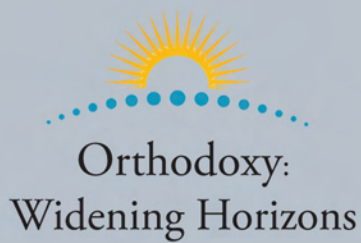


IDEALS

INSTITUTE FOR JEWISH
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CONVERSATIONS

Orthodoxy: Widening Perspectives

CONVERSATIONS

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SUBMISSION OF ARTICLES

If you wish to submit an article to *Conversations*, please send the Senior Editor (mdangel@jewishideas.org) or the Editor (hangel@jewishideas.org) a short description of the essay you plan to write. Articles should be written in a conversational style and should be submitted typed, double spaced, as Word documents.

Articles reflect the views of their authors, and do not represent official positions of the Institute for Jewish Ideas and Ideals.

Conversations welcomes “letters to the editor,” commenting on articles that appear in its pages. Letters should be emailed to the Editor.

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In Honor of Rabbi Hayyim Angel, on His 25 Years of Rabbinic Service

MARC D. ANGEL

*(Rabbi Marc D. Angel is Founder and Director
of the Institute for Jewish Ideas and Ideals.)*

When Rabbi Hayyim Angel was still a rabbinical student, he wrote a short statement responding to the question: Who are religious Jews?

Religious Jews are those whose hearts smile when their mouths do. Religious Jews feel pain in another's misery, joy in another's happiness. They know that perfection is impossible, yet they strive for it. They are trees rooted in the earth with their branches extending towards the heavens. Religious Jews are cisterns who do not lose a drop; they are springs of water which steadily increase. They observe the commandments with an adult's intelligence and a child's enthusiasm. They act in a manner that is a credit to themselves and which earns them the respect of both Jew and non-Jew. They are prepared to sacrifice for God, their people, their laws, and their homeland. Religious Jews are a unified mass of sand, yet individual stars who shine on the world.

Anyone who could write such a description of a religious Jew must be a remarkably insightful person. Anyone who could live up to that description must be an "angel." Rabbi Hayyim Angel has done both!

As we commemorate Rabbi Hayyim Angel's 25th anniversary of rabbinic service, we salute him not only for an amazing career as rabbi and

teacher, but for being an exemplar of what a religious Jew should be. He is a clear-thinking and erudite rabbinic scholar. He is an inspiring, creative, and challenging educator. He is a kind, sincere, and thoughtful human being.

During the past quarter century, he has had a profound influence on thousands of students through his classes at Yeshiva University, through his sermons and lectures at various synagogues and schools, through his many publications, and through his work as National Scholar of the Institute for Jewish Ideas and Ideals. He has a gift of conveying scholarly material in a lively, interesting manner. He engages students, makes them think, expands their knowledge and perspectives. How fortunate are all of us who have had the privilege of learning from him and with him.

It has been a special source of *nahat* for me to be able to work with my son Hayyim over these many years. He has been an ongoing source of pride and joy to his mother and me, to his siblings, nephews, and nieces. And he is blessed with his wonderful wife, Maxine, and their precious children: Aviva Hayya, Dahlia Rachel, Mordechai Pinhas, and Eliyahu David.

May the Almighty bless Rabbi Hayyim Angel with many more years of good health and happiness, outstanding leadership to the Jewish People, and dedicated service to the entire community. May he and his family be blessed with all good things.



Editor's Introduction

Since 2007, The Institute for Jewish Ideas and Ideals, founded by my father, Rabbi Marc Angel, has vigorously and consistently promoted a religious worldview based on a broad vision of Orthodox Judaism. It operates on several central tenets:

Inclusive: Judaism and its institutions must be committed to Torah and halakha, while embracing the totality of the Jewish people. There is room for every Jew, regardless of background or commitment, under this roof.

Non-coercive: Threats and authoritarianism do not win people's hearts. A loving, honest approach that provides multiple avenues into Jewish tradition is the best educational model.

Unified without Conformity: Although we long for Jewish unity, this goal is not achieved by trying to get everyone to agree. On the contrary, debate is championed by our tradition. We should foster respectful dialogue and conversation through teaching multiple valid opinions, customs, and worldviews.

Confident in faith: A confident faith does not stifle questioning or develop misleading or apologetic answers to cover up genuine questions. A confident faith recognizes uncertainty, as there are not definite answers to many questions. It also embraces the notion that people of different faiths and backgrounds may contribute in scholarly and human endeavors.

Universalistic: Judaism is a particularistic faith based on the unique covenantal relationship between God and the Jewish people. Simultaneously, it has a religious message to all of humanity that can be conveyed in universalistic terms. Judaism must be faithful to both of these principles. A Judaism unfaithful to its own teachings does not represent Judaism. A Judaism that focuses exclusively on Jews and ignores or disdains humanity likewise does not represent Judaism.

At the Institute for Jewish Ideas and Ideals, we promote our values through writings: our journal *Conversations*, our website (jewishideas.org), and other special publications. Our National Scholar program has brought lectures, symposia, and scholar-in-residence events throughout the country and beyond and has elicited electric responses. Our teacher trainings, now enhanced with our Sephardic Initiative, promote our values to hundreds of educators and bring these ideas into the classrooms. Our University Network brings meaningful dialogue and programming to hundreds of college students. We have been building networks with like-minded people in America, Israel, and beyond to strengthen our vision.

This issue of *Conversations* presents the voices of the younger generations of scholars, thinkers, and leaders in our community. The contributors address a wide variety of issues relevant to today's world and will enhance our communal dialogue.

There are several essays exploring aspects of biblical and rabbinic thought. Joshua Berman surveys the revolutionary moral contributions of the Torah in its ancient context. Erica Brown traces the notion of modesty as it appears in the book of Micah and in later interpretation. Stuart Halpern examines the concept of family and how that impacts on the meaning of the book of Ruth. Yitzchak Blau compares approaches of traditional rabbinic commentators and academic Talmud scholars on the placement of non-legal passages (*aggadot*) in the Talmud. I have contributed an essay on the biblical treatment of the *ger toshav*, the resident alien.

Nechama Barash addresses discrepancies between men and women in halakha and dreams about how to build a greater halakhically committed community. Rachel Friedman discusses the state of women's higher Jewish education and considers future avenues. Haim Jachter analyzes the work of several contemporary Sephardic halakhists and their significance for the contemporary religious landscape. Yael Unterman writes about a recent Sephardic figure who was a spiritual mentor, Yemima Avital. Daniel Bouskila contributes a translation of Rabbi Benzion Uziel's essay, "You Shall Love Truth and Peace." Jeffrey Saks investigates elements of Shai Agnon's thought and background.

We then have three essays pertaining to the contemporary COVID-19 pandemic. Edward Hoffman and Nathaniel Helfgot respectively address

psychological and halakhic elements of synagogue life, and Aryeh Klapper mines the halakhic toolbox to create leniencies during times of distress.

We conclude this issue of *Conversations* with two essays by members of our University Network. Andrew Arking philosophically explores divine immutability and relationship-building with God. Nathan Weissler advocates for greater inclusion for people with special needs. It has been inspiring to coordinate the Institute's University Network over the past two years, and we hope that other University Network students will add their voices to the conversation in future issues.

Reflecting on my serving for 25 years in the rabbinate, it has been a singular privilege to promote the ideas and ideals represented by our Institute to communities, rabbis and educators, and college students in so many settings. It is a blessing to work together my father, and to partner with gifted friends and colleagues who promote a similar vision. I also am deeply grateful to the members and supporters of the Institute for enabling us to reach so many thousands of people each year. I pray that together we will continue to build a stronger community for many years to come.

Hayyim Angel
National Scholar
Institute for Jewish Ideas and Ideals

How the Torah Broke with Ancient Political Thought¹

JOSHUA BERMAN

(Rabbi Dr. Joshua Berman is a professor of Tanakh at Bar-Ilan University.

This article is adopted from the author's new book, Ani Maamin:

Biblical Criticism, Historical Truth and the Thirteen

Principles of Faith [Maggid, 2020])

For some, the proposition that the Torah needs to be understood in its ancient context seems to diminish from the sacredness and divinity of the text. However, it is precisely through appreciating the Torah in its ancient context that we can arrive at a set of illuminating insights into how the Torah stands out from that context and reveals its divinity, particularly in its approach to political thought.

In ways that were astonishingly new and counterintuitive, and in ways that served the purposes of no known interest group, the political philosophy of the Torah rose like a phoenix out of the intellectual landscape of the ancient Near East. Throughout the ancient world the truth was self-evident: All men were *not* created equal. It is in the five books of the Torah that we find the birthplace of egalitarian thought. When seen against the backdrop of ancient norms, the social blueprint espoused by the Torah represents a series of quantum leaps in a sophisticated and interconnected matrix of theology, politics, and economics.

Equality: A Brief History

To appreciate the claim that the Torah represents the dawn of egalitarian thought, let us set the idea in historical perspective. It is only in the European revolutions of the eighteenth and nineteenth centuries that we find the rejection of the privileges of rank and nobility that resulted in the

delegitimation of entrenched caste, feudal, and slave systems. Greece and Rome had known their respective reformers, yet nowhere in the classical world do we find a struggle to do away with class distinctions. Nor do we find this articulated as a desideratum by any of the ancient authors in their ideal systems. “From the hour of their birth,” wrote Aristotle, “some are marked out for subjection, others for rule.”² It was assumed that some would be rich and that many, many more would be poor—not simply because that was the way things were, but because that was the way things were actually supposed to be. Justice, for Aristotle, meant that equals would be treated as equals and unequals as unequals. The Greeks and Romans possessed an overwhelming belief in the harmony of various classes.

The medieval mindset, too, believed that an ordered society was one in which each socioeconomic class performed its tasks for the common good. Social stratification was likewise endemic to the empires and lands of the ancient Near East. Nowhere in the region is there articulated the ideal of a society without class divisions founded on the control of economic, military, and political power. It is not merely that the notion of social mobility was unknown to the ancient world; it would have been unthinkable. These cultures believed that the only way that a society could function was if everyone knew his or her station in life. The modern ideas of free choice and equal opportunity would have struck them as surefire recipes for anarchy and chaos. It is in the books of the Torah that we find the world’s first blueprint for a social and religious order that seeks to lessen stratification and hierarchy and to place an unprecedented emphasis on the well-being and status of the common person.

Religion and Class in the Ancient World

The Torah’s revolution of political thought begins with its theology. The attempt to treat things political as distinct from things religious is a thoroughly modern notion; in not a single culture in the ancient Near East is there a word for “religion” as distinct from “state.” To appreciate the ancient mindset and the conceptual default settings that it supplied, imagine that we are archaeologists digging up an ancient culture called “America.” Deciphering its religious texts, we discover that the paramount god of the pantheon bore the title “Commander in Chief,” resided in a

heavenly palace called “White House,” and would traverse the heavens in his vehicle, “Chariot One.” We further discover that Commander in Chief had a consort known as “First Lady”—herself a goddess of apparently meager powers, yet assumed by some to be a barometer of desirable values and fashionable dress. In the heavens was another palace, this one domed and populated by 535 lesser, regional deities, who routinely schemed and coalesced into partisan groupings, and who were known, on occasion, to have been able to depose the Commander in Chief.

Put differently, what we would discover is that the institutional order “down below” manifests the divine order of the cosmos “up above.” This phenomenon, wherein the political structure of the heavens mirrored that of the earthly realm, was widespread in the ancient world, and it is easy to see why. Political regimes are, by definition, artificial, constructed, and therefore tenuous. Always implicit is the question: Why should *he* reign? The imposed institutional order can receive immeasurable legitimation, however, if the masses underfoot believe that it is rooted in ultimate reality and unchanging truth, that the significance of the political order is located in a cosmic and sacred frame of reference. Ancient religion is the self-interested distortion that masks the human construction and exercise of power.

For example, we find that Enlil, the chief god of the Mesopotamian pantheon, utterly resembles his earthly counterpart, the king. Enlil, like his earthly counterpart, rules by delegating responsibilities to lesser dignitaries and functionaries. Like his earthly counterpart, he presides over a large assembly. He resides in a palace with his wives, children, and extended “house.” Generally speaking, the gods struggled to achieve a carefree existence and enjoyed large banquets in their honor. Like kings, gods needed a palace, or what we would call a temple, where they, too, could reside in splendor in separation from the masses, with subjects caring for them in a host of earthly matters.

If a god wanted something—say a temple repaired, or the borders expanded—he communicated through various agents with the king, and the king was his focus. The gods never spoke to the masses, nor imparted instruction to them. Within ancient cosmologies, the masses served a single purpose: to toil and offer tribute. They were servants, at the lowest rung of the metaphysical hierarchy. The gods were interested in the masses to the extent that a baron or feudal lord would have interest in

ensuring the well-being of the serfs that run the estate and supply its needs. Servants, no doubt, play a vital role in any monarchical order, but it is an instrumental role. From an existential perspective, it is a decidedly diminished and undignified role.

Religion and Class in the Torah

By contrast, the Torah's central accounts—the Exodus and the Revelation at Sinai—preempt claims of election and immanent hierarchy *within* the Israelite nation. The Exodus story effectively meant that no member of the children of Israel could lay claim to elevated status. All emanate from the Exodus—a common, seminal, liberating, but most importantly *equalizing* event. Although we normally think of the Revelation at Sinai in religious terms, its political implications are no less dramatic, and constitute the bedrock of the Torah's egalitarian theology. Elsewhere, the gods communicated only to the kings, and had no interest in the masses. But at Sinai, God spoke only to the masses, without delineating any role whatever for kings and their attendant hierarchies. The ancients had no problem believing that the gods could split the seas, or descend on a mountaintop in a storm of fire. Nevertheless, the stories of the Exodus and Sinai necessitated an enormous stretch of the imagination, because they required listeners to believe in *political* events that were without precedent and utterly improbable, even in mythological terms. Slaves had never been known to overthrow their masters. Gods had never been known to speak to an entire people.

The pact or covenant between God and Israel displays many common elements with what are known in biblical studies as ancient Near Eastern vassal treaties, which were formed between a great king and a weaker one. In these treaties, we typically find that the more powerful king acts on behalf of a weaker, neighboring king; sensing an opportunity to foster a loyal ally, he may send food during a famine, or soldiers to break a siege. In return, the lesser king demonstrates his appreciation to the powerful one by agreeing to a series of steps that express his gratitude and fealty. In these treaties the vassal king retains his autonomy and is treated like royalty when he visits the palace of the powerful king. Having been saved from Egypt by God, the children of Israel sign on at Sinai to a vassal treaty as a sign of fealty, becoming junior partners to the sovereign king, God. The theological breakthrough of the Torah was the transformation of the

metaphysical status of the masses, of the common person, to a new height, and the vitiation of nobles, royalty, and the like. The common man, in short, received an upgrade from king's servant to servant king.

Yet no less significant is the Torah's call that these stories should be promulgated among the people as their history. The point requires a note of context for us as moderns. Although there are over one million inscriptions in our possession from the ancient Near East, there is nowhere evidence of a national narrative that a people tells itself about its collective, national life, of moments of achievement or of despair, recorded for posterity. Stories abound in the ancient Near East—but they revolve around the exploits of individual gods, kings, and nobles. The most important audience of these materials was the gods themselves—as witnessed by the fact that these texts were often discovered in temple libraries, buried, or in other inaccessible locations. Myths were recited to remind the gods of their responsibilities. Details of a king's achievements on the battlefield were to constitute a report to a deity about the king's activities on his or her behalf; they were not composed for the masses. The Kadesh Inscriptions of Rameses II were the exception that proves the rule: Those inscriptions were not only textual, but pictorial; and they were not only carved on stone, but copied and disseminated via papyri. However, most inscriptions of royal activity in ancient times were limited to monumental structures in writing that was inaccessible to the common person.

We may take a page from the history of technology of communication to understand the implication of the Torah's call to promulgate the accounts of Israel's early history. The distribution of printed texts in the early modern period is said to have occasioned the birth of modern citizenship within the nation-state. The vernacular languages that were now fashioned and standardized led to the creation of newspapers and novels designed for a mass readership comprised of people who were in disparate locales but could now envision themselves as a public sharing a common heritage, destiny, and range of interests—religious, social, and political. People could now imagine themselves as a political collective, and thus was born the political “we.”

It is in the Torah that we see for the first time the realization that the identity of a people may be formed around an awareness of its past. Indeed, the Hebrew Bible is the first work of literature before the Hellenistic period that may be termed a national history. Moreover,

the Torah displays an attitude toward the dissemination of texts among the populace that is in sharp contrast to the relationship between texts and society that we find elsewhere in the ancient Near East. It is a contrast, further, that is a reflection of the egalitarian agenda that the Torah seeks to pursue, over against the entrenchment of class distinctions. In an age and place such as our own, where literacy is nearly ubiquitous, access to texts of many kinds and the knowledge they bear is unfettered and, in theory, available to all. But in the ancient world physical access to written texts and the skills necessary to read them were everywhere highly restricted. Indeed, in the cultures of the ancient Near East as well as of ancient Greece, the production and use of texts was inextricably bound up with the formation of class distinctions: Those who possessed the capacity to read and write were members of a trained scribal class who worked in the service of the ruling order.

Writing in the ancient Near East was originally a component of bureaucratic activity. Systems of writing were essential for the administration of large states. Indeed, the elite in these cultures had a vested interest in the status quo, which prevented others from gaining control of an important means of communication. Far from being interested in its simplification, scribes often chose to proliferate signs and values. The texts produced in Mesopotamia were composed exclusively by scribes and exclusively for scribal use—administrative or cultic—or for the training of yet other scribes.

The Cambridge anthropologist Jack Goody notes that a culture's willingness to disseminate its religious literature inevitably reflects an emphasis on the individual within that culture.³ The comment sheds light on the Torah's agenda to establish an ennobled egalitarian citizenry, as we are witness to an impetus within the biblical vision to share the divine word with the people of Israel. Moses reads the divine word to the people at Sinai (Ex. 24:1–8). Periodically, the people are to gather at the Temple and hear public readings of the Torah (Deut. 31:10–13). It is telling that the Tanakh never depicts *kohanim* or scribes as jealous or protective of their writing skills, as is found in neighboring cultures.

In sum, we have seen something remarkable about the most basic, familiar aspects of the Torah. The idea of covenant; the story of the Exodus; the fact that the Torah is a written, publicized text—these are as significant politically as they are religiously. They each point to the equal and high standing of the common person in Israel.

The Torah's Radical Conception of Political Office

Turning from theology, we see that the Torah radically revamped regnant notions of political office and the exercise of power. What is most striking about the Torah's statements on political office are two radical ideas about how these offices are to be governed. First, we are witness here to the transition from the law of rule to the rule of law. Elsewhere in the ancient world, the kings composed and promulgated law, but were above it, not subject to it. Before the thinkers of Athens came along, the Torah arrived at the notion of equality before the law. All public institutions in the Torah—the judiciary, the priesthood, the monarchy, the institution of prophecy—are subordinated to the law. Moreover, the law is a public text whose dictates are meant to be widely known, thus making abuse of power more obvious and safeguarding the common citizenry.

Second, we may see that the most important body of authority in the polity envisioned by the Torah is none other than the people themselves. The Torah addresses the fraternal and egalitarian citizenry in the second person, “you,” and charges them with appointing a king—if they desire one—and appointing judges. Put differently, the Torah specifies no nominating body for appointing leaders or representatives. Rather, the collective “you”—the common citizenry—bears ultimate responsibility to choose a king and to appoint judges. From American history we know how unthinkable it was only a few generations ago for many to contemplate the notion that persons of color or women should play a role in choosing who rules. For the royal monarchies of the ancient Near East, the notion that the masses—who elsewhere were serfs and servants—would hold any sway over those that ruled them was equally unfathomable.

If the people did elect to have a king, the Torah was determined that he should be but a shadow of what a king was elsewhere. Elsewhere kings played central roles in the cult. In the Torah he plays none. Elsewhere, the king aims to build a strong army. The Torah calls for him to have a limited treasury and to forgo a cavalry (Deut. 17:16–17), limitations that would leave him commanding only a small army. Moreover, were a royal chariot force to serve as the backbone of the nation's defense, it would inevitably emerge as an elite military class. The great jurist of Athens, Solon, extended preferred status to the members of the cavalry over other citizens. But what confers status in the Torah is citizenship in the covenantal community, and this is shared by all. Elsewhere, the king would consoli-

date his power through a network of political marriages. The Torah forbids the king from taking a large number of wives (Deut. 17:17).

Finally, we see in the Torah a page in the history of constitutional thought, one that would not be written again until the American founding. It pertains to a highly advanced notion of the separation of powers. Classical Greek political thought had already understood that in the absence of a strong center in the figure of a monarch or a tyrant, factionalism threatened the stability of the polity. It was inevitable that the population would contain rich and poor, nobles and commoners. The absence of homogeneity led classical theorists to balance power by ensuring that each faction within society would receive a share of the rule. Yet, the balance of power was not a balance of institutions of government, as we are accustomed to today. Rather, the balance was achieved by allowing each of the socioeconomic factions a functioning role within each seat of government. Thus, in Roman jurist Polybius' conception, the legislative branch of government in the republic was to consist of two bodies—the senate for the nobles and the assembly for the commoners—with each institution permanently enshrined in law.

The notion that the effective division of power was predicated upon its distribution across preexisting societal seats of power was one that would hold sway throughout most of the history of republican thought, from Roman theorists through early modern thinkers. It is central even to the thinking of Montesquieu, the father of modern constitutional theory, who is credited with proposing the separation of powers into three branches—executive, legislative, and judiciary—in his 1748 work, *The Spirit of the Laws*. Looking at the English model of his day, Montesquieu held that the legislative power should consist of a body of hereditary nobles and of a body of commoners. He saw hereditary nobility not as a necessary evil, nor even as an immutable fact of life, but rather as a boon to effective government. The nobility, with its inherent wealth and power, would serve as a moderating force within government against the abuses of the monarch. Moreover, the fact that the nobility's strength was derived from its own resources would endow its members with a sense of independence. This, together with developed education and time for reflection, would enable the nobles to contribute to effective government in a way that members of the lower classes could not. Montesquieu could not conceive of a classless society and a regime in which the division of

powers was purely institutional and instrumental, where the eligibility to hold office was independent of class.

Here the Torah stands distinct. For the first time in history we see the articulation of a division of at least some powers along lines of institution and instrument rather than of class and kinship, where office legitimizes preexisting societal seats of power. Anyone who is “among your brethren” (Deut. 17:15) is eligible to be appointed king. Moreover, the king is appointed by the collective “you” that we mentioned before. How that selection occurs, apparently, is an issue that the Torah deliberately left open so as to imply that there is no body that *a priori* has a greater divine imprimatur than any other. In this sense, the Torah’s notion of offices that are entirely institutional and instrumental is an idea that would again appear only with the American Founding Fathers.

The same is true with regard to the judiciary, as outlined in the book of Deuteronomy. Anyone may be appointed judge, and no less importantly, anyone, in theory, is eligible to participate in the process of appointing judges (Deut. 16:17). One could have thought of any number of bodies that could have been charged with appointing judges: the king, the prophets, the *kohanim*, or other judges. But the Torah insists: “Judges and officers you shall appoint for yourself” (16:18). The appointment of judges is mandated with the sole purpose of achieving the execution of justice, rather than the assignment of office to perpetuate the standing of a noble class. As Montesquieu noted in the eighteenth century, it is critical that the people appoint judges, so that they have faith in the justice that is meted out. The only source prior to Montesquieu to arrive at this insight was the Torah.

God the Economist

The Torah understood that in order to create an egalitarian order, it would also need to re-envision the economic structure of society, for without equity, there is no equality. What the Torah proposes is the Western tradition’s first prescription for an economic order that seeks to minimize the distinctions of class based on wealth, and instead to ensure the economic benefit of the common citizen.

A ubiquitous feature of the socioeconomic landscape of the ancient Near East was the threat faced by the common person of falling into irre-

versible insolvency. Social stratification would emerge as the common people would have to sell off their farm animals, their land, and even their own freedom to repay debts. Famine, drought, or war could lead to precisely the kind of economic landscape we witness in the account of Egypt under Joseph, in Genesis 47. The Torah sought to remedy this through radical legislation on several fronts. Elsewhere, the norm was that land was owned by the palace and by the temple. The Torah, in contrast, knows of no land holding for either king or cult. Instead, nearly the entire land is given to the people themselves, in an association of free farmers and herdsman, subsumed within a single social class. The idea that wide tracts of available land should be divided among the commoners was unprecedented. Perhaps the most famous example of such an initiative from modern times is the American Homestead Act of 1862. With the Great Plains open to mass settlement, nearly any person 21 years of age or older could acquire, at virtually no cost, a tract of 160 acres that would become his after five years of residence and farming. For millions of new arrivals and other landless Americans, the Homestead Act was an opportunity to acquire assets and to bring equality of economic standing in line with equality before the law.

The Torah also took specific aim at the institution of taxation. Elsewhere, taxes to the state and to the cult were deeply integrated. In the Torah, no taxes are specified for the state. Of course, no regime would be able to function without taxing its populace—but the Torah apparently envisioned that taxes would be levied without sacral sanction, as was so prevalent elsewhere. God would not be invoked as the tax collector. Moreover, far less surplus is demanded from the people of Israel for the Temple than was customary in the imperial cults of the ancient Near East.

Whereas elsewhere cultic personnel controlled vast tracts of land, the Torah balances the status that these groups maintain in the cult by denying them arable lands of their own. They are dependent upon the people they represent for their subsistence, and in some passages are even grouped together with other categories of the underprivileged. The Torah further legislates that one type of tax—the *ma'aser ani*—should not be paid to the Temple at all, but rather distributed to the needy—the first known program of taxation legislated for a social purpose (Deut. 14:28–29).

What is most remarkable about the Torah's economic reforms is the manner in which the new economy is incorporated into a new measure of

time. Elsewhere in the ancient Near East, the calendar was based upon readily perceptible astronomical rhythms: The counting of days stems from observing the rising and setting of the sun; of months, from observations of the waxing and waning of the moon; of years, from observing the seasons and position of the sun. The ancient Near East, however, knows no calendar that incorporates the notion of a week. The week is the invention of the Torah, and is rooted, of course, in the Torah's account of Creation, in which God worked for six days and rested on the seventh. The result is that throughout the Torah the Shabbat principle determines the schedule of the laws of social welfare, and serves as a great equalizing force between haves and have-nots. Shabbat day is a day of rest for all. In the seventh year—the Sabbatical year—the field lies fallow and is available for all to enjoy, and debt release is enacted. Time itself is marshaled in the establishment of the egalitarian agenda.

A Revolutionary Document

What power interest could have been served by this program? We have already seen that it was a program that favored neither the king, nor the rich, nor the priesthood. Prophets are hardly mentioned in the Torah, and the criteria set out for validating an individual as a prophet are exacting in the extreme. Sages or philosophers are nowhere mentioned at all. No immediate candidate jumps out of the pages of the Torah as the interested party in the formulation of this new egalitarian order.

Throughout the ancient world, the truth was self-evident: All men were *not* created equal. They saw the world they had created and, behold, it was good. It was good, they deemed, *because* it was ordered around a rigid hierarchy, where everyone knew his station in life, each according to his class. For the first time in history, the Torah presented a vision to the masses in which the gods were something other than their own selves writ large, a vision with a radically different understanding of God and humanity. It introduced new understandings of the law, of political office, of military power, of taxation, of social welfare. It conceived in radically new ways the importance of national narrative, of technologies of communication, and of a culture's calibration of time. What we find in the Torah is a platform for social order marked with the imprint of divinity. Within the annals of political thought it is difficult to think of another document that

revolutionized so much in such anonymity, and with so little precedent to inspire it.

Of course, these notions of equality are but early precursors of our more developed notions of equality today. Yet, the Torah instructs us with the implicit understanding that society changes, and with it, the form in which we fulfill God's will. We can marvel at how utterly removed the Torah's political thought was from the prevailing spirit about such things in ancient times. And, at the same time, we can appreciate that without believing that we are limited to the notion of equality as it had been expressed in those ancient times. Rather, the Torah serves as an inspiration for the further elaboration of those ideas as times change and events warrant so doing.

NOTES

1. This chapter is a concise presentation of the arguments I make in my monograph, *Created Equal: How the Bible Broke with Ancient Political Thought* (New York: Oxford University Press, 2008).
2. Aristotle, *Politics* BK1 1254a20, translation by Benjamin Jowett, available at <http://classics.mit.edu/Aristotle/politics.1.one.html>.
3. Jack Goody, *The Logic of Writing and the Organization of Society* (Cambridge: Cambridge University Press, 1986), 2.

Walking Humbly: A Brief Interpretive History of Micah 6:8

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In Gustav Dore's etching, "Micah Exhorting the Israelites," the prophet stands against a decaying wall with his arms raised and his eyes lowered. Few people targeted in Micah's immediate sightline look directly at the prophet. Bowed in shame, they turn away. Those who do look have either fear or skepticism in their eyes, just the sort of facial expressions one would expect from a group reminded of their wrongdoings and the attendant consequences. A cursory examination of the eight chapters of Micah help us understand the issues the prophet might be bringing to the attention of his flock that would have received this mixed response. Many of Micah's prophecies were standard tropes for Hebrew prophets waging a moral and theological battle with their constituents: idol worship, the destruction of Jerusalem, the ravaging of Samaria, the dishonesty of the privileged. Micah also predicted the eventual restoration of Judea with a salvific postscript that is also common to our darkest prophetic and apocalyptic narratives.

We know almost nothing about Micah as an individual.¹ His parables and chastisements offer little insight into his character. The book reads like a string of small exhortations and observations without a unifying theme. The Sages of the Talmud do little to fill in this picture; they merely identify the broad time period in which Micah lived and performed his

holy work: “Rabbi Yohanan said: He was the first of the four prophets who prophesied during that period, and these are they: Hosea, Isaiah, Amos, and Micah.”²

What we do know about the book of Micah is the popularity and influence of, arguably, its most significant verse: “He (God) has told you, O man, what is good, and what the Lord requires of you: Only to do justice and to love goodness, and to walk modestly with your God” (Micah 6:8). We may have a tiny indication of the verse’s importance in Dore’s etching: a right foot sticks out from the fold of Micah’s tunic, suggesting that he will soon leave the small platform, perhaps to walk modestly with his God.

Doing justice, loving goodness, and walking humbly with God are the desideratum of a strenuous religious life, and not nearly as easy to accomplish as the prophet’s simply-phrased request. Perhaps because of this, the verse has garnered a lot of attention from the Talmud onward. In fact, focusing only on this verse from Micah results in a disconnection of the verse from its biblical context, sometimes producing interpretations that veer very far from its literal context. We will travel through some well-known explanations of this expression, and then present a contextual understanding that emerges from a study of the entire book and its most prominent messages.

Our first stop is the Talmud. In BT *Sukkah*, R. Elazar takes apart each clause in Micah 6:8 in his search for the verses deeper meaning and legal implications.

And this is what Rabbi Elazar said: What is the meaning of that which is written: “It has been told you, O man, what is good, and what the Lord does require of you; only to do justly, and to love mercy, and to walk humbly with your God” (Micah 6:8)? “To do justly”; this is justice. “To love mercy”; this is acts of kindness. “To walk humbly with your God”; this is referring to taking the indigent dead out for burial and accompanying a poor bride to her wedding canopy, both of which must be performed without fanfare. The Gemara summarizes: And are these matters not inferred a fortiori? If, with regard to matters that tend to be conducted in public, as the multitudes participate in funerals and weddings, the Torah says: Walk humbly, then in matters that tend to be conducted in private, e.g., giving charity and studying Torah, all the more so should they be conducted privately.³

R. Elazar moves from the generalized sense of justice and mercy to the very specific act of burying those who have no one else to do so, balancing

public, communal activities with private acts of generosity. Modesty here is a reflection of commandment performance that is to be done privately lest it catalyze sanctimoniousness in the mind of the performer.

Another talmudic source references Micah 6:8 in the context of reducing 613 commandments to Jewish laws' most essential demands. One opinion suggests that the Torah can be captured in the three requirements derived from the prophet's wise advice.

Micah came and established the 613 mitzvot upon three, as it is written: "It has been told to you, O man, what is good, and what the Lord does require of you; only to do justly, and to love mercy, and to walk humbly with your God" (Micah 6:8).⁴

It is no wonder this verse enjoyed such a long exegetical history. If 6:8 encapsulates all that the religious life is meant to be, it is easy to understand the verse's importance.

Other understandings of Micah 6:8 narrow its interpretive scope to a specific observation or requirement. Rashi, for example, uses the popular talmudic framework of comparing human limitation with God's expansiveness:

To walk modestly: The Holy One, blessed be He, is not like on of flesh and blood. A person who shames his friend and tries to pacify him. And he [the offended one] says, "I will not be pacified by you until so-and-so arrives since you embarrassed me before them but the Holy One, blessed be He, desires only that one returns to him privately.

Human beings need to make their repentance public after embarrassing or shaming someone in front of others. This is understandable and codified in Maimonides' "Laws of Repentance."⁵ But God does not require such displays. Humility in this context is walking beside God in a simple, beautiful state of sinless friendship.

We now jump from the Talmud to a medieval biblical exegete to the library of Mussar literature. Moshe Chaim Luzzatto in his *Path of the Just*, first published in Amsterdam in 1738, presents Micah 6:8 as a proof-text that the pious must contract themselves in the presence of others:

There are some additional matters of piety, which if a person were to do before common people, they will laugh at him and ridicule him, thereby sinning and incurring punishment through him, and this is something he

could have abstained from doing since these things are not complete obligations. Thus, for such things, it is certainly more proper for the Hassid to abstain from it than to do it. This is what scripture says: “and walk discreetly with your God” (Micah 6:8). Many great Hassidim abstained from their pious practices when in the presence of the common masses because it appears like arrogance.⁶

In what seems like the very opposite of Rashi’s reading, Luzzatto suggests that a person of particular piety withhold external expressions of religiosity when with others who will not only fail to understand them, but may regard them negatively. Modesty in this view is limiting spiritual gestures to communities of like-minded individuals. While we can appreciate the self-righteousness to which Luzzatto alerts us, he may have also inadvertently minimized the beneficiary aspect of role modeling such practices, thereby making religious observance unnecessarily binary.

We find an even further interpretive narrowing in a popular synopsis of Jewish law written more than a century later: the *Kitzur Shulhan Arukh*, written by R. Shlomo Ganzfried in Hungary and published in 1864.

It is written: “You shall walk modestly with your God.” It is therefore necessary to be modest in all your ways. Thus when putting on or removing your shirt or any other garment from your body, you should be very careful not to uncover your body. You should put on and remove the garment while lying in bed under a cover. You should not say: “I am in a private, and dark place.” “Who will see me?” Because the Holy One, Blessed is He, Whose glory fills the entire world [sees] and to Him darkness is like light, Blessed be His Name. Modesty and shame bring a person to submissiveness before Him, Blessed be His name.⁷

Walking modestly is, in this interpretation, taken very literally as an expression of physical modesty in comportment when getting dressed. One is to limit the view of the body not only to others but even to oneself. Modesty demands submissiveness before God, encapsulated by not revealing one’s skin when dressing, to the extent that this can be prevented.

