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Tsimtsum in the Writings of Rabbi Eliezer Berkovits

Introduction

ELIEZER BERKOVITS is best known for his writings on post-Holocaust theology, but, in his nineteen books and many journal articles, he has also written extensively on various subjects in Jewish law and philosophy.[1] This paper will explore the issue of how Berkovits, a modern rationalist theologian and by no means a mystic, used the mystical concept of *tsimtsum* to enhance his theology of Judaism. It will look at how he used it to explain crucial historical events, like the Holocaust and the establishment of the State of Israel, as well as seminal concepts, such as human freedom, God's attributes, and the Exile. We will further note that even Berkovits' approach to *halakhah* is shaped by the concept of *tsimtsum*.

Rabbi Isaac Luria (1534-1572), the Ari, introduced the mystical concept of *tsimtsum*, God's self-contraction, and it was developed by his disciples, Rabbi Hayyim Vital and Rabbi Israel Sarug. This divine retreat and emanation process of creating the world is discussed mainly in mystical and Kabbalistic literature, but the concept of *tsimtsum* has also influenced Jewish Eastern European thought and even Christian European philosophy.[2] According to Rabbi Luria, the creation of the world was a three-step process: "the *tsimtsum*, or self-limitation, of God; the *shevirah*, or breaking of the vessels; and the *tikkun*, or harmonious correction and mending of the flaws which came into the world through the *shevirah*."[3]

Berkovits was unique in that he clearly utilized the mystical concept of *tsimtsum* within his rationalistic philosophy without delving into the mysti-

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cal and cosmological meaning of the idea. Interestingly, he did not use the exact phrase "*tsimtsum*" in the core of his writings. He used other expressions such as "Divine self-limitation", "Divine self-denial", "Divine self-control", "Divine self-abnegation", "Hiding God", "humbles Himself", "reduces Himself", and "restraint" of God, which are all phrases reminiscent of *tsimtsum*.[4] There is only one footnote in all of his writings where Berkovits explained that his concept of Divine self-limitation is analogous to Rabbi Luria's concept of *tsimtsum*.

> We do not feel competent to judge to what extent our concept of divine self-limitation is identical with Luria's focal concept of the *Tsimtsum* . . . it would appear that *Tsimtsum* is a withdrawal of divine substance into God, in order to make "room" for creation. For us, the act of divine self-limitation is a logical requirement for God's involvement in a finite reality. . . . With Luria, as well as in our discussion, divine self-limitation establishes the reality of the particular and individual and makes the encounter and, thus, religion possible.[5]

Berkovits evidently felt that his concept of Divine self-limitation was similar in some ways to Luria's, in that, both he and Luria maintained that *tsimtsum* created the "reality of the particular and individual." From this fundamental point of similarity between himself and Luria, Berkovits developed his own philosophy.

For Berkovits, the most important outcome of divine self-limitation is God's ability to create a finite world. Without it there would be no possibility of religion, as there would be nothing besides God. The encounter between God and Man can occur only if God and Man are distinct from each other. God's self-limitation allows for human self-determination and freedom of choice.

> God's involvement with the realm of finite reality is imaginable only as an act of divine "self-limitation," as it were. . . . God is involved in the destiny of finite being as the result of an act of "self-denial."[6]

Berkovits was a fierce opponent of Spinoza's philosophy, in which there is no separateness between God and man. He believed that Spinoza's ideas were not only non-Jewish, but anti-Jewish. According to Spinoza, there is nothing besides the Infinite. In a system where the Infinite encompasses all, the finite, or human, cannot exist and no revelation of God can take place. Spinoza's philosophy denies the history of the Jews. Berkovits acknowledged that Kabbalah shares some pantheistic ideas with Spinoza's philosophy. However, according to Berkovits,

> Kabbalistic writers . . . make use of such ideas in order to render the his-
> toric facts on which Judaism is based—God, Israel, and Torah—more
> meaningful and more challenging for the individual Jew. The Ari haka-
> dosh is a good example of how, as long as these constants were not lost
> sight of, even Gnostic ideas could be included within the scope of kab-
> balistic Jewish philosophy.[7]

Berkovits singled out Luria, the Ari *hakadosh*, as a model of mystical phi-
losophy, as Berkovits believed that he preserved finite reality, despite his
Kabbalistic concepts which bordered on pantheism. Feeling that Luria's con-
cept of *tsimtsum* was within the framework of Jewish Philosophy, Berkovits
utilized it in order to establish his own philosophy.

