became the crime of those to whom no crime could be imputed." In more modern times, however, the Napoleonic Code declared consensual homosexuality legal in France. A century ago, anti-homosexual laws were repealed in Belgium and Holland. In this century, Denmark, Sweden and Switzerland followed suit and, more recently, Czechoslovakia and England. The most severe laws in the West are found in the United States, where they come under the jurisdiction of the various states and are known by a variety of names, usually as "sodomy laws." Punishment may range from light fines to five or more years in prison (in some cases even life imprisonment), indeterminate detention in a mental hospital, and even to compulsory sterilization. Moreover, homosexuals

are, in various states, barred from the licensed professions, from many professional societies, from teaching, and from the civil service—to mention only a few of the sanctions encountered by the known homosexual.

More recently, a new leniency has been developing in the United States and elsewhere with regard to homosexuals. Thus, in 1969, the National Institute of Mental Health issued a majority report advocating that adult consensual homosexuality be declared legal. The American Civil Liberties Union concurred. Earlier, Illinois had done so in 1962, and in 1971 the state of Connecticut revised its laws accordingly. Yet despite the increasing legal and social tolerance of deviance, basic feelings toward homosexuals have not really changed. The most obvious example is France, where although legal restraints were abandoned over 150 years ago, the homosexual of today continues to live in shame and secrecy.

STATISTICS

Statistically, the proportion of homosexuals in society does not seem to have changed much since Professor Kinsey's day (his book, *Sexual Behavior in the Human Male*, was published in 1948, and his volume on the human female in 1953). Kinsey's studies revealed that hard-core male homosexuals constituted about 4-6% of the population: 10% experienced "problem" behavior during a part of their lives. One man out of three indulges in some form of homosexual behavior from puberty until his early twenties. The dimensions of the problem become quite overwhelming when it is realized that, according to these figures, of 200 million people in the United States some ten million will become or are predominant or exclusive homosexuals, and over 25 million will have at least a few years of significant homosexual experience.

THE NEW PERMISSIVENESS

The most dramatic change in our attitudes to homosexuality has taken place in the new mass adolescent subculture—the first such in history—where it is part of the whole new outlook on sexual restraints in general. It is here that the fashionable Sexual Left has had its greatest success on a wide scale, appealing especially to the rejection of Western traditions of sex roles and sex typing. A number of different streams feed into this ideological reservoir from which the new sympathy for homosexuality flows. *Freud and his disciples began the modern protest against traditional restraints, and blamed the guilt that follows transgression for the neuroses that plague man. Many psychoanalysts began to overemphasize the importance of sexuality in human life, and this ultimately gave birth to a kind of sexual messianism. Thus, in our own day Wilhelm *Reich identifies sexual energy as "vital energy *per se*" and, in conformity with his Marxist ideology, seeks to harmonize Marx and Freud. For Reich and his followers, the sexual revolution is a *machina ultima* for the whole Leninist liberation in all spheres of life and society. Rebellion against restrictive moral codes has become, for them, not merely a way to hedonism but a form of sexual mysticism: orgasm is seen not only as the pleasurable climactic release of internal sexual pressure, but as a means to individual creativity and insight as well as to the reconstruction and liberation of society. Finally, the emphasis on freedom and sexual autonomy derives from the Sartrean version of Kant's view of human autonomy.

It is in this atmosphere that pro-deviationist sentiments have proliferated, reaching into many strata of society. Significantly, religious groups have joined the sociologists and ideologists of deviance to affirm what has been called "man's birthright of unbounded ambisexuality." A number of Protestant churches in America, and an occasional Catholic clergyman, have pleaded for more sympathetic attitudes toward homosexuals. Following the new Christian permissiveness espoused in *Sex and Morality* (1966), the report of a working party of the British Council of Churches, a group of American Episcopalian clergymen in November 1967 concluded that homosexual acts ought not to be considered wrong *per se*. A homosexual relationship is, they implied, no different from a heterosexual marriage: but must be judged by one criterion—"whether it is intended to foster a permanent relation of love." Jewish apologists for deviationism have been prominent in the Gay Liberation movement and have not hesitated to advocate their position in American journals and in the press. Christian groups began to emerge which catered to a homosexual clientele, and Jews were not too far behind. This latest Jewish exemplification of the principle of *wie es sich christelt, so juedelt es sich* will be discussed at the end of this essay.

Homosexual militants are satisfied neither with a "mental health" approach nor with demanding civil rights. They are clear in insisting on society's recognition of sexual deviance as an "alternative life-style," morally legitimate and socially acceptable.

Such are the basic facts and theories of the current advocacy of sexual deviance. What is the classical Jewish attitude to sodomy, and what suggestions may be made to develop a Jewish approach to the complex problem of the homosexual in contemporary society?

BIBLICAL VIEW

The Bible prohibits homosexual intercourse and labels it an abomination: "Thou shalt not lie with a man as one lies with a woman: it is an abomination" (Lev. 18:22). Capital punishment is ordained for both transgressors in Lev. 20:13. In the first passage, sodomy is linked with buggery, and in the second with incest and buggery. (There is considerable terminological confusion with regard to these words. We shall here use "sodomy" as a synonym for homosexuality and "buggery" for sexual relations with animals.)

The city of *Sodom had the questionable honor of lending its name to homosexuality because of the notorious attempt at homosexual rape, when the entire population—"both young and old, all the people from every quarter"—surrounded the home of Lot, the nephew of Abraham, and demanded that he surrender his guests to them "that we may know them" (Gen. 19:5). The decimation of the tribe of Benjamin resulted from the notorious incident, recorded in Judges 19, of a group of Benjamites in Gibeah who sought to commit homosexual rape.

Scholars have identified the *kadesh* proscribed by the Torah (Deut. 23:18) as a ritual male homosexual prostitute. This form of heathen cult penetrated Judea from the Canaanite surroundings in the period of the early monarchy. So *Rehoboam, probably under the influence of his Ammonite mother, tolerated this cultic sodomy during his reign (I Kings 14:24). His grandson *Asa tried to cleanse the Temple in Jerusalem of the practice (I Kings 15:12), as did his great-grandson *Jehoshaphat. But it was not until the days of *Josiah and the vigorous reforms he introduced that the *kadesh* was finally removed from the Temple and the land (II Kings 23:7). The Talmud too (Sanh. 24b) holds that the *kadesh* was a homosexual functionary. (However, it is possible that the term also alludes to a heterosexual male prostitute. Thus, in II Kings 23:7, women are described as weaving garments for the idols in the *batei ha-kedeshim* [houses of the *kadesh*]; the presence of women may imply that the *kadesh* was not necessarily homosexual. The talmudic opinion identifying the *kadesh* as a homosexual prostitute may be only an *asmakhta*. Moreover, there are other opinions in talmudic literature as to the meaning of the verse: see Onkelos, Lev. 23:18, and Nahmanides and *Torah Temimah*, *ad loc.*)

TALMUDIC APPROACH

Rabbinic exegesis of the Bible finds several other homosexual references in the scriptural narratives. The generation of *Noah was condemned to eradication by the Flood because they had sunk so low morally that, according to midrashic teaching, they wrote out formal marriage contracts for sodomy and buggery—a possible cryptic reference to such practices in the Rome of Nero and Hadrian (Lev. R. 18:13).

Of Ham, the son of Noah, we are told that "he saw the nakedness of his father" and told his two brothers (Gen. 9:22). Why should this act have warranted the harsh imprecation hurled at Ham by his father? The Rabbis offer two answers: one, that the text implies that Ham castrated Noah; second, that the biblical expression is an idiom for homosexual intercourse (see Rashi, *ad loc.*). On the scriptural story of Potiphar's purchase of Joseph as a slave (Gen. 39:1), the Talmud comments that he acquired him for homosexual purposes, but that a miracle occurred and God sent the angel Gabriel to castrate Potiphar (Sot. 13b).

Post-biblical literature records remarkably few incidents of homosexuality. Herod's son *Alexander, according to Josephus (Wars, I, 24:7), had homosexual contact with a young eunuch. Very few reports of homosexuality have come to us from the talmudic era (TJ Sanh. 6:6, 23c; Jos. Ant., 15:25-30).

The incidence of sodomy among Jews is interestingly reflected in the *halakhah* on *mishkav zakhur* (the talmudic term for homosexuality; the Bible uses various terms—thus the same term in Num. 31:17 and 35 refers to heterosexual intercourse by a woman, whereas the expression for male homosexual intercourse in Lev. 18:22 and 20:13 is *mishkevei ishah*). The Mishnah teaches that R. Judah forbade two bachelors from sleeping under the same blanket, for fear that this would lead to homosexual temptation (Kid. 4:14). However, the Sages permitted it (*ibid.*) because homosexuality was so rare among Jews that such preventive legislation was considered unnecessary (Kid. 82a). This latter view is codified as *halakhah* by *Maimonides (Yad, *Issurei Bi'ah* 22:2). Some 400 years later, R. Joseph *Caro, who did not codify the law against sodomy proper, nevertheless cautioned against being alone with another male because of the

lewdness prevalent "in our times" (*Even ha-Ezer* 24). About a hundred years later, R. Joel *Sirkes reverted to the original ruling, and suspended the prohibition because such obscene acts were unheard of amongst Polish Jewry (*Bayit Hadash* to Tur, *Even ha-Ezer* 24). Indeed, a distinguished contemporary of R. Joseph Caro, R. Solomon *Luria, went even further and declared homosexuality so very rare that, if one refrains from sharing a blanket with another male as a special act of piety, one is guilty of self-righteous pride or religious snobbism (for the above and additional authorities, see *Ozar ha-Posekim*, IX, 236-238).

RESPONSA

As is to be expected, the responsa literature is also very scant in discussions of homosexuality. One of the few such responsa is by the late R. Abraham Isaac Ha-Kohen *Kook, when he was still the rabbi of Jaffa. In 1912 he was asked about a ritual slaughterer who had come under suspicion of homosexuality. After weighing all aspects of the case, R. Kook dismissed the charges against the accused, considering them unsupported hearsay. Furthermore, he maintained the man might have repented and therefore could not be subject to sanctions at the present time.

The very scarcity of halakhic deliberations on homosexuality, and the quite explicit insistence of various halakhic authorities, provide sufficient evidence of the relative absence of this practice among Jews from ancient times down to the present. Indeed, Prof. Kinsey found that, while religion was usually an influence of secondary importance on the number of homosexual as well as heterosexual acts by males, Orthodox Jews proved an exception, homosexuality being phenomenally rare among them.

Jewish law treated the female homosexual more leniently than the male. It considered lesbianism as *issur*, an ordinary religious violation, rather than *arayot*, a specifically sexual infraction, regarded much more severely than *issur*. R. Huna' held that lesbianism is the equivalent of harlotry and disqualified the woman from marrying a priest. The *halakhah* is, however, more lenient, and decides that while the act is prohibited, the lesbian is not punished and is permitted to marry a priest (Sifra 9:8; Shab. 65a; Yev. 76a). However, the transgression does warrant disciplinary flagellation (Maimonides, *Yad, Issurei Bi'ah* 21:8). The less punitive attitude of the *halakhah* to the female homosexual than to the male does not reflect any intrinsic judgment on one as opposed to the other, but is rather the result of a halakhic technicality; there is no explicit biblical proscription of lesbianism, and the act does not entail genital intercourse (Maimonides, *loc. cit.*).

The *halakhah* holds that the ban on homosexuality applies universally, to non-Jew as well as to Jew (Sanh. 58a; Maimonides, *Melakhim* 9:5,6). It is one of the six instances of *arayot* (sexual transgressions) forbidden to the Noachide (Maimonides, *ibid.*).

Most halakhic authorities—such as Rashba and Ritba—agree with Maimonides. A minority opinion holds that pederasty and buggery are "ordinary" prohibitions rather than *arayot*—specifically sexual infractions which demand that one submit to martyrdom rather than violate the law—but the Jerusalem Talmud supports the majority opinion. (See D. M. Krozer, *Devar Ha-Melekh*, I, 22, 23 (1962), who also suggests that Maimonides may support a distinction whereby the "male" or active homosexual partner is held in violation of *arayot*, whereas the passive or "female" partner transgresses *issur*, an ordinary prohibition.)

REASONS FOR PROHIBITION

Why does the Torah forbid homosexuality? Bearing in mind that reasons proffered for the various commandments are not to be accepted as determinative, but as human efforts to explain immutable divine law, the rabbis of the Talmud and later talmudists did offer a number of illuminating rationales for the law.

As stated, the Torah condemns homosexuality as *to'evah*, an abomination. The Talmud records the interpretation of Bar Kapparah who, in a play on words, defined *to'evah* as *to'eh attah bah*, "You are going astray because of it" (Ned. 51a). The exact meaning of this passage is unclear, and various explanations have been put forward.

The *Pesikta (Zutarta)* explains the statement of Bar Kapparah as referring to the impossibility of such a sexual act resulting in procreation. One of the major functions (if not the major purpose) of sexuality is reproduction, and this reason for man's sexual endowment is frustrated by *nishkav zakhur* (so too *Sefer ha-Hinukh*, no. 209).

Another interpretation is that of the *Tosafot* and R. *Asher ben Jehiel (in their commentaries to Ned. 51a) which applies the "going astray" or wandering to the homosexual's abandoning his wife. In other words, the abomination consists of the danger that a married man with

homosexual tendencies may disrupt his family life in order to indulge his perversions. *Saadia Gaon holds the rational basis of most of the Bible's moral legislation to be the preservation of the family structure (*Eminot ve-De'ot* 3:1: cf. Yoma, 9a). (This argument assumes contemporary cogency in the light of the avowed aim of some gay militants to destroy the family, which they consider an "oppressive institution.")

A third explanation is given by a modern scholar, Rabbi Baruch Ha-Levi *Epstein (*Torah Temimah* to Lev. 18:22), who emphasizes the unnaturalness of the homosexual liaison: "You are going astray from the foundations of the creation." *Mishkav zakhur* defies the very structure of the anatomy of the sexes, which quite obviously was designed for heterosexual relationships.

It may be, however, that the very variety of interpretations of *to'evah* points to a far more fundamental meaning, namely, that an act characterized as an "abomination" is *prima facie* disgusting and cannot be further defined or explained. Certain acts are considered *to'evah* by the Torah, and there the matter rests. It is, as it were, a visceral reaction, an intuitive disqualification of the act, and we run the risk of distorting the biblical judgment if we rationalize it. *To'evah* constitutes a category of objectionableness *sui generis*: it is a primary phenomenon. (This lends additional force to Rabbi David Z. *Hoffmann's contention that *to'evah* is used by the Torah to indicate the repulsiveness of a proscribed act, no matter how much it may be in vogue among advanced and sophisticated cultures; see his *Sefer Va-yikra*, II, p.54.)

JEWISH ATTITUDES

It is on the basis of the above that an effort must be made to formulate a Jewish response to the problems of homosexuality in the conditions under which most Jews live today, namely, those of free and democratic societies and, with the exception of Israel, non-Jewish lands and traditions.

Four general approaches may be adopted:

1) REPRESSIVE. No leniency toward the homosexual, lest the moral fiber of the rest of society be weakened.

2) PRACTICAL. Dispense with imprisonment and all forms of social harassment, for eminently practical and prudent reasons.

3) PERMISSIVE. The same as the above, but for ideological reasons, viz., the acceptance of homosexuality as a legitimate alternative "life-style."

4) PSYCHOLOGICAL. Homosexuality, in at least some forms, should be recognized as a disease, and this recognition must determine our attitude toward the homosexual.

Let us now consider each of these critically.

Repressive Attitude. Exponents of the most stringent approach hold that pederasts are the vanguard of moral malaise, especially in our society. For one thing, they are dangerous to children. According to a recent work, one third of the homosexuals in the study were seduced in their adolescence by adults. It is best for society that they be imprisoned, and if our present penal institutions are faulty, let them be improved. Homosexuals should certainly not be permitted to function as teachers, group leaders, rabbis, or in any other capacity where they might be models for, and come into close contact with, young people. Homosexuality must not be excused as a sickness. A sane society assumes that its members have free choice, and are therefore responsible for their conduct. Sex offenders, including homosexuals, according to another recent study, operate "at a primate level with the philosophy that necessity is the mother of improvisation." As Jews who believe that the Torah legislated certain moral laws for all mankind, it is incumbent upon us to encourage all societies, including non-Jewish ones, to implement the Noachide laws. And since, according to the *halakhah*, homosexuality is prohibited to Noachides as well as to Jews, we must seek to strengthen the moral quality of society by encouraging more restrictive laws against homosexuals. Moreover, if we are loyal to the teachings of Judaism, we cannot distinguish between "victimless" crimes and crimes of violence. Hence, if our concern for the moral life of the community impels us to speak out against murder, racial oppression, or robbery, we must do no less with regard to sodomy.

This argument is, however, weak on a number of grounds. Practically, it fails to take into cognizance the number of homosexuals of all categories, which, as we have pointed out, is vast. We cannot possibly imprison all offenders, and it is a manifest miscarriage of justice to vent our spleen only on the few unfortunates who are caught by the police. It is inconsistent, because there has been no comparable outcry for harsh sentencing of other transgressors of sexual morality, such as those who indulge in adultery or incest. To take consistency to its logical conclusion, this hard line on homosexuality should not stop with imprisonment but demand the death sentence, as is biblically prescribed. And why not the same death sentence for blasphemy, eating a limb torn from a live animal, idolatry, robbery—all of which are Noachide commandments? And why not capital punishment for Sabbath transgressors in the State of Israel? Why

should the pederast be singled out for opprobrium and be made an object lesson while all others escape?