R. Gansfried’s more literal reading achieved a great deal of influence among those who reduced Micah’s to a demand for modesty to clothing and appearance. Rashi and R. Luzzatto also discuss externalities in their respective readings, but R. Gansfried furthers this to suggest that when walking with God we do so with an intimacy informed by physical modesty.

In this brief exegetical summary that is in no way exhaustive, we've moved from a first-century understanding of Micah 6:8 as a summation of the entire Torah to a nineteenth-century recommendation to get dressed under one's covers. None of these understandings, however, deals with the verse in the context of its appearance in the Book of Micah. It is to this we now turn.

To understand 6:8 from the prophet's general worldview, we must examine a symbol from an earlier chapter. Chapter four opens with a picture of the "days to come" and provides psychic relief from the images of the book's grim introduction and Dore's portrait:

The Mount of the Lord's House shall stand firm above the mountains; and it shall tower above the hills. The peoples shall gaze on it with joy, and the many nations shall go and shall say: "Come, let us go up to the Mount of the Lord, to the House of the God of Jacob; that He may instruct us in His ways, and that we may walk in His paths." For instruction shall come forth from Zion, the word of the Lord from Jerusalem. Thus He will judge among the many peoples, and arbitrate for the multitude of nations, however distant; and they shall beat their swords into plowshares and their spears into pruning hooks. Nation shall not take up sword against nation; they shall never again know war. But every man shall sit under his grapevine or fig tree with no one to disturb him. . . . (Micah 4:1-4)

One day, all of Israel will see in the distance the Temple's radiance, and it will reflect their own. Not only will the Temple attract the Israelites, but it will also serve as a beacon for other nations who wish to seek its comforts and benefit from its powers of expiation.

This call to be physically present in Zion is matched, in the prophet's words, by the adjuration to have Zion's spiritual power move externally with the predictive image that has come true in our days: Torah leaving the environs of Jerusalem and touching the world. Micah echoes Isaiah 2:4 in wishing for a universe free of violence. In offering the inspiring picture of individual serenity of fig and vine immediately after his reassuring portrait of global security, Micah uses an expression found in two other places, I Kings 4:25 and Zechariah 3:10. Sitting without disturbance under one's own grapevine or fig tree was so potent an image of peace and freedom, it was cited by George Washington over 50 times, once significantly in his response to the Jews of Touro Synagogue in Rhode Island (August 18, 1790) as a guarantee of their political freedom.⁸

The fig image repeats itself later in Micah, but not in a particularly positive way:

Woe is me! I am become like leavings of a fig harvest, like gleanings when the vintage is over, there is not a cluster to eat, not a ripe fig I could desire. The pious are vanished from the land. None upright are left among men; all lie in wait to commit crimes. One traps the other in his net. They are eager to do evil: The magistrate makes demands, and the judge [judges] for a fee. The rich man makes his crooked plea, and they grant it. The best of them is like a prickly shrub; the [most] upright, worse than a barrier of thorns. On the day you waited for, your doom has come—now their confusion shall come to pass. (Micah 7:1–4)

The warm and loving image of sitting beneath a vine or tree that produces shade and fruit is fast replaced by an image of hunger and want, of the withering of vegetation that takes place at harvest's end. This depletion, however, is not created by natural seasonal changes but by the wickedness of injustice. The pious are nowhere to be found. Rich men bend justice. Judges are influenced by bribes. All live in confusion. This must be the human landscape Dore saw fit to engrave from the book's seven chapters.

The book's last lines continue with a harsh judgment of a world punctured by unnatural suspicion.

Trust no friend, rely on no intimate; be guarded in speech with her who lies in your bosom. For son spurns father, daughter rises up against mother, daughter-in-law against mother-in-law—a man's own household are his enemies. (7:5–6)

The family unit is not cohesive, loyal, or loving. The shade of Micah's fig tree has been replaced by a black cloud of misgiving and wariness. The prophet offers a bleak picture of daily life. From here, Micah quickly turns to God, in whom all trust must be placed: "Yet I will look to the Lord, I will wait for the God who saves me. My God will hear me" (7:7). In this moment, Micah prays that failure will build resilience, that darkness will give way to cracks of light:

Do not rejoice over me, O my enemy! Though I have fallen, I rise again; though I sit in darkness, the Lord is my light. I must bear the anger of the Lord, since I have sinned against Him, until He champions my cause and upholds my claim. He will let me out into the light; I will enjoy vindication by Him. (7:8–9)

The prophet believes that there will be healing—“a day for mending your walls”—but sadly reckons that it “is a far-off day” (7:11). The chapter and book conclude with the wish that God will take the Israelites back in love, disregard their iniquity, and hurl their sins far away, keeping the oath and covenant made to the patriarchs long before.

Micah, like many other Hebrew prophets, was concerned with the cycle of goodness and evil that affects both nations and individuals. The fig tree that is the symbol of peace and prosperity can easily become shriveled without proper nourishment—when injustice becomes normative and arrogance demeans society’s most vulnerable. It is in this context that 6:8 should be read, as a moral demand for a society built of individuals robed in charity and goodness, humbled by their God, walking beside the divine to imitate sacred ways of being.

It is human nature to create social hierarchies that benefit the most powerful. By suggesting that humans walk with God, it is actually God who models modesty by deigning to walk beside us. If God can walk with us, then we can and must walk beside those less strong, those less competent, those less fortunate. In this spirit, R. A. J. Heschel’s words about the prophetic impulse take on a deeper hue:

The more deeply immersed I became in the thinking of the prophets, the more powerfully it became clear to me what the lives of the Prophets sought to convey: that morally speaking, there is no limit to the concern one must feel for the suffering of human beings, that indifference to evil is worse than evil itself, that in a free society, some are guilty, but all are responsible.⁹

Walking modestly for the prophet is walking with eyes wide open to the presence of anyone in need, waiting to perform acts of mercy, justice, and lovingkindness. Looking at a glimpse of the exegetical history of Micah 6:8 and its contextual meaning takes us straight back to the Talmud’s expansive understanding. Religion stripped to its most essential elements asks both very little and a great deal of us: to return to a state of simplicity, broken and small in God’s presence, able, in a state of vulnerability, to make those invisible visible, to create a society where we walk beside others because God is willing to walk beside us.

NOTES

1. For resources on the structure and meaning of the book, see Kenneth L. Barker, "A Literary Analysis of the Book of Micah," *Bibliotheca Sacra*, 155 (October–December 1998): 437–448, Delbert R. Hillers, *Micah: A Commentary on the Book of the Prophet Micah*, ed. by Paul D. Hanson (Minneapolis: Augsburg Fortress Publishers, 1984), Bruce K. Waltke, *A Commentary on Micah* (Grand Rapids, Eerdmans, 2008), Arvid S. Kapelrud, "Eschatology in the Book of Micah," *Vetus Testamentum*, Vol. 11, Fasc. 4 (Oct., 1961): 392–405.
2. BT *Pesakhim* 87a. Text translations from Sefaria.com.
3. BT *Sukkah* 49b. For ease of reading, I have left in the explanations offered by the Koren Noe edition.
4. BT *Makkot* 24a.
5. Maimonides, "Laws of Repentance," *Mishneh Torah* 2:5.
6. *Messilat Yesharim*, 20:19.
7. *Kitzur Shulkhan Aruch* 3:1.
8. See Michael and Jana Novak, *Washington's God: Religion, Liberty, and the Father of Our Country* (New York: Basic Books, 2006), 239; Walter Brueggemann, "'Vine and Fig Tree': A Case Study in Imagination and Criticism," *Catholic Biblical Quarterly* 43, no. 2 (April 1981): 199, and Daniel L. Dreisbach, "'The 'Vine and Fig Tree' in George Washington's Letters: Reflections on a Biblical Motif in the Literature of the American Founding Era," *Anglican and Episcopal History* 76, no.3 (September 2007): 299–326, 301.
9. Abraham Joshua Heschel, *Moral Grandeur and Spiritual Audacity*, ed. Susannah Heschel (New York: Farrar, Straus, and Giroux, 1996): 224.

It's in the Gene(alogy): Family, Storytelling, and Salvation

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In 1924, the State of Virginia passed the Racial Integrity Act, criminalizing interracial marriages. There was a special dispensation built into the law, however. Through the so-called “Pocahontas exception,” Virginians proud of being descendants of Pocahontas who still wanted to classify as “white” were able to do so instead of being classified as “Native American.” Similarly politically-weighted claims of ancestry have received extensive coverage in recent years, including the question of why Barack Obama is widely considered a black man with a white mother, rather than a white man with a black father; President Trump’s questioning of Democratic Senator Elizabeth Warren’s claimed Native American heritage (Trump has, on numerous occasions, referred to her as “Pocahontas”); and the extensive doubts recently raised about the Jewish identity of socialist New York State Senator Julia Salazar. As Rutgers professor Eviatar Zerubavel discusses in his *Ancestors and Relatives: Genealogy, Identity, and Community* (Oxford, 2011), how we define or frame our ancestry, and how others define it, is of tremendous importance.

Questions of genealogy are so vital because our ancestry is often a key element in our social structure, the axis on which many of our social interactions, obligations, loyalties, and emotional sentiments, turn. Although we like to believe in meritocracy, that individuals are self-made, our iden-

tities can be deeply tied to those from whom we descend. As Zerubavel writes, “Our psychological integrity depends very much upon . . . the extent to which we feel linked to our genealogical roots. . . . [S]triking a person’s name from his or her family’s genealogical records used to be one of the most dreaded punishments in China” (pp. 5, 7). And of course, biologically, heredity has a tremendous impact on our traits, personality, and self-perceptions. As Columbia University professor Robert Pollack has noted, our “genomes are a form of literature . . . a library of the most ancient, precious, and deeply important books” (*Signs of Life: The Language and Meanings of DNA* [Houghton Mifflin, 1994], 117). Through studying where we come from, we learn how to tell our own story.

Are Our Relatives . . . Relative?

In *It’s All Relative: Adventures Up and Down the World’s Family Tree* (Simon & Schuster, 2017) humorist and author A. J. Jacobs recounts his attempt to assemble his extended, and by that I mean *very* extended, family, in the largest family reunion ever. After receiving an e-mail from a man in Israel claiming to be his 12th cousin, part of an 80,000-person family tree that included Karl Marx and some European aristocrats, Jacobs set out to bring as many of his living relatives together as he could, figuring “people [who spend countless hours tracing their family roots] want to feel connected and anchored. They want to visit what has been called the “Museum of Me.” Utilizing online genealogical tools, he connected to countless celebrities, as well as former U.S. President George H. W. Bush. Through this project, Jacobs sought to make the case for people to be kinder to one another because of our shared “cousin-hood.”

Finding out about 79,999 relatives raised for Jacobs questions about the nature of family and the hierarchy of closeness we feel toward certain individuals. He argues that if all of humanity is one very large extended family, it is less important who our immediate relatives are. Maybe,

. . . we can sometimes make room in our hearts to love others without diminishing what we feel for those already dearest to us. Love is not a zero-sum game. . . . They tell of a seventeenth-century French missionary in Canada who tried to explain traditional monogamous marriage to a tribesman. The tribesman replied, “Thou hast no sense. You French people love only your own children, but we love all the children of our tribe.”

Ignorance of their kids' paternity apparently [can make] for a more compassionate society. (pp. 87, 150)

Taking this line of reasoning a step further, maybe our conception of family shouldn't even be limited to biological relatives, or even people in our local community or tribe. One modern writer, Andrew Solomon, has even offered calling those who share your passion or worldview your "horizontal family" as opposed to your "vertical," biological family. Though we would assume those with common interests are friends rather than family, Zerubavel gives some credence and sociological substance to this counterintuitive idea:

The family . . . is an inherently boundless community. Since there is no natural boundary separating recent ancestors from remote ones, there is also no such boundary separating close relatives from distant ones, or even relatives from nonrelatives. Any such boundary is therefore a product of social convention alone. Thus, although it is probably nature that determines that our obligations to others be proportional to our genealogical proximity to them, it is nevertheless unmistakably social norms that specify whose blood or honor we ought to avenge and determine the genealogical reach of family reunification policies. It is likewise social conventions that specify who can claim the share of blood money paid to relatives of homicide victims and determine who we invite to family reunions. Thus, whereas the range of other animals' kin recognition is determined by nature, it is social norms, conventions, and traditions of classification that determine how widely humans' range of kin recognition actually extends, and societies indeed often vary in where they draw the line between relatives and nonrelatives. (p. 72)

And as the renowned astrophysicist Neil deGrasse Tyson put it in a letter to Jacobs (p. 163):

My philosophy of root-finding may be unorthodox. I just don't care. And that's not a passive, but active sense of caring. In the tree of life, any two people in the world share a common ancestor—depending only on how far you look. So the line we draw to establish family and heritage is entirely arbitrary. When I wonder what I am capable of achieving, I don't look to family lineage, I look to all human beings. That's the genetic relationship that matters to me. The genius of Isaac Newton, the courage of Gandhi and MLK, the bravery of Joan of Arc, the athletic feats of Michael Jordan, the oratorical skills of Sir Winston Churchill, the compassion of Mother Teresa. I look to

the entire human race for inspiration for what I can be—because I am human. [I] couldn't care less if I were a descendant of kings and paupers, saints or sinners, the valorous or cowardly. My life is what I make of it.

Are You My Mother?

The challenge to the idea above, however, is that while it might make for a sound philosophical argument, it doesn't seem to hold water empirically. There have been many experiments and contexts, including Israeli kibbutzim, in which children have been raised communally, as opposed to in a nuclear family model, only to discover it made parents and children less happy. There is social, psychological, and moral value provided by what we intuitively classify as our family, which, assuming it contains a generally positive dynamic, serves to aid in both general health and even survival, and inculcate values that an individual applies to his or her colleagues, neighbors, and friends. As the saying goes, "Men may change their clothes, their politics, their wives, their religions, their philosophies—[but] they cannot change their grandfathers."

The Jewish Family

Judaism, of course, is based upon the story of a family. The Book of Genesis is the story of chosen children, with the tales of those who were not chosen relegated to the periphery. Like many families, the Jewish family's "dynastic mental structure" is conceived of as a "single identity" with "particular norms of remembrance" (Zerubavel, 19, 67). Thus, while one might refer to one's country of origin a "motherland" or refer to the "founding fathers" of the United States, to the Jewish people, Israel is the land of our *actual* mothers and fathers, and our norms of family remembrance are found in the Torah. We are *Benei Yisrael*, the children of our forefather Israel.

Following the completion of the Bible, the advent of the monarchy, and the sweep of subsequent Jewish history, what has emerged within the story of the Children of Israel is the anticipated restoration of one particular line within our family. We hope and pray multiple times throughout our liturgy for the resumed authority of the Davidic line through the coming of the Messiah, the ultimate redeemer.

With this background in mind, let us examine the Book of Ruth, which ends with a genealogy culminating with the birth of David, the ancestor of the eventual Messiah. Let us also examine how the ancestral story of David's family is told and how it might inform our understanding of family in our own lives.

Ten Generations

The Book of Ruth ends with a list of ten generations:

Now these are the generations of Perez: Perez begot Hezron; and Hezron begot Ram, and Ram begot Amminadab; and Amminadab begot Nahshon, and Nahshon begot Salmon; and Salmon begot Boaz, and Boaz begot Obed; and Obed begot Jesse, and Jesse begot David. (Ruth 4:18–22)

A story that began with an Israelite family leaving Bethlehem and dwelling in Moab for around ten years (1:4), during which time a father and two sons died, now lists ten generations of progeny, a healthy and vibrant family line. The birthing of sons has replaced the death of sons. Beyond this portrayal of restoration, the list has a structure that serves a political function as well. The list could have started with Judah, father of Perez, or even Jacob, Judah's father, but starting with Perez puts David tenth in line, matching an earlier biblical pattern. Just as there were ten generations from Adam to Noah, and another ten from Noah to Abraham, David is listed as the culmination of ten generations. This structure suggests that the book is situating David in the pantheon of foundational biblical figures (See Zvi Ron, "The Genealogical List in the Book of Ruth: A Symbolic Approach," *Jewish Bible Quarterly* 38:2 [2010]: 85–92).

The "surprise ending" of David's birth also reshapes our perception of the entire preceding narrative. Through the realization that this tale of a bereft Naomi and her former daughter-in-law, the Moabite Ruth, ends up producing the ultimate Israelite king, the reader sees how a savior is born through the acts of loyalty and kindness demonstrated by its characters. In the words of Professor André LaCocque in his *Ruth: A Continental Commentary* (Fortress Press, 2004):

The genealogy is their announcement of victory. . . . [I]n the West, individualism has become so excessive, so egocentric, that all devotedness to a future generation appears obsolete and even ridiculous in the eyes of

some... but the facts of history do teach us that we cannot take the survival of the group for granted. After Auschwitz, the people of Naomi—who are also Ruth's people—know that they are vulnerable. It was already so in ancient Israel. The discontinuation of the name—that is, of the family, the clan—meant annihilation. . . . [W]hat has to be assured is not the number but history, the promise, the hope. The typical modern individual does not have any history, only episodes, like the soap operas on television. But Israel has a history, a history oriented toward the coming of the kingdom of God and its regent, the Messiah. . . . [P]ut simply, the story of Ruth is pulled from the episodic and placed, from the perspective of Israel's history, into salvation history. (p. 122)

Living during the troublesome era of the Book of Judges, in which each man did what was right in his own eyes because there was no ruler to unify the nation, Ruth merits the bearing the nation's salvific figure, the conqueror of Jerusalem, and the singer of Psalms through her selfless acts. As Tamara Cohn Eskenazi and Tikva Frymer-Kensky suggest, “For an ancient audience this final genealogy would have been an exhilarating conclusion; good people have been rewarded with the high honor of illustrious progeny” (*The JPS Bible Commentary: Ruth* (Philadelphia: JPS, 2011), 92–93).

The Female Genealogy

Like all such biblical lists, the final verses of Ruth list male progenitors. However, prior to those last few verses, the narratives offer what some have suggested is a female genealogy as well, one whose allusions offer even greater insight into the story of David's birth. In this scene, in which Ruth is married to Boaz, the names of certain female biblical heroines are evoked:

And all the people that were in the gate, and the elders, said: “We are witnesses. May God make the woman that is coming into your house like **Rachel** and like **Leah**, those two who built the house of Israel; and be worthy in Ephrat, and be famous in Bethlehem; and may your house be like the house of Perez, whom **Tamar** bore to Judah, of the seed which God shall give you of this young woman.” So Boaz took Ruth, and she became his wife; and he was intimate with her, and God gave her conception, and she bore a son. And the women said unto Naomi: “Blessed be God, who has not left you this day without a redeemer, and let his name be famous in Israel. And he shall be for you a restorer of life, and a nourisher for you in your

old age; for your daughter-in-law who loves you, who is better to you than seven sons, has borne him.” And Naomi took the child, and laid embraced him, and became his nurse. And the women her neighbors gave it a name, saying: “There is a son born to Naomi”; and they called his name Obed; he is the father of Jesse, the father of David. (4:11–17)

This is the only time in the entire Bible where characters are blessed through the invoking of female characters. Ruth is mentioned as an analogue to none other than Rachel and Leah, two foundational women, mothers, and wives. In this radical acceptance of a stranger, a Moabite widow becomes an honorary biblical matriarch.

In the coda of Ruth, the invocation of Rachel and Leah, as well as Tamar, is more than a simple reference to memorable female biblical characters. All three of these earlier women, along with the daughters of Lot, have been subtly alluded to over the course of Ruth’s tale. All of them, like Ruth, ensured the viability of their family line through personal sacrifice in the form of “bedtricks” of varying degrees of deception and morality. After fleeing the destruction of Sodom, the daughters of Lot made their father drunk and slept with him, thereby producing Amon and Moab, the latter of which is Ruth’s ancestor (Genesis 19). Leah was switched for Rachel on Jacob’s wedding night (Genesis 29:25) and the two sisters often fought over their husband, once trading a night with Jacob for mandrakes (30:16). (It can be noted that Leah was the mother of Judah, whose descendants include Boaz and David.) And Tamar dressed as a veiled harlot and slept with Judah (Genesis 38). However, as contemporary scholar Ruth Kara-Ivanov Kaniel emphasizes in her *Holiness and Transgression: Mothers of the Messiah in the Jewish Myth* (Academic Studies Press, 2017), Ruth and Boaz’s story stands both among and beyond those earlier narratives:

In contrast to the masculine list, which is summarily “historical,” the feminine list is portrayed as “herstory” and as part of . . . Boaz and Ruth’s wedding scene. This list functions as a connecting link for the formal closing of the book and a disposition to recast forbidden actions into “an expression of blessing” is prominent in it. Absent here is the unforgiving terminology found in the original story: the figure of the qedeisha or the prostitute at the entrance of Enaim, the problematic revelation at Boaz’s feet, and the hesitation of the redeemer to corrupt his inheritance, the threat of the world’s annihilation in the story of Lot’s daughters and their abandonment to be raped in the beginning of the story of Sodom, the poverty, calamity, and

death that accompany Ruth and Tamar, the clashing of the sisters Rachel and Leah. All of these are transformed into unified harmony in the mouths of the congratulators at the city's gate. (p. 14)

Through their mention in this story, these earlier women are woven into the fabric of Israel's royal history, and their sacrifices reach an apex in Ruth's actions. Whereas those earlier stories were tales of deceit, lack of knowledge, seduction, and trickery, Ruth's "bedtrick" at the threshing floor was a call to action that necessitated recognition and awareness on the part of the individual actors, and that resulted in "fully legitimate, legally certified" marriage. From Lot's daughters' incest, to Rachel and Leah's wedding night switch, to Tamar's disguised harlotry, we have progressed, finally, to a public marriage ceremony at the city gates of Bethlehem. Through Ruth, those earlier episodes are thus redeemed, affirmed, and celebrated. Maybe this is why the male genealogical list begins with the name Perez, which means "breach." Daring to breach propriety for the sake of family, these women not only ensured the continuation of their family line, they provided national salvation.

Struggles, Storytelling, and Salvation

By telling the story of King David's genealogy through the Book of Ruth, the text is offering a nuanced framework for thinking about our own history, both national and familial. As psychologist Dr. Lisa Miller has demonstrated, the ability for families to articulate their struggles and challenges builds resilience among its members (see *The Spiritual Child: The New Science on Parenting for Health and Lifelong Thriving* [Picador, 2015], 291). Through the tale of a foreign, marginalized widow, whose personal risk mirrors that of other biblical mothers, we are reminded of the sacrifices that sustain the continuity of the Jewish people. We are reminded of the ability of kindness to heal. And we are reminded of the power of family, both biological and beyond. Ruth's story inspires us to meet the challenges of our own circumstances. Through the tale of communal openness to a disconnected stranger, we are given the keys to redemption. After all, it is the offspring of Lot's daughter, Rachel and Leah, Tamar, and Ruth, with its family bloodline of struggle, alienation, and foreignness, coupled with selfless dedication to continuity, who is uniquely suited to lead the Children of Israel and bring the nations of the world closer

to God. Like Moses, whose virtues and leadership abilities were developed through his fractured, foreign experiences in both Egypt and Midian, Ruth, too, embodies the marginal figure's messianic capabilities.

It is through our own striving to survive and flourish alongside our imperfections, struggles, and feelings of disconnectedness that will eventually repair a fractured world. To quote Rabbi Tzadok HaKohen in his discussion of the Messiah in *Tzidkat HaTzadik* (#111), "the lowest will become the highest."

This is why Ruth is the progenitor of the Messiah, because the Messiah is the ultimate *meishiv nefesh* [Ruth 4:15], restorer of life and dignity when hope seems lost. . . . [T]o restore the name [Ruth 4:5] is to reach across the generations, and across interpersonal divide, and at times across the divide between aspects or periods within one's own self, in active recognition, provoking true transformation. That is what compassionate redemption means. . . . [I]n the end, Ruth reminds us that nothing is more beautiful than friendship, that grace begets grace, that blessing flourishes in the place between memory and hope, that light shines most from broken vessels. What else is the Messiah about? (Nehemiah Polen, "Dark Ladies and Redemptive Compassion: Ruth and the Messianic Lineage in Judaism," in Peter S. Hawkins and Lesleigh Cushing Stahlberg, eds., *Scrolls of Love: Ruth and the Song of Songs* [Fordham University Press, 2006], 69, 74.)

In our striving to embody the values inspired by Ruth, may we merit the writing of the next chapter of the Jewish story. May we, as individuals, as members of our family, and as members of the Children of Israel, bring the world compassionate redemption.

Hassidim and Academics Unite: The Significance of Aggadic Placement

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What guided our sages' decisions when they placed aggadic (non-legalistic) passages in the Talmud? Perhaps they came armed with a treasure trove of quality material, such as the account of R. Shimon bar Yohai in the cave and the final moments of R. Hanina ben Teradyon's life, and they simply looked for associations enabling the insertion of this material into the Talmud. If so, analyzing the placement will not contribute to meaning. Alternatively, the sages built upon thematic connections in arranging the *aggadot*. Talmudic stories can connect to themes of the tractate, the chapter, or a preceding *sugya* (talmudic passage), be it halakhic or aggadic. If so, study of placement enhances understanding.

As far as I know, the major traditional commentaries on aggadic material, Maharsha (R. Shemuel Eidels, 1555–1631) and Maharal (R. Yehudah Loeb of Prague, 1520–1609), did not raise questions of placement. However, in the nineteenth century, R. Zadok Hakohen from Lublin made a programmatic statement that all *aggadot* relate conceptually to their talmudic location. Stories about the Temple's destruction are found on pages 55b–58a of *Gittin*, a tractate about marriage and divorce, since the destruction represents a breach in the marital relationship between God and the Jewish people.¹ *Aggadot* about the manna can be read on pages

74b–76a of *Yoma*, a tractate about the laws of Yom Kippur, because eating this heavenly food reflects a less corporeal consumption that reminds us of the angelic transcendence of the physical on Yom Kippur.²

R. Zadok also notes how placement at the beginning of tractate can set the tone for the entire tractate. *Pesahim* (mainly concerned with the laws of Pesah) begins with a long discussion about what the word “*ohr*” means in the opening Mishnah. It then proceeds to a discussion of different values involved in speaking well, including refined speech, clear discourse, and brevity. For R. Zadok, this fits the topic of the exodus since he connects refined speech with *yihus*, lineage or pedigree, and sees the exodus as emphasizing Jewish uniqueness.³ I would like to suggest an alternative connection. Dialogue plays a bigger role on Pesah than on any other holiday. The Torah commands us to relate the exodus story over to our children, and the Seder attempts to facilitate this momentous conversation. Therefore, the tractate begins with a study of proper discourse.

R. Zadok assumes purposeful placement regarding every aggada. Such an assumption expresses his belief in omniscience, an apt term coined by Dr. James Kugel describing the eschewal of technical explanations in the search for a maximum of religious meaning.⁴ R. Zadok goes so far as to suggest a deeper explanation for why the mitzvah to write a Sefer Torah appears specifically in *siman* 270 of the *Shulhan Arukh*. This commandment corrects the sin of Judah’s son Er (see Genesis 38), whose *gematriya* (the numerical value of the Hebrew letters) is 270.⁵ Many of us will find this degree of omniscience too extreme, but we can still accept a more moderate version of R. Zadok. Perhaps some placement is meaningful while others are more arbitrary.

Let us move from the Batei Midrash of nineteenth-century Poland to the libraries of contemporary academia. Yonah Fraenkel deserves a lot of credit for initiating literary academic study of talmudic stories. He showed that these tales are not merely historical accounts but finely crafted literary creations. Fraenkel also insisted in the principle of “closure,” which reads each story as an independent unit. His approach resembles the literary theory called New Criticism, which champions focusing on the poem itself, with an indifference to the biography of the author or historical context. Along similar lines, Fraenkel contends that we should analyze an individual story about a given sage without bringing in information from other stories. A sage can be poor in one tale and quite wealthy in another.⁶

Fraenkel notes a contrast between biblical and talmudic writing, in that only the former operates within a historical framework. *Megillat Rut* begins with a historical context, the time of the judges, and ends with a clear historical direction, heading toward the Davidic dynasty. Talmudic stories do not function that way. Even when a string of stories on roughly the same theme appear together, such as the aforementioned *aggadot* about the Temple's destruction, they are not seriously connected to each other in a chronological or thematic fashion.

More recent scholars disagree with Fraenkel arguing that context does matter. Ofra Meir utilizes different versions of stories in rabbinic literature to show how they are shaped by context. The story of R. Shimon bar Yohai hiding in the cave appears in the Jerusalem Talmud without the Babylonian Talmud's theme of the tension between Torah study and mundane work. In the Babylonian Talmud's immediately preceding Gemara (*Shabbat* 33b), R. Shimon bar Yohai states that the illness called *askara* is a punishment for *bittul Torah* (wasting time on activities unrelated to Torah). Thus, R. Shimon's call for intense dedication to Torah study was already lurking in the background of this passage and helped focus the ensuing presentation. Furthermore, R. Elazar son of R. Yossi attributes *askara* to the sin of *lashon hara* (gossip), which also appears in the story when Yehuda ben Gerim relates the rabbinic conversation to the Roman authorities.⁷

Meir notes the identical phenomena regarding two versions of R. Hananya ben Hakhinai spending over a decade away from home studying Torah and then shocking his wife upon returning home. In the Babylonian Talmud (*Ketubot* 62b), the story appears in a larger context discussing when husbands have the legal right to eschew domestic responsibilities in order to study Torah. In a midrash (*Vaiykra Rabba* 21:8), the story supports a theme of not suddenly entering one's abode, fitting the biblical context of Aaron's sons illegally entering the Holy of Holies. Meir shows how differences between the two accounts reflect the themes of each version.⁸

Jeffrey Rubenstein adds more arguments in favor of looking beyond the story itself.⁹ He notes literary connections running through extended passages such as key words and thematic continuity. For example, the verb *tikun* comes up repeatedly in *Shabbat* 33b, first as something the Romans do, then as something R. Shimon bar Yohai does, and finally

as something our patriarch Jacob does.¹⁰ To use an example from Fraenkel himself, a series of stories about husbands spending significant time away from home to study Torah play off each other (*Ketubot* 62b). In one story, R. Hama bar Bisa tries to avoid the mistake of R. Hananya ben Hakhinai from the preceding tale. Furthermore, the entire picture balances stories critical of the rabbis for avoiding domestic responsibility with the successful model of R. Akiva spending many years away.¹¹

Yonatan Feintuch's recent book, *Panim el Panim*, makes a major contribution to aggada study and brings more evidence showing the importance of context. He points to a series of stories about confronting the evil inclination (*Kiddushin* 82a). In the first few, rabbis struggle with sexual urges and the tales encourage great precaution to prevent sin. However, in the final story, we see R. Hiyya renouncing sexuality with his wife leads to martial tension, R. Hiyya consorting with someone he thinks is a prostitute, and R. Hiyya punishing himself by sitting in a burning oven. This balances the preceding message; we cannot address the challenges of temptation with complete abstinence. These examples indicate that reading each story in isolation will miss some of the force of the over-arching message.¹²

Beyond literary context, Rubenstein also stresses the importance of cultural context. We can turn to other talmudic sources for help "when confronted by a symbol, such as a column of fire, or a motif, such as a sage forgetting his studies."¹³ To use an example of my own, carob trees appear in the stories of Honi *haMe'agel* sleeping for 70 years (*Ta'anit* 23a), in the oven of Ahkhinai when R. Elazar utilizes miracles to support his halakhic position (*Baba Mezia* 59b), and when R. Shimon and his son live in the cave (*Shabbat* 33b). Consistent usage of the same tree does not seem to be coincidence. In the Honi story, carob trees produce fruit only after an extremely long duration. Maharsha suggests that the choice of carob trees adds to the miraculous quality of R. Shimon's survival in the cave since the tree that grows to feed him normally takes decades to bear fruit.¹⁴

To be fair, Fraenkel himself did not always adhere to his closure principle. He understands the significance of Moshe sitting in the Bet Midrash's eighteenth row (*Menahot* 29b) based on a different talmudic story (*Hulin* 137b).¹⁵ In a chapter on future directions for aggadic scholarship, he mentions the idea of a topos, a commonplace theme in a given body of literature.¹⁶ Thus, even the champion of "closure" occasionally saw the value of looking beyond the individual story.

Feintuch's work includes several models of how aggadic stories impact on adjacent halakhic *sugyot*. They can present another opinion. The halakhic discussion of the five afflictions of Yom Kippur ultimately decides that only not eating and drinking are included in the biblical command of afflicting oneself on Yom Kippur whereas the other prohibitions come from a different source. Feintuch shows how the subsequent *aggadot* (*Yoma* 74b–78a) relate to abstinence as a kind of *innuy* (affliction), differing from the preceding halakhic texts.¹⁷ From this aggadic perspective, *innuy* is not only concrete discomfort or pain but even the absence of pleasure.

Secondly, the aggada can reveal some of the difficulties in applying the abstract halakha in the real world. One Gemara (*Bava Batra* 22a) grants special selling privileges to scholars who function as traveling salesmen. In a following story, R. Dimi comes to a town intending to sell dates. One of the locals, R. Ada bar Ahava, asks R. Dimi an obscure halakhic question and stumps the latter. R. Dimi doesn't receive the privileges of a scholar and his dates therefore turn rotten. Feintuch suggests that applying this law proves difficult in practice since determining who qualifies as a *talmid hakham* (sage) can bring out scholarly competition and become a major source of social tension. The aggadic tale adds an important dimension to the legal ruling.¹⁸

Finally, a talmudic story can convey a level of extralegal piety. *Berakhot* 33a teaches that someone engaged in prayer interrupts his prayer if a life-threatening situation emerges. For example, a snake may not endanger the person praying but a scorpion will. Nevertheless, a preceding story tells of a pious fellow who does not interrupt his prayer to return the greeting of an important Roman official. In theory, ignoring the Roman is a very dangerous gambit. Feintuch explains that this story presents a level of super piety, which would allow for taking on risks in the pursuit of intense devotion to God.¹⁹

Yakov Blidstein offers a similar read of aggadic stories about not destroying trees. In one tale, the son of R. Hanina apparently perishes for cutting down a tree. In another, Rava bar R. Hana resists eliminating his own tree despite its negative impact on his neighbor, R. Yosef (*Baba Batra* 26a). Rava was willing to have R. Yosef remove the tree but refused to do the act himself.²⁰ Blidstein explains that while halakha actually allows for

cutting down such trees, the aggadic material reflects a religious attitude extremely committed to the ideal of *bal tashhit* (not being destructive).

