Meorot

A Forum of Modern Orthodox Discourse

(formerly *The Edah Journal*)

***Tishrei* 5769**

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Statement of Purpose
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Editor's Introduction to the *Tishrei* 5769 Edition

Eugene Korn

Welcome to the 7:1 *Tishrei* 5769 edition of *Meorot*. This edition contains a number of important articles from authors in America, Israel and England. We have also added a new feature, *The Daled Amot of Halakhah,* that discusses halakhic issues in depth and that will be a regular part of future editions of *Meorot*.

Jews who observe Torah and *mitsvot* certainly believe that their religion is true. But is the Torah of Moses the *only* "true religion"? Must everyone practice and believe as observant Jews do to live religious truth? Maimonides was one of the few halakhic authorities who wrote a detailed picture of the messianic era (*Mishneh Torah*, Laws of Kings, chs. 11 and 12), and at the end of his great halakhic compendium he asserts that in this era, the nations of the world will all adopt (*yahzeru*) "*dat ha-emet"*—the true religion. Does Maimonides expect that all humanity will eat *matzah* on Passover, wear *tsitsit* and accept the Torah given to Moses at Sinai? Or is it possible that there is a different true religion and life-style for gentiles even in the messianic era?

This is significant for us living in pre-messianic times, since most eschatological statements imply judgments about the life we lead today. (After all, we merit final rewards by virtue of the life we lead in the here and now.) Hence whether *Torat Moshe* is the exclusive true religion has important consequences how we relate to gentiles their beliefs. For Modern Orthodox Jews, who live in a sociologically pluralistic world and regularly interact with gentiles—both secular and religious—this question is a serious practical one.

R. Chaim Rapoport ("*Dat Ha-Emet*" in Maimonides' *Mishneh Torah'*) provides a close analysis of Maimonides' usage of "*dat ha-emet*" and concludes that while the term refers to the content of Sinaitic revelation for Jews, Maimonides also uses it to refer to God's revelation to Noah that contains the seven Noahide commandments for gentiles. Thus belief in the Creator of heaven and earth combined with obedience to the moral commandments Noahide is what Maimonides had in mind for gentiles in the messianic era, when universal tranquility will prevail and the Jewish people will live in harmony with the nations of the world. Even then, gentiles will remain distinct from Jews and not be bound by the 613 Sinaitic commandments.

Prof. Menachem Kellner ("Maimonides' 'True Religion': For Jews or All Humanity?") disagrees with R. Rapoport, claiming that Maimonides identifies the Image of God (*Tselem Elokim)* with the conceptual faculty that enables human beings to come to a limited knowledge of God, and insists that all human beings are endowed with *Tselem Elokim*. For Maimonides, the realization of this rational faculty is the ultimate human perfection, and because this knowledge produces messianic conditions in which humans have reached their ideal state, in the messianic era there will be no difference between Jews and gentiles. All people will adopt the most promising path to attaining knowledge of God, which is the Torah of Moses. (How the Torah will be interpreted and lived is, famously, a controversial point among Maimonides scholars.) R. Rapoport provides a brief response to Prof. Kellner.

Seven years ago R. Mendel Shapiro penned a learned and provocative study ("*Qeri'at ha-Torah* for Women: A Halakhic Analysis," *The Edah Journal* 1:2, *Sivan* 5761) of the halakhic issues surrounding women's *aliyyot* to the Torah, and concluded that for communities that do not see women's *aliyyot* as lessening its dignity, this practice is permitted. The article elicited a wide reaction in traditional circles, and a few congregations in Israel and America proceeded to institute *aliyyot* for women on its basis. The noted talmudic scholar, R. Daniel Sperber, followed Shapiro's essay with his own study ("Congregational Dignity and Human

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Dignity: Women and Public Torah Reading," *The Edah Journal* 3:2, *Elul* 5763) that contained similar conclusions.

In this edition, R. Shlomo Riskin ("Torah *Aliyyot* for Women") rejects both permissive analyses, and insists that the theoretical license given to women's *aliyyot* in the *beraita* in *Megillah* 23a is only for a time when all seven *aliyyo*t were not halakhically obligatory. In our times, however, when *aliyyot* are obligatory, women may not discharge this obligation for men since females are not similarly obligated. For R. Riskin, the fundamental text for present practice is the *tosefta* (*Megillah* 3:11).

R. Riskin also maintains that public reading of the Torah is part of the obligation of Torah study that devolves only on males. R. Shapiro responds to R. Riskin's arguments, attempting to demonstrate that they are not consistent with Talmudic sources and with how those sources were interpreted by traditional halakhic authorities. He also rejects R. Riskin's attempt to transform the socially sensitive concept of *kevod ha-tsibbur* (dignity of the congregation) into an objective standard based on halakhic obligation.

Meorot is privileged to present a translation of an important Hebrew essay by the noted Israeli Bible teacher, R. Yoel Bin Nun. Because R. Bin Nun writes exclusively in Hebrew, his seminal works have been unavailable to a large number of American Jews. In "New Year or Beginning of The New Year?," he examines and resolves a number of textual difficulties: Why is there is no biblical mention of *Rosh ha-Shanah?* Why do we celebrate the New Year two weeks prior to the festival of *Sukkot,* when in the Bible that festival occurs at the end of the year—before the New Year?

In his discussion of the importance of Tanakh study within Modern Orthodoxy, Meorot's associate editor R. Nathaniel Helfgot examines the problematics of utilizing biblical criticism and modern academic tools in teaching *Tanakh* in Modern Orthodox classrooms ("Curricula, Methodologies and Values in Orthodox *Tanakh* Study: Where They Where Can Help Us"). He rightly notes that while many of the assumptions of Higher Biblical Criticism have no place in an Orthodox setting that insists that the Torah was divinely revealed at Sinai, it is crucial that Modern Orthodox high school students and young adults be made aware of the phenomenon of Biblical Criticism. From his personal experience as an educator, he observes that when used properly many of the tools and analyses of modern methods can enrich an Orthodox student's appreciation of Torah and contribute to *yir'at shamayim* (religious awareness). Like so much of Modern Orthodoxy that in principle does not deny modern life and scholarship, the correct Torah approach is a critical dialectical acceptance of the fruits of modernity and the rejection of what contradicts our fundamental values.

In our new regular feature, *The Daled Amot of Halakhah,* R. Yaakov Love presents an analysis of the talmudic prohibition of inviting gentiles to a holiday meal, lest a Jew violate the prohibition of cooking for the gentile on *Yom Tov*. R. Love analyzes the considerations and limitations of the original *halakhah,* as well as which conditions of modern life are relevant to the prohibition today.

R. Yitzchak Blau offers an extended review essay of an important new Hebrew book from Israel, *Orthodox Judaism, New Perspectives*. The book explores aspects of Jacob Katz' distinction between modern society, which values and aspires to change, and traditional society, which views the past as its essential guide, as it is being played out in contemporary Orthodox communities. Katz' contention was that Orthodoxy as we know it today is a modern phenomenon, a reaction to the changes brought by the Enlightenment and liberal Judaism. The book's scholarly articles discuss the historical and philosophical themes in Orthodoxy and confront how modern sociological, economic and political factors have willy-nilly changed Orthodox life and values. Blau develops penetrating insights and critiques into the claims about Orthodoxy by these scholars.

We are all aware that contemporary Orthodoxy is the scene of a *kulturkampf* between those wishing to seal off modernity as an *apriori* ideal and who strive to incorporate the best contemporary high culture and scholarship into religious life. There have been countless descriptive analyses of this spiritual disagreement, but now R. Marc Angel has given us an engaging novel that dramatizes the fundamental

conflict. R. Alan J. Yuter sees this novel as a modern story in epic form and reviews the book's application to the institutions and tensions of contemporary Orthodoxy.

I trust you will enjoy the variety and depth of the articles in this edition of *Meorot,* and invite you to send your responses to the edition by emailing us at meorotjournal@yctorah.org.

B'verakhah,

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"Dat ha-Emet" in Maimonides' *Mishneh Torah*

Chaim Rapoport

Abstract: This article argues that Maimonides' uses the term "*Dat ha-Emet*" ("the true religion") equivocally. Regarding Jews, it refers to revelation at Sinai or the Torah and its 613 commandments given to Moses. Regarding gentiles, it refers to the Noahide revelation and the seven commandments contained in the covenant between God and humanity. Hence when Maimonides claims that all people adopt the true religion in the messianic era, he does not mean that humanity will convert to Judaism, but that the nations of the world will worship the one God of the universe and live by the moral commandments contained in the Noahide code.

Biography: R. Chaim Rapoport has been a member of the British Rabbinate for 20 years. In addition to serving in a number of congregations in England, he was previously the *Rosh Kollel* of Leeds and is presently an advisor to the Chief Rabbi of the United Kingdom on issues of medical ethics. His most recent books are *Judaism and Homosexuality: An Authentic Orthodox View* (London 2004), which was reviewed in the *Tammuz* 5765 edition of *The Edah Journal*, and *The Messiah Problem* (Essex, 2002).

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"*Dat ha-Emet*" in Maimonides' *Mishneh Torah*[1]

Chaim Rapoport

I. The Contexts in Which Maimonides Uses the Term "*Dat ha-emet*"

At six points[2] in his *Mishneh Torah*, Maimonides employs the term "*dat ha-emet*" ["the true religion" or "the religion of truth"].[3]

1. *Hilkhot Hamets u-matsah* 7:4
[In telling the story at the Passover *seder*] he must begin with disgrace and conclude with glory. How so? He begins by recounting how, at the outset, in the days of Terah and before, our ancestors were unbelievers, straying after vanity and pursuing idolatry, and he concludes with *dat ha-emet*, in that [God] drew us close to Him,[4] distinguishing us from those who go astray and drawing us close to His Unity.[5]

2. *Hilkhot Matanot evyonim* 10:1 (*MR*, p. 135)
We are obligated to be more scrupulous in fulfilling the commandment of charity [tsedaqah] than any other positive commandment because charity is the sign of the righteous man,[6] the seed of Abraham our Father, as it is said, "For I

[1] Translated from the Hebrew by Joel Linsider. Except as otherwise noted, translations from quoted Hebrew sources are by the present translator. Translations of biblical verses are based on the Old Jewish Publication Society version (The Holy Scriptures [Philadelphia, 1917]), modified to remove archaisms and as otherwise needed to conform to the understanding of the text in this article. Translations of passages in the *Mishneh Torah* that are included in Isadore Twersky, *A Maimonides Reader* (Springfield NJ: Behrman House, 1972) (henceforth: *MR*) are taken from and cited to it; passages from *Mishneh Torah* not so cited are not included in *MR* have been translated by the present translator. Translations of passages in *Guide of the Perplexed* are taken from Moses Maimonides, *The Guide of the Perplexed*, trans. and with an Introduction and Notes by Shlomo Pines (Chicago and London: Univ. of Chicago Press, 1963), cited as "Pines." Footnotes marked by Arabic numerals are by the author; footnotes marked by lower-case Roman numerals are by the translator. Brackets around a footnote marker indicate a footnote inserted into a quoted passage. Note that the word "*dat*" is translated most often translated as "religion" but occasionally as "law"; the word "*torah*" is translated as "Torah" or as "Law," as context may require. Wherever variant readings of Maimonides' text are noted, they are based on *Yalqut shinuyei nusha'ot* [Collected textual variants] in Maimonides, ed. Shabbetai Frankel.

[2] The number may be seven—see *Mishneh Torah*, *Hilkhot Sanhedrin* 24:10, cited in Section II below.

[3] In Part 34 of his *Liqqutei sihot*, p. 211, n. 2, the Lubavitcher Rebbe, R. Menachem Mendel Schneerson, noted the need to identity the source of the term "*dat ha-emet*." The Rebbe wrote: In the Bible (Esth. 3:8), the word *dat* appears in the plural—*dateihem shonot* ("their customs are different"). In biblical Hebrew, then, we find that the word *dat* is used only to mean custom (*minhag*); see the Targum to Esther, id. That is not the case in rabbinic Hebrew, however; see, for example, *heimirah datah* ("she changed her religion"; that is, she apostatized) (*Sukkah* 56b); "*hamarat dat* [change in religion; apostasy] invalidates the paschal sacrifice" (*Pesahim* 96a); and see *Pirqei de-rabbi eli`ezer*, beginning of chapter 41, s.v. *dat avoteinu*.

The Rebbe added that he had not found any uses of the term in works that precede Maimonides, though the term "*dat ha-amitit*" is used in the translation of R. Judah ha-Levi's Kuzari by R. Judah Ibn Tibbon (whose son, R. Samuel Ibn Tibbon, translated Maimonides' *Guide of the Perplexed*). See *Kuzari*, Ibn Tibbon trans., Part 4 chap. 3; Part 5, chaps. 20, 23.

[4] Some read "to His service" ("*la-avodato*") instead of "to Him" ("*lo*"). See *Liqqutei sihot*, Part 17, p. 83, n. 43.

[5] Some read *le-yihudo* with two *yod*s rather than one.

[6] See *Yalqut shinuyei nusha'ot* (above, n. 1), n. 1.

[7] See *Yalqut shinuyei nusha'ot* (above, n. 1). Cf. *Tur*, *Yoreh de`ah* sec. 247: "And every one who is scrupulous in it is evidently a descendant [of Abraham] whom God has blessed, as it is written, [Gen. 18:19] "to the end that he may command his children and his household after him, that they may keep the way of the Lord, to do righteousness and justice."

know him, that he will command his children…to do righteousness [*tsedaqah*]"[7.] (Gen. 18:19). The throne of Israel is established and the religion of truth [*dat ha-emet*] is upheld only through charity, as it is said, "In righteousness shall you be established" (Is. 54:14). Israel is redeemed only through charity, as it is written, "Zion shall be redeemed with judgment and they that return to her with righteousness" (ibid. 1:27).

3. *Hilkhot Hagigah* 3:1 (*MR*, p. 147)

It is a positive commandment to assemble all Israelites, men, women, and children, after the close of every year of release when they go up to make the pilgrimage, and in their hearing to read chapters from the Law which shall keep them diligent in the commandments and strengthen them in the true religion [*dat ha-emet*].

4. *Hilkhot Hagigah* 3:6 (*MR*, p. 149)

Even if there is any who cannot hear, he should keep his heart intent on this reading, for Scripture has ordained it solely for the strengthening of the true religion [*dat ha-emet*]; and a man should so regard himself as though the Law was now laid upon him for the first time and as though he now heard it from the mouth of the Lord, for the king is an ambassador to proclaim the words of God.

5. Hilkhot Melakhim 4:10 (MR, p. 218)

All the land he [the king] conquers belongs to him. He may give thereof to his servants and warriors as much as he wishes; he may keep thereof for himself as much as he wishes. In all these matters he is the final arbiter. But whatever he does should be done by him for the sake of heaven. His sole aim and thought should be to uplift the true religion [*dat ha-emet*], to fill the world with righteousness,[8.] to break the arm of the wicked, and to fight the battles of the Lord. The prime reason for appointing a king was that he execute judgment and wage war, as it is written: "And that our king may judge us, and go out before us, and fight our battles" (1 Sam. 8:20).

6. *Hilkhot Melakhim* 12:1 (*MR*, p. 224)

Let no one think that in the days of the Messiah any of the laws of nature will be set aside, or any innovation be introduced into creation. The world will follow its normal course. The words of Isaiah: "And the wolf shall dwell with the lamb, and the leopard shall lie down with the kid" (Is. 11:6) are to be understood figuratively,[9.] meaning that Israel will live securely among the wicked of the heathens[10.] who are likened to wolves and leopards, as it is written: "A wolf of the deserts does spoil them, a leopard watches over their cities" (Jer. 5:6). They will all accept the true religion [*dat ha-emet*], and will neither plunder nor destroy,[11.] and together with Israel[12.] peacefully eat that which is permissible, as it is written: "And the lion shall eat straw like the ox" (Is. 11:7). All similar expressions used in connection with the Messianic age are metaphorical. In the days of King Messiah the full meaning of these metaphors and their allusions will become clear to all.[13.]

II. The Meaning of the Term: First Impressions

Here we must ask: What is meant by this distinctive term, "*dat ha-emet*"? At first glance, the answer is simple: *dat ha-emet*—"the true religion"—means "the religion of Israel"; that

[8] Some read "to fill *all* the world with righteousness."

[9] The Hebrew term here translated as "figuratively" is *mashal ve-hidah*; cf. *Hilkhot Yesodei ha-Torah* 7:6: "For all the prophets…see what they see as *mashal ve-hidah*."

[10] See *Guide* III:11; see also below, n. 70.

[11] The wording is based on Is. 11:9—"They shall not hurt nor destroy." See also *Guide*, id.

[12] Some read "like Israel" instead of "together with Israel."

[13] See *Hilkhot Melakhim* 12:2 (*MR*, p. 224): "No one is in a position to know the details of this and similar things until they have come to pass."

is, the entire Torah and all the commandments that G-d gave to Israel, his nation.[14]

At first glance, Dat ha-Emet *means "the religion of Israel"*

In support of this interpretation, one should consider Maimonides' comments, in *Hilkhot Sanhedrin* 24:10,[15] on the proper conduct of a judge:

> In all things he should act for the sake of heaven, and he should not treat human dignity lightly, for it can supersede a negative commandment,[16] and even more so should he take care not to undermine the dignity of the children of Abraham, Isaac, and Jacob,[17] who maintain to the true Torah [*torat ha-emet*].

Some read "maintain the true religion [*dat ha-emet*]" instead of "maintain the true Torah [*torat ha-emet*], and that reading clearly implies that *dat ha-emet* means the Torah and commandments maintained by the children of Abraham, Isaac, and Jacob.[18]

III. Defining the Words "*Dat ha-emet*"

And why is our holy Torah referred to as "*dat ha-emet*"? The simple answer is that the word "*emet*" ("truth") modifies "*dat*" ("religion"); in other words, the religion is true rather than false (*sheqer*).[19] That is, this religion, which is the Torah of Moses, "given to us through Moses our Teacher entirely from God…All of it came from God, and all of it is the Torah of God,[20] perfect, pure, holy, and true";[21] "a truth with no flaw."[22]

[14] Prof. Menahem Kellner has written that "in the six places in the *Mishneh Torah* where the term "*dat ha-emet*" appears, it connotes what we today refer to by the general term 'Judaism.' See his article "*Farteitcht Un Farbessert—he`arot al 'tiqqunim' megamatiyim be-kitvei ha-rambam"* [*Farteitcht un farbessert*—notes on tendentious "corrections" to Maimonides' writings], in *Be-darkhei shalom – iyyunim be-hagut yehudit mugashim le-shalom rozenberg* [Festschrift for Shalom Rosenberg] (Jerusalem, Beit Morashah, 5767 [2006-07]), n. 25. (A slightly different version of the article appears in English as "*Farteitcht un Farbessert* (On 'Correcting' Maimonides)**,"** *Me'orot* 6,2 [November, 2007].)

[15] Quoted verbatim in *Tur*, *Hoshen Mishpat*, sec. 2.

[16] See *Hilkhot Shabbat* 26:23; *Hilkhot Aveil* 3:14. See also *Hilkhot Kil'ayim* 10:29.

[17] See also *Hilkhot Sanhedrin* 25:2 (*MR*, p. 205): "He [a judge] is also forbidden to treat people with disrespect, though they be ignorant…for though they be uninformed and lowly, they are the children of Abraham, Isaac, and Jacob, of the hosts of God, brought forth out of Egypt with great power and with a mighty hand." See also *Hilkhot Matanot eyyonim* 10:17.

[18] Additional support for this interpretation may possibly be found in Maimonides' wording at the end of *Hilkhot Teshuvah* (10:2, *MR*, p. 83), where he describes one who serves God out of love as "[occupying] himself with the study of the Law [*torah*] and the fulfillment of commandments…[doing] what is truly right [*oseh ha-emet*; lit., doing the truth] because it is truly right." This suggests that the Torah and commandments are referred to as "truth."

[19] "*Sheqer*," in the sense of "something contrary to reality"—as in such terms as "*navi sheqer*" ("false prophet"), "*shevu`at sheqer*" ("false oath"), "*eidut sheqer*" ("false testimony"), etc.—is a frequent locution in *Mishneh Torah*. See also Maimonides' comment that a judge should know "…who will call him to account if he deviates from the line of truth [*qav ha-emet*]" (*MR*, p. 203).

[20] It is possible as well that the term "*dat ha-emet*" refers to the giver of the Torah, who is a "true God"; the phrase would then be equivalent to "the religion of the true God" or "the religion of the God of truth." As Maimonides writes (*Hilkhot Yesodei ha-Torah* 1:4; *MR*, p. 44): "This is what the prophet means when he says, 'But the Eternal is the true God" (Jer. 10:10); that is, He alone is real and nothing else has reality like His reality. The same thought the Torah expresses in the text: "There is none else besides Him" (Deut. 4:35); that is: there is no being besides Him, that is really like him." [The word translated as "real" in the foregoing is "*emet*," and the passage might read, more literally: "…that is, He alone is true and nothing else has truth like His truth….there is no true being besides Him, that is like him.—*translator.*] Similarly, God is referred to (*Hilkhot Teshuvah*, 6:3; *Hilkhot Berakhot* 10:3 et seq) as "*dayyan ha-emet*" ("the true judge") And see *Guide* II:47 (Pines, vol. 2, p. 409): "For only truth pleases Him, may He be exalted, and only that which is false angers him….Accordingly it says…I the Lord speak righteousness [Isa. 45:19]."

[21] Maimonides' Commentary on the Mishnah, *Sanhedrin* 10:1; MR, p. 421.

[22] *Hilkhot Yesodei ha-Torah* 8:1.

One may find support for this understanding in Maimonides' Epistle to Obadiah the Proselyte, in which he describes a convert in the following terms:[23]

> A man who left his father, his native land, his nation's realm…and, having gained inner understanding, came to join this nation…and recognized and knew that their religion is a true and righteous religion [*dat emet va-tsedeq*]. He came to understand the ways of Judaism and to know that all [other] religions are purloined from their [the Jews'] religion, one adding and another diminishing, one changing and another deceitfully defaming G-d with words that are not so,[24] one tearing down the foundations and another speaking [of it] perversely. He came to recognize all this and sought after G-d, traversing the holy path and entering under the wings of G-d's presence,[25] embracing the dust at the feet of Moses our Teacher, the master of all prophets, peace be upon him.

Maimonides thus defines Judaism as "a true and righteous religion," in contrast to other religions that deceive and lie,[26] that are stolen and perverse.

Dat ha-Emet c*an also describe the religion that shows us the way of truth and uprightness*

The words "*dat ha-emet*" can also be taken to describe the religion that *shows us* the way of truth and uprightness.[27] "Truth" in our context means "a word of wisdom," in contrast to words of folly that have no value,[28]. or, in Maimonides' wording, truth in contrast to vanity.[29] The Torah and commandments are "*dat emet*" because by means of them, "[God]

[23] *Teshuvot ha-rambam* [Responsa of Maimonides], ed. Freiman (Tel-Aviv, 5694 [1933-34]), sec. 369; *Teshuvot ha-rambam* [Responsa of Maimonides], Meqitsei Nirdamim edition (Israel, 5720 [1959-60]), sec. 248, p. 728.

[24] Cf. *Hilkhot Me`ilah* 8:8; *MR*, p. 146:

"It is fitting for man to meditate upon the laws of the holy Torah and to comprehend their full meaning to the extent of his ability. Nevertheless, a law for which he finds no reason and understands no cause should not be trivial in his eyes….[he] should…be on guard not to rebel against a commandment…only because he does not understand its reason; or to heap words that are not right against the Lord…. How much was King David distressed by heretics and pagans who disputed the statutes! Yet the more they pursued him with false questions, which they plied according to the narrowness of man's minds, the more he increased his cleaving to the Torah, as it is said, "The proud have forged a lie against me; but I with my whole heart will keep Your precepts" (Ps. 119:69). It is also said there concerning this: "All your commandments are faithful; they persecute me falsely, help You me" (ibid. 119:86).

[25] See sources cited below, n. 61.

[26] See also *Hilkhot Melakhim*, end of Chapter 11 (*MR*, p. 227), telling how, in the time of King Messiah, Christians and Muslims will "realize that they have inherited naught but lies from their fathers, that their prophets and forebearers led them astray."

[27] Note Maimonides' terminology in *Hilkhot Rotseiah* 12:14: "A transgressor who is blinded by his lusts and therefore does not see the way of truth."

[28] Cf. *Hilkhot Teshuvah* 8:6: "The wise and knowledgeable know that all these things are nonsensical and vain, offering no profit." See also *Hilkhot Tefillin* 4:25 (*MR*, p. 94): "[One wearing phylacteries] is not drawn into frivolity and idle talk, does not dwell on evil thoughts but occupies his mind with thoughts of truth and righteousness."

[29] See the quotation from *Hilkhot Teshuvah* in the preceding note. See also *Hilkhot Teshuvah* 3:4 (*MR*, p. 76): "Those of you who forget the truth in the follies of the times and go astray the whole year in vanity and emptiness which neither profit nor save…his evil course and the thought that is not good." (On the term "follies of the time" [*hevlei ha-zeman*], see also *Hilkhot Yesodei ha-Torah* 7:1; *Hilkhot Teshuvah* 3:4; 9:1; *Hilkhot Mezuzah* 6:13. Full consideration of the matter is beyond the scope of this article.) In *Hilkhot Avodah Zarah* 11:16 (*MR*, p. 75), Maimonides writes:

These practices are all false and deceptive and were means employed by the ancient idolaters to deceive the peoples of various countries….Whoever believes in these and similar things and, in his heart, holds them to be true and scientific and only forbidden by the Torah, is nothing but a fool, deficient in understanding….Sensible people, however, who possess sound mental faculties, know by clear proofs that all these practices which the Torah prohibited have no scientific basis but are chimerical and inane [*hevel*; "vain"], and that only those deficient in knowledge are attracted to these follies and, for their sake, leave the ways of truth.

In this paragraph, Maimonides combined the two senses of the word "*emet*": it is the opposite of lying and deceit, and it is the opposite of vanity and folly.

delivered us from groping in the darkness by making the commandments a lamp to straighten out the crooked places and a light to teach us the paths of uprightness,"[30] for "the greater part of the rules in the Law are but 'counsels from of old' (Is. 25:1) from Him who is 'great in counsel' (Jer. 32:19), to correct our moral qualities and to keep straight all our doings."[31]

It may be that both of the foregoing interpretations are correct and that "*dat ha-emet*" means "the religion truly given by G-d, which shows us the path of truth." Looking more deeply into the concept, we can suggest that the word "*dat*" in the expression "*dat ha-emet*" connotes not only the commandments and laws of the Torah in all their details[32] but also—perhaps primarily—the true opinions and beliefs[33] that form the basis and infrastructure of the religion. Maimonides refers to these as "*yesodei ha-dat*" ("basic principles of religion")[34] or "*iqqarei ha-dat*" ("principles of religion")[35]—beginning with "the basic principle of all basic principles," "the great principle on which everything depends"[36] and including additional principles such as the unity of G-d, the eternity of the Creator,[37] and the belief in the divine origin and eternity of the Torah. On this view, the words "*dat ha-emet*" mean "the true faith," which is the principle of the religion of Israel—"the religion based on the true faith."[38]

[30] *Hilkhot Shehitah* 14:16 (*MR*, p. 125).

[31] *Hilkhot Temurah* 4:13 (*MR*, p. 150). Maimonides concludes: "And so He says: 'Have I not written you excellent things of counsels and knowledge, that I might make you know the certainty of the words of truth, that you might bring back words of truth to them that sent you"' (Prov. 22:20).

[32] For "*dat*" in the sense of "law" or "ordinance," see *Hilkhot Yom Tov* 6:9 ("that is the law [*dat*]—in the morning, all rise early…"); *Hilkhot Sanhedrin* 21:5 (*MR*, p. 199) ("for we are powerless to maintain intact all the requirements of the law [*dat*]"); id., 24:6 ("to close breaches in the law [*dat*]"); *Hilkhot Mamrim* 1:1 (*MR*, p. 207) ("is bound to follow their [the Sanhedrin's] guidance in the practice of religion [*dat*] and to lean upon them"); id. 1:2 (*MR*, p. 208) ("the ordinances, decrees, and customs which they promulgate in public in order to strengthen religion [*dat*]"); id., 2:4 (*MR*, p. 209) ("religion [*dat*] will thereby be strengthened and safeguarded and the people will be restrained from disregarding the words of the Torah"). Note also *Hilkhot Melakhim* 3:7: "The sages decreed that the kings of Israel [the northern kingdom, as distinct from the kings of the House of David] are not to judge…for they are haughty, and there might result an impediment or detriment to the law [*dat*]."

[33] See also *Hilkhot Teshuvah* 6:4: "The righteous and the prophets in their prayers beseech God to help them to the truth….that is, may my sins not divert me from the way of the truth, through which I will know your ways and the unity of your name, until I return to understand and know the way of truth."

[34] *Hilkhot Yesodei ha-Torah* 7:1: "One of the principles of religion [*dat*] is to know that God calls to human beings."

[35] See *Hilkhot Issurei Bi'ah* 13:12 ("to acquaint him with the principles of the faith [*dat*]"); id. 14:2 (*MR*, p. 121) ("He should then be made acquainted with the principles of the faith [*dat*], which are the oneness of God and the prohibition of idolatry"); id. 14:9 ("They make him acquainted with the principles of the faith [*dat*]); *Hilkhot Rotseiah* 13:14 (*MR*, p. 169) ("all Israelites acknowledge God and believe in the essentials of our religion [*dat*]"); *Hilkhot Melakhim* 12:2 (*MR*, p. 225) ("neither the exact sequence of those events nor the details thereof constitute religious dogmas [*iqqarei ha-dat*]"). Note also *Hilkhot Teshuvah* 5:5 ("Not solely through acceptance of religion [*dat*] is this matter known"); *Hilkhot Rotseiah* 1:11 (The Sabbath and prohibition of idolatry are principles of the religion [*iqqarei ha-dat*])."

[36] *Hilkhot Yesodei ha-Torah* 1:1; 1:6 (*MR*, pp. 43, 44. See also *Hilkhot Qeri'at Shema* 1:2 (*MR*, p. 87): "The Unity of God, loving Him, and studying His words. This is the great and essential matter [*iqqar*] on which all depends."

[37] See *Guide* II:13 (Pines, vol. 2, p. 282; italics in Pines) regarding belief in the eternity of God, which "is undoubtedly a basis of the Law of *Moses our Master*, peace be on him. And it is second to the basis that is the belief in the unity [of God]….It was *Abraham our Father, peace be on him*, who began to proclaim in public this opinion to which speculation had led him. For this reason, he made his proclamation *in the Name of the Lord, God of the world* [Gen. 21:35]." (In a footnote, Pines points out that "God of the world" is better translated "God of Eternity"; hence the proof it provides for the eternal pre-existence of God—*translator*.)

[38] In section II above, I noted a variant reading in *Hilkhot Sanhedrin* 24:10 that speaks of "*dat ha-emet*" rather than "*torat ha-emet*." Given the present discussion, it appears that Maimonides' intention there (and in *Hilkhot Sanhedrin* 25:2, cited above, n. 17) was similar to that in *Hilkhot Rotseiah* 13:14, namely, "the Torah is very solicitous for the lives of Israelites, whether of the wicked or of the righteous, since all Israelites acknowledge God and believe in the essentials of our religion [*Iqqarei ha-dat*/] (*MR*, p. 169).

But whatever the "literal meaning" of the words "*dat ha-emet*," the expression, at first glance, is meant to denote what was suggested above: the Torah and the commandments that G-d gave to His people Israel.

The wicked heathens will all accept the true religion

IV. The Flaw in This Interpretation

The meaning of the term "*dat ha-emet*" has important implications for Maimonides' portrayal, in *Hilkhot Melakhim* 12:1, of the time of the Messiah. There he writes (*MR*, p. 224) that, in the Messiah's time, "Israel will live in security among the wicked of the heathens….They will all accept the true religion [*dat ha-emet*[39]]. Given the foregoing interpretation—that "*dat ha-emet*" connotes the Torah and commandments given by G-d to Israel—the statement in *Hilkhot Melakhim* must mean that in the time of the Messiah, all the nations will convert to Judaism,[40] becoming righteous converts[41] who observe the Torah and its 613 commandments.[42] (That is a position consistent with the view of Rabbeinu Nissim of Gerona (Ran, ca. 1310-ca. 1380), who wrote that "one of the great expectations related to the coming of our Messiah is the expectation [of universal conversion], as [the prophet] says (Zeph. 3:9): 'For then will I turn to the peoples a pure language, that they may all call upon the name of the Lord, to serve Him with one consent.' By this he means that all the nations will turn to our faith, including the rules and details of the Torah, as we know them…for all the nations will turn to our faith, *in all the details and specifics of the commandments,* as has been said."[43])

[39] It should be noted, however, that some versions of the text here read "they will all repent" ("*yahzeru bi-teshuvah kullam*," instead of "*yahzeru kullam le-dat ha-emet*"); on that reading, the text does not refer to conversion. In addition, some read "the wicked of the world" ("*rish`ei olam*") instead of "the wicked of the heathens" ("*rish`ei umot ha-olam*"; lit., "the wicked of the nations of the world"); on that reading, he may be speaking of the wicked within Israel and, again, the text would not be speaking of conversion. (See also the discourses of Rabbi Joshua Ibn Shuib, cited below, n. 79.) The textual variants require further inquiry.

[40] This is implied by the *gemara* in *Berakhot* 57b: "Our rabbis taught: One who sees a place from which idolatry was uprooted recites 'Blessed [be God], Who has uprooted idolatry from our land; and as it has been uprooted from this place, so may it be uprooted from all places in Israel, and [may You] return the hearts of their worshippers to worship You.' And outside the Land of Israel there is no need to say 'return the hearts of their worshippers to worship You,' for the majority there are gentiles. R. Simeon ben El`azar says: Even outside the Land of Israel one must say that, for they are destined to convert, as it is written, 'then will I turn to the peoples a pure language.'"

[41] As Maimonides puts it in *Hilkhot Issurei Bi'ah* 12:17, "They will convert and take upon themselves all of the Torah's commandments" and they will be "like Israelites in all respects."

[42] The *Admor* of Klausenberg offers a similar understanding in his *Responsa divrei yetsiv*, *Orah hayyim*, sec. 89: "…Maimonides, in his view of things at the end of [*Hilkhot*] *Melakhim*, 12:1, [says] 'They will all accept the true religion,' q.v.; he thereby holds that they will become unassimilated converts." See also Rabbi Prof. Judah Levy, "*Ha-tsiyyonut: mabbat torani*" [Zionism: a religious perspective], in *Shanah be-shanah*, 5750 [1989-90], p. 369.

However, the Lubavitcher Rebbe has already noted that "it is evident from his ensuing remarks in *Hilkhot Melakhim*, id., that Maimonides did not mean to say that they will convert and accept the religion of Israel."[44] For after writing that that the wicked of the nations "will all accept the true religion [*dat ha-emet*]," he went on to write that they "will neither plunder nor destroy, and together **with** Israel earn a comfortable living in a legitimate way[45] — implying that they will live in peace together with Israel but not that they themselves will become part of Israel.[46]

This seems to follow as well from Maimonides' ensuing comment (*Hilkhot Melakhim* 12:4; *MR*, p. 225): "The sages and prophets did not long for the days of the Messiah that Israel might exercise dominion over the world, or rule over the heathens, or be exalted by the nations." While he may have written this to refute a mistaken view of what Messianic times would be like, the point that clearly emerges is that diverse nations will continue to exist.

To similar effect is *Hilkhot Teshuvah* 9:2 (*MR*, p. 83), stating that the King Messiah "will teach the whole of the Jewish people and instruct them in the way of G-d; and all nations will come to hear him, as it is said, "And at the end of days it shall come to pass that the mount of the Lord's house shall be established as the top of the mountains' (Micah 4:1, Isa. 2:2)"[47] ["and shall be exalted above the hills; and all nations shall flow unto it."][48]

Moreover, if Maimonides, in writing "they will all accept the true religion [*dat ha-emet*]," meant to say that all the gentiles would convert and take upon themselves all the commandments, he should have said so earlier, at the end of Chapter 11 of *Hilkhot Melakhim*, or later, at the end of Chapter 12, in the context of discussing the Messiah's influence on the gentile nations and the changes in the world as a whole that will come about in Messianic times. It would seem to be more pertinent in that context than where he in fact included it, that is, in explaining the prophetic expectation that "Israel will live securely among the wicked of the heathens, who are likened to wolves and leopards." Clearly, for the purposes of living securely together with the other nations it is not necessary that they all convert to Judaism!

Maimonides did not mean to say that they will all convert to the religion of Israel

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In light of all the above it is reasonable to assume that when Maimonides says "they will all accept the true religion [*dat ha-emet*]," he does not mean that all the nations of the world will convert to Judaism and that all the world's populace will become a single nation. Accordingly, we must attempt to ascertain what he did mean, and just what religion is connoted by the *dat ha-emet* that is destined to be universally accepted.

V. A Novel Suggestion Regarding the Meaning of *Dat ha-emet*

I want to suggest that there is no need to interpret *dat ha-emet* (wherever it appears in

[44] *Liqqutei sihot*, part 23, p. 179, n. 76, q.v.

[45] MR's translation. Alternatively (as above): "peacefully eat that which is permissible".

[46] The rule is that a gentile who converts becomes part of Israel: "All gentiles, once they have converted and taken upon themselves all of the Torah's commandments…are like Israelites in all respects" (*Hilkhot Issurei bi'ah* 12:17).

[47] Some versions read "etc." following the *Mishneh Torah*'s extract from the biblical verse; that reading seems correct, for otherwise, the portion of the verse pertinent to the point being made—that is, the bracketed insert in the text here—would be omitted.

[48] Scripture continues with the following: "And many peoples shall go and say: 'Come you and let us go up to the mountain of the Lord, to the house of the God of Jacob; and He will teach us of His ways, and we will walk in His paths.' For out of Zion shall go forth the law, and the word of the Lord from Jerusalem. And He shall judge between the nations and shall decide for many peoples…nations shall not life up sword against nation, neither shall they learn war any more."

Maimonides' writings) as referring specifically to the Torah of Israel. Earlier in *Hilkhot Melakhim* (8:11-12; *MR*, p. 221), we find the following:

> Moses our Teacher bequeathed the Law and commandments to Israel, as it is said, "an inheritance of the congregation of Jacob" (Deut. 33:4), and to those of other nations who are willing to be converted (to Judaism), as it is said, "One law and one ordinance shall be both for you, and for the resident alien" (Num. 15:16). But no coercion to accept the Law and commandments is practiced on those who are unwilling to do so.[49] Moreover, Moses our Teacher was commanded by G-d to compel all human beings[50] to accept the commandments enjoined upon the descendants of Noah. Anyone who does not accept them is put to death. He who does accept them is invariably styled a resident alien….A heathen who accepts the seven commandments and observes them scrupulously is a "righteous heathen," and will have a portion in the world to come, provided that he accepts them and performs them because the Holy One, blessed be He, commanded them in the Law and made known through Moses our Teacher that the observance thereof had been enjoined upon the descendants of Noah even before the Law was given.

What Maimonides says here implies that the other nations—the children of Noah, in all their ethnicities [51] ("all human beings"; also referred to in English as "Noahides")—are subject to the law ["*dat*"] given by God to Moses. Accordingly, it is reasonable to say that the term "*dat ha-emet*" subsumes both "the Torah of Israel" and the "Torah of the Noahides"[52] both of which are the subject of divine command in the one Torah given to us by Moses our teacher.

This proposed interpretation of *dat ha-emet* requires no modification in the meanings of the two words as discussed above, in Section III. We saw there that the words may signify that the religion is true rather than false or that it is a religion that shows us the true and upright way; the term may also have a dual meaning, blending both of the foregoing: "the religion truly given by G-d, which shows us the path of truth." On any of those interpretations, the term applies just as much to the "Law of the children of Noah" as it does to the "Law of Israel." With respect to the first meaning—truth vs. falsehood—Maimonides, to be sure, declared that "Moses our Teacher bequeathed the Law and commandments [only] to Israel"; but we nevertheless believe with complete certainty that "Moses our Teacher was commanded by G-d to compel all human beings to accept the commandments enjoined upon the descendants of Noah"—that is, the true religion ["*dat ha-emet*]" in contrast to falsehood. Regarding the second meaning, Maimonides wrote that "A non-Jew who accepts the seven commandments and observes them scrupulously is a 'righteous gentile'[53] and will have a portion in the world to come"; it follows that the "Law of the children of Noah" constitutes "*dat ha-emet*" in that it is the upright way that a person should choose

"Dat ha-Emet" *subsumes both the Torah of Israel and the Torah of the Noahides*

[49] Maimonides' wording implies that it would be desirable if the gentiles converted, but that they are not compelled to do so. See, to similar effect, *Meshekh <u>h</u>okhmah* on the Torah (*Parashat Ve-zot ha-berakhah*, Deut. 33:4).

[50] The Hebrew term is *kol ba'ei olam*, lit., "all who come into the world." See Maimonides' use of the term in *Hilkhot Shemittah ve-yovel* 13:13 (*MR*, p. 139) ("…every single individual from among the world's inhabitants [*kol ba'ei olam*]"; *Hilkhot Sanhedrin* 12:3 (*MR*, p. 195) ("all human beings [*kol ba'ei olam*] are fashioned after the pattern of the first man."

[51] Note that in *Hilkhot Nedarim* 9:20, Maimonides says that "only members of other nations [i.e., non-Jews] are referred to as children of Noah."

and by means of which he will attain "the good that is set aside for the righteous, namely, the life of the world to come, which is…the good with no admixture of bad"[54]—the good promised to "the man who has attained perfection in the ways of truth."[55]

And if we say, as I suggested above, that the words "*dat ha-emet*" refer primarily to the foundations of religion and the principles of belief, they, too, pertain to all the inhabitants of the world; for according to Maimonides' teachings, belief in God and in the prophecy of Moses his servant are common to all mankind, Israelite and Noahide alike. As he says early in Chapter 9 of *Hilkhot Melakhim*, Noahides are commanded "not to engage in idolatry…and a Noahide is subject to capital punishment for any sort of idolatry for which a Jewish court may impose capital punishment on a Jew…and even though he is not put to death, it is forbidden in all respects." He likewise says (id., 8:11; *MR*, p. 211) that Noahides must undertake to perform their commandments "because the Holy One, blessed be He, commanded them in the Law and made known through Moses our Teacher…."

Moreover, according to Maimonides [*Hilkhot Avodah zarah* 1:3; *MR*, p. 73], even before the Torah was given, Abraham our Father,

> …having attained this knowledge [of the Creator]…began…to instruct the people that it was not right to serve any one but the God of the universe, to whom alone it was proper to bow down, offer up sacrifices and make libations, so that all human creatures might, in the future, know Him….He then began to proclaim to the whole world with great power and to instruct the people that the entire universe had but one Creator and that Him it was right to worship. He went from city to city and from kingdom to kingdom…till he arrived in the land of Canaan. There, too, he proclaimed his message, as it is said, "And he called there on the name of the Lord, God of the universe" [Gen. 21:33].

Similarly, in the *Guide*, III:51 [Pines, vol. 2, p. 624] he wrote of the three patriarchs, Abraham, Isaac, and Jacob, "that the end of all their efforts was to spread the doctrine of *the unity of the Name in the world* and to guide people to love Him." And with respect to the eternity of the Creator, he wrote (*Guide*, II:13; Pines, vol. 2, p. 282) that Abraham our Father, peace be upon him, "began to proclaim in public this opinion to which speculation had led him. For this reason, he made his proclamation in the Name of the Lord, God of the world" and (id.; Pines, vol. 2, p. 285) that "the purpose of every follower of the Law of Moses and Abraham our Father or of those who go the way of these two is to believe that there is nothing eternal in any way at all existing simultaneously with God.[56]

When a Noahide turns to belief in God he has turned to "Dat ha-Emet."

In view of all the foregoing, one may say that there is but one "*dat ha-emet*," and it is the religion given by God via his faithful prophet.[57] This religion is based on the belief in one God and in Law promulgated by Him. The religion comprises two systems of laws and rules: one, referred to as "Torah and commandments," is for the children of Israel (and those who convert to Judaism); the other, referred to as "the seven commandments," is for the children

[52] See *Hilkhot Melakhim* 10:9: "He may become a righteous convert and accept all the commandments, or he may adhere to his own Law (*torah*), neither adding nor detracting from it."
[53] See also *Hilkhot Issurei bi'ah* 14:7.
[54] *Hilkhot Teshuvah* 8:1; see also id. 8:6.
[55] Id. 8:6.
[56] See also *Guide*, II:17 (Pines, vol. 2, p. 296): "We the community of the followers of *Moses our Master and Abraham our Father*, may peace be upon them, believe…."

of Noah.[58] Accordingly, when a Noahide turns to belief in God and observance of his seven commandments, one may say that he has turned to "*dat ha-emet*."[59]

VI. Support for My Proposed Understanding of *Dat ha-emet*.

Support for the foregoing understanding of "*dat ha-emet*" can be found in Maimonides' letter to Obadiah the Proselyte.[60] He there writes:

> …Abraham our Father taught the people, opened their minds, and revealed to them the true faith [*dat ha-emet*] and the unity of God; he rejected the idols and abolished their adoration; he brought many children under the wings of the Divine Presence;[61]. he gave them counsel and advice, and ordered his sons and the members of his household after him to keep the ways of the Lord forever, as it is written, "For I have known him to the end that he may command his children and his household, that they may keep the way of the Lord, to do righteousness and justice" (Gen. 18:19). Ever since then whoever adopts Judaism and confesses the unity of the Divine Name, as it is prescribed in the Torah, is counted among the disciples of Abraham our Father,[62] peace be with him. These men are Abraham's household,[63] and he it is who converted them to righteousness.
>
> In the same way as he converted his contemporaries through his words and teaching, he converts future generations through the testament he left to his children and household after him.[64]

Now it is self-evident that Abraham did not instruct his contemporaries to observe the entire Torah of Israel, including all 613 commandments. As Maimonides himself wrote (*Hilkhot Avodah zarah* 1:3; *MR*, pp. 73-74), Abraham our Father "attained the way of truth, apprehended the correct line of

[57]Note Maimonides' wording in his introduction to the *Mishneh Torah*: "[In the first book, I have included all the commandments that are the principles of] the religion of Moses our Teacher." Note as well that the commandments identified as the principles of "the religion of Moses our Teacher" are "the unity of His Name, may He be blessed, and the prohibition of idolatry"—both of which apply as well to gentiles.

[58] Note Maimonides' wording in *Hilkhot Melakhim* 9:1 (*MR*, pp. 221-222): "Six precepts were given to Adam…. An additional commandment was given to Noah: prohibition of (eating) a limb from a living animal….In Egypt, Amram was charged to observe other precepts, until Moses came and the Law was completed through him."

[59] See *Hilkhot Melakhim* 10:9: "The rule is that they are not permitted to form a new religion or devise commandments for themselves on their own. Rather, [a gentile] must either become a righteous convert and take on all the commandments or else retain his own law [*torah*], neither adding to it nor detracting from it." It seems clear, as discussed in the text, that when he "retains his own law" he is not creating a new religion; he is observing "*dat ha-emet*."

[60] *MR*, pp. 475-476. For Hebrew versions, see *Teshuvot ha-rambam* (ed. Freiman) (Tel-Aviv, 5694 [1933-34]), sec. 42; *Teshuvot ha-rambam* (pub. Meqitsei Nirdamim) (Jerusalem, 5720 [1959-60]), sec. 293, p. 549.

[61] Note that throughout the *Mishneh Torah*, Maimonides uses "entry under the wings of the Divine Presence" (*kenisah tahat kanfei ha-shekhinah*) as a synonym for "conversion" (*geirut*). See *Hilkhot Issurei bi'ah* 13:4 ("When a gentile wishes to enter into the covenant, be sheltered under the wings of the Divine Presence, and take upon himself the yoke of the Law"); *Hilkhot De`ot* 6:4 (*MR*, p. 60) ("To love the proselyte who comes to take refuge beneath the wings of the *Shekhinah* [Divine Presence]"); *Hilkhot Melakhim* 8:5 ("If she takes upon herself to enter under the wings of the Divine Presence, she immerses for the purpose of conversion"). So, too, in *Sefer ha-mitsvot*, neg. comm. 252 ("and now she enters under the wings of the Divine Presence"). See also the passage from the letter to Obadiah quoted above, in Section III: "A man who left his father, his native land….and enters under the wings of the Divine Presence."

[62] The wording "a disciple of Abraham our Father" is presumably borrowed from *Mishnah Avot* 5:19: "Anyone who possesses all three [of these traits] is of the disciples of Abraham our Father….The disciples of Abraham our Father derive benefit in this world and gain a share in the world to come." See id. and Maimonides' *Commentary* ad loc.

[63] See also Maimonides' statement in his *Commentary on the Mishnah*, *Bikkurim* 1:4: "For Abraham is the father of all human beings, for he taught them the faith and the religion [*ha-emunah ve-ha-dat*]." In *Hilkhot Bikkurim* 4:3, however, he wrote that "It was said to Abraham, 'I have made you the father of many nations'—he is the father of the entire world who enter under the wings of the Divine Presence." See also above, n. 61, pointing out that in the *Mishneh Torah*, "entry under the wings of the Divine Presence" connotes "conversion." The matter requires more extensive consideration than can be given here.

thought….Having attained this knowledge, he began to refute the inhabitants of Ur of the Chaldees, arguing with them and saying to them 'the course you are following is not the way of truth….' When the people flocked to him and questioned him regarding his assertions, he would instruct each one according to his capacity till he had brought him to the way of truth [*derekh ha-emet*]."

They will turn to correct belief in one God and the commandments given to the children of Noah

The only way to understand Maimonides' statement in his letter to Obadiah that Abraham taught the people, opened their minds, "and revealed to them the true faith [*dat ha-emet*]" is to take it to mean that he taught them the foundations of the faith that apply to Noahides as well and (as Maimonides puts it in the passage quoted earlier), "the observance of which had been enjoined upon the descendants of Noah even before the Law was given."

It may be argued, to be sure, that Maimonides' terminology in his *Mishneh Torah* differs from that in his letters and responsa.[65]

Still, it appears from the foregoing that he used the term "*dat ha-emet*" in the same sense in both corpora, and that the term is not limited to the Torah of Israel. It refers, rather, to the true religion (based on belief in God and denial of idolatry) that the Creator of the world gave to all its inhabitants.

VII. The Meaning of the Term in the Final Chapter of the *Mishneh Torah*

In view of all the foregoing, it appears that what Maimonides meant when he said, early in Chapter 12 of *Hilkhot Melakhim*, that in the days of the Messiah all the wicked of the nations would change for the better and "they will all accept the true religion [*dat ha-emet*]," was that they will turn to the true and correct belief in one God, take upon themselves and diligently observe all the commandments given to the children of Noah through Moses acting as God's messenger.[66]

Indeed, earlier, at the end of Chapter 11 of *Hilkhot Melakhim* (11:4; *MR*, p. 224), Maimonides had already written that, in the time of the Messiah, all the nations will turn to belief in God and the entire world will serve God in unison, "as it is written 'For then will I turn to the peoples a pure language, that they

[64] It may be noted, incidentally, that all of Maimonides' comments about Abraham our Father (in this responsum and in the various passages cited above in the text and notes) pertain to our obligations as Jews. As Maimonides wrote in *Sefer ha-mitsvot*, pos. comm. 3: "He commanded us to love Him, may He be exalted, meaning that we should contemplate and apprehend His commandments and His actions, to the point that we apprehend Him and, in that apprehension, attain perfect bliss—and that is the love that is obligatory….And [the sages] have already said that this commandment includes as well an obligation to call all people to His service, may He be exalted, and to believe in Him—just as when you love a person, you direct your attention to him, praise him, and ask other people to love him as well. And, by way of analogy, when you truly love God to the extent you can attain apprehension of His truth, you will no doubt call on the deniers and fools to know the truth that you have known. As *Sifrei* says, '*You shall love the Lord your God*—you shall make Him beloved to people [taking 'love' as a causative verb] as did Abraham your father, as it is said (Gen. 12:5), 'and the souls that they had gotten in Haran.' In other words, just as Abraham, because he loved God—as Scripture says (Is. 41:8), "Abraham my friend [lit., 'who loves me']"—and attained great apprehension of Him, summoned people to believe on account of the power of his love, so shall you love Him to the point of summoning people to Him."

[65] It should also be noted that in *Iggerot ha-rambam* [Maimonides' epistles], ed. Rabbi Isaac Shilat (Jerusalem, 5747 [1986-87]), pp. 233 et seq., the text of this responsum reads "[Abraham] revealed to them the way of truth ['*derekh ha-emet*', instead of '*dat ha-emet*']." See Kellner (above, n. 14).

[66] See also the lines in *Hilkhot Avodah zarah* 1:3 just quoted: "Abraham our Father would… instruct each one [of the Noahides] according to his capacity till he had brought him to the way of truth [*derekh ha-emet*]."

may all call upon the name of the Lord to serve

Him with one consent' (Zeph. 3:9)."[67] They will also believe in the Torah of Moses;[68] that given, they will certainly accept and fulfill their seven commandments, which "the Holy One, blessed be He, commanded them in the Law and made known through Moses our Teacher that the observance thereof had been enjoined upon the descendants of Noah even before the Law was given."[69]

Accordingly, it is easy to see how "they will all accept the true religion [*dat ha-emet*]" refers to the continuation of the passage: "they will neither plunder nor destroy." Inasmuch as the wicked of the nations of the world will turn to belief in God and observance of the Noahide commandments (by which they had long since been bound)—commandments that include the prohibitions against murder and robbery—the Noahide laws that apply to resident aliens will assure us that "the world will not be corrupted"[70] and that, accordingly, "they will neither plunder nor destroy"; they will neither murder nor harm, and Israel will be able to dwell among them in security and tranquility.[71]

[67] See also the ensuing passage (*Hilkhot Melakhim* 12:5; MR, p. 226): "The one preoccupation of the whole world will be to know the Lord." "The whole world" (*kol ha-olam*) includes the non-Israelite nations as well (as is evident from the preceding *halakhah*, which states (MR, p. 225) "The sages and prophets did not long for the days of the Messiah that Israel might exercise dominion over the world (*kol ha-olam*)."

[68] And see Maimonides' conclusion there (*MR*, p. 227): "But when the true King Messiah will appear…they will forthwith recant and realize that they have inherited naught but lies from their fathers, that their prophets and forebears led them astray."

[69] See also R. Jacob Hazan of London, *Ets hayyim – halakhot, pesaqim, u-minhagim*, part 3, Mosad ha-Rav Kook edition (Jerusalem, 5722 [1961-62]), *Hilkhot Mashiah ve-Avodat Beit ha-Miqdash*, which is based on Maimonides' *Hilkhot Melakhim*: "When Scripture says [Is. 11:6] 'And the wolf shall dwell with the lamb, and the leopard shall lie down with the kid,' it means that Israel will dwell securely with the wicked of the nations of the world, who are compared to the wolf and the leopard. They will repent (see above, n. 39) and will no longer rob or eat forbidden foods, as it is said, 'they shall not hurt nor destroy' [id., v. 9] and 'the lion shall eat straw like the ox' [id., v. 7]." The texts about neither hurting nor destroying and about eating straw provide the basis for "not eating forbidden foods," and the reference, accordingly, is to the prohibition of robbery and so forth; for it were referring to the prohibition of impure animals, the texts would not be pertinent to our subject.

[70] Maimonides' wording in *Hilkhot Melakhim* 10:11.

See also *Guide*, III:11 (above, n. 10; Pines, vol. 2, p. 441; italics in Pines): "For through cognition of the truth, enmity and hatred are removed and the inflicting of harm by people on one another is abolished. It holds out this promise, saying: *And the wolf shall dwell with the lamb…and the cow and the bear…and the sucking child shall play, and so on*. Then it gives the reason for this, saying that the cause of the abolition of the enmities, these discords, and these tyrannies, will be the knowledge that men will then have concerning the true reality of the deity. For it says: *They shall not hurt nor destroy in all My holy mountain; for the earth shall be full of the knowledge of the Lord, as the waters cover the sea.* Know this."