Berkovits' conception of the purpose of *tsimtsum*—that is, that God lim-
ited himself at the moment of creation so as to allow for finitude and free will
– is why he viewed *tsimtsum* in a positive light. He was less concerned with
the *tsimtsum* process itself (the "how") than with the reason behind it (the
"why"). He saw no defect in God for limiting Himself. In fact, he saw it as a
merit to God. Luria, on the other hand, regarded *tsimtsum* in a negative way.
Tsimtsum is not what God initially wanted, but even God, as it were, could
do no better. For Berkovits, God contracted to give humans the ability to
create, to be free, to aid in finishing God's creation. *Tsimtsum* is therefore
viewed as an ideal. Unlike Luria, he argued that *tsimtsum* was the essence of
creation and that the withdrawal of God was simultaneous with creation.
Finitude was created at the moment of creation, when God limited Himself
and was no longer in his "fullness of Being."

Luria did not perceive this world as ideal. In his view, God is split
between the *Shekhina* and the *Ein Sof* in this world, so we must repair God
and the world. Lurianic Kabbalah maintains that "*devekut* was mobilized for
the achievement of the main goal of kabbalistic activity: the restoration, or
the *tikkun* of the supernal anthropos."[8] *Devekut* is an act of man cleaving to
God by way of the *mitsvot*. When studying Torah "he must intend thereby to
perfect the supernal tree [of *Sefirot*] and holy anthropos."[9]

In the same footnote in which Berkovits mentioned the word "*tsims-
tum*,"[10] he demonstrated that rabbinic literature makes reference to the con-
cept of Divine self-limitation. In the *Talmud Bavli*, Reish Lakish interpreted
the word "*Shaddai*," one of the names of God, to mean the God who said,
"Enough!," (*dai*) to the world while creating it, so as to limit His creation and
leave it incomplete.[11] When the mystics read "to perfect the universe through
Shaddai's sovereignty" in the *Alenu* prayer, they interpreted the statement as
saying that only we, and not God, are the redeemers of the world. We, and

only we, must redeem and unite *Shaddai*.[12] According to Berkovits, however, humans do not fix or restore God in any way. God purposely left room so that people would have to redeem the world by finishing God's creation.

> [Man] has been placed on earth that he may sanctify the secular, *letaken olam bemalkut Shaddai*, and establish the city of man as the Kingdom of God. It is not either God or man. Man, according to his own strength, continues the work of creation and becomes, urged on by God's call, a humble associate of the creator.[13]

Berkovits developed the concept of *tsimtsum* to show that God contracted in order to afford humans the ability to be ethically responsible. As he wrote, "the prototype of all ethical action is God's encountering the world with care and concern . . . in the divine prototype, care and concern for the other require self-limitation and self-denial."[14] God's powerlessness was necessary to give man his freedom to be human. Goodness can emerge only if there is the possibility of evil.[15] Berkovits felt that just as God limited His power and omnipotence and became "powerless," so too must the world powers limit themselves.

> When man himself reaches the goal of quasi omnipotence, true might consists in the self-control of such omnipotence, in the renunciation of its use. . . . From now on, imitatio dei is no longer a mere religious idea, but the practical requirement of human survival. The quasi-omnipotent man must, as if, absent himself from history, as the omnipotent God is wont to do.[16]

Both Luria and Berkovits wrote their treatises after major catastrophes of the Jewish people; Luria, after the expulsion from Spain, and Berkovits after the Holocaust. Both responded to these calamities by saying that God was in exile with His people.[17] Berkovits knew that many exiles wished to view their suffering as atonement for their sins, as they felt this would purify them and hasten the coming of the Messiah. While he understood that these explanations could provide solace and comfort, Berkovits dismissed the idea that the Jews were exiled solely because of their sins or that there could be a positive value in suffering.[18] Berkovits categorizes two types of exile: national and cosmic.