R. Zadok and university professors obviously do not approach Talmud from the same vantage point, yet the parallels between them are intriguing. Both think that placement and context matter, and both find religious meaning in their analysis of these literary issues. I would like to close with one further parallel. We noted earlier how R. Zadok thinks that placement of a *sugya* at the beginning of a tractate can be telling. Several academics have made the identical suggestion about an aggada at the beginning of *Avoda Zara* relating how the nations of the world complained that they were not given a chance to accept the Torah. This conversation appropriately sets the stage for a tractate about the relationship between Jews and gentiles.²¹

Perhaps this happens on a meta level at the beginning of the entire Talmud. The first line in the Talmud questions how the Mishnah could simply jump into the details of *keriat shema* without initially establishing the existence of a mitzvah to recite the Shema. The Gemara answers that the Mishnah works off biblical verses establishing the Shema requirement. R. Zadok and a contemporary Israeli scholar think that this opening question and answer begin the Talmud to establish an idea that the reader will carry through the entirety of the Talmud. R. Zadok explains that the rabbinical discussions found in all of the Talmud are rooted in the biblical world. This ancient legal dialogue is not just a conversation of intelligent humans but a discussion of the divine word.²² Ruth Calderon says this opening conveys how each rabbinic text builds upon earlier texts. Unlike R. Zadok who speaks of God, Calderon writes about the nature of being part of an ongoing literary canon. Both think the placement here at the start of our talmudic journey was purposeful.²³

Parallels between Hassidic *rebbe*s and university professors should encourage us to realize that these two worlds need not always remain completely apart. The yeshiva world has much to gain from the keen insights of Fraenkel, Rubenstein, and others. Conversely, academics would benefit from utilizing the interpretations of traditional rabbinic commentary. We need not collapse methodological distinctions and theological assumptions to learn from each other.

NOTES

1. *Peri Zaddik, Beresihit Kedushat haShabbat ma'amar 3*. On this methodology in R. Zadok, see Sarah Friedland, "Shekhenut veKorat Gag: al Shnei Ekronot Darshanut Zuraniyim biKitvei R. Zadok Hakohen miLublin," *Akdamos* 8 (Kislev 5760) pp. 25–43.
2. *Peri Zaddik Devarim le'Erev Yom Hakipurim 5*.
3. *Ohr Zarua laZaddik 7:2*.
4. Kugel utilizes the term in *The Idea of Biblical Poetry: Parallelism and Its History* (New Haven, 1981) when writing about rabbinic interpretation of *Tanakh*. For the extension of this principle to rabbinic texts, see Yaakov Elman, "Progressive *Derash* and Retrospective *Peshat*: Nonhalakhic Considerations in Talmud Torah", *Modern Scholarship in the Study of Torah*, ed. Shalom Carmy (Northvale, 1996), pp. 227–287.
5. *Mahshavot Haruz 15*.
6. Yonah Fraenkel, *Sippur haAggada-Ahdut shel Tokhen veTzura* (Tel Aviv, 2001) pp. 32–50.
7. Ofra Meir, *Sugyot bePoetica shel Sifrut Hazal* (Tel Aviv, 1993).
8. Ofra Meir, "Hashpaat Ma'aseh haArikha," *Tura* 3 (1994), pp. 67–84.
9. Jeffrey L. Rubenstein, *Talmudic Stories: Narrative Art, Composition, and Culture* (Baltimore, 1999) pp. 10–14. For Rubenstein, this is part of a larger thesis claiming that the *stammaim* (authors of anonymous passages in the Talmud) were quite creative and active in their redaction of the *aggadot*. For my purposes, the central point is that the placement was done purposely, irrespective of who did the placement and editing.
10. Rubenstein, *Talmudic Stories*, pp.105–38.
11. Yonah Fraenkel, *Iyumin beOlamot haRuhani shel Sippur haAggada* (Tel Aviv, 1981), pp. 99–115.
12. Yonatan Feintuch, *Panim el Panim: Shezirat haHalkha vahaAggada beTalmud haBavli* (Jerusalem, 2018) pp. 129–149.
13. Rubenstein, *Talmudic Stories*, p. 12.
14. R. Shmuel Eidels, *Hiddushei Aggadot Shabbat 33b s.v. Itraresh Nisa*.
15. Fraenkel, *Sippur haAggada*, p. 44.
16. *Ibid.*, pp. 369–372.
17. *Panim el Panim*, pp. 219–236.
18. *Ibid.*, pp. 161–183.
19. *Ibid.*, pp. 83–106.
20. Yakov Blidstein, "Ana lo Kayzna...Mar e Niha Lei Leikuz: leErkhei Halakha veAggada beSugya Talmudit Ahat Dialektika o Konflikt," *Safot veSifruyot beHinukh Yehudi: Mehkarim Likhvodo shel Michael Rosenak* ed. Yonatan Cohen (Jerusalem, 5767), pp. 139–145.
21. Rubenstein, *Talmudic Stories*, pp. 235–238.
22. *Zidkat haZadik 10*.
23. Ruth Calderon, *Alpha Beita Talmudi: Osef Prati* (Israel, 2004), pp. 239–241.

Love the *Ger*: A Biblical Perspective

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Introduction

Throughout the first 35 issues of *Conversations*, we have presented a considerable number of articles on the subject of conversion to Judaism in modern times. The general thrust of these articles is that there are strong halakhic positions that advocate greater latitude for the acceptance of converts than the restrictive positions often conveyed in the contemporary Orthodox world. There also are many commandments to love converts and to make them feel absolutely welcome as permanent members of the Jewish community.

These viewpoints are vital for addressing a plethora of halakhic and social issues pertaining to conversion and converts, and it is imperative for the rabbinic world and the broader community to weigh these positions when making decisions. This issue has been a central concern of the Institute for Jewish Ideas and Ideals since its founding in 2007.¹

In this article, we will step back into the biblical world, and explore the Torah's attitude toward the *ger*. Before proceeding, we must understand that in the Oral Law, there are two categories of *gerim*: What we call a convert today is the *ger tzedek*, righteous convert, who becomes a

permanent member of the Jewish people. There also is a category of *ger toshav*, resident alien. These are non-Jewish individuals who live in Israel and adopt certain standards of belief and practice (to be discussed below), but do not become Jewish through a formal process of conversion.

The plain sense of the Torah does not have these two categories. Rather, a *ger* always is a resident alien and refers to non-Israelites who permanently live in Israel. The biblical term *ger* more broadly refers to people living in a land that is not theirs (see Rashi on Exodus 22:20). God tells Abraham that his descendants will be *gerim* in a land that is not theirs (Genesis 15:13).² Abraham refers to himself as a *ger ve-toshav* to the Hittites when he attempts to purchase a burial site for Sarah (Genesis 23:4).³ Israelites even have the status of *gerim ve-toshavim* in their own land, since the land belongs to God (Leviticus 25:23).⁴ When the Israelites lived in Egypt, the idea that they were *gerim* has nothing to do with converting to Egyptian religion.⁵ The same conversely applies to *gerim* living in Israel—they do not adopt Israelite religion, but live permanently in the land.

When the Written Law differs from the Oral Law, we apply the Oral Law in practice, but the Written Law still teaches central values of the Torah. This essay focuses on these values.

The Ger in the Torah

The Torah assumes that most *gerim* require the support of the community, and regularly lists them among the vulnerable members of society.⁶ *Gerim* were not landowners (women like Ruth had an easier time integrating into Israelite society, since they could marry Israelite landowners), and often had no family network nearby for support.⁷ The Torah exhorts Israel to care for *gerim* and to love them. God loves them, and Israel should love them and have compassion on them since the Israelites were *gerim* themselves in Egypt:

When a stranger resides with you in your land, you shall not wrong him. The stranger who resides with you shall be to you as one of your citizens; you shall love him as yourself, for you were strangers (*gerim*) in the land of Egypt: I the Lord am your God. (Leviticus 19:33–34)

For the Lord your God is God supreme and Lord supreme, the great, the mighty, and the awesome God, who shows no favor and takes no bribe, but upholds the cause of the fatherless and the widow, and befriends the

stranger, providing him with food and clothing. You too must befriend the stranger, for you were strangers (*gerim*) in the land of Egypt. (Deuteronomy 10:17–19)

The Talmud (*Bava Metzia* 59b) counts 36 references to treating the *ger* fairly, making it one of the most frequently reiterated commandments of the Torah.⁸

Civil law treats Israelites and *gerim* equally (Leviticus 24:22).⁹ Strikingly, the Torah also obligates the *ger* to observe many ritual commandments. For example:

- *Gerim* may not eat leaven (*hametz*) on Passover (Exodus 12:19). *Gerim* may not do work on Shabbat (Exodus 20:10; Deuteronomy 5:13; cf. Exodus 23:12).
- *Gerim* may not do work on Yom Kippur (Leviticus 16:29).
- *Gerim* may not eat blood (Leviticus 17:10–13).
- *Gerim* must refrain from all prohibited sexual relationships and Molekh worship (Leviticus 18:26).
- *Gerim* must attend the public Torah reading (*hakhel*) every seven years (Deuteronomy 31:12). This law is similar to the acceptance of the covenant in Deuteronomy 29:10, which includes the *ger*.
- *Gerim* may bring sacrifices in the Tabernacle (Numbers 15:14–16).
- *Gerim* incur the severe punishment of *karet* (excision) if they commit severe intentional sins (Numbers 15:29–31).

There are exceptions which exempt *gerim* from certain laws binding on Israelites:

- *Gerim* may eat carrion (*nevelah*) (Deuteronomy 14:21).
- *Gerim* may become permanent slaves, unlike Israelites, who must go free at the Jubilee year (Leviticus 25:45–46).

The laws of the Passover sacrifice similarly suggest differences between Israelites and *gerim*:

If a stranger who dwells with you would offer the Passover to the Lord, all his males must be circumcised; then he shall be admitted to offer it; he shall then be as a citizen of the country. But no uncircumcised person may eat of

it. There shall be one law for the citizen and for the stranger who dwells among you. (Exodus 12:48–49)

Ibn Ezra explains that *gerim* are not required to bring the Passover sacrifice. However, those who wish to may do so, if they first circumcise their males.¹⁰ This law also implies that *gerim* are not required to be circumcised unless they choose to participate in the Passover sacrifice.¹¹

The commandment to dwell in booths on Sukkot applies to Israelite citizens (*ezrah*) without reference to the *ger*:

You shall live in booths seven days; all citizens in Israel shall live in booths, in order that future generations may know that I made the Israelite people live in booths when I brought them out of the land of Egypt, I the Lord your God. (Leviticus 23:42–43)

Rashbam explains that Israelite citizens must remember their humble origins as a nation in the desert so they do not become arrogant with their homes and wealth in Israel. This reasoning does not apply to *gerim*.¹²

The Oral Law

The Oral Law redefines the meaning of *ger* in the Torah by applying the two concepts of *ger tzedek* and *ger toshav*. Any equations of *ezrah* and *ger* in the Torah are understood in the Oral Law as referring exclusively to the *ger tzedek*. Therefore, a *ger toshav* is not obligated to observe the Torah's commandments directed at the *ger*.

The commandment to love *gerim* likewise is understood in the Oral Law as referring exclusively to the *ger tzedek*, and not to the *ger toshav*. The gap between the *peshat* of the Torah and the Oral Law is particularly conspicuous in Leviticus, where we find separate commandments to love one's neighbor and *gerim*:

You shall not take vengeance or bear a grudge against your countrymen. Love your fellow as yourself: I am the Lord. (Leviticus 19:18)

The stranger who resides with you shall be to you as one of your citizens; you shall love him as yourself, for you were strangers in the land of Egypt: I the Lord am your God. (Leviticus 19:34)

The plain sense of the text appears to refer to two groups of people.

“Neighbor” likely refers to fellow Israelites (*Sifra Kedoshim* 8:4, Mishnat Rabbi Eliezer 16),¹³ whereas the “stranger” likely refers to the *ger toshav*, resident alien. However, the Oral Law understands the law of loving the stranger to refer to the righteous convert, the *ger tzedek*. Wouldn’t that commandment already be included under the commandment to love one’s neighbor? Rambam (*Hilkhot De’ot* 6:4) explains that there is a double-commandment to love converts. We must love them as we love any fellow Jew, and we also have an additional commandment to love converts.

To summarize: There are two fundamental discrepancies between the *peshat* understanding of the Torah’s use of *ger* (which always refers to the *ger toshav*) and the Oral Law (which almost always understands the *ger* in the Torah as a *ger tzedek*): (1) Proper treatment: We must love, care for, and not oppress the *ger*. All of these commandments refer exclusively to the righteous convert and not the resident alien. (2) The *ger* obligated to observe commandments like Israelite citizens is the righteous convert, and not the resident alien.

There is one verse that the Oral Law must interpret as referring to *ger toshav*:

You shall not eat anything that has died a natural death; give it to the stranger in your community to eat, or you may sell it to a foreigner. For you are a people consecrated to the Lord your God. You shall not boil a kid in its mother’s milk. (Deuteronomy 14:21)

Since Israelites are prohibited from eating carrion (*nevelah*), righteous converts obviously are prohibited, as well. Therefore, this *ger* must be a *ger toshav*.¹⁴

By interpreting most Torah references to *gerim* as referring to the *ger tzedek*, there is little left for the Oral Law to define the Torah’s requirements of a *ger toshav*. They are permitted to eat carrion, but what obligations or restrictions do they have?

A talmudic debate supplies a range of views, from minimalist to maximalist (*Avodah Zarah* 64b). Some suggest that if carrion is permitted, most other Torah laws likewise are not applicable to the *ger toshav*. One Sage rules that the *ger toshav* must refrain from idolatry. Others maintain that they must observe the Seven Noahide Laws, making them ethical monotheists.¹⁵ Leviticus 18:28 supports this position, stating that the Canaanites forfeited their right to live in the Land of Israel because of their

sexual immorality and Molekh worship, which includes child sacrifice (=idolatry and murder): “So let not the land spew you out for defiling it, as it spewed out the nation that came before you.”¹⁶

A third view in the Talmud suggests that the *ger toshav* is permitted carrion, but is obligated by all other laws of the Torah. This view is much closer to the *peshat* of the Torah, which indeed applies many laws equally to Israelite citizens and the *ger*, i.e., the *ger toshav*.

Explaining the Gap between the Written and Oral Law

In his analysis of this topic, Rabbi Yehuda Rock¹⁷ observes that there are two competing values within the Torah for the one category of *ger toshav*: (1) There is a goal of the unification of everyone living in the land of Israel under God and the Torah, so there is one equal law for everyone. (2) Israel is a holy nation and has a unique relationship with God. The permission for a *ger* to eat carrion in Deuteronomy 14:21 is stated in the context of Israel’s special holiness, “for you are a people consecrated to the Lord your God.”

We may add to Rabbi Rock’s analysis by reviewing the other explicit distinctions between the Israelite citizen and the *ger* in the Torah. In Ibn Ezra’s reading of Exodus 12:48 cited above, *gerim* are not obligated in the Passover Sacrifice (nor in circumcision), but those who wish to participate must circumcise their males. Both of these commandments are unique covenantal laws that govern the God-Israel relationship and therefore do not pertain to the *ger*.

The same applies to the reason Israelites cannot have permanent slavery (Leviticus 25:45–46). Through their singular covenantal relationship with God, they are God’s servants and cannot be slaves of humans forever.

Finally, the Torah singles out an obligation for Israelites to dwell in booths on Sukkot (Leviticus 23:42–43), since they alone have the historical narrative of the sojourn in the wilderness.

To summarize: In general, all who live in Israel must observe the laws of the land, be cared for and loved, and receive equal treatment. In covenantal laws that highlight the unique God-Israel relationship, the *ger* is exempt and distinguished from Israelite citizens.

The Oral Law distinguishes between the *ger tzedek* who is bound by *all* of the Torah’s laws and is loved and cared for by Israelites, and the *ger toshav* who must accept certain minimal standards to live in Israel. Since

the Oral Law understands the commandments to love the *ger* as referring exclusively to the *ger tzedek*, it concludes that regarding the *ger toshav*, “you are obligated to sustain him” (*Pesahim* 21b).¹⁸

Conclusion

The Oral Law teaches that a core Jewish value is to love converts to Judaism. The Written Law teaches that same love and inclusion of the resident alien, complete with rights and responsibilities. The Torah teaches a remarkable love, sensitivity, and fair treatment of all people living in the Land of Israel.

The Torah commands the *ger* to participate in the *hakhel* ceremony every seven years, to participate in the acceptance of the Torah (Deuteronomy 31:12). In this spirit, Joshua executes a public Torah acceptance after crossing into the Land of Israel, and there are *gerim* present:

All Israel—stranger and citizen alike—with their elders, officials, and magistrates, stood on either side of the Ark. . . . There was not a word of all that Moses had commanded that Joshua failed to read in the presence of the entire assembly of Israel, including the women and children and the strangers who accompanied them (Joshua 8:33–35).

That God-fearing non-Israelites may serve God in the Temple traces its roots to Numbers 15:14–16:

And when, throughout the ages, a stranger who has taken up residence with you, or one who lives among you, would present an offering by fire of pleasing odor to the Lord—as you do, so shall it be done by the rest of the congregation. There shall be one law for you and for the resident stranger; it shall be a law for all time throughout the ages. You and the stranger shall be alike before the Lord; the same ritual and the same rule shall apply to you and to the stranger who resides among you.

King Solomon proclaimed this welcome message at the dedication of the First Temple:

Or if a foreigner who is not of Your people Israel comes from a distant land for the sake of Your name—for they shall hear about Your great name and Your mighty hand and Your outstretched arm—when he comes to pray toward this House, oh, hear in Your heavenly abode and grant all that the

foreigner asks You for. Thus all the peoples of the earth will know Your name and revere You, as does Your people Israel; and they will recognize that Your name is attached to this House that I have built. (I Kings 8:41–43)

This ideal carries over into the exalted messianic visions in the Book of Isaiah:

In the days to come, the Mount of the Lord's House shall stand firm above the mountains and tower above the hills; and all the nations shall gaze on it with joy. And the many peoples shall go and say: "Come, let us go up to the Mount of the Lord, to the House of the God of Jacob; that He may instruct us in His ways, and that we may walk in His paths." For instruction shall come forth from Zion, the word of the Lord from Jerusalem. (Isaiah 2:2–3)

As for the foreigners who attach themselves to the Lord, to minister to Him, and to love the name of the Lord, to be His servants—all who keep the Sabbath and do not profane it, and who hold fast to My covenant—I will bring them to My sacred mount and let them rejoice in My house of prayer. Their burnt offerings and sacrifices shall be welcome on My altar; for My House shall be called a house of prayer for all peoples. (Isaiah 56:6–7)

In a novel extension of these values, Ezekiel prophesies that in the ideal future, *gerim* even will own land in Israel:

You shall allot it as a heritage for yourselves and for the strangers who reside among you, who have begotten children among you. You shall treat them as Israelite citizens; they shall receive allotments along with you among the tribes of Israel. You shall give the stranger an allotment within the tribe where he resides—declares the Lord God. (Ezekiel 47:22–23)

One cannot envision greater integration of the *ger* than this.¹⁹

NOTES

1. For a summary of the relevant issues, as well as references to many of the articles in previous issues of *Conversations*, see Hayyim Angel, "Conversion: Halakha and Public Policy, Primary Sources," and "Conversion: Halakha and Public Policy, Contemporary Applications," *Conversations* 32 (New York: Institute for Jewish Ideas and Ideals, 2018), pp. 28–40, 41–51. See also the YouTube video of the Institute's symposium on conversion in October, 2018,

- which featured Rabbi Marc Angel, Rabbi Hayyim Angel, and Rabbi Yona Reiss, at <https://www.youtube.com/watch?v=GG17aaahdPQ&t=16s>.
2. This term is used regularly throughout the Torah in reference to Israel's sojourn in Egypt. See Exodus 22:20; 23:9; Leviticus 19:33–34; Deuteronomy 10:19; 23:8; 24:17–22.
 3. See also Exodus 2:22, referring to Zipporah's birth of Moses' son Gershom: "She bore a son whom he named Gershom, for he said, 'I have been a stranger in a foreign land.'" Cf. Exodus 18:3.
 4. See also Psalm 39:13; I Chronicles 29:15.
 5. A different term, *nokhri*, tends to refer to non-Israelites who come to Israel on a temporary basis, such as merchants.
 6. See, for example, Leviticus 19:10; 23:22; 25:6; Deuteronomy 14:29; 16:11, 14; 24:17; 26:11; 27:19.
 7. The Torah acknowledges the possibility that some *gerim* will become wealthy (Leviticus 25:47), and it is a curse if Israelites sin and decline while the *ger* rises (Deuteronomy 28:43).
 8. Nehama Leibowitz went so far as to suggest that the *reason* God wanted the Israelites to be enslaved in Egypt was so that they would develop a sensitivity toward the underprivileged (*New Studies in Shemot: Exodus*, pp. 1–11).
 9. See also Numbers 35:15; Deuteronomy 24:17; 27:19.
 10. They also must be in a state of ritual purity like any Israelite (see Numbers 9:6–7, 13–14).
 11. The Oral Law interprets this passage as referring to the *ger tzedek*, the righteous convert. It therefore understands the verse as requiring the *ger* to bring the Passover Sacrifice (Rambam, *Hilkhot Korban Pesah* 9:7).
 12. Jacob Milgrom (*Anchor Bible: Leviticus 17–22* [New York: Doubleday, 2000], pp. 1496–1499) maintains that the *ger* must refrain from prohibitions since violation of negative commandments pollutes the land, whereas the *ger* is exempt from positive commandments. Milgrom explains the anomalous permission for the *ger* to eat carrion in Deuteronomy 14:21 as a means of preserving some distinction between Israelites and *gerim*. This explanation, however, is unconvincing, given the Torah's equation of Israelites and *gerim* in every other arena.
 13. For a survey of Jewish views through the ages, with emphasis on a sea change in interpretation toward viewing "Love your neighbor" as a reference to all humanity in more recent times, see Reinhard Neudecker ("'And You Shall Love Your Neighbor as Yourself—I Am the Lord' (Lev 19,18) in Jewish Interpretation," *Biblica* 73 (1992), pp. 496–517. See also the illuminating moral debate between Ernst Simon, "The Neighbor (*Re'a*) Whom We Shall Love," and the response of Harold Fisch, in *Modern Jewish Ethics: Theory and Practice*, ed. Marvin Fox (Ohio: Ohio State University Press, 1975), pp. 29–61.
 14. The Septuagint reflects the same distinction. Jacob Milgrom notes, "[T]he Septuagint [invented] a new word, *proselutos* 'proselyte,' for the convert, a term they consistently use for *ger* in all legal contexts. The sole exception is Exod 12:19, where they use the transliterated (Aramaic) form *geioras*, and

- Deut 14:21, where, in order to prevent concluding that the convert may eat of a *nebela*, they translate *ger* as *paroikos* ‘alien’ (*Anchor Bible: Leviticus 17–22*, p. 1501).
15. Rambam (*Hilkhoh Issurei Bi’ah* 14:7–8) rules that the *ger toshav* must renounce idolatry and commit to observe the Seven Noahide Laws. Rambam rules further that the laws of *ger toshav* are inapplicable today, since halakhah links those laws to the laws of the Jubilee Year. Rabbi Saul Zucker (unpublished essay, emailed to author May 5, 2020) explains that the *ger toshav* accepts a connection to Israel as a nation, in contrast to the *ger tzedek* who accepts a connection to Israel’s religion. Therefore, a halakhic *ger toshav* does not exist at a time when Israel is insufficiently constituted in its land to observe the Jubilee year. I am grateful to Rabbi Zucker for sharing his piece with me.
 16. See also Deuteronomy 12:31; 18:9–12.
 17. Yehuda Rock, “Love for the *Ger*,” at <https://www.etzion.org.il/en/love-ger>. Accessed April 24, 2020.
 18. Yehuda Rock analyzes that talmudic law. Here are his words (see reference in previous note), with minor modifications: “The substance of this requirement is a matter of debate among the Rishonim (medieval rabbinic authorities). According to Ramban (*Gloss to Sefer Ha-mitzvot*, Positive 16: *Commentary*, Leviticus 25:35), it refers to saving his life. . . . Rambam views this requirement as the provision of support—i.e., communal responsibility that facilitates the conduct of life, including also basic manners and acts of kindness (*Hilkhoh Melakhim* 10:12). The Gemara does not state explicitly the source for this command “to sustain him,” but the Rishonim (Rashi, ad loc; Rambam, *Hilkhoh Zekhiyya* 3:11; Ramban, *ibid.*) point to Leviticus 25:35: “If your brother grows poor, and his means fail with you, you shall support him—a stranger (*ger*) or a resident (*toshav*)—that he may survive with you.” The structure of this verse is somewhat opaque, but the message seems to be that the command to support and sustain a brother extends to include a “*ger* or *toshav*.” The Sages explain (*Torat Kohanim*, ad loc), “‘*Ger*’—this means a *ger tzedek*; ‘*toshav*’—this means a *ger* who eats carcasses.” In other words, the *ger* mentioned in the verse is a convert, as the word is usually used by the Sages; the *toshav* mentioned in the verse is actually a *ger toshav*. This, then, is the source of the requirement to support and sustain even a *ger toshav*.
 19. *Sifri Beha’alotekha* 78 reinterprets Ezekiel to refer to atonement rather than land inheritance. Several classical commentators interpret the passage as referring to the *ger tzedek* who will inherit land (see, e.g., Rashi, Radak, Abarbanel, Malbim).

Does the Gender Binary Still Exist in Halakha?

NECHAMA BARASH

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Does Gender Matter?

I often start off lectures, particularly on college campuses, asking this question as a prelude to launching into an analysis of women's obligation in mitzvot. In order to clarify, I ask them where gender comes into play in our lives. The responses often veer to the biological differences between men and women. Biology, of course, determines certain fundamental differences between men and women. But beyond the biological, many sociological and psychological studies suggest that men and women feel and think differently, experience events and relationships differently, and learn differently. In short, science tells us that men and women are not the same physiologically, and often differ psychologically and emotionally as well.

The question, however, is, how does gender affect the decisions men and women make in the modern world? Inevitably, many people, particularly young people, admit that in their "secular" lives, it hardly matters at all. Their teachers and professors are men and women. Their fellow students or colleagues are male and female. Many have male and female employers or supervisors, or alternatively, employees of all genders. Men and women have equal educational and professional opportunities, and although women are still underpaid in some professions compared to men, and greatly underrepresented in some key areas, such as government

leadership and CEO positions, they are able to choose to study and work in fields that are meaningful, interesting, and financially lucrative.

Women are more likely than men to choose professions that will give them greater flexibility when raising a family, but many do not. In marriage, men and women create partnerships and divisions of labor with regard to the household and childrearing responsibilities that are not necessarily based on gender. When both parents are doctors, lawyers, research fellows, or computer scientists, scheduling will be based on who has the greater flexibility and on external childcare arrangements.

In contrast, gender matters very much for observant Jews. The traditional religious structure is made up of a binary in which men and women are different and far from equal. Men have more obligations, which often leads to having more rights. Men alone make up the quorum that allows a prayer service to take place. They alone lead services, read Torah and, generally, oversee the functioning of the synagogue.¹ They are obligated in daily, weekly, monthly, and yearly mitzvot that take them out of the home to perform often tedious religious duties—but these also confer privilege. Men alone are capable of serving as witnesses (with a few exceptions) and judges, allowing them to halakhically witness marriages and hear petitions in the cases of divorce and conversion. Until recently, only men were asked halakhic questions because only they had studied Talmud and were well-versed in halakhic material. This gave them exclusive decision-making power in halakha and in the proceedings of rabbinic courts, which has had tremendous ramifications on the lives of both men and women. Finally, in Jewish marriage, a man exclusively acquires the sexual rights of his wife. There is no way to soften this legal reality. Jewish divorce requires the husband to willingly release his wife from this contract by saying, “You are now permitted to any man.” According to halakha, adultery is only defined as consensual sexual relations between a Jewish married woman and a Jewish man other than her husband. Married Jewish men cannot be charged as halakhically unfaithful or be implicated in the conception of a *mamzer* if their sexual partners are single women.

In the last 25 years, questions around women’s status in traditional Jewish halakha and community have become among the most pressing, theologically, sociologically, and halakhically. These issues unleash feelings of angst and at times vitriol, along with bigger questions about modernity, morality, evolution of halakha, and rabbinic authority.

Halakha, as a system, has responded admirably and thoughtfully to the challenges of modernity. While there are always myriad positions taken spanning stringency to leniency, science and technology have proven to hold no threat for the inner workings and integrity of the halakhic structure. Organ donation, fertility technology, modern banking systems, electricity on Shabbat, not to mention *eruv*, are all issues that have been considered and resolved. However, social structures, particularly, but not only, with regard to questions of gender, have been met with far less cooperation, great resistance, and suspicion of an agenda that threatens to blow up the traditional binary structure. In truth, the fear is not unfounded. If considered seriously and critically, a shift in gender structure could potentially result in a complete restructuring of traditional Jewish community, family, ritual, and practice; feminist critique identifies a deep-seated gender bias affecting the basic discourse of traditional Jewish sources, from the Torah itself through contemporary writings.

Rabbinic sources about women are complicated. They can be divided, in my opinion, into three main typologies. The first category refers to women as Other.² Women are portrayed as temptresses and pollutants.³ They are light-headed and are liable to misconstrue information.⁴ According to one Midrash, even God is unable to control woman's subversive nature, despite having tried to create Woman as docile and submissive.⁵ In one particularly difficult text, the Talmud writes: "A woman is a pot of filth and her mouth is full of blood and all run after her."⁶ These sources show a distinct suspicion toward, and bias against, women as Other in comparison to men.

In the second category, in contrast, sources about Jewish woman are overwhelmingly positive—particularly in their roles as mothers and wives. These texts acknowledge the tremendous influence and impact women have on their husbands and sons. Without women's commitment to God's covenant, the men, who are obligated to pass on the Torah, would not have the temerity or discipline to fulfill their duties. Women as wives are thus central partners in the perpetuation of the covenant. In short, Jewish theology saw woman and her role as exalted, but also essentially inferior in body and mind.

Finally, in the third category are texts presenting the halakhic status and obligations of women in distinction to men; here the imbalance between the sexes is made clear. Women are significant, but unequal,

partners. Because men are obligated in more mitzvot, their lives are worth more. Thus, if a choice must be made to save the life of a man or a woman, the man is given priority.⁷ This attitude might be seen as a reflection of the Torah itself, where passages in Leviticus⁸ make a distinct difference in the monetary valuation of men and women, with men being worth more.

It is not to say, however, that women are not important or valued. The Jewish nation could not survive without the wombs of Jewish women. Women's importance and stature in traditional Judaism are defined by their position as mothers, passing on the covenant to their offspring, nurturing them as young children, and providing a warm home for the family.

Furthermore, the halakhic structure takes pains to protect the most vulnerable women in society. If a man or a woman needs to be supported financially, a community with limited resources should protect the woman first in order to shield her from a life of debauchery or prostitution. Married women have marital rights to food, clothing, and sexual relations and can petition the court if their husbands are not fulfilling those obligations. Over 1,000 years ago, a rabbinic decree banned polygyny in most of the Jewish world in order to minimize spousal abandonment and reinforce a man's commitment to his one wife.

Nonetheless, as noted above, the halakhic structure does not value egalitarianism. One of the major distinctions between the genders is women's exemption from positive time-bound mitzvot, a classification of mitzvot that will be defined and analyzed below. Growing up in the Orthodox world, it is often presented definitively as the seminal proof that men and women are intended by God to fulfill different roles. I would go as far as to suggest that the foundation of gender separation rests greatly on this distinction, which includes mitzvot such as *tzitzith*, *tefillin*, *sukka*, *lulav*, and *shofar*.

There are two primary reasons that have emerged in modernity and are presented as the reasons behind women's exemption from time-bound mitzvot. In both cases, it is strongly asserted that women are not inferior to men in any way:

1. Women are more spiritual than men and, as a result, "need" fewer mitzvot. This is understood to be the innate wisdom of Torah,

which recognizes that men and women cannot be religiously fulfilled in the same way. Men are more at risk, and thus require more structure and boundaries to pursue a covenantal relationship with God.

2. Women must be free to take care of children and cannot possibly be obligated in all of the mitzvot. This is largely the argument used to justify women's exemption from prayer and synagogue, regardless of the presence of actual children. It should be noted that women are actually obligated in prayer, as will be shown below, regardless of childbearing status.

According to either of these approaches, which are ubiquitous throughout Orthodox educational institutions, there is no nefarious hierarchy that privileges men over women. Women and men are in essence equal in the eyes of God. They simply have different roles to play in religious society and this too comes from God. This line of thinking then, interprets the rationale behind the blessing men say daily "Blessed are you God, who has not made me a woman" in a like manner. Men are thanking God for the extra mitzvot bestowed upon them as men. It should not be perceived as a putdown of women's status. Nonetheless, in stark contrast, women do not make a blessing thanking God for not making them male, but rather, utter a blessing that was added to the prayer service for women, in which they thank God for making them as He desired. This of course, is not parallel at all, and only serves to reinforce the sense of male privilege when the Jewish man daily says three blessings for what he is thankfully not: gentile, slave, or woman.

Text study also chips away at the genteelly framed explanations put forth above. The Mishna that presents women's exemption from positive time-bound mitzvot gives no such explanation for the distinction between men and women. In fact, nowhere in the Talmud is any explanation put forth for the exemptions of women from some mitzvot.

The first attempts to explain this disparity in mitzvah obligation appear in the Middle Ages. In those earliest sources (cited later in this essay), women are presented as spiritually inferior to men and thus, needing fewer mitzvot. Alternatively, it was suggested that women's time must be free for serving their husbands, thereby exempting them from spending their time serving God. The two reasons cited above—spiritual superiority and care for children—are a modern reworking of these

suggested interpretations for the discrepancy in mitzvah obligation. This is presumably in order to present a more coherent picture in line with a modern ethos, which sees women as neither subservient nor fundamentally inferior to men.

These approaches essentially create a façade that denies that gender discrimination is evident in the formulation of a category of positive time-bound mitzvot and then serves as the fulcrum for the emergence of woman as *ezer kenegdo*—a helpmeet to the more actively obligated men.

What Is a Time-Bound Mitzvah?

The primary source for women's exemption from positive time-bound mitzvot is found in a Mishna in *Kiddushin* (1:7), which presents four categories of mitzvot without any indication of the source for such classification:

- All of the mitzvot that a father is commanded to do for his son, women are exempted from.
- And all of the mitzvot the son is commanded to do for the father, both women and men are equally obligated.
- And all of the positive time bound commandments, men are obligated and women are exempt.
- And all of the positive non-time bound commandments, both women and men are obligated.
- And all of the negative commandments, whether time bound or not, both men and women are obligated except for the prohibition to shave one's sideburns or beard with a razor and for priests (male) not to incur impurity of the dead.

The categories presented are defined as positive time-bound mitzvot, positive non-time-bound mitzvot, negative time-bound mitzvot, and negative non-time-bound mitzvot. Women are obligated in three of the four categories and only exempted from mitzvot defined as positive time-bound. No explanation is given for this exemption, and there is no clarity as to what time-bound means or how to define the concept of time in this regard. Furthermore, the distinction between time-bound and non-time-bound mitzvot appears only with regard to the difference in obligation between women and men. It serves no other function in the talmudic discourse.⁹

An idea that women have more of an active duty to husband than to serving God does emerge in a parallel Tosefta,¹⁰ but in the context of key gender differences with regard to honoring parents. Whether this is the intuitive reason behind the broader exemption in the Mishna is unknown, however, it is worth looking at the Tosefta as illuminating the hierarchy that exists in the marital relationship and directly impacts women's ability to practice in the religious sphere.