Those who might seriously consider such logically consistent, but socially destructive, strategies had best think back to the fate of that Dominican reformer, the monk Girolamo Savonarola, who in 15th-century Florence undertook a fanatical campaign against vice and all suspected of venal sin, with emphasis on pederasty. The society of that time and place, much like ours, could stand vast improvement. But too much medicine in too strong doses was the monk's prescription, whereupon the population rioted and the zealot was hanged.

Finally, there is indeed some halakhic warrant for distinguishing between violent and victimless (or consensual and non-consensual) crimes. Thus, the Talmud permits a passer-by to kill a man in pursuit of another man or of a woman when the pursuer is attempting homosexual or heterosexual rape, as the case may be, whereas this is not permitted in the case of a transgressor pursuing an animal to commit buggery or on his way to worship an idol or to violate the Sabbath, (Sanh. 8:7, and v. Rashi to Sanh. 73a,s.v. *al ha-behemah*).

Practical Attitude. The practical approach is completely pragmatic and attempts to steer clear of any ideology in its judgments and recommendations. It is, according to its advocates, eminently reasonable. Criminal laws requiring punishment for homosexuals are simply unenforceable in society at the present day. We have previously cited the statistics on the extremely high incidence of pederasty in our society. Kinsey once said of the many sexual acts outlawed by the various states, that, were they all enforced, some 95% of men in the United States would be in jail. Furthermore, the special prejudice of law enforcement authorities against homosexuals—rarely does one hear of police entrapment of or jail sentences for non-violent heterosexuals—breeds a grave injustice: namely, it is an invitation to blackmail. The law concerning sodomy has been called “the blackmailer’s charter.” It is universally agreed that prison does little to help the homosexual rid himself of his peculiarity. Certainly, the failure of rehabilitation ought to be of concern to civilized men. But even if it is not, and the crime be considered so serious that incarceration is deemed advisable even in the absence of any real chances of rehabilitation, the casual pederast almost always leaves prison as a confirmed criminal. He has been denied the company of women and forced into the society of those whose sexual expression is almost always channeled to pederasty. The casual pederast has become a habitual one: his homosexuality has now been ingrained in him. Is society any safer for having taken an errant man and, in the course of a few years, for having taught him to transform his deviancy into a hard and fast perversion, then turning him loose on the community? Finally, from a Jewish point of view, since it is obviously impossible for us to impose the death penalty for sodomy, we may as well act on purely practical grounds and do away with all legislation and punishment in this area of personal conduct.

This reasoning is tempting precisely because it focuses directly on the problem and is free of any ideological commitments. But the problem with it is that it is too smooth, too easy. By the same reasoning one might, in a *reductio ad absurdum* do away with all laws on income tax evasion, or forgive, and dispense with all punishment of Nazi murders. Furthermore, the last element leaves us with a novel view of the *halakhah*: if it cannot be implemented in its entirety, it ought to be abandoned completely. Surely the Noachide laws, perhaps above all others, place us under clear moral imperatives, over and above purely penological instructions? The very practicality of this position leaves it open to the charge of evading the very real moral issues, and for Jews the halakhic principles, entailed in any discussion of homosexuality.

Permissive Attitude. The ideological advocacy of a completely permissive attitude toward consensual homosexuality and the acceptance of its moral legitimacy is, of course, the “in” fashion in sophisticated liberal circles. Legally, it holds that deviancy is none of the law’s business; the homosexuals’ civil rights are as sacred as those of any other “minority group.” From the psychological angle, sexuality must be emancipated from the fetters of guilt induced by religion and code-morality, and its idiosyncratic nature must be confirmed.

Gay Liberationists aver that the usual “straight” attitude toward homosexuality is based on three fallacies or myths: that homosexuality is an illness; that it is unnatural; and that it is immoral. They argue that it cannot be considered an illness, because so many people have been shown to practice it. It is not unnatural, because its alleged unnaturalness derives from the impossibility of sodomy leading to reproduction, whereas our overpopulated society no longer needs to breed workers, soldiers, farmers, or hunters. And it is not immoral, first, because morality is relative, and secondly, because moral behavior is that which is characterized by “selfless, loving concern.”

Now, we are here concerned with the sexual problem as such, and not with homosexuality as a symbol of the whole contemporary ideological polemic against restraint and tradition. Homosexuality is too important—and too agonizing—a human problem to allow it to be exploited for political aims or entertainment or shock value.

appeals for the establishment of *The Sane Society*—because ours is not. If the majority of a nation are struck down by typhoid fever, does this condition, by so curious a calculus of semantics, become healthy? Whether or not homosexuality can be considered an illness is a serious question, and it does depend on one's definition of health and illness. But mere statistics are certainly not the *coup de grâce* to the psychological argument, which will be discussed shortly.

The validation of gay life as "natural" on the basis of changing social and economic conditions is an act of verbal obfuscation. Even if we were to concur with the widely held feeling that the world's population is dangerously large, and that Zero Population Growth is now a desideratum, the anatomical fact remains unchanged: the generative organs are structured for generation. If the words "natural" and "unnatural" have any meaning at all, they must be rooted in the unchanging reality of man's sexual apparatus rather than in his ephemeral social configurations.

Militant feminists along with the gay activists react vigorously against the implication that natural structure implies the naturalness or unnaturalness of certain acts, but this very view has recently been confirmed by one of the most informed writers on the subject. "It is already pretty safe to infer from laboratory research and ethological parallels that male and female are wired in ways that relate to our traditional sex roles . . . Freud dramatically said that anatomy is destiny. Scientists who shudder at the dramatic, no matter how accurate, could rephrase this: anatomy is functional, body functions have profound psychological meanings to people, and anatomy and function are often socially elaborated" (Arno Karlen, *Sexuality and Homosexuality*, p. 501).

The moral issues lead us into the quagmire of perennial philosophical disquisitions of a fundamental nature. In a way, this facilitates the problem for one seeking a Jewish view. Judaism does not accept the kind of thoroughgoing relativism used to justify the gay life as merely an alternate life-style. And while the question of human autonomy is certainly worthy of consideration in the area of sexuality, one must beware of the consequences of taking the argument to its logical extreme. Judaism clearly cherishes holiness as a greater value than either freedom or health. Furthermore, if every individual's autonomy leads us to lend moral legitimacy to any form of sexual expression he may desire, we must be ready to pull the blanket of this moral validity over almost the whole catalogue of perversions described by Krafft-Ebing, and then, by the legerdemain of granting civil rights to the morally non-objectionable, permit the advocates of buggery, fetishism, or whatever to proselytize in public. In that case, why not in the school system? And if consent is obtained before the death of one partner, why not necrophilia or cannibalism? Surely, if we declare pederasty to be merely idiosyncratic and not an "abomination," what right have we to condemn sexually motivated cannibalism—merely because most people would react with revulsion and disgust?

"Loving, selfless concern" and "meaningful personal relationships"—the great slogans of the New Morality and the exponents of situation ethics—have become the litany of sodomy in our times. Simple logic should permit us to use the same criteria for excusing adultery or any other act heretofore held to be immoral: and indeed, that is just what has been done, and it has received the sanction not only of liberals and humanists, but of certain religionists as well. "Love," "fulfillment," "exploitative," "meaningful"—the list itself sounds like a lexicon of emotionally charged terms drawn at random from the disparate sources of both Christian and psychologically-oriented agnostic circles. Logically, we must ask the next question: what moral depravities can not be excused by the sole criterion of "warm, meaningful human relations" or "fulfillment," the newest semantic heirs to "love?"

Love, fulfillment, and happiness can also be attained in incestuous contacts—and certainly in polygamous relationships. Is there nothing at all left that is "sinful," "unnatural," or "immoral" if it is practiced "between two consenting adults?" For religious groups to aver that a homosexual relationship should be judged by the same criteria as a heterosexual one—i.e., "whether it is intended to foster a permanent relationship of love"—is to abandon the last claim of representing the "Judeo-Christian tradition."

I have elsewhere essayed a criticism of the situationalists, their use of the term "love," and their objections to traditional morality as exemplified by the *halakhah* as "mere legalism" (see my *Faith and Doubt*, chapter IX, p.249 ff.). Situationalists, such as Joseph Fletcher, have especially attacked "pilpulistic Rabbis" for remaining entangled in the coils of statutory and legalistic hairsplitting. Among the other things this typically Christian polemic reveals is an ignorance of the nature of *halakhah* and its place in Judaism, which never held that the law was the totality of life, pleaded again and again for supererogatory conduct, recognized that individuals may be disadvantaged by the law, and which strove to rectify what could be rectified without

few.

Clearly, while Judaism needs no defense or apology in regard to its esteem for neighborly love and compassion for the individual sufferer, it cannot possibly abide a wholesale dismissal of its most basic moral principles on the grounds that those subject to its judgments find them repressive. All laws are repressive to some extent—they repress illegal activities—and all morality is concerned with changing man and improving him and his society. Homosexuality imposes on one an intolerable burden of differentness, of absurdity, and of loneliness, but the biblical commandment outlawing pederasty cannot be put aside solely on the basis of sympathy for the victim of these feelings. Morality, too, is an element which each of us, given his sensuality, his own idiosyncracies, and his immoral proclivities, must take into serious consideration before acting out his impulses.

Psychological Attitudes. Several years ago I recommended that Jews regard homosexual deviance as a pathology, thus reconciling the insights of Jewish tradition with the exigencies of contemporary life and scientific information, such as it is, on the nature of homosexuality (N. Lamm, in: *Jewish Life*, Jan-Feb. 1968). The remarks that follow are an expansion and modification of that position, together with some new data and notions.

The proposal that homosexuality be viewed as an illness will immediately be denied by three groups of people. Gay militants object to this view as an instance of heterosexual condescension. Evelyn Hooker and her group of psychologists maintain that homosexuals are no more pathological in their personality structures than heterosexuals. And psychiatrists Thomas Szasz in the U.S. and Ronald Laing in England reject all traditional ideas of mental sickness and health as tools of social repressiveness or, at best, narrow conventionalism. While granting that there are indeed unfortunate instances where the category of mental disease is exploited for social or political reasons, we part company with all three groups and assume that there are a significant number of pederasts and lesbians who, by the criteria accepted by most psychologists and psychiatrists, can indeed be termed pathological. Thus, for instance, Dr. Albert Ellis, an ardent advocate of the right to deviancy, denies there is such a thing as a well-adjusted homosexual. In an interview, he has stated that whereas he used to believe that most homosexuals were neurotic, he is now convinced that about 50% are borderline psychotics, that the usual fixed male homosexual is a severe phobic, and that lesbians are even more disturbed than male homosexuals (see Karlen, *op. cit.*, p.223 ff.).

No single cause of homosexuality has been established. In all probability, it is based on a conglomeration of a number of factors. There is overwhelming evidence that the condition is developmental, not constitutional. Despite all efforts to discover something genetic in homosexuality, no proof has been adduced, and researchers incline more and more to reject the Freudian concept of fundamental human biological bisexuality and its corollary of homosexual latency. It is now widely believed that homosexuality is the result of a whole family constellation. The passive, dependent, phobic male homosexual is usually the product of an aggressive, covertly seductive mother who is overly rigid and puritanical with her son—thus forcing him into a bond where he is sexually aroused, yet forbidden to express himself in any heterosexual way—and of a father who is absent, remote, emotionally detached, or hostile (I. Bieber *et al*, *Homosexuality*, 1962).

Can the homosexual be cured? There is a tradition of therapeutic pessimism that goes back to Freud, but a number of psychoanalysts, including Freud's daughter Anna, have reported successes in treating homosexuals as any other phobics (in this case, fear of the female genitals). It is generally accepted that about a third of all homosexuals can be completely cured: behavioral therapists report an even larger number of cures.

Of course, one cannot say categorically that all homosexuals are sick—any more than one can casually define all thieves as kleptomaniacs. In order to develop a reasonable Jewish approach to the problem and to seek in the concept of illness some mitigating factor, it is necessary first to establish the main types of homosexuals. Dr Judd Marmor speaks of four categories. "Genuine homosexuality" is based on strong preferential erotic feelings for members of the same sex. "Transitory homosexual behavior" occurs among adolescents who would prefer heterosexual experiences but are denied such opportunities because of social, cultural, or psychological reasons. "Situational homosexual exchanges" are characteristic of prisoners, soldiers, and others who are heterosexual but are denied access to women for long periods of time. "Transitory and opportunistic homosexuality" is that of delinquent young men who permit themselves to be used by pederasts in order to make money or win other favors, although their primary erotic interests are exclusively heterosexual. To these may be added, for purposes of our analysis, two other types. The first category, that of genuine homosexuals, may be said to comprehend two sub-categories: those who experience their condition as one of duress or uncontrollable passion which they would rid themselves of if they could, and those who transform their idiosyncrasy

into an ideology, i.e., the gay militants who assert the legitimacy and validity of homosexuality as an alternative way to heterosexuality. The sixth category is based on what Dr. Rollo May has called "the New Puritanism," the peculiarly modern notion that one must experience all sexual pleasures, whether or not one feels inclined to them, as if the failure to taste every cup passed at the sumptuous banquet of carnal life means that one has not truly lived. Thus, we have transitory homosexual behavior not of adolescents, but of *adults* who feel that they must "try everything" at least once or more than once in their lives.

A POSSIBLE HALAKHIC SOLUTION

This rubric will now permit us to apply the notion of disease (and, from the halakhic point of view, of its opposite, moral culpability) to the various types of sodomy. Clearly, genuine homosexuality experienced under duress (Hebrew: **ones*) most obviously lends itself to being termed pathological, especially where dysfunction appears in other aspects of the personality. Opportunistic homosexuality, ideological homosexuality, and transitory adult homosexuality are at the other end of the spectrum, and appear most reprehensible. As for the intermediate categories, while they cannot be called illnesses, they do have a greater claim on our sympathy than the three types mentioned above.

In formulating the notion of homosexuality as a disease, we are not asserting the formal halakhic definition of mental illness as mental incompetence, as described in TB Hag. 3b, 4a, and elsewhere. Furthermore, the categorization of a prohibited sex act as *ones* (duress) because of uncontrolled passions is valid, in a technical halakhic sense, only for a married woman who was ravished and who, in the course of the act, became a willing participant. The *halakhah* decides with Rava, against the father of Samuel, that her consent is considered duress because of the passions aroused in her (Ket. 51b). However, this holds true only if the act was initially entered into under physical compulsion (*Kesef Mishneh* to Yad, Sanh. 20:3). Moreover, the claim of compulsion by one's erotic passions is not valid for a male, for any erection is considered a token of his willingness (Yev. 53b; Maimonides, Yad, Sanh. 20:3). In the case of a male who was forced to cohabit with a woman forbidden to him, some authorities consider him guilty and punishable, while others hold him guilty but not subject to punishment by the courts (Tos., Yev. 53b; *Hinnukh*, 556; *Kesef Mishneh*, loc. cit.; *Maggid Mishneh* to *Issurei Bi'ah*, 1:9). Where a male is sexually aroused in a permissible manner, as to begin coitus with his wife, and is then forced to conclude the act with another woman, most authorities exonerate him (Rabad and *Maggid Mishneh*, to *Issurei Bi'ah*, in loc.). If, now, the warped family background of the genuine homosexual is considered *ones*, the homosexual act may possibly lay claim to some mitigation by the *halakhah*. (However, see *Minhai Hinnukh*, 556, end; and of M. Feinstein, *Iggerot Mosheh* (1973) on YD, No. 59, who holds, in a different context, that any pleasure derived from a forbidden act performed under duress increases the level of prohibition. This was anticipated by R. Joseph Engel, *Atvan de-Oraita*, 24). These latter sources indicate the difficulty of exonerating sexual transgressors because of psychopathological reasons under the technical rules of the *halakhah*.

However, in the absence of a Sanhedrin and since it is impossible to implement the whole halakhic penal system, including capital punishment, such strict applications are unnecessary. What we are attempting is to develop guidelines, based on the *halakhah*, which will allow contemporary Jews to orient themselves to the current problems of homosexuality in a manner articulating with the most fundamental insights of the *halakhah* in a general sense, and consistent with the broadest world-view that the halakhic commitment instills in its followers. Thus, the aggadic statement that "no man sins unless he is overcome by a spirit of madness" (Sot. 3a) is not an operative halakhic rule, but does offer guidance on public policy and individual pastoral compassion. So in the present case, the formal halakhic strictures do not in any case apply nowadays, and it is our contention that the aggadic principle must lead us to seek out the mitigating halakhic elements so as to guide us in our orientation to homosexuals who, by the standards of modern psychology, may be regarded as acting under compulsion.

To apply the *halakhah* strictly in this case is obviously impossible; to ignore it entirely is undesirable, and tantamount to regarding *halakhah* as a purely abstract, legalistic system which can safely be dismissed where its norms and prescriptions do not allow full formal implementation. Admittedly, the method is not rigorous, and leaves room for varying interpretations as well as exegetical abuse, but it is the best we can do.