[71] This interpretation removes the basis for suggesting a possible inconsistency in Maimonides. *Hilkhot Issurei bi'ah* 13:15 states that "throughout the days of David and Solomon, the court accepted no converts—in David's time because [the convert] might have been motivated by fear, and in Solomon's time because [the convert] might have been motivated by the benefits and grandeur of the Israelite kingdom." For the same reason, it is said in the *gemara* (*Yevamot* 24b; *Avodah zarah* 3b) that converts will not be accepted in the time of the Messiah. Some commentaries have asked, how, in light of those statements, could Maimonides write that in the days of the Messiah "they will all accept the true religion [*dat ha-emet*]" (see, e.g., *Responsa Divrei yetsiv* [above, n. 42]). My interpretation resolves the problem, for Maimonides simply did not mean that all nations would convert.

A further possible contradiction may be charged on the basis of Maimonides' ruling, in *Hilkhot Berakhot*, in accordance with Rashba's view of this matter. Rashba states, in connection with a *baraita* in *Berakhot*, that even outside the Land of Israel, we pray that God "return the hearts of their worshippers [that is, the false gods' worshippers, the heathen] to worship You"; and that the reason we do so is that they are destined to convert, as it is said, "For then will I turn to the peoples a pure language[, that they may all call upon the name of the Lord, to serve Him with one consent]" (see above, n. 40)—a seeming contradiction of the view just suggested. But the difficulty is easily resolved, for Maimonides means not that they will become *geirei tsedeq* (converts) but that they will become *geirei toshav* (resident aliens), as he ruled in *Hilkhot Melakhim* 8:10 (*MR*, p. 221), "He who does accept them [the seven Noahide commandments] is invariably styled a resident alien [*ger toshav*]." (con't)

VIII. "Together With Israel [They Shall] Peacefully Eat That Which Is Permissible"

Given that when Maimonides wrote "they will all accept the true religion [*dat ha-emet*]" he did not mean they will convert and become Jews in all respects,[72] his ensuing statement that "together with Israel [they shall] peacefully eat that which is permissible" cannot mean that they will avoid eating the foods that are forbidden to Jews,[73] such as impure animals, carcasses not properly slaughtered, etc.[74] (as some writers have understood)[75] or even foods forbidden to Noahides, such as limbs torn from live animals.[76] He means**,** rather, that that the wicked among the nations, who had acted with force, regularly stealing, robbing, trampling, and plundering—actions forbidden by the Noahide commandments—will stop doing so and will eat, use, and derive benefit from only "that which is permitted" to them, in tranquility and "peacefully with Israel."[77]

[71] (con't) Yet another challenge might be raised on the basis of Rashi's comment at *Avodah zarah* 24a, on "it is written 'to serve Him with one consent.'" According to Rashi, "This means that there is no distinction between the Israelites and the nations of the world who serve Him; their service will be the same, in all His commandments." But we can respond that Maimonides took the view that appears in Maharsha's *Hiddushei aggadot*, namely, that "one consent" (*shekhem ehad*) refers to only "one portion of the commandments" [for *shekhem* as "portion," see Gen. 48:22], "for inasmuch as converts will not be accepted in the time of the Messiah, it will be impossible for them to serve Him with all His commandments, like Israel; but the gentiles will serve Him with one part of the Torah, which it is possible for them to fulfill, and the prohibition of bestiality is included within that part, for the Noahides had already been commanded regarding it." The issue requires broader treatment, going beyond the scope of this article.

[72] While it is possible that some of them (and, over time, perhaps all of them) will convert, that is far from certain. It is one of those things about which Maimonides wrote "no one is in a position to know the details of this and similar things until they have come to pass."

[73] A number of passages refer to a gentile not bound by the commandments being rewarded for observing them. For example, "a Noahide who wants to fulfill one of the other commandments of the Torah so as to reap its reward is not prevented from fulfilling it properly" (*Hilkhot Melakhim* 10:10) and "even though gentiles are not bound by the commandments, if they observe some of them they are given some reward" (Maimonides, *Commentary on the Mishnah*, *Terumot* 3:9). That would seem to be the case as well with respect to the negative commandments regarding forbidden foods, for some later writers suggest a source for Maimonides' view in *Midrash Qohelet rabbah* 1:1, which says that "in times to come, the Holy One blessed be He will issue a decree inviting all who have never eaten pig flesh to come and claim their reward, and many gentiles who have never in their lives eaten pig flesh will come to claim their reward." Nevertheless, it is very unlikely that Maimonides meant to say that in the time of the Messiah, all gentiles will want to fulfill, at all times, all of the Torah's commandments related to forbidden foods.

[74] Following the meaning of "that which is permitted" in *Hilkhot Ma'akhalot Asurot* (3:14; 9:16; 14:16; 15:28; 16:1, etc.)

[75] See, e.g., Rabbi Hayyim Karlinsky, "*Ha-hazir 've-hetero' la-atid la-vo*" [The pig and its future "permissibility"], in *Shanah be-shanah* (5732 [1971-72]), pp. 243 et seq. See there page 254.

[76] See *Hilkhot Melakhim*, beginning of Chapter 9.

[77] A contrary view is taken by Rabbi Abraham Isaac Sorotzkin in his book *Rinat yitshaq* on Isaiah and Jeremiah (Telz Yeshiva, Wycliffe OH, 5758 [1997-98]). In the time of Messiah, he writes, the gentiles will want to convert but we will not accept them, and their status, accordingly, will be that of "resident aliens [*gerei toshav*] who will take upon themselves more than the seven Noahide commandments." And given that a resident alien "who wants to take on, at the beginning of his residence, commandments in addition to the seven [Noahide commandments] is bound by that commitment and is obligated thereafter to observe them." (*Mishnah Berurah*, *Bi'ur Halakhah*, sec. 304 according to the view of the *Magen Avraham*)," "They would [therefore] be forbidden [to eat] forbidden foods and would accordingly eat that which is permitted, like a Jew.
In the journal "*Pa`amei ya`aqov*" (published by the *Pa`amei ya`aqov* Institute, Benei-Beraq), no. 2 (Tevet, 5750 [1989-90]), at p. 31 it refers to "the *siyyum* of Maimonides by our master Rabbi Moses Judah Leib Landau, may he live long," on 7 *Tevet* 5750 (January 4, 1990), in which he, too, explained that when Maimonides said "they will accept the true religion [*dat ha-emet*]," "he meant that they would observe the seven Noahide commandments." He added, however, that Maimonides' reference to their "eating that which is permitted" means "they will not eat a limb torn from a living animal"—a form of food forbidden to a Noahide. He had difficulty explaining how that interpretation could be connected with the idea of eating "together with Israel peacefully," and engaged in a lengthy casuistic treatment of the matter. In my opinion, "eating that which is permitted" does not allude to forbidden foods (not to those forbidden to Jews nor even to those forbidden to Noahides); indeed, Maimonides was not referring specifically to eating. He used that word only because it was used in the biblical verse he was explicating, and what he meant was that they would acquire all their needed possessions in a permissible manner and not through violence or force; accordingly, all of it would be done peacefully with Israel.

Indeed, if that were not the case, how would "peace" be pertinent here—is it impossible to eat forbidden foods in "peace" and tranquility? Rather, it must mean "eating" in a way that will not impair tranquility; that is, in a way that does not involve theft or robbery, violence or murder—the opposite of how the wicked of the nations of the world act before the days of the Messiah, which was compared to the conduct of predatory animals.[78]

Finally, Maimonides' specific use of the verb that denotes "eating" (as in "they will eat that which is permitted," instead of, say, "they will benefit from that which is permitted") is attributable to his being engaged, in the passage in question, in explicating the Scriptural parable that speaks of "the lion eating straw, like the ox."[79]

IX. The Meaning of *Dat ha-emet* elsewhere in the *Mishneh Torah*

Having established that in *Hilkhot Melakhim*, Chapter 12, the term "*dat ha-emet*" necessarily includes both "the Torah of Israel" and "the Torah of the Noahides," we may infer that this sense of the term is not merely local and that throughout the *Mishneh Torah*, the term "*dat ha-emet*" should be construed broadly and not understood as merely a synonym for "the Torah of Israel.**"** Instead, it should be taken to include "the law of the Noahides" as well, for that, too, is within the rubric of the true religion given by the Creator of the world to all its inhabitants.

"Dat ha-Emet" *should be construed broadly, not merely a synonym for "the Torah of Israel."*

One may ask why Maimonides chose to use wording that includes both the Law of Israel and the Law of the Noahides (when speaking of the strengthening of religion and so forth) in only a few particular contexts: *Hilkhot Hamets u-matsah* (Laws of Leaven and Matsah) *Hilkhot Matanot evyonim* (Laws of Gifts to the Poor) *Hilkhot Hagigah* (Laws of the Festival Offering) (twice) and *Hilkhot Melakhim* (Laws of Kings). The answer may well lie in the preceding discussion: most of the term's appearances are in contexts pertaining in one way or another to the king of Israel and his role. And even though the king is primarily engaged in tending to the needs of the Jewish people,[80] he is also involved, according to Maimonides, in influencing the Noahides, promoting universal religious and ethical conduct; particularly the observance of their

[78] See *Hilkhot De`ot* 5:7: "He should not shout or scream…like beasts and animals…; rather, his speech should be peaceful."

[79] A similar interpretation appears in the discourses of Rabbi Joshua Shuib (published by Lev Sameiah Institute, Jerusalem, 5752 [1991-92]), *Parashiyot Be-har* and *Be-huqqotai*. Rabbi Shuib writes that according to Maimonides, "these verses in Isaiah that refer to the wolf dwelling with the lamb and the lion eating straw like the ox are a parable for the wicked of our people [! – see above, n. 39], who will repent so that we all serve God, etc. For the lion nowadays is an insolent predator, but he will then repent and turn to eat straw." See also *Guide*, the passage cited above, n. 10.

[80] See *Hilkhot Melakhim* 3:5 (*MR*, p. 217): "The king…shall be occupied day and night with the study of the Law and the needs of Israel."

seven commandments. This is also implied from the fact that Maimonides includes the duty "to compel all human beings to accept the commandments enjoined upon the descendants of Noah"[81] (and all the laws related to Noahides) in *Hilkhot Melakhim*.[82]

Let us now go back and review all the passages in *Mishneh Torah* listed at the outset. Foremost among them is *Hilkhot Melakhim* 4:10 (*MR*, p. 218). Maimonides there wrote, concerning the king of Israel, that, "His sole aim and thought should be to uplift the true religion [*dat ha-emet*], to fill the [entire] world with righteousness…" The king's role, then, is defined as "to fill the entire world"—including all the nations—with truth and justice. Consistent with that, Maimonides added that the king's interest should be in exalting "*dat ha-emet*," which encompasses both "the Law of Israel" and "the Law of the Noahides,"[83] in as much as both are part of the true religion given by the Creator of the world to all its inhabitants.

"Dat ha-Emet" *alludes as well to the religion founded on the belief in the existence of God and in His oneness*

We may add that in the same *halakhah*, Maimonides wrote "The prime reason for appointing a king was that he execute judgment and wage war…to fight the battles of God." Previously in *Hilkhot Melakhim* (7:15; *MR*, p. 220), he wrote that "Once [a warrior] has joined the ranks, he should put his reliance upon Him who is the hope of Israel, their Savior in time of trouble. He should know that he is fighting for the oneness of God."[84] He seems here to mean that through that war, "the throne of Israel is established and the religion of truth is upheld."[85] It follows that the king, whose interest is in exalting *dat ha-emet*, wages war for the sake of the oneness of God. And that, in turn, provides support for the idea, noted above, that the expression "*dat ha-emet*" alludes as well to the religion founded on "the great principle on which everything depends," namely, the belief in the existence of God and in His oneness.

Similarly, in *Hilkhot Hagigah* 3:1 (*MR*, p. 147), Maimonides writes of the commandment to assemble the nation and read before them "chapters of the Law which shall keep them diligent in the commandments and strengthen them in the true religion [*dat ha-emet*]." Inasmuch as "it is the king who reads in their hearing" (id., 3:3; *MR*, p. 148), Maimonides uses a term well suited to the role of the king, that is, to strengthen "*dat ha-emet*"—including the commandments given by God to all the inhabitants of the world.

As Maimonides notes [id., 3:3], one of the passages read during the foregoing *haqhel* assembly is the *Shema*—a passage that "sets forth the duties of acknowledging the Unity of God, loving Him, and studying His words.

[81] Some authorities (e.g. *Sifrei de-vei rav*, on *Sifrei Deuteronomy*, *Parashat Ki-Teitsei*, Deut. 21:14) are of the opinion, that according to Maimonides, "Moses was not commanded to compel all human beings unless they want to dwell with us"; q.v.

[82] With regard to the King Messiah as well—the pinnacle of perfection in sovereignty—Maimonides noted (in *Hilkhot Teshuvah*) that he would influence all the nations of the lands; see above, Section IV.

[83] See also *Liqqutei Shihot* cited above, n. 44.

[84] See also Maimonides' *Sefer ha-Mitsvot*, positive commandment 191, toward the middle of the section: "and this priest is known as the one anointed for war [*meshuah milhamah*]…and he adds to these [admonitions] additional [ones] that will rouse the people to war and make them willing to endanger their lives to promote and preserve the religion of God and to take vengeance on the fools who lack uprightness of polity. In neg. comm. 58, he adds: "…that they not flee or retreat in time of battle. For in this matter [that is, by waging the war], it is possible to fulfill the true belief [*emunat ha-emet*]." And cf. *Guide*, III:41 (Pines, vol. 2, pp. 566-567; italics in Pines): "[Scripture has said (Deut. 23:15)] *Therefore shall thy camp be holy; that He see no unclean thing in thee, and so on*…Accordingly everyone should have in his mind that the camp is *like a Sanctuary of the Lord*, and not like the camps of the *Gentiles* destined only to destroy and do wrong and to harm the others and rob them of their property. On the contrary, our purpose is to make people apt to obey God and to introduce order into their circumstances."

[85] Maimonides' terminology in *Hilkhot Matanot Eyyonim* 10:1; MR, p. 135.

This is the great and essential matter on which all depends" (*Hilkhot Qeri'at shema* 1:2;[86] *MR*, p. 87). This is consistent with what I have suggested, to the extent that "*dat ha-emet*" alludes as well to the true belief on which religion is grounded.

We can similarly explain Maimonides' statement (*Hilkhot Matanot evyonim* 10:1; *MR*, p. 135) that "the throne of Israel is established and the religion of truth [*dat ha-emet*] is upheld only through charity." "The throne of Israel" is a biblical term, found several times in the Prophets and the Writings;[87] in each case, context suggests it is referring to the royal throne.[88] Accordingly, when Maimonides writes that "the throne of Israel is established and the religion of truth [*dat ha-emet*] is upheld only through charity," he means that the Kingdom of Israel is meant to exert influence over all the world's inhabitants, to fight for the principle of God's unity, to fill the world with justice (as the *Mishneh Torah* teaches), and is established only through charity.[89] Given all that, it is clear that the term "*dat ha-emet*" in this *halakhah* likewise refers to all aspects of the true religion given by the Creator of the world to all the world's inhabitants.

Israel is meant to exert influence over all the world's inhabitants, to fight for God's unity and to fill the world with justice

Moreover, Maimonides' remarks in several places suggest that the commandment of charity discussed in *Hilkhot Matanot evyonim*, id., which is "one of the commandments that depend on the correctness of inter-human relationships,"[90] applies as well to Noahides. Maimonides does not include "gifts to the poor" among the commandments that are obligatory for Noahides[91] [differing in that from Ran[92]]; nevertheless, ethical conduct in general, and acts of kindness and charity in particular, do pertain to all inhabitants of the world.[93]

This is alluded to in the wording of the *halakhah* itself, for Maimonides wrote that "charity is the sign of the righteous man, the

[86] See also *Hilkhot Qeriat shema* 1:4 (*MR*, p. 88):
We have a tradition that when the patriarch Jacob, residing in Egypt, gathered his sons about him in his dying hour, he earnestly charged them concerning the Unity of God and the way of the Lord in which Abraham and his father Isaac had walked. He questioned them, saying to them, "Possibly, my sons, there is some one among you who is unworthy, and is not at one with me on the doctrine of the Unity of the Creator of the world, in the same way as our teacher Moses charged the people in the words 'Lest there be among you a man or a woman…whose heart turns away this day'" (Deut. 29:17). They all answered, "Hear O Israel, the Lord our God, the Lord is one."

[87] 1 Kings 2:4; 8:20, 25; 9:5; 2 Kings 10:30; 15:12; 2 Chr. 6:10, 16. Similarly, 2 Sam. 3:10; Jer. 33:17; 1 Chr. 22:10.

[88] See 1 Kings 1:46.

[89] See 1 Kings 10:9: "…to set you on the throne of Israel…therefore He made you king, to do justice and righteousness."

[90] Maimonides' wording in his *Commentary on the Mishnah*, beginning of *Pe'ah*.

[91] In *Hilkhot Melakhim* 10:10, Maimonides cites the commandment to give charity as one that does not bind Noahides but that "they are not prevented from properly performing….If [a Noahide] gave charity, it is accepted from him."

[92] In his novellae on *Sanhedrin* 56b, Ran states that "Noahides, too, are obligated to give charity, and we find that they are punished for not doing so, as it is written (Ezek. 16:49), 'neither did she [Sodom] strengthen the hand of the poor and needy'…Noahides are thus bound…by two positive commandments, namely, charity and…."

soul with appropriate attributes and appropriate wisdom regarding belief in the Creator, may He be blessed, is certainly included in the world to come."

seed of Abraham our Father,"[94] citing the verse [Gen. 18:19], "For I know him, that he will command his children and his household after him to do righteousness." The reference to "his household after him" calls to mind the statement in *Hilkhot Avodah zarah* 1:3 [*MR*, p. 74] that the "thousands and tens of thousands" of Noahides whom Abraham influenced and turned to the way of truth "were the persons referred to in the phrase 'men of the house of Abraham,'"[95] in whom he instilled the qualities of generosity and charity.[96]

It remains for us to explain Maimonides' statement in *Hilkhot Hamets u-matsah* 7:4 (concerning the telling of the Exodus story at

[3] In a familiar passage, a student of Maimonides writes in his teacher's name about the place of righteous gentiles in the world to come (*Iggerot ha-rambam*, Leipzig edition, p. 23; Responsa *Maharam Alashkar*, sec, 117): "Concerning your question about the nations of the world, know that the Merciful One desires the heart, and matters follow a person's inner intentions, and the true sages, peace be upon them, accordingly said: 'Righteous gentiles have a share in the world to come'—as long as they apprehended what it is proper for them to apprehend with respect to knowledge of the Creator, may He be blessed, and they improved their souls with sound attributes; and there is no doubt that one who improved his soul with appropriate attributes and appropriate wisdom regarding belief in the Creator, may He be blessed, is certainly included in the world to come."
Moreover, in *Hilkhot De`ot* 1:7 (*MR*, p. 53), Maimonides wrote that "As the Creator is called by these attributes, which constitute the middle path in which we are to walk, this path is called the Way of God and this is what the patriarch Abraham taught his children, as it is said, '[For I have known him, to the end that he may command his children…]' (Gen. 18:19; OJPS trans. substituted for that in *MR*)." "Walking the middle path" is not a Noahide commandment, as is plain from the end of *Hilkhot De`ot* 1:5 (*MR*, p. 53), where Maimonides says that "we are bidden to walk in the middle paths which are the right and proper ways, as it is said, 'and you shall walk in His ways' (Deut. 28:9)," thereby indicating that walking the middle path is one of the 613 commandments issued to Israel (and see *Sefer ha-mitsvot*, pos. comm. 8). Nevertheless, the passage in *Hilkhot De`ot* 1:7 quoted above suggests that walking in God's paths—that is, improving one's attributes so as to the follow the middle path—is something desirable for Noahides as well, for Scripture says "I have known him, to the end that he may command his children and his household after him…"; as explained below in the text, this includes the Noahides.
Finally, note Maimonides' comment in *Hilkhot De`ot* 1:3 (*MR*, p. 52): "To cultivate either extreme in any class of dispositions is not the right course…. If a man finds that his nature tends or is disposed to one of these extremes, or if one has acquired and become habituated to it, he should turn back and improve, so as to walk in the way of good people, which is the right way."
[94] See also *Hilkhot Aveil* 14:2 (*MR*, p. 214), referring to hospitality: "It is a practice which Abraham our Father instituted, and the act of kindness which he exercised. See also *Hilkhot Avadim* 9:8 (*MR*, p. 177): "The children of our father Abraham, however, i.e., the Israelites, upon whom the Holy One, blessed be He, bestowed the favor of the Law and laid upon them statutes and judgments, are merciful people who have mercy on all." And see *Hilkhot Melakhim* 10:7 (end): "for only one who maintains his religion and his straight path is of the seed of Abraham."
[95] This is evident as well from Maimonides' statement in his letter to Obadiah the Proselyte (discussed above in section III) that "Abraham our Father…ordered his sons and the members of his household after him to keep the ways of the Lord forever, as it is written, 'For I have known him to the end that he may command his children and his household after him, that they may keep the way of the Lord to do righteousness and justice' (Gen. 18:19). Ever since then whoever adopts Judaism and confesses the unity of the Divine Name, as it is prescribed in the Torah, is counted among the disciples of Abraham our Father, peace be with him. These men are Abraham's household, and he it is who converted them to righteousness" (*MR*, p. 475).
See also *Guide* III:24 (Pines, vol. 2, p. 502; italics in Pines): "Abraham our Father was the first to make known the belief in Unity, to establish prophecy, and to perpetuate this opinion and draw people to it. It says *For I have known him, to the end that he may command*…."
It may be noted as well that Maimonides' words appear to be based on a clear statement in the Talmud (*Sanhedrin* 57b) that the verse "to the end that he may command" refers to the Noahides; see id.
[96] Taken together, the four texts (*Hilkhot De`ot*, *Hilkhot Avodah Zarah*, *Hilkhot Matanot eyyonim*, and the letter to Obadiah the Proselyte) suggest that Maimonides interpreted the verse as follows: "that he may command" refers to Abraham our Father; "his children and his household after him" refers to all who follow in his path; "that they may keep the way of the Lord" refers to taking the middle path; and "to do righteousness and justice" refers to proper fulfillment of the commandment to give charity.

the Seder, which is to begin with shame and conclude with glory) that "he concludes with the true religion [*dat ha-emet*], that God drew us close to Him, distinguished us from those who stray, and drew us close to His Unity." In this *halakhah*, Maimonides is not speaking of the king or of anything related to governance; still, it is fitting here as well that he use an expansive term encompassing the fundamentals of belief that pertain to all inhabitants of the world.

The reason is that Maimonides is here telling how "at the beginning our ancestors worshipped idols, but now God has drawn us close to His service." In contrast to "our ancestors in the time of Terah and earlier," we have been "drawn close to God, distinguished from those who stray."

This being "drawn close" to the Unity of God began as early as the time of Abraham our Father,[97] as Maimonides says in *Hilkhot Avodah zarah* 1:3 (*MR*, pp. 73-74): "[Abraham our Father] attained the way of truth [*derekh ha-emet*], apprehended the correct line of thought, and knew that there is one God, that He guides the celestial sphere and created everything, and that among all that exist, there is no god besides Him. He realized that men everywhere were in error….And so it went on with ever increasing vigor among Jacob's children and their adherents till they became a nation that knew God."

Since Maimonides, in the section of *Hilkhot Hamets and matsah* quoted above, was speaking of drawing close to God's Unity in the time of Abraham our Father, he properly chose to use the term *dat ha-emet*, which is well suited to that period and alludes as well to the principles of the faith, the principle of all principles—the belief in His Unity, may He be blessed.[98]

X. Summary and Conclusion

The expression "religion of truth" ("*dat ha-emet*") refers to the "religion of Moses," encompassing both "the Law of Israel" and the "Law of the Noahides"; both of them were "commanded by God in the Torah"—the one Torah—given to us through Moses our Teacher at Mount Sinai.

The words "*dat ha-emet*" mean "the religion truly given by God" or "the religion that shows us the way of truth" or (combining the two) "the religion truly given by God, which shows us the way of truth." The words may also refer to the true belief, which is the foundation of religion.

Be that as it may, the expression "*dat ha-emet*" is used to describe the entire Torah and all the commandments revealed by God through Moses our Teacher (parts of which had already been given via the prophets who preceded the giving of the Torah at Sinai). That religion includes "the ways of truth" (*darkhei ha-emet*)

[97] This is not to say that Maimonides' point here is limited to the beginning of Israel's being drawn close to God, in Abraham's time; he appears to refer to the continuation of that process in Moses' time as well. In the *Commentary on the Mishnah* (*Pesahim* 10:4), treating the same issue, Maimonides writes that "he begins with shame, telling how, before the coming of Abraham, we were apostates and idolaters, yet God chose us as His portion" That "choosing of us by God" clearly means to the choosing described in *Hilkhot Avodah zarah* 1:3 (*MR*, p. 74): "After Moses had begun to exercise his prophetic functions and Israel had been chosen by the Almighty as His heritage, He crowned them with precepts and showed them the way to worship Him." That is the election for which Israel was destined.

[98] The passage in *Hilkhot Sanhedrin* discussed earlier, in section II, should then be read (consistent with the more frequently found version) "*torat ha-emet*." Alternatively, we might say that the reason for specially honoring the children of Abraham, Isaac, and Jacob is that they believe in the principles of religion (consistent with Maimonides' comment in *Hilkhot Rotseiah*, cited above, n. 38). In view, however, of the foregoing conclusion that in *Mishneh Torah*, *dat ha-emet* alludes to the principles of belief that pertain to all, we may say that at present, the children of Abraham, Isaac, and Jacob are those who constitute "the community of those who profess the Unity" (*Guide*, I:53, Pines, vol. 1, pp. 122; also I:75, Pines, vol. 1, p. 224) and are accordingly worthy of special deference.

discovered by Abraham our Father and proclaimed by him throughout the world as well as the commandments issued to Adam, Noah, Abraham, Moses, etc.[99] and it is the religion that was bolstered by the righteous kings of the House of David over the years and will be exalted by the King Messiah, may he speedily be revealed,[100] may that be God's will.

[99] In Maimonides' words (*Hilkhot Avodah zarah* 2:4): "The entire Torah, all the prophets, and everything commanded to the prophets from Adam to the end of the time."
[100] See *Hilkhot Parah adumah* 3:4. See also *Commentary on the Mishnah*, *Sanhedrin* 10:1.

Meorot
A Forum of Modern Orthodox Discourse

Maimonides' "True Religion": For Jews or All Humanity?

Menachem Kellner

Abstract: According to Maimonides all humanity will adopt *Dat ha-Eemet* (the true religion) by the time the messianic era reaches fruition. The *dat* in question can refer either to the Torah of Noah, to the Torah of Abraham, or to the Torah of Moses. Chaim Rapoport maintains it refers to the Torah of Noah; I argue here that it refers to the Torah of Moses. I approach the issue philosophically, asking which position coheres best with Maimonides' overall view of Torah and humanity. I show that Maimonides, who believed that *all* human beings are equally created in the image of God and that our godliness is our ability to reason, could not hope for a messianic era in which Jews and Gentiles remain distinct. For Maimonides Jewish ethnicity is accidental, not essential, to Judaism. This reading accords well with Maimonides' dogma-centered notion of what constitutes Jewish identity. Chaim Rapoport provides a final short response.

Biography: Menachem Kellner is a Professor of Jewish Thought at the University of Haifa. His most recent book is Maimonides' *Confrontation with Mysticism,* published by Littman Library of Jewish Civilization, 2006).

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Maimonides' "True Religion": For Jews or All Humanity?[1]

Menachem Kellner

Introduction

In the first *halakhah* of the last chapter of the *Mishneh Torah*,[2] Maimonides writes:

> Let it not enter your mind that in the days of the Messiah any aspect of the regular order of the world will be abolished or some innovation will be introduced into nature; rather, the world follows its accustomed course. The verse in Isaiah, *The wolf shall dwell with the lamb, the leopard lie down with the kid* is an allegory and metaphor.[3] Its meaning is that Israel will dwell in security with the wicked nations of the earth which are allegorically represented as wolves and leopards, as it says (Jer. 5:6): *the wolf of the desert ravages them. A leopard lies in wait by their towns*. Those nations will all adopt the true religion [*dat ha-emet*]. They will neither rob not destroy; rather, they will eat permitted foods in peace and quiet as[4] Israelites, as it says, *the lion, like the ox, shall eat straw*. All similar things written about the Messiah are allegories, and in the days of the messianic king everyone will understand which matters were allegories, and also the meaning hinted at by them.[5]

What does the expression *dat ha-emet* mean in this context? In a number of places I have argued that Maimonides means that in the messianic era (or, more accurately, by the time it reaches fruition since it is, after all, a process and not an event[6]) all human beings will worship God from a position of absolute spiritual equality.[7] Whether Gentiles will convert formally to Judaism,[8] they will be

[1] In addition to individuals thanked at specific points below, I would like to thank Avi Kadish, Avram Montag, and David Gillis for their helpful comments on an earlier draft of this essay.

[2] "Laws of Kings and Their Wars" XII:1. Here and below translations from the *Mishneh Torah* are taken from the Yale Judaica series translations, heavily emended to make them more literal and to match the text in Yohai Makbili's one-volume edition of the work (Haifa: Or Ve-Yeshu'ah, 5765).

[3] Hebrew: *mashal ve-hiddah*. Sara Klein-Braslavi shows that Maimonides uses the Hebrew word *hiddah* as a synoym for *mashal*, allegory. See "Maimonides' Commentaries on Proverbs 1:6," in Moshe Hallamish (ed.), *ʿAlei Shefer: Studies in Literature and Jewish Thought Presented to Rabbi Dr. Alexandre Safran* (Ramat-Gan: Bar-Ilan University Press, 1990) (Hebrew), pp.121-132, p. 123 n.10.

[4] Following Makbili's text; printed editions and some manuscripts read: "with."

[5] אל יעלה על דעתך שבימות המשיח יבטל דבר ממנהגו של עולם, או יהיה שם חידוש במעשה בראשית, אלא עולם כמנהגו הולך. וזה שנאמר בישעיה וְגָר זְאֵב עִם כֶּבֶשׂ וְנָמֵר עִם גְּדִי יִרְבָּץ משל וחידה. ענין הדבר, שיהיו ישראל יושבין לבטח עם רשעי אומות העולם המשולים כזאב ונמר, שנאמר זְאֵב עַרְבוֹת יְשָׁדְדֵם נָמֵר שֹׁקֵד עַל עָרֵיהֶם (ירמיהו ה, 6), ויחזרו כולם לדת האמת, ולא יגזלו ולא ישחיתו, אלא יאכלו דבר המותר בנחת כישראל, שנאמר וְאַרְיֵה כַּבָּקָר יֹאכַל תֶּבֶן. כל כיוצא באלו הדברים הכתובים בענין המשיח משלים הם, ובימות המלך המשיח יודע לכל לאיזה דבר היו משל ומה ענין רמוז בהם

[6] This is an important point, not only because it makes Orthodox Zionism possible. While Maimonides rarely specifies the precise stages of the messianic process, reading him as if everything happens at once, *be-heseah ha-da`at* (Sanhedrin 97a), as it were, is radically to misunderstand him. He expects the messianic process to unfold within nature as we know it. Further on the connection between Maimonides' messianism and Orthodox Zionism, see my "Messianic Postures in Israel Today," *Modern Judaism* 6 (1986): 197-209 [http://www.jstor.org/view/02761114/ap050017/05a00060/0]; reprinted in: Marc Saperstein, ed., *Essential Papers on Messianic Movements in Jewish History* (N.Y.: New York University Press, 1992): 504-519.

[7] *Maimonides on Judaism and the Jewish People* (Albany: SUNY Press, 1991); "Chosenness, Not Chauvinism: Maimonides on the Chosen People," in Daniel H. Frank (ed.), *A People Apart: Chosenness and Ritual in Jewish Philosophical Thought* (Albany: SUNY Press, 1993): 51-76, 85-89; "Overcoming Chosenness," in Raphael Jospe, Truman Madsen, Seth Ward, eds., *Covenant and Chosenness in Judaism and Mormonism* (Fairlawn: Associated Univ. Presses, 2001): 147-172; "Was Maimonides Truly Universalist?" *Trumah: Beitraege zur juedischen Philosophie 11* (*Festgabe zum 80. Geburtstag von Ze'ev Levy*) (2001): 3-15.

[8] As I argue in *Maimonides on Judaism*, pp. 39-58.

absorbed into Israel in some other fashion, or that the distinction will become in some way less important than it is now[9] is open to question. What is clear, I maintain, is that the distinction between Jew and Gentile will disappear by the time that the messianic process has reached completion.[10] In making this claim, I stand opposed to those who interpret Maimonides in a more particularist fashion, according to whom even at the end of days for Maimonides the Jews will remain God's chosen people, especially beloved, and distinct from the mass of humanity. I also stand opposed to those who might want to read Maimonides in a pluralist fashion, as if he holds that in the messianic era many different paths will lead equally to God.[11] Rather, I read him as a messianic universalist.[12]

The distinction between Jew and Gentile will disappear

This needs clarification. Let us distinguish between the Torah, as it were, of Noah, the Torah, as it were, of Abraham, and the Torah of Moses.[13] As I will point out below, the Torah of Noah includes neither the affirmation of God's existence nor the obligation to worship God. The Torah of Abraham can be seen as building on the Torah of Noah, but

[9] Ya`akov Blidstein, *Ekronot Mediniyim Be-Mishnat Ha-Rambam* 2nd ed. (Ramat Gan: Bar Ilan University Press, 2001), pp. 245-248. I will cite this book below as Blidstein, *Ekronot*.

[10] It is not clear to me that Maimonides himself addressed this question self-consciously; it may have been among the things he expected to be clarified after the coming of the Messiah – see Laws of Kings, XII:1.

[11] Raphael Jospe points to Netanel ibn al-Fayyumi (Yemen, c. 1165) as a medieval Jew who held a pluralist view of religious revelation. This is surely a case of an exception proving a rule. For sources and discussion, see the debate between Jospe on the one hand and Jolene and Menachem Kellner on the other in the forthcoming, *Jewish Theology and the Religious Other*, Alon Goshen-Gottstein and Eugene Korn, eds. The philosopher cited by Halevi at the beginning of the Kuzari might be cited as an example of a medieval religious pluralist, but that is surely a mistake: his pluralism consists in saying that all religions are equally false, not equally true.

[12] There is no dearth of apologetic writing on biblical and rabbinic universalism. Moshe Greenberg often (but not always) succeeds in going beyond apologetics; see his "*Atem Qeruyim Adam*," in Avraham Shapira, ed., *Al ha-Miqra ve-Al ha-Yahadut: Qovets Ketavim* (Tel Aviv: Am Oved, 1984): 55-67, and, in the same collection, "*Erekh ha-Adam ba-Miqra*" (pp. 13-23). See also "Mankind, Israel, and the Nations in the Hebraic Heritage," in J. Robert Nelson, ed., *No Man Is Alien: Essays on the Unity of Mankind* (Leiden: Brill, 1971): 15-40. In a wholly non-apologetic plane, for the Bible see, Jon D. Levenson, "The Universal Horizon of Biblical Particularism," *In Ethnicity and the Bible*, edited by Mark G. Brett (Leiden: Brill, 1996) pp. 143-69 and Joel S. Kaminsky, *Yet I Loved Jacob: Reclaiming the Biblical Concept of Election* (Nashville: Abingdon, 2007). For rabbinic Judaism, see Gerald Blidstein, "A Note on Rabbinic Missionizing," *Journal of Theological Studies* 47, no. 2 (1996): 528-31; and Menachem Hirshman, "Rabbinic Universalism in the Second and Third Centuries," *Harvard Theological Review* 93 (2000): 101-15 and Hirshman, *Torah le-Khol Ba'ei Olam: Zerem Universali be-Sifrut ha-Tana'im ve-Yahaso le-Hokhmat he-Amim* (Tel Aviv: Ha-Kibbutz ha-Meuhad), 1999. For medieval views, see Menachem Kellner, *Maimonides' Confrontation With Mysticsm* (Oxford: Littman Library of Jewish Civilization, 2006) (cited henceforth as *Confrontation)*. For Maimonides' geonic background, see David Sklare, "Are the Gentiles Obligated to Observe the Torah? The Discussion Concerning the Universality of the Torah in the East in the Tenth and Eleventh Centuries," in Jay Harris, ed., *Be'erot Yitzhak: Studies in Memory of Isadore Twersky* (Cambridge: Harvard Univ. Press, 2005): 311-346 (and the other studies cited there). R. Rapoport himself, with typical intellectual honesty, cites several medievals who read Maimonides in "my" universalist fashion and other figures who, independently of Maimonides, adopt the view of the messianic era that I find in his writings. If nothing else, this proves that my interpretation of Maimonides is not outlandish. Indeed, I hope to convince readers of this essay that my view of Maimonides is closer to the peshat and context of his writings than is that of R. Rapoport.

[13] R. Joseph Albo may have been the first to posit a series of divine Torahs. See *Sefer ha-Ikkarim*, I, chs. 13 and 14. On Albo's impact, see A. Melamed, "Natural, Human, Divine: Classification of the Law among Some 15th and 16th Century Jewish Thinkers," *Italiah* 4 (1985): 59-93.

adding the affirmation of God's existence and the obligation (and, I would add, the privilege) of worshiping God. This Torah is meant for all human beings. The Torah of Moses can be seen as either a special boon to the Jewish people, or as a concession to their primitive character (as evidenced by the episode of the golden calf).[14] A radical reading of Maimonides would see him as envisioning a messianic era in which all humans, including the people of Israel, would observe the Torah of Abraham, and not the Torah of Moses. A more conservative but still universalist reading of Maimonides would see him as envisioning a messianic era in which all human beings observe the Torah of Moses. Particularist readings of Maimonides would have him envision a messianic era in which Jews observe the Torah of Moses and Gentiles observe either the Noahide laws or the Torah of Abraham. On my understanding, Maimonides is a conservative universalist: all humanity will accept and observe the Torah of Moses by the time that the messianic era reaches fruition.[15]

All humanity will accept and observe the Torah of Moses

My friend and colleague, R. Chaim Rapoport, is convinced that my understanding of Maimonides is mistaken. On his reading of the relevant texts, Maimonides claims that in the messianic era Jews will observe the Torah of Moses while Gentiles will observe the Noahide laws. R. Rapoport paid me the compliment of writing a detailed refutation of my position and I would like now to offer my response to his critique.[16]

Part One: Statement of R. Rapoport's Thesis and My Initial Reply

R. Rapoport generously began his discussion by seeking to strengthen mine. I would like to repay his kindness by also trying to strengthen his position. His overall conclusion is that:

> The expression "religion of truth" ("*dat ha-emet*") refers to the "religion of Moses," encompassing both "the Law of Israel" and the "Law of the Noahides"; both of them were "commanded by God in the Torah"—the one Torah—given to us through Moses our Teacher at Mount Sinai.
>
> The words "*dat ha-emet*" mean "the religion truly given by God" or "the religion that shows us the way of truth" or (combining the two) "the religion truly given by God, which shows us the way of truth." The words may also refer to the true belief, which is the foundation of religion.
>
> Whatever the case may be, the expression "*dat ha-emet*" is used to describe the entire Torah and all the commandments revealed

14. For sources which support this interpretation, see *Confrontation*, pp. 140-148 and 152-154.

15. It is certainly not inconceivable that Maimonides might have adopted the radical universalist view of the messianic era, in which all humanity observes "only" the Torah of Abraham. As I will note below (fn. 22), Nahmanides adopts a structurally similar view, according to which the Torah as we know it will not be observed in the messianic era. However, I take Maimonides' claims about the permanence of the Torah literally, not only because he says so, but because he holds that the Messianic era will someday end (Introduction to *Helek*, Sheilat edition [Jerusalem, Ma'aliyot, 1992], pp. 138-139), at which point one assumes that the Torah of Moses will once again play a necessary role in the education of humanity. For arguments to the effect that Maimonides distinguished between the historical explanations of why commandments were given on the one hand, from their permanent validity on the other, see *Confrontation*, chapt.2, notes 21 and 125, ch. 4, note 57, and chapt. 7, note 63. I have written a (Hebrew) essay in which I compare Maimonides and Nahmanides on the permanence of the commandments, proving (to my complete satisfaction) that Maimonides adopted a much more conservative stance than did Nahmanides. I hope to publish that essay soon.

16 After writing several drafts of this essay, I had the pleasure of reading Howard Kreisel, "Maimonides on Divine Religion," in Jay Harris, ed., *Maimonides after 800 Years: Essays on Maimonides and His Influence* (Cambridge: Harvard Univ. Press, 2007): 151-166. Professor Kreisel arrives at the same conclusion I do, although he largely takes a different route. I will cite this

by God through Moses our Teacher (parts of which had already been given via the prophets who preceded the giving of the Torah at Sinai). That religion includes "the ways of truth" (*darkhei ha-emet*) discovered by Abraham our Father and proclaimed by him throughout the world as well as the commandments issued to Adam, Noah, Abraham, Moses, etc.; and it is the religion that was bolstered by the righteous kings of the House of David over the years and that will be exalted by the King Messiah, may he speedily be revealed, may that be God's will.

Maimonides' notorious claim is that parts of the Torah are concessions to the primitive character of the Israelites

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If I may rephrase R. Rappoport's position in terms which I hope he will be willing to accept, he tells us that the term dat ha-emet in our text in the Mishneh Torah refers to true divine revelation. Such divine revelation encompasses two types of believers: Noahide Gentiles and Jews. The first group is bound to obey the Seven Noahide Laws, while the latter group is bound to obey the Torah of Moses. In the messianic era dat ha-emet will be accepted universally but practiced in two different ways: by Jews through the 613 commandments of the Torah, and by Gentiles through the 7 Noahide Laws.[17]

This certainly seems to be a position congenial to Maimonides,[18] and it accords with the broad contours of his history of religions as outlined in the first chapter of "Laws of Idolatry."[19] On this account, Abraham taught monotheism to descendents of Noah, without imposing any commandments upon them.[20] The obligation of circumcision was, however, imposed upon Abraham and his descendents. The parallelism here is attractive: in the messianic era the descendents of Noah will "practice" Abrahamic monotheism, while the descendents of Abraham will fulfill the commandments of the Torah.[21]

As much as I would like to help my friend R. Rapoport, I fear that this suggestion is of little value in supporting his case. It ignores Maimonides' notorious claim to the effect that parts of the Torah as we have it are concessions to the primitive character of the Israelites leaving Egypt.[22] On this view, Mosaic

[18] I suspect that some of the reasons that I find it congenial to Maimonides might appeal less to R. Rapoport. Maimonides as I understand him sincerely held that the secrets of the Torah were pretty well captured in Aristotelian physics and metaphysics. Kabbalists, as I will have occasion to note below, agree with Maimonides that the Torah has a deeper meaning which underlies the commandments (and gives them much of their significance); they disagree with Maimonides about the nature of that deeper meaning.

[19] For the text and discussion, see: *Confrontation*, pp. 77-83 and the sources cited there. See now also the very interesting discussion in Alex P. Jassen, "Reading Midrash with Maimonides: An Inquiry into the Sources of Maimonides' Account of the Origins of Idolatry," *Australian Journal of Jewish Studies* 21 (2007): 170-200.

[20] Further on the distinction between Abraham and Moses, see *Guide of the Perplexed* II:39. Citations from the Guide will be from the translation of Shlomo Pines (Chicago: University of Chicago Press, 1963).

[21] Often ignored in this context is the point that the obligation devolves upon all of Abraham's descendents (excluding Ishmael and Esau), including the offspring of Keturah who, according to Maimonides, are today's Arabs. See Laws of Kings, X.8 and Hannah Kasher, "Maimonides' View of Circumcision as a Factor Uniting the Jewish and Muslim Communities," in Ronald Nettler, ed., *Studies in Muslim-Jewish Relations* (Luxembourg: Harwood Academic Publishers, 1995): 103-108. Thus, the Jews have 613 commandments; the Noahides, 7; and the Arabs, 8. This seems to weaken the parallelism between Abrahamic and messianic times I am trying to draw here in order to strengthen R. Rapoport's thesis.

legislation is a concession on God's part to the primitive, pagan nature of the Jews who left Egypt.[23] Taking R. Rapoport's thesis to (admittedly) extreme lengths, one might even be led to suggest that Noahide monotheism is thus superior to Mosaic legislation, since it seems to follow that in the messianic era on this view the Noahides will follow a more refined religion than the Jews!

There is no difference between Jews and Gentiles on the level of "hardware"

Further, the Torah of Moses may be a concession, but coming from God, it is also good for those to whom it was revealed (as Maimonides explains in detail in the latter half of the third part of the *Guide*) and will remain good for them in the messianic era. The Torah is a tool for perfecting us *as human beings*,[24] as such, how could it be restricted, in the messianic era, to descendents of Abraham?

But perhaps the Torah is a tool for perfecting Jews only? This is a view certainly rejected by Maimonides and I will devote most of my efforts in this essay to showing why this must be so. Here, I will present the point in a cursory fashion, developing it more fully below.

Maimonides' position is "forced" upon him because, unlike R. Simeon bar Yohai as reported in the Talmud,[25] and unlike a host of medieval interpreters of Judaism, Maimonides takes very seriously the implications of the Torah's unambiguous statement that all human beings are created in the image of God. Gentiles are no less created in God's image than Jews. There is simply no difference between Jews and Gentiles on the level of what my friend Professor Daniel J. Lasker calls "hardware."[26] On this issue, with tongue slightly in cheek, we might call Maimonides a biblical fundamentalist. But at this point, another question must be addressed: in what way are humans created in the image of God?

[22] To traditional Jewish ears this positions sounds shocking. Indeed, Maimonides himself wrote about it: "I know that on thinking about this at first your soul will necessarily have a feeling of repugnance toward this notion and will feel aggrieved because of it" (Guide, III: 32, p. 527). But the fact of the matter is that in structural terms, Maimonides is making a claim very similar to that made by Kabbalists; when they make it, it sounds very "*frum*," yet when Maimonides makes it, it sounds shocking. There is an important strand in Kabbalah, expressed openly by Nahmanides, among others, that the Torah as we have it exists in its corporeal form only because of the sin of Adam and Eve, and will cease to exist in the form in which we know it in the messianic era. While I recognize its great difference in tone, I have a hard time understanding how that differs in structure from Maimonides' position. Indeed, I wonder if Maimonides' insistence on the permanence of the Torah (in the ninth of the 'Thirteen Principles' and, in an explicitly messianic context, in Laws of Kings XI:2) might be aimed, not only at Christians and Muslims, but at what I have called (in *Confrontation*) proto-Kabbalists as well.

[23] I have come to realize that Maimonides is not making an historical claim here, so much as explaining the human condition, just as his account of the Garden of Eden in *Guide of the Perplexed* I:2 is not meant to be taken as history; rather, it is an allegory explaining the nature of humanity. For support for this latter point from a traditionalist perspective, see R. Kafih's commentary to Laws of the Sabbath, V.3. I treat of the broader point in an article I am writing with my student and friend Oded Horetzky.

[24] On the view (of the students of R. Yishma'el) that the Torah is ultimately meant for all humanity (*kol ba'ei olam*) and not just for the Jews, it is obviously a tool for human, and not only Jewish, perfection. For details, see the book and article by Hirshman, cited above in note 11.

[25] Taking literally R. Simeon bar Yohai's statement (*Yevamot* 60b-60a) that only Jews are called *adam*. This statement has generated a huge amount of commentary (starting with *Tosafot ad loc.*). Whether or not R. Shimon considered Gentiles as fully human, the Talmud reports several statements attributed to him that betray, to put it mildly, lack of sympathy for the Gentile world: *Sifri Num.* 69; *Shabbat* 33b; *Mekhilta be-Shallah* 2.

[26] Daniel J. Lasker, "Proselyte Judaism, Christianity, and Islam in the Thought of Judah Halevi," *Jewish Quarterly Review* 81 (1990): 75-91.

[27] This view was already attributed to Aristotle in the ancient world, but my friend Moshe Grimberg and I have not been able to find any place where he actually says so in as many words. There can be little doubt that Aristotle agrees with the

Maimonides adopts a definition of humanity most famously associated with Aristotle[27]:

Human beings are rational animals, and it is by virtue of our rationality, as Maimonides emphasizes in the opening chapters of the *Guide of the Perplexed*, that we are said to be created in God's image. Further in an Aristotelian vein, Maimonides saw rationality as a potential with which humans are endowed at birth. In his eyes, very few human beings, whether Jew or Gentile, rabbi or layman, actualize that potential. Here Maimonides' notorious intellectualist elitism kicks in: God's image is present in all human beings, but to different degrees. "Aha!" says the reader—"Maimonides can sneak preference for Jews over Gentiles into the equation in this fashion." Hardly: for Maimonides, thanks to the Torah, more Jews than Gentiles will actualize their humanity to the greatest extent possible. But that is a relative advantage: humans who live lives governed by the Torah *are more likely* to achieve intellectual perfection than those who don't. But a Gentile philosopher nevertheless enjoys more divine providence, and has a greater share in the world to come, than a saintly and learned Talmudist who knows no science.[28]

Humans who live by the Torah are more likely *to achieve intellectual perfection than those who do not*

All this being so, and it most certainly is, on what grounds could Maimonides expect or want that the distinction between Jew and Gentile could have any relevance or significance in an era when, as he puts it in the very last *halakhah* in the *Mishneh Torah* (Laws of Kings XII:4):

> …there will be[29] neither famine nor war, neither jealousy nor strife. Good things will be abundant, and delicacies as common as dust. The one preoccupation of the whole world will be only to know the Lord. Hence [they][30] will be very wise, knowing things now unknown and will apprehend knowledge of their Creator to the utmost capacity of the human mind,[31] as it is written: "For the land[32] shall be full of the knowledge

[27](con't) definition (see, for example, Nicomachean Ethics, X, viii, 1179a24-30), but he never stated it explicitly.

[28] This is the way that the parable of the palace in *Guide* III:51 is usually read (see Shem Tov *ad loc.*); for my alternative interpretation, see *Maimonides on Human Perfection* (Atlanta: Scholars Press, 1991), pp. 15-33. For Profiat Duran's account of what medieval Jewish philosophers affirmed on this, see pp. 770-774 of Dov Rappel ed., *"Haqdamat 'Sefer Ma`aseh Hoshev le-Profiat Duran," Sinai* 100 (Anniversary Volume) (1986-1987), pp. 749-795. In my book I cited Duran as cited by Shem Tov in his commentary ad loc. In a private communication the late and lamented Isadore Twersky later made me aware of the original source.

[29]Hebrew: *lo yihiyeh sham*. This Arabism calls to mind the very first paragraph of the *Mishneh Torah*, a text addressed to all human beings.

[30] On the textual issues here see: Simon-Raymond Schwarzfuchs, "*Les lois royales de Maimonide*," *REJ* 111 (1951-52): 63-86. On pp. 81-82, Schwarzfuchs shows that many printed editions and manuscripts add the word "Israel" here. Makbili has it in the first printing of his edition, with a note that Sheilat excludes the word from his text (*Ha-Rambam ha-Meduyaq*). Makbili informs me that the word will be excluded in subsequent editions. On literary grounds alone it appears clear that the word is an emendation since the prooftext from Isaiah speaks of the entire earth. See also the next note.

[31] On this expression, and many of the issues raised here, see Aviezer Ravitzky, "'To the Utmost of Human Capacity': Maimonides on the Days of the Messiah," in Joel Kraemer (ed.), *Perspectives on Maimonides: Philosophical and Historical Studies* (Oxford: Littman Library of Jewish Civilization, 1991), pp. 221-256. It must be recalled that in this context the intellectual perfection to which Maimonides refers here is relative, not absolute. Human beings, even in the messianic era, achieve intellectual perfection to different degrees. When Maimonides says here that humans will come to know God *kifi ko'ah ha-adam* he means, to translate him literally, "according to human abilities" and not "according to human ability." The latter reading would involve a miraculous change in human nature.

[32] On the question of what this land is (and for more on the textual issues) see Blidstein, *Eqronot*, p, 246, n. 56. Ridbaz to Laws of Kings, XII:1 understands the term as referring only to the Land of Israel. Maimonides' use of the verse in *Guide* III:11 would seem to preclude Ridbaz's reading. The text there reads:

of the Lord, as the waters cover the sea."[33] (Isaiah 11:9).[34]

Let us follow this a little bit further. Why should the distinction between Jew and Noahide be preserved in the messianic era? Why should not all humans be Noahides, or all followers of the Torah of Moses? If Maimonides were Judah Halevi, were he the author (or authors) of the *Zohar*, were he Maharal, were he the author of the *Tanya*, were he almost any post-medieval Jew, the answer would be simple: there is an ontological difference between Jews and Gentiles such that in one of many ways, it "makes sense" for the Jews to the fulfill the 613 commandments and makes no sense for Gentiles to do so. Since the distinction between Jew and Gentile is part of the very fabric of the universe, they say, it will be maintained in the messianic era.

Maimonides, however, is not Judah Halevi, he did not write (or even know of) the *Zohar*, he is not Maharal, and he is certainly not the *Ba`al ha-Tanya*! He denies that there is any ontological difference between Jew and Gentile. It is that denial which forms the basis of my discussion here.

Part Two: The Term *Dat Ha-Emet*—Our Positions Restated

As noted above, the expression in debate between R. Rapoport and me is found in the first *halakhah* of the last chapter of the *Mishneh Torah*. In the *Mishneh Torah*, Maimonides is usually the soul of precision. When translating the second volume of the *Mishneh Torah* into English,[35] I was struck by how rarely I came across ambiguous passages. But this paragraph is full of problems and ambiguities:

[32] (con't)
…If there were knowledge, whose relation to the human form is like that of the faculty of sight to the eye, they would refrain from doing any harm to themselves and to others. For through cognition of the truth, enmity and hatred are removed and the inflicting of harm by people on one another is abolished. It holds out this promise, saying, *The wolf shall dwell with the lamb, the leopard shall lie down with the kid*, and so on. *And the sucking child shall play*, and so on (Isaiah 11:6-8). Then it gives the reason for this, saying that the cause of the abolition of these enmities, these discords, and these tyrannies, will the knowledge that men will then have concerning the true reality of the deity. For it says: *They shall not hurt nor destroy in all My holy mountain; for the earth shall be full of the knowledge of the Lord, as the waters cover the sea* (Isaiah 11:9). Know this.
Warren Ze'ev Harvey has pointed out that this chapter of the *Guide* is a kind of poetic and philosophical rendition of the last paragraph of the *Mishneh Torah*, glossing it in the way Maimonides meant it to be read. See pp. 23-24 in Harvey, "Averroes, Maimonides, and the Virtuous State," in *Iyyunim bi-Sugyot Philosophiyot… Likhvod Shlomo Pines* (Jerusalem; Israel Academy of Sciences, 1992), pp. 19-31. Pushing Harvey's insight one step further, I think that the next chapter in the *Guide* also glosses the last paragraph in the *Mishneh Torah*.

[33] The verse from Isaiah recalls Genesis 6:13:
וַיֹּ֥אמֶר אֱלֹהִ֖ים לְנֹ֑חַ קֵ֚ץ כָּל בָּשָׂ֣ר בָּ֔א לְפָנַ֖י כִּי מָלְאָ֣ה הָאָ֗רֶץ חָמָס֙ מִפְּנֵיהֶ֔ם וְהִנְנִ֥י מַשְׁחִיתָ֖ם אֶת הָאָֽרֶץ׃
I am tempted to say that just as that verse surely relates to humans *simpliciter*, and not to Jews, Maimonides uses the parallel verse from Isaiah in the same way. The prophet is surely alluding to the difference between the messianic and antediluvian eras through the use of the expression *ki male'ah ha-arets*; it is a safe bet that if I noticed it, Maimonides certainly did.

[34] R. Jeffrey Bienenfeld pointed out to me that the meaning of the word "sea" here is "seabed" and that just as water spreads to cover every part of any enclosure in which it is placed, seeping into every nook and cranny, so too will the knowledge of God extend to and seep into every nook and cranny of the world, and, hence, into the hearts of all human beings. Here is the Hebrew of our passage:
ובאותו הזמן לא יהיה שם לא רעב ולא מלחמה, ולא קנאה ותחרות, שהטובה תהיה מושפעת הרבה, וכל המעדנים מצויין כעפר, ולא יהיה עסק כל העולם אלא לדעת את ה' בלבד, ולפיכך יהיו חכמים גדולים ויודעים דברים הסתומים וישיגו דעת בוראם כפי כח האדם, שנאמר [לֹא יָרֵעוּ וְלֹא יַשְׁחִיתוּ בְּכָל הַר קָדְשִׁי] כִּי מָלְאָה הָאָרֶץ[1] דֵּעָה אֶת ה' כַּמַּיִם לַיָּם מְכַסִּים (ישעיהו יא, 9).