National exile begins with *Hurban*, with the destruction of the sovereignty of the people and their dispersion into alien lands. However, prior to national exile, and more fundamental and universal, there is cosmic exile. National exile is a phenomenon in the history of nations; cosmic exile bespeaks the spiritual quality of the universal human condition at any time in history.[19]

The *Shekhinah*, according to Berkovits, is in constant exile because of God's act of self-limitation. The exile of God existed at the beginning of time. It was not a consequence of any wrong doings of man, but a result of the withdrawal of God at the creation process, which was for the benefit of mankind. For if man is to have free will then God has to be a "refugee in the world." Unlike the Kabbalists, who defined exile as "a part of God Himself is exiled from God,"[20] a condition which should be reversed, Berkovits felt that God wanted to go into exile and that we need not restore a cosmic condition which God willed on purpose. Both Berkovits and Luria agreed that *Shekhinta Begaluta* is a cosmic condition, but they differed as to whether this *tsimtsum* is positive or negative.[21] Berkovits argued that God's self-hiding is a positive attribute, as Isaiah proclaimed, "Verily You are a God that hides Yourself, O God of Israel, the Saviour."[22] In other words, God is the saviour because He is the self–hiding God. According to Berkovits, "God's hiding his face in this case is not a response to man, but a quality of being assumed by God on his own initiative."[23] For Berkovits, the God who hides is also the God who saves, as by hiding, God gives man the freedom to choose between good and evil. Indeed, His presence encourages man to choose good.

According to Berkovits, the Holocaust was a great evil, but it was an evil done by man to others and was in no way a punishment enacted by God.[24] When it comes to human history, God restrains his power and, as a consequence, some may suffer. As Berkovits wrote,

> The rabbis of the Talmud saw the mightiness of the Almighty in that he controls his inclination to judge and to punish and behaves in history as if he were powerless. To curb the use of power where infinite power is at hand, to endure the mocking of one's enemies when one could easily eliminate them, that is true strength. Such is the mightiness of God. God is mighty, for he shackles his omnipotence and becomes "powerless" so that history may be possible.[25]

The concept of *tsimtsum* informs not only Berkovits' understanding of history, but his understanding of *halakhah*, as well. According to Berkovits, God withdrew Himself from the halakhic process to give total interpretive power to the Rabbis to analyze and make decisions. The title of one of his books evokes the famous Talmudic story of the oven of Akhnai wherein Rabbi Yehoshua would not pay attention to a heavenly voice deciding a halakhic matter. "It is not in Heaven," he declared. We follow the Rabbis and not God when interpreting the *halakhah*.[26] Just as God, through his act of *tsimtsum* from the domain of history, provided man with the challenge of taking responsibility for good and evil in the world, so too His withdrawal

from and self-limitation in the halakhic arena imposes on man the responsibility of adjusting God's word to the human experience.

For Berkovits, with the transfer of the Torah from God's domain to the human domain, God limited his control over the Torah and handed it over to his people.

> Once the Torah was revealed to the children of Israel, its realization on earth became their responsibility, to be shouldered by human ability and insight. . . . The divine truth had to be poured into human vessels; it had to be "humanized." Having left its heavenly abode, [Torah] had to be accommodated in the modest cottages of human uncertainty and inadequacy. This, in essence, is the task of the Halakha.[27]

The freedom granted through God's *tsimtsum* is crucial for Berkovits' discussion of the paradoxical encounter between God and Man. Man is dependent on God but must be independent from God in order to have freedom. "The act of divine self-denial is the precondition of the fundamental religious experience."[28] In the experience of encountering the Divine there must be an "I" and an "Eternal Thou", but the "I" must be free in order to encounter God. For Berkovits, man must be independent to have an experience of the Divine. He critiques Martin Buber's argument that at the very moment of the experience of the Divine, man must be independent to have a "fellowship." According to Berkovits, only after the encounter may man have the freedom to act. "Even though the encounter has long passed, the word remains forever God's word for the human being. There is no I-Thou relation, but there is contact with God by hearing His word and doing His will."[29] Berkovits, in contrast to Buber, views Judaism as "a non-dialogical situation. It is living in the divine Presence, even though the Presence is hidden and, most of the time, inaccessible."[30]

This relates to Berkovits argument that prayer can occur only when God is not present. Were God present, there would be no need for prayer during the experience, since God would be all encompassing and all human needs would disappear. This parallels Berkovits' critique of the dialogue experience described by Buber. Only after the experience is over can man choose to relate to God, as during the encounter man has no choice. Similarly, it is only after the experience, in God's absence, that one is free to pray and search for God's Presence.