Hence there are types of homosexuality that do not warrant any special consideration, because the notion of *ones* or duress (i.e., disease) in no way applies. Where the category of mental illness does apply, the act itself remains *to'evah* (an abomination), but the fact of illness lays upon us the obligation of pastoral compassion, psychological understanding, and social

sympathy. In this sense, homosexuality is no different from any other anti-social or anti-halakhic act, where it is legitimate to distinguish between the objective act itself, including its social and moral consequences, and the mentality and inner development of the person who perpetrates the act. For instance, if a man murders in a cold and calculating fashion for reasons of profit, the act is criminal and the transgressor is criminal. If, however, a psychotic murders, the transgressor is diseased rather than criminal, but the objective act itself remains a criminal one. The courts may therefore treat the perpetrator of the crime as they would a patient, with all the concomitant compassion and concern for therapy, without condoning the act as being morally neutral. To use halakhic terminology, the objective crime remains a *ma'aseh averah*, whereas the person who transgresses is considered innocent on the grounds of *ones*. In such cases, the transgressor is spared the full legal consequences of his culpable act, although the degree to which he may be held responsible varies from case to case.

An example of a criminal act that is treated with compassion by the *halakhah*, which in practice considers the act pathological rather than criminal, is suicide. Technically, the suicide or attempted suicide is in violation of the law. The *halakhah* denies to the suicide the honor of a eulogy, the rending of the garments by relatives or witnesses to the death, and (according to Maimonides) insists that the relatives are not to observe the usual mourning period for the suicide. Yet, in the course of time, the tendency has been to remove the stigma from the suicide on the basis of mental disease. Thus, halakhic scholars do not apply the technical category of intentional (*la-da'at*) suicide to one who did not clearly demonstrate, before performing the act, that he knew what he was doing and was of sound mind, to the extent that there was no hiatus between the act of self-destruction and actual death. If these conditions are not present, we assume that it was an insane act or that between the act and death he experienced pangs of contrition and is therefore repentant, hence excused before the law. There is even one opinion which exonerates the suicide unless he received adequate warning (*haira'ah*) before performing the act, and responded in a manner indicating that he was fully aware of what he was doing and that he was lucid (J. M. Tykocinski, *Gesher ha-Hayyim*, I, ch. 25, and *Encyclopaedia Judaica*, 15:490).

Admittedly, there are differences between the two cases: pederasty is clearly a severe violation of biblical law, whereas the stricture against suicide is derived exegetically from a verse in Genesis. Nevertheless, the principle operative in the one is applicable to the other: where one can attribute an act to mental illness, it is done out of simple humanitarian considerations.

The suicide analogy should not, of course, lead one to conclude that there are grounds for a blanket exculpation of homosexuality as mental illness. Not all forms of homosexuality can be so termed, as indicated above, and the act itself remains an "abomination." With few exceptions, most people do not ordinarily propose that suicide be considered an acceptable and legitimate alternative to the rigors of daily life. No sane and moral person sits passively and watches a fellow man attempt suicide because he "understands" him and because it has been decided that suicide is a "morally neutral" act. By the same token, in orienting ourselves to certain types of homosexuals as patients rather than criminals, we do not condone the act but attempt to help the homosexual. Under no circumstances can Judaism suffer homosexuality to become respectable. Were society to give its open or even tacit approval to homosexuality, it would invite more aggressiveness on the part of adult pederasts toward young people. Indeed, in the currently permissive atmosphere, the Jewish view would summon us to the semantic courage of referring to homosexuality not as "deviance," with the implication of moral neutrality and non-judgmental idiosyncrasy, but as "perversion"—a less clinical and more old-fashioned word, perhaps, but one that is more in keeping with the biblical *to'evah*.

Yet, having passed this moral judgment, we cannot in the name of Judaism necessarily demand that we strive for the harshest possible punishment. Even where it was halakhically feasible to execute capital punishment, we have a tradition of leniency. Thus, R. Akiva and R. Tarfon declared that had they lived during the time of the Sanhedrin, they never would have executed a man. Although the *halakhah* does not decide in their favor (Mak. end of ch. 1), it was rare indeed that the death penalty was actually imposed. Usually, the biblically mandated penalty was regarded as an index of the severity of the transgression, and the actual execution was avoided by strict insistence upon all technical requirements—such as *hatra'ah* (forewarning the potential criminal) and rigorous cross-examination of witnesses, etc. In the same spirit, we are not bound to press for the most punitive policy toward contemporary lawbreakers. We are required to lead them to rehabilitation (*teshuvah*). The *halakhah* sees no contradiction between condemning a man to death and exercising compassion, even love, toward him (Sanh. 52a). Even a man on the way to his execution was encouraged to repent (Sanh. 6:2). In the absence of a death penalty, the tradition of *teshuvah* and pastoral compassion to the sinner continues.

I do not find any warrant in the Jewish tradition for insisting on prison sentences for homosexuals. The singling-out of homosexuals as the victims of society's righteous indignation is

patently unfair. In western history, anti-homosexual crusades have too often been marked by cruelty, destruction, and bigotry. Imprisonment in modern times has proven to be extremely haphazard. The number of homosexuals unfortunate enough to be apprehended is infinitesimal as compared to the number of known homosexuals; estimates vary from one to 300,000 to one to 6,000,000! For homosexuals to be singled out for special punishment while all the rest of society indulges itself in every other form of sexual malfeasance (using the definitions of *halakhah*, not the New Morality) is a species of double-standard morality that the spirit of *halakhah* cannot abide. Thus, the Mishnah declares that the "scroll of the suspected adulteress" (*megillat sotah*)—whereby a wife suspected of adultery was forced to undergo the test of "bitter waters"—was cancelled when the Sages became aware of the ever-larger number of adulterers in general (Sot. 9:9). The Talmud bases this decision on an aversion to the double standard: if the husband is himself an adulterer, the "bitter waters" will have no effect on his wife, even though she too be guilty of the offense (Sot. 47b). By the same token, a society in which heterosexual immorality is not conspicuously absent has no moral right to sit in stern judgment and mete out harsh penalties to homosexuals.

Furthermore, sending a homosexual to prison is counterproductive if punishment is to contain any element of rehabilitation or *teshuvah*. It has rightly been compared to sending an alcoholic to a distillery. The Talmud records that the Sanhedrin was unwilling to apply the full force of the law where punishment had lost its quality of deterrence; thus, 40 (or four) years before the destruction of the Temple, the Sanhedrin voluntarily left the precincts of the Temple so as not to be able, technically, to impose the death sentence, because it had noticed the increasing rate of homicide (Sanh. 41a, and elsewhere).

There is nothing in the Jewish law's letter or spirit that should incline us toward advocacy of imprisonment for homosexuals. The *halakhah* did not, by and large, encourage the denial of freedom as a recommended form of punishment. Flogging is, from a certain perspective, far less cruel and far more enlightened. Since capital punishment is out of the question, and since incarceration is not an advisable substitute, we are left with one absolute minimum: strong disapproval of the proscribed act. But we are not bound to any specific penological instrument that has no basis in Jewish law or tradition.

How shall this disapproval be expressed? It has been suggested that, since homosexuality will never attain acceptance anyway, society can afford to be humane. As long as violence and the seduction of children are not involved, it would be best to abandon all laws on homosexuality and leave it to the inevitable social sanctions to control, informally, what can be controlled.

However, this approach is not consonant with Jewish tradition. The repeal of anti-homosexual laws implies the removal of the stigma from homosexuality, and this diminution of social censure weakens society in its training of the young toward acceptable patterns of conduct. The absence of adequate social reproach may well encourage the expression of homosexual tendencies by those in whom they might otherwise be suppressed. Law itself has an educative function, and the repeal of laws, no matter how justifiable such repeal may be from one point of view, does have the effect of signalling the acceptability of greater permissiveness.

SOME NEW PROPOSALS

Perhaps all that has been said above can best be expressed in the proposals that follow.

First, society and government must recognize the distinctions between the various categories enumerated earlier in this essay. It must offer its medical and psychological assistance to those whose homosexuality is an expression of pathology, who recognize it as such, and are willing to seek help. We must be no less generous to the homosexual than to the drug addict, to whom the government extends various forms of therapy upon request.

Second, jail sentences must be abolished for all homosexuals, save those who are guilty of violence, seduction of the young, or public solicitation.

Third, the laws must remain on the books, but by mutual consent of judiciary and police, be unenforced. This approximates to what lawyers call "the chilling effect," and is the nearest one can come to the category so well known in the *halakhah*, whereby strong disapproval is expressed by affirming a halakhic prohibition, yet no punishment is mandated. It is a category that bridges the gap between morality and law. In a society where homosexuality is so rampant, and where incarceration is so counterproductive, this hortatory approach may well be a way of formalizing society's revulsion while avoiding the pitfalls in our accepted penology.

For the Jewish community as such, the same principles, derived from the tradition, may serve as guidelines. Judaism allows for no compromise in its abhorrence of sodomy, but encourages both compassion and efforts at rehabilitation. Certainly, there must be no acceptance of separate Jewish homosexual societies, such as—or especially—synagogues set aside as homo-

sexual congregations. The first such "gay synagogue," apparently, was the "Beth Chayim Chadashim" in Los Angeles. Spawned by that city's Metropolitan Community Church in March 1972, the founding group constituted itself as a Reform congregation with the help of the Pacific Southwest Council of the Union of American Hebrew Congregations some time in early 1973. Thereafter, similar groups surfaced in New York City (see illustration) and elsewhere. The original group meets on Friday evenings in the Leo Baeck Temple and is searching for a rabbi—who must himself be "gay". The membership sees itself as justified by "the Philosophy of Reform Judaism." The Temple president declared that God is "more concerned in our finding a sense of peace in which to make a better world, than He is in whom someone sleeps with" (cited in "Judaism and Homosexuality," *C.C.A.R. Journal*, Summer 1973, p.38; five articles in this issue of the Reform group's rabbinic journal are devoted to the same theme, and most of them approve of the Gay Synagogue).

But such reasoning is specious, to say the least. Regular congregations and other Jewish groups should not hesitate to accord hospitality and membership, on an individual basis, to those "visible" homosexuals who qualify for the category of the ill. Homosexuals are no less in violation of Jewish norms than Sabbath desecrators or those who disregard the laws of *kashrut*. But to assent to the organization of separate "gay" groups under Jewish auspices makes no more sense, Jewishly, than to suffer the formation of synagogues that cater exclusively to idol worshipers, adulterers, gossipers, tax evaders, or Sabbath violators. Indeed, it makes less sense, because it provides, under religious auspices, a ready-made clientele from which the homosexual can more easily choose his partners.

In remaining true to the sources of Jewish tradition, Jews are commanded to avoid the madness that seizes society at various times and in many forms, while yet retaining a moral composure and psychological equilibrium sufficient to exercise that combination of discipline and charity that is the hallmark of Judaism.

<p>SYNAGOGUE</p> <p>VENUE kin offlin</p> <p>:45 P.M. :45 A.M. .M.</p> <p>ASSISTIC Sellinghot</p>	<p>Please Inquire Regarding Membership, Seats, Religious And Day School Registration In The Temple Office. (EN 2-8800)</p>	<p>SHABAT Friday Saturday SATURDAY SE Service of Collation "We seek out b warmly invited to sive education an OTHE</p>
<p>SYNAGOGUE St. VICE 0:30 P.M. YOUS ALL</p>	<p>GAY SYNAGOGUE SERVICES AND ONEG SHABBAT EVERY FRIDAY 8:00 P.M. 300 9TH AVE., 28 ST. TEL. 691-1066</p> <p>High Holiday Services Pierrepont St.-Monroe Pl., B'klyn Hgts. Sept. 27: 10 A.M. and Oct. 5: 7 P.M. For Ticket Information: 691-1066 WALL STREET SYNAGOGUE 47 Beekman, St. Rabbi Mayer Hager Opposite Southbridge Towers Reservations—High Holy Day Services Yom Kippur—Oct. 6</p>	<p>BETH SAR MESSIA "A MOTHER'S P. Charles P Sunday 236 We Near Broadway Ain C</p>

An advert for a "Gay Synagogue" in the New York Times, Friday September 21, 1973.

daism be morally relevant but also intellectually sound. His own theoretical approach was, as mentioned earlier, profoundly influenced by Christian thought; yet his desire to blend modern relevance, moral energy, and intellectual integrity in an exegesis of the Hebrew Bible accurately reflects the needs of the American Jew.

Herberg and Professional Jewish Concerns

In a 1973 interview Herberg recalled his early career: "In those days," said, "they worried a great deal about the survival of Judaism. They're tried about it now—everybody is always worrying."²¹ In contrast to this, Herberg advised reliance upon Divine Providence. Yet if he does worry about survival, why then should a theologian write? Herberg's contribution can be a reply: the theologian can be the articulate voice of the Jewish community, expressing its ambivalence to a society both rmed and suspected, offering support for its experience of particular and interpreting its Scripture as a universal ethical message. Herberg is not a Jewish professional. In many ways he was marginal to the organizational structure of American Jewish life. He did not share the concerns for educational policy and curriculum, institutional leadership or social manipulation that professions often demonstrate. His role was re subdued—that of formalizing the diffuse agenda which American s had set for themselves. Most contemporary theologians think in erent categories from his; there are no disciples who call themselves by name. Nevertheless, he remains a reminder of the power and effectiveness of theology. It is fitting to recall with his passing that his words e profound echoes of the best ideals of many American Jews.

Sin, Crime, Sickness or Alternative Life Style?: A Jewish Approach to Homosexuality

HERSHEL J. MATT

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I

HOMOSEXUALITY, WHICH IN THE GENERAL community has for some time been a major issue, has begun to be a matter of concern and controversy in the Jewish community as well. This development has come about for several reasons: partly because Jewish homosexuals are, like non-Jews, increasingly "coming out," partly because some of them are seeking—even demanding—to be accepted as full-fledged members of the Jewish community and of the synagogue; and partly because Jews and non-Jews alike, both heterosexual and homosexual, are turning to rabbis and scholars for a clarification of what Judaism has to say on the subject.

II

That Judaism must have something to say should be obvious, for the Torah-text-and-tradition, claiming—as it does—to contain the revelation of God's word and will for human life, claims to have something significant—indeed, crucial—to say about every important area of life, surely about such a basic dimension of life as sex. ("He who says Torah is one thing and the affairs of the world are something entirely other is as if he denies God.")¹

What Judaism has to say about homosexuality would appear to be equally obvious, for all of the relatively few passages in the Torah-text that clearly refer to homosexuality² do so in negative terms. The words of the men of Sodom (Genesis 19), who surround Lot's house and say "Where are the men who came to you tonight? bring them out to us, that we may know (or, "be intimate with") them, almost certainly have a homosexual reference. (The usage of the word "sodomy" is, thus, well-founded.) And

1. *Mikdash Pinchas* (Warsaw: 1876) Ch. IV, Sec. 34, p. 32.

2. Some Biblical passages that are commonly taken to refer to homosexuality are actually in dispute among scholars. The so-called male prostitute (*hadesef*), for example, may possibly not be a homosexual but a pimp, or a male who engages in heterosexual prostitution. The love between David and Jonathan ("your love was for me more wonderful than the love of women," [2 Sam. 1:26]) may possibly refer to normal love between friends of either sex.

the horrible story of the "concubine in Gibeah" (Judges 19), probably related to the Genesis passage, similarly involves the threat of homosexual attack. It is sometimes argued that the horror and condemnation expressed in these two stories are directed not against homosexuality as such, but against homosexual rape or against the violation of the sacred obligation of hospitality; it is also argued that the moral abhorrence expressed in the narrative passages does not, in itself, constitute legal prohibition. The two brief passages in the law code of Leviticus (19:22 and 20:13), however, are clear and categorical: "With a male you shall not lie as with a woman; it is an abomination . . . if a male lies with a male as one lies with a woman, the two of them have done an abhorrent thing; they shall be put to death."

References in Talmudic and post-Talmudic sources—likewise relatively few—remain consistent with the Biblical prohibition. Whatever the question at issue—whether two men may share the same blanket, or even be together in private; whether two women may sleep in the same room; whether climatic conditions stimulate homosexual temptation; whether Jews are likely to be influenced by the homosexual behavior of non-Jews; whether the age of the homosexual offender should be a factor in determining culpability; what the appropriate punishment is, in theory and in practice; whether the punishment should be the same for male and female offenders; whether rumors concerning a fellow Jew's homosexuality should be given credence; which privileges, communal and synagogue, should be denied to a homosexual—every single decision, pro or con, takes for granted that a homosexual act is a moral perversion, an outrageous and disgusting deed, a serious violation of the Torah's command and, therefore, a grave sin. It would, thus, appear absolutely clear that a Jewish approach to homosexuality must end where and as it starts: with utter condemnation and categorical prohibition.

III

Yet, such a conclusion, at this point in our discussion, is premature. For if what we seek is a *truly Jewish* approach to a *contemporary* problem, we must not only consult Biblical sources and subsequent halakhic decisions, but must do two other things as well: a) determine, as far as we are able, the rationale and presuppositions of the traditional stand; and b) inquire whether there are now any changed circumstances or new data in the light of which the Torah's stand today—though based on the same divine and enduring concerns and purposes—might possibly involve changed formulations or different emphases.