[35] *Book of Love* by Maimonides (*Mishneh Torah*, vol. 2) (New Haven: Yale University Press, 2004).

First, with whom will Israel dwell securely: the wicked *among* the nations of the earth, or are all the Gentile nations wicked? The latter seems to be the case, since the next sentence says "Those nations will *all* adopt the true religion," implying that *all* the Gentile nations are (or were?) wicked. Second, what does *va-yaḥzeru* (translated here as 'adopt') mean? Third, what does *dat ha-emet* mean? Fourth, what are the "permitted foods" which the (erstwhile, according to me) Gentiles will eat? Does it mean kosher, tithed food as I maintain, or does it mean food permitted to Gentiles as Rabbi Rapoport maintains? Fifth, what does "as Israelites" mean?

I will paraphrase the paragraph in a manner consistent with my interpretation; before I do so, however, some linguistic issues must be addressed. First, the root *ḥ-z-r* does not always mean "return" or "revert" in Maimonides' Hebrew; it often means "change."[36] For a good example of this usage, see "Laws of Repentance," III:9, where Maimonides explains that an apostate concerning the whole Torah is a person who *hozer* to Gentile[37] religions during a period of religious persecution.[38] It makes little sense to see this text as referring to a Jew who *reverts* to a Gentile religion; rather, its clear meaning is a Jew who opportunistically *changes* religions. The use of the term *datei* here confirms that. In Maimonidean usage the term *dat* usually means what we today would call "religion."[39] Thus, for example, we find Maimonides talking about the beautiful captive in the following fashion (Laws of Kings, VIII:5):

> What is the law with regard to an Israelite and a captive woman? If after the first coition, while she is still a Gentile, she undertakes to enter under the wings of the Shekhinah, she is immediately immersed for the purpose of conversion. If she is unwilling, she remains in his house for thirty days, as it is said: *She shall bewail her father and mother a full month* (Deut. 21:13). She weeps also for her *religion* [*datah*] and he may not stop her.

It makes little sense to see this as referring to a Jew who reverts *to a Gentile religion*

I thus translate *ḥ-z-r* in our passage as "adopt" and not as "revert" and translate *dat* as "religion." Having clarified these meanings, I can now paraphrase the text in dispute between R. Rapoport and myself:

> Let it not enter your mind that in the days of the Messiah any aspect of the regular order of nature will be abolished or some innovation will be introduced into the world of nature; rather, the world follows its accustomed course. The verse in Isaiah, *The wolf shall dwell with the lamb, the leopard lie down with the kid* is an allegory and metaphor.[40] Its meaning is that Israel will dwell in security with [those who were] the wicked nations of the earth, which are allegorically represented as wolves and leopards, as it says (Jer. 5:6): *the wolf of the desert ravages them. A leopard lies in wait by*

[36] For details, see Mordechai Akiva Friedman, *Maimonides, the Yemenite Messiah, and Apostasy (Ha-Rambam, ha-Mashiaḥ be-Teiman, ve-ha-Shemad)* (Jerusalem: Yad Ben-Zvi, 2002), pp. 2 and 72. See also Blidstein, *Ekronot*, p. 247, note 60. I was not aware of this linguistic fact when I wrote *Maimonides on Judaism*; hence my mistaken discussion on p. 35.

[37] Although the term *goy* in the *Mishneh Torah* usually refers to idolaters, here the apparent meaning is any Gentile. See Blidstein, "On the Status of the Resident Alien in Maimonides' Thought," *Sinai* 101 (1988): 44-52 (Hebrew), pp. 44-45.

[38] *Ve-hameshummad lekhol ha-Torah, kegon ha-ḥozer le-datei ha-goyyim be-sha`ah she-gozrin shemad…* . See also Responsum 149, cited below near footnote 94.

[39] See Blidstein, *Ekronot*, p. 106, note 29, and, of course, R. Rapoport's discussion of the term. Note also James Diamond, *Converts, Heretics, and Lepers: Maimonides and the Outsider* (Notre Dame: Univ. of Notre Dame Press, 2007), p. 254, note 32.

> *their towns*. Those nations will all adopt the true religion. [In consequence,] they will neither rob not destroy; rather, they will eat permitted foods in peace and quiet as Israelites, as it says, *the lion, like the ox, shall eat straw*.[41] All similar things written about the Messiah are allegories, and in the days of the messianic king everyone will understand which matters were allegories, and also the meaning hinted at by them.

R. Rapoport, on the other hand, would have to paraphrase it more or less as follows:

> Let it not enter your mind that in the days of the Messiah any aspect of the regular order of nature will be abolished or some innovation will be introduced into the world of nature; rather, the world follows its accustomed course. The verse in Isaiah, *The wolf shall dwell with the lamb, the leopard lie down with the kid* is an allegory and metaphor. Its meaning is that Israel will dwell in security with the wicked nations of the earth, which are allegorically represented as wolves and leopards, as it says: (Jer. 5:6): *the wolf of the desert ravages them. A leopard lies in wait by their towns*. Those nations will all revert to the true [Noahide] religion. [In consequence,] they will neither rob not destroy; rather, they will eat foods permitted to Gentiles in peace and quiet as Israelites [will eat food permitted to them], as it says, as it says, *the lion, like the ox, shall eat straw*. All similar things written about the Messiah are allegories, and in the days of the messianic king everyone will understand which matters were allegories, and also the meaning hinted at by them.

These two paraphrases obviously express very different understandings of Maimonides' conception of the messianic era. Can one be shown to be textually superior to the other? I do not believe so. I obviously think that my interpretation of the passage is closer to the meaning of the Hebrew original and closer to the spirit of Maimonides, but, as R. Rapoport's spirited and learned analysis shows, I really can not prove that to be the case on textual grounds alone.

To state it simply, Maimonides is inconsistent in his use of this term.

Let us turn now to an examination of the crucial term in this discussion, *dat ha-emet*. To state it simply, Maimonides is inconsistent in his use of this term. In one version of the text that originally sparked this whole discussion, Maimonides' letter to R. Obadiah the Proselyte, he uses it to mean the religion taught by Abraham, which is certainly not the Torah of Moses.[42] On the other hand, in one version of his "Letter on Astrology" to the rabbis of Marseilles, he explicitly refers to "adherents of the *dat ha-emet*, it being the religion of Moses our teacher (*dat Mosheh Rabbenu*)."[43]

One thing is pretty clear, however: the expression *dat ha-emet* in our passage from Laws of Kings can not mean the seven Noahide laws, as R. Rapoport suggests, since the point of the messianic era, as Maimonides affirms towards the end of chapter XI, is to "correct[44] the whole world to worship the Lord with one accord, as it is written: *For then I will*

[40] Sara Klein-Braslavi shows that Maimonides uses the Hebrew word *hiddah* as a synoym for *mashal*, allegory. See Sara Klein-Braslavi, "Maimonides' Commentaries on Proverbs 1:6," in Moshe Hallamish (ed.*), 'Alei Shefer: Studies in Literature and Jewish Thought Presented to Rabbi Dr. Alexandre Safran*. Ramat-Gan: Bar-Ilan University Press, 1990 (Hebrew), pp.121-132, p. 123 n.10.

[41] Note that according to this prooftext, the lion and the ox eat the *same* food. But note R. Rapoport's alternative reading of this at his note 79.

[42] See "Laws of Character Traits," I:7, where the middle way between character extremes is called *derekh ha-shem* and is presented as the religion taught by Abraham.

[43] This is the text as presented by R. Sheilat on p. 485; other versions have: "*ve-anahnu, ba`alei ha-torah ha-amitit*."

[44] *U-letaqqen olam*; on this expression in Maimonides, see Menachem Lorberbaum, "Maimonides on Repair of the World," *Tarbiz* 64 (1995): 65-82 (Hebrew).

turn to the peoples a pure language, that they may all call upon the name of the Lord to serve Him with one consent (Zeph. 3:9)." The worship of God is not one of the seven Noahide laws, as Maimonides makes clear in Laws of Kings, IX:1 After there listing the seven Noahide laws, he goes on to state that Abraham, Isaac, and Jacob each added one prayer-service and one commandment to the seven, thus making clear that divine worship is not included among them.[45] On this technical ground alone, R. Rapoport's reading must fail.

The worship of God is not one of the seven Noahide laws

That R. Rapoport's specific reading of our passage fails does not necessarily mean that mine is correct. The real issue here—what sort of messianic era Maimonides expected—can not be settled on textual grounds alone. But can it perhaps be settled on *con*textual grounds? As my friend R. Shalomi Eldar pointed out to me, our text follows immediately upon the notorious passage, censored from printed editions of the *Mishneh Torah*, in which Maimonides grants a messianic role to Christianity and Islam. At the conclusion of that passage, Maimonides writes:

> All these matters relating to Jesus of Nazareth and the Ishmaelite [Mohammed] who came after him, only served to clear the way for King Messiah, to prepare the whole world to worship God with one accord, as it is written, For then will I turn to the peoples a pure language, that they all call upon the name of the Lord to serve Him with one consent (Zephaniah 3:9). Thus the messianic hope, the Torah, and the commandments have become familiar topics—topics of conversation (among the inhabitants) of the far isles and many people, uncircumcised of heart and flesh. They are discussing these matters and the commandments of the Torah. Some say, "Those commandments were true, but have lost their validity and are no longer binding"; others declare that they had an esoteric meaning and were not to be taken literally; that the Messiah has already come and revealed their occult significance. But when the true King Messiah will appear and succeed, be exalted and lifted up, they will forthwith recant and realize that they have inherited nothing but lies from their fathers, that their prophets and forbears led them astray.

Our passage follows immediately upon this text. Thanks to Christianity and Islam, Gentiles had become accustomed to discussing divine commandments, even if they now misunderstand and misrepresent them. But after the true King Messiah appears, succeeds, is exalted, and is lifted up, they will realize that they had been misled, and therefore "will all adopt the true religion," a true religion of commandments properly understood.

Contextualizing our passage in this fashion surely lends support to my interpretation of it. But context is a tricky thing, and perhaps we should read our text in its larger context. My student David Gillis proposed that I do precisely that. What subjects are covered in Laws of Kings immediately before the last two, messianic, chapters? Those chapters treat the status of the Noahide laws in particular and of non-Jews in general in a Jewish state. Recalling that Maimonides insists:

> Let it not enter your mind that in the days of the Messiah any aspect of the regular order of the world will be abolished or some innovation will be introduced into nature; rather, the world follows its accustomed course.

[45] This is noted by Blidstein, *Ekronot*, pp. 245-246. I hasten to explain that I am not equating worship with prayer (this is denied by Maimonides in *Guide*, III.32), only trying to show that there is no obligation of worship or prayer in the Noahide laws.

We might be led to say that this is a contextual indication that there will be Noahides and perhaps also Gentiles in the messianic kingdom. Contextualizing our passage in this fashion supports R. Rapoport's reading of it.

But context, again, is a tricky thing, and perhaps we should read our text in an even larger context? The *Mishneh Torah* opens with four chapters on physics and metaphysics, chapters addressed to all human beings, and it closes with two chapters on the messianic era—again, I suggest, addressed to all human beings. This way of looking at things is gains support if we look at the exact mid-point of the *Mishneh Torah*, the famous text at the end of Laws of the Sabbatical Year and the Jubilee.[46] In this passage Maimonides promises that any human being who devotes himself or herself to God will become as sanctified as the holy of holies. Following immediately upon this text we find the eighth book of the *Mishneh Torah*, the "Book of [Temple] Service (*Avodah*)" which itself opens with Laws of the Temple. The Temple, we have seen, will be rebuilt by the Messiah.[47] Contextualizing our passage in this fashion, it seems clear, supports my reading of it, not R. Rapoport's.

Context is indeed a tricky thing. If we read our passage in light of the parallel discussion in the *Guide* (III:11),[48] my reading of Maimonides is strengthened, and R. Rapoport's is weakened. Analyzing the afflictions from which humans suffer (most of which are self-inflicted, or inflicted by other humans), Maimonides discovers that the vast majority are the result of ignorance, ignorance which the prophet Isaiah promises will be overcome in the future. Let us recall the last sentence in the chapter:

> ...the cause of the abolition of these enmities, these discords, and these tyrannies, will be the knowledge that men[49] will then have concerning the true reality of the deity. For it says: *They shall not hurt nor destroy in all My holy mountain; for the earth shall be full of the knowledge of the Lord, as the waters cover the sea* (Isaiah 11:9). Know this.

It is all human beings, and not just Jews, who will understand the truth of God's nature and who will therefore behave well on God's holy mountain; the whole world, and not just the Land of Israel, will be full of the knowledge of God. As I understand this passage, Maimonides teaches here that the whole Earth will be God's holy mountain. But, I must admit, R. Rapoport could reply that one short chapter in the *Guide of the Perplexed* is not the appropriate context for determining the meaning of a passage in the *Mishneh Torah*. Alternatively, he might admit the relevance of the passage, while contesting my reading of it.[50]

Thus, our search the meaning of *dat ha-emet* in its context founders on the question of what that context is. We must look further to solve our problem.

[46] On my literal (and hence universalist) reading of this text see my: "Each Generation and its Maimonides: The Maimonides of R. Aharon Kotler," in U. Ehrlich, H. Kreisel, D. Lasker (eds.)., *By the Well: Studies in Jewish Philosophy and Halakhic Thought Presented to Gerald J. Blidstein* (Beer-Sheva: Ben-Gurion University of the Negev Press) (Hebrew), pp. 463-486.

[47] See the fuller discussion of this point in *Maimonides on Judaism*, pp. 73-75.

[48] I cite the text above, note 31.

[49] The Arabic here is *al-nas*, which means human beings as such (cognate to the Hebrew *enosh*).

[50] And, indeed, this seems to be the point of his footnote 70.

Part Three: Interpreting Maimonides: Why I Interpret Him the Way I Do—Humans as Rational Animals

It turns out that R. Rapoport and I each interpret certain Maimonidean texts: he in one direction, I in another. This, I believe, is unavoidable. There *are* inconsistencies in Maimonides' writings.[51] The only way to arrive at a consistent reading of his works is to interpret some in the light of others. Thus, while admitting that in some places in Maimonides' writings the term *dat ha-emet* refers to "Judaism," and while admitting that there are other medieval authorities who apparently support my universalist reading of Maimonides in Laws of Kings,[52] R. Rapoport feels constrained to apply harmonizing exegesis to the passages in Maimonides' writings that do not accord with his understanding of what Maimonides must have meant to be teaching about the messianic era. I, in turn, do the same thing, but in the opposite direction. As I have already stated, I do not believe that the issue can be settled textually. Rather, the question between us is not over how to read this that or the other specific text, but why it is that my Maimonides looks forward to a messianic era characterized by universalism, while R. Rapoport's Maimonides does not. I will not presume to answer on R. Rapoport's behalf, and will devote the rest of this essay to showing why it makes sense to read Maimonides as I do.

Maimonides is deadly serious when he defines human beings as rational animals and sees in their rationality the element that makes them creatures formed in God's image. In consequence of this definition, he is locked into a view of human perfection as intellectual.[53] This, in turn, forces him to accept the idea that the key to survival after death is cognition of the intelligibles. This view of what constitutes our humanity deeply affects Maimonides' understanding the nature of

[51] This, of course, is a huge issue. See my discussion in *Confrontation*, pp. xi and 15-16. R. Yehonatan Simhah Blass, *Mi-Nofet Zuf: Iyyunim ba-Moreh ha-Nevukhim* (Neveh Zuf, 5766), 2 vols.., finds 136 contradictions in Maimonides' writings. Here, I do not have in mind the sorts of contradictions beloved of the Straussians, but, rather, contradictions of the following sort. The eleventh of Maimonides' "Thirteen Principles" is divine reward and punishment. (Maimonides' ignores this issue in his restatement of the Principles in the third chapter of Laws of Repentance but that is easily explained.) In every place but one, Maimonides' accounts of divine reward and punishment can be easily made to accord with the philosophical view, according to which there is no actual reward for the fulfillment of the commandments or actual punishment for their violation; rather, the only true reward is survival of the intellect after death, a consequence of intellectual perfection, not a reward for obedience to the commandments. For a discussion of this view, see my *Must a Jew Believe Anything?* 2nd ed. (Oxford: Littman Library of Jewish Civilization, 2006), pp. 149-164. But in one place, his commentary on *Mishnah Makkot* III:17, Maimonides explicitly states that it is a foundation of faith in the Torah that if one fulfills any single one of the six hundred thirteen commandments "appropriately, as they ought to be fulfilled, without associating with this fulfillment any this-worldly goal at all, but fulfilled the commandment for its own sake (*li-shemah*), out of love, as I have explained to you," that person will merit a share in the world to come. Of course, I have no trouble interpreting this text according to the philosophic view (especially with its mention of obedience to commandments out of love, since Maimonides regards love of God as a function of intellectual perfection; for details, see the introduction to my translation of *Book of Love*, above, note 31), but it is still an interpretation. Another example of the sort of contradiction I have in mind is between Guide III:17 (and elsewhere), where providence is presented as attaching only to individuals and being consequent upon intellectual perfection, on the one hand, and, on the other, Treatise on Resurrection (Sheilat, p. 370), the one place in his writings where Maimonides affirms special providence over the nation of Israel. A third example relates to the question of miracles in the messianic era: in Laws of Kings Maimonides denies that there will be any; in "Epistle to Yemen" he affirms that there will be. As Maimonides tells in Guide II:25, the gates of interpretation are never closed, and one can certainly solve these contradictions, but it involves what I would call the exegesis of Maimonides' texts, in one direction or another.

[52] The text cited by R. Rapoport from RaN is particularly telling. Given his use of the verse from Zephaniah, which shows up in a crucial (and censored) point in Maimonides' discussion, it is likely that RaN interpreted Maimonides as I do.

[53] Maimonides' position is actually more nuanced than often thought. For details, see M. Kellner, "Is Maimonides' Ideal Person Austerely Rationalist?" *American Catholic Philosophical Quarterly* 76 (2002): 125-143.
For an important study of Maimonides' unusual attitude towards proselytes (spiritual descendents of Abraham), see Diamond, *Converts, Heretics, and Lepers*, chap. 1.

Torah and *mitsvot*. Jews are humans who happen to be descended from Abraham (biologically or spiritually),[54] while it is Abraham who happened to be the first human who realized, following the loss of world-wide monotheism during the time of Enosh, that the world had to have a Creator and Guide.[55] The Torah brought by Moses to Abraham's biological and spiritual descendents is ultimately meant for all humanity.[56] One consequence of these positions is that Maimonides can have no reason to think that the distinction between Jew and Gentile will endure beyond the point at which all human beings have achieved the highest level of understanding possible to them. That, in brief, is why I read his vision of the messianic era universally.

I am far from convinced that religious pluralism would make sense to Maimonides

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Let me make a number of assumptions clear. I assume, first, that everyone reading this essay is convinced that the cultural, ethnic, national, and linguistic matrices in which we are raised or with which we choose to identify are indissoluble parts of our personalities. It is hard for me to see how such an idea could have made sense to a twelfth-century neo-Platonically Aristotelian rabbi such as Maimonides. I also assume that most of the people reading this essay can at least make sense of a pluralist notion of "different strokes for different folks" even in matters of religion. I would be surprised if many readers of this journal would adopt the position on religious matters, but would expect them to understand it. I am far from convinced that religious pluralism of any sort would make sense to Maimonides. For him, truth is one, unchanging, absolute and universal. While he would certainly understand a notion of different levels of understanding the one truth, I doubt that he would be happy with talk of different paths to that one truth.

There is any number of reasons why one might want to reject my universalistic approach to Maimonides:

1. It takes his philosophical concerns seriously

2. It commits us to reading the *Mishneh Torah* in the light of the philosophy Maimonides accepted

3. It leads to imputing to him a thorough-going universalism, denying any essential difference between Jew and Gentile as such

4. It leads to aligning him with R. Yishma'el *vs* R. Akiva on the question of whether the Torah was given to all humans or just to the Jews?

5. It leads to imputing to him an instrumental view of the commandments; on this reading, the *mitsvot* of the Torah are tools which enable us to reach our true perfection, which is constituted by understanding the cosmos and its Creator to the greatest extent possible

6. This in turn leads to the denial of any concrete reward for fulfillment of the commandments or punishment for violating them; the only true reward is survival of the intellect after the death of the body, but this is a *consequence* of certain actions, not a *reward* for them[57]

7. In a very real sense enjoying divine providence and surviving the death of the

[54]For an important study of Maimonides' unusual attitude towards proselytes (spiritual descendents of Abraham), see Diamond, *Converts, Heretics, and Lepers*, chap. 1.

[55] Laws of Idolatry, chapter one.

[56] For rabbinic background to this idea, see the studies by Hirshman, above, note 16.

[57] Me'iri well understood this distinction. See his *Hibbur ha-Teshuvah* (New York, 5710) pp. 441 and 541. My thanks to Marc Shapiro for drawing my attention to these passages. For a full discussion of the issue, see my *Must a Jew Believe Anything?* 2nd ed., pp. 149-163.

body on this view result from intellectual attainments, not from obedience to the commandments of the Torah in particular

8. It is a deeply elitist view

Let us assume for a moment that Maimonides indeed defines human beings as rational animals and that the various consequences listed above do indeed follow from that position. On what grounds might we reject the

Is it un-Orthodox to acknowledge that our tradition has a history, that there are serious debates about the nature of Torah and that rabbis like Maimonides could have been influenced by "outsiders" like Aristotle and Alfarabi?

definition and the consequences that follow from it? We might, of course, simply say that no good rabbinic Jew could conceivably hold the positions here attributed to Maimonides and leave it at that.[58] We might take a more responsible approach and try to show how the texts on which these interpretations of Maimonides are based can and ought to be read differently.[59] We might propose that Maimonides says the things here attributed to them, but read him "politically," i.e., affirm that he did not mean them.[60] We could say that Maimonides indeed defines human beings as rational animals, but that he was unaware of or uninterested in the consequences of that position. Or we might say that he was simply inconsistent.

For reasons which would take a book to explain,[61] I reject these various approaches to reading Maimonides and insist that we pay him the courtesy of taking what he says seriously. I do not mean to imply, of course, that R. Rapoport treats Maimonides discourteously. What I mean, rather, is the following. We can decide that Maimonides fits seamlessly into the rabbinic tradition as it developed before him and continued to develop after him.[62] If we adopt this view, we will be forced to ignore or explain away those passages in Maimonides which do not fit with the interpretation advanced here.[63] There is a sense in which for many Orthodox Jews this is the only possible approach to our issue (and I do not mean for one moment to include R. Rapoport in this category): adopting what is essentially a static view of Torah,[64] they feel that it is somehow

[58] I am reminded here of a story my late father, *zt"l,* told me. In the 1930's he served as a rabbi in Miami, Florida, then a Jewish backwater. Unusual for an Orthodox rabbi, and under the influence of my American-born and raised mother, *zt"l,* my parents kept a pet dog. Their home in Miami was a small bungalow and my father told me that once he was sitting in the front room when a hungry *meshulach*, looking for a kosher meal, walked up to the door. My father told me that he overheard the following soliloquy: "I know this to be the home of Reb Avraham Kellner, whom I know to be an *ehrliche yid*. But I see sitting here on the front stoop, looking very much at home, what appears to be a dog, something which is inconceivable in the home of an *ehrliche yid*. So, either Rabbi Kellner is not an *ehliche yid*, or this is not a dog. But Rabbi Kellner is well known to be an *ehrliche yid*, so this must not be a dog!" At which point our hungry *meshulach* knocked on the door. Many people have said: "No *ehrliche yid* could possibly hold the positions academics like Menachem Kellner attribute to Rambam; ergo, Rambam does not hold those positions."

[59] R. Yehonatan Blass (above, note 51) attempts to read Maimonides as if he fit well into the mainstream of what might be called standard contemporary rabbinic theology. To my mind, his attempt is, to put it mildly, unsuccessful. My attention was drawn to this work by a review of it *Jewish Action* 68.3 (Spring, 2008), pp. 93-96 by Professor Yehudah Gellman. I thank Prof. Gellman for his kindness in sending me an advance copy of the review.

[60] This is basically the view I find in Responsum 45 of Rivash (R. Isaac Bar Sheshet Perfet, 1326-1408). See M. Kellner, "Rabbi Isaac Bar Sheshet's Responsum Concerning the Study of Jewish Philosophy," *Tradition* 15 (1975): 110-118.

[61] I did so in *Confrontation*.

[62] Of course what we take to be the main contours of that tradition is itself a matter of debate, as pointed out in the first and last chapters of *Confrontation*, but we can leave that aside for the moment.

[63] There is, of course, a long history of doing just that. See, for example, "Each Generation and its Maimonides," cited above in note 46.

un-Orthodox to acknowledge that our tradition has a history, that there are serious and profound debates about the nature of Torah within the tradition, and that great rabbis like Maimonides could have been influenced in their understanding of Torah by "outsiders" like Aristotle and Alfarabi.[65] As I understand him, Maimonides played a pivotal role in effecting change in the history of the Jewish tradition (by placing it on a firm dogmatic footing);[66] he rejected mystical understandings of the nature of Torah to such an extent that he might have been tempted to agree with the late Yeshayahu Leibowitz and condemn as

What does it mean to affirm that Maimonides defines human beings as rational animals?

heretics all Kabbalists (including, emphatically, Nahmanides); and he preached a Torah influenced by Greeks and Muslims (not that he was aware of that—he was convinced that the Greeks and Muslims from whom he learned were teaching doctrines originally taught by the Torah and forgotten by the Jews).[67] (Readers who find these views wholly unacceptable are probably best off stopping right now—the rest of this essay will only distress them.)

So, the task before me becomes to show:

1. That Maimonides did define human beings as rational animals
2. That such a definition leads to the universalist positions I attribute to him
3. That among these positions is the claim that all humans will worship God from a stance of complete religious equality by the time that the messianic era reaches its fruition

What does it mean to affirm that Maimonides defines human beings as rational animals? In terms of our genus, we are animals. Our specific difference, that which distinguishes us from all other members of the animal kingdom, is our rationality. Everything that is not a direct reflection of rational thought--hopes and fears, love and hates, desires, needs, passions--is a consequence of our animal nature. In his earliest work, *Treatise on Logic*, Maimonides wrote: "Rationality we call man's difference, because it divides and differentiates the human species from others; and this rationality, i.e. the faculty by which ideas are formed, constitutes the essence of man."[68] Thus, a person born of human parents is not human just by virtue of that birth; rather, "It behooves him who prefers to be a human being in truth, not a beast having the shape and configuration of a human being, to endeavor to diminish all the impulses of matter—such as eating, drinking, copulation, anger, and all the habits consequent upon desire and anger, to be ashamed of them, and to set for them limits in his soul" (*Guide of the Perplexed* III:8, pp 433-434).

[64] On static vs. dynamic views of Torah in rabbinic thought, see Menachem Fisch, *Rational Rabbis: Science and Talmudic Culture* (Bloomington: Indiana University Press, 1997) and Yohanan Silman, *Kol Gadol ve-Lo Yasaf: Torat Yisrael bein Shelemut Ve-Hishtalmut* (Jerusalem: Magnes, 1999).

[65] I cite these two in particular because of Maimonides' comments in his introduction to his "Eight Chapters" as elucidated by Herbert A. Davidson in "Maimonides' *Shemonah Peraqim* and Alfarabi's *Fusul Al-Madani*," *Proceedings of the American Academy for Jewish Research* 31 (1963): 33-50.

[66] This is argued in my *Must a Jew Believe Anything?* 2nd ed.

[67] For the history of this notion, see Abraham Melamed, *Al Kitfei Anaqim: Toledot ha-Pulmus Bein Aharonim le-Rishonim be-Hagut ha-Yehudit bi-yemei ha-Beinayim u-ve-Reishit ha-Et ha-Hadashah* (Ramat-Gan: Bar-Ilan Univ. Press, 2003).

[68] *Treatise on Logic*, trans. I. Efros (New York: American Academy for Jewish Research, 1938), pp. 51-52. For the controversy surrounding the authorship of this work, see *Confrontation*, p. 57, note 61.

The *Guide of the Perplexed* is replete with consequences of this position. The very first chapters of the work make no sense unless one understands Maimonides to define humans as rational animals. Humans are there said to have been created in the image of God only because of "the intellect that God made overflow unto man and that is the latter's ultimate perfection" (I:2, p. 24). It is in consequence of this view of the divine image—which humans can, through much effort, actualize in themselves[69]—that Maimonides writes in I:51 that "being a rational animal is the essence and true reality of man" (p. 113)[70] How does one do this? By "knowing everything concerning all beings that it is within the capacity of man to know in accordance with his ultimate perfection" (III:27, p. 511). This perfection is purely intellectual; as Maimonides continues: "It is clear that to this ultimate perfection there do not belong either actions or moral qualities…"[71]

Maimonides has little occasion in his non-philosophical writings explicitly to affirm the definition of human beings as rational animals.[72] But in these writings he consistently affirms an important consequence of that definition: to the extent that humans achieve immortality,[73] it is due solely to their intellectual achievements.[74] All that survives death is what we have learned. This is a position that Maimonides espouses in all this major writings, including the *Commentary on the Mishnah*,[75] the *Mishneh Torah*,[76] nd the *Guide of the Perplexed*.[77] Viewing existence in the world to come in

[69] Maimonides thus sees being created in the image of God as a challenge, not an endowment.

[70] See Michael Schwartz's note in his Hebrew translation of the *Guide* (Tel Aviv: Tel Aviv University Press, 2002), p. 116, note 7. Tel Aviv University Press is to be commended for its decision to make this magnificent contribution to Jewish and human culture available on the internet [http://press.tau.ac.il/perplexed/]. See further *Guide* I:52 (pp. 114, 116), II: 48 (p. 422), III: 8 (p. 432), III:12 (p. 444), and III:14 (p. 458).

[71] Given that Maimonides defines humans as rational animals (i.e. humans belong to the genus 'animal', and to the species 'rational'), it follows that if language is a property by which humans are distinguished from all other animals, it must be intimately connected to rationality. Thus, it is no surprise that in Tibbonian Hebrew (following Arabic precedents) the term 'rational animal' is translated *hai medabber* (literally, speaking living being); see, for example, Samuel ibn Tibbon's translation of the *Guide* I:51, I:52, III:48, and III:12. Ibn Tibbon makes this explicit in his *Peirush ha-Millot ha-Zarot*, *alef* (s.v. *ma'amorot–gader*), *heh* (s.v. *higayon*), and *kaf* (s.v. *koah medabber*).

[72] An exception is his explicit statement of the claim toward the end of the Introduction to his *Commentary on the Mishnah*. Sheilat, p. 57.

[73] There is considerable debate among Maimonides' contemporary academic interpreters over whether or not humans can actually achieve immortality ("a share in the world to come") or not. Shlomo Pines denies the possibility in "The Limitations of Human Knowledge According to Al-Farabi, Ibn Bajja, and Maimonides," in Isadore Twersky (ed.), *Studies in Medieval Jewish History and Literature* (Cambridge: Harvard Univ. Press, 1979): 88-109. His view was criticized by Alexander Altmann, "Maimonides on the Intellect and Metaphysics," in *Von Der Mittelalterlichen Zur Modernen Aufklaerung* (Tuebingen: Mohr, 1987): 60-91 and Herbert A. Davidson, "Maimonides on Metaphysical Knowledge," *Maimonidean Studies* 3 (1992-93): 49-103. For further discussion, see Howard Kreisel, *Maimonides' Political Thought* (Albany: SUNY Press, 1999), pp. 142-43 and 242-43 and Alfred Ivry, "Maimonides' Relations to the Teachings of Averroes," *Sefunot* 8 (2003): 61-74.

[74] Other consequences of Maimonides' view of human perfection that find expression in the *Guide* are that providence and prophecy depend upon intellectual perfection. For discussion see my *Maimonides on Judaism* (above, footnote 8), chap. 4.

[75] *Sanhedrin*, Introduction to *Pereq Heleq*, in the dual-language (Arabic/Hebrew) edition of R. J. Kafih (Jerusalem: Mossad ha-Rav Kook, 1963), vol. 4, p. 204.

[76] Laws of the Foundations of the Torah, IV:9, Laws of Repentance, VIII:2-3, and Laws of Phylacteries, VI:13.

[77] I:30 (p. 63), I:40 (p. 90), I:41 (p. 91), I:70 (p. 174), I:72 (p. 193, implicitly), I:74 (p. 220), III:8 (pp. 432-33), III:27 (p. 511), III:51 (p. 628), and III:54 (p. 635).

these terms, it is no surprise that Maimonides made fulfillment of the commandments of the Torah in particular and moral behavior in general only prerequisites for achieving a share in the world to come, not guarantors of it.[78] One must be a decent and disciplined human being to achieve any level of intellectual perfection. The Torah is the best, but not the only, route to achieve such decency and discipline.

Our issue is not entirely absent from Maimonides' rabbinic writings. The Talmud (*Berakhot* 17a) states: "In the world to come there is no eating, drinking, washing, anointing, or sexual intercourse; but the righteous sit with their crowns on their heads enjoying the radiance of the divine presence." Maimonides glosses this text on a number of occasions. In his commentary to *Helek* he explains: "The [rabbinic] expression, 'crowns on their heads' signifies the existence of the soul through the existence of that which it knows, in that they are the same thing, as the experts in philosophy have maintained..." He repeats the point in Laws of Repentance VIII:2. It is, I believe, worth citing the full text:

> In the world to come there is nothing corporeal, and no material substance; there are only the souls of the righteous without bodies, like the ministering angels. And since in that world there are no bodies, there is neither eating there, nor drinking, nor aught that human beings need on earth. None of the conditions occur there which are incident to physical bodies in this world, such as sitting, standing, sleep, death, sadness, joy, etc. So the ancient sages said, "in the world to come there is no eating, drinking, washing, anointing, or sexual intercourse; but the righteous sit with their crowns on their heads enjoying the radiance of the divine presence" (*Berakhot* 17a). This passage clearly indicates that there is no corporeal existence there, since there is no eating or drinking there. The phrase, "the righteous sit" is allegorical and means that the souls of the righteous exist there without fatigue or labor. The phrase, "their crowns on their heads" refers to the knowledge they know, by virtue of which they merited life in the world to come, which knowledge exists with them. This is their "crown"… And what is the meaning of "enjoying the radiance of the divine presence"?—that they know and apprehend of the truth of the Holy One, blessed be He, what they did not know when in their murky and lowly body.[79]

Maimonides' point here is to insist that the world to come (i.e., the world that comes immediately after death to those who earn it) is entirely incorporeal. The righteous exist there without bodies, as do the angels;[80] there is therefore no eating or drinking in the world to come. Nothing that pertains to bodily existence, such as sitting, standing, sleeping, death, sadness or joy, occurs there; it against

[78] For Maimonides moral perfection is a necessary, but not sufficient, pre-requisite for intellectual perfection. For sources, see *Guide* I:34 (pp. 76-77, where Maimonides writes: "the moral virtues are a preparation for the rational virtues, it being impossible to achieve true, rational acts---I mean perfect rationality---unless it be by a man thoroughly trained in his morals and endowed with the qualities of tranquility and quiet"), I:62 (p. 152), III:27 (p. 510), and III:54 (p. 635) and *Commentary on the Mishnah*, *Hagigah* II:1. For discussion, see Kellner, *Maimonides on Human Perfection*, 26-28; id., "Is Maimonides' Ideal Person Austerely Rationalist?" and Kreisel, *Maimonides' Political Thought*, pp. 160, 238, 317. Charles Manekin suggests the following analogy: "To be a physicist one has to know mathematics. Without knowing mathematics, no matter how much physics one has managed to learn, one is not a physicist. And yet, knowing math is not part of being a physicist *per se*; it is not what distinguishes physicists from, say, mathematicians. In Maimonides' (and Gersonides') world, there can be no "Nazi scientists", although there can be Nazis who practice science. For true science entails morality. Morality is not something one can shed; if one does, one loses one's knowledge." My friend Avram Montag (a true physicist—as opposed to metaphysicist) disagrees with this analogy, since, he says, without knowing significant amounts of math, one can know very little physics. He prefers Jacob Bronowski's argument in *The Origins of Knowledge and Imagination* (New Haven: Yale University Press, 1978) that a certain level of honesty, integrity, and even morality is required if one is to make progress in science. Bronowski claims that nothing came out of the Nazi's horrible experiments on prisoners.

[79] Based upon the translation of Moses Hyamson, *The Book of Knowledge by Maimonides* (Jerusalem: Feldheim, 1974), p. 90a-b.

that background that Maimonides cites the Talmud in *Berakhot*. The Talmud there cites the dictum as "a favorite saying of Rav," while Maimonides cites it in the name of the "Early Sages,"[81] conveying the impression that it is the generally accepted view of the Sages.[82.] The text states:

> In the future world there is no eating nor drinking nor propagation[83] [nor business nor jealousy nor hatred nor competition,][84] but the righteous sit with their crowns on their heads enjoying the radiance of the divine presence [as it says, *And they beheld God, and did eat and drink*].[85]

This text presents problems for Maimonides. First, the passage states that the righteous *sit* in the world to come. Maimonides explains that to mean that they exist without any effort. Second, the passage says that the righteous have crowns on their *heads*. This, Maimonides explains, means: the knowledge that they knew, *because of which* they merited life in the world to come, remains with them, and is their crown.

This passage is one of many examples from his rabbinic writings in which Maimonides accepts what came to be known as the theory of the acquired intellect. The technical philosophical issues need not detain us here; it is enough to say that according to this theory all human beings are born with a potential to know and that only those who actualize that potential are fully and truly human and achieve a share in the world to come.[86]

Only human beings who actualize their potential to know achieve a share in the World to Come

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Defining human beings the way he does, Maimonides has no way of distinguishing Jews from Gentiles on any level but that of history, belief, and behavior. Since the Middle Ages various Jewish thinkers have sought ways to distinguish Jews from Gentiles in some ontologically significant way. Judah Halevi asserted that only Jews had what he called *al-amr al-ilahi*, which meant that it was possible only for native-born Jews to aspire to prophecy. The *Zohar* teaches that the souls of Jews derive from a higher, more spiritual level

[81] The standard term for *Hazal* in Maimonides' writings.

[82] This is not the only place where Maimonides adopts this tactic; he does the same thing when he attributes to the generality of the Sages the view of the *amora* Samuel that the only difference between this world and the next is political subjugation. Isaac Abravanel takes him to task for this in his *Yeshu`ot Meshiho*, Part II, *Iyyun* 3, Chapter 7 (Bnei Brak: Me'orei Sefarad, 5753), p. 157.

[83] Maimonides has *tashmish*, our standard texts have *piryah ve-reviyah*.

[84] These words are missing from Maimonides' text.

[85] Ex. 24:11. These words are missing from Maimonides' text. I follow the Old Jewish Publication Society (1917) translation [NOTE: That's the translation used in the Soncino Humash]here, with minor emendations. Given Maimonides' attitude towards the Elders of Israel referred to in this verse, it is not surprising that he leaves out this part of the Talmudic text. See *Guide of the Perplexed* I:5, *Confrontation*, pp. 52-54 and Shaul Regev, "The Vision of the Nobles of Israel in the Jewish Philosophy of the Middle Ages," *Jerusalem Studies in Jewish Thought* 4 (1984-85): 281-302 (Hebrew) and Michelle Levene, "Maimonides' Philosophical Exegesis of the Nobles' Vision (Exodus 24): A Guide for the Pursuit of Knowledge," *Torah u-Madda Journal* 11 (2003): 61-106. Isaac Abravanel wrote a whole book, *Ateret Zeqeinim*, defending the Elders from Maimonides' strictures.

[86] For a fuller discussion see *Confrontation*, pp. 223-229. Isaac Abravanel and Shem Tov ibn Shem Tov, both opponents of the theory, had no problem attributing it to Maimonides; see *Confrontation,* p. 226, note 29.

of the *sefirot* than do the souls of Gentiles.[87] The Maharal of Prague thought that with the giving of the Torah at Sinai, the image of God in Gentiles was diminished.[88] The founder of Habad held that the souls of Gentiles were cruder than those of Jews.[89] One could multiply these unfortunate examples without end.[90]

As noted above, Maimonides will have none of this, and, given his philosophical anthropology, he can have none of it.

We may now turn to the third point I promised to discuss above. Let us assume that all that I have written here is correct. Why must that entail the claim that all humans will worship God from a stance of complete religious equality by the time that the messianic era reaches its fruition? In other words, why can't Maimonides define humans as rational animals, reject the notion that there is any essential difference between Jew and Gentile, and yet continue to maintain that Jew and Gentile will remain distinct in the messianic era? In principle, there is no reason why Maimonides could not maintain such a position. The position is not incoherent and is lucidly explained by R. Rapoport, but, I suggest, it simply makes no sense in a world in which Jews and Gentiles are all ruled by the same wise and exalted king, a world in which there is no essential distinction between Jew and Gentile and that fact is acknowledged by all, a world in which Gentiles admit that the Torah is true and its commandments are divine, a world in which the closing peroration of the *Mishneh Torah* is realized:

> In that time there will be neither famine nor war, neither jealousy nor strife. Good things will be abundant, and delicacies as common as dust. The one preoccupation of the whole world will be only to know the Lord. Hence [they] will be very wise, knowing things now unknown and will apprehend knowledge of their Creator to the utmost capacity of the human mind, as it is written: For the land shall be full of the knowledge of the Lord, as the waters cover the sea (Isaiah 11:9)

In that world one can be a follower of the Torah,[91] the one full, complete and true religion, or, according to R. Rapoport, one can settle for a pale, thin, stripped-down and essentially spiritually empty[92] set of Noahide laws.[93] In a world in which all humans achieve knowledge of the Creator to the greatest extent possible to them, a world in which all humans live on God's holy mountain, a world from which evil and violence are banished because

[87] See Moshe Hallamish, "The Kabbalists' Attitude to the Nations of the World" in Aviezer Ravitzky, ed., *Joseph Baruch Sermonetta Memorial Volume (=Jerusalem Studies in Jewish Thought* 14) (Jerusalem: Jerusalem Studies in Jewish Thought, 1988): 289-312 (Hebrew) and Elliot Wolfson, *Venturing Beyond: Law and Morality in Kabbalistic Mysticism* (Oxford: Oxford University Press, 2006). Yehudah (Jerome) Gellman has recently examined the issue with sensitivity and sophistication in "Jewish Mysticism and Morality: Kabbalah and Its Ontological Dualities," *Archiv fuer Religionsgeschichte* 9 (2008): 23-35. It is unfortunate that Gellman published this important (and for a person like me, deeply disturbing) study in so obscure a journal.

[88] *Derekh ha-Hayyim* III:14 (end), Gur Aryeh on Ex. 19:22, *Netsah Yisra'el*, ch. 3 (Jerusalem: Makhon Yerushalayim, 1997), p. 305 (see p. 458 n. 1 for references to other particularist expressions in the writings of the Maharal), and *Tif'eret Yisra'el*, ch.32.

[89] *Tanya*, end of I:1.

[90] Even R. Samson Raphael Hirsch held that Jews occupy a higher rung of humanity than Gentiles. See Mordechai Breuer, *Modernity Within Tradition*, tr. Elizabeth Petuchowski (New York, 1992), p. 27, cited by Marc B Shapiro, "Torah im Derekh Erez in the Shadow of Hitler," *Torah u-Madda Journal* 14 (2006-07), pp. 84-96, p. 96, note 15.

[91] I hesitate to use the word "Judaism" here, not only because it is anachronistic vis-à-vis Maimonides, but because of its intimate connection to the Jewish people. It is my claim here that in the messianic era the link between Torah as *dat ha-emet* and the Jewish people as ethnic entity will be severed – all humans, whatever their ethnos, will adopt the *dat ha-emet*.

[92] Technically, as Kreisel points out (p. 161), a Noahide is forbidden to perform idolatry, but need not even be a theist!

the knowledge of God fills the earth as the waters cover the sea, why would any person alive settle for less than the true and complete *dat ha-emet*?[94] Let us also recall that Maimonides held an unusually positive attitude, not only towards proselytes, but even towards *proselytizing* (responsum 149).[95] In that light, one can assume that in the messianic world he would expect the Jews to mount missions to any remaining Gentiles—Gentiles, who, it will be recalled, accept the truth of Torah in any event.

Why would any person settle for less than the true and complete Dat ha-Emet*?*

As long as I have brought up the issue of conversion,[96] note should be taken of an issue to which I originally drew attention in my book, *Maimonides on Judaism and the Jewish People* (pp. 42-43). In two places (*Yevamot* 24b and *Avodah Zarah* 3b) the Talmud states:

> Our Rabbis taught: proselytes are not accepted in the days of the Messiah, just as proselytes were not accepted either in the days of David or in the days of Solomon.

Maimonides relates to this in the *Mishneh Torah* as follows (Laws of Forbidden Intercourse, XIII:15):

> Therefore, throughout the days of David and Solomon, the court accepted no converts—in David's time because [the convert] might have been motivated by fear, and in Solomon's time because [the convert] might have been motivated by the benefits and grandeur of the Israelite kingdom." It is reasonable to suggest that in the messianic era—when the whole world will be ruled by King Messiah and the truth of the Torah will be evident to all—one might be led to suspect the sincerity of converts. Nevertheless, Maimonides refuses to accept as authoritative a rabbinic statement ruling out the possibility of conversion to Judaism in the messianic era. My explanation for that is that he expected (all) Gentiles to convert during the messianic era.

This brings up another point, to which R. Hanan Balk of Cincinnati kindly drew my attention. The Talmud (*Sanhedrin* 58b-59a) teaches that a Gentile may not study Torah (other than the seven Noahide commandments)—on pain of death. Maimonides codifies this is as law in Laws of Kings, X:9. In his responsa (no. 149) he was asked if this is indeed the law, and that a Jew is forbidden to teach any but the seven Noahide commandments to a Gentile. He answered:

> It is the law without a doubt. When the hand of Israel is uppermost over them, we restrain him from studying Torah until he converts, but he is not to be killed if he studied Torah…"

And then, notoriously, Maimonides goes on to add:

[93] Consider further: the punishment for the violation of any of the Noahide laws is execution ("Laws of Kings" IX:14). On the view that messianic Gentiles will be Noahides we would have a situation in which a Jew who steals must return the stolen item and pay a fine while a Gentile who steals even something of trifling value will be executed! I take this one fact to be a *reductio ad absurdum* of the idea that in Maimonides' messianic world Gentiles will remain Noahides and not adopt the full range of the Torah.

[94] Kreisel (p. 153) makes the same point very well: "Why would Gentiles settle for anything less than the one true divine legislation, if they have come to realize the true purpose of life, and the role played by Mosaic law in attaining that purpose…and finally have no other religious option, at least no other complete religious law that can be considered divine?"

[95] See Diamond, *Converts*, ch. 1.

[96] Actually, R. Rapport brings it up in footnote 71. He bases his discussion there on an alleged inconsistency in Maimonides. But, in point of fact, the inconsistency is not within Maimonides, but between Maimonides and the Talmud. I hope that the reader will find my discussion here more convincing than that of R. Rapoport.

> It is permissible to teach the commandments to Christians and attract them to our religion, but none of this is permissible to Muslims.

Maimonides explains that, unlike Muslims, Christians accept the divine origin of the Torah, and it is therefore it is more likely that they will turn to the good way (*yahzeru la-mutav*). The Talmud relates to the study of Torah by Gentiles in another context: *Hagigah* 13a teaches that it is forbidden for a Jew to teach Torah to a Gentile. Unlike the prohibition in *Sanhedrin*, which Maimonides codifies as law, this prohibition is simply ignored in the *Mishneh Torah*. This odd state of affairs has led to considerable discussion on the part of Maimonides' traditionalist interpreters.[97]

Pulling together the points about conversion discussed here, it seems obvious that if Maimonides expected the Gentiles to convert in the messianic era, he could hardly have forbidden teaching them Torah now—and he could not very well forbid it now before the coming of the Messiah and permit it after his coming. That must be the reason why he permits teaching Torah to Christians in the pre-messianic world.

Further considerations support my claim that for Maimonides, all humanity in the messianic era would accept the Torah fully. Maimonides was severely criticized for his account of the reasons for the commandments, an account which boils down to the claim that the commandments of the Torah serve one of two ends: to improve moral and social relations, or to correct philosophical mistakes. Maimonides says this quite explicitly in *Guide*, III:27. The commandments of the Torah, therefore, have a relative, not an absolute, advantage over other systems of ethics and philosophy. But that relative advantage is great, since the commandments were ordained by God (Who obviously knows our creaturely natures far better than any human legislator or philosopher).[98] Maimonides is also quite

Torah commandments have a relative, not an absolute, advantage over other systems of ethics and philosophy.

explicit in his repeated claims that one cannot achieve intellectual perfection unless one antecedently achieved a high level of moral perfection—no physicists like Einstein (who abandoned his first family) or philosophers like Heidegger (who never expressed regret for his support of the Nazis) for Maimonides![99] One of the commandments which play a direct role in the achievement of moral perfection is circumcision.[100] As Maimonides says in *Guide*, III:49 (p. 609):

> Similarly with regard to *circumcision*, one of the reasons for it is, in my opinion, the wish to bring about a decrease in sexual intercourse and a weakening of the organ in question, so that this activity be diminished and the organ be in as quiet a state as possible. … In fact this *commandment* has not been prescribed with a view to perfecting what is defective congenitally, but perfecting what is defective morally. … violent concupiscence and lust that goes beyond what is needed are diminished.

If all humans are going to devote themselves to the knowledge of God when the messianic era

[97] For discussion, see David Novak, *Maimonides on Judaism and Other Religions* (Cincinnati: Hebrew Union College Press, 1997).

[98] All these claims are supported in *Confrontation*, chapter two.

[99] For texts and discussion, see *Confrontation,* p. 63, note 71 and above, note 71.

[100] See Josef Stern, "Maimonides on the Covenant of Circumcision," in Michael Fishbane, ed., *The Midrashic Imagination* (Atlanta: Scholars Press, 1993), pp. 131-54 and "Maimonides' Parable of Circumcision," *Severa* 2 (1991):35-48. My thinking here was stimulated by reading Shaye J. D. Cohen's *Why Aren't Jewish Women Circumcised? Gender and Covenant in Judaism* (Berkeley: Univ. of California Press, 2005), chapters 6 and 7.

reaches its fruition, how could Maimonides possibly expect that Gentiles would remain uncircumcised, and thus at a disadvantage in curbing their passions, which, in turn, leaves them at a disadvantage in seeking to know God?

Would Gentiles be left at the tremendous disadvantage of being called upon to fulfill only the Noahide commandments?

Furthermore, circumcision for Maimonides is, as Shaye Cohen aptly puts it, "a sign of membership in the covenant of Abraham, the league of those who believe in the unity of God" (p. 152).[101] Since all humans in the messianic era will be members of that league, does it make sense to think that Maimonides would not expect them to bear the mark of that covenant? It should also be borne in mind in this context that in Laws of Kings X:7 Maimonides writes that "he alone is a descendent of Abraham who holds fast to his religion and honest way, and they alone are obligated to be circumcised."[102] If Arabs in the pre-messianic world are obligated to perform circumcision, how much more so will all humanity in the messianic world be so obligated, a world in which all human beings will hold fast to Abrahamic monotheism?

As my friend and student Yisrael Ben-Simon pointed out to me, this argument ought to be generalized. The commandments of the Torah are the best way for human beings to achieve their full potential as human beings in that they are the best route to preparing us to perfect ourselves intellectually. It is simply inconceivable that in a world in which all human beings strive to perfect their knowledge of God (and thus reach the highest possible level of human perfection to which each person can separately aspire)[103] that Gentiles would be left at the tremendous disadvantage of only being called upon to fulfill the Noahide commandments.

Conclusion and Final Reflection

According to Maimonides all humanity will adopt *dat ha-emet* by the time the messianic era reaches fruition. The *dat* in question can refer either to the Torah of Noah, to the Torah of Abraham, or to the Torah of Moses. R. Rapoport thinks it refers to the Torah of Noah; I am convinced that it refers to the Torah of Moses. He and I both agree that Maimonides did not mean the Torah of Abraham. Because text and context are not conclusive R. Rapoport cannot prove his position textually any more that I can. Therefore, we must approach the issue philosophically and ask which position coheres best with Maimonides' overall view of Torah and humanity? I have shown here that Maimonides, who believed that *all* human beings are equally created in the image of God and that the part of us which is Godlike is our ability to reason, could not and would not hope for a messianic era in which Jews and Gentiles remain distinct.

I am aware of the fact that according to this reading of Maimonides, all humans in the messianic era will obey the commandments of the Torah (including the holidays marking events in Jewish history) despite that most of them will have no personal Jewish memory or identity. To rephrase in modern terms, for Maimonides Jewish ethnicity is accidental, not

[101] See further, Hannah Kasher, "Maimonides' View of Circumcision as a Factor Uniting the Jewish and Muslim Communities," In *Studies in Muslim-Jewish Relations*, edited by Ronald L. Nettler (Luxembourg: Harwood Academic Publishers, 1995): 103-08.

[102] המילה נצטוה בה אברהם וזרעו בלבד, שנאמר אתה וזרעך אחריך, יצא זרעו שלישמעאל שנאמר כי ביצחק יקרא לך זרע ויצא עשו, שהרי יצחק אמר ליעקב ויתן לך את ברכת אברהם לך ולזרעך מכלל שהוא לבדו זרעו שלאברהם המחזיק בדתו ובדרכו הישרה, והם המחוייבין במילה.

[103] If details are needed, one can consult my *Maimonides on Human Perfection*.

essential, to Judaism. Although this may sound surprising to some of my readers, it actually accords well with Maimonides' dogma-centered notion of what constitutes Jewish identity, and with the positions put forward in his letter to Obadiah the Proselyte. That Maimonides adopts surprising positions should not, after all, be surprising.

Chaim Rapoport Responds

1) According to Professor Kellner, Maimonides envisaged a messianic epoch in which all of humanity will (ultimately) become an indistinguishable part of the Jewish People (presumably residing in the Land of Israel), study the entire Torah, and observe all of its commandments.

This may or may not be the case, and nowhere in my article do I *negate* this possibility (although I remain far from convinced that this was indeed Maimonides' opinion).[1] Whether or not Maimonides espoused such a belief, I reassert that nowhere does he state this in his published writings and certainly not in his *Mishneh Torah*.[2]

Professor Kellner disagrees. He maintains that Maimonides in *Hilkhot Melakhim* (HM) 12:1 ("*yahzeru kullam le-dat ha-emet*") actually predicts the total conversion to Judaism of all gentiles and, consequently, their observance of the kosher dietary laws. Moreover, Professor Kellner argues that my reading of that text in HM is untenable.

Allow me to let me briefly restate the primary components of my thesis that are relevant to this discussion.

In my initial article, I argued in favor of the following three positions:

A. The term *dat ha-emet* in *Mishneh Torah* is a generic term used to describe "divinely revealed religion" which includes, but is not restricted to, Jewish Law.[3] "*Dat ha-emet*," means "the *dat* that is based on the belief in one God." This *dat* comprises two systems of laws and rules, but both of these systems are, in a sense, secondary to the *essential doctrine* of the *dat,* namely the belief in the One and Only God. Accordingly, when a Noahide turns to belief in God *and* to the observance of the seven *mitsvot* He commanded them, one may say that he has turned to "*dat ha-emet*.[4]

B. I concluded that the purport of Maimonides' statement in *Hilkhot Melakhim* 12:1 is that non-Jews will, in the messianic era, "turn to the true and correct belief in one God"[5] and will "take upon themselves to

[1] Professor Kellner's arguments in this regard are, I believe, speculative at best.
For example, Professor Kellner asks: Why, in a perfect world, would gentiles not circumcise themselves in order to bring about "a decrease in sexual intercourse and a weakening of the organ in question" or impress upon their bodies "a sign of membership in the covenant of Abraham, the league of those who believe in the unity of God"?
Even if we admit the force of this question, it does not make conversion a "logical imperative," for two reasons. Firstly, as Professor Kellner himself states, according to Maimonides, gentiles may perform virtually all the commandments (including circumcision) on a voluntary basis.
Secondly, conversion to Judaism means that the observance of the commandments would become mandatory even in circumstances where they appear to be counter-productive; see Maimonides' discussion in *Guide* III:34. Gentiles may wish to avoid the "double bind."
Finally, is it not possible that in a "perfect world" there will be alternative methods of reaching the goals of some of the commandments (e.g. sacrifices)? Jews are bound by the immutability of the laws of the Torah (see *Guide* ibid.) and will therefore have to fulfill these commandments in all times, though gentiles will not.
[2] It is, I believe, axiomatic to all scholars that Maimonides did not necessarily document all his beliefs and opinions in his written works; all the more so in his *Mishneh Torah*, which is essentially a "digest" of rabbinic teachings (as understood and "seasoned" by Maimonides) rather than a repository for all of Maimonides' exoteric and esoteric views.
[3] I believe that this reading of *dat ha-emet* fits neatly into all the Maimonidean passages in which it occurs.
Professor Kellner claims that I *interpret* certain passages in Maimonides' writings that do not accord with my understanding of what Maimonides must have meant to be teaching about the messianic era. I, on the other hand, do not consider any of my readings of Maimonides statements to be unduly forced.
[4] In Professor Kellner's terms one may say that the elements of the *dat ha-emet* that are critical for gentiles are the "Abrahamic Faith" and the "Noahide Practice."
[5]This can hardly be described as settling for "a pale, thin, stripped-down and essentially spiritually empty set of Noahide laws"—a position that Professor Kellner attributes to me.

diligently observe all the commandments given to the children of Noah." As a result, they will no longer plunder and destroy.[6]

C. As above: Maimonides does not negate the possibility of an en-masse conversion of the nations of the world, nor, however, does he predict this.