Men and women are equally obligated in the fifth of the Ten Commandments, "Honor thy father and mother." The passage in Tosefta states that married women, however, are not free to fulfill this obligation because they require the permission of their husbands in order to do so. Due to their restricted freedom in the marital relationship, halakha exempts them from their divine duty to their parents.¹¹ The message is clear: A married woman will not be free to perform this central mitzvah, and perhaps other mitzvot, in the same way as a man who is married.

Both the Babylonian and Jerusalem Talmud add the caveat that if a woman becomes widowed or divorced she resumes her full obligation to her parents, reverting back to the original nature of the mitzvah obligating both men and women.¹² The exemption is only for the duration of marriage. While no one has suggested such a distinction between single and married women with regard to other mitzvot from which women are exempt, it is interesting to consider such a possibility when rethinking gender distinction in mitzvot today.

What Are Some Time-Bound Mitzvot?

Following the Mishna that baldly puts forward women's exemption from positive time-bound mitzvot, the Talmud brings several examples to illustrate. These include *tzitzith*, *tefillin*, *sukkah*, *lulav*, and *shofar*.¹³ The mitzvot can be grouped into two categories, although it is hard to come up with a unifying thread between the two.

1. *Sukka*, *lulav*, and *shofar*. These are time-bound because they can only be fulfilled on specific days of the year. No one disagrees with the time-bound nature of these mitzvot. They have no meaning once the associated holiday passes. Accordingly, this exemption status should apply to all positive commandments that are calendar

dependent, including Shabbat and Passover. This in actuality is not the case and women are obligated in many similar time-bound mitzvot.

2. *Tefillin and tzitzith*. Both of these are ritual objects that are to be worn all day every day, but only in the daytime and not at night, at least in the time of the Talmud.¹⁴ The time-bound nature is completely different than in the first category, since the time dimension is much less significant than in the first category. For instance, if one doesn't wear *tefillin* or *tzitzith* on a particularly day or even for a whole week, one can wake up and perform those mitzvot on the morrow. In addition, neither of these examples are uniformly accepted as time-bound. There are tannaitic sages who rule that women are obligated in both of these mitzvot because they are in fact, not time-bound. To illustrate, in Tosefta *Kiddushin* and the parallel passage in the Jerusalem Talmud on *Kiddushin*, the Tanna Kamma defines *tzitzith* as non-time-bound. Only Rabbi Shimon disagrees.¹⁵

The Talmud in *Kiddushin*¹⁶ begins to explore and challenge the Mishna's classification of these commandments. The discourse is significant, for it brings several examples in which women are obligated in certain positive time-bound commandments and exempted from other positive non-time-bound commandments. The obligations that go against the rule include eating matzah, rejoicing on the holidays, and gathering to hear the king read the Torah every seven years. The exemptions that also go against the rule include Torah study, procreation, and redeeming the first-born son.

It should thus be apparent that the classification of women's exemption from some mitzvot and obligation in others is by no means clear-cut. The Talmud brings a statement of Rabbi Yochanan, "We do not learn from general statements," to acknowledge the dissonance that emerges from so much inconsistency. This of course begs the question of why such a classification system needs to exist and what role it plays in shaping the gender binary. There is a deep sense of the arbitrary.

To illustrate, the talmudic discussion continues with an attempt to analyze women's exemption from sitting in a *sukkah* in an attempt to include women in this time-bound mitzvah. On the face of it, it should seem possible to include women in the mitzvah of *sukkah*. In addition to

some compelling methodological reasons to do so, there are practical ones as well, since the exemption will potentially mean that men will be dwelling inside the *sukkah*, with wives and daughters on the outside. Given that Sukkot in particular is a holiday in which men and women are supposed to rejoice together, this seems counterintuitive! The famous sage Abaye notes that if the mitzvah on sukkot is to “dwell” in the *sukkah*, it should include women who are equated to a man’s dwelling. His colleague Rava argues that *sukkah* should be equated to Passover, since they both fall on the 15th of their respective months. Although the Passover offering and matzah are time-bound mitzvot, women are unequivocally obligated in them, and so, this could serve as an opening to obligate them in *sukkah* as well. In the end, the Talmud, based on the *Midrash Halakha Sifra*, concludes that they are indeed exempt because of an exegetical analysis of an extra letter in a verse that discusses the mitzvah.¹⁷ Interestingly, the reason is not that it fits into the category of time-bound mitzvot, even though the Tosefta lists it as such. In fact, through the talmudic discourse analyzing the mitzvot that can be included or excluded from the Mishna’s classification, the principle of exemption from time-bound mitzvot does not make up the central argument in any of the cases. As a result, in the course of this evaluation of the halakhic nature of women’s exemption from some mitzvot, a parallel reality is explored, in which women could have been included in all of the positive time-bound mitzvot along with the central obligation of learning Torah using the same methodology that in the end is used toward exempting them.

Maimonides¹⁸ acknowledges this lack of consistency. Women’s exemptions from certain mitzvot and obligations in others do not fit into clearly defined rubrics. He does not attempt to give a reason for the exemptions or the inclusions. He simply states that the mitzvot women are exempted from are passed on by tradition. The rule exempting women from time-bound mitzvot is not seen to provide comprehensive or clear guidance, nor does it convey anything about the nature of women when compared to men.

Moving on to the other central text on this topic, in *Tractate Berakhot*¹⁹ women are grouped together with minors and Canaanite slaves, although the focus of the Talmud is really on women.²⁰ They are exempt from *Shema* and *tefillin* but obligated in prayer, *mezuzah*, and grace after meals. Women’s exemption from reciting the *Shema* especially provokes curiosity

since *Shema* is a liturgical affirmation of the key doctrinal commitments underlying Judaism (belief in one God and dedication to God through performance of the commandments).²¹ The Babylonian Talmud assumes the exemption from *Shema* is because it is a positive time-bound mitzvah from which women are exempt. In the parallel passage in the Jerusalem Talmud, however, the reason for the exemption from *Shema* is based on the verse that traditionally exempts women from learning Torah: *And you shall teach it to your sons—to your sons and not to your daughters.*²² Here again, there is a lack of uniformity regarding the reason for women's exemption from *Shema*. Is it due to its time-bound nature, or is it because reciting *Shema* is like learning Torah?

The next significant point of analysis in this *Berakhot* passage is regarding prayer called *Tefillah*, referring to the *Shemonah Esreh*. *Tefillah* will challenge the integrity of the entire structure of positive time-bound mitzvot. If women are exempted from time-bound commandments, why are they obligated in prayer, which is a time-bound mitzvah with an obligation in the evening, morning, and afternoon? The answer given in the standard talmudic text is because women need to petition God for mercy and they are thus obligated. The point-counterpoint in the discourse is fascinating. It would seem, based on the Mishna's principle, that although women should be undeniably exempt from prayer, the need for mercy is enough to override the principle. Interestingly, accepting the yoke of heaven in *Shema* is not enough to implement an override!

What is more noteworthy is that certain talmudic manuscripts, notably the Munich manuscript of *Berakhot* 20a has a totally different version which resolves the latent contradiction in obligating in *Tefillah* but exempting from *Shema*.

This version, which is quoted by the early talmudic commentaries Rif and Rosh in their commentary on this page of Talmud, defines *Tefillah* as a positive non-time-bound mitzvah obligating women. The tension, however, remains, since *Tefillah* as an obligation consistently refers to the prayer known as *Shemonah Esreh*, which requires commitment to recitation three times a day. This seems, even more than *Shema*, and certainly more than *tefillin* and *tzitzith*, to be time-bound. Subsequent codification of laws around *Tefillah* revolve around exacting time frames in which each *Shemonah Esreh* is said.

Maimonides resolves this to a large degree by bifurcating the obligation to pray into two, but even this leads to a certain internal inconsistency in his *Mishneh Torah*. In the first,²³ he states that *Tefillah* is a biblical obligation that is non-time-bound and non-defined. It requires only some sort of recognition and gratitude toward God along with a personal petition at some point in the day. Women and slaves are equally obligated along with men. However, in another chapter of *Mishneh Torah* on the laws of *Tefillah*,²⁴ he states outright that women and slaves are obligated in *Shemonah Esreh*, which is time-bound.

In short, the Talmud exempts women from time-bound mitzvot despite the many exceptions to the rule. One of the major exceptions is to obligate women in regular daily *Tefillah*. The internal dissonance caused by this inclusion, which seems like it should be an exemption, leads to a leniency that is actually transgressive, for women naturally feel they are exempt from prayer just as they are exempt from *Shema*, *tzitzith*, *tefillin*, *sukka*, *lulav*, and *shofar*. From the early modern period until today, when rabbinic authorities have looked around and noticed that women are not praying *Shemonah Esreh* at all, they are pressed to come up with an explanation.

The *Mishna Berura*, for instance, takes issue with the Magen Avraham's attempt to excuse such behavior writing,

Even though this is a positive time-bound mitzvah and women are exempt from those mitzvot . . . they obligated them in morning and afternoon prayers like men since prayer is designated to invoke mercy. And this is correct because it is the opinion of the majority of legal deciders . . . therefore we should instruct women to pray *Shemonah Esreh*.²⁵

The defense that women are occupied with childbearing is considered and only partially accepted even in the ultra-Orthodox community as illustrated by both Rabbi Ben Zion Lichman²⁶ and Rabbi Yekutiel Yehuda Halberstam, who commented as follows:

And perhaps since those who are busy with the needs of the many are exempt . . . one could argue that women who have small children they care for worried that if they pray they would not be able to properly care for their children and one who is engaged in a mitzvah is exempt from a mitzvah and her husband's demands also fall on her. . . . [N]onetheless in the Talmud it is written they are obligated and there was no concern for such things and how can we go against a decree of our sages? . . . Still we must justify the

position of the Magen Avraham . . . there is what to rely on for women at this time since they cannot check to make sure they have proper intent during prayer . . . since women are greatly distracted, and their husband's authority hangs over them, and the children depend on them. Therefore it seems that most women do not pray regularly and only when they can evaluate themselves to see if they have proper intent do they pray when this is possible and it seems to me this correct . . . since truly the decree was to obligate them in prayer.²⁷

One last text further emphasizes the lack of uniformity on the subject of women's obligation in mitzvot. It is found in the minor talmudic tractate of *Sofrim/Scribes*²⁸:

. . . for the women are obligated to hear the reading of the book/Torah like men...and they are obligated in the reading of *Shema* and prayer (*Shemonah Esreh*) and the Grace after Meals and *mezuzah*, and if they do not know how to read in the holy language (Hebrew), they should be taught in any language they can understand and be taught. From here, it was understood that one who makes the blessing must raise his voice for his small sons, his wife, and his daughters.

In this rabbinic text, women are obligated to hear the reading of the book (Torah), and they are also obligated in *Shema*, *Tefillah*, Grace after Meals, and *mezuzah*. Furthermore, if they do not know the holy language (Hebrew), they are taught to say the prayers in any language that they can understand.

This is an interesting source for it directly contradicts the Mishna in *Berakhot*. Here the mitzvah of *Shema*, which stands at the crossroad of several critical exemptions (namely, *tefillin* and learning Torah) is defined as an obligation. As was noted in the analysis of the *Kiddushin* passage, there is a sense of a parallel halakhic process in which women could have been obligated in positive time-bound mitzvot as well as in learning Torah.

Before moving on, below is a chart that underscores some of the lack of consistency that is apparent in the topic of women and mitzvot. As stated earlier, women's exemption from time-bound mitzvot is often presented as reflective of women's innate nature toward spirituality or toward raising children. However, a quick look at the chart shows that women are obligated in as many positive time-bound mitzvot as they are exempted from, and more if you include rabbinic positive time-bound mitzvot as well.

| EXEMPTIONS BECAUSE THEY ARE TIME-BOUND MITZVOH | OBLIGATIONS IN MITZVOH DESPITE THE TIME-BOUND NATURE | EXEMPTIONS FROM NON TIME-BOUND POSITIVE MITZVOH |
|---|--|---|
| <p>Shema <i>Tefillin</i> (difference of opinion) <i>Tzitzith</i> (difference of opinion) <i>Sukkah</i> <i>Lulav</i> <i>Shofar</i> Pilgrimage on Festivals</p> | <p><i>Simha</i> Passover Offering Fasting on Yom Kippur (positive and negative) Pilgrimage on Festivals <i>Simha</i> Passover Offering Fasting on Yom Kippur (positive and negative)</p> | <p>Learning/teaching Torah Procreation Redeeming the firstborn Circumcision of a son Honoring father and mother once married Destroying the corner of one's beard or hair Laying hands on a sacrificial animal Impurity due to contact with a dead person for a (daughter) of a priest</p> |

| RABBINIC POSITIVE TIME-BOUND MITZVOH | |
|--|---|
| <p>Women Are Obligated:</p> <p>Hanukkah candles Megillah and other Purim mitzvoh <i>Bedikat Hametz</i> (difference of opinion) Four cups of wine and all Passover mitzvoh <i>Hallel</i> on the night of Pesach <i>Lehem Mishnah</i> or the obligation to have two loaves of bread at the first two and preferably third meal Lighting Shabbat candles <i>Havdalah</i> <i>Eruv Tavshilin</i></p> | <p>Women Are Exempt:</p> <p>Counting of the <i>Omer</i> (Majority opinion considers it rabbinic but Maimonides counts it as biblical) <i>Hallel</i> Blessing the new moon (although Rosh Hodesh was designated as a special holiday for women)</p> |

What becomes apparent is that women are obligated in all of the positive time-bound mitzvot, biblical and rabbinic, associated with Shabbat along with all of the mitzvot associated with Passover. They are obligated in the mitzvot of Purim and must light candles on Hanukkah. In fact, there are almost no rabbinically-mandated time-bound mitzvot from which they are exempt, with the possible exception of counting the *Omer*, which is rooted in biblical origins, and saying *Hallel* on festivals. This calls into question why, if an exemption from time-bound mitzvot is so central to gender differentiation in Judaism, women were included in so many of the Rabbinic positive time-bound mitzvot.

In the end, the entire gendered platform of women's exemption from time-bound mitzvot rests on nine or ten positive time-bound mitzvot, many of which are not uniformly accepted as time-bound or exemptions for women in the talmudic literature; there are an almost equal number of exemptions from positive non time-bound mitzvot. It is also interesting that while women are supported and encouraged in many homes and communities to voluntarily take on mitzvot such as *shofar*, *lulav*, and *sukkah*, and, most especially, little girls, are taught at a very young age to say *Shema* in the morning upon waking up and before bed, there is little to no support within Orthodoxy for women putting on *tefillin* or wearing *tzitzit*. Those mitzvot remain unquestionably gendered and taboo in their perception within religious society. This is probably because very few women within Orthodoxy wear *tzitzit*, *tallith*, and *tefillin*, while in the non-Orthodox denominations it is part of the coming of age process, which creates a further politicized divide between these time-bound mitzvot and Orthodox women.

Infusing Meaning into the Unknown

At the beginning of this article, it was noted that the explanations most frequently given nowadays as to why women are exempt from positive time-bound mitzvot are because of heightened spirituality or time restraints while taking care of children. However, the earliest attempts to give reason for these exemptions focus on a wife's subordination to her husband and her spiritual inferiority.

Malmed HaTalmidim²⁹ in thirteenth-century southern France and the Abudraham³⁰ in fourteenth-century Spain attribute women's exemption

from time-bound mitzvot to the tension it would cause, placing the woman between God and her husband. Both suggest that without this exemption, women would be caught between “Creator” and husband. Each would be vying for her absolute fidelity, and neither God nor husband would understand her forsaking one for the other. In order to have harmony in the home, God exempted her from these obligations. It is assumed that God had a central role in engineering the exemptions to avoid discord, lest the husband feel undermined by her choosing God over him. They present women as exempt from time-bound mitzvot that might bring them into conflict with household duties.

A different approach emerges in Rabbi Yehoshua Ibn Shuaiv (fourteenth-century Spain). Citing Nachmanides, he writes that just as the souls of Israelite men are holier than those of non-Jews and Canaanite slaves, so too they are holier than women’s, even those women who are included in the covenant. For this reason men were commanded in all of the positive and negative mitzvot.³¹

This is startlingly distinct from the more widely known approach in modernity that appears in the sixteenth century, in the commentary of Judah Loew ben Bezalel, known as the Maharal of Prague, in which women are presented as spiritually superior and thus, less dependent on mitzvot to nurture spiritual development.³² In the nineteenth century, Rabbi Samson Raphael Hirsch wrote in his commentary³³ that the Torah exempted women from positive time-bound mitzvot because of their innate connection to the divine. He further writes,

The Torah affirms that our women are imbued with a great love and a holy enthusiasm for their role in Divine worship, exceeding that of man. The trials men undergo in their professional activities jeopardize their fidelity to Torah and therefore, they require from time to time reminders and warnings in the form of time-related precepts. Women, whose lifestyle does not subject them to comparable trials and hazards, have no need for such periodic reminders.

Upon reading Hirsch however, one cannot help but ponder this last sentence. Women were not in the past subject to comparable trials and hazards as men, but what would he say today when men and women interact regularly in the same challenging environments? Given that he greatly contextualizes his explanation to a reality that no longer exists,

would he argue that now women should be equally obligated in all positive time-bound mitzvot?

Feminist Scholars in the Twentieth Century

In the late twentieth century, female Talmud scholars began to introduce different explanations for women's exemption from time-bound mitzvot.

Before Professor Rachel Adler left Orthodoxy, she lived as a fully Orthodox Jewish feminist in Los Angeles. In an essay titled "The Jew Who Wasn't There,"³⁴ she wrote movingly,

Make no mistake; for centuries, the lot of the Jewish woman was infinitely better than that of her non-Jewish counterpart. She had rights which other women lacked until a century ago. . . . [T]he problem is that very little has been done since then (1000 CE) to ameliorate the position of Jewish women in observant society. All of this can quickly be rectified if one steps outside of Jewish tradition and Halacha. The problem is how to attain some justice and some growing room for the Jewish woman if one is committed to remaining within Halacha. Some of these problems are more easily solved than others. For example, there is ample precedent for decisions permitting women to study Talmud, and it should become the policy of Jewish day schools to teach their girls Talmud. It would not be difficult to find a basis for giving women aliyot to the Torah. *Moreover, it is both feasible and desirable for the community to begin educating women to take on the positive time-bound mitzvot from which they are now excused; in which case, those mitzvot would eventually become incumbent upon women.*

It is noteworthy, that when Adler wrote her essay in the 1970s, almost no one was teaching girls and women Talmud. Since then, many, although not all, Orthodox schools have added Talmud classes for girls. More significantly, serious post-high school Talmud study became available both in New York and more centrally, in the Jerusalem area where Matan, Nishmat, Lindenbaum, Migdal Oz, and most recently, Drisha, have educated thousands of young women who are comfortable and competent in Talmud study. Serious halakhic programs with ordination-like curricula have also proliferated in Israel at Matan, Nishmat, Lindenbaum, Migdal Oz, Beit Morasha, and Harel, as well as in New York, with the Maharat program, which has graduated dozens of women, many of whom are serving in some capacity as communal rabbinic figures.

What Adler is suggesting, however, is that the disparity in obligation in positive time-bound mitzvot inexcusably contributes to the hierarchy that discriminates against women. Ultimately, she left Orthodoxy, and one of the reasons she gave was the rabbinic reluctance to seriously consider a change in the halakhic status of women.

About ten years later, Blu Greenberg, who is known as one of the founders of Orthodox Feminism and specifically of JOFA (Jewish Orthodox Feminist Alliance), wrote a seminal book called *On Women and Judaism*³⁵ in which she grappled with her love for tradition, ritual, and religious theology along with her awareness of feminism and the feminist critique of patriarchal structures. With regard to halakhic Judaism, she wrote,

I am not arguing here whether halakhic Judaism deems a woman inferior, although there are more than a few sources in the tradition that lend themselves to such a conclusion; nor will I accept at face value those statements that place women on a separate but higher pedestal. What I am saying is that halakhah, contrary to the feminist values I have described above, continues to delimit women. In some very real ways, halakhic parameters inhibit women's growth, both as Jews and as human beings.

I do not speak here of all of halakhah. One must be careful not to generalize from certain critical comments and apply them to the system as a whole. In fact, my critique could grow only out of a profound appreciation for the system in its entirety—its ability to preserve the essence of an ancient revelation as a fresh experience each day; its power to generate an abiding sense of kinship, past and present; its intimate relatedness to concerns both immediate and otherworldly; its psychological soundness; its ethical and moral integrity. On the whole, I believe that a Jew has a better chance of living a worthwhile life if he or she lives a life according to halakhah. Therefore, I do not feel threatened when addressing the question of the new needs of women in Judaism nor in admitting the limitations of halakhah in this area.

Neither Adler nor Greenberg was willing to accept apologetic explanations along the lines of separate but equal regarding the exemptions and exclusions of women that have been perpetuated for thousands of years. Both bring a respectful but critical questioning approach that could only emerge in the wake of greater educational opportunities for women, leading to a demand for a seat at the table when evaluating the future of women's status in halakha.

At the beginning of the twenty-first century, Dr. Tamar Ross wrote *Expanding the Palace of Torah*, a book about feminist theology and the interpretation of Jewish text.³⁶ In the second chapter, she presented her analysis of women and their exemption from mitzvot.

The net result is that women are at times classified in halakhic literature together with other marginalized groups such as slaves, children, imbeciles, androgens, hermaphrodites, and the deaf-mute—either because they are excluded from certain mitzvot altogether or because they are merely exempt. . . . As in the case of other classes situated on the hierarchical scale, difference in religious responsibility then serves as rationale for women's diminished valuation.

Ross connected the exemption from time-bound commandments with the absolute exclusion from Torah study which ultimately alienated women completely from the interpretive decision-making process in halakha. She called for a reinterpretation, philosophically, of all religious texts, particularly of the Torah, with a female voice rather than the male voice of the Old Testament, in order to read women back into the text.

Within these examples of three female voices come a different interaction and interpretation of the texts laying out the halakhic gender binary that reflects a heightened awareness of the impact this classification has had on the perception of women within marriage, family, community, and nation.

Circling back to the beginning of this essay, gender matters because it has played a pivotal role in how the halakhic structure has functioned for thousands of years. I think it is important to acknowledge that for many, possibly even the majority in the broader Orthodox, ultra-Orthodox, and Hassidic communities, the classification of men and women having different gender roles has been central to religious identity and has probably been empowering to many of those who are committed to observance. However, it is equally important to acknowledge that the positivity assigned to these differing gender roles acts to smooth over a façade behind which lies a social structure that privileges men and can disempower and discriminate against women. The bigger issues are not those of *tefillin* and *tzitzith*, but the general disparities in mitzvah obligation that are emblematic of a hierarchy that excludes women from halakhic decision making, leadership roles, and, most notably, continues to perpetuate the imbalance of power in the marital relationship.

I often say that I do not want to lose the men to gain the women, but I do want men to be less afraid of strong female leadership and women's interest in increased practice in ritual, both in public and private space, particularly when halakhically legitimate. This is not a simple task to implement.

I want to bring an anecdote to illustrate the complexity in what I am suggesting. A college student of mine arrived at her single brother's home for dinner on Friday night. While the meal had not yet begun, they had already made Kiddush. She asked for a cup of wine so that she could make Kiddush, and one of the male guests offered to make it for her. She politely refused and again, asked for wine so that she could make Kiddush. He again offered to make Kiddush for her more aggressively, insisting that women cannot make Kiddush. She knew that she could. What made the conversation more frustrating was that no one else, Day School and yeshiva graduates all, defended her or could remember the halakhic policy on this matter. She knew she was right but could not cite the source from memory. This kind of scene, of what I call permitted but prohibited, repeats itself regularly throughout the religious world. Religious women on college campuses are repeatedly prevented from making Kiddush or *haMotzi* for the community although halakhically they can fill the obligations for everyone. Even more surprising for such egalitarian academic spaces, tremendous resistance is expressed on many campuses to the idea of passing the Torah through the women's section during Shabbat morning services. There is a sense of taboo that is formed around rituals traditionally performed by men but that can be performed by women. As one very important mainstream rabbi at Yeshiva University once tellingly told my brother, "Your sister is halakhically permitted to make the blessing on challah for everyone, but, she simply should not!"

I want men and women together to seek halakhic solutions and build halakhically committed communities with an emphasis on seeking greater partnership between the sexes. This I believe will perpetuate the integrity of a living Torah that continues to infuse and inspire our lives with the sense of the divine. To conclude with a quote from Blu Greenberg, "It is my very faith in halakhic Judaism that makes me believe we can search within it for a new level of perfection, as Jews have been doing for three thousand years."

NOTES

1. I am intimately aware of the phenomenon of partnership *minyanim* in which women take an active role in leading some of the prayer service and reading Torah. As of now, those *minyanim*, while largely made up of observant and halakhically committed men and women, are still outside normative halakhic consensus.
2. For example, B. *Bava Batra* 16b.
3. For example, B. *Kiddushin* 39b and Genesis Rabbah 17.
4. For example, B. *Kiddushin* 80b, Shabbat 33b and most significantly, Mishna *Sotah* 3:8.
5. Deuteronomy Rabbah Parasha 6.
6. B. *Shabbat* 152a.
7. B. *Horayot* 13a.
8. Leviticus 27:1–8.
9. Hauptman, Judith, *Rereading the Rabbis*, 1998, p. 226.
10. Tosefta *Kiddushin* 1:1.
11. *Shulhan Arukh Yoreh Deah* 240:17,24. However, the Mishna considers it grounds for divorce if a man actively prevents his wife from visiting her parents despite the hierarchy that privileges him over them. See Mishna *Ketubot* 7:4.
12. P. *Kiddushin* 1:7, 61a, B. *Kiddushin* 30b.
13. B. *Kiddushin* 34a. *Shema*, which is perhaps the most quintessential of time-bound mitzvot, is missing. It appears in the tractate *Berakhot*, which will be analyzed below. A full list of all exemptions and obligations in positive time-bound mitzvot will appear below.
14. In the time of the Talmud, *tefillin* were worn all day every day with a question about wearing them on Shabbat. *Berakhot* chapter 3 is filled with discussions of how to wear *tefillin* into the bathroom. Post-Talmud, there was a move to limit the wearing of *tefillin* to the morning together with the morning prayers.
15. Tosefta *Kiddushin* 1:10, P. *Kiddushin* 1:7.
16. B. *Kiddushin* 34a.
17. *Ibid.*, citing *Sifra Emor* 17. What is absent both from the midrash halakha is a reference to the exclusion of women from *sukkah* because it fits the category of time-bound mitzvot. See Elizabeth Shanks Alexander in *Gender and Time Bound Commandments in Judaism*, 2013, p. 40 footnote 30, where she suggests that the Sifra which would have known of the principle of exemption, does not cite it because it was not the basis for its ruling.
18. Maimonides commentary to Mishna *Kiddushin* 1:7.
19. B. *Berakhot* 20a.
20. While minors, women, and Canaanite slaves are often grouped together, in this particular *sugya*, it seems as though the other two categories were incidental. See Safrai, Shmuel and Ze'ev, *Mishnat Eretz Israel*, Tractate *Berakhot*, p. 130.

21. Alexander, p. 137.
22. Sifre Deuteronomy 46.
23. *Mishneh Torah*, Prayer and the Priestly Blessing 1:2.
24. *Mishneh Torah*, Laws of Tefilla and Berakhot 6:10.
25. *Mishnah Berurah* 106:4.
26. *Bnei Zion* 106:1.
27. *Divrei Yatziv* OH 121.
28. Minor Tractate *Sofrim* 18:5.
29. *Mamad HaTalmidim*, Parashat *Lekh Lekha*.
30. Abudraham, Section III.
31. Ibn Shuaiv, Yehoshua, *Sermons on the Torah*, *Tazria Metzora*, p. 48.
32. Maharal of Prague, *Be'er HaGola* 27a.
33. Hirsch, Samson Raphael, Commentary to Leviticus 23:43.
34. Adler, Rachel, "The Jew Who Wasn't There, Halakha, and the Jewish Woman," in: *Response: A Contemporary Jewish Review*, Summer 1973.
35. Greenberg, Blu, *On Women and Judaism*, 1981.
36. Ross, Tamar, *Expanding the Palace of Torah*, 2004.

Four Spaces: Women's Torah Study in American Modern Orthodoxy

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Nearly 30 years ago, I left my career as a lawyer to become a teacher of Torah. As a teacher, I focus on text and substantive study. But, inevitably, I am also an observer of Torah learning in the United States and of the place of women in that study. I have witnessed many discussions, often heated, about women's roles in studying and teaching Torah. Rather than give a definitive perspective on those issues, I offer here something else: a taxonomy of the discussion itself. In any discussion, nothing can get done without knowing, first and foremost, what the discussion is actually about.

In that vein, I have observed that discussions about women and Torah learning are not about any one thing. This is natural—Torah study itself is multifaceted. Torah study is an aspect of formal Jewish education, but it is also preparation for professional careers. And, perhaps more importantly than either of those, it is one of Judaism's most significant religious and social acts. Any discussion about women's Torah learning, then, relates to one of four "spaces": the educational, the professional, the religious, and the social. These spaces are all interconnected, but teasing these out as separate spheres will do much to make our discussion of their significance more coherent.

The Education Space

The first context for discussing women's Torah study, then, is education. This context deals with what women learn as students in formal classrooms in elementary school, high school, seminaries, and college Batei Midrash. Yeshiva Day Schools, including those I attended as a child, have long emphasized women's textual and primary-source learning in the form of *Tanakh*. Indeed, because of this, girls' schools were often thought to provide better Bible and Hebrew-language skills than their all-male counterparts.

Traditionally, however, these Day Schools did not impart primary knowledge of *Torah she-be'al peh* (Oral Law) or the halakhic process, focusing instead on bottom-line practice. This has changed dramatically over the past two decades. In both co-educational and girls-only schools, young women study the full panoply of *Torah she-be'al peh*, from Talmud to medieval rabbinic thought to modern halakhic rulings. The basic Torah educations received by young Modern Orthodox women and men, therefore, resemble each other as never before.

Still, there is a caveat. This is true of the *basic* education expected of our students. At higher levels—those that follow high school—the quality and quantity of women's and men's opportunities differ markedly. A male high school graduate spending a gap year in Israel will, by default, end up in a program that emphasizes *Torah she-be'al peh*, unless he seeks out something different. By contrast, a female student with the same background will, by default, end up in an institution that emphasizes areas of study other than Gemara and text-based halakha, unless she actively seeks admission to one of a small number of seminaries whose curricula resemble those of men's *yeshivot*.

And the difference becomes more acute in college. Men seeking intensive Bet Midrash study focusing on *Torah she-be'al peh* have a number of options, including at Modern Orthodoxy's flagship institution, Yeshiva University. The closest that women come to such an opportunity at YU is the Stern College Bet Midrash for Women. Students have expressed, however, that the range of *Torah she-be'al peh* offerings at Stern, and the number of religious authorities who serve as teachers and mentors, do not approach that of the men's campus.¹

These differences in advanced learning may, of course, simply reflect that women's learning of Gemara and halakha is, in historical perspective, a recent phenomenon. And I would agree that the trajectory is toward greater opportunities for women and greater parity with men's education options. But it seems likely that women's opportunities differ for structural reasons as well, which means that differences will not evaporate with time alone. For men, advanced Gemara and halakha learning can lead to a title such as *rabbi*, and to the respect and jobs that come with the title. Women's opportunities for certification, such as a certificate from GPATS or the Drisha Scholars Circle or the title of *maharat*, lead to fewer professional opportunities and less communal recognition. This means not only that women have less incentive to populate advanced Talmud classes, but that they may receive a subliminal message—intended or not—that men are the keepers of the *Torah she-be'al peh* and that, therefore, women do not need to study its intricacies at an advanced level. All of this lays the groundwork for our discussion for the second space for women's learning: the professional.

The Professional Space

Here, women face a fundamental limitation in most Modern Orthodox communities because they cannot partake of a title such as *rabbi*. This lack of a title makes it more difficult for a woman to signal that “I am a trained Jewish professional with significant learning under my belt.”

Women have worked creatively around this limitation. They have long taught *Tanakh* in yeshiva Day Schools and, in recent decades, have played more public roles as scholars-in-residence in synagogues. For those trained in *Torah she-be'al peh*, many have found roles teaching (without a title) in high schools, in advanced programs such as Lamdeinu, Drisha, Midreshet Nili, and in public speaking. Following the Israeli precedent, a number of learned women have begun calling themselves *rabbanit*, a moniker that proves less controversial because it preserves the ambiguity of whether it signifies marriage to a *rabbi*, independent accomplishment in high level Torah study, or both. Women have also found roles as *yoatzot halakha*, *toanot*, and *rebbetzins* that allow them to partially take on some tasks traditionally performed by men. Finally, women trained in *Torah she-be'al peh* have found communal roles—such as at federations,

the UJA, and in *kashruth* organizations—that take some advantage of their Torah training.

Finding ways for women to use their learning is important not only for the professionals themselves, but also for the community, which risks losing out on their individual and collective contributions. Still, this is a delicate balancing act. Fear of a feminism that runs counter to the Jewish value of women as the center of the Jewish home and family runs deep. And Orthodox Judaism must be, by its nature, conservative in the Burkean sense. It can absorb slow, incremental change, rather than measures that do too much too quickly. I am likely not alone in wanting measured, gradual change that sticks, rather than a hasty and dramatic overhaul that does not, when it comes to creating professional roles for women.

The two spaces we have discussed so far—the educational and professional—are important, but immediately relevant only for the subset of women still in school or entering Jewish communal work. Torah learning, though, is much more than an educational or professional endeavor. It is also a religious act and a facilitator of social connection. I will focus next, therefore, on women's Torah learning in religious and social spaces.

The Religious Space

As a religious matter, it is generally understood that men have a formal obligation to study Torah, while women do not (*Kiddushin* 29b). Nevertheless, even in the absence of obligation, our community looks at women's Torah study as valuable because it is a *kiyyum mitzvah* (fulfillment of a voluntary mitzvah) and, perhaps more importantly, an essential way of connecting to God.² Rabbinic leaders have recognized that, as a practical matter, women with sophisticated secular education and advanced professional roles may find it challenging to connect meaningfully to their religion without a similar opportunity for sophisticated engagement.

We must think carefully, therefore, about the messages we send to women with respect to their roles as Torah learners. For example, what does it say to a woman, married or single, if her community encourages men to study *be-havruta* (in partnerships) for hours each week, but offers no similar encouragement or form of engagement for her? I do not claim to know the exact answer to this question. But I do know two things.

First, it will be hard for some women to find fulfillment as observant Jews if we do not value their engagement with Torah study as a spiritual and religious act. Second, in my experience, women's thirst for this spiritual act is profound.

The Social Space

I move now to the fourth and final area of women's Torah study: learning as a social act. For many, studying Torah is about more than the study itself. It is a way to connect with friends who attend the same *shiur* or to bond with a study partner. Torah study provides a framework for Jewish social life.

With a few exceptions, Torah study for women comes much more frequently in the form of classes than *havruta* study. By contrast, it is not uncommon for adult men—often retired or otherwise not working full-time—to sit in a *shul* Bet Midrash studying in pairs. In this way, Torah study offers more social interaction for men than for women. This difference may reflect differing preferences, particularly among the older adults most likely to have time for Torah study and whose expectations were formed in an era when women's discretionary learning was less common. But, if these preferences are generational, we must be aware that future generations of women who are accustomed to participating in Torah study as an act of social connection may expect more Bet Midrash-style options.