IV

Why does the Torah condemn homosexuality so utterly and consider

of the unknown, for a law does not forbid the unknown. Besides, the Torah specifically alludes to, and obviously was familiar with, the practice of homosexuality (along with other sexual offenses, often practiced as part of idolatrous cult worship), by both the Egyptians "in whose midst you dwell" and the Canaanites "into whose land I am bringing you" (Lev. 18:3). Nor can the reason be merely "psychological" and "esthetic"—that homosexuality is inherently disgusting—for that would be begging the question: why was it considered disgusting? Nor can the reason be "statistical"—that the majority of men and women did not and do not practice homosexuality—for Torah-law must surely be based on more than statistics and averages; indeed, the Torah specifically warns *against* following the majority, when the majority is bent on evil.

The reasons for the Torah's condemnation must be related rather to the will of the Creator for the human male and female whom He created: "God created man in His image . . . male and female He created them (Gen. 1:27) . . . God saw all that He had made and behold it was very good (Ibid. 31) . . . it is not good that man should be alone; I will make a helper for him [as complement and counterpoint to him, his opposite number] (Ibid. 2:18) . . . this one shall be called woman (Ibid. 2:23) . . . let a man leave his father and his mother, and cling to his wife [his woman], and they shall become one flesh (Ibid. 2:24) . . . be fruitful and multiply and fill the earth (Ibid. 1:28) . . . the Lord created the earth to be inhabited (Isaiah 45:18) . . . I will establish My covenant between Me and you [Abraham] and your seed after you, throughout their generations . . . as an everlasting covenant" (Genesis 17:7).

In the light of such Scriptural passages, some of the reasons for the Torah's prohibition of homosexuality become discernible. One reason must be that in the Order of Creation the sexual "nature" and "structure" of the human male and female—including what we refer to as their anatomy, physiology, and psyche—call for mutual complementation, completion, and fulfillment through a heterosexual relationship. Another implied reason is that only through such a relationship, using the organs of generation in a manner conducive to generation, can a new generation appear to populate the earth. A third reason: only with the appearance of a second and third generation can there be a family in the full sense of the word: one that calls for and allows for caring love and reverent responsibility, not only between spouses but also among parents and children and grandchildren. This points to a fourth reason: homosexuality precludes history, not only individual and family history; but history as such—the stage on which both the divine and human roles in the providential drama are to be acted out. In the case of Jewish homosexuality, one further denial is involved: that of the continued survival of the Covenant People Israel, vehicle of God's involvement in the world, "God's stake in history."

It is out of such concerns as these, we must assume, that the Torah-

V

But whenever we speak of the Torah's prohibitions we must be mindful of one of the Torah's key presuppositions: the freedom and capacity of the individual human being to obey. Surely the very creation-in-the-image, which is the basic Biblical teaching about human beings, male and female, implies such freedom. How else could the Lord God hold Adam and Eve responsible for the first violation of the first prohibition? And when, in the very next generation, Cain is distressed at God's acceptance of Abel's offering and the rejection of his own, God tells him: "Sin couches at the door: its urge is toward you; yet you can be its master" (Gen. 4:7). Therefore, when Cain proceeds to murder his brother, God "has the right" to confront him with his responsibility for this murder, the first ever committed. In a famous Midrash, human moral freedom and responsibility are made even more explicit. Before conception takes place, "the seminal drop is brought before the Holy One; there and then it is decided, concerning this one, whether it will be strong or weak, wise or foolish, rich or poor—but not whether it will be wicked or righteous."³ Or, as the famous Talmudic statement puts it, even more succinctly, "All is in the hands of Heaven—except the fear of Heaven."⁴ The clear and consistent assumption behind all of the Torah's commands and prohibitions is, thus, that human beings have the freedom to obey or disobey them.⁵

VI

But what if one violates the Torah's command involuntarily, due to circumstances beyond one's control, or with no other options available? Is one still culpable? And is the act still punishable? The Torah-tradition contains numerous examples of such involuntary offenders, who have done what was forbidden or failed to do what was commanded, out of constraint and lack of freedom (*me-ones*). The cases discussed involve varying degrees and kinds of constraint: threat of torture or death, extreme financial duress; mistaken impression of the facts; forgetfulness; insanity; intoxication; illness; accident; and other factors beyond one's control. Although the halakhic authorities differ as to whether the factor of *ones* should be the governing consideration in any particular case—and whether, therefore, the offender is to be fully exempt, is to be held fully responsible, or partially both—a frequently invoked principle is that "in cases of *ones* the Merciful One exempts."⁶ The underlying principle is, apparently, that when forbidden acts are performed in the absence of

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voluntary choice and free decision, or in the absence of other options, the offenders are judged more leniently than otherwise.

VII

The tradition does not appear ever to have looked upon homosexual behavior in such a light. It appears, rather, to have assumed that whenever homosexual acts are performed they are engaged in willingly and willfully, through a free choice from among several options. It is only in our own generation that homosexual behavior has been found to involve not merely a single, overt act, or a series of such acts, but often to reflect a profound inner condition and basic psychic orientation, involving the deepest levels of personality. However deep and numerous are the differences among contemporary experts on homosexuality,⁷ on one aspect there seems to be *near-unanimity*: that for very many homosexuals the prospects of change to heterosexuality are almost nil.

Now, with regard to one group of homosexuals (and bi-sexuals), those whose sexual behavior represents deliberate rejection of the Torah's standard and a simple indulgence in the hedonistic ethic of "doing whatever gives me pleasure"—and who, if they chose to, could live a heterosexual life—it is clear that from any viewpoint that acknowledges the authority of the Torah the traditional prohibition remains in full force. With regard to another group, those for whom the homosexual way has been, psychologically speaking, the "easier" way—but who, with professional help or with strenuous effort, could manage to change—the Torah's standard also remains in effect. With regard to other homosexuals, however, (constituting probably the majority), who are under the constraint of remaining homosexual indefinitely, presumably for life—their only other option being sexual abstinence for life—is there anything less stringent that could, and should, be said by contemporary Torah-interpreters and Torah-observers?

VIII

For one thing, a truly Torah approach, taking seriously the injunction of the Torah-tradition not to judge another person until one stands in his place,⁸ would acknowledge that no human being is able to know the

3. B. Niddah 16b.
4. B. Berachot 33b.
5. For a further discussion of the problem of determinism, freedom, judgment, and providence, see "Man's Role in God's Design," JUDAISM, XXI, 2, (Spring 1972).
6. B. Nedarii 27a.

7. They differ on the causes (some positing a hormonal or other hereditary factor; some stressing a seriously inadequate or disturbed parental relationship in the earliest years; some pointing to early traumatic sexual experience; some insisting that the causes are thus far simply unknown). They differ on the possibilities for changing to heterosexuality (some insisting that no true homosexual can change; some claiming that all who truly desire to, can be professionally enabled to; many acknowledging that, at most, perhaps a quarter or third can change). They differ on the appropriate treatment methods for those who seek to change (psychoanalysis, analytic forms of psychotherapy, behavior modification).
8. Avot 2:5.

exact degree of another's freedom; that God alone has that knowledge; that God alone, therefore, has the ability and the right to judge a person's culpability; and that none of us humans, therefore, ought presume to judge a homosexual or automatically regard a homosexual as a sinner—since, as already implied, sin involves not only overt action but also intention, decision, and responsibility.⁹

Furthermore, a Torah approach would look with deep compassion (*rahmanut*) upon the plight of many homosexuals in our society. It would share the anguish of a human being who for years—perhaps since early adolescence—has had to live with a growing sense of being different and “queer” in constant fear of being discovered; knowing that, if discovered, one might well be looked down upon as perverted, loathsome, dangerous; with the consequent fear of being mistreated, humiliated and ridiculed, perhaps blackmailed, excluded or expelled from many types of employment, and denied acceptance and friendship. (“The Lord seeks the pursued”¹⁰ and we should imitate Him in this regard.)

Not content with withholding judgment and with feeling compassion, a genuinely Jewish approach to homosexuality would require us to *demonstrate* such feelings of compassion by willingly associating with homosexuals and engaging in acts of kindness and friendship—so that the particular individuals whom we meet will not feel grudgingly tolerated but will see that they are included within the circle of our love.

But even more is required, if our Jewish responsibility to homosexuals is to be fulfilled. For it is not enough to attend to our own attitude and behavior; we must be equally concerned with what is felt and done by others, keeping ourselves from falling into the category of those “in whose power it was to protest but did not protest.” True, we cannot force a change of heart upon others nor control their actions; we can, however, make a genuine effort to dispel the popular myths and repeal the legal disabilities that have made the life of many homosexuals into a living hell. We now know, for example, that most male homosexuals are not “effeminate” in gait, voice, manner, or dress; that most female homosexuals are not “masculine”; that homosexuality does not mean promiscuity. We should, therefore, avoid such stereotypes in conversation or in attempts at “humor.” We now know that the incidence of crimes such as murder, robbery, rape, molestation, and seduction is no higher among homosexuals than among heterosexuals; we should, therefore, work for the immediate repeal of laws, rules, and practices that exclude or discriminate against homosexuals on the contrary assumption. Similarly, in acknowl-

9. Even though the tradition does at times refer to sins committed “unknowingly,” “under compulsion,” or “inadvertently,” the sinfulness of such sins consists, presumably, in sinful decisions made previously, when a greater degree of freedom obtained, or in a culpable ignorance or negligence; or in a lack of concern for harm inflicted even though inflicted unintentionally.

10. Ecclesiastes 3:15; Leviticus *Rabbanah*, Sec. 27.

edgement of the relative victimlessness of homosexual relations between consenting adults and in opposition to unnecessary government intrusion upon individual privacy, we should, as Jews, vigorously oppose any legal penalties for such homosexual behavior.¹¹

IX

If a homosexual, then, is to be considered neither sinner nor criminal, how *shall* he or she be looked upon? As sick, perhaps?

The label “sick” has some obvious advantages over the other two: if considered sick, the homosexual is saved from being religiously damned, morally condemned, or legally doomed to punishment. But “sick” has serious disadvantages, too. For the sick we prescribe treatment and therapy; upon the sick we often impose restriction, separation, even isolation; toward the sick we feel superiority and show condescension; in the presence of the sick we feel fear. And if these actions and attitudes are true concerning the *physically* ill, how much more so concerning those who are considered mentally, emotionally, psychologically ill. Realizing that the uniqueness of human beings is related to their mind, psyche, conscience and “soul,” we tend automatically and recklessly to expand and exaggerate the dimensions of their “emotional illness” and to assume that these “sick people” are maladjusted and malfunctioning in almost all regards and all relationships. We tend, therefore, to shudder in their presence, on the cruel assumption that their illness calls into question their actual humanity. (Do we, perhaps, shudder also from a subconscious fear of becoming like them, or from subconscious horror and guilt at already being at least somewhat like them?)

In the face of these negative connotations of the word “sick” and the negative consequences of applying it to homosexuals, it is quite understandable that hosts of homosexuals bitterly resent and utterly reject such a label, and that even the American Psychiatric Association has, in recent years, removed homosexuality from its list of mental illnesses.

But if the term “sickness” is to be eliminated, what, then, shall be substituted? Some of the terms that have been used—such as defect or perversion—have so many negative connotations and result in so many negative attitudes that they are hardly an improvement over what they replace. Shall we say, then—as urged by many homosexuals, many sexual liberationists and radicals, and some professional experts—that

11. It is sometimes urged that even though certain laws concerning morality should not be enforced, they should, nevertheless, not be repealed, because a) keeping them on the book serves a moral-pedagogic function; and b) removing them would imply full moral approval of the now decriminalized behavior, thus actually encouraging the young and the “weak” to engage in such acts. Whatever the measure of validity in such an argument, it is outweighed by two considerations: a) the retention of laws that have become recognized as unjust or inappropriate increases disdain for the legal system; and b) avoidance of actual harm to innocent victims must take priority over possible harm to unknown victims.

homosexuals should not be singled out at all; that they should receive no special attention, treatment, consideration, description, or label; that their orientation and behavior should be considered equally acceptable with heterosexuality as simply an "alternative life style"?

X

It is tempting to say "yes", thus avoiding the accusation of indifference and insensitivity to the anguish that so many homosexuals have undergone, and to the discrimination, deprivation, ostracism, and even persecution that have contributed to that anguish.

And yet—once again—a Jew who seeks to be faithful to the Torah and to the divine word which he affirms to be contained therein, though obliged to guard against the temptation of cruelty and lack of compassion, must also guard against the temptation of reckless relativism and simplistic sentimentality. The most truly Jewish stance would be one that takes with equal seriousness both the authority of traditional standards and the significance of modern knowledge. As already indicated, such a stance could maintain the traditional view of heterosexuality as the God-attended norm and yet would incorporate the contemporary recognition of homosexuality as, clinically speaking, a sexual deviance, malfunctioning, or abnormality—usually unavoidable and often irremediable.

Such an approach has a number of advantages. It remains faithful to the Torah-teaching that heterosexuality is, in principle, not merely recommended but commanded, and that homosexuality is not merely discouraged but forbidden. It places upon men and women who become aware of their homosexual tendencies the responsibility for striving, on their own or with the aid of professional counselors, to develop or strengthen their heterosexual tendencies. It removes from those homosexuals who, after making such efforts, find that they cannot range, all burden of blame and guilt¹²—accepting them as they are. It avoids at least some of the negative connotations of "mental illness." It acknowledges that unalterable homosexuality remains theologically unacceptable. And it warns all of us—both homosexuals and heterosexuals—against self-righteousness.

XI

In seeking to do justice to this double claim, the heterosexual majority sees several difficult dilemmas. One is whether homosexuals should ever be excluded from any particular roles in society.

Granted, as has been indicated earlier, that such exclusion is, in most

¹² Paradoxically, and yet perhaps understandably, such removal of blame and guilt, and a combination of self-acceptance and acceptance by others, has in some instances, been followed by a changeover to heterosexuality!

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cases, unnecessarily cruel and unjustly discriminatory, based on myth or prejudice and, therefore, completely unwarranted and indeed intolerable, are there, nevertheless, a certain few roles—such as teacher, youth leader, or religious guide—which are likely to be so influential upon the lives of young people that when such positions are held by an avowed homosexual those young people whose sexual orientation is not yet set may be influenced toward a homosexual orientation—not through any conscious intention, deliberate effort, or seductive behavior on the part of the homosexual (popular fear of such dangers is based, as we have seen, on myth and prejudice), but simply through functioning as authority figures and role models?

A solution to this dilemma is not easy. Some experts argue that the influence of role models such as teachers or youth leaders is likely to be crucial in a child's life. Others argue that there is little evidence to indicate who are most likely actually to function as role models, and that heroes-at-a-distance, often "present" through the media, can be no less significant as role models than the usual "significant persons" in a child's life. Still others argue that sexual orientation is set at a very early age—according to some, by the age of two!—and is, therefore, very unlikely to be affected by subsequent contact with any other person, however "significant." In the absence of any clear evidence as to harmful effects upon young people, and in the presence of clear evidence of harmful effects upon homosexuals who have been excluded from a host of jobs, we would advocate that the only roles from which homosexuals should be excluded are those of adoptive or foster parent and of religious leader—since these two roles of parent and rabbi are, by definition, meant to serve as models of what a Jewish woman or man should be. And even the role of rabbi should be open to a homosexual *if* he or she honestly holds the conviction—and would conscientiously seek to convey it to others—that, in spite of his or her own homosexuality, the Jewish ideal for man and woman is heterosexuality. (After all, it is accepted that a single or divorced person can legitimately and effectively serve as rabbi provided that he or she holds up marriage as the ideal, and that a childless person may serve as rabbi as long as he or she holds up having children as the ideal.)

XII

For the organized Jewish community a further problem arises, in connection with a request—or demand—which, though formerly unheard of and until recently, indeed, inconceivable, has now been presented by some homosexuals and is likely to be made with increasing frequency and forcefulness: that national synagogue organizations accept congregations of homosexuals as local affiliates. What would be a proper response to this very real dilemma? On the one hand, is not a homosexual synagogue a contradiction in terms? Since Judaism considers heterosex-

ality to be the norm, how can it accept as legitimate a group which, by name and public identification, represents, celebrates, and makes a principle of its deviation from that norm? And yet, does not any group of Jews have a right to form a congregation and the further right to affiliate, on the same basis as others, with a union of congregations?

Our response to this dilemma would be threefold: a) it would be far preferable for homosexuals to be welcome and feel welcome in existing congregations rather than to feel a need to form their own gay synagogues; b) since the present reality, however, is that such a welcome is not assured and is perhaps even unlikely, the formation of gay congregations is legitimate; and c) a gay congregation, to be eligible for affiliation with a union of congregations, however, must not—by rule, name, practice, or implication—restrict its own membership or leadership to homosexuals.

XIII

There remains one further, far more radical, request—again, often touched as a demand—that has been made by some Jewish homosexuals: that rabbis solemnize and all Jews recognize "marriages" between homosexuals, and that congregations admit such couples to "family memberships." Is there any way in which the notion of a homosexual "marriage" could be considered Jewish valid?

When we speak of "Jewishly valid" with reference to an officially solemnized, publicly recognized pattern of behavior, we must be speaking in terms of traditional Jewish law, the halakhah. Now, though the halakhah has developed and "changed" over the ages, through Rabbinic interpretation of Biblical law and Rabbinic enactment for the public welfare, nevertheless, in the three thousand years of recorded halakhic teaching and practice there is apparently not a single instance of halakhic provision for the legitimization of a homosexual relationship. And even if the flexibility and resourcefulness of the halakhah were renewed and increased—as befits the "Torah of Life"—it is hardly conceivable that a homosexual departure from the Torah's heterosexual norm would ever be accepted by halakhically faithful Jews or ever be recognized as *k'dat moshe v'yisrael* (in accordance with the law of Moses and Israel).