Not only is God in exile, says Berkovits, but the *halakhah* is too. Though the Rabbis originally forbade transcribing *Torah Shebal Peh*, the Oral Law, for the sake of preserving it, they ultimately decided to write it down, following the dictum, 'When it is time to act for God, one may violate His commandments.' For Berkovits this is termed "*halakhah* in Exile."[31] This exile is truly negative.

> When the spoken word was forced into a straightjacket of a written
> mould it was an unavoidable violation of the essence of *halakhah*. It was
> no one's fault; nevertheless, it was a spiritual calamity of the first mag-
> nitude. Orthodoxy is, in a sense, *halakhah* in a straightjacket. . . . It is a
> condition we have had to accept. It is the price we have paid for the
> preservation of our identity and Jewish survival.[32]

If evil is a possible outcome in the world as a result of creation, then,
Berkovits contends, that possible outcomes of *halakhah* can be less than
perfect.[33]

Berkovits maintained that just as there are two types of exile, namely
national and cosmic, there are also two types of redemption. There is nation-
al redemption for the national exile and universal redemption for the *galut
haShekhinah*. He contended that only with universal redemption can there be
a total redemption, *ge'ulah shelemah*. Any national redemption is only *athal-
ta dege'ulah*, the beginning of redemption.[34]

During the Holocaust, *tsimtsum* almost allowed for the destruction of
Israel. Today, Berkovits said, we have witnessed the "reversal" of *tsimtsum*, so
to speak. We have seen the "arousal" of God from his "slumber" with the
establishment of the State of Israel. There has been a transformation in God's
holiness that is apparent, as we are no longer in exile.[35]

> During Israel's exile God is silent; God does not respond, He is as if
> removed and apart. . . . His attribute of holiness is not activated, as if it
> were at rest, "asleep." But when the hour of redemption approaches, one
> witnesses in silent awe how God is "aroused" out of the habitation of his
> holiness to come and dwell in the midst of Zion.[36]

The God who was with us in exile was silent and His attribute of holi-
ness was at rest. But now, God dwells in the midst of Zion and His attribute
of holiness has been activated and awakened.

Just as Israel emerged from its exile, said Berkovits, so too should the
Jewish people remove the limitations of *halakhah* they imposed on themselves
when they reduced the oral law to a written text. The *halakhah* need not
remain in exile. It can re-enter history just as the State of Israel did. *Halakhah*
can no longer be in a "straightjacket," but must unlock itself from the *galut*
frame of mind. "Only Torah that toils and is effective—not only in the pri-
vate life of Jews but within the comprehensive reality of a sovereign Jewish
people—can rightly be called *Torat Erets Yisrael*."[37]

Berkovits pointed out that just as faith is based on freedom and respon-
sibility, the interpretation of the revealed law is contingent on these as well.

In the task of applying the law to every specific situation, man's responsibility is tested. Of course he has the law before him; but it is man who interprets, it is he who makes the decision and is responsible for his action. As is well known, the Rabbis, on one occasion, went as far in their affirmation of their responsibility to interpret and to decide in the freedom of their conscience that they defied heavenly signs which demanded a different decision."[38]

God and *halakhah* were in exile. *Halakhah* went into exile for the preservation of the Torah, and God went into exile for the preservation of man. Both, in Berkovits' view, are now leaving their exile as the dynamic of *tsimtsum* reverses itself, shouldering man with new responsibilities.