Concluding Thoughts

Having provided a taxonomy of women's Torah learning spaces in twenty-first-century America, and of some attendant challenges, I offer a few remarks in conclusion.

First, I do not imply that women's Torah learning must be made to look exactly like its male counterpart. Women, as a group, have needs, interests, and desires that may differ from those of men, and we do ourselves no service by imitation for its own sake.

Second, just as we ask about changing what Torah study for women looks like, we may ask the same about men. For example, might men benefit from incorporating a greater emphasis on *Tanakh* into the traditional yeshiva curriculum and in their own discretionary learning?

Finally, on a personal note, I feel blessed to have spent my adult life among those in the Bet Midrash as a teacher of Torah and an administrator of high-level Jewish educational institutions. Even as I contemplate the evolving role of women's Torah study in Jewish communal life, I never forget that what brought me to this work—and what keeps me there—is not the new, but the ancient and eternal. I am here because I love Torah and I love teaching it. I cannot imagine a meaningful connection to God without it. If I ask questions, it is only in the hope that others may be so blessed to connect with Judaism and God through Torah learning as I have.

NOTES

I am grateful to my son Rabbi Elie Friedman for his significant contributions to this article, and for deepening my understanding of Torah and humanity always.

1. See <https://yucommentator.org/2020/05/making-strides-towards-a-stronger-beit-midrash-on-beren/>.
2. See, e.g., <https://www.jpost.com/magazine/judaism/may-women-study-the-talmud>.

Three Short Essays

HAIM JACHTER

(Rabbi Haim Jachter serves as Rabbi, Congregation Shaarei Orah, the Sephardic Congregation of Teaneck, NJ; Rebbe, Torah Academy of Bergen County; and Dayan, Beth Din of Elizabeth, NJ. These essays are part of Rabbi Jachter's forthcoming book, *Sephardic Savvy: Demystifying 101 Differences between Sephardic and Ashkenazic Jews.*)

Sephardic Rabbinic Approaches To Zionism

Rav¹ Baruch Gigi, the Rosh Yeshiva of Yeshivat Har Etzion (Israel's largest Yeshivat Hesder), served as scholar-in-residence at Congregation Shaarei Orah, the Sephardic Congregation of Teaneck, on Shabbat *Parashat Vayikra* 5778. One of Rav Gigi's outstanding presentations was a fascinating lecture on the topic of Sephardic Rabbinic approaches to Zionism.

The Anti-Zionism of the Satmar Rav

Rav Gigi began by presenting the anti-Zionist approach of the Satmar Rav. This approach is rooted in the Gemara (*Ketuvot* 111a), which states that God imposed an oath upon us that we would not take Eretz Yisrael by force (“*shelo ya’alu Yisrael b’homa*”).

Rav Meir Simha of Dvinsk (the author of the *Meshekh Hokhma* and the *Ohr Same’ah*) reacted to the League of Nations’ ratification of the Balfour Declaration, which granted the Jews a national home in Eretz Yisrael, with three words: “*Sar pahaad haShevua*”—the concern for the oath not to take Eretz Yisrael by force no longer applies, since permission was granted by the international community. The *Avnei Nezer* (*Teshuvot, Yoreh De’ah* 456) agreed with this assessment.¹

In contrast, the Satmar Rav insisted that the oath remained in effect even when permission for Jews to reside in, and eventually govern, part of the land was granted by the League of Nations and the United Nations. The Satmar Rav regarded the political pressure placed on the League of Nations and United Nations delegates by Zionist leaders as constituting returning to Eretz Yisrael by force.

This represents a fundamental opposition to Zionism, not simply a feeling of unease with cooperating with non-observant Jews. Rav Gigi argues that such fundamental opposition to Zionism is virtually non-existent among leading Sephardic rabbis.

Rav Yehuda Alkalai

Rav Yehuda Alkalai (1798–1878), a great Sephardic Rav from Serbia, is counted among the founders of modern Zionism. His work espousing large-scale Jewish settlement in Eretz Yisrael, *Minhat Yehuda*, predated Theodore Herzl. Moreover, in his *Goral LaHashem*, Rav Alkalai presented a detailed plan for the reestablishment of the Jewish State in Eretz Yisrael, which is said to have greatly influenced Herzl's extremely influential work, *The Jewish State*.

Rav Alkalai argues that natural redemption precedes the supernatural redemption. He refers to this as the Mashiah ben Yosef preceding the Mashiah ben David. A central idea of Rav Alkalai (that appears in *Minhat Yehuda*) elaborates on the statement of Rav Eliezer (*Sanhedrin* 97b, codified by the Rambam, *Hilkhot Teshuvah* 7:5): “*En Yisrael nigalin ela beTeshuvah*,” “The Jewish People will not be redeemed without *teshuvah* (repentance).” Rav Alkalai distinguishes between *teshuvah* of the individual and *teshuvah* of the community. The individual must repent in the most straightforward manner; one must correct any lapses in Torah observance. In contrast, national *teshuvah* refers to our nation returning to Eretz Yisrael. Rav Alkalai proves this point from the etymology of the word *teshuvah*, which means to return to one's original place of residence, as in the *pasuk*, “*U'teshuvato haRamata ki sham beto*” (“And his return was to Ramah, for there was his house,” *Shemuel I* 7:17).

After Rav Alkalai made *aliya* in 1874, he moved to Jerusalem, where he engaged in major debates with the rabbis of the Yishuv HaYashan, the traditional Jewish community in Jerusalem, which opposed activist settlement in Eretz Yisrael.

Support for Zionism among Great Moroccan Rabbanim

The great Moroccan *Rabbanim*, ranging from Rav Shalom Messas to the famous Baba Sali, were enthusiastic supporters of Zionism. Indeed, Rav Gigi recalled from the years in which he was raised in Morocco that there was widespread support and enthusiasm for Zionism in all circles. Rav Shalom Messas maintained that one should recite *Hallel* on Yom HaAtzma'ut with a blessing. However, out of respect to the ruling of Rav Ovadia Yosef, he ruled that *Hallel* should be recited without a blessing (*Teshuvot Shemesh U'Magen* 3:63:6).

The Baba Sali asserted that the State of Israel was created in the merit of the poem composed by his son, the Baba Meir, called "*Degel Yisrael Herima*," "The flag of Israel has been raised." When the Baba Sali was told that secular Jews were building the State of Israel, he replied by citing the *Nahem* prayer, which we recite on Tisha B'Av: "*Ki Atah b'esh hitzata, uva'esh Atah atid l'vnota*"—with fire Yerushalayim was destroyed and with fire it will be rebuilt. He explained that just as Jerusalem was destroyed by the fire of idolatry, it will sadly be rebuilt by idolatry.

Israeli agents for *aliya* were well received in Morocco. Rav Yitzchak Abuhatzeira, the Chief Rabbi of Ramle, is remembered for allowing his house to serve as a place of transition for Jews making *aliya*. Although there was great debate in Moroccan communities about the Alliance schools, which brought secular studies to Sephardic communities, the debates related to the fact that these schools influenced their students to abandon Torah ways; they had nothing to do with Zionism.

Finally, Rav Amram Aburbeh was a noted Moroccan Rav who was an enthusiastic supporter of Zionism and predicted Israel's massive victory in the Six Day War with God's help, months before his passing in 1966.

Rav Ovadia Yosef

Rav Ovadia Yosef recited a *MiSheberach* prayer for the soldiers of *Tzahal* (the IDF) each time the Ark was opened to remove the Torah on Shabbat morning. Rav Ovadia expresses his strong support for the State of Israel in one of his Responsa (*Yabia Omer* 11: *Hoshen Mishpat* 22), where he explains his position permitting the exchange of Israeli land for peace. Members of Keneset from the Shas party, which was guided by Rav

Ovadia, are permitted to serve as cabinet ministers in the Israeli government, unlike the Ashkenazic Hareidi members of Keneset, who join the governing coalition but have rabbinically mandated limits placed on their government roles. The *Yalkut Yosef*—written by Rav Ovadia's son, Rav Yitzhak Yosef—is replete with instructions for Israeli soldiers, something that is (sadly) anathema in many Ashkenazic circles.

A contrast between Rav Ovadia's reaction to the great Entebbe rescue in 1976 with that of the Satmar Rav is most instructive. Whereas the Satmar Rav reacted with condemnation (based on the Mishna in *Gittin* 45a),² Rav Ovadia reacted with the utmost enthusiasm (*Yabia Omer* 10: *Hoshen Mishpat* 7; *Yehaveh Da'at* 2:25).

Rav Ovadia rules (*Yehaveh Da'at* 5:63) that one must fully comply with Israeli tax regulations. In this responsum, Rav Ovadia even endorses Rav Kook's ruling that a government accepted by the Jewish People in Eretz Yisrael enjoys the status of a king in certain regards. Rav Ovadia frequently cites Rav Kook in his Responsa in the most respectful and reverential manner, which unfortunately is not always the case among Ashkenazic hareidim.

Sephardic Rabbinical Opposition to Zionism

Rav Gigi noted that there were Sephardic rabbis who opposed Zionism and even issued proclamations to refrain from voting in Israeli elections. He observed, however, that their opposition was not rooted in a fundamental opposition to Zionism, but rather stemmed from disapproval of nonobservant members of the Israeli government and the improper pressure placed on Sephardic *olim* to enroll their children in secular public schools, which encouraged the abandonment of a Torah lifestyle.

Rav HaLevy, Rav Uziel, and Rav Hadaya

Rav Gigi concluded by noting two great Sephardic rabbis who were enthusiastic supporters of the State of Israel and Religious Zionism, Rav Hayim David HaLevy and Chief Rabbi Ben Tzion Meir Hai Uziel.

Rav Hayim David HaLevy, who for many years served as the Sephardic Chief Rabbi of Tel Aviv, makes his support for Religious Zionism clear in his works, such as his *Teshuvot Asei Lekha Rav*. His *Kitzur Shulhan Arukh*,

Mekor Hayyim has served for decades as the basic halakhic work taught in Religious Zionist schools.

Rav Ben Tzion Meir Hai Uziel served as the first Sephardic Chief Rabbi of the State of Israel and composed, together with Chief Rabbi Yitzhak Herzog and Shai Agnon, the *Tefillah L'Shlom HaMedina* (prayer for the State of Israel). Rav Uziel wrote: "A great and miraculous merit has been revealed in this generation, to fulfill the words of the prophets to establish a Jewish State in Eretz Yisrael." Rav Uziel proceeded to implore all Jews "to return to full Torah observance and to guard the people and State of Israel."

We should add that Rav Ovadia Hadaya, a major Sephardic mid-twentieth century halakhic authority, describes the establishment of the State of Israel as "*tehilat haGeula*," the beginning of our redemption (*Teshuvot Yaskil Avdi* 6:10). He describes the miracles of Israel's War of Independence as comparable to the miracles of Hanukkah and the splitting of the Red Sea. Although he believes that a blessing should not be said on *Hallel* recited on Yom HaAtzma'ut, his enthusiasm for Medinat Yisrael is presented unambiguously.

Conclusion

Support for Zionism is quite strong among Sephardim, even in Hareidi circles.³ Fundamental opposition to the State of Israel, such as was voiced by the Satmar Rav, is virtually unheard of in the Sephardic community.⁴ Thus, I was not surprised to hear that Rav Eli Mansour, a Sephardic Hareidi leader in Brooklyn, strongly encouraged his followers to attend the AIPAC policy conference in Washington in 2018.⁵



Four Distinct Elements of Yemenite Practice

The most cogent way to describe Yemenite Jews and their halakhic practice is “very distinctive.” Their pronunciation of Hebrew,⁶ appearance,⁷ and halakhic rulings mark them as a unique segment of the Jewish people.

There are four elements of Yemenite practice that give it its unique flavor.

Element #1: A Very Conservative Bent

Yemenite halakha is the most conservative of all of the streams of our people; Yemenite Jews adhere closely to the original practice recorded in the Talmud and *Rishonim*. Yemenites are virtually the only Jews who still read the Targum Onkelos during Torah reading (as per *Megilla* 23b). In addition, unlike other Jews who have a *ba'al keria* read the Torah on behalf of those who receive an *aliya* at the public Torah reading (a practice already noted by *Tosafot*, *Megilla* 21b, s.v. *tanna*), Yemenite Jews preserve the original custom for the *oleh* to read the portion himself.

Other examples are the Yemenite practice to eat meat during the Nine Days until the *se'uda haMafseket*, the pre-fast meal, as is the original practice recorded in the Mishnah and Gemara (*Ta'anit* 26b and 30a). Many Yemenites do not perform the ritual of *Tashlich*, as it doesn't appear in the Talmud, Rambam, or *Shulhan Arukh*.⁸ On Rosh Hashana, many Yemenites sound only 40 *kolot* (*shofar* blasts), the original practice in the time of the Talmud (as described by the Rambam, *Hilkhot Shofar* 3:10), as opposed to the 100 *kolot* sounded by most other Jews. Yemenite Jews are the only Jews who still practice *atifat haRosh* (covering the head with a *tallit*) and *halitzat katef* (exposing the shoulder) during *shiva*, as is the original practice presented in the Gemara (*Moed Katan* 22b).

The most famous example of Yemenite halakhic conservatism relates to *Herem D'Rabbenu Gershom*, which prohibited marrying more than one wife. Whether de facto or de jure, Yemenite men did not accept the practice to refrain from marrying more than one wife. Until their arrival in Eretz Yisrael, they continued the original practice to marry more than one wife.⁹

Element #2: Maintaining Traditions

There is a distinct advantage to the ultra-conservative bent of Yemenite Jews. As a result of their extraordinarily strong inclination to preserve the past, they have succeeded in preserving many of our traditions (*mesora*) that have been lost by most other Jews over the centuries.

Rashi (*Vayikra* 11:22) already notes the loss of the tradition as to how to distinguish between kosher and non-kosher grasshoppers. Yemenite Jews have kept this tradition alive. The same applies to the processes of *nikur helev* and *gid hanasheh* (removing forbidden fats and sinews from slaughtered animals). Rav Eliezer Melamed explains:

The accepted custom in Israel today goes according to *nikur Yerushalmi*, i.e., to be very stringent and to perform *nikur* on everything that is close and similar to *helev* and the branches of the *gid hanasheh* and its fats, to the point that approximately 13–25% of the weight of the hind flesh is lost. Only the immigrants from two communities, Yemen and Morocco, meticulously guarded the tradition of *nikur*, according to which only about 5% of the weight of the hind flesh is lost.¹⁰

Similarly, although many Sephardic Jews maintained a tradition to bake soft *matzot*, the Yemenites are the most renowned for their fidelity to this practice.

Element #3: Allegiance to the Rambam

As is well-known, Yemenite Jews had a very close relationship with the Rambam. The Rambam's grandson, Rav David HaNagid, reports that Yemenite Jews posed more questions to the Rambam than any other group of Jews. This special bond is maintained to this day, although to varying degrees.

Yemenites follow rulings of the Rambam that most other Jews do not accept. One example is the practice to recite a blessing upon entering a *sukkah* even if one is not going to eat in the *sukkah* (as per *Hilkhos Sukka* 6:12). Another is allowing reheating of liquids (such as soup) on Shabbat that were cooked before Shabbat. Many Yemenites follow the Rambam's ruling (*Hilkhos Shabbat* 22:8) that the rule of “*en bishul ahar bishul*” (once a food is fully cooked, there is no further cooking process) applies even to liquids.¹¹

Most famously, Yemenites respond “*Halleluya*” to each section of *Hallel*, for a total of no less than 123 times, in accordance with the Rambam’s ruling (*Hilkhhot Hanukkah* 3:12). Yemenites similarly follow the Rambam’s requirement (*Hilkhhot Ma’akhalot Assurot* 6:10) that meat be boiled (*halita*) after salting to seal in any remaining blood. The *Shulhan Arukh* (*Yoreh De’ah* 69:19), by contrast, does not require *halita*.

Interestingly, many Yemenite Jews recite a *Borei Peri HaJofan* on all four cups of wine at the *seder*, in accordance with the ruling of the Rambam (*Hilkhhot Hametz U’Matza* 8:5, 10). This stands in contrast to Sephardic Jews, who follow the *Shulhan Arukh*’s ruling to recite *Borei Peri HaGefen* only on the first and third *kosot* (*Shulhan Arukh, Orach Hayyim* 474:1, 480:1).

The custom accepted by the *Shulhan Arukh* (*Orach Hayyim* 46:1) is to recite all the *Birkot HaShahar* (early morning blessings) at once, so as not to forget one of them. However, the original enactment of *hazal* was for the *Birkot HaShahar* to accompany the process of arising in the morning and for everything to be blessed adjacent to its benefit (*Berakhhot* 60b). This is how the Rambam (*Hilkhhot Tefillah* 7:9) ruled in practice—but only in the Yemenite community do some still follow this custom to this day.

Element #4: Unique Practices

Yemenites maintain some unique practices. Whereas the Ashkenazic and Sephardic *shofar* is made from the horn of a domestic ram, a Yemenite *shofar* is made from the horn of an African kudu and has an elongated and curvy body. Interestingly, Yemenite Jews developed the practice to use this type of *shofar* in light of the preference to use the horn of a ram in order to invoke the memory of the Binding of Isaac (see *Rosh Hashana* 16a).

The Yemenite *etrog* is a classic example of a type of *etrog* with a highly respected tradition that ensures it was not grafted with a lemon. The Yemenite *etrog* is distinguished by its lack of pulp. Yemenite Jews typically use a very large *etrog*, somewhat reminiscent of the story recorded in the Gemara (*Sukka* 36b) about the extraordinarily large *etrog* that Rabbi Akiva brought to his synagogue.¹²

Many Yemenites tie their *tzitzith* in a manner consistent with that which is set forth in the Rambam (*Hilkhhot Tzitzith* 1:6).

Many Yemenites eat roasted meat at the Seder. The Mishna (*Pesahim* 53a) records the differing communal practices as to whether roasted meat

is consumed on the first night of Pesah. The potential concern is the appearance that one is partaking of the *Korban Pesah* (which was roasted) outside of the Temple. The *Mishna Berura* (476:1), *Arukh HaShulhan* (*Ora Hayyim* 476:1), and Rav Ovadia Yosef (*Teshuvot Yehaveh Da'at* 3:27) all record that the *Aharonim* agree that the custom is to refrain from roasted meat on the night of Pesah. Despite this, the Yemenite community is the only Jewish community that still consumes roasted meat on the *seder* night!

Conclusion

One's knowledge of Jewish practice is not complete without awareness of Yemenite practices. When noting Jewish practices, one should be cognizant to note Ashkenazic, Sephardic, and Yemenite practices. Although outside of Israel Yemenite congregations are relatively few in number, in Israel their presence is keenly felt. Most Israeli communities boast not only Ashkenazic and Sephardic synagogues, but a Yemenite one as well. Our investment in discovering Yemenite practice is well worth the effort, as only when including Yemenite practice is the picture of Jewish practice complete.



Rav Mordechai Eliyahu: A Major Twentieth-Century Sephardic Posek

Many Jews outside the Sephardic orbit think that three individuals constitute the corpus of Sephardic Halakha: the Rambam, Rav Yosef Karo, and Rav Ovadia Yosef. Of course, the Rambam was far from the lone Sephardic great *Rishon*, and Rav Yosef Karo is joined by a phalanx of great Sephardic *Aharonim*, such as the *Peri Hadash* and the *Hida*. Rav Ovadia Yosef, in turn, was far from the only

great Sephardic *posek* of the second half of the twentieth century. In this chapter, we discuss another twentieth century Sephardic “superstar,” Rav Mordechai Eliyahu.

Three Distinctions from Rav Ovadia

Rav Eliyahu, who served as Israel’s Sephardic Chief Rabbi from 1983 to 1993, adopted a very different style from that of Rav Ovadia Yosef. We can point to three significant differences.

Rav Ovadia did not emphasize Kabbalah, and his rulings famously differed quite often from those of the great nineteenth-century authority the *Ben Ish Hai*, Rav Yosef Hayim of Baghdad, who incorporated a great deal of kabbalistic thought and practice in his rulings. Rav Ovadia even composed a multi-volume work entitled *Halikhot Olam* in which he defends his deviations from the *Ben Ish Hai*’s rulings.

By contrast, Rav Eliyahu retained a fierce loyalty to the rulings and approach of the *Ben Ish Hai*. For example, Rav Eliyahu’s edition of the *siddur*, *Kol Eliyahu*, and his *sefer Darkhei Taharah* are replete with references to the *Ben Ish Hai*. This is hardly surprising, considering that Rav Eliyahu’s father and grandfather were close to the *Ben Ish Hai* and Rav Eliyahu’s wife, Mazal, was the *Ben Ish Hai*’s great-niece. One can fairly assert that Rav Eliyahu presented a contemporary version of the *Ben Ish Hai*’s rulings, which are characterized by its infusion of kabbalistic influence and an orientation to accommodate a broad base of opinions.

Rav Eliezer Melamed describes Rav Mordechai Eliyahu’s approach to halakha:

Rav Yosef Hayim of Baghdad was unique in that he merged and incorporated all the significant opinions in his halakhic rulings. The base of his rulings was the *Bet Yosef* and *Shulhan Arukh*. However, in addition he considered the other great posekim, both Ashkenazic and Sephardic. Rav Eliyahu remarked that at times the *Ben Ish Hai* followed the [Ashkenazic] *Magen Avraham* and the *Shulhan Arukh HaRav*.

Rav Eliyahu continued in this path. He would remark that it is not our role to discover lenient approaches and follow them. Rather, we should find the path to satisfy the consensus opinion, and only in case of pressing need (*sha’at haDehak*) rely on the lenient opinions.¹³

This stands in stark contrast to Rav Ovadia Yosef, whose halakhic

rulings are renowned for their lenient orientation. This difference in orientation is specifically pronounced with regard to *taharat haMishpa a* (laws of family purity). Rav Ovadia's three-volume work on this area of Halakha, entitled *Taharat HaBayit*, adopts a far more lenient approach than Rav Eliyahu's *Darkhei Taharah*.

A third difference relates to the attitude toward the State of Israel specifically and modernity in general. While Rav Ovadia certainly adopted a positive approach to Medinat Yisrael, Rav Eliyahu was more of an ardent Zionist. He thus captured the loyalty of Israel's "*Hareidi-Le'umi*" (scrupulously observant Zionist) community. He served as a soldier in Israel's War of Independence, enthusiastically embraced Jewish settlement of Yehuda and Shomron, and often visited soldiers in the Israel Defense Forces to offer encouragement.

With regard to modernity, one example highlights a difference between Rav Eliyahu and other great rabbis. Rav Eliyahu wrote (*Tehumin*, vol. 3, p. 244) that under current circumstances, religiously observant judges can make a positive contribution to the Israeli civil court system.¹⁴ This is quite a contrast with the stance of Rav Shalom Messas (*Teshuvot Shemesh U'Magen 3: Even HaEzer 44*), who invalidated a wedding because one of the witnesses served as a judge in the Israeli civil court system. Although the witness was a practicing Orthodox Jew, Rav Messas claims that anyone who serves as a judge in civil court is considered a thief, because he forces people to pay money even when the halakha does not necessarily require the payment.

Rav Yisrael Rozen, in his dedication of *Tehumin* vol. 31 in memory of Rav Eliyahu, writes:

At Machon Tzomet, we have stored numerous rulings of Rav Eliyahu regarding security in settlements and the Israel Defense Forces on Shabbat, as well as other government and communal service providers, such as hospitals, fire departments, and allied sectors. All of these rulings were thoughtful and effective.¹⁵

Three Specific Areas of Disagreement

Three disputes regarding prayer bring to life the difference in approach between Rav Mordechai Eliyahu and Rav Ovadia in terms of conflicting fidelity to the *Ben Ish Hai* and the *Bet Yosef*.

One who Omits HaMelekh HaMishpat

Rav Ovadia (*Teshuvot Ye aveh Da'at* 1:57) rules that a Sephardic Jew who omits “*haMelekh haMishphat*” during the *Aseret Yemei Teshuva* (the days from Rosh Hashana through Yom Kippur) must repeat his *Amida*, in accordance with the ruling of the *Shulhan Arukh (Orah Hayyim 582:2)*. Rav Mordechai Eliyahu (*Siddur Kol Eliyahu; Teshuvot Ma'amar Mordechai, Aseret Yemei Teshuva* 19), on the other hand, rules that one should follow the ruling of the *Ben Ish Hai* (year 1, *Parashat Nitzavim* 19).

She'asa Li Kol Tzorki on Tisha B'Av and Yom Kippur

Rav Ovadia for many years ruled that one should not recite the early morning blessing of *She'asa li kol tzorki* on Tisha B'Av and Yom Kippur. Since this blessing is an expression of thanks for shoes (*Berakhot* 60b), this blessing would appear to be inappropriate for Tisha B'Av and Yom Kippur, when we are forbidden to wear leather shoes. However, later in life, in his *Hazon Ovadia (Yamim Nora'im, p. 320)*, Rav Ovadia disagreed with the *Ben Ish Hai* and ruled that a person should indeed make the blessing of *She'asa li kol tzorki* even on Tisha B'Av and Yom Kippur.¹⁶

Among Rav Ovadia's explanations are that since there are Jews who legitimately wear shoes on Tisha B'Av (for example, a pregnant woman or the elderly), all Jews may say *She'asa li kol tzorki* on Tisha B'Av and Yom Kippur. Most important for Rav Ovadia, Rav Yosef Karo does not distinguish between Tisha B'Av and Yom Kippur and all other days with regard to this blessing. Thus, *She'asa li kol tzorki* should be said even on these two days.

Rav Mordechai Eliyahu (*Siddur Kol Eliyahu*) remains loyal to the ruling of the *Ben Ish Hai* (year 1, *Parashat Vayeshev* 9) that we should follow the Ari z"l, who urged that *She'asa li kol tzorki* should not be recited on Tisha B'Av and Yom Kippur.¹⁷

Reciting the Amida Audibly

Finally, Rav Eliyahu and Rav Ovadia disagree as to which is the proper way to recite the *Amida*—silently or audibly. The *Shulhan Arukh (Orah Hayyim 101:2)* rules that when praying the *Amida*, one must move his or her lips and enunciate the words; thinking the words in one's mind does not fulfill the obligation. This is indicated in the verse describing the prayer of

Hannah, mother of the prophet Shmuel: “Only her lips were moving . . .” (*Shmuel I* 1:13). This view of the *Shulhan Arukh* is shared by all authorities.

There is, however, disagreement among the authorities as to how loudly the *Amida* should be recited. The *Shulhan Arukh* rules that people should recite the *Amida* softly enough that those standing near them will not hear their prayer, but loudly enough to allow them to hear their own prayer. Among the Kabbalists, however, we find a different tradition in this regard. The *Ben Ish Hai* (year 1, *Parashat Mishpatim* 3) cites from the *Zohar* that while people must enunciate the words of prayer, they should not be audible even to the extent that the one praying hears the words. The *Ben Ish Hai* cites from the Ari z”l’s student, Rav Hayim Vital, that if one’s prayer is even slightly audible, the “*hitzonim*” (harmful spiritual forces) are capable of disrupting the prayer’s efficacy and preventing it from reaching its destination.¹⁸

Nonetheless, the *Ben Ish Hai*, in his work *Od Yosef Hai* (*Parashat Mishpatim* 3), rules that the halakha on this issue depends on the individual’s ability to properly pronounce the words and concentrate on prayer. People who feel that they can accurately enunciate the words and pray with concentration when reciting the *Amida* inaudibly should do so, in accordance with the approach of the *Zohar* and Rav Hayim Vital. If, however, one suspects that he or she might swallow words or experience difficulty concentrating, that person should follow the *Shulhan Arukh*’s ruling and pray the *Amida* loudly enough to hear the words.

Rav Mordechai Eliyahu (*Siddur Kol Eliyahu*) rules in accordance with the *Ben Ish Hai*. By contrast, Rav Ovadia Yosef (*Halikhot Olam* 1:157; *Yalkut Yosef, Orach Hayyim* 101:2:1) writes that the halakha follows the position of the *Shulhan Arukh*, that the *Amida* should be recited audibly. Of course, those who recite the *Amida* audibly must ensure to recite it softly enough that only they—and nobody else in the synagogue—can hear their prayer, in keeping with the example set by Hannah.

Conclusion

Rav Mordechai Eliyahu unfortunately does not get much attention, even among Sephardic Jews in the United States. However, his influence in certain circles in Israel, especially in the *Hareidi-Le’umi* community, is profound.¹⁹ While his halakhic style may not suit every individual or

every Sephardic community, his voice must be considered in rendering decisions, especially for the Sephardic community.

Far from detracting from the greatness of Rav Ovadia, considering Rav Eliyahu's opinions actually enhances Rav Ovadia's influence. A great musician, *l'havdil*, is enhanced when teamed with other great musicians. The symphony of Sephardic halakha is similarly upgraded by including the entire cast of great players in the orchestra.

NOTES

1. Rav Gigi noted that the Maharsha on the Gemara in *Ketuvot* clearly supports the approach of the *Meshekh Hokhma* and *Avnei Nezer*. The Maharsha explains that Nehemiah was permitted to rebuild the walls of Yerushalayim (*Nehemia* 1–9) because he had permission from the Persian emperor Artaxerxes.
2. As cited in the weekly newspaper that serves as the organ of the Satmar community, *Der Yid*, Aug. 20, 1976.
3. It is striking that the Artscroll Sephardic *Siddur* includes Rav Ovadia's version of the prayer for Israeli soldiers, whereas the Ashkenazic version of the Artscroll *Siddur* does not include this prayer.
4. Numerous Sephardic rabbis have told me that Zionism for Sephardic Jews did not have the secular political overtones that were pervasive in the Ashkenazic community. Rather, for Sephardic Jews, Zionism is an expression of love for Eretz Yisrael, and thus fundamental opposition to Zionism among Sephardic Jews is uncommon.
5. I was also delighted to see that Rav Mansour writes (<http://www.dailyhalakha.com/displayRead.asp?readID=2949>): "Special preference should be given to the *etrogim* of Eretz Yisrael. Rav Yehiel Michel Epstein (*Arukh HaShulhan, Orah Hayyim* 648) elaborates on the importance of using an *etrog* grown in Eretz Yisrael when such an *etrog* is available. He writes that it would be a grave affront to our land if one has the option of using an *etrog* from Eretz Yisrael but chooses instead to use an *etrog* grown outside the land."
6. For example, Ashkenazic Jews recite *Borei Peri HaGofen*, Sephardic Jews say *Borei Peri HaGefen*, and most Yemenite Jews pronounce *Borei Peri HaJofan*.
7. There is ample DNA evidence that demonstrates that Ashkenazic, Sephardic, and Yemenite Jews stem from the same genetic background and geographic origin. For more on this topic, see: http://www.cohen-levi.org/jewish_genes_and_genealogy/jewish_genes_-_dna_evidence.htm.
8. As noted by Rav Zecharia Ben-Shlomo, *Orot HaHalakha*, p. 819.
9. Although today even Yemenites refrain from marrying more than one wife, in case of a woman's *get* recalcitrance, a recognized and competent Bet Din has considerable flexibility in relieving a Yemenite male from his predicament.

- Yemenite Jews neither accepted the *Herem D'Rabbenu Gershom*, nor do they incorporate into their *ketubot* a solemn oath to refrain from marrying more than one wife, as other Sephardim did.
10. <http://www.israelnationalnews.com/Articles/Article.aspx/23093>.
 11. Rav Melamed writes that it is permissible for all Jews to consume soup (even when it is hot) when served at a home of Yemenite Jews who follows their ancestral practice. The *Yalkut Yosef (Orah Hayyim 253:11)* similarly permits food cooked in accordance with legitimate opinions even when the one eating the food does not usually follow that lenient approach.
 12. Yemenite *etrogim* were the *etrogim* of choice of Rav Ben Tzion Abba Sha'ul. For a review of the range of *etrogim* with a distinguished pedigree, see Rav Mordechai Lebhav's essay at <https://theshc.org/an-etrog-or-a-lemon-2/>.
 13. <https://www.yeshiva.org.il/midrash/14089>.
 14. Rav Eliyahu writes that the same applies to observant Jews serving as journalists working in a predominantly secular framework.
 15. Rav Rozen was the long serving head of Machon Tzomet, which works to forge a working connection between Torah, the State of Israel, and contemporary Israeli society.
 16. I heard Rav Yitzhak Yosef explain that in his earlier years, Rav Ovadia would apply the principle of *saba"l (safek berachot l'hakel*, omitting a blessing in case of doubt) in regard to this issue. However, in later years Rav Ovadia was more confident and felt we should undoubtedly follow the straightforward meaning of the *Shulhan Arukh* and not concern ourselves with the *Kabbala*-influenced rulings of the Ari z"l in this context.
 17. Interestingly, the Moroccan *siddurim* indicate agreement with Rav Ovadia regarding this issue. In general, Moroccan *posekim* are less influenced by kabbalistic concerns in their halakhic rulings than other Sephardic decisors.
 18. The *Ba'er Hetev (Orah Hayyim 101:3)* writes that the practice of the Ari z"l was to pray very low during the week; only on Shabbat did he raise his voice a bit.
 19. Rav Eliyahu's influence in the area of *taharat haMishpaha* is especially strong due to the flourishing of Machon Pu'ah, which assists couples experiencing fertility challenges. Machon Pu'ah is led by Rav Menahem Burstein, a leading student of Rav Eliyahu. Rav Eliyahu's influence extends to both Ashkenazic and Sephardic members of the Religious Zionist community in Israel.

The Yemima Method: An Israeli Psychological- Spiritual Approach¹

Yael Unterman

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Let me begin by stating that along with a deep suspicion of charismatic figures, I recognize the value of having a good teacher in one's life. At its deeply Hassidic apotheosis, this latter side of me yearns to have someone to call "*rebbe*," with all the baggage that that word brings. I have, in fact, been fortunate to have had several people to call my *rebbe* so far. Of these, two recent and prominent ones are women, who passed away in 1997 and 1999.²

The first is Nehama Leibowitz (1905–1997). After ten years spent writing and immersing in her biography and her Torah,³ I presume I can call her my *rebbe*.

However, I truly learned what having a *rebbe* is from Yemima Avital (1929–1999). Very little is known about this special individual's biography.⁴ Born in Casablanca, Morocco in 1929 to a religiously observant family of kabbalists, Yemima made *aliya* at age 20 to Be'er Sheva. There she married, before completing Bachelor's and Master's degrees in French literature and psychology. She subsequently moved to Tel Aviv where she studied psychology at Tel Aviv University and began healing treatments in her house, along with teaching a new approach in emotional management to groups of students. In 1987, she founded Machon Ma'ayan in Herzliya to disseminate her therapeutic teachings, which coalesced into a method that officially goes under the title *Hashivah hakaratit*, "Cognitive/Awareness Thinking," and unofficially *Shitat Yemima*, "The Yemima method."⁵

Yemima was not your run-of-the-mill teacher. She viewed herself as a channel for heavenly teachings that descended through her. She taught while covered in white scarves, sitting at first behind a curtain and then actually a full story above her students. This was so that the students' attention would be focused on her message and not on her, to prevent the cult of personality from developing⁶—and also because she claimed to be able to “see” things about her students, which she found distracting when in their proximity.⁷ People reported that she told them things about themselves that she could not have known, and she purportedly healed people of terminal diseases.⁸ And yet her actual topics were not mystical at all, but rather focused on the basic building blocks of how a person functions emotionally, and how this functioning can be improved, for greater happiness, wellbeing, and centeredness.