XIV

How will Jewish homosexuals who cherish both Torah and commandments and the Community of the People of Israel, but who must live with the reality of their homosexual condition—how will they be likely to respond to such a categorical halakhic "no"?

Some will probably be so embittered that they may turn their backs on the whole Jewish "establishment" or on Judaism itself. But perhaps some

may trouble themselves to formulate a response, in the hope of making their position understood, to the "straight" majority of their fellow Jews. And their response might go something like this.

"Granted that marriage in Judaism has always been heterosexual; and granted that one of the major purposes of marriage has been procreation—in order both to populate the world and to pass on the Covenant way of life. But is that the sole purpose and meaning of Jewish marriage? What of the legitimacy of sexual pleasure and release—is that not also Jewish? (Long-term abstinence is no more feasible, bearable, or desirable for homosexuals than for heterosexuals.) And does not marriage have other purposes as well: the fostering of mutual affection, care, trust, sacrifice, and support; the encouragement and sustenance of growth—intellectual, esthetic, moral, and spiritual; the sharing of pain and anxiety; the nurturing of joy and hope; the overcoming of loneliness—all of these on the basis of an enduring commitment of faithfulness? And is not marriage the primary and preferred—and, indeed, the only fully acceptable—context for furthering these purposes? If it is the Torah-teaching that the fullest possible meaning of personhood is to be found in and through marriage, shall we, because we are homosexuals, be denied the right to seek such meaning and to develop such personhood? If God, in whose image we homosexuals, too, are created, has directly or indirectly caused or willed or allowed us to be what we cannot help being—men and women unable to function heterosexually—can we believe, and can you heterosexuals believe, that He wants us to be denied the only possible arrangement whereby we can live as deeply a human life as we are capable of?

"If, as you heterosexuals claim, our condition constitutes a deviance and malfunctioning and abnormality, do we not have the God-given right—indeed, the obligation—to attempt to live with, adjust to, make the best of, and rise above this "handicap" of ours, just as all of the other handicapped are expected to do?

"If the halakhah can provide marriage only for heterosexuals and cannot speak to our condition, then in this one regard we must live non-halakhically; but we are Jews and we insist on avowing our homosexual condition and our homosexual union, openly and unashamedly, within the Covenant Community of the People of Israel.¹³ In our eyes—

13. When such open and unashamed avowal of homosexuality takes the form of public protest, demonstration, and proclamation, many heterosexuals—even those who have come to grant the validity of such basic gay rights as non-discrimination in housing, employment, and public office—become resentful, impatient, and angry at what they consider the "constant parading" by gays of their homosexuality. They often fail to realize that such public display is a reflection of the grim reality that denial of these basic rights is still widespread and has only very recently been reduced. When the rights of gays will have been fully accepted and their changed status inwardly assimilated by both straights and gays, both groups will obviously feel less threatened. At that point the need for public demonstration by

and, we feel sure, in God's eyes, too—our homosexual bond is worthy, proper, and even holy. We believe that for us, who wish to live as Jews and love as Jews but who, by virtue of our homosexual condition, are not in a position to beget or bear any offspring, God has a word that is no less accepting and no less reassuring than His word to the eunuchs in the Babylonian Exile:

'Let the eunuch not say: behold, I am a withered tree; for thus says the Lord: as regards the eunuchs who keep My Sabbaths, who have chosen what I desire, and hold fast to My covenant, I will give them, in My house and within My walls, a monument and a name better than sons and daughters... an everlasting name that shall not perish.'¹⁴

A Theology of Jewish Liberation

LEVI A. OLAN

LIBERATION THEOLOGY IS THE LATEST ARRIVAL on the theological scene. Its chief protagonists speak from within the Black and Latin American experience. Professor William Jones of Yale abruptly asks, "Is God a white racist?" and Gutierrez presses beyond bewildered inquiry toward social action. Should Jewish theology follow in the path now vigorously pursued by liberation theologians? Professor Jones has suggested the tantalizing question: "Is God an anti-Semite?" while Elie Wiesel tells of the Jew who admonishes his fellow worshipper to pray very quietly for God may hear them and learn that there are still some Jews left over. The demand that God justify His way with man is rooted deeply in Jewish experience. It began with Abraham at Sodom, it was repeated by Jeremiah, Job, and Levi Yizhak of Berdichev. The right to question God derives from the Jews' experience with Him as *Goel* redeemer. Jewish theology is, by its very nature, Liberation theology. It is the acknowledged source of all modern liberation theology, Black, Latin American and all others. Yahweh's choice of the smallest enslaved people to be His people attests to His purpose in history. He revealed Himself to them in the historic act of liberation and Jewish tradition has piously preserved this original experience with its liberating God.

Jewish religious thought is dynamic, in contrast to Greek philosophy which is static. It derives from action as against contemplation, it is concrete and not abstract, its dynamics are made vital by its absorption in concern with history and God's role in it. Modern liberation theology expresses a protest against the abstractions of classical (Greek) religious thought. The oppressed of the world hunger after the God who revealed Himself to Israel in their deliverance from slavery. "Only the white middle class, or the affluent," writes Herzog, "can afford to start with itself in the search for the meaning of God . . . the more self-certainty the could be had, the less God-certainty was necessary. One needs leisure and privacy to find self-certainty."¹ God is a live issue only where life is not secure, where man is not permitted to become complacent, and when he realizes that he is not in control of his own life. Richard Niebuhr and James Cone deny the possibility of disinterested theology. It is always they claim, a reflection of the goals and aspirations of a particular people in a definite social setting.² Modern Jewish theology, in this view, should reflect the particular experience of the Jew in current history.

1. F. Herzog, *Liberation Theology* (N.Y., 1972), p. 2.

2. R. Niebuhr, *The Meaning of Revelation* (N.Y., 1941), p. 35 and J.H. Cone, *God of the Oppressed* (N.Y., 1975), p. 39.

LEVI A. OLAN is rabbi-emeritus of Temple Emanuel-El, Dallas, Texas.

What Is Wrong with Gay Marriage

Stanley N. Kurtz

A CLEAR majority of the American public opposes same-sex marriage, a social reform already making headway in a number of states. And yet this opposition, though real, is by and large silent. Just prior to the close vote on "civil unions" in the Vermont state assembly this past April, a number of anguished legislators pleaded for more time. Our society, they said, had only begun to consider the full implications of same-sex marriage; how could they be expected to make so fateful a decision in the absence of informed and substantive discussion? But the vote was taken anyway; the Vermont measure has passed into law; and still the hoped-for discussion has failed to materialize.

So striking is this general silence that one cannot help wondering about the reasons for it. They are not far to seek. In April, just after Reform rabbis had been authorized by their movement to conduct same-sex wedding ceremonies, and as Methodists, Presbyterians, and Episcopalians were debating whether to do likewise, a story appeared in the *New York Times* about three respected and moderately liberal Protestant theologians known to be opposed to such a move who had been invited to air their views on television. All three had declined to appear, and on more or less the same grounds: fear of being publicly smeared as "homophobic."

STANLEY N. KURTZ, a new contributor, is an anthropologist and an adjunct senior fellow at the Hudson Institute. He is currently working on a book about feminism.

In a democracy, Tocqueville warned, the threat of social ostracism can be too easily turned against minority viewpoints. How curious, then, to see it being deployed so effectively today against the majority. True, even a relatively small group of deeply committed partisans can always impose certain costs on its adversaries, and the cause of same-sex marriage is certainly one to which gay activists and their allies are deeply committed. True, too, the positions espoused by these activists are generally supported by the American cultural elite, including the mainstream media, which exercise a powerful censoring role of their own. But one also senses that the silencing of the majority would never have been possible were the majority itself more certain of its ground.

Although most Americans are indeed opposed to the legalization of same-sex marriage, large numbers of these same Americans do not consider homosexuality itself a sin, and they welcome greater tolerance for homosexuals. Favoring equality, they do not wish to see anyone denied his rights. It is the seeming ambiguity in this position that has been seized upon by activists to stigmatize any opposition to same-sex marriage as evidence of homophobia, or prejudice against homosexuals per se. But a fairer way of putting it would be to say that we have allowed a muddled understanding of democracy to subvert our capacity to speak on behalf of those human forms and traditions upon which democracy itself crucially depends.

NOT THAT the arguments in favor of same-sex marriage are themselves models of clarity. Quite the contrary: they have shifted with the moment, and with their proponents' sense of political expediency.

Perhaps the most articulate of these proponents is the British-born Andrew Sullivan, who just over a decade ago launched his campaign for same-sex marriage in the pages of the *New Republic*, the magazine of which he was then the editor. True to his self-description as a conservative, Sullivan put forward a conservative argument. Marriage, he proclaimed, is an institution worthy of preservation, and society is correct to extend legal advantages to couples who choose to live under its formal sanction. For marriage provides a counterbalance to sexual adventurism, especially male sexual adventurism, and thus serves to encourage the socially beneficial ends of emotional stability, economic security, and a healthy environment in which to rear the next generation. But *precisely for that reason*, Sullivan concluded, the legal benefits of marriage ought to be extended to gays as well, who if anything stand in even greater need of its ameliorating spirit than do heterosexuals, and who could contribute most to society if brought under the healing embrace of bourgeois respectability.

Would homosexuals actually choose to marry? Sullivan, after all, was speaking of a community—his own community—that has put a premium on sexual promiscuity, as well as on rebellion against everything subsumed under the word “proper.” Not to worry, he reassured his readers: while some gay activists and a number of aging radicals might cling to an outdated notion of homosexuals as the quintessential outsiders, in the community as a whole the impulse to rebel was giving way to the impulse to belong. Indeed, his “guess” was that, if only the straight world would accept them, many would happily wed—and they might well prove to be more committed marriage partners than heterosexuals themselves. At the very least, by turning marriage into a shared institution, America could heal the gay/straight rift, make headway against the scourge of AIDS, and ensure that a restless and endangered class of citizens would be happier, more productive, and better cared for.

Several years later, Sullivan fleshed out this argument in a book, *Virtually Normal*, which garnered generally enthusiastic reviews. It also attracted at least two vigorous counterresponses: one by James Q. Wilson in COMMENTARY (“Against Homosexual Marriage,” March 1996) and a shorter piece by William J. Bennett in *Newsweek*. Bennett

raised the interesting possibility that Sullivan’s “guess” might prove wrong—that legalized marriage would not in fact domesticate gays but rather the reverse: that an often openly and even proudly promiscuous population would fatally undermine an already weakened institution by breaking the bond between marriage and the principle of monogamy. Besides, Bennett asked, once we arbitrarily redefine marriage to take in couples of the same sex, what would be the stopping point? Why not legalize polygamy, even incest?

This last point Sullivan himself was, in turn, quick to disparage as irrational fear-mongering, likening it to the disaster scenarios trotted out decades earlier during the debate over interracial marriage. “To the best of my knowledge,” he scoffed in reply to Bennett, “there is no polygamist’s rights organization poised to exploit same-sex marriage and return the republic to polygamous abandon.”

But at the same time, Sullivan was already beginning subtly to shift ground. In the case of heterosexuals, he complained in his response to Bennett, we have never been in the habit of making “nitpicking assessments of who deserves the *right* to marry and who does not” (emphasis added); why do so in the case of homosexuals? This was a portent of things to come. From urging that the benefits of marriage be extended to gays as a matter of society’s own self-interest—that is, in order to tame an antinomian force by, in effect, co-opting it—Sullivan and others soon began to build a case for gay marriage on the basis of human and civil rights.

Gone now was the earnest contention that marriage both solemnized and reinforced a worthy moral code. Gone, too, was any serious effort to show that gays, if allowed to marry, would adopt that code. In “State of the Union,” a piece published in the *New Republic* earlier this year in the wake of the Vermont legislature’s action, Sullivan conceded in one breath that many gay men had no interest in marriage with its expectations of fidelity, while insisting in the next that even if they did marry, the impact on the institution as a whole, given the tiny percentage of homosexuals in the population, would be negligible. But all that was beside the point, which was one of principle: in a free society, Sullivan declared, we allow anyone to marry who so wishes. And although we naturally hope for the best from all those marriages, the actual outcome is irrelevant; marriage itself is an elementary right, and to deny it to anyone, not only in substance but in name (by adopting such halfway measures as domestic partnerships or civil unions), is a species of discrimination, pure and simple.

Thus the "debate" so far. To judge by the silence on the other side, the proponents of same-sex marriage would seem to have won hands down, no matter which argument they happen to base themselves on at any given moment. In instructing the state legislature last December to authorize either same-sex marriage or, as the closest thing to it, civil unions, Vermont's supreme court unabashedly invoked what it called a "recognition of our common humanity" as the ground for its decision. "Our common humanity": who could be so retrograde, or so callous, as to say no to *that*?

BUT THE fact is that our common humanity has nothing to do with the case. After all, we recognize a common humanity with all sorts of people, some of them even criminals, to whom we would not consider extending many of the normal benefits of society. As a social and legal institution, marriage exists not because it is a universal right but only because, historically, certain human communities have decided that this particular form of personal alliance between a man and a woman both needs and deserves societal encouragement. In fact, a rights-based argument, if it were honest, would *reject* this social favoritism altogether, calling instead for the abolition of state-sponsored marriage and, perhaps, its replacement by contracts in which personal alliances of any kind would be arranged solely by the parties concerned, in whatever number or gender, and with whatever associated responsibilities, they saw fit to stipulate.

Of course, advocates of same-sex marriage do not (generally) espouse so radical a position. But neither do they concede what is manifestly the case: that they already have the same legal right to marry as everybody else—to marry, that is, members of the opposite sex. What they claim instead is a new right: the right to reconfigure the conditions of marriage in such a way as to change its very definition, while denying they are doing any such thing. And this right to reconfigure marriage in favor of gays is indeed tantamount, just as Bennett warned, to a right to reconfigure it in favor of polygamists, or pederasts, or practitioners of incest—do we not share a common humanity with each of them?—and thus, in effect, to eliminate heterosexual monogamous marriage as a legal and, ultimately, a social category. As we shall see, at least some advocates of same-sex marriage are frank enough to say so.

What we are thrown back on, in other words, are the fundamental questions of what marriage is, and what it is for. It was the answers to these questions

that gave rise to the determination in the West to give a privileged status to monogamous heterosexual unions in the first place, and even though those millennia-old answers may have been momentarily forgotten, or have fallen into disrepute, they remain as sound and as compelling as ever.

IN A great many non-Western cultures, polygamy and polyandry (a marriage of one woman and several men) have long existed; it is even possible that the great majority of human societies throughout history have allowed polygamy even if most did not practice it. By contrast, monogamous heterosexual marriage arose for specific reasons, of which the more venerable has to do with the complementarity of the sexes and the more recent with the fundamental liberal belief in the primacy of the individual. If we begin with the second of these, that is only because it is the less controversial.

Societies that practice polygamy tend to be built around life within groups, where the rights of the individual are subordinated to the honor and fate of the clan or joint family. Marriages in such societies are undertaken not so much to join forever with a distinctive beloved but first and foremost to further alliances between families and clans, and the children of these marriages are raised less by their parents alone than by some larger association of kin. Hillary Clinton's favorite proverb, "It takes a village to raise a child," is meaningful in just these sorts of settings, which may indeed be stable, and which are certainly complex, but where the chief source of authority is not the individual but the group.

That our own society is rather different hardly needs to be demonstrated. In the modern period, families in the West are for the most part based not on large associations of kin with whom we live cheek by jowl but rather on deeply personal ties established over time between two unique individuals. These emotionally intimate ties are the fundamental glue of Western marriage, which is monogamous not only because it represents the free choice of autonomous persons but because anything other than monogamy would fatally undercut the primacy of the individual and force us back either into social chaos or into the straitjacket of large, rule-bound groups.

To be sure, individualism like every other form of human expression can be carried to excess, and in ways that promote its own subversion. The same regard for our individual uniqueness that pushes in favor of romantic love can, if unbridled by other considerations, make us chafe at any restrictions whatsoever on our freedom, enticing us to believe

that we can have whomsoever we desire, whenever it strikes our fancy, and no matter what prior obligations we may have undertaken to any one person. "The heart wants what it wants," said Woody Allen famously, at a moment when he was upending his own family arrangements dramatically. But that too is precisely why society has stepped in to reinforce, through the legalized institution of marriage, the notion of committed romantic love: that is, the side of individualism that draws men and women together rather than the side that pulls them restlessly apart. Its interest in doing so goes beyond the stake every society has in settled order; the fact is that the continuity of these two-person bonds is, once again, all that stands between our children and chaos.

What, one may ask, does this have to do with homosexuality? After all, as proponents of same-sex marriage remind us, gay couples can be drawn together by romantic love, and stay together, too. And at least some homosexual couples have children as well—through adoption or artificial insemination, or from previous marriages. Not only that, but nobody bars heterosexual couples who are sterile or childless from getting or staying married. Maybe there is good reason for marriage to be monogamous; does that mean it also has to be exclusively heterosexual?