NOTES

1. With the establishment of the Shalem Center's Eliezer Berkovits Institute for Jewish Thought in 2003, there has been renewed interest in Berkovits which has led to the republishing and translating of many Berkovits' writings. These efforts have demonstrated that his writings are as relevant to contemporary society as they were in the past. See David Hazony, *Essential Essays on Judaism* (Jerusalem 2002; Hebrew 2004). Other current releases by the Shalem Center of Berkovits' writings are *God, Man and History* (2004), *Faith after the Holocaust* in Hebrew (2006), *With God in Hell* in Hebrew (2006), *God, Man and History* in Hebrew (November 2009) and *Not in Heaven* (December 2009).
2. Y. Jacobson, *From Lurianic Kabbalism to the Psychological Theosophy of Hasidism* (Hebrew, Tel Aviv 1984); C. Schulte, *Zimzum in European Philosophy-A Paradoxical Career in Jewish Studies in a New Europe* (Copenhagen, 1998) 745-756 and C. Schulte *Zimzum in the works of Schelling* in *Iyyun. The Jerusalem Philosophical Quarterly* 41 (January 1992), 21-40. He writes in both articles that Franz Rosenzweig was the first to document the parallel between Schelling and Lurianic Kabbalah.
3. Gershom Scholem, *On the Kabbalah and its Symbolism* (Great Britain: Western Printing Services, 1965), 110, henceforth *On the Kabbalah*.
4. Eliezer Berkovits, *God, Man, and History: A Jewish Interpretation* (New York, 1959), 36, 64-65, 76, 50, henceforth GMH.
5. GMH, 173, ft.14. David Hazony suggested to me in a personal correspondence (December 20 2010) that the explanation for why Berkovits does not use the exact term of *tsimstum* might be found in the fact that Berkovits was out to present the Tanakh as the key source for all Jewish theology. He would therefore not use medieval kabbalistic terms to describe a concept that he saw as clear and inherent in the Bible itself. As this essay was going to press, I was happy to read David Hazony's new book, *Theodicy and Responsibility: Eliezer Berkovits' Response to the Holocaust* (Kindle Edition April 2012), which shares some ideas with my essay.
6. GMH, 64, and see Halivni, David Weiss, "Revelation and Tzimtzum" *Judaism* 21:2

(1972), 205-210 reviewing an older controversy of Rabbis choosing a literal expla-
nation or a figurative translation of *tsimtsum* and also his "Prayer in the Shoah"
Judaism 50:3 (2001), 268-291 for an alternate view of *tsimtsum* being "readjusted"
in history. And see http://www.sichosinenglish.org/books/letters-rebbe-1/04.htm
Letters from The Lubavitcher Rebbe "An analysis of different approaches regard-
ing *tzimtzum*, the process of Divine Self-limitation" 19 Shvat 5699 (1939) Paris,
where he goes through four approaches distinguishing the literal or metaphorical
interpretations. Chabad Hasidim believe in a complete metaphorical interpreta-
tion opposed to Lurianic Kabbalah.

7. Eliezer Berkovits, "What is Jewish Philosophy" in *A Treasury of Tradition* ed.
Norman Lamm and Walter S. Wurzburger (New York, 1967), 196-197 reprinted
from *Tradition* Volume 3:2 (1961).

8. Moshe Idel, *Kabbalah New Perspectives* (Yale 1988), 57

9. Ibid., 57 and footnote on page 300 where this reference is from Vital's *Sha'ar
HaMitsvot* and Luria's *Hanhagot*.

10. GMH, 73, ft.14.

11. *Hagigah* 12a and see Baruch Halevi Epstein *Torah Temimah*, on the verse in
Genesis 17:1 commenting on God's name as "Shaddai". He asks, "What praise is
there in a God who has said to the world "enough!" God's intention in creating
the world was for the merit of man to try, get involved, and excel in the doings of
the world and through this, will gain the completion of the soul, and if God would
not have said to the world, as it were, at the creation of the world "enough!" the
creation process would have been completed and there would be no place for man
to be novel in this world, and because He said "enough", there would be no room
for man to improve the creation process." Like Rabbi Berkovits, he views *tsimsum*
in a positive way.

12. As Scholem noted, the kabbalists held that every religious act should be accom-
panied by saying *leshem yichud*: this is done 'for the sake of the reunion of God and
His *Shekhinah*' See Gershom Scholem, *On the Kabbalah*, 108

13. Eliezer Berkovits, *Faith after the Holocaust* (New York 1974), 60, henceforth
FATH; See Rabbi Elimelekh Weisblum of Lizhensk in his *Noam Elimelekh*, *Vayera*
third paragraph that one who learns (*esek*) Torah is continuing Gods' creation. He
elaborates that God contracted Himself (*tsimstem et atsmo*) into the 22 letters of
the Torah with which He created the world and when we learn Torah we are then
continuing His creation, like in the creation process. This has kabbalistic under-
pinnings but I believe that the blessing that we recite in the morning before we
learn "la'asok bedivrei Torah" signifies the creation process of learning as it relates
to tsimtsum, and I hope to write about this in another paper.

