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"Market in Meah Shearim" by Svi Raphaely

Gleanings From
Israel's Press

The Credo of
A Scientist

An Open Letter
To Arthur Goldberg

Reflections on
Jewish Education

"Orthodox Modernism"
— An Exchange

A Letter to the Editor

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

DR. IRVING GREENBERG

Author's Reply

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

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

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

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

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

Webster's Third New International Dictionary defines INTERPRET as:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

apikorsus, is strategically unsound and dangerous.

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

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

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

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

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

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

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