BUT THAT brings us to the complementarity of the sexes, a concept so politically incorrect that even to mention it these days is to invite ridicule. For if it implies anything, the complementarity of the sexes implies that men and women are different—and that, where the formation of families and the rearing of children are concerned, heterosexual parents are and should be preferred to homosexual parents: two ideas that are anathema to radical feminists and gay activists alike. Nevertheless, whether it is a biologically based fact or a cultural artifact, or both, the complementarity of the sexes is real, and it is not about to disappear. And a good thing, too, since the stability of marriage depends on it.

In speaking of the complementarity of the sexes, I do not have in mind the old "division of the spheres"—the doctrine that, to put it crudely, men's natural place is to occupy themselves with labor outside the home while women's natural bent is to care for hearth and children. But neither is that idea to be lightly disparaged. True, increasing numbers of women work outside the home these days, and their access to prestigious and highly remunerative jobs is approaching that of men. But when it comes to sex and marriage, the old patterns, the old attitudes, and the

old instincts stubbornly refuse to lie down and die. The woman who pulls down a six-figure salary still waits for a man to call for a date, and the woman who comfortably commands men at the office still waits for a man to hold the door open for her. In our fantasies and in the details of our intimate lives, as in our popular songs, the complementarity of the sexes lives on, and will not be eradicated.

This complementarity is absolutely crucial for married life. To Andrew Sullivan, it is the institution of marriage itself that "domesticates" men. But he has it wrong, or at best half-right: it is women who domesticate men. This is hardly to say that women themselves are never promiscuous; it is to say, rather, that what characteristically leads a man to abandon the quest for sexual conquest and, as the phrase has it, settle down and raise a family is the companionship and (yes) the possession of a beloved woman. Upon this basic dynamic of sexual coupling, society puts its imprimatur in the form of legalized marriage and, at least until recently, has also put its sanctions in the laws regulating divorce, laws that were typically much harder on men as the "naturally" promiscuous partners than on women.

There is still another aspect to the complementarity of the sexes that might be mentioned in this context, and that is hierarchy. If a man's proprietary interest in wife and family—his sense of possession and responsibility—is what both induces and permits him to give up the restless search for sexual conquest, the maintenance of this interest depends on, at a minimum, the tokens of entitlement suggested (again, however risibly to feminists and others) by the image of a home as a castle and the father and husband as its king. Of course, everyone knows and has always known that this kingship is more often symbolic than real: a rough sort of equality has always lain hidden under the idea of heterosexual hierarchy, and the question of who is the conqueror and who the conquered as between men and women is one of the oldest themes of high literature and folk humor alike. There is plenty of winning and losing all around.

But, to put it plainly, what the Promise Keepers have the audacity to say out loud about a man's authority within the marriage bond remains, in subtler form, the formula of heterosexual marital success. The mere fact that, to the abiding frustration of feminists, 90 percent of married American women still take their husbands' surnames, while only 2 percent retain their maiden names alone, is powerful testimony to the enduring relevance of this ageless and complex drama of pursuit and possession

by means of which individual men and women complete and "own" one another exclusively.

IN SUM, to suppose that legally conferring the word "marriage" on the union of two gay men will somehow magically domesticate them both is to indulge in fantasy; only sexual complementarity can do that. The state can reinforce the effect, but it cannot create it out of whole cloth.

In saying all this, I am merely reiterating something that heterosexual men and women have always known. More significantly, it is something that at least one segment of the homosexual community has been similarly frank to affirm: the segment, that is, that acknowledges the difference between heterosexuality and homosexuality. In contrast to moderates and "conservatives" like Andrew Sullivan, who consistently play down that difference in order to promote their vision of gays as monogamists-in-the-making, radical gays have argued—more knowledgeably, more powerfully, and more vocally than any opponent of same-sex marriage would dare to do—that homosexuality, and particularly male homosexuality, is by its very nature incompatible with the norms of traditional monogamous marriage.

Such people are represented most prominently in the trendy academic discipline known as "queer theory." Some of them simply scoff at the idea of same-sex marriage as a contradiction in terms, and will have nothing to do with it. But for others, the prospect of legalizing same-sex marriage is in fact quite attractive—because, in making a mockery of the forms and traditions of monogamous unions, it holds out the promise of eventually undoing the institution altogether.

Take, for instance, Gretchen Stiers, a lesbian theorist and advocate of gay marriage: "Two women or two men who marry subvert the belief that women and men take on separate but complementary roles with marriage and overtly resist the notion that marriage functions to support specifically defined gender roles." Indeed, in her recent book *From This Day Forward*, the best study to date of gay and lesbian attitudes on these matters, Stiers shows that many homosexuals who disdain the idea of conventional marriage or even "commitment ceremonies" would nonetheless marry for the "bennies"—that is, the legal and financial benefits involved (such as shared health insurance). Far from reinforcing the marriage ideal, then, these couples would in effect be putting into practice the program of cultural "resistance and subversion" that she and other queer theorists favor.

Or take Michael Bronski, another radical advocate of same-sex marriage for whom "homophobia" is hardly an irrational prejudice but a "completely rational fear." After all, writes Bronski, homosexuality posits "a sexuality that is justified by pleasure alone" and that is "completely divorced from the burden of reproduction"; as such, it "strikes at the heart of the organization of Western culture and societies," destabilizing both monogamous marriage and the role of two sexually complementary parents within the nuclear family.

Nor does one have to look only to the radicals for a recognition of the subversive potential of gay marriage. William Eskridge, who like Andrew Sullivan lauds its power to tame and civilize promiscuous gay men, also frankly hopes that the institutionalization of same-sex marriage will in turn encourage a greater experimentation with all family forms. Gay marriages are bound to be more "fluid," in Eskridge's term, not so much because homosexual men will be less constrained by notions of fidelity but because, where children are concerned, sperm donors and others will be incorporated into "novel family configurations." Thanks to the example set by these "configurations," we can look forward to all sorts of beneficial changes in the structure of Western marriage.

From this perspective, in short, gay marriage represents but a critical first step toward the legitimization of multipartner marriages and then, perhaps, the eventual elimination of state-sanctioned marriage as we have known it. Once gay male couples with open sexual relationships or lesbian couples with de-facto families are legally married, the way will be open to even more imaginative combinations. On what grounds, for instance, could the sperm donor and aging rock star David Crosby be denied the right to join in matrimony with both the lesbian rock singer Melissa Etheridge and her lover Julie Cypher, the "mothers" of his child?

ENTER, NOW, polygamy, an idea so outrageously offensive to Andrew Sullivan that he held William J. Bennett up to scorn for raising it a few short years ago. But those same years, as it happens, have seen the rise of a movement, known delicately as "polyamory," many of whose proponents are indeed "poised," in Sullivan's derisive words, "to exploit same-sex marriage and return the republic to polygamous abandon."

Although exact numbers are hard to come by, and one does not wish to exaggerate, one measure of the growth of the polyamorist idea is the jump in Web-based support groups from three to up-

ward of 250. A polyamorist organization, Loving More, now holds two conferences a year, and a magazine under the same name claims a circulation of 10,000 and growing. The movement even boasts a cause célèbre in the case of April Divilbiss, a woman living openly with two "husbands" whose "immoral life-style" resulted in a court's awarding custody of her child to a grandparent. A defense fund has been set up for her, and the case has attracted the usual media attention, figuring centrally, for example, in the full-page article *Time* magazine devoted to the polyamorist movement last year.

The most common form of polyamory is "couple-centered," essentially an updated version of that ill-fated experiment of the 70's, the "open marriage." Couples attend sex parties together or meet prospective partners through ads or Internet chat rooms. Some prefer three-way sex, while others have sex only with other couples; some insist on the presence of their "spouse," while others permit one partner to go off on his or her own, on condition that no emotional involvement will ensue. (Of course, exactly as in open marriage, these outside relationships frequently lead, inside, to jealousy and breakup.) Although polyamorist couples are predominantly heterosexual, homosexuals are involved as well.

In addition to the couple-centered kind, which is perhaps familiar enough, there are two more innovative forms of polyamorous relationship: so-called group marriages, and networks of sexual connection that are even more open and "fluid" (to use William Eskridge's word). Group marriages can consist of anywhere between three and six adults who live together, sharing finances, children, and household responsibilities. Every adult is expected to be in a sexual relationship with others in the group, and if bisexuals are involved they may have sex with both men and women. The groups themselves are usually closed, although new members can join if all the existing partners agree. In the still looser forms of "polyfidelity," the group forms and re-forms according to shifting tastes and sexual orientations. Polyamory websites regularly describe multipartner sexual liaisons among gay, straight, and bisexual individuals.

Needless to say, the loss of autonomy and the high potential for conflict in all of these arrangements do not exactly make for stability, and (as in 60's-style communes) one can well imagine that the fate of the children involved is particularly harsh. But that hardly deters the enthusiasts, who, spurred by the success of the gay-marriage movement, see legalized polyamory as the wave of the future. One

such enthusiast, a de-facto polyamorist though she may never have heard the word, is the respected mainstream feminist Barbara Ehrenreich, who has forecast the rise of a whole variety of personal arrangements entered into voluntarily by consenting parties and protected by law. Although entry into and exit from these associations would be free, the marriage contract as we know it would be replaced by a parenting contract in which the parties agreed to provide in perpetuity for whatever offspring might emerge from their shifting liaisons; as for the children themselves, they could be raised in, for example, mixed-sex communes whose residents were both gay and straight.

Ehrenreich and the polyamorists are hardly unaware of the liabilities attendant upon their utopian schemes. Polyamory websites are filled with chatter about techniques for overcoming the effects of sexual jealousy, as, again and again, the seething passion for open-ended emotional exploration yields agonies of personal humiliation and betrayal, not to mention the smash-up of innocent children's lives (which does in fact usually go unmentioned). But, bringing us full circle, the polyamorists also insist there must be a cure for this debility: if other cultures can do it, we can, too. After all, they point out helpfully, many Pacific Island societies have permitted multiple and shifting sexual unions, and the majority of non-Western cultures also feature complex networks of aunts, uncles, and other kin to nurture the children. Why not us?

Why not, indeed? For sheer amusement, it would almost be worth it to see how long a fiercely willful feminist like Barbara Ehrenreich would last in a real Pacific Island society, with its tightly bound groups of kin, its intricate rules of respect, its complex and often rigid hierarchies, and its constant demands for personal sacrifice. Indeed, it is tempting to laugh at all these laborious re-creations, whether in theory or in practice, of some of the most disastrous social experiments of the last 40 years. But they are even less laughable this time around than they were in the 1960's and 70's. For now, in the form of the movement for legalized gay marriage, the machinery of the state itself has, for the first time, been mobilized to sanction, bless, and protect those very same experiments.

ULTIMATELY, IT may be that what lies behind the demand for same-sex marriage, whether couched in conservative or in "civil-rights" terms, is a bid to erase entirely the stigma of homosexuality. That bid is utopian; as radical gays like Michael Bronski acknowledge, the stigma arises from the

fundamental separation between homosexuality and reproduction, which is to say from the fundamental fact that the world is, for the overwhelming part, heterosexual. Nevertheless, in pursuit of this utopian end, we are being asked to transform, at unknown cost to ourselves and to future generations, the central institution of our society. And we are being admonished that to reject this demand is to repudiate our "common humanity" with those who are advancing it: that is, to repudiate them as persons.

That is simply not so. There is not the slightest evidence that either the civil status of homosexuals or the increased sympathy and respect they now enjoy in America will in the least suffer from a continued refusal to redefine marriage so as to include homosexual unions. The real danger, rather, lies in the opposite direction—in the emptying-out of every last vestige of meaning from an institution already under siege by the disintegrative sexual and

social forces of the last decades. If ever there was a place to draw a line, this is it.

"What is distinctive about marriage," wrote James Q. Wilson four years ago in *COMMENTARY*, "is that it is an institution created to sustain child-rearing." The reason that role is "entrusted in principle to married heterosexual couples," he added, is "because after much experimentation—several thousand years, more or less—we have found nothing else that works as well." It would be hard to improve on Wilson's quiet formulation of the case. Yet today, the war against this "institution created to sustain child-rearing"—that is, against marriage and the family—continues in force. Spearheaded by the campaign for same-sex unions, and under the reassuring but radically false guise of *preserving* marriage and the family, it is, in fact, intensifying. For that reason, among a host of others, it ought to be resisted—firmly, politely, but above all unashamedly.

2004

**RABBINICAL COUNCIL OF AMERICA & UNION OF ORTHODOX CONGREGATIONS OF AMERICA
OPPOSE SAME-SEX MARRIAGE**

**"STAND OPPOSED TO ANY ATTEMPT...TO BESTOW THE SANCTITY OF MARRIAGE
UPON SAME-SEX COUPLES"**

Tuesday, March 30, 2004 – Today, the Rabbinical Council of America (RCA) and the Union of Orthodox Jewish Congregations of America (OU), the largest rabbinic and synagogue Orthodox Jewish organizations in North America, released a joint statement opposing the practice of same-sex marriage.

Citing Jewish law and tradition, the RCA and OU reaffirm the prohibition of homosexuality and the definition of the institution of marriage as between a man and a woman. The two groups state that the term "marriage" cannot be construed or applied to same-sex relationships, as to do so "is to deprive the term of its fundamental and defining meaning." The two groups call upon Jews and citizens everywhere to oppose any effort to bestow the sanctity of marriage upon same sex couples.

"We are joining together today to illustrate the very clear definition of marriage within the context of Jewish Law and Jewish tradition," said Rabbi Kenneth Auman, president of the Rabbinical Council of America. "As Passover nears, this statement is especially relevant since the Exodus from Egypt was a liberation from not only slavery and infanticide, but a rejection of the sexual, including homosexual, depravity that was sanctioned by Egyptian society as well."

While uncompromising in their opposition to the notion of same sex marriage, the RCA and OU in their joint statement call on their rabbis and synagogues to demonstrate compassion, sensitivity, and understanding in dealing with those who in spite of their acceptance of these principles, have difficulty in living up to these standards.

About the RCA:

The Rabbinical Council of America is a professional organization serving over 1150 Orthodox Rabbis in the United States of America, Canada, Israel, and around the world. Membership is comprised of duly ordained Orthodox Rabbis who serve in positions of the congregational Rabbinate, Jewish education, chaplaincies, and other allied fields of Jewish communal work.

About the OU:

The Orthodox Union, now in its second century of service to the Jewish community of North America and beyond, is a world leader in community and synagogue services, adult education, youth work through NCSY, political action through the IPA, and advocacy for persons with disabilities through Yachad and Our Way. Its kosher supervision label, the ® , is the world's most recognized kosher symbol and can be found on over 275,000 products manufactured in 68 countries around the globe.

Following is text of the joint statement "On Same-Sex Marriage: A Statement of Principle," as issued by the Rabbinical Council of American and the Union of Orthodox Jewish Congregations of America.

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On "Same-Sex Marriage": A Statement of Principle
3/31/2004

The Rabbinical Council of America and The Union of Orthodox Jewish Congregations of America reaffirm the following foundational principles and beliefs in unambiguous and unmistakable terms:

- Homosexual behavior is, and has always been, absolutely forbidden by Jewish law and tradition. Any attempt to characterize Jewish law and tradition to the contrary must be rejected.
- The only legitimate form of sexual behavior is that which takes place between adult men and women, within the sacred institution of marriage, as traditionally defined and permitted.
- Under no circumstances can Jewish tradition or law countenance a notion of so-called "Same-Sex Marriage" rituals or status under religious auspices. In our view, the term "marriage" by its very definition cannot be construed or applied to same-sex relationships. To do so is to deprive the term of its fundamental and defining meaning. The institution of marriage, and family life, as defined and practiced for thousands of years as between a man and a women, a father and a mother, respectively, is far too important and essential to the bedrock of society and civilization as we know it, to be thus undermined by those who presume to redefine its essence.
- At the same time we reaffirm that those who, in spite of their acceptance of these principles, have difficulty in living up to these standards, should be treated with compassion, sensitivity, and understanding, in our synagogues, in the Jewish community, and in society at large.
- We further note that Passover, commemorating the Exodus from Egypt, is an especially appropriate time to reaffirm these principles. As Leviticus 18 makes clear, the liberation was not only from slavery and infanticide, but also from the sexual depravity practiced in ancient Egypt, which, as understood by the Sages of blessed memory (Sifra Lev. 132), included the legitimization of same-sex marriages.
- We thus call upon our fellow Jews and fellow citizens to stand opposed to any attempt, whether judicial, legislative, or religious in nature, to bestow the sanctity of marriage upon same-sex couples.



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Wednesday, March 31, 2004 / 9 Nisan 5764

(03/26/2004)

Orthodox Response To Same-Sex Marriage

Tzvi Hersh Weinreb

It is high time for a statement asserting and explaining the traditional Jewish position on homosexuality. Various Jewish groups have left the impression with the public at large that Judaism is supportive of homosexual behavior to the extent of endorsing same sex marriage. Thus it is imperative for the Orthodox world to make our position clear once more.

The position of traditional Judaism on homosexual behavior is clear and unambiguous, terse and absolute. Homosexual behavior between males or between females is absolutely forbidden by Jewish law, beginning with the biblical imperative, alluded to numerous times in the Talmud and codified in the Shulchan Aruch.