14. *GMH*, 105. See David Hazony's introduction to Eliezer Berkovits' *Essential Essays
on Judaism* where he writes of Berkovits' ethical and moral vision of Judaism. I
argue that morality for Berkovits stems from his interpretation of the concept of
tsimtsum. Abraham Joshua Heschel and Joseph B. Soloveichik also write of the
tsimtsum. For Heschel, it is for the sole purpose of teaching of God's Divine
Concern and Pathos. Heschel writes in *Man is Not Alone: A Philosophy of Religion*,
(New York 1951), 149-150 "God is within the world, present and concealed in the
essence of things, if not for His presence, there would be no essence; if not for His
concealment, there would be no appearance." Fritz Rothschild writes in his intro-
duction to *Between God and Man, An Interpretation of Judaism from the Writings of
Abraham Joshua Heschel* (New York 1959), 22 that Heschel "uses the terminology

of the Lurianic Kabbalah, in which *tsimtsum* (contraction) is the category that accounts for creation." *Tsimtsum* is the catalyst for his analysis of Divine Concern and Divine Pathos. For Soloveichik, it is for the exclusive purpose of teaching that "God's conduct provides an example for human conduct." See David Hartman, *A Living Covenant-The Innovative Spirit in Traditional Judaism* (Woodstock, Vermont 1997), 82. Hartman writes that in some of Rabbi Soloveichik's writings such as *Majesty and Humility* and *Catharsis* and especially in *The Lonely Man of Faith*, *tsimtsum* is discussed to teach the "ethic of retreat or withdrawal". In contrast, in Soloveichik's *Halachic Man*, *tsimtsum* is analyzed "as an invitation to human beings to join God in the task of creation." Berkovits, as we shall see, also teaches us different behaviors learned from *tsimtsum* process. A separate essay could be written on the comparisons of Rabbi Berkovits and Rabbi Soloveichik's writings in general and particularly on *tsimtsum*.

15. *GMH*, 76. Also see a similar explanation by Meir Simha of Dvinsk *Meshekh Hokhmah* on Genesis 1:26 "Let us make man in Our image: Free will results from divine constriction (*Me'tsimtsum HaElakut*) that God, may he be blessed, leaves room for His creatures to act in the manner of their choosing". Free will, he believes, is the image of God in man. Both Rabbi Berkovits and Rabbi Meir Simha view free will as an amazing gift given by the "self-limiting" God.

16. *FATH*, 142, and see *Between Yesterday and Tomorrow Sermons by Rabbi Eliezer Berkovits* (Oxford 1945), 11 in Sermon I: "Not by Might. . ." and sermon IX titled "Triumph of the Spirit" given the day of Intercession, September, 1941.

17. *On the Kabbalah*, 110 .

18. *FATH*, 120-121.

19. Eliezer Berkovits, *Crisis and Faith* (New York, 1976), 154.

20. *On the Kabbalah*,107.

21. Ibid., 146-151, describing traditions of the Kabbalists who cried and lamented the exile of the *Shekhinah* displaying a negative approach towards exile.

22. Isaiah 45:15.

23. *FATH*, 101.

24. Berkovits preferred the Hebrew term *hurban*, annihilation, rather than *shoah* in referencing the Holocaust (*Crisis and Faith*, 158), even after the term Shoah became dominant. He does so because he considers *hurban* to be a higher degree of destruction than *sho'ah*. There were many *Shoah*/holocausts throughout Jewish history, but this is a *hurban*, an annihilation. In contrast, Rabbi Yitzchak Hutner, a late member of Agudath Israel's rabbinical leadership, objected not only to establishing a "*Yom HaShoah*" but to the use of the very term "Holocaust"; to describe the destruction of European Jewry because "those who originated the term *Shoah* view the Holocaust as an event totally unrelated to Jewish history and therefore requiring a memorial for itself" (R. Yitzchok Hutner, "Holocaust," *The Jewish Observer*, XII:8, (October 1977) [*Heshvan* 5738], 3-9.) Berkovits saw the destruction as related to and a component of Jewish history but nonetheless distinct in the intensity of its destruction.