I now turn to Professor Kellner's response, restricting myself to those of his arguments that may be seen to refute my understanding of Maimonides' statements.

2) Professor Kellner states that:

'The expression *dat ha-emet* in our passage from "Laws of Kings" can not mean the seven Noahide laws, as Rabbi Rapoport suggests, since the point of the messianic era, as Maimonides affirms towards the end of chapter XI, is to "correct" the whole world to worship the Lord with one accord . . . the worship of God is not one of the seven Noahide laws, as Maimonides makes clear in "Laws of Kings," IX:1 [where he lists them]. . . On this technical ground alone, Rabbi Rapoport's reading must fail'.

This argument does not convince me, for three reasons:

A. As Professor Kellner has himself suggested, in the Maimonidean scheme of things, the messianic prophecies will not necessarily all be realized simultaneously. If we accept the notion that the utopian era will unfold *gradually,* there is no contradiction between a "minimalist" reading of *HM* 12:1 (according to which the gentile nations are described as merely embracing the "seven *mitsvot* of the sons of *Noah*") and Maimonides' earlier statement in *HM* 11:4 (according to which the whole world will worship God with one accord).

For in *HM* 11:4 Maimonides describes the *ultimate* "correction" of mankind, yet the harmonious co-existence of the nations--the subject matter of *HM* 12:1—is not contingent upon the fulfilment of the ultimate utopia. Rather, as soon as the nations will "accept the *dat ha-emet*" to the extent that they will observe the "seven *mitsvot* of the sons of *Noah*," a radical change will occur: "they will neither plunder nor destroy."

B. Although recognition of God is not one of the "seven *mitsvot* of the sons of *Noah*," it is, arguably, a prerequisite to the proper observance of those commandments. The very notion of a commandment presupposes a commander and, arguably, gentiles who observe the *commandments* may be assumed to believe in and worship the Commander to Whom they feel obliged and accountable.

Moreover, as I mentioned in my original article, in *HM* 8:11 Maimonides is emphatic on the desideratum for *Noahides* to fulfill the seven commandments based on the belief in the Revelation at Sinai. Commitment to the authority of Divine revelation as transmitted through Moses may not be one of the commandments *per se*, but it is the bedrock on which the commandments stand.[7]

Consequently, even if one were to assume (the position that Professor Kellner attributes to me, namely) that Maimonides, in *HM* 12:1, merely meant that gentiles will return to observe the 'seven *mitsvot* of the sons of *Noah*', this could be seen to include the belief in and worship of God.

[6] This reading is compatible with the parallel text in *Guide* 3:11 according to which (as Professor Kellner quotes) "the cause of the abolition of these enmities, these discords, and these tyrannies, will be the knowledge that men will then have concerning *the true reality of the deity*."

[7] The (presumably) correct reading of *HM* 8:11 asserts that even gentiles who observe the commandments based on logical conviction rather than as a response to a divine command earn the honorific appellation "wise gentiles." Nevertheless, the fact remains that Maimonides clearly asserts that gentiles *ought* to observe the commandments based on the Sinaitic revelation.

C. Ultimately, however, all the above is beside the point, for Professor Kellner's attempt to refute my reading of *HM* 12:1 is based on an inaccurate reading of my own interpretation.

I never asserted that Maimonides statement to the effect that the nations of the world "will all accept the true religion [*dat ha-emet*]" means that that they will observe *no more* than the "seven *mitsvot* of the sons of *Noah*."

My suggested reading of this Maimonidean text was (and here I quote from my original article), that the gentiles *"will turn to the true and correct belief in one God,* take upon themselves and diligently observe all the commandments given to the children of Noah through Moses acting as God's messenger."

Clearly, the "seven *mitsvot* of the sons of *Noah*" are a component of the *dat ha-emet*, but they are not the sum total of it--even as far as gentiles are concerned. As I explained in my article, and in great detail, *dat ha-emet* includes the entire gamut of religious ideals that are fundamental for gentiles/Noahides as well as Jews.

Maimonides tells us that long before the revelation at Sinai, Abraham our Father instructed mankind "that the entire universe had but one Creator and that Him it was right to worship." Since Maimonides employs the term *dat ha-emet* specifically in relation to the

Abrahamic faith and practice, it is clear that the quintessential component of *dat ha-emet* is the belief in and worship of God. (Clearly, this universal element of the *dat* was supplemented, but never suspended, in favor of the seven *mitsvot* of the sons of Noah.)

Therefore there is no contradiction whatsoever between my reading of *HM* 12:1 and what Maimonides states in *HM* 11:4. On the contrary, the two texts predict one and the same thing.

3) Professor Kellner argues that the passage "*yahzeru kullam le-dat ha-emet*" in *HM* 12:1 should be read in context. I agree. However I suggest that it should be read in the *immediate* context of this phrase rather than in the context of the last section of the previous chapter (*HM,* chapter 11) or in the context of the universal thrust of the *Mishneh Torah* as a whole.

The context in which the expression "*yahzeru kullam le-dat ha-emet*" occurs in *HM* 12:1 is Maimonides discussion of the "parables and riddles" of the prophets, specifically the prediction of Isaiah that the "wolf will dwell with the lamb." He says that means the erstwhile wicked nations will desert their beast-like behaviour and assume a docile demeanour, thus enabling peaceful co-existence between them and the Jewish people.

It is extremely unlikely that Maimonides would have chosen this context to make the far-reaching and somewhat controversial claim[8] that all gentiles will convert to Judaism. The conversion of the nations of the world to Judaism is not germane to this discussion. In a sense it even undermines the gist of Maimonides statement, for the thrust of the entire passage is that of the peaceful co-

[8] In note 71 of my article I referred to a responsum of R. Yekutiel Yehudah Halberstam (1904-1994) published in his *Divrei yatsiv* who wonders how Maimonides could forecast the conversion of all the gentiles in the messianic era ("*yahzeru kullam le-dat ha-emet*") in face of the Talmud's statement (*Yevamot* 24b) that we will not accept proselytes in the Days of the Messiah. R. Halberstam even suggests that there is an inconsistency in the *Mishneh Torah* in this regard. I wrote that in light of my own interpretation of "*yahzeru kullam le-dat ha-emet*" the problem is a *non-sequitur*, for Maimonides never made such a prediction.
Professor Kellner rightfully points out that, in reality, there is no inconsistency in the *Mishneh Torah* even according to his reading of "*yahzeru kullam le-dat ha-emet*" because in Maimonides' rendition of that Talmudic statement (*Hilkhot Issurei Bi'ah* 13:15), he does not mention the messianic era. Professor Kellner states that "Maimonides refuses to accept as authoritative a rabbinic statement ruling out the possibility of conversion to Judaism in the messianic era." This may well be the case. However, I do not think that this means (as Professor Kellner suggests) "that he expected (all) gentiles to convert during the messianic era." Yet, even if he did, I think that it is highly unlikely that he would have included such a landmark statement, *en passant*, in a passage designed to explain a scriptural parable which could adequately be explained without such novelties.

existence of two separate entities, not the amalgamation of the two and their fusion into one.

Therefore, even if Maimonides anticipated the conversion of all mankind to Judaism, he does not state this, explicitly or implicitly, in his *Mishneh Torah*, or, for that matter, in any of his other works. Moreover, the phrase *yahzeru le-dat ha-emet* in *HM* 12:1 is best understood as a universal return to Abrahamic beliefs and Noahide ethical standards.

Meorot
A Forum of Modern Orthodox Discourse

TORAH *ALIYYOT* FOR WOMEN

Shlomo Riskin

Abstract: This article argues that recent analyses by Rabbis Mendel Shapiro (*The Edah Journal* (1:2) *Sivan,* 5761) and Daniel Sperber (*The Edah Journal* (3:2) *Elul* 5763) to find halakhic justifications for *aliyyot* for women are mistaken. It finds that because women are not obligated with respect to public Torah reading, they cannot discharge that obligation for the community of males, and that the institution of public Torah reading evolved through several stages. Moreover, it argues that congregational dignity (*kevod ha-tsibbur*) cannot be waived and that there is no basis for permitting women to have *aliyyot* in a congregation comprising both men and women, even if there is proper separation between the men and women in the room.

Biography: Shlomo Riskin is Chief Rabbi of Efrat and Chancellor of Ohr Torah Stone Institutions.

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TORAH *ALIYYOT* FOR WOMEN*

Shlomo Riskin

Recent years have seen the publication of several articles on the subject of Torah *aliyyot* for women.[1] Despite my general approach that in halakhic matters, as in others, "one should strive to provide religious satisfaction to women" (in accord with *Hagigah* 6b and *Tosafot* on *Rosh ha-shanah* 33a, s.v. *Ha'*),[2] we must recognize that we are bound here, as in any other halakhic matter, by the halakhic sources. Those sources lead clearly to the conclusion that women simply cannot discharge the duty of a congregation of men to hear the Torah read publicly. And because we are dealing here with the nature of prayer and Torah reading in the synagogue—practices in which changes could lead to further divisions in the already fragmented Orthodox community—it is especially important that we insist on faithfulness to halakhic sources, in-depth understanding of halakhic thought, and the study of passages in their entirety, without partial quotation of texts.

1. A Contradiction within the *Tosefta*

Tosefta Megillah 3:11 (Lieberman ed., p. 356) states: "All are qualified to be among the seven [who read from the Torah on Sabbaths, that is, given *aliyyot*], even a woman and even a minor. A woman is not brought to read for the public." There is an internal contradiction here: The first statement implies that a woman can go up to the Torah, but the second statement teaches that a woman may not read from the Torah in public, implying that neither can she be called up to the Torah. The second clause cannot be construed as a dissent from the first, for it appears to be a direct continuation of what was said previously.

2. The Development of Public Torah Reading

To explain this, we must begin with the fundamentals of public Torah reading.

A. The Ordinances of Moses Our Teacher and of Ezra the Scribe

A passage in *Bava qamma* 82a suggests two stages in the institution of public Torah reading. The first was ordained by the prophets at the time of the exodus from Egypt, as inferred by a *baraita* from the verse "and they went three days in the wilderness, and found no water" (Ex. 15:22):

> For it was taught: "And they went three days in the wilderness and found no water,

* A Hebrew version of this article appeared recently *Tehumim* 28 (2008). This article was translated from the Hebrew by Joel Linsider. Except as otherwise noted, translations of primary sources are by the present translator. Translations of biblical verses are from *The Holy Scriptures* (Philadelphia: The Jewish Publication Society of America, 1917), modified to avoid archaisms. Translations of the Babylonian Talmud are from *The Hebrew-English Edition of the Babylonian Talmud* (London: The Soncino Press, 1990) (footnotes omitted).

[1] See Mendel Shapiro, "*Qeri'at ha-Torah* by Women: A Halakhic Analysis," *The Edah Journal* 1:2 (Sivan 5761 [2001]) and the response by R. Yehuda Herzl Henkin, "*Qeri'at ha-Torah* by Women: Where We Stand Today," id.; Daniel Sperber, "Congregational Dignity and Human Dignity: Women and Public Torah Reading," *id.*, 3:2 (Elul 5763 [2003]) (original Hebrew in *De`ot* 16 (5763 [2003]) and in his book *Darkah shel halakhah*); Eliav Shochetman, "*Aliyyat nashim la-torah*," *Sinai* 135-136 (5765 [2005]), pp. 271-349; Gidon Rothstein, "Women's Aliyot in Contemporary Synagogues," *Tradition* 39,2 (Summer 2005).

[2] Consistent with that premise, and after consulting with my teachers, the great halakhic scholars of the day, I have established programs in which women study the Oral Torah and an institute to train women to be advocates before rabbinic courts. In addition, I have facilitated women's prayer groups and Torah reading for women by women (without recitation of matters requiring a *minyan*); the reading of the Book of Esther for women by women; and *haqafot* with Torah scrolls for women on *Simhat Torah*, in a properly separated women's section of the synagogue, out of the sight of men.

upon which those who expound verses metaphorically said: Water means nothing but Torah, as it says: *Ho, everyone that thirsteth come ye for water*. It thus means that as they went three days without Torah they immediately became exhausted. The prophets among them thereupon rose and enacted that they should publicly read the law on Sabbath, make a break on Sunday, read again on Monday, make a break again on Tuesday and Wednesday, read again on Thursday and then make a break on Friday so that they should not be kept for three days without Torah."

The *gemara* questions that statement on the basis of a Tannaitic source that it was Ezra's ordinance that "they read at *minḥah* on the Sabbath, and they read on Mondays and Thursdays"; the seeming contradiction is resolved as follows:

> Originally it was ordained that one man should read three verses or that three men should together read three verses, corresponding to Priests, Levites and Israelites. Then Ezra came and ordained that three men should be called up to read, and that ten verses should be read, corresponding to ten *batlanim*.

It thus appears that the ordinance in Moses' time was that three verses be read by one person or that three people each read one verse. At the time of the return to Zion (after the Babylonian Exile), Ezra and his court expanded the ordinance and determined that three people should read and that the total reading should comprise at least ten verses. Maimonides formulated the development of the ordinance as follows (*Mishneh Torah*, *Hilkhot Tefillah* 12:1[3]):

> Moses our Teacher established the rule for Israel that they should read the Law publicly on Sabbaths and also on the second and fifth days of the week, during the morning service, so that three days should not elapse without hearing the Law. Ezra established the rule that the Torah should be read at the afternoon service every Sabbath, for the benefit of those who would otherwise spend the day vacuously. He also ordained that on the second and fifth days of the week, three persons should be called to the reading of the Torah and that they should read [not fewer than ten verses].

My teacher, R. Joseph Dov Soloveitchik, explained[4] that Ezra's ordinance did not merely supplement Moses' ordinance with details; rather, it added an important point of substance: the earlier ordinance required only *hearing* the words of the Torah, while the later one required *understanding* as well. He inferred this from a close reading of Maimonides' wording, which adds something to that of the *gemara*. The *gemara* attributed Moses' ordinance to the desire to avoid allowing "three days to lapse without Torah"; Maimonides added that Moses was motivated by a desire to avoid allowing three days to lapse without *hearing* Torah.

Ezra's ordinance added the element of understanding to that of hearing

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In focusing on the experience of hearing *per se*, Moses' ordinance resembles the commandment of *haqhel* (the septennial ceremonial public reading of portions of the Torah). There, too, it is unnecessary to understand the meaning of the words; the convocation itself, at which the king reads from the Torah, suffices. Similarly, the public reading of the Torah every three days entails an acceptance of the yoke of heaven, and it exercises emotional influence over all who are

[3] Translation of this passage is from Isadore Twersky, ed., *A Maimonides Reader* (Springfield NJ: Behrman House, 1972), pp. 92-93. The passage as translated there concludes "not fewer than three verses each."

[4] Most of these ideas can be found in his article "*Qeri'at ha-torah ba-shabbat, ba-sheini u-va-ḥamishi*" [Torah reading on the Sabbath, Monday, and Thursday], in *Shi`urim le-zekher abba mari, zal* [Lessons in memory of my father and teacher, of blessed memory], part 1, pp. 157-178, as supplemented by his "*Be-inyan taqqanat mosheh*" [Concerning Moses' ordinance], in id., part 2, pp. 197-213 and in classes transcribed by his students, p. 2.

present. For that purpose, the reading of three verses by one person is enough. Ezra's ordinance added the element of understanding to that of hearing, and he thereby instituted not only the reading itself but also the link between the reading and the oral Torah—the translation and so the interpretation of the words to facilitate their being understood. He increased the number of verses, requiring that at least an entire, ten-verse passage be read; a lesser amount, though perhaps sufficient for reading, would not suffice for understanding. He chose ten verses to correspond to the ten *batlanim*—those who devote their time to Torah, discussing it and standing ready to interpret it for the community: "And they read in the book, in the Law of God, distinctly, and they gave the sense, and caused them to understand the reading" (Neh. 8:8). He likewise increased the number of people called up to the Torah, for three participants can advance understanding better than one—one of them can pose a question, another can respond to it, and the third can decide the issue. In contrast, when the reading was solely a mechanical matter, meant to be heard but not necessarily understood, the number of readers did not matter.

Public Torah reading is something imbued with holiness

Notwithstanding Ezra's innovations, the spirit of Moses' ordinance—reading of the Torah before a large audience in order to impart a spirit of sanctity, a public acceptance of the yoke of the kingdom of heaven—remained in place. Accordingly, public Torah reading is considered to be something imbued with holiness (*davar she-bi-qedushah*), as explained below, and it is linked to the recitation of "Praise the Lord Who is to be praised" (*Barekhu*), also something imbued with holiness (*davar she-bi-qedushah*).

In this vein, Me'iri wrote (*Beit ha-behirah* on *Megillah* 23b) that Torah reading is something imbued with holiness, "for it is necessary to recite *Barekhu*." So, too, with respect to the *haftarah*, "for even the person called for *maftir* must recite *Barekhu*." Similarly, we find in "*Shittah le-masekhet megillah le-ehad ha-rishonim*" (published by *Mekhon Ofeq*) on *Megillah*, id., the statement that "the *haftarah* as well includes something imbued with holiness, for he must recite *Barekhu* when he reads from the Torah because of the dignity of the Torah." We shall return to the implications for Torah reading and *haftarah* reading by women being considered matters imbued with holiness.

2. The Blessings When the Torah Is Read.

The blessings over the reading continued to evolve even after Ezra's ordinance. According to the *Mishnah* (*Megillah* 4:1) and a *baraita* (cited at *Megillah* 21b), only two blessings were recited: "the one who reads first makes a blessing before the reading, and the one who reads last makes a blessing after it." In Amoraic times, the ordinance was revised so that each person called would bless before and after his own reading, and the *gemara* explains that this change was "ordained…to avoid error on the part of people entering and leaving the synagogue." Rashi elaborates: "For if one entered the synagogue after the first [reader] had said his blessing, and did not hear any of the subsequent readers bless, he might say that no blessing is recited before the Torah reading. 'And on account of those who leave'—[Because they left early] they did not hear the final reader bless after the reading, and if the previous readers did not bless, those who leave might say that no blessing is recited after the Torah reading."

We see from this that public Torah reading in itself requires a blessing, and one cannot rely on each individual's private recitation, at the start of the day, of the blessing over Torah study. The problem is that those who come

late or leave early may think that a public Torah reading took place without a closing or opening blessing, as the case may be, and for that reason it was ordained that each reader called up recite two blessings. As a matter of principle, however, the entire reading requires only one blessing at its start and one at its finish.

The *Yerushalmi* (*Megillah* 4:1) implies a different reason. There, R. Samuel bar Nahman recounts that R. Jonathan passed by a study hall and heard the sound of people reading from the Torah without blessing. He said to then, "how long will you make the Torah into bare patches?" The failing, then, is in reading any passage from the Torah without a blessing before it and after it. According to the *Yerushalmi*, each *aliyyah* has importance for purposes of understanding the Torah; the *Bavli*, in contrast, stresses the importance of the reading overall.

3. Public Torah Reading Imbued With Holiness

Torah reading, like communal recitation of the *Shema`*, public repetition of the *`amidah* prayer, recitation of the priestly blessing, and convening the recitation of the grace after meals using the formula that refers to God, all require a quorum of ten. The rule is stated in *Mishnah Megillah* 4:3 (appearing at BT *Megillah* 23b): "The *Barekhu* introduction to the *Shema`* is not repeated, nor does one pass before the ark as Cantor-Agent for the Congregation, nor do [the priests] lift their hands in Public Benediction, nor is the Torah read [publicly]…nor is the name [of God] mentioned in the invitation to say grace, save in the presence of ten." What all of these have in common is that they are matters imbued with holiness, and all matters imbued with holiness require a quorum of ten. Only that number is defined as an "assembly" (*`eidah*) or "congregation" (*tsibbur*).

There is no greater degree of time-boundedness than this

These ten must be males, as is the case with respect to all the matters listed in the *Mishnah* and as the *gemara* (*Megillah* 23b) infers from the verse "and I will be sanctified within the children of Israel" (Lev. 22:32) regarding all things imbued with sanctity. Throughout the Torah, "the children of Israel," without further specification, connotes adult males.[5] Alternatively, the rule can be inferred from the shared use of the word "within" (*tokh*) in the foregoing verse and in the account of the spies sent by Moses; for all of those spies were males.[6]

Moreover, women are exempt from time-bound positive commandments (*Mishnah Qiddushin* 1:7) as well as time-bound rabbinic commandments (*Tosafot* on *Berakhot* 20b, s.v. *bi-tefillah peshitta'*; see also *Sukkah* 38a, related to *hallel*, and elsewhere), unless the Torah or the Talmud explicitly obligates them. With respect to public Torah reading, we find no source in the Talmud that obligates women; and the author of *Arukh ha-shulhan* (*Orah hayyim* 282:11) comments, in noting women's exemption from Torah reading, that "there is no greater degree of time-boundedness than this."

[5] See *Levush* on *Shulhan arukh*, *Orah hayyim* 55:2. See also various rabbinic interpretations of biblical verses: The sons of Aaron and not the daughters of Aaron (*Qiddushin* 35b); sons of one's sister, not daughters of one's sister (*Bava batra* 113a); "the sons of Israel lay on [their hands upon the head of the sacrifice] but the daughters of Israel do not lay on their hands" (*Hullin* 85a). See also Rashi on "Thus shall you say to the house of Jacob and tell the children of Israel" (Ex. 19:3): "The house of Jacob refers to the women…the children of Israel means the men." Women certainly are bound by the commandment to accept the yoke of the kingdom of Heaven, as expressed in the verse "and I will be sanctified within the children of Israel"; it is the source of the commandment to sanctify God's Name, something women have done, as individuals throughout the ages (see *Sanhedrin* 74a). Nevertheless, they are not obligated to do so publicly with respect to things imbued with holiness, such as public Torah reading.

[6] See *Intsiqlopediyah talmudit*, s.v. *davar she-bi-qedushah*, n. 85, refering to *Shulhan arukh ha-rav* 55:2.

The exemption of women from the duty of Torah reading invokes the rule (*Mishnah Rosh ha-shanah* 3:8; appearing at BT *Rosh ha-shanah* 29a) that "One who is not himself under obligation to perform a religious duty cannot perform it on behalf of the congregation." There is no difference here between a communal obligation and an obligation borne by each and every individual. Nahmanides, in his *Milhamot ha-shem* (*Megillah*, *dappei ha-rif*, 3a), wrote that "the matters taught of in our *mishnah*"—including public Torah reading, the public *`amidah* prayer, the public recitation of the *Shema`*, and others—"pertain only to those obligated in the matter." All of these require ten; and when ten are needed, only one obligated with respect to the matter can be counted toward the quorum for purposes of discharging the community's obligation.[7]

Nahmanides grounds his remarks on the fact that reading the Scroll of Esther is not mentioned in this *mishnah* (even though it is situated in tractate *Megillah*!). This distinction between reading from the Torah and reading the Scroll of Esther is cited as well in the name of R. Elijah, the Ga'on of Vilna (see R. Issachar Baer, *Pe`ulat sakhir*, sec. 175, on *Ma`aseh rav*) as accounting for the sages having decreed ("Rabbah's Decree") that the Scroll of Esther not be read on the Sabbath, lest one carry it four cubits in the public domain (and thereby violate the Sabbath), though they issued no such decree with respect to the other scrolls or a Torah scroll on the Sabbath:

> And he [the Ga'on of Vilna] replied that Rabbah's Decree applies only to obligations borne by each and every individual, such as those related to *shofar*, *lulav*, reading the *megillah* [Scroll of Esther] at its proper time…but reading the (other) scrolls was not established as an obligation for individuals; rather, it obligates the community [as a whole], in the manner of Torah reading. If there is no quorum of ten, there is no obligation at all on the individual.

R. Yehiel Mikhel Epstein reaches a similar conclusion in his *Arukh ha-shulhan* (*Orah hayyim* 69:14):

> With regard to Torah reading, it seems clear to me that in the absence of ten who have not yet heard the Torah reading, the Torah should not be read….With respect to Torah reading, the obligation in principle pertains only in the presence of ten [men].

Public worship and congregational Torah reading are two sides of the same coin

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Accordingly, one discharges his obligation with respect to Torah reading, as with respect to the reader's repetition of the *`amidah,* even if he failed to hear the entire verse or the entire blessing. That is not the case when it comes to reading the Scroll of Esther, where every one in the congregation, including women, must hear each and every word. R. Shlomo Zalman Auerbach (*Minhat shelomoh*, part 2, sec. 4:16) states that "The entire congregation is duty-bound to hear the repetition [of the *`amidah*] in the manner of Torah reading; that is, he discharges his obligation, as a practical matter, even if he fails to hear some verse, and it differs [in this respect] from reading the Scroll [of Esther]."

If so, public worship and congregational Torah reading are two sides of the same coin: public worship symbolizes our talking with God, and Torah reading symbolizes divine speech with man. Each of these acts must be preceded by acceptance of the yoke of the kingdom of Heaven, expressed by *Barekhu* and by the reading of the *Shema`*. Once we have accepted the yoke of the kingdom of Heaven, there is a place in our prayers for us to petition God and

[7] Only one sharing the same degree of obligation can discharge the obligation of others. See also *Shulhan Arukh*, *Orah hayyim* 55:1 and 4, explaining that a woman cannot be included in a quorum of ten for any matter imbued with holiness and certainly cannot discharge the congregation's obligation.

to receive divine revelation as we read. Without first accepting that yoke, we are unworthy of God's revelation to us.

The parallel between Torah reading and worship is expressed as well in both of them being preceded by the *Barekhu* declaration—"Praise God, Who is to be praised"—which is said before the blessings associated with the *Shema`* and before reading from the Torah. That parallel leads to the conclusion that just as a woman cannot discharge a man's obligation with respect to congregational worship, neither can she discharge his obligation with respect to congregational Torah reading. Women therefore cannot be counted toward the quorum of ten—not for congregational Torah reading and not for the reader's congregational repetition of the *`amidah*.

4. How Can Women Be Counted Toward the Seven with Respect to a Matter of Holiness?

At first glance, the foregoing seems to run contrary to the statement in the *Tosefta*, quoted earlier, that a woman is qualified to be among (or, translated more literally, may be counted toward) the seven called to the Torah. Public Torah reading is a matter imbued with holiness, and how can women possibly discharge the obligation borne by men? As noted above, however, the *Tosefta* passage itself contains an inconsistency, first determining that women, too, may be counted toward the seven but then decreeing that "A woman is not brought to read for the public." There have been several attempts to resolve that contradiction:

A. First instance or after the fact

R. David Pardo (in *Hasdei david* on the *Tosefta*) suggests that the conclusion of the passage in the *Tosefta* reflects the prescriptive, first-instance law (*le-khathillah*), namely, that women do not go up to the Torah; the first part of the passage expresses the law after-the-fact (*be-di-`avad*), that is, a woman having gone up is not required to step down. It would be odd, however, for a passage to begin with the after-the-fact law and conclude with the first-instance law.

Similarly strange is the interpretation of R. Jacob Emden (in his comments on *Megillah* 23a): in the first instance, if there are men who know how to read, a woman should not read, as stated at the end of the passage; but if there are no men who know how to read, a woman should do so, as stated at the beginning of the passage. In fact, this is an even more surprising view, for it links the statement to the ensuing passages in the *Tosefta* (*Halakhot* 12-13): "a synagogue having only one person who can read (he must read again and again)…a synagogue of non-Hebrew-speakers that has one who can read in Hebrew—they begin in Hebrew and conclude in Hebrew; if they have only one person who can read, only that one person reads." If the first part of our *Tosefta* permits women to read only in the after-the-fact situation, it should have been placed adjacent to these other after-the-fact cases which follow our *Tosefta*: when the only one who can read is a woman, or where there is only one who can read, or where there is no one who can read in Hebrew.

B. A woman reading on her own or as completing the quorum

R. Prof. Saul Lieberman explains that the initial statement in the *Tosefta,* which makes it possible for a woman to read, is linked to what follows—"A synagogue having only one person who can read" (*halakhah* 12). In other words, a woman reads from the Torah only if a man has already read, meaning that the congregation has already fulfilled Moses' ordinance (that is, to read something from the Torah), which is the primary requirement. Then, and only then, can women be called up, if doing so is necessary to provide the two additional readers required by Ezra's ordinance (which calls for a total of at least three). But if there is no man at all who can read, then a

woman should not read either, and that is the meaning of the concluding statement in the *Tosefta*: "A woman is not brought to read for the public"—that is, as the sole reader.

This interpretation relies on Me'iri's statement quoted above—a woman's reading is effective only to comply with Ezra's ordinance, but to comply with Moses' ordinance, reading by a man is essential.

C. A woman may be called to read only as a supplement to the basic requirement

Me'iri (*Beit ha-behirah* on Megillah 23a) explains that "All are qualified to be among the seven, even a woman" applies only after the communal obligation has already been fulfilled by a male reader, and only during a time when the obligation was pursuant to Moses' ordinance. He puts it this way:

> All are qualified to be among the seven or any number for reading the Torah, even a woman and even a minor, but the Sages of blessed memory said: a woman is not to read from the Torah because of the dignity of the congregation [*kevod ha-tsibbur*]. Some say that in all events, each reading must include one adult male, since once he has read, the ordinance of Moses our Teacher has already been satisfied, and what remains is only the ordinance of Ezra; since Moses' ordinance did not specify the number to be called but only the reading itself, the supplementary reading can be completed by women and minors; but it is not permissible for the entire reading to be done solely by women and minors. And some interpret the statement [regarding women and minors] to have applied only when the intermediate readers read without [reciting] a blessing, and a woman could be one of the intermediate readers. But now that all [readers] recite a blessing, a woman does not read at all. And that is consistent with the rule, for how can she bless when she is exempt? But a minor, in any event, recites the blessing, for he has a connection to Torah study and others are commanded to teach him.

These comments are consistent with those of the *ga'on* cited by Maimonides in his *Commentary on the Mishnah* (on *Megillah* 4:6), interpreting the opening statement of the *Tosefta* allowing women to be included in the number seven as meaning specifically to comprise the extra readers beyond one (Moses' enactment) and beyond three (Ezra's enactment) that is, a minor (and, accordingly, woman as well) can be counted toward the total of seven who are called up, but not toward the first three to be called. If that is so, the statements in the *Tosefta* can be explained as follows: Once Ezra had ordained that three people be called up, and once the practice of calling seven had been instituted, but while the practice remained that "*Barekhu*" as well as the blessings were said only by the first and last person called (per the preceding *halakhah* in the *Tosefta*),[8] a woman or a minor could not be called up to discharge the obligation of a congregation that included men with respect to hearing three readers or with respect to saying the blessings (that is, she could not be one of the first three readers, and she could not be the final reader). And that is the meaning of the concluding passage in the *Tosefta*, stating that a woman is not called to read for the public: at no time could a woman read as part of the number of readers required to discharge the obligation of public Torah reading. It follows that once it was ordained that each person called up would recite *Barekhu* and the blessings, thereby each one discharging the obligation of the congregation for a matter of sanctity, the applicability of the *halakhah* allowing women to be called up for the fourth, fifth and sixth readings lapsed; women could not be called up at all. It is for this reason that the Me'iri opens his interpretation by quoting

[8] It could be argued that the actual requirement to call up seven took effect only after it was ordained that every reader recite a blessing; before that, there was no particular significance to each person called, and a women might be included among them. But even on this view, once it was determined that each person called should recite a blessing, and each reader gained distinctive significance, the required complement was seven, and a woman could not be included among them.

the *beraita* cited by the Babylonian *Talmud Megillah*, rather than the original *Tosefta*: "All are qualified to be among the seven, even a woman and even a minor. But our Sages of Blessed Memory have said, "A woman may not be called to the Torah because of the dignity of the Congregation" (*Megillah* 23a). Indeed, there was a period when women could be called up—before each individual had begun to recite *Barekhu* and the blessings—but now that possibility is no longer operable.

Once seven became obligatory, a woman could not be called up

From the perspective of this interpretation, the ensuing *halakhah* in the *Tosefta* ("If a synagogue has only one person who can read, he stands, reads and sits; stands, reads, and sits; stands, reads, and sits, even seven times") fits in beautifully, confirming that once seven became obligatory, a woman could not be called up—at least as long as there was a single man who knew how to read.

5. The Proof by Analogy to a Minor

Some have sought to demonstrate that women may be called up to the Torah by analogy to the authorization to call minors for some of the *aliyyot*, including *maftir*. R. Shapiro (above, n. 1) made much of Me'iri's statement in his commentary on the *mishnah* in *Megillah* (24a), *s.v.*, "a minor reads from the Torah":

> A minor reads from the Torah, for the intention is only to make it heard to the people, and it is not a full-fledged commandment invoking the rule that one who is not obligated cannot discharge the obligation of others.

R. Shapiro argues that this shows that with respect to a congregational obligation, we do not say that one who is exempt cannot discharge the duty of one who is obligated. But Me'iri's ruling applies only to the time predating the institution of a blessing for each *aliyyah*. Then, the commandment was only to cause the Torah's words to be heard by the congregation, and one not obligated by that commandment could nevertheless discharge the duty of one who is obligated. But that changed once it was ordained that blessings be said over each of the seven readings. We have already noted (above, sec. 2:1) R. Soloveitchik's observation that the new ordinance meant that every member of the congregation was thereafter obligated and commanded to understand what was being read in each of the seven *aliyyot*. It follows that thereafter, one not so obligated, such as a woman, cannot discharge the duty of those who are obligated. Moreover, even according to Me'iri, the rule for minors differs from that for women; in interpreting the *baraita* at *Megillah* 23a, Me'iri wrote that "in any event a minor makes the blessings (if he is called to complete the seven *aliyyot*), since he has a connection to Torah study, and others are commanded to teach him." In that sense, Me'iri's view resembles that of Rabbeinu Tam (at *Tosafot* on *Rosh ha-shanah* 33a, s.v. *Ha'*), who says that a minor is eligible to be called up, for he will be subject to the obligation in the future, his father is obligated to teach him, and therefore he himself (as a minor) is not subject to the prohibition of saying God's name in vain (by reciting an unwarranted blessing). He therefore may be called, for he already has a link to the obligation to study and, concomitantly, to public Torah reading once he is of age. (It is interesting that R. Shapiro did not cite this statement by Me'iri, which highlights the difference between a woman and a minor.)

Like Me'iri's comments, those of Rosh (at *Berakhot*, chap. 7, sec. 20) also pertain only to the time when the practice of reciting blessings with each *aliyyah* had not yet been instituted. Rosh there writes: "…a minor, a slave, and a woman, who are not obligated with respect to

Torah study, can be counted toward the seven, for the [public reading of the] Torah scroll is for the purpose of making it heard." *Ma`adanei yom tov* adds the explanatory note "and not for study." R. Shapiro (above, n. 1) infers from this that with respect to the commandment to make the Torah heard, a woman can discharge the community's obligation. But it is clear that Rosh was referring to the time predating the practice of blessing over each *aliyyah*, when the commandment was exclusively to hear the reading; but the commandment thereafter came to encompass understanding and study as well, as discussed earlier. In general, it is important to emphasize R. Soloveitchik's point noted earlier: only under Moses' ordinance, which called for but a single reader, was the essence of the ordinance to hear, rather than to study, words of Torah. That is doubtless not the situation today, given the Bible's emphasis on "and caused them to understand the reading" (Neh. 8:8), the practice each week of reading the text twice and its (vernacular) translation once, as well as the *Targum* (Aramaic translation) that accompanied public reading—all of which imply understanding and study.

Me'iri's ruling applies only to the time predating a blessing for each aliyyah

The distinction drawn earlier between a minor and a woman—that is, a minor will later become subject to the obligation—is likewise needed only if we assume that the minor is being called to the Torah in the manner of an adult. But the *rishonim* inferred from close reading of the *baraita* that he can be called only to complete the requisite number of seven, but that it is impermissible for all or even a majority of those called to be minors, for they are not now subject to the obligation (see Ran on *Megillah* 24a; Rema on *Shulhan arukh*, *Orah hayyim* 282:3 and the comment of the Ga'on of Vilna ad loc; *Responsa* of Rivash sec. 321, cited in *Magen avraham* 282:6; and Maimonides' *Commentary on the Mishnah* for the *mishnah* appearing at *Megillah* 24a). Some went so far as to infer that a minor might be called only on the Sabbath, when the seven who are called exceed the number prescribed in Ezra's ordinance, but on days when there are only three readers, a minor may not be called (*Tosafot Rid* on *Megillah* 24a; *Beit yosef*, *Orah hayyim* sec. 282, citing Roqeiah; *Mishnah berurah* 282:11). And the longstanding practice throughout the Jewish world is that a minor is called only for *maftir* (*Mishnah berurah* 282:12, citing *aharonim*).

As proof that a woman can discharge the congregation's obligation, R. Shapiro cites statements by Ran. After writing that when blessings were recited only by the first and last persons called, women and minors could not be called for those two *aliyyot*, Ran went on to say: "but now, when the rabbis have ordained that all of them make blessings, a women and a minor may be called even for the first and last [*aliyyot*]; and since they read, they certainly make the blessing." It thus appears that even in a period when all seven readers recite blessings, women are considered qualified to be called up to the Torah and to recite the blessings.

Even then, however, Ran limits his ruling and allows women to be called only to complete the requisite number of seven readers—but not to be one of the first three, who fulfill the essence of the ordinance. And even that authorization applied only before the Sages of blessed memory said that a woman should not read from the Torah because of the dignity of the congregation (as explained by R. Prof. Lieberman in *Tosefta ki-feshutah*, p. 1178); once seven Torah readers became mandatory, having women called up who were not obligated in the public torah reading would hardly be in keeping with the dignity of a congregation! (For a fuller exposition, see p. 24, note 11.)

6. Women's Obligation Regarding Torah Reading

In section 3 above, we explained that the duty to read from the Torah cannot be one that obligates women. That is so regardless of whether it is a duty incumbent on every individual (in which case it is a time-bound positive commandment, from which women are exempt) or a duty incumbent on the congregation as a whole (in which case the congregation at issue does not include women). A contrary position might seem to appear in a *baraita* in *Masekhet Soferim* (18:5), related to the reading of Lamentations on the Fast of the Ninth of Av:[9]

> Some [congregations] read the Book of Lamentations in the evening while others postpone it to the [following] morning after the Reading of the Torah…and…does the translation, so that the rest of the people, the women and children may understand it; *women being under the obligation to listen to the reading of the Book the same as men*, and much more so male persons.

> Women have similarly the duty to read the *Shema`*, the [*`Amidah*] prayer and the Grace after meals, and to have a *mezuzah* [on their doors]. But if they are not acquainted with the holy tongue they are to be taught [to say them] in any language….From this it was deduced that the man who recites the benedictions must raise his voice for the benefit of his young sons, his wife and daughters.

Hida (*Kisei rahamim* on *Soferim* 18:4) and the author of the *Arukh ha-shulhan* (at *Yoreh de`ah* 282:11) interpreted the passage to speak not of women's halakhic obligation to hear the reading but—as the author of the *Arukh ha-shulhan* puts it—of "something suggested by sound conduct; when the practice was to translate, it is proper to translate before them and before the children, so as to implant in their hearts the fear and love of God, may He be blessed." R. Judah Herzl Henkin (*Resp. Benei banim*, part 2, sec. 10) explained that the passage is speaking specifically of the reading of Lamentations but not of Torah reading,[10] for the term *qeri'at sefer* [translated above as 'reading of the Book'] is inappropriate to the concept of reading the Torah; moreover, the subject of the quoted passage is indeed the Book of *Qinot* [Lamentations] and not the Torah."

Did the author of Magen Avraham *believe that women have the same obligation of public Torah reading as do men?*

Still, the author of *Magen Avraham* (at 282:6) considers the passage from *Masekhet Soferim* in the context of the ruling in the *Shulhan arukh* (par. 3) that "all are qualified to be among the seven, even a woman." He writes as follows:

> A woman is obligated to hear the reading of the Torah. And even though [the reading] was ordained for the purpose of Torah study, and women are not bound by [the commandment of] Torah study, it is nevertheless a commandment to listen, just like the commandment of *haqhel*, which is binding on women. But we may say that even though they are not obligated, they are still counted toward the number, and it is so stated in *Tosafot* at the conclusion of *Rosh ha-shanah*.[11] But in *Masekhet soferim*, chapter 19 [*sic*], it is written: "*women [are] under the obligation to listen to the reading of the Book the same as men, and it is a commandment to translate for them so they understand*; thus far

[9] Translation from *The Minor Tractates of the Talmud*, ed. A. Cohen (London: Soncino Press, 1965), vol. 1, p. 301; notes omitted and emphasis added. In the Soncino edition, the passage appears as *Soferim* 11:4 rather than 11:5.

[10] They are obligated with respect to the Scroll of Lamentations, for it is proper that they mourn the destruction of the Temple, just as men do. But the reading of Lamentations does not partake of Torah study, from which they are exempt, for men, too, read Lamentations even though Torah study is forbidden on that day. They are exempt from Torah reading throughout the year, for they are exempt from Torah study.—editor's note (A.D.).

his words. But here [that is, in our communities], the practice of women is to go outside.

Did the author of *Magen Avraham* truly believe that women have the same obligation with respect to public Torah reading as do men?[12] It is clear that he struggled with the issue and saw its various sides. He begins his discussion with a statement that the *halakhah* in the *Shulḥan arukh*, derived from the *Tosefta*, implies that women are obligated with regard to Torah reading. On the other hand, he raises the possibility (as does *Tosafot* in *Rosh ha-shanah*) that going up to the Torah does not imply obligation. He then returns to the first alternative, for which he sees support in *Masekhet Soferim*. But he ends his discussion by remarking that the practice of women in his time was to leave the synagogue during Torah reading. That final point tells us his conclusion as a matter of practical *halakhah*: women are not obligated with respect to Torah reading.

The wording of the *Tosefta* itself affords some proof that women are not obligated with respect to Torah reading: the passage reads "all are counted toward" (*ha-kol `olin* [or *`olim*]; "all are qualified to be among" in the Soncino translation), not "all are obligated" (*ha-kol ḥayyavim*). *`Olim* usually connotes being "included within," "counted (or reckoned) toward" (as in "all [the threads] can be reckoned [*ha-kol `olin*] for the purpose of the blue [fringe]" [*Bava qamma* 119b]; "even if he remains there for thirty days, these are not reckoned [*'ein `olin*]" [*Mishnah Nazir* 3:5, appearing at BT *Megillah* 16b]). Here, too, "women are counted" (*nashim `olot*) means they can be included among the seven who read, but they are not necessarily obligated with respect to Torah reading in the way men are. When the Mishnah means to say that a particular obligation applies to women, it uses the wording of obligation (*ḥiyyuv*); see, for example, the *baraita* at *`Arakhin* 2b-3a: "All are obliged [*ḥayyavin*] to read the scroll [of Esther]…women are obliged [*ḥayyavot*] with respect to reading the Scroll…all are obliged [*ḥayyavin*] to arrange zimmun [convene the grace after meals]."

It appears that the author of *Magen Avraham*, in concluding Torah reading was not obligatory for women, relied on their practice of leaving the synagogue while the Torah was read. The practice is attested as well by *Ḥida* in his *Kisei raḥamim* (cited earlier; the reference is quoted in *Resp. Yabi`a omer*, part 8, *Oraḥ ḥayyim* 54:7); he asks, in surprise, "Why should women be obligated to hear Torah reading when they are exempt from Torah study?" He sums up his conclusion: "Accordingly, the widespread teaching in our region is that women do not go to the women's [section of the] synagogue at all, other than a few elderly women, and they, too, do not do so regularly."

7. One Not Himself Obligated Cannot Discharge Another's Obligation

R. Shapiro asserts in his article that even a person not bound by a particular rabbinically imposed obligation may nonetheless discharge the obligation of another who is so bound; to prove the point, he cites *Tosafot* at *Rosh ha-shanah* 33a, s.v. *ha' rabbi yehudah*. The author of *Magen avraham* (above, n. 9) alludes to that

[11] 33a, *s.v., ha' rabbi yehudah*. R. Isaac bar Judah there adduces, as proof that women recite a blessing over a their performance of a time-bound positive commandment even though they are exempt from it, the fact that they are counted toward the seven people called to the Torah and recite a blessing over Torah reading. Rabbeinu Tam rejects that proof, on the grounds that the blessing over Torah reading is not a blessing associated with the performance of a commandment; for when no Levite is present, the *kohen* is called a second time instead of the Levite and he recites the blessings again, even though he has already done so. Moreover, he explains that a woman counts toward the seven only as one of the intermediate readers, who go up to the Torah but do not recite the blessings. The author of *Magen avraham* looks to this passage in *Tosafot* to show that being called to the Torah does not necessarily follow from any obligation, and that the possibility of a woman being called therefore does not indicate that she is bound by a particular commandment.

[12] As Shapiro inferred from a close reading of his comments ("*Qeri'at ha-Torah* by Women" [above, n. 1], p. 4 n. 11 and p. 44, n. 240).

Tosafot, and the author of *Mahatsit ha-sheqel* (282:6) explains that allusion:

> But we may say that one permitted [but not obligated, to perform an act] can discharge the obligation of one having an obligation *de-rabbanan* [as a matter of rabbinic rather than biblical law], such as a minor who blesses [after a meal] on behalf of his father, who has eaten [only] the amount of [food that imposes a] rabbinic-law obligation [to bless, but not the larger amount that would impose a biblical-law obligation] (and so, too, women)…and they are included in the number of seven [who are called to the Torah] and discharge the obligation of others.

Thus, R. Shapiro would prove that one not obligated can discharge another's obligation.

As noted, however, this is not the conclusion reached in *Magen Avraham*, and the Tosafists themselves cite the view of Rabbeinu Tam, who rejected this view and wrote, at the end of his discussion, that "one cannot adduce proof with respect to a woman from the case of a minor who says the blessing after a meal even though exempt from the obligation, for a minor will later become subject to the obligation." A woman will never become obligated with respect to Torah reading and therefore cannot discharge the obligation of men; a minor's situation differs, for he will become bound by these commandments when he comes of age.

R. Shapiro acknowledges that one not obligated with respect to a particular matter cannot discharge the obligation of individuals

[13] Ran's approach can be fully explained on the basis of his novellae on Rif (*Megillah* 13a in the Rif pages), where he explains the *baraita* as follows:

> All are counted toward the number of seven, even a woman, even a minor—This means they may complete the complement of seven, but not that they may all be minors or women, *for inasmuch as they do not bear an obligation, they do not fully discharge [the obligation of the men]*. And according to the original law, providing that only the first and last [people called up] recite the blessings, a woman and a minor on that account may not read first or last, for their blessings cannot discharge the obligation of the others. But now that the rabbis have ordained that all recite the blessings, a woman and a minor may even be the first or last to read, and since they read they certainly bless as well—as in the case of a minor who reads the *haftarah* from the prophetic books and recites the associated blessings.

According to Ran, women have no obligation with respect to Torah reading and therefore cannot discharge the obligation of others. That conclusion is the source of what R. Shapiro imagines to be an inconsistency in Ran's position (see Shapiro's article, p. 31), for Ran elsewhere cites Nahmanides' opinion that Torah reading is a congregational obligation, precluding application of the principle that one not obligated with respect to a particular matter cannot discharge the obligation of others. In fact, however, there is no contradiction. As I have tried to show, even when the obligation is a congregational one, a person who is not included within that congregation cannot discharge the obligation of one who is; and Ran's comments here confirm that approach. He evidently believes that one must hear Torah reading with blessings from one who is obligated, and women originally could be called only for *aliyyot* that did not entail blessings. But once the rabbis ordained that blessings be said for all *aliyyot*, women could be called up even for the first and last, for the community's obligation would be discharged by the men who are called up for other *aliyyot* and recite the blessings.

R. Shapiro treats Ran's statement—"But now that the rabbis have ordained that all recite the blessings, a woman and a minor may even be the first or last to read, and since they read they certainly bless as well"—as pertaining to our own time and as providing a source on the basis of which women may be called up to the Torah. But Ran does not permit women to be called for all the *aliyyot*, for he does not retract his opening statement that "This means they may complete the complement of seven, but not that they may all be minors or women, for inasmuch as they do not bear an obligation, they do not fully discharge [the obligation of the men]." He evidently goes on to follow the view of Me'iri, according to which the *baraita* is speaking of Ezra's ordinance, under which women could complete the count of seven once three men had been called and had said the blessings. Prof. Lieberman (*Tosefta ki-feshutah* on *Megillah*, p. 1178) adds that this applied only before the sages said that a woman should not read from the Torah because of the congregation's dignity. Today, when the rule of congregational dignity remains in force, there is no possibility of calling women to the Torah, however much R. Shapiro might want to do so. It is precluded either because calling a woman who has no obligation with respect to Torah reading would make it appear that the men, who are obligated, are ignoramuses incapable of being called or because of the woman's inability to discharge the men's obligation with respect to reciting the blessings. R. Prof. Lieberman writes as follows: "But now that the rabbis have ordained that all recite the blessings, a woman and a minor may even be the first or last to read (that is, *as a matter of law, only in theory*); in addition, this analysis has practical implications with regard to minors."

who are so obligated; but he maintains they may nevertheless discharge the congregation's obligation to listen to the reading of the Torah. Statements by the *rishonim* belie that distinction, however. Ran (3a in the Rif pages cited earlier) cites Nahmanides' comment (noted in section 3, above) that Torah reading is a congregational obligation, not an individual one, and Ran himself therefore says (13a in the Rif pages cited earlier) that minors and women, "since they are not subject to the obligation, cannot fully discharge [the obligation of others]." They cannot make up all seven of the readers, nor can they be the first or the last reader, who discharge the congregation's obligation by their recitation of the blessings (at a time when only the first and last readers recited blessings). Thus, even when we are dealing with a congregational obligation, one who is not part of that congregation cannot discharge the congregation's obligation.[13]

8. The Dignity of the Congregation

A. "Dignity of the congregation" does not negate the woman's dignity.

To this point, our analysis has been centered on the question of women's obligation with respect to Torah reading and whether they are permitted to discharge the obligation borne by men to fulfill this commandment. A turn in the discussion is taken by the *baraita* at *Megillah* 23a:

> Our rabbis taught: All are qualified to be among the seven [who read], even a minor and a woman, only the Sages said that a woman should not read in the Torah out of respect for the congregation.

This implies that but for the problem of "respect for [or: dignity of] the congregation," women would be able to go up to the Torah.

On its face, the *baraita* appears to reflect two stages: a first, in which women went up to the Torah, and a later one, in which they were barred from doing so on account of congregational dignity. But Maimonides, at least, did not see it that way, writing that "a woman should not read for the congregation because of the dignity of the congregation" (*Hilkhot Tefillah* 12:17) and making no reference at all to the *baraita*'s initial statement about woman and minors being counted toward the seven. He does not speak of two stages, and seems not to have contemplated an initial stage in which women could go up to the Torah and a later one in which "only" the dignity of the congregation prevented them from doing so. Instead, he sees an absolute prohibition: "A woman should not read for the congregation because of the dignity of the congregation."[14]

Maimonides appears to have understood the *baraita* in the way we have suggested for the *Tosefta*: because of congregational dignity, a woman cannot discharge the obligation of men with respect to Torah reading. Even had it been possible, at some point in the development of the ordinance, for a woman to do so (as one of the intermediate readers or as one called in addition to the requisite minimum), by the end of the process, no such possibility remained.[15]

By way of further explanation, we may ask why the *baraita* uses the "the congregational dignity" rationale when it could simply have

[14] R. Z. N. Goldberg (in *Ha-me'ir la-arets*, published by Makhon Lifschitz, no. 60), writes that "the statement 'a woman should not read from the Torah' represents a total prohibition…and there is no way in which she may read for the congregation. The *gemara* simply explains the reason: it is not because she has no obligation with respect to reading of the Torah; rather, it is because of the dignity of the congregation. The distinction has practical implications with respect to a minor, who may be called even though he is not obligated." He continues: "Evidently, dignity of the congregation is a matter of modesty, which is not an issue raised in connection with a servant (or a minor)."

[15] R. Sperber (above, n. 1) therefore errs in thinking that that the prohibition on women going up to the Torah because of the dignity of the congregation is not absolute. Clearly, the absoluteness of the prohibition depends on the evolution of the ordinance, and something not absolute at one stage might become absolutely prohibited at a final stage. So it is now absolutely forbidden for Maimonides, as well as for the Me'iri, as we have seen.

said that if women are called up to the Torah, the congregation's obligation is not thereby discharged?" The answer is suggested by R. Prof. Saul Lieberman's comment (*Tosefta ki-feshutah*, *Megillah*, pp. 1176-77) that the *baraita* rules more stringently than the *Tosefta*. According to the *Tosefta*, women could have been called under circumstances in which they do not discharge the obligation of the male congregation (for example, when the minimum required number of readers has already been called, as explained in the opening of the *Tosefta* passage). The *baraita*, however, forbids even that, and does so because of congregational dignity. And that is the meaning of the term "dignity of the congregation" in this context: Given that the congregation is obligated with respect to reading of the Torah, there is no way for a woman not so obligated to discharge the congregation's obligation with her reading. The dignity at issue is neither discretionary nor subject to waiver.

The dignity is neither discretionary nor subject to waiver

In no sense does this imply disrespect for women or diminution of their own dignity. That is implied as well by Ritva, who explains in his *novellae* on *Sukkah* 38b and *Megillah* 4b that a woman being called to the Torah (even at a time when the congregation had discharged its obligations) reflects poorly on the congregation in the same way as a woman saying the blessing after the meals on behalf of her husband reflects poorly on him; in both instances it appears that the congregation which is obligated (the men) do not know how to perform their obligation.[16]

B. Dignity of the congregation is not subject to waiver

R. Shapiro (above, n. 1) would demonstrate, on the basis of comments by Maimonides in his responsa (ed. Blau, sec. 294), that "dignity of the congregation" is subject to waiver by the congregation. The responsum in question deals with whether a congregation, lacking a fit Torah scroll, may read (with the accompanying blessings) from a codex (what we colloquially call a "*humash*") or from a Torah scroll that fails to meet halakhic requirements (specifically, one whose parchment panels had not been processed with the specific intention that they be used in a Torah scroll). Maimonides rules as follows:

> It is permitted to make the blessing, for the blessing over reading from the scroll differs from the blessing over taking the lulav or dwelling in the *sukkah*. If the *sukkah* or the lulav was unfit, the blessing would have been made in vain, for the commandment over which he blesses is the lulav which he takes or the *sukkah* in which he dwells; and if these were unfit, he would not have performed the commandment. But in the case of Torah reading, the commandment is the reading itself, regardless of whether the scroll was fit or unfit; and even if he read from memory he should make the blessing, for the essence of the commandment is the reading itself over which we recite the blessing….

Proof for this can be found in the statement (Gittin 60a) that "We do not read from codices because of the dignity of the congregation." Is there any other invalidity as severe as the invalidity of a codex?! A Torah scroll lacking even a single letter would be invalid, and

[16] This explanation of "dignity of the congregation" is offered by R. Y. H. Henkin in his response to R. Shapiro's article (above, n. 1). He likewise cites the *Petah Devir* 282, 9 and Rav Avraham Min Hahar in his commentary to B.T. Talmud *Megillah* 19b who all explain the concept of "dignity of the congregation" in this manner, refuting the notion that "dignity of the congregation" in our context expresses disdain for women.

a fortiori a codex! So why cite dignity of the congregation as the reason [for not reading from it]? They could have cited the invalidity of the codex, which should make the blessing over it a blessing said in vain!