The position of Judaism on marriage is equally clear. Judaism recognizes marriage as a fundamental human institution, and affirms marriage only between a man and woman.

Judaism recognizes the central role of the two-parent, mother-father led family as the vital institution in shaping the entire human race. Within the Jewish people, the two-parent marriage is a model not only for human relations but for relations with the Divine. The Almighty Himself is seen as being a third partner to the father-mother configuration, and the central role of the family, unless circumstances make it impossible, is to conceive and raise children, thereby perpetuating the human race and for Jews, ensuring the continuity of the Jewish people.

I contest the description of Jewish values that has been foisted upon the public by numerous spokesmen of various factions of Judaism, most recently, and extremely, in the David Ellenson essay on these pages ("Same Sex Marriage, In The Jewish Tradition," March 12). To argue that same-sex marriage is consistent with the traditions of Judaism is intellectually dishonest at best and blasphemous at worst.

Nevertheless, while the sources irrevocably forbid homosexual relationships and overt homosexual behavior, there are other issues that are more nuanced and must be clarified. One has to do with the attitude toward homosexual individuals prescribed by Jewish tradition. Here it is critical to adopt the distinction, already implicit in numerous rabbinical texts, between the sin and the sinner; that is, between the person and his or her behavior. Given the nature of our times, it is impossible to formally condemn people who violate Jewish norms. Orthodox Jews and Orthodox synagogues display various degrees of tolerance and acceptance to individuals who are violators of the halachic aspects of the Sabbath, or individuals who flagrantly violate the kashrut laws. The tolerance rightly shown to these individuals by no means



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condones their behavior, but accepts them as people who may be misled or uninformed. While tolerance for individuals who manifest homosexual tendencies is certainly a Jewish value, and consistent with some of the core values to which Rabbi Ellenson refers, there is a great difference between tolerance for an individual and recognition of a movement which wishes to turn something clearly wrong by Jewish standards into something not only tolerated but normative.

Observant Jews must have an attitude of empathy and understanding for individuals who say, "I have these urges, I can't help them." But we cannot accept those who would say, "I have these urges, they are God-given and therefore it is a mitzvah to follow them."

Another complex issue that needs to be addressed is the degree to which this clear Jewish position should be translated into public policy in a pluralistic democratic society. Here, people of good will can debate the merits of whether any religion can urge its values upon the greater society. Here we can disagree, although I personally believe that all religions have the responsibility of educating the public to core values that we believe have universal, as well as particular, religious import. In this connection we ought to consider a Talmudic passage (Chullin 92a) that says that the nations of the world, however sinful, corrupt or perverse, still have the merit of at least three behaviors, one of which is "they do not write a ketubah for males."

We can also debate the wisdom of a constitutional amendment defining marriage. It can be argued that any tampering with the U.S. Constitution, a document that arguably has done more for the Jewish people than any other secular document in historical memory, is a risky proposition. However, whatever your position on the constitutional amendment, the inclusion of same-sex relationships in the definition of marriage is something that any Jew of conscience should oppose.

I, and other Orthodox leaders did not foster this debate; it has been brought upon us. We are taught that certain aspects of human behavior, even very normal and natural functions, are best treated with modesty and privacy. However, the extreme statements and declarations that have been made, and lately in the very name of Judaism, simply cannot be allowed to pass without protest. We cannot be silent upon occasions where Judaism is fraudulently depicted as condoning something that its Torah clearly and irreversibly condemns. n

Rabbi Tzvi Hersh Weinreb is executive vice president of the Orthodox Union.
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Unit 11

Theodicy

When Bad Things Happen to Good People

Pessimism, Optimism, and Realism in Biblical Wisdom Literature

Theodicy in the Bible:

*An analysis of the
prophets who
challenged Hashem
from Avraham to
Chabakuk, from
Moshe to Yirmyahu*

[illegible]

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אלה ימים לא תיראו את אלהי האמורי אשר אתם יושבים
בארצם ולא שבעתם בקולו:

והשב תחת האלה אשר בעפלה אשר ליושבי בני העמור
והעניו במו חבט חוטם בפת לחנם כפני מדין: וראה אליו
מלאך יהוה ואמר אליו יהוה עמך צדוק ורחל: ואמר אליו
העניו כי ארץ ויש יהוה עמנו ונפחה ונפחה בלוא ואת ואיה
כל צפלאותיו אשר כפרו לנו אבותינו לאמר הלא מופתים
העלנו יהוה ונחמה נשענו יהוה ונחמנו ככר מדין: ונפן אליו
יהוה ואמר לך בנחן זה והושעת את ישראל ככר מדין
הלא שלחתך: ואמר אליו כי ארץ פמה אשע את
ישראל חפה חפלי חרל כמפלה ואנכי הצעיר בבית אבי:
ואמר אליו יהוה כי אהיה עמך והפית את מדין פאיש
את: ואמר אליו אם נא מצאתיך בעמך ועשית לי את
השמה כדבר עמי: אל נא רמס כזה ערבי אלך
והצאתו את מדיני והפחתו לפניך ואמר אנכי אשב ער
שכר: והעניו נא ונשע גוי ואפתי קמח מצות הפשל
שם בפל המפרק שם בפחד ויצא אליו אל תחת האלה
ונש:

וכפשו ואר הפעולת והפחה אל הפלע הלו ואר המפרק שפוך
והעניו כי: וישלח מלאך יהוה את קצה הפשעית אשר בלו
והעניו בפשע ובפלות והעניו האיש כן הלא והאכל את
הפשל ואר הפעולת ומלאך יהוה הלו מעניו: וראה גליעון
פרמלאך יהוה רוא ואמר גליעון אהה ארץ יהוה פרי
על כן ראיתי מלאך יהוה פנים אל פנים: ואמר לו יהוה
שלים לך אל תמנא לא תמנא: וכן לשם גליעון מופת ליהוה
והקרא לו יהוה שלום ער חלם היה עניו בעפדת אבי
העניו:

והיה פלילה חרוא ואמר לו יהוה קח
העניו:

והיה פלילה חרוא ואמר לו יהוה קח
העניו:

והיה פלילה חרוא ואמר לו יהוה קח
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והיה פלילה חרוא ואמר לו יהוה קח
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והיה פלילה חרוא ואמר לו יהוה קח
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והיה פלילה חרוא ואמר לו יהוה קח
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והיה פלילה חרוא ואמר לו יהוה קח
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והיה פלילה חרוא ואמר לו יהוה קח
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והיה פלילה חרוא ואמר לו יהוה קח
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והיה פלילה חרוא ואמר לו יהוה קח
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והיה פלילה חרוא ואמר לו יהוה קח
העניו:

והיה פלילה חרוא ואמר לו יהוה קח
העניו:

והקמה וקחו:

שבע

פרע שם נפל שדוד:

התפב

פיש רכפו לבוא

מרכבותיו:

היא תשיב אמרית לה:

שלל

צבאים לספוא

ר הקמה

לאבדו כל אויבך יהוה

פגברתו

והעניו כי ארץ פמה אשע את ישראל חפה חפלי חרל כמפלה ואנכי הצעיר בבית אבי:

ואמר אליו יהוה כי אהיה עמך והפית את מדין פאיש את:

ואמר אליו אם נא מצאתיך בעמך ועשית לי את השמה כדבר עמי:

אל נא רמס כזה ערבי אלך והצאתו את מדיני והפחתו לפניך ואמר אנכי אשב ער שכר:

והעניו נא ונשע גוי ואפתי קמח מצות הפשל שם בפל המפרק שם בפחד ויצא אליו אל תחת האלה ונש:

וכפשו ואר הפעולת והפחה אל הפלע הלו ואר המפרק שפוך והעניו כי: וישלח מלאך יהוה את קצה הפשעית אשר בלו והעניו בפשע ובפלות והעניו האיש כן הלא והאכל את הפשל ואר הפעולת ומלאך יהוה הלו מעניו: וראה גליעון פרמלאך יהוה רוא ואמר גליעון אהה ארץ יהוה פרי על כן ראיתי מלאך יהוה פנים אל פנים: ואמר לו יהוה שלמים לך אל תמנא לא תמנא: וכן לשם גליעון מופת ליהוה והקרא לו יהוה שלום ער חלם היה עניו בעפדת אבי העניו:

והיה פלילה חרוא ואמר לו יהוה קח העניו:

והיה פלילה חרוא ואמר לו יהוה קח העניו:

והיה פלילה חרוא ואמר לו יהוה קח העניו:

והיה פלילה חרוא ואמר לו יהוה קח העניו:

והיה פלילה חרוא ואמר לו יהוה קח העניו:

והיה פלילה חרוא ואמר לו יהוה קח העניו:

והיה פלילה חרוא ואמר לו יהוה קח העניו:

והיה פלילה חרוא ואמר לו יהוה קח העניו:

והיה פלילה חרוא ואמר לו יהוה קח העניו:

והיה פלילה חרוא ואמר לו יהוה קח העניו:

וְתַעֲשֶׂה בְּנֵהוּ וְהִנֵּהוּ בְּיָגִים אֲחֵרִים וְכִי יִבְרַח אֶת־יָדְךָ בְּגִם יְהוָה בְּנֵהוּ
 כִּן בְּגִם־הַמָּוֶה קִרְאָה אֲחֵרָה בְּלֹא אֶל־הַמָּוֶה פֶּסַם בְּיָדְכֶם
 עֲבַדְתֶּם אֶת־פִּילֹסְטִי נִשְׁתַּחֲוִיתֶם
 אֲלֵיךְ טֹבֵהוּ:
 וְעַתָּה לִמְחֹלֶת־נִתְּחִי אֶת־יְדֹדֶת נִפְשִׁי בְּקֶרֶב אֵינִי־יָדִיד לִי מִחֲלִי
 וְנִפְאֲרִיהָ בַעֲדֵי נִתְּחָה עָלַי בְּקִלְיָה עַל־כֵּן שִׁנְאַתִּיהָ הִעֲשִׂיתָ עִבְדִּי
 מִחֲלִי לִי הִעֲשִׂיתָ סִבֵּב עָלַיהָ לֹכֶה אִסְכּוּ כִלְיֹת הַשָּׂדֶה הִתְחַנְּנוּ
 לֹא־אֶלְכָה רַעִים רַבִּים שָׂחָתוּ כְרָמִי בִסְכּוֹ אֶת־חֲלָקְתִּי נִתְּנוּ
 אֶת־חֲלָקֹת חֲמוּדֹתִי לְמִדּוּבֵי שְׂמֹמָה: שְׂמֹמָה לְשִׁמְמוֹהָ אֲבִלָה
 עָלַי שְׂמֹמָה נִשְׁמָמָה כִּלְי־הָאָרֶץ כִּי אֵין אִישׁ שֶׁם לִיהוָה אֲכִלָה מִקִּצְתָהּ
 לִלְשָׁפִים בְּמִדּוּבֵי בֹאֵה שׁוֹדִי־ים כִּי חֹרֵב לִיהוָה אֲכִלָה מִקִּצְתָהּ
 אֶרֶץ וְעַד־קִצְתָהּ הָאָרֶץ אֵין שְׁלֹם לְכָל־בָּשָׂר: וְרָעָה חֲשִׁים
 וְקָצִים קִצְתָהּ מִחֲלֹה לֹא יִשְׁעָן וְכִשְׁן מִתְּבַאֲרֵיכֶם מִחֲוָיו אֶרֶץ
 וְיָהוּה:
 וְנִגְמִיעִים בְּפִרְלָה אֲשֶׁר־הִנְחִיתִי אֶת־עַמִּי אֶת־יִשְׂרָאֵל הִנֵּה
 וְנִגְשָׁם מֵעַל אֲדֻמָּתָם וְאֶת־פִּת יְהוָה אֲחֹשׁ מִחֻלָּם: וְהִזָּה
 אֲחִלִּי נִתְּשִׁי אֹתָם אִשְׁבֵּי וְדִמְיוֹתִים וְהַשִּׁיבֹתִים אִישׁ לְחֻלָּתוֹ
 וְאִישׁ לֹא־רָעָה: וְהִזָּה אִם־לִמְדֹה אֶת־הַדָּרֶכַּי עֲפֹי לִי־שִׁבְעָה
 כִּשְׂמֹנִי חִי־יְהוָה בֹּאֲשֶׁר לְפָנָיו אֶת־עַמִּי לִי־שִׁבְעָה כִּפְעֵל וְכִבְנוּ
 כִּשְׂמֹנִי עַמִּי: וְאִם לֹא יִשְׁכַּעוּ וְנִתְּשָׁתִי אֶת־הָעָם הַזֶּה
 כִּד־אֲמֹר יְהוָה אֵלֵי:
 וְנִתְּשָׁם וְאֲפֹד נֹאֵם־יְהוָה:
 וְהָלֹךְ וְקָצִית לִי אֹחֹר שְׂפָתַיִם וְשִׁמְמוֹתַי עַל־מִתְנֵי וְכַמִּים
 לֹא תִבְאֹה: וְאֲמַרְתָּ אֶת־הָאֹחֹר פִּדְכֹר יְהוָה וְאִשְׁם עַל־
 וְהָיָה דְכִר־יְהוָה אֵלֵי שְׁעִית לֹא־מִלָּה: קָח
 מִתְּנֵי:
 אֶת־הָאֹחֹר אֲשֶׁר קָצִית אֲשֶׁר עַל־מִתְנֵי וְקִים לִי פִלְתִּיהָ
 וְנִתְּמַנְתָּ שִׁם בְּקִיקֹת דְּפִלָּע: וְאֵלֶךְ וְאִטְמַנְתִּיהָ בַּפֶּרֶת כִּאֲשֶׁר צִוִּיתִי
 וְהָיָה אֲחֵרִי: וְהָיָה בְּקִיקֹת רַבִּים וְאֲמֹר יְהוָה אֵלֵי קִים לִי
 פִלְתִּיהָ וְקָח מִשְׁלֵם אֶת־הָאֹחֹר אֲשֶׁר צִוִּיתִי לְטַמְנָהּ־שִׁם: וְאֵלֶךְ

וְאֲחֵתָה אֶל־חֶת־פִּלָּע בְּעַד־הָעִים הַזֶּה
 וְאֲחֵתָה בְּעֵדִים רַבִּים וְחֶת־פִּלָּע כִּי אֲנִי שִׁמְעֵי בַעֲתִי קִרְאָם
 מִהָּלֶכֶת לִי־יִי בְּבִיבִי עֲשִׂיתָהּ
 אֵלֵי בַעֲדֵי רַעֲתָהּ:
 וְחֶת־פִּלָּע הַדְּרָכִים בְּשִׁיר־קֹדֶשׁ יִעֲבֹדוּ מֵעַלְיָ כִּי רַעֲתָרִי אֲנִי
 תַעֲלִי־יִי: וְחֶת רַעֲתָרִי וְכִי פִרְיָהָ אֶרֶץ יְהוָה שְׂמֹנִי לְקֹל וְהַמְבִּילָהּ
 גִּלְיָה הַזֶּאת אֲשֶׁל עָלֶיהָ רָעָה הַלְלוּתִי: וְיְהוָה עֲבָאֹת הַפִּתֵּי
 אֲחֵךְ הַפֶּר עַלְיָךְ רָעָה בְּגִלָּלָה רַעֲתִי בִּית־יִשְׂרָאֵל וְכִי יְהוָה
 אֲשֶׁר עָשָׂה לָהֶם לִהְיוֹתֵם לְקִטֹּר לְפָנַי:
 וְהָיָה
 וְהָיָה וְאֲדַעֲהָ אֲנִי הָאֲחֵרִי מֵעַלְלֵיהֶם: וְאֵלֵי כִפְכֵשׁ
 אֲחֵךְ יִבְרַח לְטִבּוֹת וְלֹא־יִלְעָתִי כִּי־עָלִי וְחֲשֹׁבֵי מִחְשָׁבוֹת
 נִשְׁחָלְתִּיהָ עַד בְּלִחְמוֹ וְנִכְרָתָהּ בְּאָרֶץ חֲלִים וְשִׁמְמוֹ לֹא
 יִבְרַח עוֹד:
 וְיְהוָה עֲבָאֹת שִׁפְטֵי עֶדֶק בִּתְּחִלָּה
 כִּלְיֹת וְכִי אֲרָאָה נִקְמָתִי מִכֶּחָם כִּי אֲלֵיךְ גִּלְיָה אֶת־
 לִכֵּן כִּד־אֲמֹר יְהוָה עַל־אֲנָשֵׁי עֲבָרֹת
 וְכִי־יִבְרַח:
 וְכִי־יִבְרַח אֶת־נִפְשִׁי לֹא־מִכּוֹר לֹא תִפְעַל בְּשִׁם יְהוָה וְלֹא
 תִּבְנוֹת פִּדְוִנוּ:
 כִּי־יִבְרַח עֲלֵיהֶם הַמְּחַדִּים יִמְחַדוּ כְּחֹרֵב בְּחֻלָּה וְכִי־יִבְרַח וְכִי־יִבְרַח
 פִּדְוִנוּ: וְשִׁאֲלִיתָ לֹא תִדְוִה לָהֶם כִּי־אֲבִיָּא רָעָה אֶל־אֲנָשֵׁי
 עֲבָרֹת שְׁבֹת פִּקְדֹתָם:
 אֲרִיב אֲלֵיךְ אֲךְ מִשְׁפָּטִים אֲדַבֵּר אֲחֵךְ מִלִּדְעֵי דֶרֶךְ רָשָׁעִים
 עֲלֵיךְ שֶׁל כִּי־פִגְרִי בָּגַד: נִשְׁעָתָם בְּגִם־שִׁלְשׁוֹ קִרְבִּי בְּגִם־עֲשֵׂי
 פִּרְיָ קָדֹשׁ אֲחֵךְ בְּפִלֹּתִים וְדִחְזֹק מִכְּלִי־חַיִּים: וְאֲחֵתָה יְהוָה
 יִרְעָתִי תִרְאֶנִּי וְכִי־יִבְרַח לִפִּי אֲחֵךְ תִּתְקַבֵּל כִּפְעֵל לְטִבְיָהָ
 וְהָיָה שִׁם לִי־יִי הַזֶּה:
 וְכִי־יִבְרַח כִּלְי־הַשָּׂדֶה יִבְשׁ מִרְעֵת יִשְׁבִּי־כִי סִפְתָה בְּחֻבֹת וְעוֹף
 כִּי־אֲמֹר לֹא־יִרְאָה אֶת־אֲחֵרִי־יְהוָה כִּי אֶת־דְּגִלְסִי וְלִעֲתִילִי־אֲחֵךְ
 וְאֵין תִּתְחַדֵּשׁ אֶת־הַפְּסִיכִים בְּאָרֶץ שְׁלֹם אֲחֵתָה בִּטְחָה וְאֵין