If asked what her influences were, I would have to say that I do not precisely know what these were, and I have not come across anyone listing them. If forced to hazard a guess, apart from heavenly inspiration, I'd assume both psychological knowledge (from her studies) and Jewish knowledge (from her background) played large roles in her work. Suffice it to quote one psychologist very familiar with her work, who notes that Yemima's emphasis on one's responsibility to the collective separates her from the discipline of psychology: “According to Yemima, you are obligated to fix your soul. It's not a luxury, because all of Israel is responsible one for the other.”⁹

Jewish ideas play a significant role in Yemima's work. On the one hand, they are embedded in her teachings only sporadically: a few verses on the role of men or women, on loving your fellow as yourself, or on the essential meaning of Jewish holidays.¹⁰ The sessions with her could not be described as *shiurim* or Torah classes in the classic sense. Her lessons would be discovered to be instructions for conscious self-work and psychological balance, containing unique terminology and catchphrases. Yet her acolytes would categorically claim that her system was connected to Jewish spirituality and Torah, or even revealed the inner meaning of the Torah to this generation. One student explains: “You can study ‘Yemima’ only in order to be calmer and happier and you do not necessarily touch spirituality or religion. But from the beginning, there are very specific and deep connections to Jewish spirituality hidden in the teachings, which one can understand only in subsequent stages.”¹¹ Indeed, a significant number of students became *ba'alei teshuvah* through Yemima.¹²

I will return to this topic soon. First, though, I'll bring some examples of her terminology to give a sense of her approach. One key term is "*diyuk*" (precision), meaning the precise action required in or by the moment. Taking into account the entire picture, and separating yourself as far as possible from your baggage, you arrive at the understanding of what is the most correct or highest course of action to take.

Of particular interest to me was the fact that while this action will sometimes involve giving to others, the question the student is encouraged to consider from the outset is, "What is precise and right *for me?*," thus prioritizing one's own needs.¹³ Though this might seem at first blush to encourage selfishness—and indeed initially seemed so to me—in fact, Yemima was helping people (and religious women in particular¹⁴) to rebalance a socialized tendency to put others first that leaves them drained and dysfunctional. Amongst a number of mottos and pithy maxims that she coined was the saying: "*I need to give to myself in order to give to others,*" echoing Hillel's statements in *Pirkei Avot*.¹⁵ We learn how to give to others by learning how to give to ourselves; and giving to ourselves, when this is done with *diyuk*, can positively influence others around us.¹⁶ Thus the intent was not to boost self-absorption; far from it.¹⁷ For myself I can say that it was only when studying the Yemima method that I first discovered that it was not only legitimate but also crucial to attend to my own needs—a lesson that laid the foundations for my life and strengthened me immeasurably.

Yemima employed a number of other terms and concepts relating to emotional functioning, including: *omess* (literally "(over)load," referring to emotional baggage and unconscious defense mechanisms from childhood); *tihum veHafradah* (creating boundaries and separation from the baggage); *hakarah pe'ilah* (active awareness); and *regesh leKiyumi* (positive feelings toward one's own existence). Further terms she used included identifying, self-acceptance, coming close to oneself, not becoming entangled with others, and many more, repeating themselves in myriad ways throughout the lessons. Her general approach was that the human psychology is fundamentally positive.¹⁸ She did not encourage picking at childhood wounds, but rather contemplating negative emotions as they arose in real time.¹⁹

Yemima often commented on the relationships between her students and their parents and how pain from those early relationships should not

be carried over into the present day. She directed her students to separate between negative behavior acquired through childhood *omess* and *mahoot*, the real essence of the human being which is of a good nature and well-constructed.²⁰ “The main purpose of her theory,” notes scholar Tsippi Kauffman, “is quite prosaic: to be able to listen and respond calmly to everyone who turns to us, to be able to stay emotionally balanced in the face of every event in life.”²¹ This is done by creating a separation between the *omess* and the aware observing self, which can then, in the space created, expand into wellbeing, good, and self-love. This is what a person’s genuine self looks like, when finally free of *omess*.²² One practitioner, a clinical psychologist, reported: “The baseline of my life rose to a higher level. I don’t fall down as much. I am a much happier person. I don’t hear this constant disturbing buzz of pain and bitterness that I did before I started.”²³

Yemima’s teaching was given over in *halakim*, “portions”,²⁴ the word “portion” indeed subsequently became the official name for any Yemima teaching. The portions were like “therapeutic conversations” addressed in second- or third-person singular. Yemima explained: “A ‘portion’ can awaken understandings that separate between the *omess* that creates distance from the sought-for balance. The more she strives to be accurate, the more likely that she will discover the blockages. The mending also mends the body.”²⁵ Her students would write these down as she spoke—often struggling to keep up with her pace, the speed of regular speech—and subsequently use them as a springboard for their own personal reflection, which would also be done in writing and shared with others.

For Yemima, writing was an essential part of the practice, creating a necessary point of distance and reflection, and aiding the cleansing of baggage,²⁶ as well as serving to intensify the impression left by those things written about upon the field of awareness.²⁷ When writing one’s personal understandings of the portion, one is directed to examine one’s heart and being. Sharing such writings with the group leads to rich mutual gain. And when this sharing was done with Yemima herself, it could at times actually trigger other portions to come down to her.²⁸

This writing took place for the most part with old-fashioned pen and paper. Due to this, many of these portions remain unpublished. She left behind no written legacy per se;²⁹ but her teachings are recorded in the notebooks of those students who went on to teach others from them. Occasionally, the portions reflected current events at the time of

writing.³⁰ Some of the writings have now made their way onto the internet and Facebook.³¹ Today the Yemima method continues to be taught all over Israel by her students,³² as well as by students of students, using the same technique of dictating Yemima's portions and then reflecting upon them for their specific personal relevance in the moment.

Yemima died in 1999, and I jumped on the bandwagon too late to meet her. But circa 2005 I spent a year and a half studying with a student of hers, Sara Schwartz, in the Nahlaot neighborhood of Jerusalem. This study was, as mentioned, life-changing, helping me to find balance and to be intentional in every moment's "*diyuk*." Our job is, I learned, simply to ascertain what the *diyuk* is, time after time, moment after moment. It was during this time that I grasped, probably for the first time in my life, what it means to have a *rebbe*. The way I articulated it to myself back then was, "there is someone who is so far above you in understanding that all you can do is grab onto their coat-tails and begin to soar."³³

While this experience of discovering a female *rebbe* for myself stood out as unique for me then, I was, unbeknownst to me, far from being alone in this when it came to Yemima. Many of those in contact with her viewed her as the female version of the Hassidic *tzaddik*: the *tzadeket*.³⁴ It's not for nothing that Yemima has been called the "Rebbe Nahman of our time."³⁵ Both Rebbe Nahman and Yemima contributed profound and surprising insights into the workings of the inner world, and transmitted texts with the power to heal overwhelmed or broken souls.³⁶ Miracle stories were also told about her, such as wilted flowers coming back to life in her presence;³⁷ but I knew nothing of that (and, with my anti-group-think tendencies, better so!). All I knew was the wisdom and insight I experienced, that had the power to cleanse my inner encrustations in a way I had never experienced.

Tsippi Kauffman is an academic and scholar of Hassidism who, prior to her untimely passing in September 2019, was researching the connections between the Hassidic movement and Yemima's work. She is the author of one of the very few scholarly articles about her, which I have cited extensively in this article. (A long-time friend, she was also the person who introduced me to the Yemima method in the first place; it is marvelous for me to read her sensitive academic analysis of something that was, for both of us, a meaningful experience that we shared as friends way back when). In the course of her article, Kauffman credits Yemima

with founding “a contemporary Hassidic female movement.” She argues that while we could categorize Yemima and her method under the title of “new age” or other contemporary spiritual practices, the correct classification is as a Hassidic approach proper. The criteria Kauffman cites to support her claim are the existence of: (a) a goal of personal redemption; (b) a *tzaddik* mediator; (c) a method of mediation that conforms to the mystic-magic model; (d) the uniqueness of communal mysticism; and (e) an immanent theology.³⁸

Einat Ramon, author of another very helpful article cited here, suggests that what Yemima did was to take Hassidic teachings one step further and to a more pragmatically-oriented approach, employing their language in the daily spiritual discipline (*melakha*) of recording personal-emotional observations, and creating her own idiosyncratic language along the way.³⁹ Oded David, a teacher of Yemima’s method, has termed it an “Israeli-kabbalistic creation,” but without further elaboration or explanation.⁴⁰ It should also be noted that not everyone took kindly to her innovation of a new approach with neither Torah precedent, rabbinical chain of tradition, nor approval from leading rabbinical figures.⁴¹ Kauffman deliberately terms Yemima’s school of thought a Hassidic-*female* one (and specifically female, but not feminist).⁴² Although Yemima taught men, too—separately from the women—many of whom connected to her teachings and went on to become teachers themselves, the women represented the majority and continue to do so. If Kauffman’s claim is correct, then we can note that in leading a Hassidic spiritual movement as a woman, with chiefly women followers and also some men, Yemima is unique in the Jewish landscape.⁴³ For those who claim that the rise in the feminine augurs messianic times, she represents another step towards global redemption.⁴⁴ This helps to pinpoint, too, how she differed from my other *rebbe*, Nehama Leibowitz, who appealed to both women and men equally, and also led no movement per se—and certainly not a Hassidic one.

The momentum of Yemima’s teaching did not abate after her death. On the contrary, it picked up steam and continues to do so. On Thursday, May 30, 2019, I found myself at an event marking her twentieth *yahrzeit*, apparently the first of its kind. I walked into the grounds of a beautiful home in Gimzo, a religious *moshav* in central Israel: to my left, a barn containing several beautiful horses; to my right, a table selling Yemima

paraphernalia. All around me, women milled around, dressed in colorful clothing, many sporting headscarves. Most were dressed in religious women's clothing; some more modern and some less so, along with a small minority that were dressed in less traditional fashion. Regardless of their religious identification, what is certain is that every one of these women was interested in a path of personal growth, infused with a unique spiritual quality.

After an introduction by our hostess and owner of the lovely house, Edit Shalev, a psychotherapist and Yemima teacher and practitioner, we split off into groups for workshops. The workshop I attended, by Avital Bar-Am, was based on what has apparently become known as the Yemima prayer, a "portion" containing the repeating phrase *yehi ratzon*, "May it come to pass." As is typical in Yemima's writings, the sentences are somewhat obscure and not always grammatically coherent. Here is a snippet, which will also provide a taste of a session studying Yemima's teaching (my translation is inadequate in conveying the full force of her language):

*May it come to pass that we all merit the genuinely good, in truth.
May it come to pass that your heart shall cease its crying, and you will know
happiness in it.
And that you shall be happy, too, in the profound understanding of existence.
And that you shall sleep well at night, and arise happy again, and that you will
understand differently.
That you will understand the heart and what occurred and also your parents, to
know them well, the good in them and what is not good, if such there is, it is not
your business.
Live your existence.
Then there will be within you a secure awareness of quiet existence, of whole
existence.
Light that flourishes grows from your deeds.*

As with every Yemima class, the teacher initially dictated Yemima's words and we wrote them down verbatim. We then scrutinized the sentences and attempted to decipher them. Participants were asked for their personal understandings of the phrase "the understanding of existence that goes deep/deepens" (*havanat haKiyum haMa'amik*).

Avital then shared what she drew out of this prayer, what she defined as a surefire and accessible recipe for happiness: to do things piece by piece. If we internalize that the world is inherently imperfect, and that our

job is simply to engage with those small units of goodness that are in our reach, implementing them steadily act by act, then we will be content in life, for these units are indeed within our grasp. She cited the Baal Shem Tov's statement (concerning God's oneness) that when you grasp a part, you have grasped the whole.⁴⁵ She related this to the idea that in doing our work incrementally, we will also be led to a gradual and steady cleansing and purification of our hearts; and hence to much joy. This, for Yemima, is the understanding of the ever-deepening existence and journey of life, which is to be found not in large gestures but in the daily portion of good work. Similarly, I recall to this day, after so many years, my own teacher quoting Yemima as saying, "May it be [*halevai*] that I may carry out my *diyuk*, like a simple laborer, day by day." After all, what else is there?

Following this, we heard a few short TED-style talks from different speakers. Tsippi Kauffman noted lines of similarity between the thinking of the Baal Shem Tov and Yemima. Aluma Lev, a popular young teacher, spoke about the gap between understanding and implementation, between awareness and emotion—likening it to two children on a school hike, with thought being the child that eagerly runs ahead of the bunch, skipping over rocks, whereas emotion is the child most often found lagging behind, heavy and awkward. "They don't even see the same landscape," she noted poignantly.

Ilan Haran, one of the few men present, then took the microphone and recounted the beginnings of his relationship with Yemima. When Ilan, secular and successfully working in hi-tech, first heard Yemima's name, both he and his wife were curious. His wife was the first to attend a lesson with Yemima, and responded afterwards to his "Nu?" with the words, "I didn't understand anything; but it was nice." The following week she gave a similar report, and seemed to want to continue. At this point, her husband decided to go see for himself. "I pride myself on speaking Hebrew fluently," he informed us, "but I couldn't comprehend in the least bit what was being said! Yet there was something special there. At the time I was not familiar with the concept of 'light,' but there was light there, so I continued."

This journey was ultimately to bring Ilan to religion. He would familiarize himself with, and become part of, the light he had sensed initially but did not understand. This was true for many, though not all, of her students. Yemima was not an outreach ("*kiruv*") teacher; she taught tools for

improved mental wellbeing and cognitive and emotional functioning, of benefit to all. Yet Kauffman observes that people living according to the method reported feeling bathed in light, experiencing “openness to another dimension of reality, of spiritual life, of revealing the divine spark. They say that by being ‘in their place’ (*al mekoman*) according to Yemima’s teaching, they encounter ‘The Place’ (*Ha-Makom*), which means God in the Sages’ language.”⁴⁶

Yemima referred to the generation of her students as “the generation of confusion,” indicating that many of the Jewish spiritual values had become blurred during the generation born and raised after the establishment of the State of Israel. She perceived this as due to increased polarization of both secular and religious extremes.⁴⁷ Her work was clearly an attempt to moderate this ill.

Today, as noted, thousands of women and men continue to study the Yemima method,⁴⁸ including an entire new generation of millennials, for whose self-reflective/self-improving tendencies and emotional sensitivities the method is very well suited. She is often quoted by those active in the fledgling field of *livuy ruhani* (pastoral or spiritual care/chaplaincy) in Israel.⁴⁹ Her terminology has actually crept into day-to-day language in certain circles. Devotees of her method include high-profile Israeli celebrities such as Etti Ankri, Avri Gilad, and Shlomo Artzi. Her adherents span the religious spectrum and encompass many types.⁵⁰

However, Yemima’s work has not become known widely in the English-speaking world. Ilan Haran reports that, as a fluent English speaker, when he tried to convey Yemima’s portions in English, “the language was transmitted, but none of the light came through with it.” Thus, those wanting to study Yemima in depth will, for the most part, need to do so in Hebrew.⁵¹

NOTES

1. This is a slightly modified version of an article that appeared at the Lehrhaus: <https://thelehrhaus.com/timely-thoughts/the-yemima-method-an-israeli-psychological-spiritual-approach/>.
2. It’s likely no coincidence that two of my primary influences are women who are no longer alive, and who, when they were, made strenuous efforts to reduce the personality cult (they both prohibited recording of their lessons,

and assiduously avoided being photographed), and place the focus on their teachings. How we could wish that all teachers would safeguard themselves likewise from the highly destructive ego trip that can accompany great teaching and spiritual talent. The Israelite king was commanded to wear a Torah on his arm in order to remember heaven above; perhaps we should instigate a modern equivalent, to prevent arrogance, in the spirit of Novardok? Let us also beware of placing people on pedestals. A pedestal is not a suitable base for a living, growing, and moving individual to stand upon, and limits him or her as much as it does us.

3. The result of my labors was published as *Nehama Leibowitz: Teacher and Bible Scholar* (Jerusalem: Urim Publications, 2009).
4. Many of these biographical details are taken from Einat Ramon, "Gratitude, Israeli Spiritual Care and Contemporary Hassidic Teachers: The Theme of Thankfulness in the Works of Rabbis Brazofsky (the Netivot Shalom), Rav Arush and Yemima Avital," *Alternative Spirituality and Religion Review* 5 (2014): 91–92 (accessible at <http://www.schwartz-center.org/wp-content/uploads/Gratitude-Israeli-Spiritual-Care-and-Contemporary-Hassidic-Ramon.pdf>); and also Tsippi Kauffman, "The Yemima Method as a Contemporary Hassidic Female Movement," *Modern Judaism* 32:2 (2012) 195–215 (available for download at www.academia.edu).
5. Edit Shalev, a prominent Yemima practitioner who will be mentioned later in this essay, rejects the term "method": "There really is no 'method' because if you call it a method you miss the depth and the delicacy that is impossible to transmit." (Quoted in Micha Odenheimer, "Studying 'Yamima'," *Haaretz* (February 25, 2005). Accessible at <https://www.haaretz.com/1.4755102?> Odenheimer spells Yemima's name throughout his article as "Yamima," but for consistency's sake I will spell it Yemima, even when quoting him directly).
6. Ramon, 92. She also took care to disperse authority by not singling out one successor to take over after her death—see Kauffman, 196, 202. However, it is true that she had a community of students around her who held her in awe and engaged in the language of adulation, similar to that reserved for saints. This, together with the specialized terminology used in her method, does create a certain cultish atmosphere. Fortunately, I encountered and benefited from her teachings before being exposed to all of this.
7. Kauffman, 196. Odenheimer writes: "She saw too much, saw into their souls, and it distracted her, broke her concentration." He notes that she would sometimes reprimand a student, with "Don't look at me!" Or, sensing that a student was thinking about her, say: "Stop, don't think about me, think about what I am telling you!" "You're too emotionally turbulent," she would sometimes say to her students in the middle of receiving teachings from a higher dimension. "The words have stopped—they're not coming down anymore."
8. She devoted two days a week to healing and prayers for the sick, including traveling to hospitals in order to stand in prayer near patients' beds. See Kauffman, 196.

9. Odenheimer.
10. Ramon, 93.
11. Quoted in Kauffman, 199.
12. Odenheimer: "By all accounts, Yemima did not urge people to return to Jewish observance. The lessons she dictated to her students did not include religious instructions or admonitions; they can be studied and practiced by religious and nonreligious alike. And yet hundreds of people who were influenced by her personality and ideas have 'returned' to Jewish practice in some form or another. Most, but not all, of the 20 or so Yemima disciples who she encouraged to teach her writings and methods are observant, although a significant number of them were not when they began to study with her."
13. "Precision regarding oneself comes first. That means striving to find the golden path between self-rejection (over-criticizing oneself or ceding too much) and rejecting others" (Ramon, 94; this is her translation of a passage from the book published by Yishai Avital, Yemima's son, *Torat Yemima: Four Lessons of Introduction* (Be'er Sheva), 4).
14. Religious people in general are brought up to give to others, and religious women in particular may pay a high price in terms of healthy selfhood. Kauffman suggests a comparison with women's consciousness-raising groups of the 1960s and onward, and writes: "Yemima's students also learn to be 'centered,' to stay... in their selfhood, to be able to conduct relationships while drawing border lines between the self and the other . . . that sacrificing one's needs is not a prerequisite for the wellbeing of those one loves. The learning enables them to make different kinds of choices seen previously as impossible or immoral" (204–205).
15. "If I am not for myself, who am I? And yet if I am only for myself, what am I?" (*Pirkei Avot* 1:14). I heard it suggested in the name of teacher Neta Lederberg that this core principle of Yemima's constitutes a kind of restatement of Hillel's famous maxim. Her *diyuk* concept, which changes moment by moment as circumstances change and so is dependent on the "now," parallels the final sentence of the maxim: "And if not now, when?"
16. Kauffman, 198.
17. "Rather than focus on why something has happened to us in our lives, Yemima suggests that we must train ourselves to give generously, to listen to ourselves and to others, and to lead a balanced life" (Ramon, 94.) Odenheimer notes: "To the extent that a person is able to stand within 'his own space'—i.e., the space of his essential nature—he will increasingly be able to rely on an ever-more precise and delicate awareness of when his actions toward others are in line with the biblical injunction 'Love thy neighbor as thyself,' which is perhaps the ultimate goal of Yemima's method."
18. Ramon, 95–96.
19. Odenheimer. To me, this sounds like the methodology of Cognitive Behavioral Therapy (CBT) and the two methods have been combined by practitioners; but it is beyond my expertise to undertake a comparison.
20. Ramon, 93.

21. Kauffman, 197.
22. See Kauffman, 198, and Oded David, “*Eshet Pele*,” Makor Rishon weekend supplement, May 23, 2017. Accessible at <https://tinyurl.com/y7x9c48o>.
23. Quoted in Odenheimer. I find it significant that the Yemima method was able to offer something to this individual that his clinical psychological background presumably failed to do.
24. Odenheimer translates it as “segments.”
25. Translated by Ramon, 94. I presume her use of “accurate” is her way of translating the *diyuk* concept that I translated with the word “precise.”
26. David, *ibid*.
27. Kauffman, 198.
28. “. . . [S]ometimes she would stop the dialogue and begin to dictate again. ‘So and so,’ she would say, referring to a student who had asked the triggering question, ‘has brought us down a segment’” (Odenheimer).
29. Yemima’s son Yishai Avital published *Torat Yemima, Four Lessons of Introduction*, which may be found along with other items of interest at <http://www.toratyemima.co.il>.
30. Ramon (93): “Some ‘portions’ record Yemima’s response to her audience’s struggle with the terror attacks that followed the Oslo accord in 1992–1993. They reflect her insistence on maintaining an optimistic disposition—both personal as well as national—even as Israelis were tormented by mourning and fear.”
31. See for example <http://www.toratyemima.co.il>. Various other teachers have disseminated typed up material here and there.
32. Before she died, Yemima “ordained” certain students to continue her approach.
33. I have since discovered that many students shared a similar experience of being elevated, as Kauffman notes: “In a way, without declaration, she also elevated her disciples in a long process of spiritual development, as many of them testify” (203).
34. Kauffman writes: “In Hassidism, the Tsaddik... brings down knowledge, visions, abundance, blessings, and brings up prayers, cleaves to the divine realm, and elevates his disciples through close relationships—communal and personal. . . Yemima was actually a Tsadeket. People speak of her in awe, describing her sublime personality. She also functioned like the Hassidic Tsaddik in many facets of her activity, bringing real help to people, in body and soul. Stories abound of how she cured illnesses” (200–201). Many praises can be found within the eulogies, personal testimonials, and remembrances dating from different periods collated in the booklet *Likhvodah Lezikhrah U-l’Illuy Nishmatah Shel Yemima Avital ZT”L*, printed by Machon Ma’ayan.
35. See <https://tinyurl.com/y87x5pe5>. It would be interesting to research the question of to which Hassidic master Yemima bears the closest resemblance in her approach.
- 36 The Baal Shem Tov, and following him the occasional Hassidic master, made reference to the wise man or *tzaddik* who is the “*rofe nefashot*,” or sometimes,

- “*rofe neshamot*,” both meaning the healer of souls (the phrase is also sometimes used to refer to God). See for example R. Natan of Nemirov, *Likutei Halakhot Hilkhoh Hoshen Mishpat, Hilkhoh Hona’ah* 5. Rebbe Nahman is referred to by contemporary Breslov Hassidim as a “healer of souls,” see for example, <https://gatesofemunah.wordpress.com/about/>. Yemima, as mentioned, also prayed for the healing of the body; while this is not synonymous with the soul, Ramon notes that, “the underlying assumption of the connectedness of body and soul and the influence of the spirit on a person’s well-being is a common thread that runs through all of these works” (*ibid.*). Kauffman (201): “A sick person is someone who has obstructions. She knew how to open those obstructions.”
37. Kauffman, 201. Apparently, people also make pilgrimages to her gravesite in Be’er Sheva, another sign of her status as a *tzadeket* (*ibid.*).
 38. Kauffman, 199. She elaborates on these from p. 200 onward. However, a disclaimer she issues is of general interest and importance, in terms of the connection between the Hassidic movement and Yemima: “I do not claim a straight historical line from Hassidism to the Yemima method regarding the issue of personal redemption or any other issue, but rather an inspiration or at least a phenomenological resemblance” (200).
 39. Ramon, 93, 94.
 40. David, *ibid.* He merely notes that this idea, amongst many other aspects of Yemima’s work, remains in need of further elaboration. Odenheimer notes that by her own testimony she was no Kabbalah scholar and that she never formally studied Kabbalah, and yet experts were amazed by her insights. Asking her about a Zohar passage, one such expert received a long, precise interpretation that filled him with wonder. He asked where she knew this from. She answered: “I suppose from the same place that Rabbi Shimon Bar Yochai did.”
 41. See Rabbi Shimon ben Shaya’s responsum in the *Moreshet* website, at <http://shut.moreshet.co.il/shut2.asp?id=84486>. Rabbi Yuval Cherlow, when asked about the Yemima method, limited himself to expressing reservations regarding any system narrowly revolving around one person; see his responsum at <https://tinyurl.com/y9gudtwv>.
 42. “There is no hint of any linkage to the feminist movement and/or its theories. . . . Moreover, the rare explicit messages regarding femininity expressed in her lessons are traditional, reflecting patriarchal, essentialist conceptions” (Kauffman, 210). In this, Yemima and Nehama Leibowitz are similar. See chapter 14, on Nehama’s femininity and feminism, in my book *Nehama Leibowitz, Teacher and Bible Scholar*.
 43. Odenheimer, quoting Yossi Chajes, brings examples of Jewish female spiritual seers from the fifteenth through seventeenth centuries (after which mention of them was censored, due to fallout from the Sabbetai Zevi fiasco); but he notes the important difference, that Yemima was apparently the first female mystic and visionary who left the world a systematic body of teachings, recorded meticulously by her disciples.

44. This notion is strongly present in Chabad Hassidism, making reference to such verses as Proverbs 12:4, “A woman of valor is the crown of her husband,” and Jeremiah 31:21, “The woman will encircle the man,” as well as the *aggadah* about the diminution of the moon (*Hullin 60b*). See more in Susan Handelman’s article, “Putting Women in the Picture: The Rebbe’s Views on Women Today,” (<https://tinyurl.com/y89n8fzf>), and in Devorah Heshelis, *The Moon’s Lost Light* (Targum/Feldheim, 2006).
45. *Keter Shem Tov*, 111.
46. Kauffman, 198–199.
47. Ramon, 92.
48. There is no accurate measurement of the scope of the phenomenon; it was estimated in 2005 that around 10,000 people were involved (see Kauffman, 196). At the time, Edit Shalev stated her belief that too many people were teaching Yemima; that “the method without the person is not really Yemima. . . . Her absence is felt very deeply. There is a lack of precision in the learning today. People are teaching who did not spend much or any time with Yemima.” Shalev believed that only those who had studied for many years with Yemima had the right to teach her method (Odenheimer).
49. Ramon, 78. Ramon herself is active in this field and her article was written in the context of these studies.
50. Attempts were made to bring her method to Haredi society (Odenheimer), but with what success is unclear. This firsthand testimony in a Haredi internet forum suggests that the Haredi adherents present at a memorial evening for Yemima were almost entirely not “mainstream” or “classic” Haredim (the thread actually serves to illustrate very well the diversity of her fans): <https://tinyurl.com/ycq46vmr>.
51. I have been informed of a possible English-speaking group in Jerusalem, but have not spoken to anyone who has done it. Additionally, an Israeli now living in Berkeley, California, Naama Sadan, is teaching Yemima in English, and is working on a project to translate Yemima’s writings into English.

You Shall Love Truth and Peace

by Rabbi Benzion Meir Hai Uziel

TRANSLATED FROM THE ORIGINAL HEBREW
BY RABBI DANIEL BOUSKILA

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Translator's Introduction

Rabbi Benzion Meir Hai Uziel (1880–1953) was a visionary rabbinic leader and the twentieth century's most authentic embodiment of the classic Sephardic rabbinic tradition. He was the Haham Bashi (Ottoman-appointed Chief Rabbi) of Jaffa-Tel Aviv (1911–1939), and the Rishon L'Zion (Sephardic Chief Rabbi of Israel) of the pre-state Yishuv under the British Mandate (1939–1947) and then of the State of Israel (1948–1953). He authored multiple volumes of groundbreaking Halakhic Responsa (Jewish legal rulings on practical matters), as well as original books of Jewish philosophy, theology, and ethics. From his earliest moments as a young rabbinic leader, all the way to his famous “Spiritual Will to the Jewish People,” written a few weeks before his death, Rabbi Uziel was a strong advocate for Jewish unity. This essay, “You Shall Love Truth and Peace,” originally appeared in his classic work of Jewish thought *Hegyonei Uziel* (volume 2, pages 33–34). It is one of his most eloquent statements on unity, and beautifully encapsulates his creative blend of classic rabbinic scholarship with responsible leadership.



In his grand vision describing the redemption of Israel, the prophet Zechariah declares:

Thus said the Lord of Hosts: The fast of the fourth month, the fast of the fifth month, the fast of the seventh month, and the fast of the tenth month shall become occasions of joy and gladness, happy festivals for the House of Judah, but you shall love truth and peace. (Zechariah 8:19)

From here we learn that the redemption of Israel is contingent upon their loving truth and peace, for much like the two bronze pillars *Yachin and Boaz* upheld King Solomon's Temple in Jerusalem, so, too, do truth and peace uphold the entire universe of Israel.

The God of Israel is a God of truth and peace. God's Torah is a book of truth, and one of God's names is "peace," as taught by the rabbis: "Great is peace, for the name of the Holy One Blessed be He is *Shalom* (peace), as it is written, "and He was called Hashem-Shalom" (Judges 6:24).

In addition to being a book of truth, the Torah is also a book of peace, as it is written, "Her ways are pleasant ways, and all her paths are peaceful" (Proverbs 3:17).

Our rabbis declared that peace is one of Judaism's most beloved principles, for "The entire purpose of the Torah is to bring about peace in the world" (*Gittin* 59b).

Jerusalem is comforted in the language of peace ("My people shall dwell in peaceful homes," Isaiah 32:18), God blesses Israel with daily blessings of peace, and "Shalom" is the national greeting of one Jew to the other.

One of the most powerful expressions on the importance of peace is learned from the teachings and deeds of our rabbis:

Come and hear: Although Bet Shammai and Bet Hillel disagreed on several legal issues related to family matters—such as rival wives and sisters, an outdated bill of divorce, a doubtfully married woman, the case of one who divorces his wife and later she lodged together with him at an inn, money and its equivalent in valuables, a peruta or the equivalent value of a peruta (for the purposes of establishing a betrothal). Nonetheless, Bet Shammai did not refrain from marrying women from Bet Hillel, nor did Bet Hillel refrain from marrying women from Bet Shammai. This serves to teach us that despite their differences, they practiced love and friendship between them, to fulfill that which is stated: "You shall love truth and peace." (BT *Yebamot* 14b)

The parallel teaching in the Jerusalem Talmud says:

Although Bet Shammai and Bet Hillel disagreed on several legal issues related to family matters . . . nonetheless . . . they practiced truth and peace between them, as it is written, “You shall love truth and peace.” (JT Yebamot Chapter 1).

With Shammai and Hillel having practiced both “love and friendship” and “truth and peace,” we learn that love and truth are one and the same, and any love that is not grounded in truth is false. It goes without saying that falsehood and lying are abominable in the eyes of God, as it is written “Keep away from anything false” (Exodus 23:7) and “Do not lie to one another” (Leviticus 19:11).

The Nation of Israel is commanded to live by the two great pillars of truth and peace, for doing so will eternally distinguish them for blessings and praise, no matter what the circumstances. These pillars are especially needed in the State of Israel, for truth and peace will help create an atmosphere of pleasantness and tranquility throughout the land. Each individual in Israel must internalize truth and peace, thus fostering a true love for the State of Israel and for its internal peace. This internal peace within Israel will ultimately lead to our making peace with all nations and kingdoms.

We are taught how to achieve this desired internal peace through the Torah and its commandments, “whose ways are ways of pleasantness, and all her paths are peace.”

The achievement of internal peace through the Torah is promised by the Torah itself: “If you follow My laws and faithfully observe My commandments . . . I will grant peace in the land so that you will sleep without fear” (Leviticus 26: 3–6).

Let us place this message upon our hearts, removing from our midst any hint of evil inclination, divisiveness, or hatred of the Torah and its commandments. Let us clothe ourselves with an elevated devotion and sense of love for one another, as commanded by the Torah, “You shall love your neighbor as yourself, I am the Lord” (Leviticus 19:18).

By the same measure, let us also love the stranger in our midst, as it is written, “The stranger who resides with you shall be to you as one of your citizens, you shall love him as yourself, for you were strangers in the land of Egypt, I am the Lord your God” (Leviticus 19:34).

This is not the place to explain in depth the details of this important Jewish law (of loving the stranger), but let us all recognize that all of us were strangers in the four corners of the earth. Therefore, in addition to the commandment to “love your neighbor as yourself,” we have another commandment of love that obligates us to accept and welcome all immigrants to our land, regardless of their ethnic community or country of origin. We must accept them from a place of genuine love, both the love of “you shall love your neighbor as yourself” *and* “you shall love him (the stranger) as yourself.”

From this same place of genuine love, let us conduct ourselves in the paths of true peace, respecting each other’s opinions and feelings, as well as respecting the differences amongst the factions in our country. Let us remove all language of hatred, animosity, and provocation from our midst, so that we may fulfill amongst ourselves that which our enlightened rabbi Maimonides commanded us: “Accept the truth from whatever source it comes.” Let us also live by the enlightened deeds of our rabbis, Bet Shammai and Bet Hillel, who behaved with love and respect toward one another and respected each other’s opinions, fulfilling the verse, “You shall love truth and peace.”

From a sincere place of love and devotion, let us come closer to our Holy Torah and all of its laws and commandments. For the Torah is our life and the length of our days, here in this land that God has given to our ancestors and to us as an inheritance. This is all for our own good and for the good of our children, forever and ever.

May God, the King of Peace, bless us with peace, and may we merit to see the fulfillment of the great prophetic vision for the End of Days for world peace, as it is written: “And they shall beat their swords into plowshares, and their spears into pruning hooks; nation shall not take up sword against nation, they shall never again know war” (Isaiah 2:4).

I conclude my words by quoting the beautiful words of Maimonides from the end of his “Laws of Kings” (at the very end of his *Mishneh Torah*):

The Sages and the prophets did not yearn for the Messianic era in order to have dominion over the entire world, to rule over the gentiles, to be exalted by the nations, or to eat, drink, and celebrate. Rather, they desired to be free to involve themselves in Torah and wisdom without any pressures or disturbances, so that they would merit the world to come, as explained in *Hilkhos Teshuvah*.