25. *FATH*,109, and a concurring view by Elie Weisel "A Prayer for the Days of Awe", *New York Times*, (October 2,1997) where he writes that after half a century of accusing God of His silence during the Holocaust, he writes "I began wondering whether I was not unfair with You. After all, Auschwitz was not something that came ready-made from heaven. It was conceived by men, staffed by men. And their aim was to destroy not only us but You as well."

26. Eliezer Berkovits *Not in Heaven: The Nature and Function of Halacha* (New York 1983), 46- 47, quoting from *Baba Metsia* 59b. henceforth NIH.

27. Ibid ., 72-73, and see Ira Bedzow, *Halakhic Man Authentic Jew Modern Expressions of Orthodox Thought From Rabbi Joseph B. Soloveichik and Rabbi Eliezer Berkovits* (Jerusalem 2009), 169-174 where Bedzow categorizes Berkovits' rabbinical "humanizations" into three separate categories of reasoning behind the Rabbis interpretation of the law.

28. *GMH*, 35.

29. Eliezer Berkovits, *A Jewish Critique of the Philosophy of Martin Buber* (New York 1962), 67.

30. Ibid., 70.

31. NIH, 85. "Halakha in Exile" is used as the title of the chapter.

32. *Crisis And Faith*, 95, and see Allan Nadler's Review Essay of Berkovits' "*Not in Heaven*" in *Tradition: A Journal of Orthodox Thought* 21:3 (Fall 1984), 95 where he critiques Berkovits' usage of "Karaitic" describing the Rabbis attitude towards the written texts of Jewish law. Nadler says "to characterize strict adherence to the codified rule of law as "Karaitic" is both mischievous and offensive." Shalom Carmy in his Review Essay titled "Eliezer Berkovits Challenge to Contemporary Orthodoxy" *The Torah uMaddah Journal* (December 2004) of David Hazony, *Essential Essays on Judaism,* defended Berkovits by requesting readers to look beyond Berkovits' attack on the "Karaism of the Oral Law."

33. An example of a change in the *halakhah* that Berkovits sought after was the case of preventing an *agunah*, when husbands refuse to grant a divorce. Berkovits tried very hard in his lifetime to solve this crisis. He wrote a book "*T'nai Bi'N'suin u'V'Get*" Conditional Marriage and Divorce (Jerusalem 5727/1967), proposing a prenuptial agreement (conditions placed into the *ketubah,* the marriage contract) and specifying cases where retroactive annulments of marriages can take place based on proof texts. Berkovits wrote in *Jewish Women in Time And Torah* (Hoboken, New Jersey 1990), 111, that he regrets that this work was not taken seriously and denies the rumors that Rabbi Weinberg (known for his responsa *Seridei Esh*) withdrew his approbation. See Shapiro, Marc B., *Between the Yeshiva World and Modern Orthodoxy the Life and Works of Rabbi Jehiel Jacob Weinberg* (Portland, Oregon 2002), 190-191, for a review of the rumors associated with this book. Shapiro's conclusion is that it is more likely that Rabbi Weinberg did not revoke his approval for Berkovits' work, as Rabbi Menachem Kasher maintained.

34. *Crisis and Faith*, 157-158.

35. Or at least, the same condition of exile, as some claim, since the Messiah has not yet come and the third Temple has not been built.

36. Eliezer Berkovits, *Man And God Studies in Biblical Theology* (Detroit1969), 205.

37. *Crisis and Faith*, 143, and see Allan Nadler's Review Essay of Berkovits' "*Not in Heaven*" in *Tradition: A Journal of Orthodox Thought* 21:3 (Fall 1984), 96, where Nadler disagreed with Berkovits that the establishment of the State of Israel necessitates a radical halakhic response, thereby involving new circumstances of halakhic decision making. This, Nadler claimed, should not affect any essential change in the way we treat the halakhic process.

38. Eliezer Berkovits, *A Jewish Critique of the Philosophy of Martin Buber*, 105-106 footnote 99. This reference to "on one occasion" is to the oven of Akhnai.