העצבים ואש לא ישיבו ואני אעשה ואחר הדבר האחר ושמעו
על העצבים ואש לא אשום ומקדאם פשם אלהים ואני
אקרא בשם יהוה והיה האלהים אש-יגעה באש היה
האלהים ויני פל-העם ואמר טוב הדבר ואמר אליהם
לנביאי הדב-על פיהם לזכר הדבר ואש לא תשמו ואקרא אלהים
הרבים וקרא פשם אלהים ואש לא תשמו ואקרא אלהים
הרבים אש-יגעה לזכרם ויעשו ויקרא בשם-העל כהנא
ועל-העצבים לאמר הדב-על ענין ואני קול ענה ונפשו
על-המנוח אש עשה והיה בעצבים ויהיה פדום אלהים
ואמר קרא בקול-גדול פרי-אלהים הוא פרי-שיר ופרי-שיר
וכי-דרך לו אהל ישן הוא וקרא וקרא בקול גדול ויהיה
כמשפטם פתוחים עד-שפת-ים על-הים על-הים ויהיה
פיעבר העצבים ויהיה עד-לעלות המנוח ואני קול ואני
ענה ואני קשם ואמר אלהים לזכר-עם אש אלי ונשם פשם
העם אלו וירפא את-מוחם יהיה הדודים ויקרא אלהים שמעו
עשרה אבנים כמספר שבטי בני-ישראל ויהיה רבי-העם
אלי לאמר ישאל יהיה שמו: ויבנה את-האבנים כמספר
פשם יהיה ויעש מעלה פתוח סאתים וזרע סבב כמספר
ויקרא את-העצבים וינחם את-העם וישם על-העצבים ואמר
מלא-אבנים כדום וקרא על-העלה ועל-העצבים ואמר
שני ושני ואמר שלש ושלש: ואלו הפנים סבב כמספר
וגם את-העלה מלא-מונים: והיה פיעלת המנוח ונשם
אלהים הנביא ואמר יהיה אלהי אבד-הם וקרא וישר-אל היום
וזה פרי-אמת אלהים בישראל ואני עבדך ובדברך עשית
את פל-העצבים האלה: ענין יהיה ענין וזה העם היה פדום
אחר יהיה האלהים ואמת המספר את-לפס אלהים: ופועל
אש-יהיה והמאל את-העלה ואחר-העצבים ואחר-האבנים

ואחר-העצבים ואחר-המונים אש-פועל על-העלה ויהי פל-
העם ופועל על-פועלים יהיה הוא האלהים יהיה הוא
ואמר אלהים: ואמר אלהים לזכר-עם אש אלי ונשם פשם
העם אלו וירפא את-מוחם יהיה הדודים ויקרא אלהים שמעו
עשרה אבנים כמספר שבטי בני-ישראל ויהיה רבי-העם
אלי לאמר ישאל יהיה שמו: ויבנה את-האבנים כמספר
פשם יהיה ויעש מעלה פתוח סאתים וזרע סבב כמספר
ויקרא את-העצבים וינחם את-העם וישם על-העצבים ואמר
מלא-אבנים כדום וקרא על-העלה ועל-העצבים ואמר
שני ושני ואמר שלש ושלש: ואלו הפנים סבב כמספר
וגם את-העלה מלא-מונים: והיה פיעלת המנוח ונשם
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אש-יהיה והמאל את-העלה ואחר-העצבים ואחר-האבנים

Unit 12

Tikun Olam

Jewish Engagement with the World at Large

ה

הנה דוד המלך צ"ה אמר נתנו את נבלת עבדיך מאכל לעוף השמים בשר חסידיו לחיתו ארץ והוא המורה שהיו בירושלם חסידים ויראי השם וחשיב על זה הרדיק בשם אביו שירמיהו אמר שוטטו בחצות ירשלם

(א) שוטטו בחוצות ירושלם וכי עז עלו בשרותיה ושחתו וגל הוקשה מאד על המפרשים כמו שזכרתי בשאלות מה שאמר הגבאי שלא גמצא בירושלם איש עושה משפט מבקש אמונה

א יכרס

בראשית יח וירא

הפצעקתה הבאה אלי עשן כלה ואם לא אדעה: כי ויפנו משם האנשים וילכו סדמה ואברהם עודנו עמד לפני יהוה: כי ויגש אברהם ויאמר האף תספה צדיק עם רשע: כי אולי יש חמשים צדיקים בתוך העין האף תספה ולא תשא למקום למען חמשים הצדיקים אשר בקרבה: כי תללה לה מעשתה

אבן עזרא

שחין בן כלום: והיה כלדיק כרשע. כאשר ותחברו שני כפי"ן ה"ח דרך קצרה. והקטע והיה הדיק כרשע והרשע כלדיק. וכן כי כמון כפרעה. כעמי כעמך. כחשכה כאורה. ואין יתכן שלא יעשה משפט מי שהוא שופט כל הארץ: (כו) ועשם בתוך העיר. שהם יראים את השם בפרהסיא. וכן שוטטו בחצות ירושלם: (כו) ואין מלת האלתי. כמו התלתי רק סירושו רצוני. וכן האויל משה. וכ"ף מלת אנוכי. נוסף לו הם שתי מלות והקטע אחד. והקטע ואנכי עפר ואפר. כי עפר הייתי ואפר אשוב. והעקר על יסוד הגוף. והם העלמות: (בח) אולי יחסרון חמשה. והקטע אולי תחסר עשרות מהמספר ועשם התשחית בחמשה בעבור החמשה שנחסרו. את הכל ואחר כן אמר אולי יחסרון התשחית מהמספר אשר אמרתי. אם יחלואו שם לא חסידים. ועשם לא חסידים בעבור הארבעים לא חסידים השחתה. ושלל יאריך חכה שני החסידים אחר כן. אם יחסר הרביעית גם השלוש גם החי. וי"א למה לא הפחית מעשרה בעבור היות שנים לכל עיר כי חמשה ערים היו. וזה חינוך נכון

בבקשן ברחובותיה. לפי שהחסידים שהיו בירושלם. לא היו בשוקים וברחובות אבל נחבאים בבתייהם מפני הרשעים ואינו נכון כל אם היו צדיקים בתוך העיר אף שהיו נחבאים היה ראוי שיגינו על דורם ואין תללה הסליחה בחצות וברחובות עיר ואמרו חכמים זכרונם לברכה כיון שנהרגו מיתתם היתה כפרת נפשם ולכן אחרי מותם נחשבו לעבדי השם וחסידיו והוא דרך דרש כי רחוק הוא שנאמין שלא היה בכל ירושלם אפילו איש אחד בעל משפט ודורש אמונה והנה היו שמה כהני השם רבני נביאים ואין יתיה אפשר זה ולכן אחרוב אני שלא אמר שלא ימצאו בירושלם איש צדיק מאמין באלהיו אבל אמר שנטטו ותפשו בחוצות ירושלם וראו נא ודעו באמתות ובקשן ברחובותיה אם תמצאו איש רצה לומר שיהיה מוכיח בשער ומיסר את העם ולכן לא אמר אם תמצאו איש עושה משפט אבל אמר שתי פעמים מלת אם והוא אמרו אם תמצאו איש אם יש עושה משפט מבקש אמונה רוצה לומר שבהצות וברחובות העיר ששם ישבו כסאות למשפט לא ימצאו איש אמין לבו בגבורים להוכיח בשער כי הוא הנקרא איש בייחוד כמו שאמר הלא איש אתה ומי כמון בישראל וכן לא ימצא איש עושה משפט מבקש אמונה כמו שעושה השופט בעיר שמוטל עליו לעשות משפט וצדקה לכל עמו והוא מבקש האמונה והפכה להצדיק את הצדיק ולהרשע את הרשע ואמר שאם ימצא בכל ירושלם איש יאמץ לבו בגבורים להוכיח החוטאים או איש שיהיה ממונה לעשות משפט ולבקש האמונה שישלח לכל העיר בעבורו ולא יתחייב מזה שלא היה בירושלם אנשי אמת ובעלי אמונה אבל לא היו ממונים על המשפט ועל האמונה כי נעדרה מהם ולא היה איש מהם שיעצור כח להוכיח ולהכניע המושעים לפי שהיו הצדיקים עלובים ונבזים ולא ישאו ראשם וכמו שאמר ישעיהו צדק ילין בה ועתה מרצחים והותרה בזה השאלה ה'

במה בהמה פרק חמישי שבת

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לה:

ארבעה מוחו בעמיו של נחש • והא דכתיב (קמ"ט, ז) כי אדם

אין לדיק בלחץ וגו' ברוב בני אדם קאמר: **וישיב** יס

מיתה בלא חטא ויט יסורים בלא עון • ואע"ג דכמאי דקאמר אין

יסורין בלא עון לא חיובת: **כל** האומר בני עלי חטא חטא חטא

קוטע • פירוש במאי דכתיב אשר

יטבון לא חטאו חלא מבזים קדשים

היו כדכתיב (שמואל א' ז) במדס

יקטירון החלב וגו' •

מעבירם כתיב • הע"ס שלט

חולקעל ספרים שלט

שלטוב בהם (*אעבירים) וכן מליט

בירושלמי בשמסון והוא שפט אחישראל

ארבעים שנה מלמד שהיו פלשתיים

יראים ממנו כ' שנה אחר מוחו כמו

במיו *ובכל ספרים שלט כתיב כ'

שנה (שטס"ס טו) : **מתוך** שהיה

לו לפתח למחות • ופליג אר"י יונתן

דאמר שניהם לא חטאו :

שהיה

תורה אור

מיתיבי אמרו מלאכי השרת לפני הקב"ה

רבונו של עולם מפני מה קנסת מיתה על

אדם הראשון אמר להם מצוה קלה צויתיו

ועבר עליה א"ל והלא משה ואהרן שקיימו

כל התורה כולה ומתו א"ל *מקרה אחד קמח

לצדיק ולרשע לשוב וגו' הוא דאמר כי האי

תנא דתניא ר"ש בן אלעזר אומר אף משה

ואהרן בחטאם מתו שנא' יען לא האמנתם כמדבר

בי *הא האמנתם בי עדיין לא הגיע זמנכם

ליפטר מן העולם מיתיבי *ארבעה מתו

בעמיו של נחש ואלו הן בנימין בן יעקב

ועמרם אבי משה וישי אבי דוד ובלאב בן

דוד ופולח גמרא לבר מישי אבי דוד דמפרש

סנהדרין קא

כשחלה ר' אליעזר נכנסו תלמידיו לבקרו אמר להן חמה עזה יש בעולם התחילו הן בוכין

ורבי עקיבא משחק אמרו לו למה אתה משחק אמר להן וכי מפני מה אתם בוכים אמרו לו אפשר ספר

תורה שרוי בצער ולא נבכה אמר להן לכך אני משחק כל זמן שאני רואה רבי שאין יינו מדמין ואין פשתנו

לוקה ואין שמנו מבאיש ואין דובשנו מדביש אמרתי שמא תם ושלום קיבל רבי עולמו ועכשיו שאני רואה רבי

בצעד אני שמח אמר לו עקיבא כלום היסרת מן התורה כולה אמר לו *לימדתנו רבינו כ"י אדם אין צדיק בארץ

אשר יעשה טוב ולא יחמא

כ" ונתתי על יפתח רוח יהוה ויעבר את הגלעד ואת מנשה ויעבר את
 ל מצפה גלעד ומצפה גלעד עבר בגן עמון: וידר יפתח נדר ליהוה ואמר
 לא אם נתון תמן את בגן עמון בגדי: והיה היוצא אשר יצא מדלתי ביתי
 לקראתי בשביי בשלום מבני עמון ונתת ליהוה והעליתיו עלה:
 ל" ויעבר יפתח אל בגן עמון להלחם בהם ויתגנס יהוה בגדו: ויפס מערוער
 ועד-באף מית עשרים עיר ועד אבל כרמים מכה גדולה מאד ויכנעו
 בגן עמון מפני בגן ישראל:
 ל" ויבא יפתח המצפה אל ביתו והנה בתו יצאת לקראתו בתפים ובמחלות
 ל" וירק היא יחידה איד-לו ממני בן או-בת: והי כראולו אותה ויקרע את-
 בגדיו ויאמר אהה בת הברע הכרעתי ואת הנית בעברי ואנכי פציתי פי
 ל" אל-יהוה ולא אוכל לשוב: ויאמר אליו אבל פצית את-פיה אל-יהוה
 עשה לי כאשר יצא מפיה אחרי אשר עשה לך יהוה נקמות מאיברי מבני
 ל" עמון: ויאמר אל-אביה יעשה לי הדבר הנה הברע ממני שנים חדשים
 ל" ואלכה וירדתי על-ההרים ואבכה על-בתולי אנכי ורעיתי: ויאמר ל" כי
 ושלח אותה שני חדשים ותלך היא ובעותיה ותבך על-בתוליה על-
 ל" ההרים: והי מקץ שנים חדשים ותשב אל-אביה ויעש לה את-נדרו אשר
 כ" נדר והיא לא-דעה איש ותה-חק בישראל: מימים ימימה תלכנה בנות
 ישראל לתנות לבת-יפתח הגלעד ארבעת ימים בשנה:

כ" כ" / כ" י"א

ועוד מצאתי באגדה בילמדנו * חניא רבי עקיבא
 אומר החרם הוא השבועה והשבועה הוא החרם. אנשי יבש עברו על החרם ונתחייבו מיתה.
 ולכן אני אומר כי מן הכתוב הזה יצא להם הדין הזה שכל מלך בישראל או סנהדרי גדולה
 במעמד כל ישראל ייש להם רשות במשפטים * ואם * יחרימו על עיר להלחם * עליה וכן
 אם יחרימו על דבר. העובר עליו חייב מיתה. והוא חיובן של אנשי יבש גלעד ושל יהונתן
 שאמר לו אביו כה יעשה אלהים וכה יוסיף כי כות תמות יונתן * ומהיכן נתחייבו אלו
 מיתה מן הדין חוץ מן המקום * הזה. [* וזה היה טענתו של יפתח בביתו. כי חשב כאשר
 חרם נגיד ישראל חל וקים להבית אנשים או העובר * על חרמו חייב מיתה. כן אם נדר
 בעת מלחמה לעשות מאיש או אנשים זבח יחול הנדר. ולא ידע כי חרם המלך והסנהדרין
 חל על המורדים לכלותם או על העובר גזירתם ותקנתם. אבל לחול הנדר לעשות עולה
 מדבר שאין ראוי לה' חס וחלילה. ולכן אמר * בב"ר שאפילו הקדש דמים לא היה חייב
 ונענס בדמה * * ואל תהיה נפתה בהבלי ר"א * האומר כי פירוש והעליתוהו עולה * או
 והעליתוהו * * לומר אם יהיה היוצא מדלתי ביתי איש או אשה והיה לה' קדש שיהיה פרוש
 מדרכי העולם לעבוד לשרת בטהר * בתפלה וחודות * לאלהים. ואם יהיה דבר ראוי ליקרב
 אעלנו עולה. ועשה בית לבתו מהיץ לעיר והתבודדה שם וכלכלה כל ימיה ואיש לא ידעה
 היתה בתו צרורה. ואלה דברי רוח. כי אם נדר שיהיה לה' איננו שיהיה פרוש אבל יהיה
 כמו שמואל שאמרה אמו ונתתיו לה' * * והיה משרת בבית ה' לא פרוש. וכפי משפטי

התורה אין ביד האדם שידור ביוצאי פתח ביתו שיהיו פרושים כאשר אין ידיו להעלותם
 עולה. ואם הדבר כן היתה בתו הנוכה * על בתוליה * ורעיותיה עמה כוונות * לקלס אתנו.
 וחי' שיהיה חק בישראל לתנות לבת יפתח ד' ימים בשנה מפני שלא נשתה לבצל והיתה
 עובדת את ה' בטהרה. אבל הדבר כששטו וטעותו היה ממה שאמרתי * *]