In that era, there will be neither famine nor war, envy, or competition, for good will flow in abundance and all the delights will be freely available as dust. The occupation of the entire world will be solely to know God.

Therefore, the Jews will be great sages and know the hidden matters, grasping the knowledge of their Creator according to the full extent of human potential, as Isaiah 11:9 states: “The world will be filled with the knowledge of God as the waters cover the ocean bed.”

“Always I Regarded Myself as One Who Was Born in Jerusalem”: Agnon’s Nobel Speech in Light of Psalm 137

JEFFREY SAKS

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*I*n 1966, the Nobel Prize for literature was awarded to S. Y. Agnon. This was a major event for the Jewish world at large and for Israel in particular. Agnon was the first Israeli to win a Nobel in any field, and he remains the only Hebrew-language author ever to have received the Nobel Prize in literature. In Israel, Agnon’s award was viewed as a major diplomatic coup, and a ripe opportunity for the young state to gain attention as a cultural force on the world stage. Let us recall that the year 1966 is but a moment in historical memory from the Holocaust. As such, the prize was perceived as recognition not only of the Jewish people’s physical survival of the smokestacks of Auschwitz, but of its self-reconstitution as a sovereign nation—such an entity bests its enemies but no less develops a meaningful culture.

For Agnon, too, the Nobel Prize was an affirmation—of what Hebrew as a language of Jewish life, learning, and literature had reached. Agnon had been a young “combatant” in the great Hebrew wars, joining the likes of Bialik and others, often against Eliezer Ben-Yehuda. The battle concerned the existential state of the Hebrew language: Was it to be revived, as the latter firmly held, or only reconstituted, as Agnon believed? In Agnon’s view, Hebrew could not have been revived, because in order for something to be revived it first had to be dead, which as a language of prayer and scholarship it never was. It was precisely those sources of learning, and especially rabbinic Hebrew, that Agnon sought to distill and recast as modern literature.

Agnon’s sense of self-worth has been well documented, as has his biting mock modesty. Upon notification of his award he declared, “To be able to write a single sentence properly in Hebrew is worth all the prizes in the world.” It may be safely said that he was happy to receive the Nobel Prize, an award that he had sought for decades. Significantly, at nearly 80, Agnon was much older than the typical Nobel laureate in literature. The world generally expects at least one final piece of work from the recipient of a Nobel. Not so in Agnon’s case. Although he was toying with *Shira* and with the stories that would become *A City in Its Fullness* and a few other unfinished pieces of business, his career was essentially over. And here he was in 1966, in his white tie and tails, Agnon and his wife and the king of Sweden.

It might be said with some certainty that the Swedish Academy had never met a laureate quite like Agnon. Upon hearing his or her name announced, the Nobel laureate is expected to walk to the podium, accept the prize, and shake hands with the king. That is the extent of the expected interaction; the recipient is then meant to return to his or her seat. Agnon, however, took the opportunity to engage in an extended discussion with King Gustav.¹ The king was a tall, lean man and Agnon rather short and stout; the king, being hard of hearing, leaned over to listen as Agnon chattered on and on. Later, during his speech, Agnon famously recited the blessing one recites upon seeing a king. The significance and theatrics of the occasion were not lost on the Hebrew author.

Agnon shared the Nobel Prize with Nelly Sachs, a German Jewish poet who wrote lyrical poems about the Holocaust. The highly acclaimed author was not happy about the idea of sharing the prize with Sachs, whose work has not received a great deal of diffusion and who, until today,

remains relatively unknown (the force of her verse not being well conveyed in translation). Although there is precedent for the literature prize being divided, it is not common to do so, and to date, this was the last time it was done. The constitution of the Nobel Committee makes it clear that a shared prize does not indicate that the recipients are somehow “half worthy.” Each recipient of a shared Nobel Prize must be worthy of having received it on his or her own. Not infrequently, scientific research is conducted in collaboration with others, in which case a shared prize is well understood. In the field of literature, this sort of collaboration is markedly less frequent.

Unusual as it was on the Stockholm stage, Ingvar Andersson of the Swedish Academy faced the two authors, Agnon and Sachs, and informed them, “This year’s literary Prize goes to you both with equal honor for a literary production which records Israel’s vicissitudes in our time and passes on its message to the peoples of the world.” Turning to Agnon, he continued,

In your writing we meet once again the ancient unity between literature and science, as antiquity knew it. In one of your stories you say that some will no doubt read it as they read fairy tales, others will read it for edification.² Your great chronicle of the Jewish people’s spirit and life has therefore a manifold message. For the historian it is a precious source, for the philosopher an inspiration, for those who cannot live without literature it is a mine of never-failing riches. We honor in you a combination of tradition and prophecy, of saga and wisdom.

And he went on to say,

We honor you both this evening as the laurel-crowned heroes of intellectual creation and express our conviction that, in the words of Alfred Nobel, you have conferred the greatest benefit on mankind, and that you have given it clear-sightedness, wisdom, uplift, and beauty. A famous speech at a Nobel banquet—that of William Faulkner, held in this same hall sixteen years ago—contained an idea which he developed with great intensity. It is suitable as a concluding quotation which points to the future: “I do not believe in the end of man.”

Faulkner, the great author of the American South, created through words a wholly realized world, Yoknapatawpha County in Mississippi. This literary world recalls a southern Buczacz. In Agnon we meet a young man

from Buczacz who leaves his hometown, almost never to return. But our protagonist never really leaves Buczacz at all; when he dies, an old man, he is still there in Buczacz, it is part of him. In like manner, Hannibal is part of Mark Twain, and Newark remains in Philip Roth. Faulkner uttered these lines when the dust was still settling on Auschwitz. He was conveying the power of literature as a vivifying force—somehow culture can be nearly destroyed, and yet in the spring the buds will again emerge. In Agnon's writing this was the message broadcast in the shadow of the Holocaust in nowhere less than in the State of Israel and in no delivery system less significant than the ancient Hebrew language, which was now returning.

At this point, we, too, return—to Agnon in the Stockholm limelight: We see him rise to deliver his speech—a speech that is written in Hebrew. Indeed, such a speech would have been unimaginable in any other tongue, and for two reasons. First, Hebrew, Yiddish, and German were the only languages Agnon could speak; second, it was inconceivable that the Israeli Hebrew laureate would deliver his thanks to the Swedish Academy in in anything other than the Holy Language in which he toiled. Abba Eban, then foreign minister of Israel, thought that he ought to have a hand in crafting Agnon's speech; after all, from a diplomatic standpoint, the Nobel Prize ceremony was an unprecedented opportunity to advance Israel's diplomatic goals. Agnon, however, took a different view of the matter. It is said that he retorted, "Tell Abba Eban that when he receives the Nobel Prize, he can write his own acceptance speech."

Thus, Agnon would write his own speech, and he would deliver it in Hebrew. A small glitch remained: Not a soul in the room save the laureate, his wife, and small handful of guests could understand the language. Agnon's solution was to deliver the opening section in Hebrew, after which the full text would be read on his behalf in English. As a piece of rhetoric, Agnon's text is decidedly bizarre. Of the slightly more than 2,000 English words in the speech, a solid half was autobiographical in nature.³ By way of introduction, the prize-winning author told his audience the talmudic tale of men of distinction of Jerusalem, who would only dine with those they knew personally (*Sanhedrin* 23a). One can imagine that at this point, the king of Sweden might have glanced at the old Jewish author with the big black skullcap and mused: What is this rabbi yammering on about? Perhaps answering that unspoken question, at this moment Agnon tells the audience, "I must tell you something about myself, then." And so, Agnon does.

Significantly, Agnon's autobiography was amongst his greatest artistic creations. Everything about him, from his date of birth to the date of his *aliya* to his very name, was part of the myth, part of the fable the author had crafted about his own identity. It is a matter of historical record that he was born in the summer of 1887. Agnon claimed that he was born on Tisha B'Av 1888, which fell out on August 8 that year (the numerically lyrical 8th of the 8, '88). As it happens, Tisha B'Av did not fall out on August 8 that year, nor did Tisha B'Av fall out on Agnon's birthday the year before. Agnon was born around Tisha B'Av in 1887. This birth year obfuscation was likely related to draft-dodging efforts. Yet, we might suggest a further signification: For a writer possessed by the notion of the relationship of diaspora and redemption, the symbolism of being born on Tisha B'Av would have been of chief importance.

Indeed, Agnon anchors his name in such ideas, deriving his pseudonym from the Hebrew term *agunot*; not the *agunot* of estranged husband and wife, but the *igun* of the Jewish people being both chained to their Father in heaven and being distanced from Him. If one begins from the midrashic notion of God and the Jewish people in the bonds of matrimony, these marital partners are clearly in need of counseling. God has not divorced the Jews, but perhaps we might say that they are separated over these many years since their banishment from Jerusalem. The Jewish people itself is an *aguna*. God has abandoned them; they are akin to the proverbial abandoned wife; such themes echo time and again in the Agnon oeuvre. In Stockholm, Agnon's autobiography may well have struck the uninitiated as rather odd from a rhetorical point of view, especially compared to other Nobel laureate speeches. Yet, what Agnon offered was not autobiography *qua* autobiography; rather, it was biography *qua* midrash. In effect, what Agnon provided for the Swedish Academy and the world was a myth of himself that melds into the myth of the Jewish people.

At this point, we might note Agnon's rendering of the line that until recently emblazoned the 50-shekel bill in the State of Israel: "As a result of the historic catastrophe in which Titus of Rome destroyed Jerusalem and Israel was exiled from its land, I was born in one of the cities of the Exile. But always I regarded myself as one who was born in Jerusalem." Agnon went on to say,

In a dream, in a vision of the night, I saw myself standing with my brother-Levites in the Holy Temple,⁴ singing with them the songs of David, King of

Israel, melodies such as no ear has heard since the day our city was destroyed and its people went into exile. I suspect that the angels in charge of the Shrine of Music, fearful lest I sing in wakefulness what I had sung in dream, made me forget by day what I had sung at night; for if my brethren, the sons of my people, were to hear, they would be unable to bear their grief over the happiness they have lost. To console me for having prevented me from singing with my mouth, they enable me to compose songs in writing.⁵

This particular autobiographical claim, like so many made by Agnon, is quite outlandish. Yet much can be gleaned from the story he chose to tell about how his work unfolded. By all rights, as Agnon tells the tale, he ought to have gotten up every day, gone to the Temple in Jerusalem, and there sang the psalms of King David, thus performing the job of a Levite. As that position has been closed on account of the destruction of and exile from Jerusalem, he instead wrote stories. Those 23 tomes of modern Hebrew literature are a compensation for such holy work having been denied him. Agnon, according to Agnon, was compensated to compose in prose what was formally sung in praise. Making a radical statement, the author likens his work to nothing less than Temple worship.

Setting aside for the moment the grandiloquence of Agnon's move, we might consider just how this work serves as a consolation for the trials and tribulations of Jewish history. Agnon alludes to this notion recurrently, both in his works of fiction as well as in occasional essays or talks.⁶ These passages are beautiful portrayals of the purity of religious experience as it is depicted in the author's stories, through eyes of the child: the child in his grandfather's house, the child with the Bible or prayer book, the child receiving his first pair of *tefillin*, the young boy going off with his father and grandfather, his first memories of going to *shul* on Yom Kippur, the splendor of Yom Kippur. Such transmission does indeed communicate the mystery, the grandeur of the religious experience.

Here Agnon presents a major leitmotif of his production: "I was five years old when I wrote my first song. It was out of longing for my father that I wrote it. It happened that my father of blessed memory went away on business and I was overcome with longing for him and I made a song." Agnon, we recall, had learned in *heder* and had a very close relationship with his father, who was a Torah scholar, having penned a volume on Maimonides' monumental code of Jewish Law. In the Nobel speech as well as in a variety of other places in his writing—both in the guise of

autobiography as well as outright fiction—Agnon recounted that his very first composition came to him almost prophetically as a statement of poetic longing and lamentation for his beloved father, traveling on business to the regional fair, absent from the happy home in Buczacz in which young Shmuel Yosef Czaczkes (Agnon's birth name) was raised. This motif, namely, writing, storytelling, and creativity itself as a balm for pain, runs like connective tissue through Agnon's work. One need not be adept at unpacking literary symbolism to suggest that a little boy's longing for his father might also be read on the national plane of Israel's pining for its Father in heaven. Such polytextured writing lies at the core of Agnon's genius, and accounts for why a writer who was apparently so steeped in the "old world" of eastern European Judaism was honored in Sweden as one of the greatest of modern authors.

Agnon, recognized early on as a prodigy, enjoyed a happy childhood with his parents and four younger siblings. His father worked in the fur trade and would leave several times a year to attend the regional fairs. The little boy, sick for the absence of his father, comes home and places his head on the "handles of the lock"—a powerful symbol of longing for a lost love and, allegorically, for the Divine (Song of Songs 5:5). He knows that on the other side of the door his Abba won't be there. So what happens? A wail emerges from his heart and he cries out, "Where are you father, father? Where can you be found?" Right away another cry comes forth, "I love you with a love so profound" (the spontaneous cries of the boy come out as a rhymed Hebrew couplet). Agnon is not composing a poem; rather, these words are flowing from him. When we sing or pray we must generate the words; in prophecy, the words come to us from somewhere else.

Agnon is not claiming prophetic vision. Yet we have here a description of the artist as a young man, and the initiation of the artist to his craft, that of the art of writing. The art of composing is one that comes through some kind of nearly divine inspiration but is depicted as the immediate reaction to pain and loss. That, at least, is the art of writing for Agnon; a response to suffering, a response to longing. It is about standing with one's hand on the handle of the lock, fully present to the uncertainty of the fulfillment of your desires. Gershon Shaked observed that Agnon, like Kafka, portrays "the artist as a *poeta doloroso*, a poet whose torments become the source and substance of his work. But Agnon's most conscious poetic manifesto

associates his creativity with a specifically nostalgic sorrow . . . a longing for the lost ancestral home as the wellspring of his work.”⁷

Agnon’s stories, particularly those of childhood—for example, “The Kerchief”—feature the element of the father going away to the fair and the mother waiting in anxious anticipation for his return. Intensely multivalent, these stories brilliantly succeed in conveying that one single thing means a multiplicity of things. In this light, we are ready to ask: When Agnon stood on the stage in Stockholm and announced, “As a result of the historic catastrophe that Jerusalem was taken and we were sent into exile and I always imagined myself as if I was Jerusalem born,” what, precisely, does he wish his audience to understand?

Agnon is making a subtle move, an almost-intertextual one. In a kind of understated thematic intertextuality, I submit that he is drawing our attention to a different time that a Jew talked about singing a song, namely Psalm 137, “By the waters of Babylon.” Ruth R. Wisse points out in her important book, *Jews and Power*, that the ambiguous relation between Judaism and power can be traced to this very Psalm, which conveys the predicament of the captives in Babylon following the sack of Jerusalem. The Babylonian captors taunt the Jews, ordering them to perform songs of Zion, “You Jews, you captive Jews with your harps. Give us a song, one of those old ditties you used to sing in that burnt Temple of yours.” The Jews refused, uttering instead the pledge that would echo through the ages, “If I forget you, O Jerusalem, let my right hand forget its cunning.” The captive Jews sing about their longing for Jerusalem. When the Jews finally do sing out in that Psalm, the tune is far from the dirge that their captors demanded. “Remember, O Lord, against the Edomites the day of Jerusalem’s fall how they cried, strip her, strip her to the very foundations. Fair Babylon, you predator, a blessing on him who repays you in kind what you inflicted on us.” “You want a song?” we imagine them saying. “We’ll sing you a song. We’ll sing you a song about what happens to people who oppress the Jews.”

Wisse elaborates,

“Edomites” are the generic enemies of Israel, Babylon the immediate aggressor. Rather than crushing the Jews’ morale, the scorn of their captors has spiked Jewish anger and stiffened national resolve. . . . Yet for all its rhetorical severity, Psalm 137 does not exhort Jews to take up arms on their own behalf. Assuming full moral responsibility for the violence that war

requires, it calls on the Lord to avenge the Jews' defeat and on other nations to repay Babylon "in kind." This reflects the historical record: It was the Persians, not the Jews who defeated the Babylonians, and King Cyrus who allowed the Jews to return to Jerusalem to rebuild their Temple, thereby inspiring Isaiah's reference to him as "the Lord's anointed," the messenger of God's will, God's hand. God's hand, not the soldiering of Israel is credited with the Jews' political recovery.⁸

We conclude by returning to 1966, with Agnon receiving the Nobel Prize. The Swedish Academy has finally recognized the Jewish people, the Hebrew language, the nation, the State of Israel—and Agnon stands in Europe and is asked to give a song (or speech) of Zion. This request is far from the evil-minded one made by the bloodthirsty Babylonians; nonetheless, Agnon is indeed standing there in the shadow of the Holocaust. "You want me to sing a song?" Perhaps he thought. "I'll sing you a song. Let me tell you what we do in the face of suffering and exile: We do not respond, we do not wage war," and if we waged war in 1948, and six months after the Prize ceremony in 1967, it is only out of defensive necessity. Instead, what is the authentic Jewish response to suffering? Jews know what it means to live in exile. In her book, Wisse notes that the first Babylonian exile proved that the Jewish nation could survive outside the Land of Israel, leaving open the question of when and how they would regain it. At this point, Agnon might ask: Jews knew how to survive and now they've returned; do you know how Jews still survive? They survive in the text. But the texts become transformed in modernity through a renewed cultural production in our own language, in an authentic way, the kind of writing that Rav Kook, years earlier, had recognized that Agnon was writing.⁹ Creativity is the authentic Jewish response to pain and catastrophe. From the catastrophe of history they will write modern literature; that was Agnon's message, delivered between the lines, standing there 50 years ago in Stockholm.

NOTES

1. Video footage at www.nobelprize.org.
2. The story that could be read as fairy tale or for edification is "In the Heart of the Seas" in S. Y. Agnon, *Two Scholars Who Were in Our Town and Other Novellas* (New Milford, CT: Toby Press, 2014), see at 156.

3. The speech in its English translation is available in *Forevermore & Other Stories* (New Milford, CT: Toby Press, 2016), 264–269.
4. Agnon was, in fact, a Levite, descendent of the tribe of Temple choristers.
5. Agnon uses the terms *shir* and *shirah* indiscriminately to mean both literal poetry as well as prose, or literature or art in general.
6. See passages in autobiographical comments at prize speeches, e.g., in *MeAtzmi el Atzmi*, 26, 55–56; in works of fiction such as “The Sense of Smell” in *A Book That Was Lost* (New Milford, CT: Toby Press, 2008) 149–156.
7. Gershon Shaked, “After the Fall: Nostalgia and the Treatment of Authority in the Works of Kafka and Agnon, Two Habsburgian Writers,” *Partial Answers* 2:1 (January 2004), 88–89.
8. Ruth R. Wisse, *Jews and Power* (New York: Schocken Books, 2007), 16–18.
9. Jeffrey Saks, “A Portrait of Two Artists at the Crossroads: Between Rav Kook and S. Y. Agnon,” *Tradition* 49:2 (Summer 2016), 32–52.

Re-Empowering the American Synagogue: A Maslovian Perspective

EDWARD HOFFMAN

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How can we best re-design synagogues today to fit changing Jewish needs? In an era when social institutions everywhere are undergoing transformation, it is a key question, and current economic strains make it even more urgent. Especially given the growing impact of millennials, with their heavy usage of smartphones and social media, on American-Jewish culture we must first decide: What do we really want contemporary synagogues to be? What is our guiding vision?

In this light, Jewish tradition provides a valuable perspective. According to diverse midrashic sources, our patriarch Abraham's tent was no ordinary structure. It had a doorway on all four sides, so that visitors could feel comfortable entering whatever their point of origin. The ideal synagogue, our sages have therefore explained, is one that, like Abraham's appealing tent, welcomes all Jews.

In modern-day America, another Abraham has given the world many worthy ideas for social improvement: psychologist "Abe" Maslow. Born in New York City in 1908 to economically struggling Jewish immigrants from the Ukraine, Maslow became one of our country's most influential psychological thinkers. First as a charismatic professor at Brooklyn College from 1937 to 1951, and then as a founding faculty leader at Brandeis University until his death in 1970, Maslow significantly impacted such fields as

counseling and psychotherapy, management theory and organizational psychology, education—and even health care, particularly nursing, in its emphasis on treating the “whole patient” rather than simply disease symptoms. As Maslow’s biographer, I was impressed to discover that traditional Jewish thought influenced many aspects of his psychological system—such as the provocative talmudic (and later Hassidic folkloric notion) of the “*lamed-vav*”: the 36 hidden righteous persons in every generation who quietly sustain humanity with their altruism and good deeds. In Maslow’s view, this notion offered an inspiring model for self-actualization.

In 1955, Maslow received the first of several invitations to head the psychology department of the Hebrew University in Jerusalem, but declined due to his recently-hired status and commitment to Brandeis University. A few years later, Maslow became the first major American psychologist to promote the work of Viktor Frankl, the Austrian-Jewish psychiatrist and Auschwitz concentration camp survivor whose memoir *Man’s Search for Meaning* eventually became a worldwide bestseller. As Frankl told me in a phone interview, he considered Maslow his friend as well as his intellectual colleague, as they both sought to infuse spirituality into psychology theory and practice.

Maslow popularized such terms as “self-actualization,” “peak-experience,” and “synergy,” but undoubtedly, his most famous concept is the “hierarchy of inborn needs.” In essence, he argued that basic to all humans everywhere are six sets of psychological needs:

- 1) physical safety,
- 2) belongingness,
- 3) self-esteem,
- 4) respect,
- 5) love, and
- 6) spiritual fulfillment, which he called *self-actualization*.

Virtually everyone who has taken Introductory Psychology in the past half-century remembers this hierarchy, typically depicted in the shape of a colorful pyramid. “It’s quite true that man lives by bread alone—when there is no bread,” Maslow asserted in a famous article published in *The Psychological Review* during World War II. He continues,

But what happens when there [is] plenty of bread and when [our] belly is chronically fed? At once, other and “higher” needs emerge and these, rather than physiological hungers, dominate [us]. And when these, in turn, are satisfied, again new and still “higher” needs emerge, and so on. This is what we mean by saying that human basic needs are arranged in a hierarchy.

While committed to the well-being of Jewish life in post-World War II America, Maslow never worked directly with synagogues (or any other social institutions aside from Brandeis University), preferring to advance organizational theory rather than engage in consulting practice. Nevertheless, Maslow’s psychological system is highly relevant for the re-empowerment of American synagogues. That is, by examining each of our six key psychological needs in Maslow’s hierarchy, we can identify how synagogues can be improved and best redesigned today.

A Hierarchy of Synagogue Needs

1) Physical safety.

Unfortunately, for perhaps the first time in our nation’s history, American Jews can no longer ignore this fundamental need. The recent murderous assaults on synagogues in Pittsburgh and suburban San Diego, as well as several thwarted planned attacks, and most recently, a rampage at a rabbinic home in Monsey, New York, make this unmistakably clear. However, a variety of governmental and private programs, with relatively ample funding, are enabling American synagogues to initiate appropriate action. For example, in January 2020, ten New York State members of Congress urged synagogues to vamp up security with the help of \$90 million in federal funds. Of course, in many other countries during the past dozen years, including France, Germany, and India, Jews have likewise experienced lethal terrorism when gathered en masse to pray or just socialize; they cannot take life-and-limb for granted.

From Maslow’s hierarchy-of-needs perspective, we can therefore affirm: Synagogues must actively address our most basic need as humans—for sheer physical safety. How can this safeguarding be accomplished? Many means are possible. For example, each synagogue could establish a committee responsible for such activities, such as inviting guest speakers involved with global Jewish security, publicizing relevant news

items in their newsletter or blog, and assisting in broad fundraising to combat antisemitism and related hate mongering in all communities.

2) *Belongingness.*

In our world increasingly dominated by smartphone usage and social media, especially among millennials, traditional face-to-face communities are vanishing. Whether we're residing in new or old suburbs, city cores, or small towns, we all yearn for a greater sense of connectedness with others. In 1970, sociologist Dr. Philip Slater authored the influential book *The Pursuit of Loneliness*, and 50 years later, our society is far more fragmented and lonely. If American synagogues are to thrive in coming years, they will be obliged to fulfill our innate need for belongingness that Maslow aptly identified.

How can this be accomplished? The free-spirited *havurot* of the 1960s and 1970s offered one model, but their lasting impact on American-Jewish life has been modest. Perhaps the *havurot* were too influenced by the “hippie” counterculture of that era to catalyze long-term appeal. But other ways exist to gratify our need for belongingness. Nearly everyone agrees that the most successful synagogues today are those that provide genuine warmth and camaraderie. Thanks to Maslow's seminal work, organizational psychologists have developed techniques to build empathy and trust among individuals.

How can synagogues satisfy Jewishly our need for belongingness? The over-riding goal should be to lessen anonymity and isolation, so that each member feels that he or she is a valued part of a friendly group. In this regard, it is essential that that religious services—under rabbinic guidance—become more participatory and less passively spectator-like. To encourage discussions based on sermons is similarly beneficial. Periodic “Shabbaton” retreats can also help strengthen the sense of synagogue as true community.

3) *Self-esteem* and 4) *respect.*

According to Maslow's hierarchy, we all need to feel valued as individuals for our interests, skills, and talents. As the Baal Shem Tov aptly observed, everyone yearns for the recognition that “For my sake, the entire world was created.” Unfortunately, this inspiring teaching influences few synagogues today; generally, members receive minimal attention for their skills and talents—and even less so for their hobbies and leisure interests.

Strikingly, recent psychological research is revealing the importance of hobbies for individual mental and even physical well-being—beginning as early as adolescence (Shin & You, 2013) and continuing through midlife and beyond (Paggi, Jopp & Herzog, 2016).

Maslow pioneered the technique of human assets accounting for organizations: that is, drawing up a “balance sheet” or inventory to identify each employee’s specific interests, training, and skills. By then deliberately cultivating these qualities, enlightened managers have found that employee motivation, job satisfaction, and productivity dramatically improve.

Synagogues can do likewise. Upon joining a synagogue, all new members would be invited to list their particular skills, hobbies, and interests. For example, “Jason Kaplan, accounting/fundraising/playing acoustic guitar; Ayelet Rabinyan, journalism/travel-writing/ knitting/reading Sephardic literature.” Teenagers would also be included in the list, and this information would become part of an online directory made available to members and updated annually. Such an inventory could serve as a springboard for a variety of projects reflecting the unique composition of each synagogue’s members. Remember, as Maslow emphasized, we all want to feel liked and respected for our personal interests, knowledge, and competencies.

5) Love.

Positioned higher on Maslow’s hierarchy is the basic human need to give and receive love. Traditionally, the closely-knit family was the center of Jewish life in virtually all countries on the globe. To be a Jew somehow apart from one’s spouse, children, parents, siblings, and extended family members was almost unthinkable.

Today, matters are very different. In the United States, it’s hardly unusual for adult siblings or parents/children to live in separate states or even separate geographic regions. The type of extended Jewish families once celebrated by writers such as Amos Oz or Sholom Aleichem are rare indeed, yet our need for close companionship remains as strong as ever. As social scientists have documented, the ideology of individualism has not only undermined Jewish family life in the United States, but in Israel as well; see, for example, Orit Rozin’s illuminating book *The Rise of the Individual in 1950s Israel*.

Until recently, American synagogues did little to satisfy this inborn desire. But much can be accomplished to nurture friendships and love. One encouraging, relatively new trend is the family-centered approach to Jewish learning, which is directly strengthening ties among parents and children through joint religious study and activity. Another method is the time-honored talmudic technique of collaborating with a study partner for mutual enhancement of Jewish learning. The more that synagogues can foster friendships and close family life (not just communal belongingness), the greater their appeal in coming years.

6) *Self-Actualization.*

Consistent with Torah insights, Maslow asserted that everyone has an innate need for spiritual fulfillment—and thereby to become all that one is capable of becoming. Through empirical investigations, Maslow found that people experience transcendence in a variety of ways, such as aesthetics, creativity, justice, nature, mentoring, or helping others altruistically—aside from, of course, engagement in family life. Maslow's research also revealed that people differ in the particular domain that provides the greatest sense of spirituality. As the Hassidic leader Rabbi Nachman of Bratslav observed, "Each one reaches God through the gates of his own heart."

Synagogues can become an important force for self-actualization. For instance, the creative arts—including music, literature, and drama—scarcely receive the attention they deserve. Much more can be done to promote their role in childhood, adolescent, and adult education, as well as in holiday and life-cycle events. Aside from arts-and-crafts activities for young children, how often is our aesthetic need recognized at all?

Similarly, we often hear about the prophetic call to help to make a better world, but few synagogues take the challenge seriously. At the very least, each synagogue should coordinate links with other local voluntary groups serving those in need of economic, medical, or legal help. If American Jews begin to see the synagogue as a place of inspiring spiritual growth, it will certainly attract those with energy and commitment.

Abe Maslow's psychological system has brought much benefit to the world. In this year that marks the fiftieth anniversary of his death, it is time for the American-Jewish community to apply his insights to the unique task of synagogue re-empowerment.

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Yearning for *Shul*: The Unique Status of Prayer in the Synagogue

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Introduction

*I*n the midst of our current reality,¹ most of the normal human interactions with those beyond our family have been curtailed or eliminated entirely. One of the most central daily and weekly experience that observant Jews across the spectrum have lost access to is, of course, the ability to join together in the synagogue for communal prayer. In some cities, even prior to the official government orders to close all venues where people gather, synagogues understood the need to cease operations and get ahead of the curve to save lives and help society in the most responsible fashion. These closings have left us bereft of the comforting experiences of sharing in prayer and communal singing, the ability to fulfill many rituals such as *keriat haTorah*, recitation of Kaddish, and fulfilling *tefillah beTzibbur* (communal prayer), as well as socializing as a community at the post-service kiddush. This reality has curtailed sharing family *semakhot* and, God forbid, tragedies in person, schmoozing and learning together, as well as praying in the physical space of the synagogue itself.

It is that last element that I would briefly like to turn to, as it is a unique halakha that is not so well known or understood. Many believe

that the formal halakhic purpose of coming together in a *shul* is that it allows us the ability to fulfill the mitzvot of communal prayer and other rituals that can only be performed in a *minyan*. Congregating in *shul* is an instrumental vehicle to fulfill these goals. However, if those goals can be fulfilled in another venue, such as a private minyan at home, then it would seem that there is no value to praying privately in the synagogue. The truth, however, is more complex.

Importance of Prayer in the Synagogue

R. Yosef Karo (1488–1575) in his seminal code, *Shulhan Arukh Orah Hayyim* 90:9 writes,

A person should strive to pray in the synagogue with the community, and if he is not able to come to the synagogue, he should set his heart to pray at the time that the community is praying, and if he is unable to do pray at the time of the communal prayer, and *he must pray alone, he should still pray in the synagogue (alone)*.

The source for the last statement of *Maran haMehaber* is somewhat in dispute. Many commentators point to an aggadic passage in *Berakhot* 6a: “Abba Binyamin taught, ‘an individual’s prayer is only heard in the synagogue.’” This reading was adopted by the Geonim and many medieval commentaries.

Other medieval commentators rejected this as the source, as the text they had in the Bavli read, “an individual’s prayer is only heard in the synagogue *with the community*,” implying that the individual is praying together with the *tzibbur*—and the passage is therefore highlighting the value of communal prayer.

Some commentators instead point to a passage in the Jerusalem Talmud (*Berakhot* 4:4), which states: “A person should pray in a place that is set aside for prayer.” But here, too, there are questions, specifically as to how far reaching this statement is and whether other passages in the Jerusalem Talmud concur with it. Be that as it may, in the end, the Geonic understanding came to dominate the halakhic discourse and was codified as standard law, though in practice not everyone agreed to its full reach, especially in light of other conflicting considerations.

Rationale for the Directive

What might be the rationale behind the imperative to pray in a synagogue, even in the absence of a halakhic *minyan*?

1. Kavanah (Inward Intention)

One possible rationale for the halakha under discussion is that prayer in the precincts of the synagogue yields greater levels of devotion and *kavanah*. R. Menahem haMeiri (1240–1315) in his commentary on *Berakhot* writes, “Every person who can pray in the synagogue should do so because that is where the intention of the heart is found.” Meiri appears to interpret the homiletical comment in *Berakhot* 6a that prayer in the synagogue is “heard (by God)” as rooted in the fact that there can be greater levels of devotion in the synagogue prayer experience. Indeed, he writes in a section later in *Berakhot* 31a, “In the Talmud Yerushalmi it is stated that the person who prays at home alone and with great *kavanah* is as if he is surrounded by a wall of iron, that is, he can be sure that his prayer will be accepted.” In this reading, the directive is an ideal “who can pray” and does not make prayer at home invalid. Moreover, there is a subjective element that is clearly implied, i.e., if one finds that they have greater intensity of *kavanah* at home rather than praying alone in the pews of the synagogue, one could opt for the home experience.

2. Tied to Communal Prayer

A second rationale that may be proffered is that prayer in the walls of the synagogue, even without a quorum, connects us to *tefillah beTzibbur* in some ephemeral way. Rabbeinu Yonah of Gerona on R. Yitzhak Alfasi’s restatement of the *sugya* in *Berakhot* 6 cites the Geonic position mentioned previously that one must pray in a synagogue even privately “because it (is a place) set aside and established for public prayer—*tefillah beTzibbur*.” This formulation indicates that this halakha should be viewed as a corollary of the general principle of praying in a *minyan*. On some level, the individual rides on the coattails of the communal prayer, which usually occurs in the space where he or she is now praying individually. In this way it is similar to the other halakha mentioned by R. Yosef Karo above, namely the idea that if one cannot join the *minyan* at the synagogue, one should pray at home at the same time that the community is praying.

3. In the Presence of the King

A third possibility arises from the aggadic language of a passage in the Jerusalem Talmud. In 5:1 of *Berakhot*, the Yerushalmi states,

One who prays in the synagogue, it is as if he sacrificed a pure meal offering. . . . It was recorded in the name of R. Abahu: “Seek out the Lord where He may be found, call to him where He is near” (i.e., the synagogue). . . . R. Yohanan stated: Whoever prays in the synagogue it is as if the individual prayed in the Holy Temple.

This idea is cited by a good number of Rishonim, including, R. Eliezer b. Yoel (1140–1225), who cites the verse in Ezekiel (11:16) “And I will be for them a Temple in miniature,” which the rabbis interpreted as referring to the synagogue in the absence of the Temple in Jerusalem, as the source for R. Yohanan’s statement that “Whoever prays in the synagogue it is as if the individual prayed in the Holy Temple” (Raavya, #12).

According to this line of thought, one who enters into the space of the synagogue is coming into the palace of the King, symbolically entering into the place where God is most “present.” One might even go further and suggest that following this approach, praying in the synagogue is not simply some additional element, but becomes an essential part of the prayer experience. Rambam famously declares in *Hilkhhot Tefillah* that the essential *kavanah* that one should have during the Amidah is the sense that one is “standing in the presence of the King.” If so, entering into the space where God is most intensely “found” is part and parcel of achieving that goal. A radical expression of this notion may be found in a responsa of R. Yaakov B. Aharon of Karlin (d. 1844) who writes,

The Talmud states: “Abba Binyamin says, ‘An individual’s prayer is only heard in the synagogue’. . . . It is clear that this is true even if one has a quorum of ten in one’s house, it is better to pray in the synagogue (even without a quorum). (*Mishkenot Yaakov*, OH #87)

This view is rejected by many other commentaries and does not appear to have been adopted as mainstream Jewish practice.