"Dignity of the congregation," is indeed a secondary rationale

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But apparently the reason that reading is not to be done from a codex is dignity of the congregation and not because the blessing would be in vain.

Nevertheless, it is proper for every congregation to have a fit, valid Torah scroll, which may be read from properly in the first instance. But if they find that impossible, they read even from an invalid scroll and recite the blessings, for the reason we have said, (that is, that the essence of the commandment lies in the reading rather than in the validity or lack thereof of the object from which the reader is reading).

Hence, "dignity of the congregation," as referred to in this responsum, is indeed a secondary rationale along side of the issue of reading from a codex rather than from a valid Torah scroll. And in time of need (the absence of a fit Torah scroll), the congregation therefore is permitted to waive it and read from codices. But "dignity of the congregation" as used in this responsum cannot be adduced as proof for a similar view of the "dignity of the congregation" we are considering, where the entire reason for the prohibition is "dignity of the congregation". Moreover, in his *Mishneh Torah* (*Hilkhot Sefer Torah* 10:1), Maimonides does not rule in accord with his responsum; he says, rather, that a codex "lacks the sanctity of the Torah and may not be read from in public."[17] In the final analysis, Maimonides rules that the dignity of the congregation may not be waived.

"Dignity of the congregation" conveys something different in each of these two contexts. Reading from codices is reading done in an impoverished way, is a reading in a public forum which couldn't even manage to acquire a valid Torah scroll, and such a reading detracts from the congregation's glory. Nevertheless, since there are so many impoverished Jewish communities, being poor is not so great a humiliation, and the congregation may waive its dignity in this respect—certainly so when otherwise there would be no public reading altogether. But a woman discharging the congregation's obligation implies that there is no other obligated male in the congregation who can do so; and R. Shapiro would have us waive the prohibition of the "dignity of the congregation" and call up women—on the basis of Maimonides' responsum—even when there are men present in the congregation. Such fallacious reasoning invokes the rabbinic adage that "one may not infer a law from a case wherein otherwise it would have been impossible to perform the precept (where there was no kosher Torah Scroll to read from) to a case where it would be possible to perform the precept (by just calling up men)."

C. *Aliyyot* for women in a city made up entirely of *kohanim*.

For similar reasons, the case for calling women to the Torah cannot be proven on the basis of the ruling by Maharam of Rothenberg

[17] On this contradiction between the responsum and the *Mishneh torah*, see *Kesef mishneh* ad loc. In his *Responsa* (sec. 11), Rashbash (R. Solomon ben Simeon Duran) wrote as follows with respect to Maimonides' responsum: "How can we put aside the ruling declared by Maimonides, of blessed memory, in his great treatise *(Mishneh torah),* given what appears in the responsa he issued? Perhaps he wrote (the responsum) and perhaps he did not write it; do we have his signature on it?" It is also possible that in *Mishneh Torah*, he changed his mind regarding the ruling in his responsum, as R. Joseph Karo wrote (*Responsa*, sec. 69): "That is why Rabbeinu Shelomo ben Adret wrote that the aforesaid responsum had been written in his youth, but when he was older, he changed his mind in his book."

(*Responsa*, part 4, Prague ed., sec. 108; *Hagahot maimuniyot* on *Hilkhot Tefillah* 12:20) regarding a city made up entirely of *kohanim*. In such a city, according to the ruling, *kohanim* are called for the first two *aliyyot* but women are called thereafter; for if a man is called for one of the later *aliyyot*—which are normally given to non-*kohanim*—his status as a *kohen* might thereby be impugned. How can one claim to reason from this case, in which no alternative is available, to a case in which there is a clear alternative, by calling a man instead of a woman, which would not impair the congregation's discharge of its obligation?

That and more: Rashba (*Responsa attributed to Nahmanides*, sec. 186; similarly, part 1, sec. 13) disagrees with this ruling and holds that additional male *kohanim* should be called to complete the seven readings; he maintains that the status of these *kohanim* will not be impugned since everyone in the city knows that all of the males are *kohanim*. Support for that view is provided by the ruling in *Yerushalmi Gittin* 5:9 that in a city having only one non-*kohen*, he may be called first and *kohanim* may follow him. Importantly, the *Shulhan arukh* (*Orah hayyim* 135:12) rules in accord with Rashba rather than with Maharam of Rothenberg in the case of a city made up entirely of *kohanim*.

D. "Congregational dignity" and "human dignity"

One writer has alleged a clash between the drive to maintain "congregational dignity" and the disrespect shown to women by denying them *aliyyot*, a step he regards as an impairment of "human dignity."[18] As an example of a preference afforded to human dignity, he cites R. A. I. H. Kook's responsum (*Da`at kohen*, sec. 169) holding that to preclude women from stitching together the panels of a newly completed Torah scroll would impair their dignity.

But the purported precedent is inappropriate. The sages long before had ruled that women could sew together the panels of a Torah scroll, and it was a long-established practice for them to do so similar to the permission granted women to place their hands on the heads of animals they had brought as sacrifices, in order to provide them with religious satisfaction. Because it had already been permitted, a later denial would, in fact, impair women's dignity. But it had never been the practice for women to be called to the Torah; and upholding that denial of *aliyyot* can in no way be seen as an impairment of human dignity.

Denial of aliyyot *cannot be seen as an impairment of human dignity*

That and more: We have already explained (pp 27, 28 and n.14) that "congregational dignity" in our context does not refer to one specific interest or condition that may be weighed against another specific interest or condition, and thereby trumped; in our case, "congregational dignity" is rooted, rather, in the *halakhah* that one who has no obligation with respect to a given matter cannot discharge the duty of one who is so obligated; it is rooted in the inextricable bond in Jewish law between obligation and privilege. Only one who is obligated to perform a precept has the privilege of performing that precept on behalf of another. One ought not consider the inability of women to go up to the Torah as something that demeans them or impairs their dignity. It would never enter one's mind to ask a woman, in order to avoid impairing her honor, to discharge a man's obligation with respect to donning *tefillin*, counting the *`omer*, or sounding the *shofar*![19]

9. Is Reading Distinguished from Going Up to the Torah?

In its ruling on the matter at hand, the *Shulḥan arukh* (*Oraḥ ḥayyim* 282:3) states "All are qualified to be among [or: may be included among] the seven [*ha-kol `olin le-minyan shiv`ah*], even a woman and a minor who understands Whom a blessing is addressed to; but the Sages said that a woman should not *read* [*lo' tiqra'*] for the congregation because of the dignity of the congregation." R. Shapiro (above, n. 1) inferred from this wording that while a woman may not serve as a Torah reader, she may be included among those who are called up to the Torah and simply recite the blessings, with the actual reading done by a man.

The wording is taken from the talmudic passage (*Megillah* 23b), which likewise reads "All are qualified to be among…a woman should not read." In rabbinic Hebrew, the words *`oleh* ("rise"; "be included") and *qorei'* ("read") regularly appear as synonyms, especially in Maimonides' writings (*Hilkhot Tefillah* 12:20-21; 13:5). It follows that nothing can be proven on the basis of how these words are used in the *Shulḥan `arukh*'s ruling.

10. Summary

1. Women are not obligated with respect to public Torah reading; accordingly, they cannot discharge an obligation devolved upon the community of males.

2. The institution of public Torah reading evolved through several stages. When Moses ordained the practice for Israel, the community's obligation was merely to hear the reading, even if they did not understand it. Ezra's ordinance added the requirement of comprehension; that is, the duty borne by each individual to study and understand what was being read. The ensuing ordinances—pronouncing "*Barekhu*" before reciting the blessing; recitation of blessings at the beginning and at the end of the reading and, later, before and after each *aliyyah*—were meant to reinforce the institution of public Torah reading and to make it an experience simultaneously intellectual and emotional, something much more powerful than merely listening. Especially the addition of *Barekhu* before the blessing over the Torah made it a "matter of sanctity", which applies specifically to men. Certainly, a woman, who is exempt from the commandment of public Torah study, cannot fulfill the commandment on behalf of men, who are subject to it.

Commandments related to public ritual performed outside the household were assigned to men.

3. That rationale—the inability of one having no obligation to perform a particular act to discharge the obligation of one who is so bound—is alluded to in shorthand by the term "dignity of the congregation," for the dignity of one bound by an obligation is impaired by an effort to have that obligation discharged by one not so bound. Accordingly, such congregational dignity cannot be waived. Moreover, an important halakhic principle holds that only a person subject to a particular obligation is qualified to discharge the obligation of others likewise obligated; the privilege of performing a precept for someone

[18] Daniel Sperber (above, n. 1).

[19] It seems to me that R. Sperber, too, is inconsistent in his rulings regarding practice in Congregation Shirah Hadashah in Jerusalem. He permits women to be called up to the Torah on account of human dignity, but does not allow women to lead the public prayer and recite the repetition of the *`Amidah* for both men and women on that basis. And if R. Sperber does not entertain the possibility that women might lead prayers, why does he take human dignity into account as a consideration allowing women to be called to the Torah? It is as clear as day that if human dignity is the rationale for allowing women to be called to the Torah, then the inevitable next step is to allow them to lead prayers as well and to recast prayer, and all religious ritual, on the basis of full sexual egalitarianism. That might well be perceived as a noble intent, but it is certainly worthy of far deeper halakhic discussion than has been offered heretofore.

else is predicated upon the obligation of the performer. Jewish law insists that privilege and obligation are bound together.

4. Accordingly, there is no basis for permitting women to have *aliyyot* in a congregation comprising both men and women, even if there is proper separation between the men and women in the room. Beyond these halakhic points, we may add a broader perspective. The sages of blessed memory saw the roles of men and women not as identical but as complementary: each completes what the other need not and cannot do. Accordingly, the rabbis assigned to women the primary obligations related to purity and sanctity of the household—Shabbat candles, family purity, *hallah*. In contrast, the commandments related to public ritual activities performed outside the household—such as matters related to the synagogue—were assigned to men. That division of responsibility is grounded in historical, sociological and biological factors.

The family and its preservation were central concerns of the sages, and they were very conscious of a woman's life-giving role as bearer and nurturer of children. And even if the assignment of these tasks is not always absolute and exclusive, *halakhah* was determined in accordance with the usual and natural state of affairs.[20] Changes in the conduct of family life (such as marriage age, entry of women into the workforce, and greater longevity, which results in more free time after the children leave the nest) cannot be regarded as necessarily implying changes in the assignment of duties to men and to women. Indeed, I have been quite surprised over the years to the extent that we do not find even halakhically learned women taking additional obligations upon themselves, such as public prayer or hearing public Torah reading on days other than Sabbaths. And so the conclusion is that the *halakhah* remains in place, and that one exempt from an obligation cannot discharge the obligation of one who is bound by it.

[20] Permitting women to be called to the Torah for aliyot additional to the seven prescribed readings for men, or for the *maftir* when it is the eighth and not the seventh reading, or the possibility of establishing individual congregations wherein the women would accept upon themselves the obligation of public Torah readings completely and not just on Sabbath morning, are issues which I have not addressed in the purview of this study, but which certainly deserve serious treatment.

Meorot
A Forum of Modern Orthodox Discourse

A Response to Shlomo Riskin

Mendel Shapiro

Abstract: This essay responds to the claims or R. Shlomo Riskin and his conclusion that there is no halakhic basis for *aliyyot* for women. Based the position of Nahmanides, it maintains that there is a distinction between personal and communal obligations, that *qeri'at ha-Torah* is a communal obligation and that the *baraita* in BT *Megillah* 23a (1) permits, in theory, a woman to discharge the communal obligation to provide a public Torah reading, and (2) it is *kevod ha-tsibbur* alone, and not issues of *hiyyuv*, that excludes women from *qeri'at ha-Torah*. Lastly it demonstrates from halakhic sources that *kevod ha-tsibbur* is not an absolute disqualification. R Riskin offers a short final response.

Biography: Mendel Shapiro practices law in Jerusalem and holds a J.D. from Columbia University and rabbinic ordination from Rabbi Isaac Elchanan Theological Seminary of Yeshiva University. His groundbreaking study, "*Qeri'at ha-Torah* by Women, A Halakhic Analysis" (*The Edah Journal* (1:2) *Sivan* 5761), has generated wide discussion in Orthodox circles and led to the establishment of a number of Orthodox *minyanim* in America and Israel where women receive *aliyyot*.

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Response to Shlomo Riskin

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R. Shlomo Riskin presents his opposition to women's *aliyyot* as the straightforward consequence of the teaching enunciated in *Mishnah Rosh ha-shanah* 3:8: "This is the general principle: one who is not himself under obligation to perform a religious duty cannot perform it on behalf of the congregation." According to R. Riskin, *qeri'at ha-Torah* embodies two distinct layers of halakhic obligation (*hiyyuv*). It is an Act of Sanctification (*davar she-bi-qedushah*) that can only take place in the presence of a quorum (*minyan*) of at least ten adult Jewish men. Because women are excluded from this requisite *minyan,* they are exempt from the *mitsvah* of *qeri'at ha-Torah,* and hence may not read the Torah on behalf of men, or otherwise participate in *qeri'at ha-Torah* as recipients of *aliyyot*. Furthermore, *qeri'at ha-Torah* is an aspect of the *mitsvah* of Torah study (*talmud Torah*) from which women are exempt, and so on this basis as well women cannot read on behalf of men.

Against this position stands the unequivocal statement of the *baraita* in BT *Megillah* 23a: "Our Rabbis taught: All may be included among the seven [called to the Torah on Shabbat], even a minor even a woman, but the Sages said that a woman should not read in the Torah because of the dignity of the congregation (*kevod ha-tsibbur*)." As I argue in my article,[1] this *baraita* teaches that it is *kevod ha-tsibbur* alone, and not issues of *hiyyuv*, that excludes women from *qeri'at ha-Torah*, and I go on to show that *kevod ha-tsibbur* is not an absolute disqualification. As for why the *baraita* appears unconcerned by the sort of objections raised by R. Riskin, I cite the almost universally accepted opinion of Nahmanides that *qeri'at ha-Torah* is a communal, rather than a personal, obligation (*hovat ha-tsibbur* rather than *hovat ha-yahid*). In other words, a congregation of ten Jewish men bears a communal obligation to provide *qeri'at ha-Torah* at designated times; however there is no personal obligation, even for men, to listen to *qeri'at ha-Torah*. Thus, the *baraita*, in theory at least, permits the congregation to discharge its duty to provide a public Torah reading by having the Torah read by women or minors. Only in the case of personal *mitsvot* do we require that one who performs on behalf of others be himself obligated on the same level. This is my argument in a nutshell and I believe that it is the mainstream view of *poseqim*.

Only in the case of personal mitsvot *do we require that one who performs for others be obligated on the same level*

The bedrock of R. Riskin's challenge to the practice of women's *aliyyot* is the undisputed fact that women are not specifically obligated in *qeri'at ha-Torah*. This fact can propel R. Riskin's argument to its destination only if it can be concurrently shown that men do bear such a defined obligation that women cannot fulfill on their behalf. In order to identify such an obligation, R. Riskin turns at the outset of his article to the question of the nature of *qeri'at ha-Torah*. It is at this initial stage that I believe his argument falters.

In formulating the halakhic nature of *qeri'at ha-Torah*, R. Riskin draws inspiration and authority from two published lectures of Rabbi Joseph

[1] Mendel Shapiro, "*Qeri'at ha-Torah* by Women: A Halakhic Analysis," *The Edah Journal* 1:2 (*Sivan* 5761 [2001]).

B. Soloveitchik ("the Rav") that articulate the religious impulses underlying *qeri'at ha-Torah*.[2] R. Riskin reads the Rav as defining *qeri'at ha-Torah* in terms of halakhic *hiyyuv*, an interpretation that leads to precluding women, who do not share in the *hiyyuv*, from reading Torah.

According to rabbinic tradition, *qeri'at ha-Torah* as practiced today was enacted in two stages. The original enactment is attributed to Moses, who, while the Israelites were still in the desert, ordained that the Torah be publicly read on the mornings of Shabbat, Monday and Thursday, so that the Israelites would never go for three days without Torah. Moses' *qeri'at ha-Torah* consisted of a single person called to read three verses (or three called to read one verse each). Ezra's subsequent enactment elaborated on Moses' and required that each reading include at last three people called to read a total of at least ten verses.

The Rav's lectures dwell on the nature of *qeri'at ha-Torah* as reflected in these two enactments. According to the Rav, Moses' enactment was that Jews hear Torah at least every three days because the sanctification of the Jewish person demands that he be existentially close to Torah, even if he does not grasp its meaning. Merely listening to Torah is a soul-soothing and spiritually exalting experience. Moses' enactment was modeled on the experience of *haqhel,* where all of Israel—men, women and children—were assembled to listen to God's word even without comprehending it (Rav I, p.180). Ezra's enactment that required a fuller reading, including a reading accompanied by translation (*targum*), supplemented Moses' enactment by demanding study and comprehension as well as listening.

R. Riskin parses the Rav's explication of *qeri'at ha-Torah* into halakhic categories. Moses' enactment, which aspired by way of *qeri'at ha-Torah* to bestow a spiritual experience of holiness, is what invests *qeri'at ha-Torah* with the halakhic status of *davar she-bi-qedushah*. Ezra's supplementary enactment further defines *qeri'at ha-Torah* as an act of Torah study. Thus, the way is now clear for R. Riskin to apply the principle stated in the *mishnah* in *Rosh ha-shanah*: Since women cannot be part of the *minyan* in which *devarim she-bi-qedushah* are said, and are not obligated in the *mitsvah* of Torah study, they cannot in any way perform or participate in *qeri'at ha-Torah* on behalf of men.

A discerning reading of the Rav's essays will show that the Rav could not possibly have contemplated R. Riskin's conclusions

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A discerning reading of the Rav's essays will show that the Rav could not possibly have contemplated R. Riskin's conclusions. There is, of course, the Rav's identification of Moses' foundational enactment with the biblical *haqhel*, which included the entire community, women and children, as well as men. But more basically, the essential theme of the Rav's exposition was to present *qeri'at ha-Torah* as originating in the profound spiritual awareness that at the core of Jews' existential connection to Torah is the concept of Torah study as cleansing and uplifting spiritual experience that transcends categories of *mitsvah* and *hiyyuv*. Thus, the Rav writes, in reference to Ezra's enactment:

> The basis (*mehayyev*) of *qeri'at ha-Torah* is not the *mitsvah* of study but the *mitsvah* of personal sanctification (*mitsvat qiddush ha-gavra*) by way of Torah study. (Rav I, p. 184)

and again:

> I wish to emphasize once again that the obligation of *qeri'at ha-Torah* is based not on

[2] "*Qeri'at ha-Torah ba-shabbat, ba-sheini u-va-hamishi*" [Torah reading on the Sabbath, Monday, and Thursday], in *Shi`urim le-zekher abba mari, zal* [Lessons in memory of my father and teacher, of blessed memory], part 1, pp. 176-197 (hereinafter Rav I), and "*Be-inyan taqqanat mosheh*" [Concerning Moses' ordinance], in id., part 2, pp. 213-230 (hereinafter Rav II).

the actualization of the *mitsvah* of *talmud Torah* but on the sanctifying and cleansing elements inherent in Torah study. (Rav I, p. 195)

This theme is reiterated in the second essay:

> The basis (*halot*) of this enactment [viz *qeri'at ha-Torah*] doesn't spring from the obligation of the *mitsvah* of *talmud Torah* but from the *mitsvah* of bestowing kindness (*gemilut hasadim*). The basis (*mehayyev*) is the people's thirst for Torah, for the soul is dried up and faints without Torah. The preoccupation with Torah is significant not only as an act of *mitsvah* (*ma`aseh mitsvah*) but also as an act that redeems man from his misery, from the spiritual distress in which he finds himself. There is a spiritual cleansing and personal sanctification through Torah study, and *qeri'at ha-Torah* was organized in order to achieve this. (Rav II, p. 221)

and again:

> Against this background, we understand why *qeri'at ha-Torah* was scheduled only once every three days. If the matter involved fulfillment of the general *mitsvah* of Torah study, the following question would have cried out: why did they not enact *qeri'at ha-Torah* every day? However according to what we have written, that *qeri'at ha-Torah* is required to overcome the [spiritual] exhaustion that follows from being diverted [from Torah], we can well understand why *qeri'at ha-Torah* was enacted for once every three days; because in a period of time of less than three days, a person doesn't sink into spiritual exhaustion. (Rav II, p.223)

These statements of the Rav are a piece of the broad tradition of Brisker teaching (*lamdanut*) that understood that the intense religious motivation animating *qeri'at ha-Torah* could not be diverted into conventional halakhic channels. This insight was not just a homiletic flourish, but was applied by the Rav to explicate the very *baraita* that includes women among the seven called to the Torah on Shabbat, and to explain why women, who are exempt from the *mitsvah* of Torah study, are required by *Shulhan Arukh* to recite the blessings associated with the Torah (*birkhot ha-Torah*). This the excerpt of the Rav's lecture as transcribed by a student:

> Rav Chaim *zt"l* answered [the question of why, according to *Shulhan Arukh*, women say *birkhot ha-Torah* even though they are exempt from Torah study, by saying] that *birkhot ha-Torah* do not refer to the obligation to study or on the fulfillment of an obligation, but to the very essence (*heftsah*) of Torah. And even the study of women connects with the *heftsah* of Torah. Rav Chaim proved this from the *baraita* that women are included in the number of seven [called to the Torah on Shabbat] even though they are not obligated. Nonetheless they can fulfill the obligation on behalf of others, because what we require is a *heftsah* of Torah.[3]

Torah belongs to all Israel irrespective of gender.

How, then, can R. Riskin possibly write:

> We have already noted Rabbi Soloveitchik's observation that the new ordinance meant that every member of the congregation was thereafter obligated and commanded to understand what was being read in each of the seven *aliyyot*. It follows that thereafter, one not so obligated, such as a woman, cannot discharge the duty of these who are obligated.

This statement, as well as R. Riskin's overall theory of *qeri'at ha-Torah*, explicitly contradicts both the word and spirit of the Rav's teachings. In fact, the Rav teaches that the experience of Torah broadcast by the public *qeri'at ha-Torah,* even as enacted by Ezra, is

[3] *MiBeit Midrasho shel ha-Rav* (Jerusalem 5778), p. 31.

essentially different from the standard *mitsvah* of Torah study. *Qeri'at ha-Torah* expresses Torah as the defining Jewish experience and as such it is the spiritual property of all Jews: men, women and children. To be sure, *qeri'at ha-Torah* includes important formal elements (*minyan*, for example) that obligate men more than women, but Torah, as an object of transcendent joy, comfort, spirituality and inspiration (the *heftsa* of Torah, in the Rav's Brisker terminology), belongs to all Israel, irrespective of gender.

The conviction that women have a portion in Torah is firmly established in our normative halakhic culture. Thus, as we have seen, R. Yosef Karo in *Shulhan Arukh* (*O.H.* 47:14) holds that women recite *birkhot ha-Torah* in the daily morning service even though they are exempted from the *mitsvah* of Torah study. This ruling is particularly significant in light of R. Yosef Karo's general stance that women may not recite blessings when voluntarily performing *mitsvot* from which they are exempt (Beit Yosef, O.H. 17). We saw above how the Rav and Rav Chaim bridged this disparity, but even earlier R. Joseph Babad in *Minhat Hinukh* (Positive Commandment 430) linked this ruling to the opinion of Nahmanides (Glosses on Maimonides' *Sefer ha-Mitsvot*, Positive Commandments not Mentioned by Maimonides, no. 15) that *birkhot ha-Torah* are not blessings arising from the *mitsvah* of Torah study, but blessings of thanksgiving to God for bestowing Torah on the Jewish nation. They are, therefore, incumbent upon women as well as men. Thus, women's exemption from Torah study is not a reason for excluding them from *qeri'at ha-Torah*, which, as we have seen, is a public ceremony invoking our community's most basic relationship to Torah.

While declaring himself to be following the Rav's view, R. Riskin in fact embraces a minority, dissenting view he finds in Me'iri (*Beit ha-behira* on *Megillah* 23a), who reports as follows:

> There is one who interprets ("*yesh mi she-mefaresh*") the statement [regarding women and minors] to have applied only when the intermediate readers read without [reciting] a blessing, and a woman could be one of the intermediate readers. But now that all [readers] recite a blessing, a woman does not read at all. And that is consistent with the rule, for how can she bless when she is exempt? But a minor, in any event, recites the blessing, for he has a connection to Torah study and others are commanded to teach him.

In my article (p. 12) I discuss this passage at some length. I point out that it is unlikely the view of Me'iri himself, who writes elsewhere (*Beit ha-behirah* on Berakhot 11b) that the blessings recited on *qeri'at ha-Torah* are not blessings preceding performance of the commandment (*birkhot ha-mitsvah*) to study Torah but are, instead, "blessings of praise" (*birkhot ha-shevah*) (*Beit ha-behirah* on *Berakhot* 46a). R. Riskin himself later in his article quotes Me'iri as holding that *qeri'at ha-Torah* is a sort of quasi-*mitsvah* to which concepts of obligation do not apply (Riskin, p.10).

R. Riskin draws from what is clearly a minority view

The view cited by Me'iri in the name of "one who interprets" is that of R. Isaac ben Judah and originated as part of a lengthy discussion in Tosafot of Rabbenu Tam's view that women may recite blessings when voluntarily performing "time-determined" positive commandments from which they are generally exempted (*Rosh ha-shanah* 33a, s.v. ha). As part of the Tosafot's "give and take," R. Isaac ben Judah suggested to Rabbenu Tam that the *baraita* of "all may be included in the number of seven … even women" be adduced as support to his opinion. Given that women are exempt from the *mitsvah* of Torah study, their

theoretical eligibility under the *baraita* to receive *aliyyot* and presumably to recite the *birkhot ha-Torah* appeared to R. Isaac ben Judah to be powerful evidence in favor of Rabbenu Tam's opinion that women may recite blessings when voluntarily performing mitsvot. R. Isaac's suggestion was apparently made to Rabbenu Tam directly, who rejected it outright on the grounds that the blessings of *qeri'at ha-Torah* are not *birkhot ha-mitsvah*, and therefore were not relevant to the discussion at hand.

By relying on R. Isaac ben Judah's suggestion, R. Riskin highlights that his own position draws from what is clearly a minority view of *birkhot ha-Torah* as *birkhot ha-mitsvah*, a view rejected by most poseqim. Moreover, this classification of *birkhot ha-Torah* would be effective to prohibit women's *aliyyot* only if it were combined with the opinion that women may never recite blessings when voluntarily performing commandments such as dwelling in a *sukkah* or taking a *lulav*. How ironic that R. Riskin, to whom we are indebted for his unparalleled leadership in opening up the world of serious Torah learning to Jewish women, should resist women's *aliyyot* on the basis of a narrow view of Torah study and *birkhot ha-Torah* that alienates women from their spiritual Torah heritage.

Even if, for argument's sake, we accept R. Riskin's position that *qeri'at ha-Torah* is an exercise of the *mitsvah* of Torah study, R. Riskin's blanket exclusion of women from *qeri'at ha-Torah* does not square with our halakhic intuitions. Suppose a learned, pious woman sounds the *shofar* in the synagogue on Rosh Hashanah on behalf of the entire congregation. Based on the rule of the mishnah in Rosh ha-shanah, there can be little question that the men of the congregation have not fulfilled their obligation to hear the *shofar* sounded, having heard it from a woman who is exempt from the obligation. But now suppose that after the service that same woman, who is exempt from the *mitsvah* of Torah study (or at least not obligated by it in the same sense as the men), delivers a lecture on the weekly Torah portion or the daily page of Talmud to a group of men. Would anyone deny that the men learning Torah from their woman teacher were fulfilling the *mitsvah* of Torah study to its fullest extent? It seems to me self-evident that a man fulfills the *mitsvah* of Torah study when he learns Torah from a woman.

It is self-evident that a man fulfills the mitsvah *of Torah study when he learns Torah from a woman*

Why is this so? The common sense explanation would seem to be that Torah study is a religious, intellectual experience that occurs in the mind and soul of the student. The learning may be facilitated by teachers—be they men or women—and by books or a myriad of other aids. In the final analysis, however, one cannot perform the *mitsvah* of Torah study on behalf of another, any more than one can fulfill the *mitsvah* to love God on behalf of another. Even if we grant R. Riskin his premise (unproven to my mind) that *qeri'at ha-Torah* is a fulfillment of the *mitsvah* of Torah study, women should still be able to read on behalf of men.

The second leg of R. Riskin's "obligation"-based argument is that women may not participate in *qeri'at ha-Torah* because they can not be included in the requisite minyan of ten men who are obligated to organize *qeri'at ha-Torah*. *Qeri'at ha-Torah* is a communal obligation (*hovat ha-tsibbur*) and since women are excluded from the community sponsoring *qeri'at ha-Torah*, they may in no way participate in it in order to help the men of the minyan fulfill their communal obligation.

This is a difficult argument, first and foremost because it doesn't sit well with the basic text on women's *aliyyot*, the *baraita* in Megillah that provides that women are included among the "number of seven" called to the Torah. Certainly, the Rabbis were aware that women

can not be included in the "number of ten" required for a minyan and yet, other than *kevod ha-tsibbur*, could offer no reason for excluding women from the "number of seven" participating in *qeri'at ha-Torah*. The Rabbis apparently were of the view that *qeri'at ha-Torah* was a functional obligation designed to bring Torah to the people, no matter who did the reading. This point is well made by Me'iri in a passage that R. Riskin himself cites:

> A minor reads from the Torah, for the intention is only to make it heard to the people, and it is not a full-fledged commandment invoking the rule that one who is not obligated cannot discharge the obligation of others (*Beit ha-behirah* on *Megillah* 24a).

R. Riskin's interpretation of Rosh is decisively refuted by Rosh's own words

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R. Riskin makes much of the fact that Me'iri mentions only minors and not women, but be that as it may, it does not detract from Me'iri's characterization of *qeri'at ha-Torah* as a type of quasi-*mitsvah* to which the rule "that one who is not obligated cannot discharge the obligation of others" does not apply. As to why Me'iri mentions only minors and not women, I would say that Me'iri was addressing the reality of his day where minors, but never women, did occasionally receive *aliyyot*, even if only to educate them for their future adult roles. Me'iri says as much in the passage we saw earlier (*Beit ha-behirah* on *Megillah* 23a, cited Ibid, p. 7), where he opines: "But a minor, in any event, recites the blessings, for he has a connection to Torah study and others are commanded to teach him."

Rosh makes the same point as Me'iri—that the purpose of *qeri'at ha-Torah* is for Torah to be heard—but includes women, as well as minors and slaves in the list of those eligible for *aliyyot*. R. Riskin discounts Rosh's inclusion of women by declaring that Rosh's comments applied only to the primordial *qeri'at ha-Torah* mandated by Moses' enactment, where the blessings were not recited and where the only demand was that the Torah be heard. It is difficult to imagine that Rosh, whose halakhic volumes are among the core works of our halakhic canon, would base his halakhic comments on a pre-empted, halakhically irrelevant form of *qeri'at ha-Torah*. But R. Riskin's interpretation of Rosh is most decisively refuted by Rosh's own words:

> And the fact that a minor and a slave and a woman who are not [obligated] with respect to Torah study are included in the quorum of seven [who receive *aliyyot* on Shabbat] is because the *sefer Torah* is there for the purpose of being heard, and the blessing is not in vain, for they do not bless "Who has sanctified us with his commandments and commanded us in the words of the Torah" but rather "Who has chosen us and given us [the Torah]."

Rosh was clearly referring to *qeri'at ha-Torah* as we know it, which includes the blessings, and it is with respect to such a *qeri'at ha-Torah* that he explains why women may be included. According to Rosh, minors, women and slaves, even if they are not among the "commanded" are among the "chosen," and on that basis may receive *aliyyot* and recite the blessings. Rosh is clearly in the mainstream tradition of *rishonim* and *poseqim* who included women in the Torah community in the broad sense. *Qeri'at ha-Torah* highlights and contributes to all of Israel's "choseness" and holiness in Torah, and not to Israel's "commandedness" by Torah.

Ran, to whom R. Riskin devotes much attention, presents an interesting wrinkle to the concept that *qeri'at ha-Torah*, being a communal obligation, may be performed by women. Ran writes that women, not being themselves fully obligated, may not "entirely fulfill" the obligation for others. R. Riskin concludes from this (fn. 11) that "[a]ccording to Ran women have no obligation with respect to Torah reading and therefore cannot discharge

the obligation of others." But if we look at the complete passage (as quoted by R. Riskin), we see that this is not Ran's position at all. Ran writes:

> All are counted toward the number of seven, even a woman, even a minor—This means they may complete the complement of seven, but not that they may all be minors or women, for inasmuch as they do not bear an obligation, they do not fully discharge [the obligation of the men]. And according to the original law, providing that only the first and last [people called up] recite the blessings, a woman and a minor on that account may not read first or last, for their blessings cannot discharge the obligation of the others. But now that the rabbis have ordained that all recite the blessings, a woman and a minor may even be the first or last to read, and since they read they certainly bless as well—as in the case of a minor who reads the *haftarah* from the prophetic books and recites the associated blessings. (Ran on Rif, *Megillah* 13a)

Ran is saying that women are eligible for *aliyyot*, especially "now" when each person called recites the blessings, but they may receive only some, but not all, of the *aliyyot*. In my article (Shapiro, p. 31), I identified Ran with the opinion of R. Isaiah of Trani (Rid) that women and minors could not be the exclusive recipients of *aliyyot* because the enactment of *qeri'at ha-Torah* included the proviso that at least some of the readers be adult males. Thus, when Ran writes that women may not "entirely fulfill" the obligation he is echoing the opinion that the communal obligation of *qeri'at ha-Torah* is not met when the readers are entirely women, and this is because women do not bear in the communal obligation to provide a public Torah reading.

As I point out in my article, Ran is in the tradition of *poseqim* (including Rivash, *Haggahot Maimuniyot* and Remah) who hold, to varying degrees, that at least some of the people called must be men. My own recommendation was that this restriction be applied in congregations offering *aliyyot* to women, and to the best of my knowledge, this is indeed the case. In any event, Ran cannot be understood to exclude women entirely from *aliyyot*.

Ultimately, R. Riskin must confront the *baraita* that presents *kevod ha-tsibbur* as the only obstacle to women's *aliyyot*. R. Riskin poses the question directly: "We may ask why the *baraita* uses the 'congregational dignity' rationale when it could simply have said that if women are called to the Torah, the congregation's obligation is not thereby discharged" (p. 28). R. Riskin's answer: "[This] is the meaning of the term 'dignity of the congregation' in this context: Given that the congregation is obligated with respect to reading of the Torah, there is no way for a woman not obligated to discharge the congregation's obligation with her reading. The dignity at issue is not discretionary or subject to waiver." In other words, *kevod ha-tsibbur* is just another way of stating the application of the rule that only one who is obligated in a *mitsvah* may perform that *mitsvah* on behalf of others.

R. Riskin cannot cite any classical or modern authority who mentions this interpretation

Were it not for the quest to find support for the prohibition of women's *aliyyot*, I doubt it would occur to anyone that this is a possible meaning of the term *kevod ha-tsibbur*. R. Riskin cannot cite any authority, classical or modern, who even mentions this interpretation, and can say only that it is "suggested" in R. Prof. Lieberman's commentary to *Tosefta Megillah*, and may be read into Maimonides as well. Reading both Maimonides and Lieberman's commentary to *tosefta*, it is difficult to find any suggestion of R. Riskin's novel interpretation.

In our respective articles, both R. Riskin and I discuss the *tosefta* (*Megillah* 3:1) parallel to the

baraita appearing in BT *Megillah*, and we cover much the same ground. The *tosefta* states: "All may be included among the seven [called to the Torah on Shabbat], even a woman, even a minor. We do not bring a woman to read to the public." The *tosefta* does not mention *kevod ha-tsibbur* and appears to accommodate women's *aliyyot* in limited circumstances. There are various opinions as to the proper interpretation of the *tosefta* and of its relationship to the *baraita* that prohibits women's *aliyyot* because of *kevod ha-tsibbur*. I have already mentioned the opinion of Rid and possibly Ran that the *tosefta* understood Ezra's enactment of *qeri'at ha-Torah* as including the proviso that there be a core group of adult male readers, with minors and women being permitted to join only as "associate" participants.

R. Riskin's definition of kevod ha-tsibbur *is so specific that it bears no similarity to the meaning of* kevod ha-tsibbur *generally used*

Commenting on the relationship between the *tosefta* and the *baraita*, Lieberman writes that the *baraita's* conclusion—"but the Sages said that a woman should not read in the Torah because of *kevod ha-tsibbur*"—is not of Tannaitic origin but is in fact an innovative gloss of the Babylonian Talmud that, by having the issue turn entirely on *kevod ha-tsibbur*, excluded women from *qeri'at ha-Torah* altogether, even as associate participants.[4] Beyond that, Prof. Lieberman does not "suggest" that *kevod ha-tsibbur* relates to issues of obligation, or that *kevod ha-tsibbur* may not be waived.

Maimonides (*Hilkhot Tefillah* 12:17) drops the opening, inclusive phrase of the *baraita* that "all may be included in the number of seven…including women" and simply rules that "a woman should not read for the congregation because of *kevod ha-tsibbur*." R. Riskin infers from Maimonides' unqualified prohibition of women's *aliyyot* that Maimonides "appears to have understood the *baraita* as we have suggested for the *tosefta*: because of congregational dignity, a woman cannot discharge the obligation of men with respect to Torah reading" (Riskin, p. 27). Again, without any obvious support or textual necessity, R. Riskin dissolves the concept of *kevod ha-tsibbur* into notions of *hiyyuv*.

R. Manoah of Narbonne, in his commentary on Maimonides, offers an interpretation that appears truer to text, and places Maimonides in what I believe to be the halakhic mainstream. R. Manoah writes as follows with respect to *Hilkhot Tefillah* 12:17.[5]

> A Woman should not read for the congregation. Were it not for *kevod ha-tsibbur* she would read and recite the blessings, because just as Torah was given to the male Israelites so it was given to the female [Israelites] … And if you shall ask: women are not commanded with respect to Torah study, as it is written [in Scripture] "and you shall teach them to your sons" and we derive from this "your sons and not your daughters"? Answer as follows: Indeed women are not commanded in Torah study and therefore cannot bless "Who has sanctified us with his commandments and commanded us to occupy ourselves (*la`asoq*) with the words of Torah, but they were nonetheless commanded with respect to the *mitsvot* written in the Torah, and therefore they can bless "Who has chosen us" (*asher bahar banu*) and "Who has given us" (*asher natan lanu*) and read in the Torah same as men, were it not because of *kevod ha-tsibbur*.

All in all, R. Riskin's definition of *kevod ha-tsibbur* is so specific to the case of women's *aliyyot* that it bears no similarity to the meaning of *kevod ha-tsibbur* as generally used. The term *kevod ha-tsibbur* appears at least six times in the

4. R. Saul Lieberman, *Tosefta ki-feshutah, Megillah*, p. 1177.

5 R. Manoah of Narbonne, *Sefer Ha-menuhah*, v. 1, (Eliezer Horowitz, ed., Jerusalem), p. 186. I am grateful to Rabbi Shimon Altshul for bringing this source to my attention.

6 BT *Yoma* 70a.

Talmud and *poseqim* as a reason to restrict certain practices, including women's *aliyyot*, improper dress during synagogue service, rolling the Torah scroll during the service, reading from a *humash* (which contains only one book of the Torah) rather than from a Torah scroll, sitting while reading the Scroll of Esther publicly, and appointing a physically immature (unbearded) cantor. The common purpose of all these cases is to avoid unnecessary bother to the congregation, or disturbance to the gravity and propriety of the service. In at least some of these cases our contemporary practice accepts varying standards. Thus, the sort of dress that is common in the synagogue of a religious kibbutz would violate *kevod ha-tsibbur* in a Haredi synagogue. Modern Orthodox synagogues today encourage young, post *bar-mitsvah* boys to lead prayers on a regular basis.

On a holiday when two different passages of the Torah are read, a synagogue with only one Torah scroll will roll it in public from one reading to the other, though in Talmudic times the second reading might have been recited by heart in order to avoid scrolling.[6] These cases point to *kevod ha-tsibbur* as a dynamic, functional, common sense concept that is meant to uphold the dignity of the congregation in a way that makes sense in its particular context and social milieu. In none of these cases does the term *kevod ha-tsibbur* even hint at objective issues of *hiyyuv*. For his idiosyncratic definition of *kevod ha-tsibbur* to be at all compelling, R. Riskin would have to explain how the term can comprehend such entirely different concepts and why, particularly in the case of women's *aliyyot*, the Rabbis chose to cloak close, technical issues of *hiyyuv* in the loose, evocative terminology of *kevod ha-tsibbur*.

Understanding *kevod ha-tsibbur* as a sort of restatement of the rule that "one who is not himself under obligation to perform a religious duty cannot perform it on behalf of the congregation" leads naturally to the conclusion that *kevod ha-tsibbur*, at least in the case of women's *aliyyot*, is an objective, non-waivable standard. The congregation may no more consent to women's *aliyyot* than it may to a woman's blowing *shofar* on behalf of the congregation on Rosh Hashanah. Thus, with a single conceptual stroke, R. Riskin obtains two objectives: he provides a principled reason for prohibiting women's *aliyyot,* and he further explains why *kevod ha-tsibbur* may not be waived.

There are Orthodox women for whom prohibiting women's aliyyot *is a painful, undignified alternative.*

R. Riskin is thus spared a full discussion of the concept of *kevod ha-tsibbur*, but I would like to comment, by way of conclusion, on the two sources he cites in this regard. In my article, I cited Maimonides' *responsum* (Blau 294) with respect to reading from a *humash* when a proper *sefer Torah* was unavailable. The Talmud (*Gittin* 60a) generally prohibits this practice because of *kevod ha-tsibbur*, explained to mean that reading from a *humash* shows the community to be too impecunious to purchase a proper *sefer Torah*. I cite this *responsum* to show that *kevod ha-tsibbur* is a secondary objection that is invoked when no primary objection can be raised. In the case of women's *aliyyot*, that means that if unassailable arguments based on *hiyyuv* were available to prohibit the practice, they would have been raised before "falling back" to the secondary reason of *kevod ha-tsibbur*. As Maimonides writes in permitting *humashim* to be used:

> There is no conceivable defect [in a *sefer Torah*] more serious than that of a *humash* … so why did [the Talmud] give the reason of *kevod ha-tsibbur*? They should have given the reason [for the prohibition of reading from *humashim*] that it is defective and the blessing would be a blessing said in vain.

[6] BT *Yoma* 70a.

In other words, offering a secondary reasoning such as *kevod ha-tsibbur* shows that there is no primary, absolute objection.

R. Riskin writes that I am guilty of "fallacious reasoning" to argue on the basis of this *responsum* that *kevod ha-tsibbur* might be waived to allow women's *aliyyot* (Riskin, p. 31). In the case of *humashim*, there is no choice but to waive *kevod ha-tsibbur* because the alternative is forgoing *qeri'at ha-Torah*. The case of women's *aliyyot* threatens no such stark consequence, as it is always possible to call men.

R. Riskin raises the same objection to my citation of the well known *responsum* of Maharam of Rothenberg, that in a city entirely populated by *kohanim*, women should be called to the Torah after the first two *aliyyot*. Again, R. Riskin wonders: "how can one claim to reason from this case [city of *kohanim*], in which no alternative is available, to a case [women's *aliyyot*] in which there is a clear alternative, by calling a man instead of a woman?" (Riskin, p. 32).

But of course in the case of the city of *kohanim* there is a clear alternative: call only *kohanim*, as suggested by Rashba and other *poseqim* who did not accept Maharam's ruling. Surely Maharam was aware of this possibility, but after weighing the alternatives—potential impairment of *kevod ha-tsibbur* vs. potential questioning of a *kohen*'s status—concluded that he preferred calling women.

Also, Maimonides' case of reading from *humashim* offered alternative solutions, including the disagreeable alternative of not having a public Torah reading. Certainly Rashba and others were prepared to forfeit a proper *qeri'at ha-Torah* in order to avoid reading from a *humash,* and Maimonides was aware of this option, mentioning it in his *responsum*. He weighed the alternatives and decided to waive *kevod ha-tsibbur*.

R. Riskin can see no necessity or even urgency for women's *aliyyot* because there is always the alternative of giving *aliyyot* exclusively to men. But there are Orthodox women and communities who disagree, and for whom prohibiting women's *aliyyot* is a painful, undignified alternative. It is these people to whom my article was addressed. Should not the feelings and dignity of those women receive the same empathetic consideration that Maharam gave to the feelings and dignity of the *kohanim* in his city of *kohanim*?

Halakhic decision-making involves recognizing and choosing among frequently imperfect alternatives. Exploring alternatives acknowledges the possibility that different circumstances may call for different results and that a myriad of considerations must be weighed and balanced. It means as well that not every scholar will arrive at the same conclusion, as each one identifies and weighs alternatives based on his or her best judgment and experiences.

R. Riskin stakes out much the same ground as did Rabbi Gidon Rothstein whose critique of my article appeared in *TRADITION*,[7] and I believe that much of what I wrote in response to Rabbi Gidon Rothstein's critique applies to R. Riskin as well.[8] Rabbis Riskin and Rothstein strive to establish a prohibition of women's *aliyyot* on an objective halakhic basis, without reference to social issues or circumstances. According to Rabbi Rothstein, *kevod ha-tsibbur* refers to the denigration of the *mitsvah* of *qeri'at ha-Torah* that occurs when it is performed by women who are not part of the "obligatory community." This argument is similar in many of its important features to R. Riskin's argument, and I believe it suffers from many of the same difficulties. The shared endeavor of both scholars is to transform the socially sensitive concept of *kevod ha-tsibbur* into an objective standard based on *hiyyuv*.

[7] Gidon Rothstein, "Women's Aliyot in Contemporary Synagogues," *TRADITION* 39,2 (Summer 2005).
[8] Mendel Shapiro, "Communications," *TRADITION* 40:1 (2007), pp. 107-116.

By transforming the socially sensitive concept of *kevod ha-tsibbur* into an objective halakhic demand based on *hiyyuv*, Rabbis Riskin and Rothstein avoid dealing head-on with halakhic issues exacerbated by our communities' encounter with modern culture. Defining *kevod ha-tsibbur* as an objective, unyielding standard relieves *poseqim* from the difficult and delicate task of weighing competing demands and making difficult choices. It unnecessarily presents women's *aliyyot* as an impossibility.

Rabbis Riskin and Rothstein avoid dealing head-on with halakhic issues exacerbated by the encounter with modern culture.

This approach fits those sectors of the Modern Orthodox community that are at the delicately balanced cusp of a movement that combines unswerving devotion to halakhic observance with broad assimilation of general cultural attitudes and values. A full discussion of the issues raised by women's *aliyyot* may expose stressful aspects of Orthodox attitudes to gender and contemporary culture. Better to offer a formal, categorical basis for opposing women's *aliyyot*, one that does not dwell on notions of *kevod ha-tsibbur* that might be seen as denigrating women. Unfortunately, such arguments, which disregard broader issues, are often forced, placing an unfair burden on the sources.

My own feeling is that the Modern Orthodox community is mature enough to have a full discussion of the broad issues raised by our encounter with modernity in general and gender issues in particular. In fact, such discussions do take place in *shuls* and around Shabbat tables, and I sense a growing appreciation of the nuances and multiple choices *halakhah* offers. We would all be enriched if our *poseqim* would join these conversations.

Finally, it was never my intention to argue that women must have *aliyyot,* or that a synagogue that doesn't give women *aliyyot* is religiously deficient. My desire was to open up inclusive options that I believe are embedded in *halakhah*, and that would draw the halakhic circle a bit wider than it is today and welcome more into the Torah community. Ultimately, as emerges so beautifully from the Rav's teachings on *qeri'at ha-Torah*, we are all partners in Torah and connected by it.

Response to Mendel Shapiro

Shlomo Riskin

1. *Kevod ha-tsibbur* and Halakhic Obligation

Rabbi Shapiro seems to have overlooked the initial and primary source for the question of women's *aliyyot,* a source that I maintain defines the meaning of *kevod ha-tsibbur* in our context. The *tosefta* (*Megillah* 3:11, Lieberman Edition, p. 356) states, "All are qualified to be among the seven (who receive *aliyyot* on the Sabbath), even a woman and even a minor; a woman is not brought to read for the public." The *tosefta's* unequivocal prohibition of a woman's being called "to read for the public" immediately after permitting a woman to be called "among the seven", forces us to interpret the permissive qualifications of women to be limited to the periods when the seven *aliyyot* were not obligatory for the male congregation—a historical situation whose development that I document in my article: Women could be called to the Torah among the seven, but only as additions to the one *`oleh* obligated by Moses or to the three *`olim* obligated by Ezra, and before the period when each *`oleh* was required to recite the blessings preceded by *barekhu*.

Indeed, this is the interpretation taken by the majority of our classical commentaries, including Rambam, Rabbenu Tam, Me'iri, Ran, Rashba, *Tosafot Rid*, *Beit Yosef* and Rav Professor Saul Lieberman. It is clear that the Me'iri is not a lone and dissenting voice, as suggested by R. Shapiro.

Furthermore, one can easily refute Rabbi Shapiro's contention that since public Torah reading is not a personal obligation for each individual male it is not required that one who performs it on behalf of others be him/herself obligated on the same level, is easily refuted. The *mishnah* (*Rosh ha-shanah* 3:8) teaches in a clear and unequivocal manner, "This is the rule: Anyone who is not obligated regarding a certain matter cannot discharge the congregation of its obligation concerning this matter." The simple meaning of this text—and a *mishnah* (no less than a Biblical verse) is dare not to be removed from its clear and obvious interpretation—does not differentiate between personal and communal obligations.

Indeed, the very mishnah "(Megillah 4:3) that insists upon a quorum of ten males for communal obligations links communal prayer with communal Torah reading: "One does not lead the congregation as Cantor-Agent, nor do (the priests) lift their hands in public benediction, nor is the Torah read publicly… except in the presence of ten, " causing Nahmanides to comment, "the matters taught in our mishnah pertain only to those obligated in the matter," i.e., to the community of men (*Milhamot ha-shem*, pp. Rif 3a). Hence, the proper interpretation of the conclusion of the tosefta is: "a woman is not brought to read for the public," since she who is not obligated cannot discharge the obligation for the male community, which is obligated. The fundamental reason excluding women from being obligated to perform personal mitsvah obligations (i.e.,

their being positive commandments determined by time) similarly applies to communal *mitsvah* obligations, as the *`Arukh ha-shulḥan* comments in noting women's exemption from public Torah reading: "There is no greater degree of time-boundedness than this" (*`Oraḥ Ḥayyim* 882:11).

From this perspective, we can understand the *beraita* in *Megillah* 23a as a re-statement of the *tosefta*, expressing first the initial stage, when women could be called as "extras" among the seven *aliyyot* at a time when only one or three readers were actually obligatory; but now that all seven are obligatory, women cannot be included "out of respect for the congregation of males,", who are obligated and whose obligation cannot be discharged by those who are not obligated. (As the *tosefta* concludes, "a woman may not be bought to read for the public.") This seems to be the understanding of Maimonides' understanding, who provides only one reason for precluding women, without two stages: "A woman may not be called to the Torah because of the dignity of the congregation" (*Hilkhot Tefillah* 12:17). Or the *beraita* may be taken as Prof. Lieberman understands it, to be adding a stringency to the *tosefta:* if the *tosefta* had initially granted the possibility of women being called to the Torah for non-obligatory *aliyyot*, the beraita then forbade women from being called even for those "extra" *aliyyot* "because of the dignity of the congregation"; it would cast aspersions upon the men who are obligated, if women who were not obligated would be needed to fill in the gaps even for the non-obligatory *aliyyot*! (*Tosefta ki-peshutah* on *Megillah,* p.1178, see too Rav Y.H. Henkin, *The Edah Journal* 1:2, who cites *Petaḥ d'evir* 282,9 and Rav Avraham Min Hahar who gave similar commentaries). In either case, the *beraita*'s *kevod ha-tsibbur* is directly connected to women's obligation—or lack thereof—to thewith respect to public Torah reading, rather than serving as a demeaning statement about as to the nature of women and their relationship to Torah.

2. Rav Soloveitchik's Position

R. Shapiro maintains that I misinterpreted Rav Soloveitchik, for whom *qeri'at ha-tTorah* is not the *mitsvah* of Torah study but rather a *mitsvah* of personal sanctification (*mitsvat quiddush ha-gavra*) by way of Torah study (Rav I. p. 184), and that women's Torah study "connects with the *ḥeftsah* of Torah." He therefore concludes that, for R. Soloveitchik, "the intense religious motivation animating *qeri'at ha-Torah* could not be directed into conventional halakhic channels… Torah belongs to all Israel, irrespective of gender."

Rav Shapiro cannot have it both ways. On the one hand, he maintains in his original *Edah Journal* article that women can fulfill the obligation of public Torah reading for men because the only thing accomplished by the Torah reader is the vocal expression of the words that which must be heard by the listeners, and on the other hand he now refuses to take seriously the specific and novel distinction made by R. Soloveitchik between the initial enactment of Moses—which was to have the Torah heard, audibly—and the second enactment of Ezra, which was to have the Torah learned and understood with the addition of the oral law. He then takes another jump, arguing that "our halakhic institutions" demand that even if *qeri'at ha-Torah* is an exercise of the *mitsvah* of Torah study, "it is self-evident that a man fulfills the *mitsvah* of Torah study when he learns Torah from a woman."

Of course a male fulfills the *mitsvah* of studying Torah when he learns Torah from a woman, and women certainly connect with the *heftsah* of Torah, as we see from the *mitsvah* of *haq'bel.* But these have nothing at all to do with the enactment of the public Torah reading according to R. Soloveitchik. Here he clearly differentiates between a reading of the Written Law—the enactment of Moses, and one that—which certainly sanctifies the individual, and inspires towards the acceptance of the yoke of

the divine kingship—and the public teaching of the Written Law combined with the Oral Law, which was the enactment of Ezra. "In truth," writes R. Soloveitchik,

> the greatness of the (public teaching of the) Oral Law is expressed in its unique relationship to the man of Israel, entirely different from the connection to the (public reading of the) Written Law, (the Mosaic Enactment), for an individual or a congregation. Certainly the one who learns the Written Law is sanctified…, is tied to it, is in direct association with it… But it is only the Oral Law that becomes completely merged with the individual who studies it. Where is the Oral Law written? Not on parchment but rather within the heart of the man, on the ridges of his brain, in his psyche and in his soul…" (*Shi`urim le-zekher abba mari*, p. 177). This is precisely what R. Soloveitchik meant when he referred to "the *mitsvah* of personal sanctification by way of Torah study", a specific expression added by Ezra and pertinent to a quorum of men.

Thus in the excerpt of the Rav's lecture as transcribed by a student (to tractate *Megillah* 23b), in interpreting the words "they do not publicly read the Torah with less than ten (males)," R. Soloveitchik states,

> We must learn from the formulation of the blessing which opens with '*Bareckhu*'"… Why do we introduce the public Torah reading with '*barekchu*'? After all, in the Torah blessings of the individual each morning, there is no mention of '*barekchu*'. But this is the notion of which we have been speaking: the public Torah reading (as enacted by Ezra, which includes the Oral Law) is a matter of public sanctification… The acceptance of the yoke of the heavenly Kingship which is hidden and imbedded in the (Written Law) reading must be publicly expressed, must be taken out from that which is understood and felt to that which is explicit and acted upon.

And this special addition can only be discharged by a quorum of no less than ten males. This, according to Rav Soloveitchik, is the particular force of the *barekchu*, signaling a *davar she-bi-qedushah* requiring a quorum of ten males for the public Torah reading.

Yes, as Rav Shapiro said so well, although the *mitsvah* of repentance applies to men as well as to women, nevertheless, the specific *mitsvah* of blowing the *shofar* on *Rosh Hashanah*—the positive commandment determined by time which summons Israel to repentance—can only be effectuated by a male.

Similarly, while the *heftzsah* of Torah connects to women as well as to men, the specific Oral-Law aspect of the *heftzxah* of Torah embodied in the time-bound communal command of public Torah reading applies only to the community of men, who were obligated to discharge it. And certainly for Rav Soloveitchik, the *ish halakhah*, par excellence, the intense religious motivation animating *qeri'at ha-Torah* can only be defined by its being diverted into conventional halakhic channels—in this case *barekchu*, a *davar she-bi-qedushah*, and a quorum of ten males.