Conclusion

In this brief survey we have examined the halakhic import of the significance of praying in the synagogue even in the absence of a *minyan*. We

explored three different rationales that may undergird this interesting halakha and its understanding of one of the roles of the synagogue in the experience of those who pray. We hope and pray for a speedy and safe return to the normal activity and hustle and bustle of our synagogue life in all its form together with the return to the other areas of spiritual and material lives.

ED. NOTE

1. Rabbi Helfgot composed this essay in May 2020, during the COVID-19 shutdown.

Halakha in Crisis Mode: Four Models of Adaptation

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Introduction

The ongoing pandemic has put enormous stress on ordinary halakhic life. Many women cannot get to the *mikvah*, making abstinence and the “distancing” required of couples during *niddah* last indefinitely; mourners are deprived of *shiva* visits and *kaddish*; and the absence of thrice-daily, daily, or even weekly *tefillah beTzibbur* (communal prayer) sucks the oxygen out of many people’s religious lives.

These reactions are normal. In a crisis, restrictions that are ordinarily difficult become massive obstacles requiring Herculean strength to overcome. Ritual actions turn out to be needs as well as obligations, so that being deprived of them feels unjust and unbearable. Moral principles that feel satisfyingly altruistic in times of plenty now seem like playing a sucker’s game.

These reactions are justified. Maimonides teaches that the laws of Torah, like the laws of nature, are Divinely constructed to provide the best outcomes for most people in most societies in most places most of the time. They are not universal panaceas.

To account for the minority of situations where halakha is counterproductive, the Torah gives prophets, the Sanhedrin, and perhaps other rabbinic bodies the authority to suspend specific laws when necessary. Maimonides writes regarding this authority that “sometimes one has to

amputate a leg to save the patient,” the same metaphor used centuries later by Abraham Lincoln to defend his suspension of habeas corpus in the run-up to the Civil War.

Amputation is a desperate last resort (and suspension of the laws of nature is not an option for physicians). The Torah commands us to heal—in other words, to understand, interpret, and utilize the laws of nature in the ways that maximize their human benefits and minimize their human costs. Competent posekim (halakhic decisors) relate to the laws of Torah in the same way. Nature and Torah are immutable, but human beings have the ability and obligation to adjust their *effects*, whether physical, psychological, or spiritual.

Every crisis generates calls for radical responses. Some of these recommendations may rise to the level of amputation. But the organizing metaphor of this article is medicine, not surgery. What are the tools we have *within* halakha to respond to crises? How far can we adapt our community’s praxis while maintaining the law rather than suspending it?

The halakhic term for “ordinary crises” is *sh’at haDehak*. (Extraordinary crises that justify suspending the law are something along the lines of *migdar milta vehasha’ah tzerikah lekakh*.) We can therefore frame our investigation as a study of how halakha adapts in response to which kinds of *sh’at haDehak*.

My thesis is that there are four distinct modes of adaptation. Those four modes are the following:

1. Ruling in accordance with a less authoritative opinion over a more authoritative opinion.
2. Stripping observance of the law down to essentials, rather than seeking the ideal.
3. Satisfying only the most authoritative opinion, rather than seeking to satisfy all authoritative opinions.
4. Lowering a legal standard beyond what was previously seen as an absolute minimum.

Calls for halakhic responses to the crisis can generally be understood and evaluated in terms of these categories.

1.

To understand how halakha adapts, we need first to explain what halakha is. For our purposes, I suggest the following definition: “Halakha is what a posek without opinions would say it is under ordinary circumstances.”

You are presumably asking yourself: What is a posek without opinions? Isn't the whole role of posekim to input questions and output opinions? Let me illustrate what I mean by quoting Rabbi Moshe Isserles (Rama, *Shulhan Arukh Hoshen Mishpat* 25):

If the issue is one of “prohibition or permission,” then if the relevant prohibition is *deOraita* (Torah law)—follow the strict opinion; if (the relevant prohibition) is *deRabanan* (Rabbinic law)—follow the lenient opinion. This is only if the two disputants are of equal stature; one must not rely on the words of a lesser against those of one greater in wisdom and number,¹ even in a *sh'at haDehak*, unless there would also be great loss.

Rabbi Isserles sets out an algorithm for deciding prior halakhic disputes. One needs to answer four questions.

1. Is the level of personal authority behind each opinion equal, or is one side greater?
2. Is the relevant issue Torah or Rabbinic law?
3. Will following the opinion with greater authority cause someone a great loss?
4. Is this a *sh'at haDehak*?

If the levels of authority are equal, and there is no *sh'at haDehak* and possibility of great loss, then in *deOraita* cases one adopts the strict position, and in *deRabanan* cases one adopts the lenient position. However, if there is a *sh'at haDehak* and possibility of great loss, then one follows whichever opinion prevents the loss.

Rabbi Yoel Sirkes (*Bah, Issur vaHeter*) clarifies that “great loss” can be defined either objectively or subjectively. For example, having an intended main course declared non-kosher may be considered a great loss for a poor person on Monday, and a minor loss for a rich person that same day. But the intended main course for a Shabbat table is a major loss for rich and poor alike on Friday afternoon, when it cannot be replaced in time for

Shabbat. This demonstrates that the category “great loss” applies to emotional or spiritual as well as financial loss.

What emerges is that in an ordinary crisis, the default rules of halakhic decision-making shift, and posekim should adopt whichever positions prevent people from suffering great financial, emotional, or spiritual losses.

This seems like a caricature of *pesak halakha*. And it is a caricature, until we realize that Rama is describing the process *as engaged in by posekim with no opinions of their own*. Where *no other basis* exists for decision, perhaps because one simply doesn't know the material well enough for one's own opinion to have weight, these rules apply. One is entitled to follow these rules *only so long as one can adopt the resulting positions with integrity*, meaning that one believes them as likely to be true as the alternatives.

Talmidei Hakhamim will generally have independent ideas as to what the texts mean, or what the intent of the law requires, and will therefore make halakhic decisions on those grounds. They will not be able to follow these rules. Ironically, in these cases they may have fewer options than a hypothetical *pesak* algorithm.

I think it is nonetheless clear that competent posekim should be heavily *influenced* by these rules. That is to say, an important factor in their interpretations and evaluations should be that texts and positions that cause fewer great losses are more likely to represent the true intent of the law.

Talmud *Niddah* 9b provides another limit on the posek's discretion to rule in accordance with less authoritative positions. A Beraita records that Rabbi Yehudah HaNasi issued a ruling that followed the position of Rabbi Eliezer against that of the Sages. “When he remembered, he said: Rabbi Eliezer is worthy of being relied on in a *sh'at haDehak*.” The Talmud comments: “If you say that he remembered that the halakha does not follow Rabbi Eliezer but rather the Sages, how would that justify following Rabbi Eliezer in a *sh'at haDehak*?! Rather, it must be that the halakha was not formally determined either way, and it means “*when he remembered*” that Rabbi Eliezer was disagreed with by a group, not an individual.” In other words, an opinionless posek can adopt the less authoritative position only on open questions, but cannot relitigate settled issues even in cases of *sh'at haDehak*.

The boundaries of “open” and “settled” are themselves not always clear. As with everything else, integrity and humility are necessary, and not always sufficient.

An interesting test case is the “Zoom Seder” controversy this year. A group of Israeli rabbis, mostly of Moroccan origin, issued a ruling before Pesah that permitted families to have interactive seders over the Zoom conferencing platform. They offered various policy grounds for regarding this as a sufficient *sh’at haDehak* to waive rabbinic violations of Yom Tov, but their backstop argument was the minority position that simply permits use of electricity on Yom Tov. A wide swath of Ashkenazic and Sephardic rabbis ruled the Zoom-seder position out of bounds precisely because of the reliance on that position. A plausible explanation of the disagreement is that one side saw the issue of electricity on Yom Tov as formally settled, while the other saw it as open, which allowed them to rely on the lenient position in a *sh’at haDehak*.

2.–3.

Talmudic halakha often distinguishes explicitly between what should be done *leHatkhilah*, *ab initio*, and what need not be redone *beDiavad*, *post facto*.

A universally accepted principle is *kol sh’at haDehak kedieved damya*, meaning that in pressing circumstances the *beDiavad* becomes acceptable *leHatkhilah*.²

There are at least two kinds of *leHatkhilah* / *beDiavad* divisions.

The first division is when the *beDiavad* meets an essential legal standard, while the *leHatkhilah* adds a requirement that is indirectly related to that standard. For example, aesthetic experience is basic to very few mitzvot, but regardless, many mitzvot are *leHatkhilah* only when done with aesthetically pleasing accoutrements. For negative commandments, the *leHatkhilah* often involves taking added precautions against violating the prohibition. This means that the *leHatkhilah* can be intimately bound up with rabbinic decrees intended to safeguard biblical prohibitions.

Rabbi Chaim Amsellem argues in *U’Baharta BaHayyim* that *sh’at haDehak kedieved damya* gives posekim the right to waive *deRabanan* decrees. On that basis he suggests, for example, that during the pandemic women can immerse in any *mikvah* large enough to contain them fully, and in water considered “drawn,” since in his opinion the requirement for 40 *se’ah* (the talmudic measurement of volume) and the requirement that the water not be “drawn” are *deRabanan*. Rabbi Daniel Sperber was

reported on Facebook to have made a similar argument regarding “distancing” for women who will be unable to immerse during the pandemic.

One can counter that the Sages chose to make some of their decrees binding only *leHatkhilah*, but made others obligatory even *beDiavad*. *Sh’at haDehak kedieved damya* permits waiving only the first category, and the burden of proof may be on the posek to prove that a decree can be waived. One can also counter that preventive decrees may be waived only when there is little likelihood that the *deOraita* violation they were instituted to prevent will happen as a result. My sense is that both these counters are correct.

However, a different principle may allow waiving *deRabanans* of both types in emergencies. Mishnah *Shabbat* 24:1 teaches that a person trapped outside of town before Shabbat may ask a Gentile to carry his or her wallet in, even though asking a Gentile to perform work forbidden to Jews is generally forbidden. The reason given is that asking a Gentile is generally a preventive decree, lest one come to do the action oneself, but in this case such a decree makes it *more* likely that one will violate the prohibition oneself. Ravvyah (1:391) sees this as an example of a general principle that rabbinic decrees can be waived in cases where they are counterproductive. According to this, if one could demonstrate compellingly that a specific “distancing” is counterproductive during the pandemic, meaning that observing the prohibition makes it more rather than less likely that the couple will violate the prohibition against intercourse, the prohibition against that “distancing” could be waived. However, such demonstrations are hard to come by.

The second kind of division is when the *beDiavad* satisfies only the most authoritative position in a halakhic dispute, whereas the *leHatkhilah* also satisfies less authoritative positions.

This *leHatkhilah* can metastasize into the idea that one must *always* be *totzei leKhol haDeiot* (fulfill one’s obligation according to *all* possible positions). The excesses of that approach, which can literally threaten lives (as when the largest position about the size of an olive is combined with the position that one must eat an olive-size of matzah in one swallow), can make accounting for multiple reasonable positions seem unreasonable. However, an issue may not be ripe for conclusive decision, and sometimes accounting for multiple positions can increase the likelihood of approximating the Divine Will, at minimal cost.

Some of the recent discussions about Zoom seders, *mikvaot*, *kitniyot* and the like have revolved around these issues, both broadly and specifically. One might think, for example, that the time has come to adopt a coherent halakhic approach to electricity. But one might counter that technology continues to develop so rapidly that we are best off continuing to muddle through.

4.

The last, most controversial, and perhaps most radical way that halakha can change during a *sh'at haDehak* is by lowering a legal standard beyond what was previously seen as the absolute minimum.

A Beraita cited on Talmud *Sukkah* 31a states regarding the Four Species:

If they are withered—they are valid; If they are dried-out—they are invalid. Rabbi Yehudah said: Even if they are dried out (they are valid). Said Rabbi Yehudah: It happened that the people of Karkom would bequeath their *lulavim* to their grandchildren. They replied: What proof is that!? A *sh'at haDehak* is no proof.

Rosh and Raavad, cited by Tur (OC 649), derive from the response to Rabbi Yehudah that that the city of Karkom lived in a permanent *sh'at haDehak* regarding *lulavim*, and as a result, its residents could fulfill their obligations with *lulavim* that anywhere else would have been invalid even *beDiavad*.

However, Bet Yosef notes that Raavad eventually came to consider this result absurd:

“How could this be, that in a situation of *dehak*, one fulfills obligations with it and make blessings over it *leHatkilah*, if in a situation of not-*dehak*, one does not fulfill one’s obligation with it even *diavad*?!” Raavad concludes that the people of Karkom waved their ancestral *lulavim* so as not to forget the mitzvah rather than to fulfill the mitzvah.

Bet Yosef himself responds that authority to determine the halakhically necessary standard of *lulav*-freshness was given over by Scripture to the Sages, and they said that in a situation of not-*dehak*, one’s obligation is not satisfied even *beDiavad* (with a desiccated *lulav*), so that Israel would be scrupulous about mitzvot, but in a situation of *dehak*, they validated such

lulavim, since the mitzvah could not be fulfilled any other way, and even permitted blessing over them.

Bet Yosef concludes by splitting the difference; one can wave such *lulavim* in a *sh'at haDehak*, but not make the blessing over them.

This seems to me the best framework for analyzing the Zoom *minyan* issue. I think halakhic precedents make clear that a *minyan* ordinarily requires physical community. However, the question was whether the halakhic standard of community ought to be redefined in this *sh'at haDehak*. The general answer of the community was to do so only where there was no risk of making a *berakhah leVatalah*, or blessing made in vain.

Rabbi Eliezer Melamed's astonishing assertion that saying *kaddish* without a *minyan* is not a violation of any sort therefore opened up the possibility of *kaddish* via Zoom. In my humble opinion, his position should at most be used to allow a mourner to say *kaddish deRabanan* (*kaddish* said after learning together) in a Zoom *minyan* that has learned together, rather than *kaddish yatom* (mourner's *kaddish*), because one can argue that the *minyan* for learning is constituted by a shared experience rather than shared presence.

Conclusion

Halakha has ample mechanisms for adapting in times of crisis. Competent posekim can utilize these mechanisms to develop creative strategies to reduce communal and individual burdens and allow better access to the consolations and joys of ritual.

These mechanisms are governed within halakha by formal rules. Deviating from those rules moves a posek from the realm of adaptation to that of "amputation," from maintaining the law to suspending it.

Ultimately, though, the metarules of halakhic adaptation, like those of ordinary halakha, are subject to interpretation. The integrity of halakha always depends on the integrity of those who decide it, and on the integrity of the community that empowers them to decide it.

NOTES

1. "Number" may refer either to age or to number of students.
2. *Sh'at haDehak k'dieved damya*, often attributed to Rabbi Mosheh Isserles, *Torat HaHata* 17, although he may not have intended to articulate a general principle.

Responsiveness as a Greatmaking Property

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When we talk about “God,” we intuitively think of a powerful, nonphysical entity that somehow created and runs the universe. To clarify this vague conception and set a more concrete groundwork for discussions about the nature of God, classical theologians have posited the Greatest Possible Being (GPB) thesis as the primary mode of understanding God.¹ After expounding upon the definition and implications of the GPB construct, this article will argue that a GPB identifiable as the God of religious tradition by said definition will contain responsiveness as one of its attributes rather than complete immutability as the Greeks and other classical theologians have posited.

The GPB concept requires both an intuitive and a more robust definition. Intuitively, the term “greatest possible being” accurately portrays God as “the being than which none greater can be conceived.”² If one can conceive of a being greater than the working conception of the GPB, then the conception is wrong. Augustine explains the experience of thinking about a GPB conception of God as one where “one’s thought strains to reach something than which there is nothing higher or more sublime.”³ Experientially, in the process of thinking about God, the human intellect reaches its limits; Adams asserts that “Divine nature is permanently partially beyond our cognitive grasp” when grappling with the GPB.⁴

The concept still needs a robust definition to make it comprehensible. Morris provides a clear framework of how one would construct a maximally perfect being *a priori* by explaining that “God is thought of as

exemplifying necessarily a maximally perfect set of compossible greatmaking properties.”⁵ Morris defines perfections as “Properties which are constituted by the logical maximum of an upwardly bounded, degreed great-making property,” which are “Properties it is intrinsically better to have than to lack.”⁶ These properties must also have a theoretical limit that can be maxed out for the GPB. For example, God can know everything, but God cannot be infinitely rich; therefore, knowledge is a great-making property and wealth is not. The maximally perfect set of these properties thus has room for flexibility; people can disagree about which properties are optimal for God to have while still agreeing on the general GPB framework.

There are two different approaches to a God that can both lead to the belief in a GPB. Morris outlines an *a priorist* tradition, which “begins with a purportedly self-evident conception of God as the greatest possible being” and uses this “exalted yet simple conception of deity to entail all the divine attributes.”⁷ An Anselmian theologian could construct a GPB without ever leaving the ivory tower. In contrast, an *a posteriorist* approach builds from empirical and experiential facts to a conception of God. Morris argues that rather than “contrast[ing] starkly the God of faith with the God of reason, the God of history with the God of the academy, the God of Abraham, Isaac, and Jacob with the God of the philosophers,” we can argue that these are one and the same.⁸ Because the GPB is a “proper object of religious devotion” due to its maximal perfection, religious individuals can certainly worship such a being.⁹

The hinge of this claim that the GPB is the God of religious traditions is that the GPB is worthy of our worship. If our notion of God was only pretty good, and the possibility of a GPB existed, then it would not be logical to worship the PDGB (Pretty Darn Good Being).¹⁰ However, if “we know that if there is a highest one, it deserves our fealty, not arbitrarily, but because of its perfections.”¹¹ This move not only allows the GPB to be the God of religious traditions, but even more so argues that the GPB is the best candidate for the job.

With this in mind, I would like to shift to one specific greatmaking property, immutability, and analyze whether it belongs in the maximally perfect set of greatmaking properties, which belong to a GPB that is also the God of religious traditions. Morris asserts that “traditionally, the Anselmian description has been understood to entail that God is, among

other things, omnipotent, immutable, eternal. . .".¹² Immutability is certainly a greatmaking property by definition; the question is if a GPB would possess this property or its competitor, responsiveness, in its maximally perfect set. Despite the philosophical tradition in favor of divine immutability, rejecting immutability would not pose a problem to Anselmian GPB construction. "The specific properties an Anselmian God must have are under-determined by the Anselmian formula and by the basic intuitions by means of which it is applied."¹³ So long as we can assert that responsiveness is preferable to immutability for religious observance or that immutability is not coherent, we can still uphold Morris's claim that the GPB is the God of religion.

We must first analyze arguments for immutability to better understand its definition and implications. Relying on God's assertion to Moses that God's name is "I will be that which I shall be,"¹⁴ Augustine argues that "a God who gave His very name as "I am" and is perfect must be the perfect case of being. *But what can change is not a perfect case of being*: it does not have its being so securely that it cannot cease to be what it is."¹⁵ Since the perfect form of being is immutability, God, who engages in this process of being, must do so in a perfect way, and therefore is immutable. Boethius argues for divine timelessness along similar lines: "Temporal beings no longer live the past parts of their lives. They do not yet live the future parts of their lives."¹⁶ Under the premise that these are both defects, God must have "no past or future. What has no past or future does not change."¹⁷ Classical philosophers thus believe God cannot change for better or for worse because even improving is an imperfection in the state of being for these philosophers.

Such assertions are validated in the Jewish tradition as well. Malachi quotes a prophecy from God in which God asserts; "I am the LORD; I have not changed."¹⁸ Maimonides hones in on this verse in his *Guide for the Perplexed*, where he asserts that "[God] is immutable in every respect, as He expressly declares, 'I, the Lord, do not change;' i.e., in Me there is not any change whatever."¹⁹ Similarly, Rabbi Abraham ibn Ezra responds harshly when the Bible says that "God renounced the punishment God had planned to bring upon God's people" following the sin of the Golden Calf, which seems to imply that God changed God's mind about the punishment.²⁰ Ibn Ezra emphatically declares "God forbid that Hashem should repent! No, the Torah is merely speaking in a language that human beings

can understand!”²¹ Clearly, the intuitive objection against divine mutability of any form influenced some of the greatest biblical commentators.

However, despite the tradition in favor of Divine immutability, there are several philosophical objections to divine immutability, including that of Norman Kretzmann:

1. If God is omniscient, God knows what time it is now.
2. What time it is now is constantly changing.
3. What God knows is constantly changing. (First, He knows that it is now t and not now $t+1$; later He knows that it is now $t+1$ and not now t .)
4. God is constantly changing.²²

The primary objection to this is that God does not need to know directly what time it is now; rather, the timeless God knows what humans know the present time to be, at all times. The discussion on this objection extends far beyond the scope of this article, but it introduces complexity into the concept of immutability from a purely philosophical standpoint without even invoking religious experience.

However, the most important objection to immutability and argument in favor of responsiveness is that a robust religious tradition which believes in a human's ability to have a dynamic relationship with God must allow for modifications to Divine immutability. This need not reject all forms of immutability. One can argue that God possesses time-indexed attributes, that it is always true that at time X God does Y . But this does not necessarily reject the Augustinian and Maimonidean notion of perfect being as described above, which refuses to allow God to change at all. Thus, “responsiveness” could be comprised of preordained responses of an immutable God rather than pure reactions to events as open theism posits.²³ Either way, responsiveness means that God's behaviors and actions can vary over time (even if God is not intrinsically changing). Being in a dynamic, loving relationship demands that God's actions change over time in accordance with a person's actions and state of mind. It could be preordained in that since God has foreknowledge of a person's actions and states of mind, God could eternally have time-indexed responses to each person.²⁴ However, these specific actions are always tailored to respond to the person in his/her present state.²⁵

Responsiveness also has a place in religious traditions. The Bible raises several cases where God regrets a decision or changes God's mind. For

example, in Genesis, God “regrets that God created humankind.”²⁶ God’s attitude toward humanity seems to change in response to humanity’s free choice to sin. The Akeidat Yitzhak, a fifteenth-century Spanish rabbi, explains that Divine regret

is a re-consideration of one’s plans and attitudes based on a changed set of circumstances . . . it is an admission that one had erred in one’s assessment of the facts which one’s promise had been based on. *A changed attitude then becomes an act of wisdom, a rejection of foolishness.*²⁷

Of course, this is not to imply that God erred in original judgment and plan. Rather, “when the Bible describes God as having reconsidered, it tells us that God continued to desire that He could carry out what He had originally planned, but what had now become impossible due to the conduct of the other half of the partnership between God and Man.”²⁸ The preservation of free will demands a God who can change God’s attitudes and actions in response to human choices. Thus, the language of regret can still apply to God, who is “saddened” in having to resort to the alternative plan even though God knew it would happen all along. As such, we can still preserve a perfect but responsive God at all moments in time: when the circumstances change, the most perfect God responds perfectly to those changes to remain perfect for each specific moment.

Similarly, Rabbi Nachman of Bratslav uses this verse to argue that God feels emotion, so to speak, in response to human actions.²⁹ He writes that “We find, therefore, that if there is any misfortune or harsh decree affecting [the world], then certainly the joy of the Holy One is lessened, as in, ‘He grieved in His heart.’²⁶ As the Sages taught: When a person sins, what does the *Shekhinah* [God] say? ‘My head is heavy! My arms are heavy!’”³⁰ The notion of a responsive God provides a model for religious experience where God deeply cares about our actions, rejoicing in our successes and lamenting our failures.

This concept of a responsive, dynamic God allows for some of the most important elements of religion, including Divine action and a personal God. For God to act in history, this requires that God not act the same way in all times, implying that God acts in relation to the world in a time-dependent manner, either through actual mutability or time-indexed immutability. William Mann provides an example from the Ten Plagues in Exodus: At time t_1 , God willed that there be locusts in Egypt; at time t_2 ,

God willed that there be neither locusts nor darkness; and at time t_3 , God willed that there be darkness.³¹ Such a proposition contradicts the Augustinian notion of divine immutability, which would claim that God is timeless and remains the same at all times. Yet, for religions that believe that God intervenes in a temporal world and speaks to temporal beings, they must concede this point. Even more powerful is the notion of a personal God. The Hebrew Bible emphasizes how God has a close relationship with each person. Performing good deeds strengthens one's connection to God, sinning weakens it.³² The Bible asserts that God provides reward and punishment commensurate with one's actions;³³ that God listens to prayers and responds to them;³⁴ that God comforts us in our pain and cares for us when we are vulnerable and downtrodden.³⁵ One of the most poignant elements of religious experience is repentance. A person can change his/her ways, and ask God for forgiveness; Jewish tradition asserts that God responds to true acts of repentance by turning past sins into merits.³⁶ A GPB of religious experience has personal relationships and therefore must be responsive; an immutable being in such a circumstance would not be as great as one who responded and could engage in dynamic relationships with people.

A potential solution that saves divine immutability while sustaining religious experience rests on a metaphor taught by Rabbi David Aaron, founder and teacher at Yeshivat Orayta, an Orthodox Jewish learning institution in Jerusalem for American gap-year students. Rabbi Aaron would tell his classes that there is music in the room and fall silent as the students looked at each other, not hearing anything. Rabbi Aaron would continue and explain that there are radio waves constantly moving through the room. If one would just have the right equipment and tune to the correct frequency, s/he would be able to experience the music that had been in the room all along. So too with God, if one views God's will as constantly flowing, we just "tune in" to different aspects of God through our various actions. God is always immutable; we just experience God differently at different times because we access God in different ways.³⁷ For a Christian example, one can argue for immutability even in the act of incarnation by asserting that "God was eternally ready to be incarnate, and eternally had those experiences of the earthly Christ which the Incarnation makes part of his life. Through changes in Mary and the infant she bore, what was eternally in God eventually took place on earth."³⁸ God's essential will and

presence is constant and immutable while its earthly manifestation changes in accordance with human actions.

Yet, this approach fails to truly comprehend the nuances of a relationship of love between God and humans that forms the foundation for religious experience. Cobb and Griffin, in arguing for God as responsive love, assert that “responsiveness includes a sympathetic feeling with the worldly beings.”³⁹ For God to perfectly engage in loving relationships, God must possess “sympathetic compassion” for the other. An ideal relationship transcends “active goodwill”; it entails truly caring for the other and remaining sensitive and present through all circumstances.⁴⁰ For something like repentance to truly have religious significance, it must entail a change in the individual and a response from God, a repair in this mutual relationship. The music metaphor does not adequately provide meaning to this process, because this relationship is one-sided: The penitent could change what aspect of God s/he accesses, but no mutual transformation occurs. This would be a flaw in the relationship, and as such, Divine responsiveness is a property that should replace immutability in the maximally perfect set of properties that the GPB would have to validate Morris’s claim that the GPB is the God of religion.

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NOTES

1. Andrew Chignell, "Religion and Reason," 9/16/19.
2. Anselm, *Proslogion* 2, quoted in "Religion and Reason" lecture notes, 9/16/19.
3. Augustine, *De Doctrina Christiana* I,vi,6-vii, 7, quoted in "Religion and Reason" lecture notes, 9/16/19.
4. Adams and The Society of Christian Philosophers, "Fides Quaerens Intellectum." 410.
5. Morris, "The God of Abraham, Isaac, and Anselm." 178.
6. Morris, 184.
7. Morris, 177.
8. Morris, 177.
9. Morris, 185.
10. Chignell, 9/16/19.
11. Johnston, "Process Panentheism." 195.
12. Morris, "The God of Abraham, Isaac, and Anselm." 178.
13. Morris. 186.
14. Exodus 3:14.
15. Leftow, "Immutability."
16. Leftow.
17. *Ibid.*
18. Malachi 3:6.
19. Maimonides, *Guide for the Perplexed* Part 1, Chapter 11. www.sefaria.org.
20. Exodus 32:14.
21. Ibn Ezra on Exodus 32:14. www.sefaria.org.

22. Kretzmann quoted in Leftow.
23. Daniel Rubio, 11/25/19.
24. *Ibid.*
25. An allusion to Genesis 21:17: “God heard the cry of the boy [Ishmael], and an angel of God called to Hagar from heaven and said to her, “What troubles you, Hagar? Fear not, for God has heeded the cry of the boy in his present state.” The Talmud (*Rosh Hashana* 16b) learns from this verse the general principle that God judges a person according to his/her present state.
26. Genesis 6:6.
27. Akeidat Yitzhak 11:1.
28. *Ibid.*
29. This may not be embodied emotions like humans possess, but God does change attitudes and actions based on our decisions.
30. Talmud *Sanhedrin* 46a. *Likutei Moharan* 5. www.sefaria.org
31. Mann, *God, Modality, and Morality*.
32. Maimonides, *Laws of Repentance* Chapter 7.
33. Deuteronomy 11.
34. Exodus 3.
35. Isaiah 57:15.
36. *Yoma* 86b.
37. Rabbi David Aaron, *The Secret Life of God; Seeing God*; Lecture notes by Andrew Arking on classes from Nov. 2018.
38. Leftow.
39. Cobb and Griffin, 378.
40. *Ibid.*, 379.

Religious Communities and the Obligation for Inclusion

NATHAN WEISSLER

(Nathan Weissler is a college student in the Washington, DC area where he grew up. He hopes to major in psychology. After graduation, Nathan hopes to work in the inclusion field.)

The question of how a religious community should be welcoming and inclusive is something that I have thought about for many years. At the age of four, my family learned that I was on the autism spectrum. Throughout the years, I have had a variety of experiences regarding inclusion, and all of these experiences offered critically important perspectives on the topic. One of the aspects of inclusion that I have thought about in particular is the role that clergy members and Jewish communal leaders should have in this area.

Although there are many crucial roles for clergy and community leaders in this context, I will choose to highlight seven that in my opinion are especially vital.

Role-Modeling

One of the most important contributions that clergy members and communal leaders can make to the area of inclusion is role-modeling. Indeed, the actions that a clergy member or community leader takes can, and frequently does, convey important messages. The concept of *beTzelem Elokim*, that all people are created in the image of God, is fundamental, and communal leaders and clergy members should convey that value through their actions. For instance, while attending a program, one of the

rabbis asked that I join a class beginning in the middle of the year for students arriving mid-year. I still recall the rabbi telling the students on the first day that I would be participating in the class and that he felt that I, like all other participants, would make valuable contributions. The class was a truly positive experience and is a cherished memory to this day. I understood instantly that the message being sent was that being welcoming and inclusive should come naturally, and I will never forget that very warm welcome!

Avoid Viewing Inclusion as Charity

I would also encourage communal leaders to refrain from viewing inclusion as an act of charity or *hessed*, or to otherwise behave in a patronizing manner. I cannot speak for others, but to view inclusion as *hessed* or charity would, for me, undoubtedly imply that being included is a privilege, as opposed to a right that is inherent in being part of a community. Including and welcoming everybody is a responsibility incumbent upon the community, particularly clergy members and communal leaders. It is therefore enormously important to do one's best to avoid even unintentionally communicating that inclusion is anything less than a full right.

Listening and Accepting that Everyone has Different Strengths and Challenges

This is somewhat similar to role-modeling, as clergy members and communal leaders have the potential, especially in this context, to help set an overall communal tone. There have been numerous occasions when I have felt that different people haven't been truly listening to me. For example, there have been times when I have wanted to attempt things that people have felt that I couldn't do, and there have been times when I have felt strongly that I couldn't do things that people have pushed me to do. One point that I regularly emphasize is that God gives everybody unique strengths as well as challenges. I think that living with special needs has helped me to appreciate my strengths more and has made me more aware of my limitations. A strength that I have is a photographic memory, particularly for dates. If I have had a conversation ten years ago or so, for example, I often can remember the date and sometimes even the day of the week!

On the other hand, I have made a decision to refrain from learning to drive, despite the fact that I sometimes wish I could, because I think that driving would make me anxious to such an extent that I wouldn't be able to focus on driving safely. Occasionally, when people have told me that they wish that they had a photographic memory, I ask, "Do you drive?" Often, the answer is, "Yes." I then say, "Well, I don't, and that's something that I'm unable to do. You can do something that I would like to do, and I can do something that you wish you could do" and cite that as an example of God giving us all our unique areas of strength and challenge. It might sound obvious, but people, regardless of whether they have special needs or not, are the most authoritative sources on what they can and cannot do. Additionally, it is essential that clergy members and Jewish communal leaders convey the truth of people having different abilities in how they interact with people who have special needs in their communities, and with all people. Taking that knowledge to heart has potential to substantially impact how they respond to different situations and to help set the overall tone for communities.

Actively Seek Out Opportunities

I would also advise communal leaders and clergy members to actively seek out opportunities for individuals who have special needs to use their strengths. That is an ultimate way in which one can let people with special needs know that they, as people, are valued. At my family's synagogue, for several years, I did writing for children's programming for several years about the *Parashat haShavua* (weekly Torah portion). It is hard to overstate how important that experience has been in my continued development.

Make Sure that Actions Match Words

It is easy to say that one is inclusive—but what will truly give those words meaning is conducting oneself in a manner that is consistent with those words. In addition to creating a general environment favorable to inclusion, there should ideally be a group of people dedicated to putting ideas about inclusion into action. Although an environment favorable to inclusion is a necessary first step, it is just that: a first step on the way to meaningful action. Furthermore, if there is a committee addressing inclusion, it is critical that individuals who have special needs serve on the committee.

This directly relates to the point, discussed earlier, that people who have special needs should be given opportunities to use their strengths.

Staff Training

Another area of importance is training of synagogue staff by a professional. Very simply put, people cannot do something if they don't know how to do it. There have been instances when people in leadership positions in the Jewish community unintentionally behaved in ways that, to me, did not feel inclusive. However, when they realized the effects of their actions, they expressed genuine regret. Staff training is a critical means of helping to guarantee that our communities will be welcoming and inclusive.

Creating Opportunities for Individuals Who Have Special Needs to be Clergy and Communal Leaders

I cannot stress enough the importance of there being opportunities for individuals who have special needs to become clergy and communal leaders. As important as statements of aspirations to continually become more inclusive and actions in that direction truly are, it is harder to make a more powerful statement of commitment to inclusion and acceptance as a fundamental, nonnegotiable right, than to regularly create opportunities for individuals who have special needs to serve in leadership roles. Furthermore, in my opinion, individuals who have special needs serving in leadership roles send a signal to other people with special needs in the community about their absolute right to be accepted and included.

Conclusion

In conclusion, I want to say that it is all right for clergy members and communal leaders to make mistakes. We often learn from our mistakes in ways that we might not otherwise. We are only human, but a test of communal leadership is a willingness to do things differently if a mistake has been made. Indeed, my final piece of advice to clergy members and communal leaders would be as follows: Always maintain an open mind.

After college graduation, one of the career options that I'm considering is working in Jewish education and making a contribution in the area of inclusion. I am looking forward to continuing along this path.