Having said this, I am indebted to Rav Shapiro for having opened a full discussion of the broad issues raised by the encounter of *halakhah* with modernity in general and gender issues in particular: It also should be clear from my study that from purely halakhic perspective, there may well be room for a woman to be called up to the Torah for the reading of the *maftir* and the *haftorah* as well as for *hosafot* (additions) to the seven obligatory Torah readings as long as there is a proper *mehitsah* in the synagogue.

Meorot
A Forum of Modern Orthodox Discourse

"New Year" or "Beginning of The New Year"?

Yoel Bin Nun

Abstract: This article addresses a number of biblical textual difficulties, namely, "Why is there no mention of *Rosh ha-Shanah*?" and "How is it possible that the year begins on the first day of the seventh month (*Tishrei*), while the 'festival of the ingathering' (i.e., *Sukkot*) occurs at the end of the year? It is clear from other passages in the Pentateuch that the "festival of the ingathering", i.e., the festival of *Sukkot*, represents the end of the year; not the beginning. The article argues that in biblical language *Rosh ha-Shanah* means "the beginning of the year" and that *Rosh ha-Shanah* is not one day, but a period when the end of the previous year and the beginning of the new year overlap.

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"New Year" or "Beginning of The New Year"?*

Yoel Bin Nun

A. The "Year" in Torah

Our Sages refer to 1 *Tishrei* as "*Rosh ha-Shanah*"—the New Year. This appellation, however, goes unmentioned in the Torah, which even contains verses that clearly contradict the idea that this date represents the beginning of the year.

Several verses state explicitly that the year ends with the festival of *Sukkot*:

> And the festival of the harvest, the first fruits of your labors, which you have sown in the field, and the festival of the ingathering, at the end of the year, when you gather in your labors from the field" (Exod. 23:16).
>
> And you shall observe the festival of weeks, of the first fruits of the wheat harvest, and the festival of the ingathering, at the end of the year" (ibid. 34:22).
>
> At the end of every seven years, at the time of the year of *shemittah*, on the festival of *Sukkot*…" (Deut 31:10).

In the various textual units devoted to the festivals, *Sukkot* and *Shemini Atseret* are always at the end of the year. We find this in *Parashat Emor* (Lev. 23), again in *Parashat Pinhas* (Num. 29), and again in the listing of the festivals in *Parashat Re'eh* (Deut.16), which concludes with the summation:

> Three times in the year all of your males shall appear before the Lord your God, in the place which He will choose: on the festival of *matsot*, and on the festival of weeks, and on the festival of *Sukkot*…" (Deut. 16:16).

According to all of these sources, the "festival of the ingathering" i.e., *Sukkot*, is at the end of the year, with the new year beginning after *Sukkot*.

To this we must add, of course, the fact that the day which we call *Rosh ha-Shanah*, and which the Torah refers to as "the day of the [*shofar*] blast" (*yom teru`ah*), falls on the first day of the *seventh month* (Lev. 23:24; Num. 29:1), not of the first month. The first month is the "month of *aviv* [spring]" (Exod. 12:2; 13:4). The first day of the seventh month is the "day of the [*shofar*] blast," but nowhere does the Torah refer to it as the "New Year."

The Torah attests unequivocally that the new year begins after *the festival of* Sukkot

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The verses cited above from various places in the Torah attest unequivocally that the year begins after *Sukkot*. While we may point to contradictions, contrasts, and different aspects of a great many subjects in the Torah, here the matter is clear: the evidence is unequivocal, and it would appear to stand in stark contradiction to our tradition.

Seemingly, we would expect, the "beginning of the months" ("the month of spring") should be referred to in the Torah as the "New Year." But this is not the case: according to all of the verses cited above, the festival of *Sukkot* represents the end of the year, such that the "year" in the Torah starts immediately thereafter. Moreover, another group of verses proves that a "year," as the Torah perceives it,

* Translation by Joel Linsider.

is the agricultural year; it begins in the sowing season, with the first rains:

> So long as the earth remains—sowing time and reaping time, and cold and heat, and summer and winter, and day and night, will not cease. (Gen. 8:22).
>
> And for six years shall you *sow* your land and *gather* in its produce. But the seventh year you shall let it rest and lie fallow, that the poor of your people may eat… (Ex. 23:10-11)
>
> For six years you shall *sow* your field, and for six years you shall prune your vineyard and *gather* in its produce. But in the seventh year there shall be a Shabbat of rest for the land, a Shabbat for God; you shall **not sow** your field, nor shall you prune your vineyard. You shall not reap that which grows on its own of your harvest, nor shall you gather the grapes of your undressed vine; it shall be a Shabbat of rest for the land. (Lev. 25:3-5).
>
> You shall count for yourself seven Shabbat cycles of year… and you shall sanctify the fiftieth year… that fiftieth year shall be a jubilee to you; you shall not sow, nor shall you reap that which grows on its own in it, nor shall you gather in it the grapes of your undressed vine. (ibid., 8-11).
>
> According to the number of years following the jubilee shall you buy from your neighbor; and according to the number of years of produce shall he sell to you… (ibid., 15).
>
> For the land to which you come, to take possession of it… it is a land of hills and valleys; it drinks water from the rain of the heavens; [a land] which the Lord your God cares for; the eyes of the Lord your God are always upon it, from the beginning of the year to the end of the year. And it will be, if you diligently obey My commandments… and I will give the rain of your land at its time – the first rain and the latter rain – and you will gather in your corn and your wine and your oil… (Deut. 11:10-15).

Here again, we find that the verses are unequivocal in their testimony that the Torah "year" is agricultural; it begins in the season of sowing, with the first rains (*yoreh*). Therefore the expression "From the beginning of the year until the end of the year" means: "the first rains and the latter rains" (i.e., the rainy season) and the ingathering of the corn, wine and oil (i.e., the days of summer and the ingathering). Such a year would seemingly begin and end in the month of *Marheshvan,* which is when the first rains come and when the olives are pressed, rather than in *Tishrei*. The verses mentioning the festival of *Sukkot* (= the festival of ingathering) at the end of the year, and those concerning the sowing at the start of the rainy season (the *yoreh*) at the beginning of the year, are manifestly in accord with each other. The problem is that they do not conform to the idea of the first day of the seventh month as the "New Year".

B. Beginning of the Year

One point, however, undermines the uniformity of the textual presentation: the Torah lists no festival that falls on *Rosh Hodesh* except for this "day of the [*shofar*] blast." Indeed, it is logical that *Rosh ha-Shanah* should fall on *Rosh Hodesh* (if for no other reason than that in a leap year we do not add a day, but rather an entire month). The answer to this puzzle is to be found in the unit describing the jubilee year:

> And you shall cause the *shofar* to be sounded on the tenth day of the seventh month; on *Yom Kippur* you shall cause the *shofar* to be sounded throughout your land. And you shall sanctify the fiftieth year. (Lev. 25:9-10).

The annual "day of the [*shofar*] blast" (*yom teru`ah*) falls on the first day of the seventh month. In the verse above we are told that the "sounding of the *shofar*" (*shofar teru`ah*) heralds the start of a new and special year—the jubilee year, and this takes place on *Yom Kippur*. Why? What can we learn from this? Here, in the middle of a unit that has touched several times

on the agricultural year, beginning with the sowing, we discover an explicit "New Year" that begins with a "sounding of the *shofar*," and in the seventh month—prior to *Sukkot*. But this New Year falls on *Yom Kippur*, on the tenth of the month! Clearly, then, the year still begins in the seventh month, with a sounding of the *shofar*, on a festival which falls on *Rosh Hodesh*; it is only the jubilee year which starts on *Yom Kippur*. But why does the jubilee year start on *Yom Kippur*, on the tenth of the month? And how can we reconcile all those verses that talk about an agricultural year that begins with sowing, with the first rains (in the month of Marheshvan), with the verse that establishes the beginning of the jubilee year on *Yom Kippur*?

The answer occurred to me after years of searching and pondering: *Rosh ha-Shanah* in the Torah is not a day, but rather a *season*. It is a period of transition which includes all the festivals of the seventh month (*Tishrei*), from the "day of the [*shofar]* blast" up until *Shemini Atseret*. The "day of the [*shofar*] blast" is nothing more than the beginning of the month in which the year begins, and in which the previous year also ends.

The agricultural year is a solar year (approximately 365¼ days), and it is approximately eleven days longer than a period of twelve lunar months. The new year, if it is counted by months, must therefore begin, in the formal sense, before the previous year has ended,. The seventh month is the period during which a new year starts and the old one ends; in other words, it is the "marking of [the period of] a year" (*tequfat shanah*). The agricultural year, on the other hand, is not dependent in any way on a lunar *Rosh Hodesh*, and therefore the principal ingathering – of the threshing floor and of the vineyard – ends with the festival of ingathering (*Sukkot*).

Shemini Atseret is therefore the agricultural "*Rosh ha-Shanah*"—the New Year for sowing and for rain, and this remains so to this day, in our prayers and in our consciousness. This reconciles all the verses which prove that the "festival of the ingathering" (*Sukkot*) is "at the end of the year," as well as all those verses in which the year begins with the first rain (*yoreh*) and with the sowing. Indeed, *Shemini Atseret* is close to the beginning of the rains and the sowing, but the "New Year" cannot fall in the middle of a month—just as a month cannot formally begin in the middle of a day or night, even though that may technically be the case. Therefore, the Torah establishes the *Rosh Hodesh* of the seventh month as *the start of the month which represents the beginning of the year* (*rosh reishit ha-shanah*), and this in itself bears ample testimony to its special role.

Rosh ha-Shanah *in the Torah is not a day, but a* season.

Why does the Torah not refer to the day as "*Rosh ha-Shanah*"? Because, as posited above, the "New Year" in the Torah is not a day, but rather a period of twenty-two days, starting on *Rosh Hodesh* of the seventh month, the "day of the [*shofar*] blast"; continuing through *Yom Kippur*, the start of the jubilee year; and ending on *Shemini Atseret*, which follows immediately after the "end of the year" on the festival of ingathering, and which is the beginning of the agricultural year, for rain and for sowing.

Each day during this period has something of "*Rosh ha-Shanah*" about it, but the "day of the [*shofar*] blast," *Yom Kippur*, and *Shemini Atseret*, are special days; each of them has a special connection with some or another aspect of "*Rosh ha-Shanah*." The "day of the [*shofar*] blast" is the beginning of the lunar month that introduces the agricultural, solar year, since it is the beginning of the lunar month in which the year changes. *Yom Kippur* is the general day of atonement for the entire year that has passed, for all of its sins; and it is in fact the last complete day of the previous year, as we shall see below. *Shemini Atseret* is indeed the agricultural New Year because it comes at the time of the rains and the sowing.

The *Tanakh* offers proof for and a hint to this perception: The proof is from the expression used by the prophet Ezekiel (40:1) for *Yom Kippur*: "In the twenty-fifth year of our exile, on the New Year [i.e., beginning of the year] on the tenth of the month". This could have been a jubilee year, which is declared on *Yom Kippur*, as taught by our Sages (*Arakhin* 12a). But this is not necessarily the plain sense of the verse, which may simply mean, "at the beginning [period] of the year, on the tenth of the month."

The perception of time in the Torah and in religious thought is not linear and detached.

The hint lies in the fact that the *musaf* (additional) sacrifice specified for the "day of the [*shofar*] blast", for *Yom Kippur*, and for *Shemini Atseret* are all the same: **one** ox, one ram, and seven ewes (and a goat as a sin offering; Num. 29). This is in contrast to the additional sacrifice of *Rosh Hodesh*, the festival of *matsot*, and the festival of Shavuot, which are likewise characterized by identical additional sacrifices (two oxen).

Still, we must ask: if the festival of the ingathering (*Sukkot*) must fall "at the end of the year," and if the agricultural New Year is related to the season of rain and sowing, and if "*Rosh ha-Shanah*" must fall on "*Rosh Hodesh*," then why did the Torah not choose *Marheshvan*, and establish a festival on *Rosh Hodesh* of this *eighth* month, which is actually closer to the beginning of the sowing and the rainy season?

Furthermore, for what reason does the "day of the [*shofar*] blast" (*yom teru`ah*) mark the *Rosh Hodesh* of the beginning of the year every year, while in a jubilee year the "sounding of the *shofar*" (*shofar teru`ah*) announces the sanctification of the jubilee year specifically on *Yom Kippur*? More generally, why in fact should there not be one day that that the Torah recognizes as the beginning of the year, in the way that "*Rosh ha-Shanah*" is perceived by the Sages?

C. The Cyclical Significance of the Calendar: Links in a Chain

The answer requires two introductory remarks—one theoretical, the other going back to the foundations of the dual calendar and the calculation of the leap years. The perception of time in the Torah particularly, and in the world of religious thought in general, is not linear and detached. It is inconceivable, from this perspective, to circle specific dates in an office diary, or to tear off pages with days that have gone by. Nor is the perception a legal, contractual one, where the date is nothing but a device to be used for thoughtful and fair management of the complex relationships between people with their inclinations and their disagreements.[1] Rather, the religious view of time is built on a consciousness of continuity, cyclical repetition, and remembrance.

In a continuous consciousness, no day stands alone; it is always connected with the previous day and the following day, in a chain of successive links (as reflected in the Hebrew expression, *mi-yamim yamimah*, meaning "year in, year out"). In a cyclical consciousness neither a day nor a period can stand alone. They are part of a chain that connects them to periods that have already come and gone, and especially to the parallel period last year and in previous years. They also look into the mists of the period that is to come, and of future years.

This consciousness is also inseparably bound up with the cyclical order of nature. Every season in nature is accompanied by its own special feelings, appearance, and familiar smell of sunsets and sunrises; days growing shorter and growing longer; alternations of heat and

[1] Obviously, the legal, contractual perception prevailed even in the ancient world, as evidenced by the thousands of contracts which have been discovered in ancient archives, especially in Mesopotamia. See: Y. Finkelstein, entry "*Mishpat, ha-mishpat be-mizrah ha-qadmon*," *Biblical Encyclopedia* (Heb.) (Jerusalem 5728), pp. 589-590, and in the bibliography at the end of the entry (p. 614).

cold, humidity and dryness, sowing and reaping, fertilization-blossoming-ripening-withering. This is nature *mi-yamim yamimah*—year in, year out; "a remembrance of the act of creation." In a consciousness of memory, even years do not simply pass by in accordance with this natural, primal cycle, but rather are connected to years gone by in the memories of individuals, families, nations, and history. This is the significance of the expressions, "in remembrance of the act of Creation" (*zekher le-ma`aseh bereishit*), and "in remembrance of the Exodus from Egypt" (*zekher li-yetsi'at mitsrayim*).

A consciousness of continuity, of cyclical repetition, and of memory, creates life with meaning; severance, segregation and forgetting are associated with death. The chain of time and the consciousness of memory are life. The dead, who are remembered on days of remembrance, for years and years, live on in consciousness; they are dead only in body. But where "there is no remembrance of former things, nor will there be any memory of things to come for those who will come after them" (Eccl. 1:11), then there is no meaning or significance even to the cyclical order of nature itself, with its sunrises and sunsets, and the winds that blow, and the water cycle. It is all just "vanity of vanities; all is vanity" (ibid. 2).

Had the Torah chosen *Rosh Hodesh* of the eighth month as the festival of the *shofar* blast announcing the new agricultural year, it would mean that only *after the previous year had ended*, after the end of the ingathering, after we had left behind us a year of successes, failures, and scars—only then would we start the new year, with its hopes and expectations for a year of blessing, abundance and flourishing. This would entail a *severing* of one year from the next; it would not be a continuous, vital chain.[2]

Following this theoretical introduction, let us return to the "beginning of the year" in the Torah and assert that it occurs at precisely the same time as "the end of the year" (*aharit shanah*, *tseit shanah*, or *tequfat shanah*): one year is inseparably interwoven with the next, like links in a chain. The new year begins before the old year has ended.

Continuity, cyclical repetition, and memory, create life with meaning; severance, segregation and forgetting are associated with death.

So it is in nature: the setting of the sun ushers in a new 24-hour cycle, while the day gone by is still murmuring its farewell. The period of twilight (*bein ha-shemashot*) belongs to both days, and is the subject of some halakhic uncertainty. In various contexts we decide the matter one way or the other, but ultimately it remains a unit of time that belongs to both days. (The same applies to the earliest part of the morning, between dawn [*alot ha-shahar*] and sunrise.) For this reason, Shabbat lasts 25 hours rather than 24; we hurry to bring it in and take our time in parting from it.

The same applies to the agricultural cycle. Preparations for plowing and sowing for the next year are in high gear, while the farmers are still intensively involved in gathering the crops of the previous year and removing the produce from the fields before the rains come. This is not a miraculous vision; rather, it is the image of blessing and abundance of natural produce, in fulfillment of the prophetic promise:

> Behold, days are coming—says God—when the ploughman [in the vineyard—YBN] will overtake the reaper, and the treader of grapes [will overtake] him who sows the seeds; and the mountains will drip sweet wine, and all the hills will melt. (Amos 9:13).

The parallel in the verse proves our interpretation: the ploughman (in the vineyard) corresponds to the treader of grapes. And even when the kingdom of Israel is being punished and vanquished, the prophecy of Amos presents these natural images as full of significance and a source of consolation.

The same idea is echoed in the prophecy of Zechariah:

> So says the Lord of Hosts: Old men and old women will yet sit in the streets of Jerusalem—and each man with his staff in his hand for very age. And the streets of the city will be full of boys and girls playing in its streets. (Zech. 8:4-5).

Once again, the blessing of nature's abundance is regarded as an amazing miracle.

The period of the festivals of *Tishrei*, the point of encounter where the ingathering comes together with the plowing and sowing, is the "twilight" between *tzeit ha-shanah* and *tequfat ha-shanah*; the end and the beginning together, just like the place where two links in a chain overlap, is a faithful expression of the Torah's consciousness of continuity, cyclical periodicity, and memory. It belongs to the year that is ending as well as the year that is beginning.

D. Customs for the Beginning of the Year

Our customs "understand" and express this principle. The customs pertaining to *selihot* (penitential prayers), prayers concerning God's judgment, and supplications continue in various forms (*selihot/hoshanot*) up until the end of *Sukkot*—until *Hoshanah Rabbah*. The Divine verdict concerning rain, passed on *Sukkot*—which obviously affects all forms of life—makes *Hoshanah Rabbah* the final day of sealing the verdict—in custom, in prayer, and in our consciousness. Psalm 27 ("By David: The Lord is my Light and my Salvation, Whom shall I fear?.."), which is recited throughout the month of Elul, is also recited during *Tishrei*, up until the end of *Sukkot*. The honey which is placed on the table, according to Ashkenazi custom, signifying the new year's abundant, sweet blessing, remains there until *Shemini Atseret*. In terms of the annual cycle of reading the Torah, *Shemini Atseret* is the "*Rosh ha-Shanah*" of the Torah reading, in addition to its historical role as "*Rosh ha-Shanah*" for prayers for rain, at the beginning of the agricultural year.

The time of the festivals is the "twilight" between the end of the year and the beginning of the year together

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Our customs fail to acknowledge any single day as representing, alone, the New Year. The relevant discussion in the *gemara* likewise tends towards the view that a single, specific, fixed day for the New Year is important mostly for bills and contracts, in accordance with the legal, contractual perception of time. This perception reigns over the profane dimension of our lives: "On the first of *Tishrei* is the New Year for years. What does this mean practically? Rav Pappa said: [It is the New Year] for bills, designating those bills of debt that date from before then as invalidated, while those dated after then are valid…" (*Rosh ha-Shanah* 8a). My friend and colleague Reb Menahem Katz brings an interesting proof from the wording of *Tosefta Rosh ha-Shanah* 1:7 (Lieberman edition, p. 306): "*Tishrei* is the New Year for [counting] years…": "*Tishrei*", rather than "the first of *Tishrei*." This sits well with the view of *Yerushalmi Rosh ha-Shanah*, chapter 1, 56b), which sets a full thirty days of a year as

[2] We are familiar with this consciousness of "severed units of time" in the context of the academic year: after end-of-year examinations, grades, rejoicing and disappointment, summing up and bidding farewell, comes the "summer vacation." The new academic year will begin after the summer vacation, with everything clean and shining, new textbooks and empty notebooks, clean and devoid of any scribbles, mistakes or failures, full of the "perfection" of nothingness, and with grand hopes for infinite achievement. In general, this happens in the month of Elul (coinciding approximately with September), which is the month of summing up and repentance in the Jewish year – i.e., the "month of tests and grades." Indeed, there is an absolute contradiction between the feeling of a new beginning, clean and clear of all the burdens of the past, and the Jewish sense—like the agricultural one—of an end-of-year laden with its successes and failures, approaching its summation during the days of Divine judgment and mercy.

the minimum interval that can be considered a year for kings, rather than a single day, as maintained at *Bavli Rosh ha-Shanah* 2b. *Rosh ha-Shanah*, the New Year, extends over most of the month of *Tishrei*.

E. Calculations of a Dual Calendar

Within the "twilight" period there are some moments that are closer to the day while other moments are closer to the night. During the month of *Tishrei*, too, there is a difference between the "Ten Days of Penitence" (*aseret yemei teshuvah*) and the festival of *Sukkot*. Here we come back to the structure of the dual calendar, with its lunar and solar aspects. The twelve calendar months do not constitute a year, because twelve (lunar) months add up only to approximately 354±1 days, while a full (solar) year is slightly less than 365 ¼ days long. Therefore, if we declare the new year to begin on the (lunar) *Rosh Hodesh* of the seventh month – the month in which the old year ends and the new one begins, then the ensuing 29th of Elul—the end of the sixth month—will not conclude a (solar) year, but only twelve (lunar) months.

Thus, the Ten Days of Penitence belong to the year that is ending, too, even from the simplest arithmetical perspective. "*Yom Kippur*" is day number 364±1 in the year that is ending, and this is far more important than its role as the tenth day in the new year. "*Yom Kippur*" is the last day of the previous year, and its purpose is to allow for atonement for all sins and a complete purification. The fact that the "day of the [*shofar*] blast" has already ushered in the beginning of the new year, on the lunar *Rosh Hodesh*, only emphasizes the importance of *Yom Kippur* as the conclusion of the previous year.

Why does *Yom Kippur* not fall on the 11th of the month? Because on the 11th day of Tishrei we are sometimes exceeding the 365 days of a full year, whereas *Yom Kippur* is a constant: it must always be the last full day of the previous year.

In accordance with the plain meaning of the text, it is clear why the jubilee year is sanctified only on *Yom Kippur*. The jubilee year is a unique case where two years of special sanctity follow consecutively. It is impossible for the jubilee year to be sanctified before we reach the end of the seventh *shemittah* year, which formally began on *Rosh Hodesh* of the seventh month in the previous year, and which will conclude only on *Yom Kippur*.

The Jubilee Year is a unique case where two years of special sanctity follow consecutively.

Further proof is hinted at in the interval between the days: there are ten days between the "day of the [*shofar*] blast" (*Rosh ha-Shanah*) and *Yom Kippur*, while twenty-two days separate the "day of remembrance" (*Rosh ha-Shanah*) and *Shemini Atseret*—representing twice the eleven days' difference between a full solar year and the average twelve lunar months. In other words, it is the difference between twenty-four lunar months and two solar, agricultural years. Indeed, in the third year a leap month is added, so as to make up the difference. This creates a simple and wondrous balance between the lunar months and the solar year, with its exact calculations reserved for the Sages. What this tells us is that *Yom Kippur*, the start of the jubilee year, is the last day of the solar year, which began on *Rosh ha-Shanah* of the previous year. At the same time, *Shemini Atseret* serves as the New Year from the point of view of the holidays and pilgrim festivals; the conclusion of the ingathering in preparation for the sowing. The "day of the [*shofar*] blast" and *Shemini Atseret* begin the year, while *Yom Kippur* concludes the year (paralleling *Hoshanah Rabbah*—the final day of the festival of ingathering [*Sukkot*], according to custom).

The *beraita* concerning the incense (*Keritot* 6a) likewise represents proof for this view. The offering of the incense in the Temple follows a solar calendar: there are 368 (365+3) portions, with half a portion offered in the morning and half in the afternoon of every day of the year—regular days, Shabbat, and festivals alike (365 days). On *Yom Kippur* the cycle concludes, with the three leftover portions of incense serving as a special offering of atonement for the entire year.

Therefore, these two days—the "day of the [*shofar*] blast" and *Yom Kippur* – are opposites which relate to and complement one another as two calendrical festivals: the "day of the [*shofar*] blast" introduces a new year, while *Yom Kippur* concludes the previous one. For this reason they appear in the Torah together, linked with the word "*akh*" ("but"): "But on the tenth of this seventh month is the Day of Atonement…" (Lev. 23:27). They do not appear together with the three pilgrim festivals, because they are calendrical festivals. The "day of the [*shofar*] blast" which commences the year is a "holiday, a holy convocation," while *Yom Kippur*, which concludes the year, is a day of fasting, affliction and atonement.

How did the "day of the [*shofar*] blast" become "*Rosh ha-Shanah*"?[3] The "day of the [*shofar*] blast" is unquestionably the start of the lunar month which represents the beginning of the year. Since the months and their days are counted based on the new moon, the (lunar) *Rosh Hodesh* that *precedes* the solar start of the year must be singled out especially as a day of *shofar* blast and remembrance in God's judgment, as the introduction to the prolonged period of remembrance and judgment at the beginning of the year (which is also the end of a year). Therefore this is the only *Rosh Hodesh* in the year which is established by the Torah as a festival of "*shabbaton*"—a holy convocation with a prohibition on labor (Lev. 23:24; Num. 29:1). However, what the Sages refer to by the simple, popular name "*Rosh ha-Shanah*" is, in the Torah, nothing more than the first day of the month that commences the new year; the only festival in the Torah which falls on *Rosh Hodesh* (a day of remembrance in judgment and sounding of the *shofar*).

This lengthy, complex concept has been abbreviated in the language of the Sages and in popular consciousness in the following way: The "first day of the month that commences the beginning of the year," becomes "the first day of the beginning of the year," which in turn becomes "the first day of the year" (New Year).

The Torah cannot refer explicitly to *rosh ha-shanah*—not only because of the emphasis that it places on the first month (*Nisan*, the "month of spring"), but also because this name would not be an accurate description of the festival. No single day can be called the New Year in a calendar which has lunar months, but whose year is a solar, agricultural one. Indeed, our interpretation is precisely suited to the one verse in the Torah which mentions a similar idea: "from the beginning of the year to the end of the year" (Deut. 11:12)—not a single day, but rather a period. It is the period which precedes the first rains, as we read further on: "And I shall give your land its rain at the proper time--the first rain and the latter rain—and you shall gather in your corn and your wine and your oil" (v. 14). The beginning of the year, which is also the end of the year, is the period of overlap between the ingathering and the first rain.

Indeed, the Talmudic discussion (*Rosh ha-Shanah* 8a) seeks in this verse the biblical source for *Rosh ha-Shanah*, and immediately poses the question: "From where do we know that this refers to the month of *Tishrei*?" The answer relies on a verse (Ps. 81:4-5): "Sound the *shofar* at the new moon, at the concealment of the moon on our day of feasting, for this is

[3] It should be pointed out that even in the prayer service our Sages refer to this day as *Yom ha-Zikkaron* (the Day of Remembrance), and not as *Rosh ha-Shanah*.

a statute for Israel, [with] judgment of the God of Jacob." Actually, this is simply a *different formulation* for the only festival in the Torah that falls on *Rosh Hodesh*: on which festival is the moon concealed? This must refer to *Rosh ha-Shanah*; a day of "judgment of the God of Jacob," with a "remembrance of sounding [of the *shofar*]".

Meorot
A Forum of Modern Orthodox Discourse

Curricula, Methodologies and Values in Orthodox *Tanakh* Study: Where They Can Help Us

Nathaniel Helfgot

Abstract: This article argues that there are benefits to using modern literary and academic methods of studying *Tanakh* in the Modern Orthodox classroom at different stages of the educational pyramid. It responds to critiques that the use of such methodologies undermines the *yir'at shamayim* (religious faith) of students. The article further attempts to show that proper integration of these methods helps enrich Torah study, and that it can ultimately yield a more sophisticated understanding of *Tanakh* as *Devar ha-shem* (Word of God).

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Curricula, Methodologies and Values in Orthodox Tanakh Study: Where They Can Help Us[1]

Nathaniel Helfgot

"The greatest deficiency in *yir'at shamayim* (fear of heaven) that is not well connected to the light of Torah is that fear of thought replaces fear of sin. Because a human being begins to be afraid of thinking, he drowns in the morass of ignorance, which robs him of the light of soul, weakens his vigor, and casts a pall over his spirit." R. Abraham I. Kook[2]

"*Kayle veren! Einerken kayle veren sitzendig in kandy store*!" (To go bad religiously! One can go bad sitting in a candy store!) R. Yitzhak Hutner

I. Introduction

This paper addresses key issues surrounding the use of modern approaches to Bible study in the context of traditional study of Tanakh as the word of God *("devar ha-shem"*). Specifically, I would like to analyze whether the critique that the modern approaches to *Tanakh* study undermines *yir'at shamayim* (religious faith) is a valid one, and if not, how may Modern Orthodox teachers utilize modern Bible approaches to enhance *yir'at shamayim*?

In the first part of the essay, I present preliminary remarks to frame the discussion. In the second, I focus on the areas of Bible study in which the "new" or "modern" methods alluded to in the questions above have taken a hold in Modern Orthodox educational settings, both for children and adults.[4] I have personally devoted a large amount of my intellectual efforts to Bible study and teaching, trying to integrate both traditional and modern methods. I conclude the essay with a short afterward containing personal reflections, and offer this paper as a passionate presentation of a point of view, an apologia of sorts, rather than a detached academic recitation of the various positions in this debate.

II. Terms

My preliminary remarks relate to definitions of the terms that I will use and the scope of the issues under discussion.

1. The term *'yir'at shamayim'* is elusive, often connoting different meanings in different settings and to different people. Consider one startling example from a contemporary rabbinic scholar, R. Yosef Gruenwald, *z"l,* a leading decisor in the Pupa Hasidic

[1] This essay is an abridged and edited version of a paper, originally presented at the 18th Orthodox forum convened annually by Yeshiva University, which will appear in a forthcoming volume. I thank R. Robert Hirt, series editor of the Orthodox Forum, and Yeshiva University for permission to publish the essay here. I would also like to thank Rabbis Yitzhak Blau, Shalom Carmy, Seth Farber, Ysoscher Katz, Dov Linzer, Jeffrey Saks, and Moshe Simon for their comments on earlier drafts of this paper. Lastly, I want to particularly thank Prof. David Shatz and Marc Stern for their reviews of the original drafts and suggestions. The translations of the quoted Hebrew texts are mine.

[2] Opening to *Orot ha-qodesh*, vol. 3, pg. 26. The translated word 'drowns' conforms to the actual word R. Kook used—*tovei`a*— as found in the original manuscript published in *Shemonah qevatizm –Qovetz 1:267*, (Jerusalem, 2004). The printed text in *Orot ha-qodesh,* edited by R. David ha-Kohen, popularly known as the Nazir, softens the idea slightly by changing it to "*tovel*"—"dips or immerses."

[3] R. Aharon Lichtenstein, "The Ideology of Hesder," *Leaves of Faith* (Jersey City, 2003) Vol. 1, pg. 156.

[4] In this I believe I am following the schema set out in a previous conclave of the Orthodox Forum on the theme of *Modern Scholarship in the Study of Torah.* Fully two thirds of the presentations focused on Bible study while Talmud study received the last third of time and attention.

community. When asked if it was appropriate for a *shohet* (ritual slaughterer) to drive a car to work, he replied:

> My father and teacher, [R. Yaacov Gruenwald] *zt"l*, was asked whether it is appropriate for a *shohet* to ride a bicycle, and he responded that it is proper to prevent him, because firstly, the hands become tired through this and moreover**,** *this is not the appropriate action of a talmid hakham*…Now regarding the first issue it would appear that the first reason does not apply [in our case], for driving a car is not real work as in riding a bicycle…however, the second reason is applicable here…In sum then, I am also of the opinion that one should prevent a *shohet yarei' shamayim* from this act [of driving a car].[5]

It is unlikely that any layperson or rabbi in the mainstream yeshiva or Modern Orthodox community in America would see driving a car to work or school as reflecting a lack of *yir'at shamayim*. The example highlights that one's person's *yir'at shamayim* may be another person's uniquely pietistic view that has little in common with classical notions rooted in Tanakh and Hazal.[6] For the purposes of this essay, I would define *yir'at shamayim* as:

a) Commitment to and observance of *mitsvot,* coupled with a passion for that observance. Observance of *mitsvot* is a broad term encompassing the wide range of practices that exist within the world of halakhically observant Jews on issues of both great and minor import.[7]

b) An attitude reflecting a mixture of respect, awe, and, at times, self-negation before God, and commitment to a religious life devoted to nurturing a relationship with the Divine. A derivative of this attitude is the respect and deference one feels towards past and present traditional rabbinic authorities.

c) Affirmation of basic core beliefs (*emunot ve-de`ot)* such as the existence of God, the divinity of the Torah, including the Oral Law, and the binding nature of *halakhah* in all eras and aspects of life, recognizing that there is a range of legitimate interpretations of these beliefs within the framework of traditional Judaism.[8]

2. The topic under consideration should focus on the use of modern methods of approaching classical Jewish texts in *the context of a religious educational setting,* e.g. day schools and yeshiva high schools, *Tanakh* classes in Israeli *yeshivot hesder*, and selected popular American yeshiva or women's programs in Israel. I refer to settings where both *Tanakh* and Talmud classes incorporate these modern methods into their

[5] *Shut Va-ya`an yosef*, (Brooklyn, 1992) *Yoreh de`ah* #5.

[6] This phenomenon is not simply a uniquely Hasidic one. I recall, close to twenty years ago, R. Aharon Lichtenstein recounted that R. Yaakov Kaminetsky zt"l was still upset decades later recalling that when he had been in the Slabodka Yeshiva in his youth the administration had looked askance at Rav Yaakov's having taken out a boat on a lake to relax during a break period as inappropriate behavior for a ben torah.

[7] Note for example the diversity of practice within the halakhic community on issues such as halakhic criteria for determination of death, use of the *heter mekhirah,* shaving on *hol ha-mo`ed*, use of exclusively *yashan* products in the Diaspora, changing the text of *naheim* on Tishe`ah be-Av, legitimacy of women's Talmud study, proper methods for reheating food on Shabbat, *metsitsah be-feh* in circumcision, validity of women's prayer groups etc.

[8] Thus this formulation would recognize that a wide range exists on fundamental questions of Jewish thought and dogma. For a full exposition of this thesis see the richly researched volume of M. Shapiro, The Limits of Orthodox Theology (London, 2003).

[9] Examples of the first category include Yeshivat Kibbutz Ha-Dati, Maaleh Gilboa, and Otniel,. Examples that fall in to the second category would be Yeshiva and Stern Colleges and Bar Ilan University, post-collegiate institutes such as Beit Morasha and MATAN, teacher's seminaries such as Herzog Teacher's College or Efrata Teacher's Seminary, graduate programs such as BRGS and Touro College Graduate School of Jewish Studies, rabbinical programs such as R.I.E.T.S. and YCT Rabbinical School, yeshiva high schools as well as adult-education programs under the aegis of synagogues and community *kollelim*.

entire curriculum or in selected classes.[9] I am *not* addressing the study of sacred texts in a secular university setting, which is a different phenomenon with its own set of issues.[10]

Some students suffer an erosion of their commitments as result of exposure to modern disciplines

Yir'at shamayim is an attitude and state of being nurtured in an educational context that is infused with devotion to Torah and *mitsvot*—i.e., an all-embracing religious ethos with an experiential component of Torah living. It is in such educational settings where many other factors help enhance the religious commitments of students and congregants. Most importantly, it is where sacred texts and the Oral Torah are studied for religious meaning and truth and as part of the commandment to study Torah and where they are taught by genuine Torah scholars infused with *yir'at shamayim.*

3. Despite the points enumerated above, some students suffer an erosion of their passion and commitments, in part as result of exposure to modern methodologies and disciplines. The problem in attempting an evaluation of this phenomenon is that there are no empirical data on whether this phenomenon is insignificant or of greater magnitude. We are thus left with only an impressionistic or anecdotal method with which to approach our subject. Given this reality, I would like to share my personal observations culled from the twenty years of experience in informal and formal Jewish education.

There is no doubt that there is the occasional student, who like a character in a Chaim Potok novel will eventually become full-blown devotee of academic Bible Criticism after reading the essays in the Hertz *Pentateuch and Haftorahs* or the writings of R. Mordechai Breuer. For some, the questions and exposure to these methods simply overwhelm any traditional response or traditional religious message. For these individuals, the path of further study erodes religious commitment. In

[10] This crucial point is often lost in some of the over-heated rhetoric that is heard in discussing these issues with those opposed to engagement with modern methodologies. If an Orthodox student's commitment to observance of *halakhah* and to the tenets of classical Judaism wanes during his tenure at a private liberal arts college in some pastoral New England setting, it is highly unlikely that it is primarily due to the interesting literary chiastic structures of Deuteronomy and/or comparisons and contrasts of the *Sefer ha-berit* of Exodus 20-23 to the Laws of Eshnuna or the Hittite Code that his YC/Revel-educated, *Megadim*-subscribing, *humash* teacher exposed him to in eleventh grade in yeshiva high school. Factors such as the absence of a critical mass of fellow Orthodox students, the influence of the popular college culture and its aggressively secular ethos, professors who approach sacred texts in a detached or secular vein, and the decency/ friendliness (or the lack thereof) of Orthodox role models, friends and members of the community encountered throughout high school and college are more likely critical factors. In addition, a desire to explore other identities, the highly hedonistic popular culture that we are engulfed in, the philosophical or moral qualms that young adults struggle with in relation to classical Jewish thought and practice, together with the need to challenge authority and any past negative family or school dynamics are more likely candidates as underlying causes for the erosion of *yir'at shamayim.* For some, exploration of the reasons for the attrition rate in observance or abandonment of religious life by a significant percentage of young adults raised in the modern-Orthodox community see S. Fisherman, "*No`ar ha-kippot ha-zeruqot*" (Elkanah, 1998), the widely discussed internet essay, Gil Perl and Yaakov Weinstein, *A Parent's Guide to Orthodox Assimilation on University Campuses*, as well as selected chapters of the recently published F. Margolese, *Off the Derech* (Jerusalem, 2005). For a focus on diminution of religious commitment and fervor, as well as full blown defection from Orthodoxy in the more Haredi sectors of Orthodox society see S. Barzilai, *Lifrots me`ah she`arim* (Tel-Aviv, 2004) and the recently published H. Winston, *Unchosen: The Hidden Lives of Hasidic Rebels (*Boston, 2005). In general terms, the entire role of the classical intellectual challenges to Judaism emerges a limited factor in the abandonment of faith, with other elements such as the cultural, sociological, experiential, family life and a whole host of other factors playing a much more dominant role. "Modern" modes of Torah study and exposure to them are almost entirely absent as a factor in individuals' decision to abandon commitment or weakening their standards of observance.

addition, there is a larger group that maintains basic commitment to traditional Judaism experience, yet their passion and religious sensibilities wane a result of their exposure to modern methods.

I sense that this is a rather small piece of what is happening in our schools. If so, educators should carefully consider the potential benefits that can accrue from using modern methodologies that have enriched our study of *Tanakh* and strengthened many students in their love for learning, rather than resort to an excessive conservatism.

Many of the new literary methods and disciplines brought to the traditional curriculum are not themselves problematic nor do they create conflicts or crises. Indeed, many of them expand on traditional modes of exegesis or attempts at determining the correct manuscripts, following in the tradition of the *rishonim* and significant *aharonim* such as the Ga'on of Vilna. In areas potentially more laden with ideological pitfalls, it is my sense that when we incorporate the newer disciplines into Torah text study and distill them through the prism of committed teachers in a yeshiva, they can ultimately enrich faith, provide profound insight and enhance our students' abilities to address challenges from within and without regarding the Torah as divine.

Instructive here are the comments of R. Aharon Lichtenstein regarding a similar issue, namely the potential corrosive impact of studying general culture on religious faith and commitment. Towards the end of his essay "Torah and General Culture: Confluence and Conflict,"[11] he cites the oft-repeated anecdote of one of R. Joseph B. Soloveitchik's students who approached the Rav for counsel regarding whether he should pursue graduate studies in philosophy. The Rav famously replied that "airplanes are known to crash and yet people fly." Regarding that vignette R. Lichtenstein writes:

> The Rav's reply is nevertheless understandable, but only if we bear in mind (as he, of course, did) first, that very few repeatedly run even the minimal risks of flight for the sheer thrill of the adventure; and second, that the incidences of crashes be reasonably low so that the risk-benefit ration is acceptable…Only where the possibility of true spiritual benefit is perceived, tested faith being regarded as either sturdier or worthier, of if exposure is valued as enhancing the ability to cope with the *apikoros* within or without, or if in a more positive vein, the material itself or the encounter with it is deemed as stimulating meaningful insight into Judaism, can the prospect of ideologically problematic pursuits be countenanced.[12]

Regardless of the methodologies employed, Torah study in all its manifestations should play a central role

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It is my sense that the study of this material in religiously supportive frameworks does meet the standards R. Lichtenstein sets out. In the overall cost-benefit calculus, such study often emerges as positive, enriching and highlighting the richness and depth of Torah.

Modern Orthodox educators should strive to inculcate *emunah temimah*—pure faith—in their students. We should foster in our student a complete devotion and commitment to God in the primary Biblical sense of the meaning of the word *emunah* (i.e. steadfastness, loyalty and trust) as a supreme value. To that end**,** the study of Torah in all its manifestations should

[11] Printed in *Judaism's Encounter With Other Cultures*, ed., J.J. Schachter (New Jersey, 1997).
[12] p. 284.

play a central role, regardless of the methodologies employed, in our pursuit of understanding the word of God.

However, *emunah temimah* can be understood in one of two ways. If *emunah temimah* is merely the assent to propositions without investigation, avoidance of problems or questions and the conscious shutting down of intellectual struggle, this conception flies in the face of Modern Orthodox thought and engagement in Torah study. This perspective of "simple faith" has a distinguished pedigree in Jewish tradition and I do not belittle it. Yet the world-view of the Modern Orthodox community in American or the national religious community in Israel is rooted in the tradition of Maimonides and the host of *rishonim* and *aharonim* who took seriously the charge of *fides quarrens intellectum,* of a life predicated on faith seeking understanding in the philosophical realm, halakhic realm or in the world of classical biblical interpretation. This understanding also dominates the intellectual discourse that attempts to confront modernity head on, explore and benefit from the wisdom of secular studies, engage with the non-Jewish world and work intensively for the return of the Jewish people back into active history, i.e. religious Zionism.

In the last century, the two dominant models of our religious worldview, Rav Kook and Rav Soloveitchik**,** understood the complexity of the religious struggle and the need to make use of one's intellect, to confront challenges and to live the life committed to Torah in all situations and settings.[13] A prime example is that we teach our students evolution, history, literature and the range of general studies, clearly underscoring the fact that we believe in engaging the world, even if *prima facia,* it raises questions about the "traditional" perspective.

Rav Kook and Rav Soloveitchik understood the need to make use of one's intellect to confront challenges

How, when, and by whom these subjects as well as the "problematic" issues, texts, methodologies in the realm of Torah study are taught is the critical educational issue. Yet clearly, our community has not opted for an educational philosophy of a hermetically sealed classroom. We strive to inculcate a *yir'at shamayim* and love of Torah that is ultimately broad and complex in its understanding, full of scope and depth. To cite Rav Lichtenstein again regarding the Modern Orthodox life: "Its very essence is to shy away from simplistic and one-sided approaches, of its very fabric to strive to encompass and encounter reality in its complexity, and, with that encounter, to seek the unity that transcends the diversity."[14]

5. Along with *yir'at shamayim* and love of Torah, the rigorous search for truth must be a critical component of our study of Torah. The myriad references in *Tanakh* and *Hazal* to the importance of the search for truth, that the very seal of the Almighty is truth, do not need elaboration here.[15] Part of the biblical conception of faith also relates to the Hebrew word *emet*. The Master of the Universe is the

[13] This is not meant to claim that the Rav or Rav Kook adopted the Maimonidean conception of the meaning of *emunah* and viewed it in those terms. In fact, both the Rav and Rav Kook, living in a post-Kantian and Copernican world, were far from the rationalistic enterprise and belief that one could prove God through a series or rational proofs. A reading of the first pages or T*he Lonely Man of Faith* or the first of Rav Kook's *Shemoneh qevatzim* highlight that for both authors faith is conceived much closer to the intense, passionate experiential notions rooted in the biblical vision and the writings of Yehuda Ha-Levi than the abstract rationalism of Maimonides. On this see the excellent essay recently published by my friend and teacher, Rav Yoel Bin Nun, "*Emunah ve-hafakheha"* in *Al ha-emunah*, ed. M. Halbertal, D. Kurzweil, A. Sagi (Jerusalem, 2005).

[14] *By His Light* (Jersey City, 2003) pg. 223.

[15] For a detailed summary of the sources and their relationship to our topic see U. Simon, *Ha-mikra va-anahnu* (Tel-Aviv, 1979), pp. 13-41.

God of truth and justice, of *yosher* (honesty) who does not abide falsehood and deception. Thus our *yir'at shamayim* and commitment to Torah must be honest, true to the sources and seek to plumb the meaning of the Divine Word. This central principle of our tradition leads us to benefit from the use of modern information and methodologies that enable us to look at texts in a new way and re-evaluate previously held "truisms."

Abstract truth is not the only value in our arsenal. It must be integrated with other values, and the questions of how to determine truth and what are legitimate sources of truth are require profound discussion. The simple point, however, is that to ignore truth in our discussion of *yir'at shamayim* and faith distorts our rabbinic tradition. Moreover, this approach potentially denies us many of the insights that ultimately strengthen our faith and lasting love of Torah.

III. The Revival of Tanakh Study in Modern Orthodox Education

It is not uncommon to hear that many students often experienced the "traditional" methods of studying and teaching Torah—e .g. studying *humash* verse by verse with classical commentaries or the presentation of selected *midrashim* and the text as a springboard for ethical messages without any attempt to see the literary structure of the text or to bridge the gap between the *midrash halakhah* and the text, or an obliviousness to the *realia* of the biblical personalities and their world—as de-motivating and "uninspiring".

The anecdotal evidence suggests that those very traditional methods that are regarded by many as "part of the continuity of tradition" often breed skepticism among rationally and imaginatively inclined students regarding thewisdom of Torah study and its interpreters. Instead of enhancing their sense of love of Torah and *yir'at shamayim*, they have the opposite effect, making Torah study an object of boredom or scorn.

Traditional methods often breed skepticism among rationally and imaginatively inclined students

I can attest to my own personal experience with just such study. During my high school years at MTA, I found our study of *Humash* and *navi* almost unbearable. The clear message from the school, conveyed by the limited amount of time devoted to the subject, the allocation of resources to its teaching and the lack of trained teachers in this field, was that their study was not very important. More telling was the utter lack of any conception of teaching these sacred texts with depth, sweep and vision. *Humash* and *navi* class were dreaded parts of the week, rarely fostering any sense of love of Torah.

My saving grace was that in the late 1970's Rabbi David Silber gave a weekly *humash* class at the conclusion of the early *minyan* at Lincoln Square Synagogue in Manhattan. In that class the characters of *Tanakh* came to life in their fullness of humanity and towering spirituality. There the literary structure of the narratives began to make sense, the exquisite patterning that occurs in the Book of Genesis, the profound psychological insight, the exploration of the literary and theological theme of an entire *sefer*, the richness and excitement of exploring the *pashat* (plain meaning), working out how *Hazal* and the *midrashim* were engaged in close textual reading and often achieved the depth of the textual meaning. It in those weekly classes that my passion and inspiration for engaging the word of God in *Tanakh* was kindled.

With all my love of and for *Tanakh* and its study I recognize the significance and need for the emphasis placed by classical yeshivas on the study of Talmud and *halakhah*. As Rav Lichtenstein has written, "The encounter with God as commander lies in the heart of Jewish existence; to the extent that it is realized

through Talmud Torah, the legal corpus, as developed in the Oral tradition, is a prime vehicle for this encounter."[16]

But we should not be blind to the price that we pay for the Talmud-centric focus in our curriculum, particularly in the settings where training a learned and committed laity is the primary goal and not the production of the rabbinic elite. As many traditional sources attest and owing to the unique challenges we face in modernity, the rabbinic elite as well need to possess profound mastery of *Tanakh* and Jewish thought. Throughout the ages many *gedolei yisra'el* have bemoaned the lack of incorporation of serious *Tanakh* study in the yeshiva curriculum and its dire consequences for achieving a proper understanding of Torah. The frequent price is a narrow religious vision and a disjointed development of the Torah personality.

R. Bloch bemoaned that fact that Orthodoxy had abandoned Tanakh *to the* Maskilim

This has been highlighted in the last two hundred years when Orthodoxy has become increasingly defensive and often rejected curricular suggestions stemming from non-traditional elements, even when they had clear antecedents in tradition. In many circles of traditional Eastern European Jewry, *Tanakh* study beyond superficial study of *Humash* and Rashi were perceived as "enlightened" and frowned upon. Indeed, in a celebrated letter, R. Avraham Elyahu Meir Bloch bemoaned that fact that Orthodoxy had abandoned *Tanakh* to the "*maskilim*" the Land of Israel to the Zionists, and Hebrew to the modernists, to our great detriment and chagrin.[17]

In the last century, Rav Kook and Rav Soloveitchik were both personally and communally devoted to the importance of *Tanakh* and Jewish philosophy for lay persons and the rabbinic elite. It is a commonplace in the writings of Rav Kook that the constriction of Torah study to the four cubits of *halakhah*, albeit for understandable reasons, was a negative phenomenon generated by exile. In the generation of the return to Zion and the rebirth of the people, this curricular imbalance needs to be adjusted and the study of *Tanakh*, Jewish thought, *aggadah* and even *qabbalah* should be pursued.[18]

While devoting the bulk of his energies to unraveling the intricacies of *halakhah,* R. Soloveitchik devoted a substantial portion of his creativity and teaching to in-depth study of *Tanakh*. This is evident from any reading of *Confrontation*, *The Lonely Man of Faith*, *U-viqqashtem mi-sham* and the manuscripts now being published; his unpublished manuscripts contain whole commentaries on books of the Torah; the *derashot* he delivered in various forums on biblical episodes and figures; and of course, the Saturday night lectures he delivered in Boston for over twenty-five years. Lastly, we now have available to us the recently published 1955 letter of the Rav to Dr. Samuel Belkin, in which he argues strenuously for a revamping of the traditional ordination curriculum at RIETS:

> A thorough knowledge of the Pentateuch with its two basic commentaries is a must. The candidate for rabbinical degree ought to know not only the intricate laws of *migo*, but also the five books of Moses. The teaching of the Pentateuch must pursue a two-fold purpose. First, the knowledge of the halakhic components of the *Humash*…Second the, profound understanding of the Biblical narratives not only as historical records of a distant past but also as parts of the great historical drama of our people and as archetypes of the Jewish paradoxical

[16] "Study" in *Contemporary Religious Thought* (eds. Arthur A. Cohen and Paul Mendes Flohr) New York, 1987, p. 933.
[17] Printed in J.D. Epstein, *Mitsvat ha-Shalom* (New York, 1969), p.605-607. This letter was omitted in subsequent published editions.
[18] *Be-Ikkvei ha-Tzon* pg. 144.

destiny charged with powerful ethical motifs"[19]

During the last fifty years, this perspective has penetrated the worldview and curricula of many Modern Orthodox schools, particularly in Israel. Serious engagement with *Tanakh* has often become a component of the distinction between a Modern Orthodox high school and its *haredi* counterpart, in which Talmud remains the exclusive focus. The phenomenon of reinvigorating *Tanakh* study was brought about through the pioneering work of the early German-Orthodox educators who emigrated to Israel and brought with them a broader Jewish education, whether influenced by from Rabbis S. R. Hirsch or Esriel Hildesheimer and who began to staff the schools of the young community, as well as the influence of the teachings of s Abraham and Tzvi Yehuda Kook, who raised students to see *Tanakh* and Jewish thought as important parts of the renaissance of the Jewish people in its land.

Serious engagement with Tanakh *is part of the distinction between Modern Orthodox and* haredi *schools*

More recently, the monumental educational enterprise of Prof. Nehama Leibowitz and her students raised Bible study to a central place of pride in most of the Israeli national religious educational world. Decades after her influence in Israel in the 1950's and 60's, her work also began to influence American educators, as many of her notes were printed in book form and as more and more American students flocked to Israel and started to study with her directly.[20] Together with this work, the trail blazing efforts of Modern Orthodox scholars such as Yehuda Elitzur, Gabi Cohn, Amos Hakham and Yehuda Kil, who produced the *Daat Mikra* series in the mid 1970's through the 1990's, helped encourage sophisticated *Tanakh* study to flourish in national religious circles in Israel and by extension in Modern Orthodox circles in the United States.

This phenomenon has affected the American Modern Orthodox community, for many students have studied in Israel, becoming exposed to high level discourse of *Tanakh* study and bringing it to their studies back home. The impressive work of R. Menachem Leibtag, one of R. Bin Nun's premier students who uses the internet to disseminate the literary-theological method at the heart of the new methodology, cannot be underestimated. Together with the influence of the Torah of the Land of Israel, the indigenous contributions of R. Soloveitchik, his student, R. Shalom Carmy, who has taught thousands of students at Yeshiva College, the work of other religious academics in similar settings at Yeshiva University and Touro College, and the thousands of students taught by R. David Silber, have all brought *Tanakh* study in Modern Orthodox schools and communities to new heights of interest.

It is critical to note that the renaissance of *Tanakh* study that now plays such a crucial role in shaping the Modern Orthodox heart and mind is due precisely to many of the new and modern methods employed by these myriad of teachers.[21] It is astonishing to see over a thousand teachers and laypeople flocking annually to spend an entire week engaged in intensive study of *Tanakh* at the study days at Michlelet Herzog, the Yaacov Herzog teacher's College every summer or the more modest hundreds who attend the recently established *yemei iyun* in *Tanakh* sponsored by Yeshivat Chovevei Torah Rabbinical School in the New York City area every June. Thousands

[19] *Community, Covenant and Commitment* (New York, 2005), ed. Nathaniel Helfgot, pg.104-105.

[20] Indeed it is interesting to note that in the last fifteen years of her life, Nehama was teaching more classes to American students, American *Tanakh* teachers on sabbatical or on teacher-training seminars, as well as visiting principals, than to native Israeli teachers. For various and sundry reasons beyond the scope of this footnote, while her methodology and published studies on the weekly Torah portion had achieved almost canonical status, many Israeli students and teachers were exploring other avenues of *Tanakh* study.

throughout the length and breadth of synagogues in America regularly study the weekly internet classes sent out R. Menachem Leibtag and Yeshivat Har Eztion.

The sophisticated study of Tanakh *is critical to religious life*

The reinvigorated sophisticated study of *Tanakh* is critical to ensuring that Modern Orthodox religious life is complete, and it is a welcome complement to the intense study of Talmud. *Tanakh* study helps us focus on the central categories of our religious and national lives and the purposes of our existence as a people, the national, personal and communal aspect of our divine mission, the central role of heartfelt intention (*kavvanat ha-lev*) and spirituality, the living presence of the Divine in our lives and the need to seek Him, the role of the Land of Israel in our history and destiny, the significance of avoiding religious hypocrisy and the significance of creating a society and world of justice and righteousness.[22]

Tanakh properly studied also helps us see the purposes of *halakhah* and avoid viewing it as an obstacle course to overcome. The sophisticated study of *Tanakh* can help us find our ways amidst the trees and ensure that we not miss the forest of God's word. It puts seeking direct communication with God, our covenantal relationship with Him, God as an active participant in our history, as well as a host of central religious categories at the very center of our religious consciousness.[23]

Not all segments in our religious community share the sentiments outlined above. Moreover, many who share the overarching sentiments and goals take issue with the specific methods that are employed in the current Modern Orthodox study of *Tanakh*. It therefore is valuable to turn now to a detailed description of the unique elements that make up aspects of the Modern Orthodox approach to *Tanakh* study and the critiques sometimes leveled against these methods, especially relating to issues of *yir'at shamayim*.

IV Issues in Contention

1. Studying of the Plain Sense of the Text (*Peshuto Shel Miqra*)

One hallmark of the modern study of *Tanakh* in Modern Orthodox settings is the initial focus on the plain sense of the text using internal biblical, linguistic, historical and philological tools. It is only then that one moves to reading the text through the eyes of others, whether the readings of *Hazal* or Netsiv. To cite the famous quip of Nehama Leibowitz, "One must first study *Humash* just as Rashi did, without any Rashi on the bottom!"

This is simply continuing the mainstream tradition of the *rishonim* such as Rashi, Ramban, Ibn Ezra, Rashbam and *Bekhor Shor* and *aharonim* such as Abravanel, the Ga'on of Vilna, Netziv, R. David Tzvi Hoffman, R. Meir

[21]In teaching the "Latter Prophets" (more aptly, the "literary prophets") in a way that integrates traditional and modern methods over the last fifteen years to teenagers, college students, and adults, I have found that at least once a semester a student will have an "aha" moment and say something to the effect that: "I always was bored by *Navi* and thought that they were simply repeating the same thing over and over. The methods you employed showed me how to understand the unique message of each prophet and each specific chapter in its historical context and how each fits into the overall structure of the book and its themes."

[22] For an expanded discussion on the foundational role *Tanakh* should have in creating an authentic religious personality and society see the stimulating essay by R. Yuval Cherlow, "*Ha-im ha-tanakh hayah?" Megadim* 33**,** pp. 75-122.

[23] It is telling that many of the philosophical writings relating to issues of faith, nationhood as well as man's place in the world by three of the leading American Orthodox theologians of the second half of the twentieth century—R. Soloveitchik, R. Eliezer Berkovits and Dr. Michael Wyschograd—are almost exclusively Bible-based, with citations from halakhic literature playing a minor role. For example *Confrontation*, *The Lonely Man of Faith, and U-viqashtem mi-sham* (R. Soloveitchik), *God, History and Man* (R. Berkovits) and *the Body of Faith* (Michael Wyschogrod) are fundamentally rooted in a return to a direct and intense encounter with biblical theology and the exegesis of that theology through the prism of the theologian and his concerns.

Simcha of Dvinsk and R. Soloveitchik, who often attempted to get to the plain sense of the text, each in his own way. This mainstream tradition saw the pursuit of *peshuto shel miqra* as a legitimate pursuit and often emerged with creative readings thorough this enterprise in the spirit of Rashbam's celebrated pursuit of *"peshatim ha-mithaddeshim be-khol yom*"—meanings that are newly created each day. R. Yuval Cherlow has eloquently expressed the point:

> A direct, unmediated reading of Tanakh, prior to turning to the commentaries, also allows for a unique encounter of each individual with the word of God. Every human being encounters the Torah in a unique fashion appropriate to his unique soul, and this profound internal encounter between the soul of the individual and the Torah reveals to him new insights."[24]

This concern for *peshuto shel miqra* often reveals to us significant educational messages glossed over in our rush to consult the commentaries[25] and, on occasion, yields important insights taking on normative character.[26]

The freedom to explore the meaning of the text has a distinguished history. The Sages pronounced that *ein miara yotsei mi-dei peshuto* (a verse does not lose its plain meaning) and the geonic tradition that was adopted by major *rishonim* and *aharonim* maintained that the traditions of the rabbis in the narrative sections of *Tanakh* did not trace back to Sinai, but were the learned suggestions of rabbinic figures. Hence one need not accept them as binding, and freedom of interpretation reigned supreme.

The Sages' dictum was taken as license by Rashbam, Ramban and the Ga'on of Vilna among others to offer readings of verses that differed from those found in legally authoritative halakhic *midrashim* (without, of course, suggesting that the *halakhah* should be changed as a result of their readings) In our era the pursuit of *peshat* is also fueled by an unspoken reaction to the more traditional mode of teaching *Humash* and commentators, i.e. reading every *midrash* into the text as fact, oblivious to its potentially disastrous educational results.[27]

Every human being encounters Torah in a unique fashion appropriate to his soul

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I emphasize that this approach should not cause us to abandon the intense study of *midrash* and classical and modern *parshanut*. Even in our pursuit of the plain text, the insights, comments, solutions and directions developed by our ancestors often help us get to the deeper level of the *peshat* itself. Second, even in those areas where the exegetical tradition does not meet the test of what might be considered *peshat*, the *derash* and subsequently *parshanut* itself take on a life of their own and should be explored. We read and live the *Tanakh* as Jews, with its rich exegetical and normative tradition as a part of the essence of embracing the *Tanakh*.[28] As Ramban perceptively noted, the Sages did not state "*ein ha-miqra ella peshuto*" meaning that *peshat* alone is the only meaning, but that "*ein miqra yotsei mi-dei peshuto*," i.e. "We have the *midrash* alongside the *peshat*…and the text countenances both meanings, and both are true."[29]

24. *Pirkei ha-avot* (Alon Shvut, 2005) p 13.

25. See the important essay by U. Simon "*Mashmautam ha-datit shel ha-peshatim ha-mithaddeshim be-khol yom*" in *Ha-miqra va-anahnu* (Tel Aviv, 1979), pgs. 133-152.

26 Numerous examples of this phenomenon can be found in the exegetical work of R. Meir Simcha of Dvinsk, author of *Meshekh hokhmah*.

27The simplistic presentation to middle school or high school students of the "fact" that Rebecca was three years old when she married Issac or that each Jewish woman in Egypt gave birth to twelve children at once or that that "*ve-avado le-olam*" means the Jubilee year without any discussion of the exegetical underpinnings of what may have led the *midrash* to suggest these readings or what *Hazal* are really driving at can often undermine respect for rabbinic tradition and personal *yir'at shamayim* far more than any *peshat*-oriented suggestion raised in that very classroom.

These issues have taken on an even more central role in the ongoing polemical battles of the last two hundred years that Orthodoxy has waged with heterodox approaches to the nature of *torah she-be`al peh* and its normative truth.[30] Let me to offer the perspective that resonates with me and that I believe holds the greatest potential educationally.[31] In the comment cited above, Ramban and Rashbam, as well, stated repeatedly that *peshat* and *derash* are two distinct methods, each of which is "true" and "correct" in its own way of interpreting the multivalent text of the Torah. Yet the willingness to offer interpretations conflicting with accepted halakhic interpretation never detracted from the fidelity of figures such as Rashi, Rashbam and Ibn Ezra to passionate observance of accepted halakhic practice that is rooted in the truth of halakhic *midrash*. And it is this very multi-dimensional meaning of the text in areas of *halakhah* or narrative that rabbinic tradition saw as part of its divine origin.[32]

These issues have taken on a central role in the polemical battles that Orthodoxy wages with heterodox approaches

2. The Literary-Theological Approach to Tanakh

One result of returning to a focus on the study of the plain sense of the text has been the flowering of the literary-theological approach to *Tanakh* study. This approach makes systematic use of the literary methods that have come to the fore in the last hundred years together with a firm control of classical

[28] Professor James Kugel has argued strenuously in his various writings that not only Jews read the Bible through the eyes of its interpreters but that it is impossible for anyone to read and understand the Bible, with a capital B, as the foundational religious text of western civilization in a vacuum, bereft of how it was read in antiquity: "We like to think that the Bible, or any other text means 'just what it says.' And we act on that assumption: we simply open a book—including the Bible—and try to make sense of it on our own. In ancient Israel and for centuries afterward, on the contrary, people looked to special interpreters to explain the meaning of the Biblical text. For that reason, the explanations quickly acquired an authority of their own…And so it was this *interpreted* Bible- not just the stories, prophecies, and laws themselves, but these texts as they had, by now been interpreted and explained for centuries that came to stand at the very center of Judaism and Christianity." James Kugel, *Traditions of the Bible* (Cambridge, 1998) pp. 2-3.

[29] Glosses to *Sefer ha-mitsvot shoresh* 2. R. Moshe Lichtenstein has nicely summarized and expanded the relation of *peshat* and *derash*: "The distinction between *peshat* and *derash* is not necessarily one of probability, of one which prefers the logical and more likely simple sense of the text over the far-fetched *derash*. It is rather a distinction between two legitimate approaches that are divided by methodological distinctions … *Peshat* attempts to explain the text and the narrative that appears before us in the text, while the goal of *midrash* is not the explanation of the biblical narrative itself, but rather the attempt to develop the text and add to it additional layers of meaning beyond what is written in them...If we would formulate this in philosophical language, we would say that the litmus test criterion for *peshat* would be its *correspondence to the text,* the criterion for the *derash* is the internal logic*, the coherence* of the proposed rendering of the drama, and its likelihood…In other words it is even possible to state that *peshuto shel miqra* presents and clarifies to us the legal and historical content written in the text-whether the topic under discussion is analyzing the commandments given at Sinai or clarifying the narrative e dramas of the heroes and heroines of *Tanakh*- while the *midrash* creates literature, for what took place or was said is in the category of history. (Let there be no misunderstanding, it is important to emphasize that the term 'history' does not come to state that the biblical text is primarily a historical document and not *devar ha-shem*, rather it is noting that the object of the commentary is the words of the text that were actually spoken to Moses, and are interpreted by the commentator through his exegetical principles compatible with its status as *devar ha-shem* without an attempt to recreate an event that does not appear in the text), while the attempt to understand the meaning of the text from the context of what should have been or what one may guess did happen is in the category of literature." *Tzir Va-Tson* (Alon Shvut, 2002), pp. 215-216, 219-220.

[30] See e.g, Jay Harris, *How Do We Know This?* (Albany, 1995).[31] See especially Ahrend, p. 35-37 and Maori, pp. 213-219

exegetical literature to tease out the religious meaning of the text. It builds upon the insights of *midrash* and classical commentaries, but strives to engage the text directly as well. This method makes use of techniques such as close reading, patterning, inter-textuality and textual self-reference, literary echoes, enveloping, character and plot developments, word-plays, parallelism and chiastic structure and a host of other tools brought to bear on the text. It has moved *Tanakh* study from a primarily atomistic focus on individual verse to identifying entire literary units.

Tradition saw divine origin in the multi-dimensional meaning of narrative and halakhic texts

The structure of entire episodes and legal units has become a major sub-field in the study of *Tanakh*, an enterprise that was largely unnoticed by the classical commentators. This has also led to appreciating the structure and order of entire books of *Tanakh* and yielded wonderful insights regarding form, content and their interdependence. Moreover, this method has uncovered recurring motifs and broad patterns underlying *Tanakh* as a whole. While each one of the literary methods and techniques has precedents in *rishonim*, the systematic use of the phalanx of techniques is a direct byproduct of integrating the best and most sophisticated literary readings and sensibilities in approaching *Tanakh* as the Divine Word.

This method has sparked such wide interest in and excitement for the study of *Tanakh* in many of our circles and is unapologetically predicated on "*Dibberah torah ki-leshon benai adam"*—"The Torah speaks in the language of human beings." This perspective was fiercely maintained by a wide swath of classical *rishonim* and *aharonim*, who understood that God, in His infinite wisdom, chose to reveal His will to humanity within a specific historical context in terms understandable to the human ear and heart. He chose to make His will known in the form of the written word, in the form of literature, in its broadest meaning.[33] From this perspective, the Torah is *sui generis* in its content and message as the Word of God, yet it is encased in the clothes of a literary work fully accessible to human understanding.

Finally, it should be noted that the results of the literary-theological method highlighting interconnected patterns of various parts of the Bible also has the potential to undercut some of the force of the documentary hypothesis of multiple authorship spread over hundreds of years. As David Berger has written: "You can allow the 'redactor' just so much freedom of action before he turns into an author using various traditions as 'raw material.' Such an approach must ultimately shake the foundations of the regnant critical theory, not merely tinker with its periphery."[34]

3. Presentation of and Engagement with *Parshanut*

A number of years ago I participated on a panel with a prominent *haredi* educator. Our charge was to teach Genesis 1, highlighting our different approaches to the text while teaching an eleventh-grade class. I presented my mini-lesson emphasizing the structure of Genesis 1, the key words, the relationship between the pairs of days, the literary envelope of verse 1 and the first verses of Ch 2. I proceeded to mention that I might discuss some of the direct polemic that Genesis 1 highlights in relation to

[32] Expressed in the rabbinic phrases, "*Ahat dibber eloqim shetayim zu shama`ti"* ("God spoke one, yet I heard two.") *and Ke-patish yefotseits selah* ("as a hammer splinters a rock"). See BT *Sanhedrin* 34a.

[33] For an excellent detailed discussion of this exegetical perspective and its roots see Mordechai Cohen, "The Best of Poetry: Literary Approaches to the Bible in the Spanish *Peshat* Tradition," *The Torah U-Madda Journal*, 6, pp. 15-57.

the prevalent Babylonian creation myths, referring to the work of Cassuto and others. I concluded with a few words outlining *parshanut* issues that might come up such as the meaning of the first verse, *Bereishit barah elokim* (In the beginning, God created…"). I mentioned in passing that I would divide the class into groups, consider the various translations and then ask the students to explore various commentaries, argue them out and present to the class the position each group felt was correct and why.

It was only this last pedagogical technique that got my interlocutor's dander up. She took great umbrage at the notion that students should be given an assignment to determine which approach they felt was convincing. In her estimation, we should simply present the approaches and discourage the students from expressing their opinion as to which was more cogent. The educator did not fully develop her opposition to my technique, but I suspect that lurking behind it was the belief that the classical commentators wrote with some form of *ruah ha-qodesh* (divine inspiration). Who are we lowly human beings to evaluate the cogency of their interpretations?

Modern Orthodox *Tanakh* study approaches the study of *parshanut* (the interpretive tradition) differently and is rooted in all the precedents cited earlier: freedom of interpretation, the non-binding nature of a particular commentary, the fact that the commentators themselves constantly critiqued each other strongly and never claimed for themselves the mantle of divine inspiration. We are trying to understand the text and not simply recite a laundry list of previous suggestions. For us, the essence of Torah study is an intense struggle with the words and ideas of the Sages and medieval commentaries, attempting to understand and appreciate their meaning and depth. Finally, this type of Torah study, done within the proper atmosphere of respect for our greatest thinkers, aims at energizing students and stimulating them to be

Who are we lowly human beings to evaluate traditional interprestaions?

passionately involved in and care about the studying our sacred texts. Our *Tanakh* study is a vehicle for the text to become, in *Hazal's* imagery, "*Torah de-lei*"—a Torah that has become part of one's very being.

On this point, Prof. Nehama Leibowitz has written:

> Proper regard for scholars consists of studying in depth what they have written.[35] Rashi, who was modest enough to say "I don't know" would certainly have approved if through studying and analyzing his words students might, at times, come to prefer the explanation of his grandson (Rashbam) or even to agree with his critic, Ramban. If granting students "the right to vote" vis-à-vis the commentators strengthens their degree of attachment to *Tanakh*, which I am certain it will, the scholars receive no greater respect than to have the Torah brought closer to its students as a direct result of what they wrote. The essential thing is that they should study Torah from all angles, search it out, choose interpretations and reject interpretations —provided that they engage in Torah out of love.[36]

4. Use of Sources Written by Non-Observant Jewish or Non-Jewish Scholars

One of the sharp dividing lines between the methodology of *haredi*, semi-*haredi,* and religious-Zionist *haredi* worlds on the one hand and the Modern Orthodox world on the other is the willingness to use of non-Orthodox and non-Jewish scholarship in the study of *Tanakh.* The "traditional" position articulated by

[34] *Commentary* 61:3, (NY: American Jewish Committee) p. 16.

leading thinkers of that camp argues that our belief in *Torah min ha-shamayim* (the divine origin of the Torah) precludes citation of any comments or suggestions, even on neutral matters, from the pens of those not committed to that tenet.[37] They assert that when a teacher cites writers such as Yehezkel Kaufman, Martin Buber, Umberto Cassuto, Benno Jacob, Moshe Greenberg or ideas from the Anchor Bible or ICC series together with the comments of the classical rabbinic commentators, he blurs the distinctions between Torah giants and secular scholars and unwittingly establishes an equivalence that may lead students to adopt non-religious lifestyles or attitudes.

Embedded in the notion of "Torah speaks in the language of human beings" is that Torah can be fathomed by all human beings

This debate goes back to antiquity, with the *locus classicus* being the talmudic episode of R. Meir's continued study with R. Elisha ben Aviyah after Elisha abandoned traditional life and belief. The Talmud formulates this dilemma as "eating the fruit and discarding the peel." Our discussion is different, since we are not discussing direct contact with non-observant or non-Jewish scholars, but exposure to their ideas. Yet this issue, as well, has agitated rabbis throughout the ages and continues to be a fault line till today.[38] Embedded in the notion of "Torah speaks in the language of human beings" is that the text can be fathomed not only by observant Jews, but by all human beings who seriously study it.

The Modern Orthodox world and its leading lights of *Tanakh* study like Nehama Leibowitz, the authors of the *Da`at miqra* series,[39] Rabbis Yoel Bin Nun and Shalom Carmy and others have adopted the approach articulated most forcefully by Maimonides in his introduction to *Shemoneh peraqim.* Defending his subsequent citations of Greek philosophers in his treatise, he proclaims: "Accept the truth from whoever says it." In his commentary to *Shir ha-shirim*, R. Yosef Ibn Aknin suggests this was not a Maimonidean innovation but an accepted tradition:

> We find in the books of R. Hai Gaon…that he made recourse to the words of the Arabic scholars…and made use of the Quran…and such was the custom of R. Sa`adyah before him in his Arabic commentaries. In this regard the Nagid describes in his book…after citing many comments of the Christian scholars that R. Matsliah b. Albazek told him upon his arrival in Bagdad that one day they were discussing the verse "*shemen rosh al yani roshi"* (Ps. 141:5) in the yeshiva and a debate ensued as to its meaning. R. Hai directed R. Matsliah to go to the Catholic [priest] and ask him what he knows about the meaning of the verse. It was evil in his eye, and when R. Hai saw that R. Matsliah was distraught over this, he reprimanded him and said that the forefathers and the early pious ones who are for us exemplars would inquire members of other faiths about the meaning of words and interpretations.[40]

From anecdotal evidence and personal experience, I believe that recourse to non-Orthodox sources rarely causes a diminution

[35] See a similar sentiment expressed by R. Moshe Feinstein in a responsum penned to a young scholar residing in Benei Beraq who was concerned that in the course of his *shi`urim* he sometimes takes issue with the positions of the *Hazon Ish.*

[36] *Torah Insights*, (Jerusalem, 1995) pg. 161.

[37] See R. Yehuda Cooperman's pamphlet, *Sugyot ha-torah ve-talmudan al pi ha-meqorot* #18 (Jerusalem, 1966).

[38] For a thorough review of the rabbinic and educational literature on this topic see N. Gutel, *"Bein qabbalat ha-emet mi-mi she-amerah le-vein qabbalatah mi-malakh ha-shem Tseva-ot" in Havanat hamiqra be-yameinu* (Jerusalem, 2004), pp. 129-158.

[39] (Mossad Ha Rav Kook; Jerusalem 1991).

of *yir'at shamayim* or love of Torah. Just the opposite: the ability to integrate the most insightful comments to achieve a richer and deeper understanding of the text is often appreciated and helps persuade students to seek truth and honesty in their intellectual pursuit. At the same time, we should not inadvertently give our students the sense that the Maimonides and Moshe Segal are on equal footing as religious role models. We can ensure this by using two well known techniques. First, the use of these materials should be integrated into a holistic context of careful text study, extensive use of the interpretations of the Sages and classical commentaries and supplemented afterwards by other resources. Indeed, a class in Genesis where the instructor quotes only Buber and Rosensweig or Gunkel and Kaufman presents a skewed focus and has potentially troubling results. Yet this is not what actually occurs. For those who oppose using this material, merely one citation of a non-Orthodox source in a book of 600 pages is enough for censure.

Recourse to non-Orthodox sources rarely causes a diminution of love of Torah

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Second, it is important to maintain a distinction between classical commentators who reflect our religious commitments and those who do not, either through explicit explanations of the distinction or noting biographical and ideological information about the scholar cited. An example I use from time to time is: "The following solution to our problem is suggested by Benno Jacob, a modern Bible scholar, who was a Reform rabbi, many of whose beliefs and practices are in sharp conflict with our Orthodox worldview. Nevertheless, he waged a fierce battle with the Bible critics in his day, and was a close and excellent reader of the Humash. He often has important comments that help us understand the Torah more profoundly."

5. Perspectives on Biblical Heroes

Another fault line within the Orthodox world revolves around the "proper" perspective on the teaching of the narratives related to our biblical heroes. The ultra-Orthodox world has generally adopted the view that teaching about the mistakes or critiquing the actions of Abraham, Moses or David is beyond the pale and even that attributing any human emotions, feelings or instincts to these figures is worthy of condemnation.[41] This position was articulated in a lecture in the 1960's by R. Aharon Kotler of the Lakewood yeshiva where he stated:

> When one teaches students a section dealing with the actions of the Patriarchs, one must explain to them that we are not speaking about regular human beings who have character traits and desires. Rather we are discussing individuals of whom we cannot in any way understand their level, people devoid of all human desire and internal will, and, just as we have no criteria by which to evaluate angels, so, we have no way of evaluating and appreciating the level of the forefathers.[42]

There exists an extensive literature containing the arguments and sources for the alternative Modern Orthodox approach to *Tanakh*.[43] Actually in this instance it is actually the ultra-Orthodox approach that is the "modern" or "new" one, since it turns a blind eye to the text of *Tanakh* itself, and much of rabbinic tradition. R. Aharon Lichtenstein has noted:

> Advocates of hagiographic *parshanut*, which portrays the central heroic figures of scriptural history as virtually devoid of emotion, can only regard the sharpening of psychological awareness with reference to *Tanakh* with a jaundiced eye. But for those of us who have been steeped in *midrashim*, the Ramban[44] and the *Ha'ameik Davar*[45]—in a

[40] A.S. Halkin, *Hitgalut ha-sodot ve-hofa`at hame'orot--peirush shir ha-shirim* (Jerusalem, 1964), pp. 493-95.

> tradition, that is, which regards our patriarchal *avot* and their successors as very great people indeed but as people nonetheless, and which moreover sees their greatness as related to their humanity-enhanced literary sensitivity can be viewed as a significant boon.[46]

To Modern Orthodox educators, the truth of the text and of rabbinic tradition is found in an honest and full reading of the narratives in all their complexity. Beyond that, we posit—and the anecdotal evidence bears this out—that a rich, sophisticated reading of *Tanakh* and its heroes that appreciates their humanity, their psychological complexities and even their flaws, makes those characters more meaningful and worthy of emulation for both our students and ourselves. When these characters struggle to achieve holiness and to fulfill the divine mandate in their humanity and complexity, they speak to us. Conversely, placing biblical figures beyond our grasp makes them so inaccessible that they fail to have any impact on our day-to-day religious lives. Thus a student can become jaded to the point where *Tanakh* and its heroes are less meaningful and relevant than other influences in his life. As R. Samson Raphael Hirsch argued so strenuously, we deify no man, great as he or she may have been. Our ultimate reverence is directed only upwards, toward God himself, and even the greatest of the great cannot be placed in that unique category of demanding total trust and reverence.

Tradition regards our patriarchs and their successors as great people, but sees their greatness related to their humanity

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More recently, R. Shalom Carmy commented on a discussion he had with a teacher who was troubled by the negative impression his students had of King Saul from their study of the Book of Samuel. R. Carmy suggested that the teacher explore with his students parallel stories in general literature to examine stories of gifted individuals destined for roles they never sought and the subsequent unraveling of their lives. The teacher rejected this advice as irrelevant because "How can one compare *Tanakh* to literature?" When prompted for his solution, the teacher intoned ceremoniously that "I say he's *Shaul Melekh Yisrael.* (Saul, King of Israel) " R. Carmy notes:

> "Something else disturbed me about the proclamation *Shaul Melekh Yisrael*-"His majesty the King"—in that particular intonation. As much as the speaker wished to avoid the slightest tinge of alien accent, he had failed. It sounded like a cartoon notion of medieval pageantry. And attentive teenagers, whether or not they

[41] The public and concerted attacks on the writings of Rabbis Adin Steinsaltz, Shlomo Riskin, Yuval Cherlow, Yoel Bin Nun, Avi Weiss and others in the last two decades are some of the more famous cases of this phenomenon.
[42] In *Mishnat rebbi aharon* (Lakewood, 1988) vol. 3. Similar sentiments, with individual nuances, have been expressed in various fora by R. Shlomo Aviner and R. Yisrael Tau, major leaders of the haredi-nationalist stream in Israel.
[43] See for example A. David, "Perspectives on the *Avot* and *Imahot*" in *Ten-Da`at* 5:1, Z. Grumet "Another Perspective on the *Avot* and *Imahot*", *Ten-Da'at 6:1,* S. Riskin, *Heiruto shel parshan ha-miqra, Akdamot* 3, M. Lichtenstein, *Tsir ve-Tson*(Alon Shvut, 2002) pp. 235-257, H. Dietcher, *"Bein malakhim li-venei adam"* in *Havanat ha-miqra be-yameinu* (Jerusalem, 2004) pp. 193-212, D. Berger, "On the Morality of the Patriarchs" in *Understanding Scripture* (Paulist Press, 1987)and the discussion on the pages of *Hatzofeh in* the spring of 2002 on the topic of *Tanakh be-govah einayim*, accessible at www.hatzofeh.co.il.
[44] One could add Ibn Ezra, Rashbam, Bekhor Shor, Hizkuni, Seforno and Abravanel amongst others.
[45] And one could add the writings of R. Samson Raphael Hirsch, R. Avaraham Yitzhak Ha-Kohen Kook and the Rav amongst others.
[46] "Torah and General Culture: Congruence and Conflict" in *Judaism's Encounter with Other Cultures*, ed. J. J. Schachter (New Jersey, 1997) pg.227. On a number of occasions in the mid-1980's, R. Lichtenstein was even sharper in his formulation, arguing that the haredi approach often turns the patriarchs into "ossified figures of petrified *tzidkut*" from whom we can learn precious little in the real world we inhabit and the spiritual challenges that we confront.

> could put their finger on it, may well have heard a message antithetical to that so sincerely intended by the teacher: There is a reality we encounter in high political and personal drama, then again there's a sense of the world one gets by watching the "adventures of Crusader Rabbit." What we learn in *Tanakh* is more like what you get in cartoons than what is found in Shakespeare. If that is the impression students carry away, their study of *Tanakh* is not contributing to *yir'at shamayim*. Quite the contrary."[47]

We must be on guard against a shallow misapplication of this approach where the genuine respect we feel toward the Patriarchs is compromised by cheap psychobabble or tendentious readings. There are three principles that can help us achieve a constructive balance between honesty to the text and maintaining an appropriate sense of reverence toward biblical heroes. First, the language, tone and perspective we choose to use when we discuss the real human dimension of great biblical figures must not be flippant, or worse, vulgar. We should be wary of facile and unsubstantiated suggestions that are careless and shallow in their message.

Second, we should emphasize to our students the notion of character development, the ups, downs and challenges of spiritual life, the real-life trajectory from which great people evolve into their final stature. They do not simply emerge in uni-dimensional fashion, perfect from the womb. In a celebrated letter to a young man who had expressed his despair at the spiritual missteps he had taken and his religious failings, R. Yitzhak Hutner responded with words of encouragement by noting:

> It is an evil malady in our circles that when we discuss aspects of perfection of our spiritual giants that we deal with the final summary of their stature. We speak of their paths to perfection, while at the same time skipping over the internal struggle that took place in their souls. The impression conveyed by our discussion about our spiritual giants is that they emerged from the hand of the craftsman in their (ultimate) stature and character (fully formed). Everyone discusses, reacts with astonishment and holds up on a pedestal the purity of speech of the author of *Hafetz Hayyim zt"l*. However, who is aware of all the struggles, obstacles, stumbles and retreats that Hafetz Hayim experienced in his battle with the evil inclination…? The result is that when a young person of spirituality, ambition and drive and energy encounters obstacles, missteps or stumbles he imagines himself removed from being "planted in the house of the Lord."[48]

Finally, a sense of proportion is critical to educational success. If one's perspective of King David is taken up wholly by his encounter with Bat-Sheva and eighty percent of class time is devoted to discussion of that episode alone, one has misread the plain sense of the Bible. Without engaging with the King David of the rest of the Biblical corpus, including the rest of the book of Samuel, the book of Chronicles, the book of Psalms, the latter books of Kings and the prophetic books, the teacher will fail in conveying the Bible's truth in its complexity, scope and depth.

6. Biblical Criticism and Mordechai Breuer's Theory of Aspects

Two of the more contentious issues in Modern Orthodox *Tanakh* study is exposure to higher Biblical Criticism and the adoption of any method that mimics its literary approach. It is clear that adoption of the theological underpinning of Higher Biblical Criticism, i.e. that the Torah is a composite work written by multiple authors in different times and in

47. "To Get the Better of Words: An Apology For Yirat Shamayim in Academic Jewish Studies" in *The Torah U Maddah Journal,* Vol. 2, pg. 11-12.

locales without divine inspiration, is obviously beyond the pale of any Orthodox notion of the Torah as divinely revealed, and therefore the adoption of this world-view has no place in an Orthodox religious framework. The adherents of such a position, their personal commitment to observance of *mitsvot* notwithstanding, cannot honestly lay claim to any mantle of traditional justification.[49]

Any serious study of Tanakh *cannot ignore the problems highlighted by critical scholarship*

Given a solid commitment to *torah min ha-shamayim*, however, there is a legitimate question about the use of materials or methods that are rooted in those the literary techniques of Biblical Criticism. Unfortunately, there have been illegitimate attacks on teachers using this material, and specifically, the method of R. Mordechai Breuer. These attacks dishonestly accuse the teachers of adopting Biblical Criticism and its theological assumptions.

Any serious study of *Tanakh* cannot long ignore the real problems highlighted by the world of historical–critical scholarship in the last 200 years. What does an honest student of *Tanakh* do with the myriad of contradictions that exist between various books of the Torah, within a book itself, or those interwoven into one chapter? Should he simply turn a blind eye to these problems and denounce any question emanating from those quarters as "higher anti-Semitism" as Prof. Solomon Schechter termed the critical enterprise?

Benno Jacob, Umberto Cassuto and R. David Zvi Hoffman engaged the critics on their own terms and attempted to show that their literary assumptions and conclusions were incorrect. They tried to demonstrate that an ultimate unity emerges from a careful reading of the stories and recognition of the immediate reasons for any distinctions or repetitions. In many instances these heroic efforts were productive and their results can be used positively by teachers of *Tanakh*. (In some instances, such as the case of the two sacrifice sections, Lev. 1-5 and Lev. 6-7, many in the source-critical have abandoned the "traditional" documentary explanation of the repetition for a more integrated reading). Using these insights, which are regularly noted in commentaries like *Da`at Miqra* on the Torah and the workbooks of Michlelet Herzog, can enhance an Orthodox understanding of Torah. They provide insight to the text and produce powerful defenses of traditional assumptions, thus potentially strengthening commitment and faith.

There are times when the suggestions offered by the scholars listed above do not yield satisfactory solutions and the questions remain unanswered. It is here that the revolutionary approach of R. Mordechai Breuer has much to contribute in our understanding of God's word. R. Breuer has skillfully argued that the various contradictions, redundancies and anomalies noted by the critics are indeed real, and there are multiple perspectives and voices—one can even say "documents"—that comprise the corpus of the Torah. However, each of these documents is the handiwork of

[48] *Igrot u-ketavim,* Letter #128 (Brooklyn, 5758).

[49] The more complex issue relates to persons who maintain that the Torah is a composite work from the hand of various human authors in different historical settings, but that these authors were divinely inspired. That is, people who see the Torah as equivalent to the writings of the Prophets. This perspective, while arguably not technically rendering one as "denying the divine origin of the Torah" as articulated in the *mishnah* in *Sanhedrin* (90a) undermines the uniqueness of the Torah in contrast to the rest of the Bible, as well as the uniqueness of Mosaic prophecy which for some of Sages and some of the *rishonim* is an article of faith, potentially shattering the foundation of the whole structure of the binding nature of Torah. While there clearly were *rishonim* who maintained that an isolated section of the Torah here or there was post-Mosaic, a gloss from the pen of a subsequent prophet, the notion of the wholly composite makeup of the entirety of the Torah is one that has no precedent in classical Jewish sources. Thus it is impossible to term such a theological understanding as Orthodox in any meaningful sense. On this see M. Breuer, "The Study of Bible and the Fear of Heaven" in *Modern Scholarship in the Study of Torah* (New Jersey, 1997) pg. 163-170 and *Megadim* 30, pp. 97-107.

God himself who bequeathed them all to Moses and commanded him to fashion the unique book that we know as the Torah. The classic documents termed by the critics J, P, E and D are in effect *divine* documents emanating directly from God to Moses. Prof. Shalom Rosenberg's pithily explained R. Breuer's method as, "For the critics, R stands for redactor, for Franz Rosensweig it stands for *Moshe Rabbeinu*, while for Breuer it stands for *the Ribbono Shel Olam* (Master of the World) himself!"[50]

I would add that R. Breuer's method often yields profound insights into the hermeneutics of *midrash halakhah* regarding conflicting passages and how the resolution of those passages makes its way into normative *halakhah*. This is no small feat, since the creative and sometimes bewildering hermeneutical moves of *Hazal* often trouble thoughtful students and have the potential to undermine faith in the Sages and commitment to their teachings. Yet R. Breuer's method is open to challenge. Many of the substantive critiques of his method and conclusions have force. Critics have noted the weakness of his literary assumptions about how a "human" author would write, his uncritical adoption of the divisions of various portions of the *Humash* posited by the source-critical world, his lack of engagement with historical, archeological or anthropological elements raised by modern Bible scholarship, and his exclusive concentration on literary issues.[51]

Notwithstanding these criticisms, R. Breuer's methods and work have added immeasurably to our appreciation of the Bible as revelation and constitute invaluable tools in reading *Tanakh* honestly while retaining the age-old commitment to the divine authorship of the text. As part of the panoply of strategies and exegetical materials brought to bear in the classroom, they can be a significant element in enhancing our students' *yir'at shamayim* and love of Torah.[52]

Using linguistic, philological and archeological studies continues methods used by Rambam, Ramban, Ibn Ezra and Radaq

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7. Archeological, Geographic, Ethnographic and Linguistic Data of the Ancient Near East

The last area of contention revolves around the use of the complex of disciplines and findings unearthed and refined by the academic world in its study of the ancient Near East. These fields include comparative Semitics, archeology, and other disciplines. In the last three decades, many in the advanced Modern Orthodox educational world studying *Tanakh* study have moved to make selective but sustained use of this material.

The pioneering commentary of *Da`at Miqra* and the groundbreaking essays of R. Yoel Bin Nun are two seminal examples of this phenomenon. Moreover, the use of these linguistic, philological and archeological studies simply continues the use of methods used by *rishonim* such as Rambam, Ramban, Ibn Ezra and Radaq, albeit with a much greater wealth

[50] Carmy summarized the method as follows: "The Torah must speak in the language of men. But the wisdom that God would bestow upon us cannot be disclosed in a straightforward manner. The Torah therefore resorts to a technique of multi-vocal communication. Each strand in the text, standing on its own, reveals one aspect of the truth, and each aspect of the truth appears to contradict the other accounts. An insensitive reader, noticing the tension between the versions, imagines himself assaulted by a cacophony of conflicting voices. The perceptive student, however, experiences the magnificent counter-point in all its power." "Introducing R. Breuer" in *Modern Scholarship in the Study of Torah*, pp. 148-9.

[51] See Carmy, pg. 153-155; S. Leiman, "Response to Rabbi Breuer" in Modern Scholarship in the Study of Torah, pg. 181, M. Lichtenstein, *Ahat dibber eloqim shetayim zu shama`ti*?"in Alon Shvut Bogrim, #17,pg. 32-35.

[52] On an educational note, it is important that irrespective of the use that may be made of R. Breuer's method in responding to questions of Bible Criticism in the context of a *shi`ur,* it is crucial that older high school students and young adults be made aware of the phenomenon of Bible Criticism. The basic contours of this field and its suppositions and beliefs are necessary preparation for engagement with the non-Orthodox world. Students

of material available to contemporary scholars and students.[53]There are a myriad of examples where our understanding of the biblical text has been enriched by these disciplines or where entire enigmatic portions of *Tanakh* have been illuminated by the use of these more modern methods. Scholars have already provided the interested reader with numerous case studies that could be easily multiplied exponentially.[54] In some instances these insights are no less important than the halakhic insights emerging from R. Hayyim Soloveitchik's writing on contracts or his fine distinctions between consciousness (*da`at)* and intent (*kavvanah)* in breaking open a problematic halakhic issue and resolving it with brilliance and simplicity.[55]

Today such insights and methods can be systematically employed rather than accessed only on the rare occasion. The assumption behind the use of such disciplines and data is the notion that *Tanakh* is a tome that reflects the concrete historical and sociological reality into which God chose to reveal His eternal will to mankind. R. Yuval Cherlow articulates this when describing the methodology of his mentor, R. Yoel Bin Nun:

> The *Tanakh* took place in a concrete reality. The position of "accursed philosophy" that events described in *Tanakh* did not occur, and that it is entirely a symbolic work were entirely rejected by *gedolei yisra'el*. The *Tanakh* is not only ensconced in the heavens but is rather a ladder rooted in the ground whose top reaches the firmament. Therefore, understanding the reality in which the events of *Tanakh* took place enables one to understand the Torah itself. The concrete reality is an indispensable part of the Torah and it is not for naught that the sages stated that *dibber ha-katuv be-hoveh*"—"the text speaks in the present reality"…This is all done with a clear distinction between the holy and secular, and a profound understanding that the Torah is not chained to a specific [historical] reality. The purpose of understanding the concrete reality of the biblical stories is not to transform the Patriarchs into simple merchants or to see the divine laws as parallel to human legislation, but to serve as comparative soil upon which to uncover the foundation of God's word and His Torah and understand the divine revelation in its profundity.[56]

If this idyllic picture were the entire story, there would be little opposition to the use of these disciplines in the *beit midrash*. But the broader picture is more complicated. There is the matter of conflicts between the academic or scientific evidence/theories and the history laid out in the biblical narrative. This is a subset, of course, of the millennia-old tension between scientific truth and revealed truth, which has agitated thinkers and theologians from many faiths.

[52] (con't) graduating a Modern Orthodox yeshiva high school should at least take a short seminar (two to three periods) that exposes them to the rudimentary aspects of what Bible Criticism is, its history and genesis, some examples of the phenomenon and traditional responses to its claims. Bible Criticism remains the regnant theory in all secular higher academic settings and it is simply irresponsible to have students walk into a class on the first day of their Lit-Hum course at Columbia or SUNY-Binghamton and be shocked that intelligent, thoughtful people actually believe that the Torah is not a divine document. One certainly does not want a student overwhelmed by such an experience or feel that serious issues or information was hidden from her during her yeshiva high school educational experience. I am happy to note that a good number of yeshiva high schools in the New York area already do this and there are a small number of yeshiva programs in Israel that feel that this is part of their educational mandate as well.

[53] "Furthermore, even where the exegesis is thick on the ground, each generation has its own questions. Sometimes we benefit from new data about the historical and linguistic background of *Tanakh*. What truth-seeking person would close his, or her, eyes to a newly discovered inscription clarifying the geography or vocabulary of a pasuk that baffled the *Rishonim*? The Ramban's delight when, upon his arrival in *Eretz Israel*, he was able to revise some of his *perushim* in the light of the *realia*, should put to shame the kind of piety that disdains such knowledge." S. Carmy, *Hamevaser* interview cited above.

[54] See for example B. Eichler, "The Study of Bible in Light of Our Knowledge of the Ancient Near East" in *Modern Scholarship in the Study of Torah*, L. Schiffman, "Making the Bible Come to Life: Biblical Archeology and the Teaching of *Tanakh* in Jewish Schools", *TRADITION* 37:4, pg. 38-49.

In general terms, the same strategies we use when approaching conflicts between the physical sciences and the truths of tradition should be utilized here as well. In some instances we will have to explore whether what we consider a "revealed" truth is really no more than an interpretation to be reevaluated in light of compelling scientific evidence, i.e. have we truly understood what God is saying, and is the conflict indeed direct?

Understanding the reality in which the events of Tanakh *took place enables one to understand the Torah itself*

A primary example of this is Nahmanides' revaluation of his understanding of the location of Rachel's tomb after he reached the Land of Israel and saw for himself the geography of the biblical sites. In other instances, we can note the distinction between empirical facts and the scientific hypotheses purporting to explain the meaning of those facts. While confirmed facts must always be assimilated and interpreted, interpretation of archeological data may be different. Often it is, "more art than science…and that new discoveries and new perceptions are constantly forcing reevaluations of currently held positions. It is this state of flux which helps alleviate such tensions to a certain degree by allowing discrepancies and contradictions to stand while awaiting further clarification."[57]

We should also highlight the distinction between positive evidence and negative arguments from silence, i.e. the absence of historical or archeological finds to buttress a particular biblical narrative. Given the fact that so much about the Ancient Near East is not yet known, that many important sites have not been excavated, that important finds have been discovered by chance, and that some scholars estimate that less than 10% of the material and documentary culture of the ancient Near East has been discovered, these arguments from silence (e.g. no material evidence of the conquest of the Land of Israel by Joshua) are logically weak in establishing the lack of historicity of most biblical episodes.

In more extreme situations we may be able to follow in the footsteps of Rambam. In *The Guide of the Perplexed* (II:25) he maintains that if a scientific theory that conflicts with the plain sense of the biblical text is indeed unassailable, and there exists no other tenable scientific theory to conform to biblical account, we are obligated to accept the scientific theory and reinterpret the biblical passage under question. Yet Rambam factors in the theological cost of metaphorizing a significant part of *Tanakh,* and if two equally possible theories exist, we are entitled to privilege the one that fits in with the plain understanding of the biblical text. Applying this to our context, Uriel Simon has noted that:

> Metaphorizing large sections of Biblical historiography [as would emerge from the conclusions of certain radical Israeli archeologists] would demand of us a high theological cost…and one cannot ignore that factual truth has a unique persuasive power… In the dilemma we confront, it is appropriate, in my opinion that we struggle for the maximum historicity of the Bible, with a careful watch on maintaining our intellectual and scientific honesty, as if indeed the historicity [of a particular episode] is debunked, we have a sort of safety net [in the use]of legitimate metaphorization…[58]

When push comes to shove, there may be times when even this method will not yield a satisfactory resolution. In those cases, we should take our cue from the Patriarch Abraham and the message of the *Aqedah,* and recognize the limits of human comprehension

[55] A good example is R. Yoel Bin Nun's brilliant reading of the beginning of *Parashat Beshalakh* in light of the Tel-Amarna letters and other historical finds of that era.
[56] Introduction to Yoel Bin Nun, *Pirkei Ha-Avot* (Alon Shvut, 2003) p. 17-18.

by accepting the divine call that emerges from the text, though it flies in the face of the purportedly scientific data before us. We should accept with faith the divine imperative, but continue to seek resolution with sustained investigation.

For many, the challenge relates primarily to the "undeniable commonality of cultural and literary motifs that the Bible shares with the civilizations and literatures of the ancient Near East."[59] This tension is predicated on the expansive assumption of the uniqueness of the divine norms as *sui generis,* not only in content but also in form, language and structure. This formulation assumes that, as a divine text, *Tanakh* is removed from the category of the canons of literary and historical categories of other texts.

However, the notion that is so dominant in the writings of medieval commentators, namely that "*dibberah torah ki-leshon benei adam,"* yields a different conception of the uniqueness of the divine nature of the biblical text, one that leaves the Bible within the literary and historical categories of human texts. In addition, the reality that God revealed his Torah in the empirical world of frail and flawed human beings embedded in specific cultures, social structures, theological assumptions and ways of experiencing the world, directs us toward the "need to define the uniqueness of the Torah in more subtle yet possibly more profound ways."[60]

The uniqueness of the Torah lies ultimately not in the form, but primarily in the content, the essence of its theological, spiritual and normative message. To take but one example, whatever similarities exist in language and form between the laws of *Mishpatim* and the Hittite or Eshnuna codes pale in comparison to the deeper theological differences that emerge from careful study. The profound differences between our monotheistic theology of an omnipotent, free-willed Creator versus the pagan, mechanistic world-view yield sharp differences that are reflected in the content of the respective codes of civil law. These include the invaluable worth of every human life created in the image of God, whether rich or poor, the issue of ransom for life, and a whole host of issues touching on the very core of our religious sensibility.[61]

The uniqueness of the Torah lies not in the form, but in the essence of its theological, spiritual and normative message

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The same holds true in studying the biblical conceptions of tabernacle and sacrifices. Archeological and historical research has found significant parallels between the temple architecture, sacrificial nomenclature and rites, and sacred liturgies of ancient Near Eastern societies and those depicted in Exodus and Leviticus. Careful study of those two books and the entire corpus of *Tanakh*, however, teaches us that external parallels of form and language are often overshadowed by the radically differing conceptions of the meaning, function and purpose of the "cult." In sharp contrast to the pagan view of sacrifices as magical machinations to appease the gods or to access the meta-divine realm, in the Torah the entire corpus of Leviticus plays a fundamentally different role, one where the demonic and mythological has been eradicated in line with the ethos of monotheism. The magisterial works of Jacob Milgrom on Leviticus that explore and meticulously document this line of thought in great detail, are a wonderful example of the kind of contribution that ancient Near Eastern scholarship can contribute to our understanding of the Bible as God's word.[62]

Finally, there may be some laws or institutions found in the Torah that are not only parallel in

[57] Study of the Bible, p. 89.
[58] "*Arkheologiyah post-miqrait u-post-tsiyyonit*" in *Ha-polmus al ha-emet ba-miqra*, ed. Y. Levin, A. Mazar (Jerusalem, 2001), pp. 136-37.
[59] *Study of the Bible*, p. 89.

form or nomenclature but whose very content seems to be undistinguishable from those of its surrounding societies. Here too, it is hard to understand the "horror" that this should cause in a thinking Torah student. In a number of places, the Sages asserted that there are civil and ethical laws in the Torah that, had they not been revealed, could have been derived independently from observation of the natural order, i.e. some conception of natural law. Moreover, the concept of seven Noahide laws revealed to mankind, especially as understood expansively by Nahmanides (Commentary to Genesis 34:13) or R. Sa`adyah Ga'on's insistence in *Book of Beliefs and Opinions* (*Sefer emunot ve-de`ot*) that many of the rational laws of the Torah can be derived through reason, given time and effort, should certainly attenuate the seriousness of challenges arising from the discovery of ancient Near Eastern laws that are explicitly parallel to those in the Torah.

Conclusion

This paper was predicated on a broad definition of *yir'at shamayim,* rooted at the same time in passionate commitment to observance of *mitsvot* and adherence to traditional Jewish beliefs. It has defended the legitimacy of integrating modern methods with classical modes of Torah study, often noting classical precedents for these methodologies in traditional rabbinic sources. It pointed to the benefits that can be accrued from using modern scholarship in Modern Orthodox educational contexts, including a more sophisticated understanding of the Torah as the revealed word of God, the inculcation of greater love of Torah study, and strengthening the motivation of our students to arrive at truth, the seal of the Creator. The existence of these elements in our educational settings can all contribute to fostering greater *yir'at shamyim* in Modern Orthodox students, who are heavily involved in many aspects of secular culture**.** These elements that help enhance Torah study, and help students see the beauty and glory of Torah should be embraced.

Of course the key is ensuring that Torah study occurs in an atmosphere where the experiential and affective elements in their schools, homes and synagogues contribute to heightening their individual spirituality, God- consciousness and commitment to halakhic observance. Finally, we should remember that perhaps the central element in Modern Orthodox education is choosing the right role models as educators and rabbinic teachers. These "text-people" rather than textbooks (as Abraham Heschel termed them) and the fire, enthusiasm, devotion to God and His Torah that they convey to our students are ultimately far more important than whether an idea from Cassuto crosses their lips.

[60] Study of the Bible, p. 98.
[61] See for example Moshe Greenberg, Understanding Exodus (Berhman House, 1969; reprinted, Ben Yehuda Press, 2005) and Studies in the Bible and Jewish Thought (JPS, 2005); Nahum Sarna, Understanding Genesis (Schoken Books, 1972); Exploring Exodus (Schoken Books, 1996), and the various essays on Bible in, Modern Scholarship in the Study of Torah, S. Carmy ed. (Jason Aronson, 1996), pp. 1-188.
[62] Jacob Milgrom, Leviticus, vols. 1-3 (Anchor Bible, 1998, 2000, 2001).

Afterword: A Personal Reflection

Throughout history, the charge of insufficient *yir'at shamayim* has often been hurled at Orthodox thinkers who have applied new techniques to canonical texts, rendered halakhic decisions that differed from prevailing consensus or who had a positive attitude toward contemporary knowledge and high culture. Of course, this accusation was directed at Maimonides and his followers, producing a ferocious controversy in the Middle Ages. The phenomenon became especially pronounced following the onset of the Enlightenment, which both challenged and transformed Jewish self-identity. During this critical time a self-conscious Orthodox community emerged that saw its mission to be a defense of rabbinic tradition that was being buffeted by the hostile winds of change. In this atmosphere, tensions between different leaders of the Orthodox community were an inevitable byproduct of the different perspectives of rabbinic leaders brought to the question of engaging the modern world and modern scientific studies. The proto-Haredi camps associated with some of the extreme students of the *Hatam Sofer* often saw their more modern Orthodox colleagues as the real threat to tradition and viciously attacked them, denigrating their approach as lacking in *yir'at shamayim*. R. Hillel Lichtenstein[63] in a "responsum" wrote of R. Esriel Hildesheimer, the rabbi of Halberstadt, Hungary and *de-facto* leader of Hungarian Neo-Orthodoxy that: "[Hildesheimer] is a man of deceit, a liar, out only for monetary gain, wrapped, so to speak in a garb of righteousness that outwardly justifies his deed, like a pig that stretches forth its hoofs…so that many are caught in his net...His every tendency is to uproot Torah and the fear of God and plants in their stead apostasy and heresy in Israel."[64]

These types of attacks have continued into the twentieth century and were directed at Torah giants such as Rav Avraham Yitzhak ha-Kohen Kook,, R. Joseph B. Soloveitchik,[65] R. Shlomo Goren. In recent decades, they have targeted prominent contemporary Orthodox rabbis and educators such as Rabbis Samuel Belkin, Saul Berman, Simcha Krauss, Norman Lamm,

[63] Lichtenstein was born in 1814 in Vesht, Hungary and studied under the *Hatam Sofer* in Pressburg from 1832-1837. He later served as rabbi of a number of towns including Klausenberg and Szikszo'. He was the prime mover behind the "*pesaq din*" of Michlavitch (1866) that forbade, without any halakhic documentation, the use of the vernacular in synagogue sermons, the participation of a choir in the service, or the wearing of clerical robes by rabbis, among other strictures. The late Prof Jacob Katz argued in a number of essays and in his book *A House Divided: Orthodoxy and Schism in Nineteenth-Century European Jewry* that this is the first formal instance of the use of the modern tool of *"da`as torah"* in the sense of ex-cathedra pronouncements that do not see the need to justify their arguments with halakhic citations or arguments.

[64] D. Ellenson, *Rabbi Esriel Hildesheimerand the Creation of A Modern Jewish Orthodoxy* (Tuscaloosa and London, 1990) p. 43. Similar examples of such language and attitudes directed towards R. Hildsesheimer abound in R. Lichtenstein's responsa collection *Shut Beit hillel* (Satmar, 1908).

[65] In November 2005, R. Shlomo Riskin spoke to a conclave of educators gathered at Manhattan Day School. He mentioned that in 1982 he traveled to Boston to personally deliver a copy of his first published work, a *haggadah* with a commentary and to inform his teacher, Rav Soloveitchik, of his decision to move to Israel. The Rav attempted to dissuade him from making *aliyah* by telling him: "Riskin you have your own ideas about things and the religious establishment will not like them, *zei velen dikh tzukeiyan und dernuch velen zei dikh os'shpeiyan*, (literally, "they will chew you up and spit you out")." At that point the Rav proceeded to take out a file folder with yellowed press clippings from 1935 reporting on his trip to the Land of Israel to vie for the Chief Rabbinate of Tel-Aviv. The Rav showed R. Riskin many of the printed attacks on his personal *yir'at shamayim* as a result of the fact that he had earned a doctorate, as well as the fact that his wife had ridden on horses and did not cover her hair. It was clear that these attacks had hurt the Rav and affected his view on the desirability of moving to Israel.

[66] See for example the pamphlet, *Tsaddiq be-emunato yihyeh* (Eli, 2003), by R. Tzvi Tau of Yeshivat Har ha-Mor. In it he states that teachers and administrators in institutions such Herzog Teachers' College are "poisoned and poison others" and that they are "lacking in *yir'at shamayim* and their knowledge is dry, outside of the soul, as they are studied in the university." See Amnon Bazak, "*Yesharim darkei hashem ve-tsadikim yeilekhu bam*" *Alon Shvut Bogrim* #17, pp. 9-21 for a response to these charges.

Shlomo Riskin, Adin Steinzaltz, Avraham (Avi) Weiss, and other communal leaders who toil in the vineyard of the Lord for the cause of Torah and the Jewish people. More recently still, we have also been witness to broad-brush attacks on Modern Orthodox organizations, institutions and seminaries in America and Israel such as Yeshivat Har Etsion and Herzog Teacher's College,[66] and the banning of the books authored by devout Orthodox educators and yeshiva heads such as Rabbis Natan Slifkin, Yoel Bin Nun, Natan Kaminetsky and Yuval Cherlow.

The phenomenon of using *yir'at shamayim* as a blunt instrument to beat one's more modern Orthodox competitor continues to the great detriment of the Orthodox community. In the process, many of the real challenges we confront as a community and the deep questions that Orthodox youth and adults face as they struggle to understand God and His revealed Torah are pushed aside. In the process, *yir'at shamayim* and the striving to achieve it have been devalued.

It is long past time to redeem this central religious category from its continued abuse as a weapon of attack. It was R. Naftali Tzvi Yehuda Berlin (Netziv) who most eloquently expressed this aspiration and the destructive consequences of religious intolerance. In his introduction to Genesis found in his work, *Ha`ameq davar,* he explained that the book of Genesis merited the rabbinic appellation of Sefer ha-yashar ("the Book of Righteousness") because the Patriarchs were tolerant individuals who extended respect even to their pagan neighbors. Not so the religious leaders who lived in the era of the destruction of the Second Temple:

> They were righteous, pious and diligent Torah scholars, but they were not upright in the ways of the world. Therefore because of the baseless hatred in their hearts towards one another they suspected whoever did not behave in accordance with their view of *yir'at ha-shem* of being a heretic and sectarian. This led them to murder…And God does not tolerate *tsaddiqim* such as these.

Meorot
A Forum of Modern Orthodox Discourse

THE DALED AMOT OF HALAKHAH

Inviting a Gentile for Yom Tov

Yaakov Love

Abstract: The question of whether it is permissible to invite a gentile to a *Yom Tov* meal is frequently asked. Though the *gemara* seems to forbid the practice, the author suggests a solution to the dilemma after analyzing the *gemara* and writings of subsequent rabbinic authorities.

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Inviting a Gentile for Yom Tov

Yaakov Love

The *gemara* (*Beitsah* 21b) teaches that the verse "Only that which everyone eats may be made for you" (Ex. 12:16) permits work on festivals for preparation of food "for you," but not for gentiles.[1] Cooking and, for that matter, all labors forbidden on Shabbat, are thus forbidden by Torah law on a festival if done for a gentile..[2]

The *Shulhan arukh* (*Orah hayyim* 512:1) states, "We may not cook for a gentile on festivals. Therefore, it is forbidden (even) to invite him lest one prepare more for him."

We may not cook for a gentile on festivals. Therefore, it is forbidden (even) to invite him

Though it would seem from this language that inviting a gentile to our home as a guest for a festival is a rabbinic prohibition, the language of the *gemara* (id.) suggests something different. "R. Yehoshua ben Levi said, 'We may invite a gentile on Shabbat; we may not invite a gentile on a festival, [this is a] decree, lest one prepare more for him.'"[4] The decree, then, prohibits inviting a gentile on the holiday itself for fear that when cooking on the holiday one might feel the need to honor the guest by making special dishes for him. To quote Rosh (Rabbeinu Asher, on *Beitsah* 2:14) "R. Joshua ben Levi only prohibited inviting a gentile since he wants to honor him and will add dishes for him."

We could say, then, that even though there is still the biblical prohibition of cooking for the gentile on the holiday, the rabbinic decree against an invitation does not apply when the invitation is proffered before the holiday. Thus, if care is taken that no special cooking is done for the gentile guest on the holiday, there would be no infraction of R. Joshua ben Levi's prohibition. We would, then, interpret the language of the *Tur* and *Shulhan arukh*, "it is forbidden to (even) invite him" as referring to "on festivals" in the first sentence.[5]

But the idea that one may invite a gentile before the holiday is problematic. If the prohibition rests on the desire to please the invited guest

[1] *Mishnah berurah* 512:2 includes Jewish idolaters and public Sabbath desecrators in the prohibition. (The problem posed by that ruling for the case of contemporary *ba`alei teshuvah* is best left for discussion elsewhere.) Meiri (on *Beitsah* 21b) writes, in keeping with his overall view in these matters, that it is only idolators and pagans for whom we may not cook, not contemporary nations bound by ethical and religious norms. Whether or not we agree with Meiri on other such matters, such as saving gentile lives on Shabbat, it is difficult to understand how his view would apply to rule stated in the Torah in terms of "for *you*." All the more so since the *Talmud Yerushalmi* explains, "for those who observe *yom tov*, we may cook on *yom tov*, for those who do not observe *yom tov* we may not." But see the *Yerushalmi* where this may merely be a rationalization given to gentiles.

[2] See *Bi'ur halakhah* 512 s.v., *ain mevashelin* where the Hafets Hayyim discusses the severity of the Torah prohibition and whether it applies to carrying or lighting fires according to Maimonides.

[3] *Tur Shulhan arukh* omits the word "even."

[4] Maimonides, *Mishneh torah*, *Hilkhot yom tov* 1:13 quotes the text of the *gemara*.

[5] In this way, we avoid creating a dispute between Maimonides and *Tur* on this point. But see below.

when cooking on the holiday, why should it make a difference when the honored guest is invited?

The *gemara* further teaches, "When a gentile happened in on Mereimar and Mar Zutra on a holiday, they said to him, 'If the effort we've put in for our own [food] is enough for you, fine. If not, we will not (or: cannot) put in any more effort for you.'" The cooking, it seems, was already done and the fellow was not an invited guest. The *Tur* writes, "Rambam wrote (*Yom tov* 1:13), 'However, if the gentile comes on his own, he may eat with them whatever they are eating since they've already prepared it.' But this is not correct, since even if they've already prepared it, we must fear lest he add [dishes] for him if he is honored and worthy. Rather, one needs to say to him, 'If what we've prepared for ourselves is sufficient, come eat."

Beit yosef explains, in the name of the *Maggid mishneh*, that Maimonides believes that R. Joshua ben Levi prohibited *inviting* a gentile, but that no prohibition of *feeding* a gentile was mentioned. Since this guest dropped in on Mereimar and Mar Zutra, the concern about adding dishes did not require a prohibition on feeding him. Notifying him that he would have to share what was already prepared was merely a courtesy, not essential to the authorization to feed him. *Tur*, on the other hand, sees the reason for the prohibition as a defining element, not merely a matter of wording. Unless he were notified that that we cannot add anything for him, even feeding him would be tantamount to a prohibited invitation, since if he deserved honored service, we might indeed add something for him.

This suggests an inference with respect to our earlier question: According to Maimonides, the invitation is the determinative factor; and just as the word "invite" is specific, so, too, may be the words "on *yom tov*" as well. An invitation proffered before *yom tov* may not be subject to R. Joshua ben Levi's prohibition. For the *Tur*, however, the main consideration is the chance that one might add dishes in honor of the guest; therefore, the time of the invitation or even whether there was an invitation is not an issue.

An invitation proffered before Yom Tov *may not be subject to* R. *Joshua ben Levi's prohibition*

According to the *Tur*, R. Joshua ben Levi used the term "invite" to make the point that we are dealing with someone whose honor is at issue. According to Maimonides, the term was more specific, since someone who simply dropped in would not expect anything special, even if he were the sort of person who would be treated elegantly were he an invited guest. On this view, though, even Maimonides would say that an invitation before the holiday would still be an invitation. We could say, however, that when one invites a guest on *yom tov* for that day, the guest expects to be specially honored when he arrives, since he assumes that preparations would be made on account of his having accepted the invitation. When the invitation was extended before the holiday, he would assume upon his arrival that all had been prepared and would not expect any additional effort. Nevertheless, since the preparation is assumed to be taking place on *yom tov* the fact that the invitation was tendered earlier does not diminish the fear that one will add special dishes for the guest. This is why Maimonides adds in the case of the drop-in, "since they've already prepared it." Were the cooking not yet done, Maimonides would agree that we must desist, lest there be a need to make special dishes even for the heretofore uninvited guest. But when the food has already been prepared, he does not draw a distinction with respect to an invited guest.[6]

As mentioned, this may be because the invited guest would expect to be honored after the invitation and we fear the host will try to oblige.

[6] See *Sha`ar tsyun* 512:3

The *Tur* seems to take the word "invite" as significant when it states "Specifically inviting him [is forbidden], since he wants to honor him and we fear he will add [dishes] for him. But [the host's] servant or maid in his home….may be fed along with him." As stated above, the idea of inviting is determinative, but only because of concern about the "honored" guest.[7]

The *Shulhan arukh*, without comment from Rema, omits the need to saying anything to the drop-in guest. Taz and Magen Avraham agree, but they observe that an invitation to eat after the fellow drops in is nonetheless an invitation. They do not state any distinction related to whether the food has already been prepared.[8]

According to the *Tur*, if there is no distinction between an invited guest and an uninvited one, it might be sufficient even for an invited guest to say "There won't be anything special, just what we've prepared for ourselves." The *Mishnah berurah* (512:10) stipulates that the rule for a drop-in applies only if the food has already been prepared and adds that various authorities[9] require that a statement be made. One can assume that according to those authorities, which include the *Tur* being one, both requirements must be met. I would venture that according to the *Tur*, an invitation on *yom tov* after the food is made would be permitted in principle as long as the statement were made; as a practical matter, however, he believes that such a statement would be an insult to an honored invited guest rather than an honor. An invitation made before *Yom Tov*, according to the *Tur*, even when accompanied by the statement would not prevent the host from perhaps adding to the menu for the guest and would be forbidden since the food has not yet been prepared.

As explained earlier, Maimonides would also agree that an invitation before the holiday would not be sufficient to allay the fear that special dishes would be prepared for the guest, since the cooking has not already been done.

The *gemara* (*Beitsah* 17a) states, "It was stated as fact that a woman may fill an entire pot with meat even though she only needs one piece. A baker may fill an entire barrel with water even though he only needs one pitcher.[10] As for baking, he may not bake more than he needs. R. Simeon ben Elazar says, 'A woman may fill the entire oven with bread since bread bakes better when the oven is full.'"[11]

It would seem that as long as one is doing only one act of cooking (or baking, according to R. Simeon), it makes no difference whether the entire amount is actually necessary. It is for this reason that I specifically added the idea that it is the cooking of special (separate) dishes for the gentile that R. Joshua ben Levi was concerned about of. Were one to cook a larger amount in the same pot with the gentile in mind, there would be no desecration of *Yom Tov*, but R. Joshua ben Levi forbade inviting a gentile even for such a meal lest one honor him with separate—that is, additional—dishes. Hence, were one to invite a gentile and serve only a larger amount of the items served to everyone else, he would not thereby violate any biblical rule, though he would violate R. Joshua ben Levi's rabbinic decree.

This is clearly stated by Rosh:

> We are worried that he might cook a pot separately in which he would not have cooked were it not for the gentile. For if he didn't add for the gentile other that in the pot than what he is cooking [for himself] there would be no chance of a violation."[12]

[7] Rashba also requires a statement by the host.
[8] The *Shulhan arukh*, however, does not mention that comment by Maimonides.
[9] Tur, Rashba, Rashal and, evidently, Gra
[10] "Since it is all one effort" (Rashi, ad loc., s.v. *memale'ah ishah*). That is, no separate act is needed to prepare the non-essential food.
[11] The *halakhah* is in accordance with R. Simeon. See *Mishnah berurah* 512:12 regarding modern ovens.

Beit Yosef [13] cites the *Orah hayyim* as stating that one may not send a gift of food to a gentile on *Yom Tov* if he planned to do so when cooking on *Yom Tov* since he probably added to the dish for the gentile. Moreover, the *gemara*'s rule about "filling the pot" applies only to the needs of a Jew. *Beit yosef* comments that it is obvious from what he has written at the beginning of the section (where he quotes Rosh and others) that the halakhic decisors disagree.

The Gemara*'s rule about "filling the pot" applies only to the needs of a Jew*

One can interpret this to mean that the *Beit yosef* believes it is permitted to feed an invited gentile food that was cooked for the household, even if the amount prepared had been increased for the sake of the gentile. This seems to be the understanding of the *Derishah*.[14]

Regarding the early authorities he quoted, the *Derishah* wonders how the *Beit yosef* finds that one may cook additional food for a gentile in the family pot when Rosh states clearly that this is the very thing that R. Joshua ben Levi prohibited lest one prepare a separate dish.[15] Evidently, the *Derishah* believes that the *Beit yosef* permitted cooking for a gentile on *Yom Tov* even if one adds to the family pot, as long as nothing separate is made.

With all due respect, though, I believe that the *Derishah* misunderstands the *Beit yosef*. The *Orah hayyim* stated that one may not send to a gentile even the food cooked for the family, lest one add to it for the gentile—and that would be the rule even without R. Joshua ben Levi's prohibition. Even though the *gemara* expressly permits enlarging the batch of food in the case of the housewife or the baker, *Orah hayyim* believes this is not permitted for the benefit of a gentile.

The *Beit yosef* is claiming that according to the views of Rosh, Ran, and Rashba, all of whom stress the honor of the guest as the prime factor, the concern applies only when the guest is invited to the home for the meal. When a gift of food is sent to the gentile, the gift itself is sufficient honor; and we need not fear that anything separate will be added. Additionally, since Rosh *et al* say that only adding a separate, additional dish must be avoided, they obviously do not agree that adding to the family pot would in itself be prohibited.[16]

The *Shulhan arukh* states, "[The prohibition applies] only to an invitation[17], but a servant or maid or someone [not Jewish] sent [to the Jew] or a gentile who comes uninvited may be fed with [the Jew] and we have no fear that he will prepare extra for them." The operative idea is that these are not honored guests.

12 *Beitsah* 2:14

13 512, s.v. *katav be'orah hayyim*

14 512:a

15 As it happens, Rema (512:1) concurs with the *Orah hayyim*. He also completes the *Beit yosef*'s thought that sending food would be permitted. *Mishnah berurah* (215:6) cites authorities who only permit sending a portion of what was actually cooked for the family and do not permit adding to it for the gentile. This is similar to the opinion of the *Orah hayyim*. If the *Derishah* is correct in his understanding of the *Beit yosef*, we have no less an authority than the *Beit yosef* to rely on for permission to invite and cook for a gentile in this manner. See *Mishnah berurah* (loc. cit.) and *Sha`ar Tsiyon* 10, where others are cited as agreeing with the *Beit yosef*.

16 *Mishnah Berurah* (512:6) is referring to sending a gift and has the above two points in mind when he states (*Sha`ar tsiyun* 10) that the *Beit yosef* disputes "*all* the words of the *Orah hayyim*." Rema, who says that one may not add to the family pot for a gentile is taking the same view as the *Orah hayyim*, that one may not send a gentile even a portion of what has been cooked in the family pot, since this too is included in R. Joshua ben Levi's decree, lest one add to the pot.

17 Rema completes the thought by saying, "to the [Jew's] home but to send to [the gentile] to his home is permitted."

Although we have not yet found a way to permit the invitation of a gentile for a holiday meal, two things are evident.

1. Though the decisors may differ as to who is considered an "honored guest" or one for whom a dish might be added, it is agreed that one who is not in those categories is not included in R. Joshua ben Levi's prohibition.

2. R. Joshua ben Levi's prohibition is based on the premise that the cooking and other preparation will be done on *yom tov* itself.

Regarding the first point:
It is my opinion that none of our invited guests expect to have any special dishes prepared for them especially. They may indeed expect to be served "guest-worthy" or holiday delicacies but, nothing that the hosts, their family and other invitees would not themselves be offered. It is possible that today, the *Shulhan arukh*'s list may be extended to include most if not all of our invited guests.

Three problems must be considered, however:

1. We have seen that even where the guest may not be considered as one for whom we might add a special dish, Rema rules with the *Orah hayyim* that one may not add an extra amount for the gentile guest even to the family pot.[18] Simply filling the pot, without taking account of the number of guests, offers no recourse according to the *Orah hayyim*. Those who follow the *Beit yosef* can be more lenient here.[19]

2. Many people today have special dietary needs--vegetarian, vegan, no-sugar, no-salt, no–gluten, etc. These guests will in fact expect specially prepared portions. Such a guest is certainly included in the original prohibition.

3. Coffee and tea. These are made separately for each person and would be problematic. Even a full kettle of boiled water would be problematic according to Rema if the number of guests is taken into account when filling the kettle. I am even apprehensive about inviting a gentile at all if coffee or tea is to be served, since R. Joshua ben Levi prohibited the invitation precisely for fear that such a course might be offered. I doubt, though, that the entire idea that the rule no longer applies is undermined because of the *chance* that coffee or tea might be served.[20] If coffee and tea will not be served at all, there should be no problem. We also saw earlier that a statement that nothing further will be cooked after the meal has been prepared, will help according to all opinions when there is no "honored guest."

Preparing all holiday food in advance would obviate any concern

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Even where all the above problems are not applicable or could be avoided, I am reluctant to dismiss an explicit talmudic prohibition on the basis of my conjecture unless there are *poseqim* who would agree with me.

Regarding the second point:

R. Joshua ben Levi specifically excluded Shabbat from his prohibition since no cooking would be done on Shabbat. As for a holiday, it was assumed that since cooking was permitted on a holiday, one would prefer to have fresh cooked food in honor of the festival. Since keeping food fresh was difficult, even slaughtering of animals was expected to be

[18] Certainly individual portions of food, even if cooked together with the family's food, would be forbidden. Many authorities hold that such things as burgers, knishes, blintzes, schnitzel and the like are considered as being made especially for each guest. See *Mishnah Berurah* 512:6 for the different opinions and circumstances in which one may be lenient.

[19] I believe that, a turkey, for instance, is considered a single unit and that if a larger turkey is cooked because of the guests, it is not considered to be a case in which something has been added. The same probably applies to a kugel or the like, since a pan of kugel is usually baked without paying attention to portions. The *Tashbets*, quoted by the *Beit yosef* (512, s.v. *um"sh vedavqa*) seems to support this.

[20] We may prepare a full "Shabbat urn" of hot water from before yom tov and ask that the guests prepare their own coffee or tea if desired.

done on *yom tov* for *yom tov*. Today, there is no reason why food cannot be prepared and kept fresh from *erev yom tov,* i.e. immediately prior to the holiday. Preparing all food for the holiday in advance would obviate any concern. Even if one might say that the permissibility of cooking on the holiday is sufficient reason to worry lest we cook something special for the guest, we saw earlier that once all the food is made, even the *Tur* would permit a statement to the effect that nothing further would be cooked. The only reason we found for his not mentioning this possibility is that the statement itself might be an insult to an honored guest. I do not believe this would be a problem today.

Even the three problems noted under the first point are easily resolved by cooking everything before *yom tov*. One could certainly add to the amount cooked. Even the special-diet dishes would be prepared before the holiday. An urn could be put up with hot water and guests could be directed to prepare their own coffee or tea. Still, three things need to be looked into:

1. Warming refrigerated foods on *Yom Tov*

Shehiyah and *hazarah*[21] are prohibited on Shabbat either because one might stoke the fire or because it "looks like cooking." Since neither of these *melakhot* is prohibited *per se* on *Yom Tov*, I do not think the Sages' prohibition would apply today merely because this particular guest is involved. Even though it may "look like cooking," there is nothing to make it "look like" cooking for a gentile. That resolves concerns about solid foods.

2. Reheating liquids

According to the *Beit yosef*, reheated liquids, such as soups, are considered to be recooked, and even Rema states that we are stringent, and do not reheat, where the liquid has reached room temperature. Nevertheless, it is the opinion of the *poseqim* that Rema's ruling is a non-essential stringency.[22] Even according to the *Beit yosef*, only those dishes that are specially made for the gentile guest are in question, since we can rely on those who believe that the Beit Yosef prohibits the reheating only of clear water or the like but not of soup, which is considered complete with the initial cooking.[23] feel more confident here in applying my earlier position as an additional leniency.[24]

3. Two Day *Yom Tov:*

It is much easier in Israel to prepare on *erev Yom Tov* for the one-day holiday that follows. In the diaspora, if it is necessary to invite the gentile guest for a meal on the second day of the holiday, one should cook for the second day on *erev Yom Tov* and cook the first day's meals on *Yom Tov* proper if all cooking, for both days, cannot be done in advance.

[21] Leaving already cooked foods on the fire or returning them to the fire. This is not the place to go into specifics of the laws related to cooking on the Sabbath.

[22] *Humra be-`alma.* Those who would be strict here can warm the food on a "*blekh*" as they would on Shabbat.

[23] *Peri megadim.*

[24] And, perhaps, even Meiri's idea regarding the gentiles to whom the prohibition applies. Again, those who would be stringent can use a "*blekh*."

Meorot
A Forum of Modern Orthodox Discourse

REVIEW ESSAY

Ortodoqsiyah Yehudit: Hebeitim Hadashim (Orthodox Judaism: New Perspectives), edited by Yosef Salmon, Aviezer Ravitzky and Adam S. Ferziger

Reviewed by Yitzchak Blau

Abstract: This review analyzes the historical and philosophical themes in this collection of scholarly articles on Orthodoxy. It surveys the reaction of later scholars to Jacob Katz's pioneering theories on Orthodoxy and modernity. Katz's theories are challenged and presented with greater nuance. This review also responds to philosophic critiques of contemporary Orthodoxy written by Profs. Avi Sagi and Tamar Ross.

Biography: Rabbi Yitzchak Blau taught Talmud for many years at *Yeshivat Hamivtar* in Efrat, Israel and is the author of the forthcoming *Fresh Fruit and Vintage Wine: The Ethics and Wisdom of the Aggada.*

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Ortodoqsiyah Yehudit: Hebeitim Hadashim (Orthodox Judaism: New Perspectives) edited by Yosef Salmon, Aviezer Ravitzky and Adam S. Ferziger (Jerusalem: Hebrew University Magnes Press, 2006) 622 pages

Yitzchak Blau

I.

This fascinating and informative collection of twenty articles is dedicated to the memory of Professor Jacob Katz and indeed the influence of that eminent scholar looms over the entire volume. Katz initiated the academic study of Orthodoxy, and many of the articles in this volume respond to his pioneering efforts. Some of the authors assume Katz's conceptual framework, while others attempt to add more nuance to his ideas or radically critique his approach.

Katz distinguished between modern society and traditional society. The former values change and aspires to effect it; the latter views the past as its essential guide. Traditional society undergoes change, but it does not seek out novelty and it subsumes innovation under traditional rubrics.[1] Katz and his students further differentiated between Orthodox society and traditional society. People living in a traditional society adhere to their traditions as a matter of course. In contrast, those living in an Orthodox society decide to remain committed as an act of self-conscious choice. These changes indicate that Orthodoxy itself is a product of the challenge of modernity. It emerged when observant Jews began to feel like a threatened minority. They lost the ability to coerce observance through communal sanctions and had to use the powers of argument and persuasion instead. R. Moses Sofer's (the *Hatam Sofer*'s) novel usage of "*hadash asur min ha-Torah*"* and his occasional blurring of the distinctions between custom and biblical law reflect an Orthodox response to modernity's call for religious reform.[2]

Orthodoxy is a product of modernity. It emerged when observant Jews began to feel like a threatened minority.

Katz's ideas have had wide influence, and many distinguished historians count themselves among his disciples. Haym Soloveitchik's widely read study, "Rupture and Reconstruction: The Transformation of Contemporary Orthodoxy,"[3] is explicitly indebted to Katz's pioneering work. Soloveitchik analyzed the recent shift from a

[1] Jacob Katz, "*Hevrah mesoratit ve-hevrah modernit* [Traditional society and modern society" in *Leumiyut Yehudit: Masot u-Mehkarim* [Jewish nationalism: essays and studies] (Jerusalem: Histadrut ha-Ziyyonit ha-Olamit), pp. 155-166.

* Literally, "The new is forbidden by Torah law." In context, it refers to the conditions that must be met before grain from the new harvest may be eaten. In a play on words, R. Sofer used it to mean that all innovation is absolutely forbidden.—*editor*.

[2] See Jacob Katz, "Orthodoxy in Historical Perspective," in *Studies in Contemporary Jewry II,* ed. Peter Y. Medding (Bloomington: Indiana Univ. Press, 1986), pp. 3-17; id., *Ha-halakha be-meizar: mihsholim `al derekh ha-ortodoqsiyah be-hithavutah* (Jerusalem: Hebrew Univ., Magnes Press); Moshe Samet "The Beginnings of Orthodoxy," *Modern Judaism* 8:1 (Feb. 1988), pp. 249-269.

[3] Haym Soloveitchik, "Rupture and Reconstruction: The Transformation of Contemporary Orthodoxy," *Tradition* 28:4 (Summer 1994), pp. 64-130.

mimetic tradition to reliance upon texts, alternatively expressed as the move from "life tradition' to "book tradition." This transition signals the move from a traditional society that does not require conscious justification for action beyond perpetuating the performance of parents and grandparents to a modern society that lacks confidence and needs to assure itself by returning to the sacred books.

The significance of Katz's ideas extends beyond the theoretical. Shalom Rosenberg points out (p. 65)[4] some of the ideological stakes. Orthodox Jewry argues that it is the only group faithful to Jewish tradition. The other denominations can utilize Katz to retort that Orthodoxy itself is a novel and exclusively modern phenomenon. Secondly, liberal Orthodox thinkers argue that the threat of modernity caused Orthodox decisors to become overly rigid in their rulings. They contend that accepting Katz's conception of the historical development of Orthodoxy may enable another, more fluid model to emerge.

Building upon Katz, some scholars draw a sharp divide between Ashkenazi and Sephardi society. The latter did not face the threat of modernity in the same fashion as the former, and thus Sephardi rabbis do not fit the standard portrait of Orthodoxy. In this volume, Shalom Ratzabi uses R. Ben Zion Meir Hai Uziel and R. Hayyim David Halevi as Sephardic foils to Hungarian Orthodoxy. While Ratzabi is correct that these two Sephardic rabbis shared a conception of *halakhah* more dynamic than the *Hatam Sofer*'s, I believe that scholars who draw a broader distinction between Sephardi and Ashkenazi rabbis significantly overstate the case.

Choosing other representative rabbinic luminaries leads us to a very different result. R. Isaac Herzog's attempt to apply *halakhah* to the challenges of democracy in a modern state reflects a significant willingness to innovate. R. Moshe Feinstein's ruling denying the validity of Reform marriages, and thereby saving countless Jews from the fate of *mamzerut,* reveals unusual boldness.[5] His decision that government supervision justifies the consumption of milk from gentiles indicates an understanding that *halakhah* responds to a changing situation.[6] These examples hardly cohere with the caricature of Ashkenazi Orthodoxy as frozen in halakhic conservatism. In fact, the contrast between Rav Moshe's *independence* and R. Ovadia Yosef's rigid adherence to "*divrei maran*" might indicate some greater dynamism among Ashkenazi decisors.

All halakhic innovations are the working out of ideas already found in the Torah.

Ratzabi may overstate R. Uziel's conception of halakhic dynamism. In a responsum prohibiting leniencies regarding the eating of *qitniyot* on Passover, R. Uziel approvingly cites a section in which the *Hatam Sofer* states that we lack the power to abrogate decrees or customs that serve as protective fences and that the weakness of our generation actually calls for more such fences.[7] While R. Uziel does not explicitly endorse every line in the passage, his willingness to cite it indicates that he did not feel estranged from such sentiments. Furthermore, one of R. Uziel's introductions to *Mishpetei `uzziel* emphasizes that all halakhic innovations are the working out of ideas already found in the Torah.[8] Such a formulation strikes a posture of halakhic conservatism.

[4] All page numbers in the text refer to the volume under review.

[5] R. Moses Feinstein, *Iggerot mosheh, Even ha-ezer* 1:76.

[6] R. Moses Feinstein, *Iggerot mosheh, Yoreh de`ah* 1:47.

[7] R. Ben Zion Meir Hai Uziel, *Mishpetei `uzziel she'elot u-teshuvot* I *Orah hayyim* and *Yoreh de`ah* (Tel-Aviv: Ha-Va`ad le-Hoza'at Kitvei ha-Rav z"l, 5695), p. 41. It should be noted that in the subsequent responsum, R. Uziel offers a more lenient ruling on *qitniyot* for times of economic duress.

[8] See his introduction to *She'elot u-teshuvot Mihspetei `uzziel mahadurah tinyana, Orah hayyim* I (Jerusalem: Va`ad le-Hoza'at Kitvei Maran, 5759).

Benjamin Brown has a quality article on the *Hazon Ish*'s halakhic decisions that challenges one aspect of Katz's approach. Katz sees the increase in stringencies (*humrot*) and the undoing of communal custom based on texts as part of an Orthodox response to the crisis of modernity. According to this portrait, the *Hazon Ish* stands as the representative Orthodox figure. Brown argues that the *Hazon Ish* was motivated by internal religious ideals as well. He points out that the *Hazon Ish* revered the Vilna Ga'on and followed both the Ga'on's elitism and his overturning of communal customs if so dictated by the traditional sources. Brown suggests that the *Hazon Ish* ruled as he did based on internal religious considerations but that the growing communal popularity of this approach was due to the social dynamics of modernity.

Brown's point has widespread significance and should help correct a professional bias found among historians. Some historians tend to explain almost all religious decisions as responses to the problems of the day. They do not seriously entertain the idea that internal religious ideas and ideals can exert impact, and in some cases exclusive impact. This often leads to a distorted or limited analysis. Christine Hayes has noted a parallel phenomenon in a different area of Jewish Studies. One objective of her book is to "correct a tendency in some talmudic scholarship to posit historical and extra-textual reasons for halakhic differences between the two talmuds without first attending to a whole series of internal reasons for difference."[9] An exclusive focus on rabbinic thinkers as responding to foreign challenges obscures part of the picture.

Mordechai Breuer's short but insightful contribution corrects a different misconception about Orthodoxy, that it is passive and static. Breuer mentions seven examples of dynamism in the last two centuries of Orthodoxy: Hasidism, the Musar movement, the flowering of *yeshivot*, professional rabbinical seminaries, *Torah im derekh erez*, the education of women, and religious Zionism all developed within this time period. Which other religious groups can boast of such productive creativity?

Which other religious groups can boast of such productive creativity?

Michael Silber's excellent study of nineteenth century Hungarian Orthodoxy also adds nuance to the academic portrait of Orthodoxy. Silber shows the differing reactions of three Orthodox groups—the left wing headed by R. Esriel Hildesheimer, the extreme right led by R. Hillel Lichtenstein and Akiva Yosef Schlesinger, and the center-right with R. Moshe Schick at the helm. Silber sharply notes that the victory of the third group is symbolized by R. Hildesheimer's leaving for Germany in 1869 and Schlesinger's departure for the Land of Israel in 1870 (p. 316).

A remarkable letter of R. Moshe Schick highlights the crucial differences between the center-right and the right. In 1865, the extreme right came out with a harshly worded ruling against holding weddings in synagogues, preaching in the vernacular and other practices they contended were deviations from communal norms.[10] R. Schick sent a letter to R. Hillel Lichtenstein explaining that while he is against all these reforms and views deviation from custom as prohibited, he cannot endorse the language and rhetoric of the ruling. The ruling says that reformist synagogues are houses of idolatry and this assertion is simply false. The ruling says that blessings recited in such synagogues are worthless but this is

[9] Christine Elizabeth Hayes, *Between The Babylonian and the Palestinian Talmuds: Accounting for Halakhic Differences in Selected Sugyot from Tractate Avodah Zarah* (Oxford: Oxford University Press, 1997), p. 4

[10] A copy of this ruling appears in Jacob Katz, *Ha-qera` she-lo' nit'ahah: Perishat ha-ortodoqsim mi-kelal ha-qehilot be-hungariyah u-ve-germanyiah* (Jerusalem, Mercaz Zalman Shazar, 1999), p. 94. See the discussion of this episode there, pp. 92- 99. Silber argues (p. 310) that this ruling was directed more against liberal Orthodox tendencies than against the Reform movement, as it does not mention the standard issues that generated tension with Reform such as prayer in the vernacular or the use of an organ in the synagogue.

inaccurate. The ruling prohibits preaching in the vernacular but sources for such a prohibition are hard to come by.[11]

This letter contributes toward a more profound understanding of Hungarian Orthodoxy. Katz contends that one aspect of Orthodoxy is rabbinic rulings based more on the charismatic personality of the rabbi than on solid halakhic argumentation.[12] Katz presumably does not mean that the Orthodox abandoned wholesale the limitations of halakhic reasoning, and this letter proves the point. R. Schick's fealty to halakhic categories motivates him to reject the rhetorical excess of the extremists. Whatever one thinks of synagogue reform, no legal justification exists for casually tossing around the term *`ovedei `avodah zarah* (idolaters). That R. Schick was a close student of the *Hatam Sofer* and was hardly a liberal only makes the point stronger.

Some put forth the radical idea that, pace *Katz, there is no such thing as "the Jewish tradition*

Shalom Rosenberg's contribution provides an important challenge to Katz and his disciples. He questions whether the aspects Katz depicts as unique to modernity are truly so. Was Judaism not a self-conscious choice before the modern era? What about those philosophers who argued for the truth of Judaism while working within Kalam or Aristotelian frameworks? Their intellectual efforts surely made them aware of alternative choices. Jews under various degrees of pressure to convert to other religions also faced a conscious choice (p. 62-63).

Along somewhat similar lines, Avi Sagi rejects the "binary opposition" between tradition and modernity. Intellectual endeavors of our day, including modern science and literary criticism, also work within a tradition (pp. 28-29). The claim that only traditional society endorses authority also rings false. Modernity may have displaced the hegemony of the church but it certainly has authorities of its own (p. 29). Note the great respect granted to the opinions of therapists and media consultants. Furthermore, Sagi agrees with Rosenberg that traditional Jewish society was self-reflective (p. 31). To be fair to Katz, Rosenberg and Sagi's arguments may simply mean that the original thesis needs more nuance, not that it merits rejection. Traditional society may have had moments and pockets of choice while Orthodoxy in modernity has the constant sense of alternative options.

II

Thus far, I have focused on the historical questions raised by Katz and his critics. *Orthodox Judaism* also includes critiques of Katz from a philosophic perspective. Some authors question the central presupposition of Katz's studies, putting forth the radical idea that, *pace* Katz and his disciples, there is no such thing as "the Jewish tradition." If these philosopher-critics are correct, the reigning contrasts between Orthodox society and traditional society are guilty of working with a false doctrine: essentialism. Terry Eagleton defines essentialism as the belief that "things are made up of certain properties, and that some of these properties are actually constitutive of them, such that if they were to be removed or radically transformed the thing in question would then become some other thing or nothing at all."[13] Denying that there is a valid essentialist analysis of the term "Jewish tradition" makes it difficult, if not impossible, to evaluate who remains faithful to that tradition. The stakes in this last question are enormous and I will therefore dedicate significant space to addressing this critique.

Avi Sagi's contribution faults both Orthodox ideologues and academic historians of Orthodoxy for treating the Jewish tradition as

[11] R. Schick's letter appears in *Liqqutei she'elot u-teshuvot hatam sofer* (London, 5725), pp. 74-75.
[12] Jacob. Katz, *Ha-alakhah ba-meizar*, pp. 19-20.
[13] Terry Eagleton, *The Illusions of Postmodernism* (Oxford: Oxford Univ. Press, 1997), p. 97.

a concrete and defined entity. In his view, no such "Jewish tradition" exists. After all, each generation utilizes its own sense of rationality and ethics to apply Torah. Though the Orthodox contend that those applications must be formulated within the framework of tradition, Sagi counters that no criteria exist that allow us to define the requisite "traditional framework" (pp. 24-25). Instead, Sagi recommends talking about the Jewish tradition as a dialogue between past and present (pp. 35-40). Different versions of this dialogue relate to each other on the model of Wittgenstein's concept of "family resemblance." Wittgenstein noted the difficulty in finding any characteristic that all games share. Some involve a ball and others do not. Some involve winning and losing while others do not. Therefore, he argued that no essential characteristic is shared by all games but that each game shares some characteristic with another game.[14] Sagi wants us to apply a similar strategy when talking about Jewish tradition. With explicit indebtedness to Foucault, Sagi depicts the exclusionary policies of Orthodox groups as a "discourse of power" in which certain voices unfairly seize control. He complains that conferences such as the Orthodox Forum in New York and the Lavi Conference in Israel exclude certain individuals as not Orthodox (pp. 47-48), suggesting that he views such exclusions as morally objectionable.

Sagi notes a tension running through his two intellectual sources: Wittgenstein and Foucault. Based on Wittgenstein, he calls for a phenomenological approach that tries to understand how people use the language of Orthodoxy. This approach must give weight to the consciousness of continuity that Orthodox Jews have and express in their language. On the other hand, his Foucault-inspired analysis views that very discourse as an inauthentic attempt to seize control of a dynamic tradition. Sagi resolves this contradiction by differentiating between the simple language of Orthodox Jews who talk of Orthodoxy as a means of expressing their commitments to practice and the judgmental meta-language analysis of Orthodoxy by rabbis, ideologues and academics that offers a precise delineation of who is in and who is out. He calls for a return to the former as a corrective to the latter (pp. 48-51). Of course, Sagi faces an obvious problem: Those very same simple Orthodox Jews *also* use Orthodoxy as a term reflecting an exclusive truth that others do not share. Sagi responds by arguing that the discourse truly depends upon a sense of Jewish continuity and that the claim of exclusiveness just reflects the attempt to attain a consciousness of continuity (p. 51).

Sagi depicts the exclusionary policies of Orthodox groups as a "discourse of power"

Sagi does not clarify whether he rejects essentialism in total or just for the idea of a "Jewish tradition". In either case, the concept of "Jewish tradition" as a defined term bothered Sagi less in some of his earlier impressive scholarly publications. His published works include four articles with the term "Jewish tradition" in the title. In an article on Amalek, Sagi writes "Halakha constitutes a crucial dimension of Jewish tradition. The present attempt to offer an exhaustive review of the sources dealing with the punishment of Amalek would thus be invalid without due considerations of the halakhic rulings on the subject."[15] Here, Sagi seems to think of Jewish tradition" as a concrete entity with definitive characteristics. Has Sagi changed his mind over the years? If not he must explain why his previous usage of "Jewish tradition" was unobjectionable.

[14] Ludwig Wittgenstein, *Philosophical Investigations* Part I, no. 66-77

[15] Avi Sagi, "The Punishment of Amalek in Jewish Tradition: Coping with the Moral Problem," *Harvard Theological Review* 87:3 (1994), p. 336.

Eagleton's powerful critique of postmodernism includes a defense of essentialism. He points out the flaws in standard criticisms of this doctrine. One criticism points to the great variety within the set in question. Allegedly, wide variety indicates the lack of any essential properties shared by all members. Eagleton responds that essentialism does not hold "the implausible view that all of the properties of a thing are essential to it."[16] In other words, as long as various items in the set share some essential characteristics, they can exhibit great variety with regard to the nonessential characteristics. Applying Eagleton's analysis to the concept of a Jewish tradition, the brute fact of wide rabbinic variety through the ages does not indicate that "the Jewish tradition" does not exist.

Let us look at the continuity of our tradition. Think about how many centuries Jews have prayed three times a day, refrained from cooking on Shabbat while still eating warm food, avoided eating pork or meat and milk together, refused to wear garments that include linen and wool, struggled not to speak slanderously, and viewed honoring parents and giving charity as halakhic obligations with religious parameters. During the same extended time, those Jews believed that a singular God created the world, gave the Jewish people the Torah, and ensures some form of eventual justice. Examples of such ongoing continuity could be multiplied greatly. Someone who claims that the "Jewish tradition" does not exist must show the cracks in this continuity of belief and practice.

Indeed, Shalom Rosenberg notes that certain changes do not detract from ongoing continuity. Perhaps most traditional Jews once believed in demons and the majority no longer does, but this does not affect the ongoing commitment to halakhic practice and the core of fundamental beliefs (p. 74). Rosenberg also draws a distinction between tradition as a source and tradition as a medium. Jews do not keep *halakhah* simply because Jews always have. Rather, they see the tradition as a record of Divine revelation. Traditional aspects of Jewish life unconnected to the attempt to understand and apply that revelation fail to receive the same religious status. That explains why dress, language and cuisine can change in ways that Jewish law cannot (pp. 68-72). Rosenberg's analysis exemplifies Eagleton's point that certain, even many, characteristics may vary without eviscerating the core set.

Another argument against essentialism is that our difficulty in categorizing grey areas along the margins demonstrates that no essential properties allow us to make evaluations. Eagleton responds:

> For something to display certain essential properties does not necessarily mean that we always know for sure where it ends and another object begins. A field with uncertain boundaries can still be a field, and the indeterminacy of its frontiers does not throw everything within them into ontological turmoil. People might once have been in doubt about whether Strasburg was a French or a German possession, but this does not mean that they were in doubt about which Berlin was.[17]

We can say with great certainty that taking human life is a terrible act called murder even as people remain unsure whether abortion is murder. Our definition of murder remains clear; it is just that we struggle to ascertain with precision when human life begins. Thus, our difficulties in making definitive rulings regarding grey areas on the margins of the Jewish tradition do not indicate that no such entity exists.

As Sagi himself realizes, defining the tradition in terms of a dialogue does not excuse one from the task of defining concepts. Which "past" must a person connect with to be part of the Jewish family? What if a group of Jews decided to return to Baal worship or child

[16] Terry Eagleton, *The Illusions of Postmodernism*, p. 98.
[17] *Ibid.*

sacrifice based on their reading of the Bible? In the eyes of these Jews, the monotheistic prophets who fought against such worship mistakenly railed against authentic Jewish expressions. What about Jews who believe in the messianic status of Jesus or who think that the commandments are optional? Would not Sagi exclude such people from the Jewish tradition? And if so, on what basis would he do so?

Which "past" must a person connect with to be part of the Jewish family?

The use of Foucault against those who think that Orthodoxy has boundaries is unjustified because any group with standards could face similar accusations. Academic conferences exclude speakers and academic journals reject articles. We could, but do not, view this as an immoral "discourse of power" or say that groups can legitimately believe in standards that exclude those who do not meet those standards. In the same way, Orthodox thinkers have every right to determine that certain individuals' religious ideas and ideals are foreign to their conception of Orthodoxy. Foucaultian complaints simply represent an arbitrary decision to evaluate people in the poorest light.

It seems that Sagi faults and judges guilty only those who believe in an entity called "the Jewish tradition." Apparently, thinking in terms of Wittgenstinian family resemblance frees a person from such a charge. Yet the Wittgenstinian Orthodox retain the power of exclusion. Wittgenstein's claim about games did not lead him to assert that anything at all qualifies as a game. Even though many games involve balls, serving meatballs is not a game. Wittgenstein allows the possibility of saying that a term can not refer to a given item. If Sagi can still exclude, even in a Wittgenstinian fashion, Foucault can attack those exclusions. In fact, an approach based on Wittgenstein may be even more susceptible to a Foucaultian critique. If I adhere to a truth, I am justified in excluding conceptions that fail to realize that truth. If no truth exists and our concepts just reflect social constructs, perhaps we should suspect that the reason for excluding certain conceptions reflects a discourse of power.

Finally, Sagi's attempt to explain away the average Orthodox Jew's sense of bearing an exclusive truth fails the phenomenological test that must be used by anyone interested in remaining true to public language and consciousness. He forcefully pulls that public into the position he wants, irrespective of what they actually think. Orthodox Jews refuse to pray in the synagogues of other denominations and would reject a halakhically observant polytheist as outside of the tradition. They may be mistaken about such convictions, but their beliefs are beliefs, and should not be recast as something else to promote an agenda.

Alan Bailey has noted that Wittgenstinians perpetrate exactly this sort of distortion of the common believer's consciousness.[18] For some Wittgenstinians, religious statements of belief in God are not truly about a causally efficacious being named God but rather express certain religious commitments and values. This analysis flies in the face of actual religious discourse. Religious people bring arguments to prove the existence of God, cite God's word in scripture to prove the worth of an action, and talk of God's role in influencing history. If Wittgenstein wants to clarify how people truly talk, he must take this discourse seriously as reflecting belief in a personal God. He can view the discourse as silly, but he should not take the discourse for anything but what it truly is. Sagi, I have argued, is similarly guilty in his violent attempt to force the common Orthodox Jews into his ideological straitjacket.

[18] Alan Bailey, "Wittgenstein and the Interpretation of Religious Discourse," in *Wittgenstein and Philosophy of Religion*, ed. Robert L. Arrington and Mark Addis (London: Routledge, 2001), pp. 119-136.

Tamar Ross provides a different kind of challenge to traditional conceptions of Orthodoxy. She argues that both the Torah and our sages display a male bias in what she regards as their morally problematic attitude to women. Relying on the work of Carol Gilligan and others, she asserts that adding a woman's perspective to religious decision making might make Judaism less about obedience and law and more about a relationship with God (p. 278, 282). Ross argues that women's issues are so emotionally charged in Orthodox society because that society senses that these issues challenge our conception of the divinity of the Torah. Her suggested solution is to advance a doctrine of ongoing revelation in which the earlier sacred texts retain their status but are updated, as it were, when God mediates His revelation though the unfolding ideas in human history (pp. 289-291).

Women's issues are emotionally charged in Orthodox society because it senses that these issues challenge our conception of the divinity of the Torah.

Ross raises serious questions that deserve attention. Many women of fine religious and moral character feel frustrated by aspects of our tradition and attitudes in our community that relate to women, and they deserve our sympathy. For example, even though women's *zimmun*, under *halakhah*, is at least optional and perhaps obligatory, women interested in performing this *mitsvah* occasionally receive censure for being impelled by feminist impulses. Many religious men, including this author, identify with these complaints about communal attitudes. Despite these sympathies, much of Ross' analysis invites criticism.

Ross' reliance on Gilligan to assume that women's voices would significantly change the halakhic perspective seems questionable. Gilligan argues that men think about morality through rules and laws while women think in terms of relationships, sympathy, and working things out between the parties.[19]

Even if Gilligan is correct, women might not think about a relationship with God in the same way. Moreover, let us apply the same type of assumptions to another intellectual endeavor and see whether or not they hold up. Based on similar assumptions, female philosophers would feel estranged from a Kantian ethics of duty. Yet much of the best work on Kantian ethics today has come from Marcia Baron, Barbara Herman and Onora O'Neill. True, these women contend that Kantian ethics can incorporate an element of sympathy, but this does not lessen the emphasis on duty. A halakhic parallel would be Jewish women stressing greater religious inwardness without diminishing halakhic observance.

We also should challenge the notion that Judaism's focus on law stems from a male bias. At one point, Ross argues that the fact that other religions share a similar patriarchal structure indicates that such structures reflect historical context more than internal halakhic influence (p. 279). Based on the same methodology, the fact that other male-dominated religions such as Christianity and Buddhism lack extensive religious practice indicates that Judaism's emphasis on law reflects its inherent values rather than mere male legalism. If comparative religion indicates what is not uniquely Jewish, it should also reveal what is. Moreover, when we ask what are the central values developed by males in the ancient rabbinic world, we find values like love, kindness, sympathy and compromise.

[19] Carol Gilligan, *In A Different Voice: Psychological Theory and Women's Development* (Cambridge: Harvard Univ. Press, 1982).

Although these values are placed in a legal framework, they are very much the values that Gilligan espouses. Christianity and Buddhism stress such values as well. Any attempt to cast ancient religions as patriarchal must take account of those facts.

Despite her citation of authorities, I believe that Ross' solution of ongoing revelation ultimately does not flow from traditional sources. The examples of this doctrine in earlier rabbinic thought fail to justify her use of the concept. We should distinguish between an ongoing revelation that is supplementary and one that is subversive. Let us say that I always understood a novel as conveying a certain theme. At a later point, I add an insight into a particular symbol used in the novel but maintain my old understanding of the novel's essential theme. This is hardly the same as realizing at a later point that major parts of the interpretation were faulty. If recent revelations reveal that the biblical text and traditional Jewish law are saturated with the ethical shortcomings of male bias, then this revelation is far more subversive than supplementary. No quote from R. Kook or R. Zadok establishes the basis for such a notion of ongoing revelation.

III

A number of other articles contain important insights. Yoel Finkelman points out the differences between R. Aharon Kotler's yeshiva in Kletzk and that same leader's yeshiva in Lakewood. Yeshiva students at the former were well integrated with the local Jewish community as they boarded with local Jews, discussed politics with them, and sometimes became interested in the town's young women. Lakewood students, by contrast, live in a dormitory and have little to do with Lakewood's Jews. Finkelman points out some factors that allowed for this shift, including America's greater economic prosperity and non-threatening gentile population, which enabled Jews to live securely in a gentile suburb.

Chaim Gertner outlines the factors involved in the nineteenth century controversy regarding the permissibility of machine *matsot*. Beyond the relevant halakhic questions and the differing attitudes to technological innovation, Gertner finds another angle to the debate—a growing tension between the Eastern European and Western European rabbinate. All the rabbis who prohibited machine *matsah* were from Poland and Galicia whereas most of the permissive rulings came from Western Europe. Gertner shows how some of the polemics take note of this geographic rift.

Benjamin Lau analyzes R. Ovadia Yosef's relationship with the Lithuanian Ashekenazi ideals of full time learning and the prizing of the "book tradition." One fascinating point relates to R. Ovadia's breaking from his normal procedure of downplaying kabbalistic sources and championing the rulings of R. Yosef Karo. When Sephardi yeshiva students in Ashkenazi *yeshivot* wanted to keep their *tsitsit* inside their clothing as per the ruling on the Ari and against the ruling of R. Karo, R. Ovadia instructed them to follow the Ari. Lau theorizes that R. Ovadia wanted to allow Sephardi yeshiva students who felt swallowed up by their Ashkenazi institutional environments to express their particular Sephardic customs.

Other articles not addressed in this review also include interesting nuggets of information and important analysis of Orthodoxy. *Orthodox Judaism* contains many stimulating discussions and should provide good stating points for contemporary Orthodox discourse. It helps provide nuance and depth to debates regarding Jacob Katz's theories about the emergence of Orthodoxy. Unfortunately, some of the articles attempt to diminish any sense of Orthodox boundaries. We should resist such attempts, for removing boundaries renders ideas or concepts meaningless.

Meorot
A Forum of Modern Orthodox Discourse

BOOK REVIEW

Searching for Authentic Judaism: A Review of *The Search Committee: A Novel* by Marc Angel

Reviewed by Alan J. Yuter

Biography: Alan J. Yuter is rabbi of B'nai Israel of Baltimore, Maryland and is a member of the faculty of the Institute for Traditional Judaism in Teaneck, New Jersey.

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Searching for Authentic Judaism: A Review of *The Search Committee: A Novel* by Marc Angel (Jerusalem and New York. Urim Fiction, 2008)

Alan J. Yuter

The Search Committee is a novel that effectively narrates the conflicting memories, successes and failures of the culture of "*Yeshivot Lita*"—the Lithuanian *yeshivot* that provided the educational and philosophic foundations of American Orthodoxy. It is a delicately balanced work consisting of thirteen chapters, each one allowing a narrator and two passionate ideological antagonists to speak about what they believe are Judaism's fundamental principles. The author, Marc Angel, is well qualified to write a Torah novel, being an Orthodox rabbi trained in both Jewish studies and English literature.

The culture of Lithuanian Jewish tradition excludes other interpretations of Judaism, Orthodox and non-Orthodox alike.

In the tradition of the classical epic, the story covers the momentous week when the new *Rosh Yeshiva* (seminary head) of a specific seminary, "Yeshivas Lita," is selected. The choice of a fitting replacement impacts the future of Orthodoxy as well as the destiny of the yeshiva, whose name reflects the culture of Lithuanian Jewish tradition that excludes other interpretations of Judaism, Orthodox and non-Orthodox alike. Similar to Tolstoy's *War and Peace* and Yehuda Amichai's *Not of this Time, Not of this Place*, this short novel presents two sides of a social and theological war with an alternating narration of clashing perspectives. Just as Tolstoy and Amichai juxtapose macro and micro narratives, Angel presents a microcosmic narrative with macrocosmic implications. Unlike Herman Melville, Angel allows each character to speak with his unique voice *en medias res*, reflecting how the many voices of the past converge into a critical moment of the present.

The story begins with the each of the two contenders for reins of the yeshiva explaining why he should direct the school and, by implication, chart the future of Orthodox Judaism. The yeshiva's founder, R. Leibel Grossman, immigrated to New York via Berlin from Poland—the same route taken by the father and son tandem of Rabbis Moshe and Joseph B. Soloveitchik of Yeshiva University. R. Leibel's son, R. Yosef, succeeded his father, similar to how Rav Joseph Soloveitchik succeeded his father at Yeshiva University's Yeshivat Rabbenu Isaac Elchanan in 1941. But R. Joseph Soloveitchik studied philosophy in Berlin while this R. Yosef did not, indicating that we are reading a work of historical fiction whose characters are archetypes but not embodiments of actual historical personalities.

The "war and peace" epic pits R. Yosef Grossman's reactionary traditionalist son, R. Shimshon, against the modernizing *wunderkind,* R. David Mercado. The former's first name alludes to the arrogant, powerful, but ultimately blind biblical slayer of the Philistines. Grossman's ego, high-handedness and sense of entitlement are the most conspicuous aspects of his persona. He reveals these traits in his ironic first person narration in which he knowingly pleads his case and

unknowingly broadcasts his own unworthiness. Convinced that the *Rosh Yeshiva* office naturally belongs to him by dint of his pedigree and ultra-Orthodox credentials, Grossman's tone, temper and taste resemble the Philistine giant, Goliath. His family name, Grossman, is a double *entendre*, meaning "great man" or ultra-Orthodox *gadol*—or alternatively, a gross man who is self-absorbed, one who possesses a large memory but a mere pedestrian intellect. Mercado's pedigree consists of only of own prodigious accomplishments, and his freshly framed modernity is infused with the quest to recover the best of Jewish tradition.

Torah truth resides in the most reasonable interpretation,not in the charisma of rabbinic authorities

Mercado's modern sensibility clashes with the religious, social and ideological conservatism that Shimshon Grossman regards as the essence of all that is Jewish and holy. Mercado's first name echoes the young biblical David—the least of Jesse's sons who ultimately earns the Kingship of Israel. His family name in Ladino refers to the first name of a child transferred from one family to another to avoid the angel of death—thus alluding to the frailty of the hero's origin and mission. The core presentation here is of two contending visions of Orthodox Judaism: the "tradition" policed by European culture conservatives who erect culture barriers and demand unconditional deference to Torah as they understand it vs. the new and exciting search for truth that uses modern historical and philological methodology to uncover the richness of Torah as balm for the human condition. For Grossman, Torah is by definition understood only by ideologically correct rabbis, and God's truth is ultimately unknowable to the world exclusively through them. Mercado sides with Maimonides, for whom Torah truth resides in the most reasonable interpretation rather than in the charisma of rabbinic authorities or the entitled pious reader. So it is for Mercado that Torah is discovered by decoding the holy text.

The second sequence of confessions presents the wives of the contending rabbis. Mrs. Grossman shares her husband sense of entitlement, talent and "modesty," which she understands as a badge of attire that allows her to proudly broadcast her membership in ultra-Orthodox society. Such modesty does not preclude her speaking negatively about the person of Mrs. Mercado, who acquired a secular education, studies poetry and is a partner, not an extension, of her husband. Mrs. Grossman calls attention to Mrs. Mercado's "immodesty"—her non-affiliation with *haredi* religion—because she refuses to wear a wig, a practice not uncommon among the wives of the leading 20th century rabbis of Lithuania, including Dr. Tanya Soloveitchik. (Mrs. Mercado believes that expensive aristocratic wigs are immodest in the extreme.) Mrs. Grossman is also scandalized by Mrs. Mercado's rumored lack of pedigree, with the reader alone aware that she is a convert, like the Biblical Ruth whose descendant was King David. According to Talmudic law, women's wigs may not be worn outside of a courtyard on the Sabbath, nor may converts be slighted (T.B. *Shabbat* 64b). Thus to the knowledgeable reader, Mrs. Grossman is depicted as adhering to social Orthodoxy but ignoring *halakhic* Orthodoxy.

The third sequence of narratives portrays faculty member Hazkel Gottlieb favoring Mercado. Gottlieb believes that current Orthodoxy is "off the path" of truth while the freshness of Mercado's perspective empowers the Torah to address contemporary realities. On the other hand, Mr. Shabsai Velt claims to know both men but is committed to the tradition of social *stasus*. And because modern values are evil, he rejects even well-intentioned modernizers like Mercado. This reflects the well known and often harsh debate tearing at the fabric of Orthodoxy today. According to

"Culture Orthodoxy," as understood by R. Moses Sofer (*Hatam Sofer*), "the new is forbidden by Torah." But according to "*Halakhah* Orthodoxy" of *Mishna Eduyot* 2:2 and *Bet yosef* 1:1, only acts that are explicitly forbidden are forbidden by Tora**h**.

According to Culture Orthodoxy, *as understood by R. Moses Sofer, "the new is forbidden by Torah." But according to* Halakhah Orthodoxy *only acts that are explicitly forbidden are forbidden by Torah*

In the fourth narrative sequence, two of the yeshiva's students contrast the conflicting Orthodox Judaisms from their own needs and existential conditions. Shammai Abelson's name reminds the reader that the able son, Grossman, should emerge as the *rosh yeshiva*. Like his namesake in the *Mishna*, Shammai is aristocratic, hard and autocratic. While recognizing Mercado's talents, Abelson views Grossman to be the more "authentic" of the two. Mercado is likeable and talented, but his innovations put at risk the traditions of social inertia and Orthodoxy's elites. (This is naturally contrasted with the dialect of Judaism's classical library, where it is the disinterested principle rather than the familiar expectation that is normative.) Chaim Boruch Haber is a devoted follower of Mercado and his innovative, engaging approach. For him, only Mercado's interpretation of Jewish tradition is ethical, critical, and anthropological—and applicable to everyday life. Ultimately it was only Mercado's approach that convinced Haber to remain in the yeshiva and Torah life.

The final narrative juxtaposes the guilt ridden, affluent and assimilated Kalman Rabinowitz (now Clyde Robinson) and the Modern Orthodox widow, Esther Neuhaus ["New House"]. Driven by shame for his secular life and his children's abandoning Judaism altogether, Robinson is a *gelt*-giver, but his largesse is only to soothe his guilt, an offering to assuage his own agony. He wants the Judaism that he rejected to remain unchanged as compensation for his own changes, both his business success and his Jewish failure. Neuhaus' family follows the German *"Torah Im Derekh Erets*" ideology and hence she objects to Yeshivas Lita's cultural ethic. Yeshivas Lita also imposes its style, (mis)pronunciations and biases upon all those it controls. More significantly, by creating elite learners who are incompetent as earners forces otherwise pious men to marry for wealth, not love, the yeshiva in turn yields a population of parasitic pietists. According to Maimonides, only a select few may enjoy a life of uninterrupted learning. Others who learn but refuse to work and are committed to live off charity forfeit their portion in the world-to-come. Ironically, it is the non-observant Robinson who prefers low-brow uninformed traditionalism, while the old-moneyed, refined Orthodox Esther Neuhaus prefers the modern Mercado.

Angel's thin novel exposes the thick culture pulsating in contemporary Orthodoxy's conflict of cultures and ideals. The future of Yeshivas Lita, the future of Torah life and Orthodoxy in the 21st century hangs in the balance. While Mercado probes for future possibilities, Grossman reifies—indeed defies—the past that validates his status and legitimates his claims. Angel's work is a plea that all Jewish voices consistent with the Orthodox canon be rediscovered and revivified, not a polemic against religious and cultural conservatism. His novel is a literary prayer for the symphony of diverse Jewish voices to be heard.