

*The Next Generation
of Modern Orthodoxy*

THE ORTHODOX FORUM

The Orthodox Forum, initially convened by Dr. Norman Lamm, Chancellor of Yeshiva University, meets each year to consider major issues of concern to the Jewish community. Forum participants from throughout the world, including academicians in both Jewish and secular fields, rabbis, rashei yeshivah, Jewish educators, and Jewish communal professionals, gather in conference as a think tank to discuss and critique each other's original papers, examining different aspects of a central theme. The purpose of the Forum is to create and disseminate a new and vibrant Torah literature addressing the critical issues facing Jewry today.

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The Next Generation of Modern Orthodoxy

EDITED BY
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Series Editor's Preface

The Greek philosopher Heraclitus wisely wrote, “Change alone is unchanging.” However, the rate of change varies according to the nature of the society. With the emergence of social media, virtually no Jewish community is isolated from any other or from developments in the world around it.

In this, the twenty-first volume of the Orthodox Forum series, we focus on the issues facing the next generation of Modern Orthodoxy. We have asked both younger and more senior colleagues to share their insights on how the societal change we are experiencing will impact the individual and the Jewish communal world as we know it.

It is always difficult to articulate and pin down trends while in a period of transition. Those who are older see the technological and social changes as radical, while those who grew up with them perceive them as normative. The cadre of scholars and thinkers who have written these papers straddle this divide and have the challenge to identify, classify, and reflect on the changes in the current era.

With open access to tools of mass communication, the power balance in society has shifted. Neither companies nor institutions

exclusively own their messages, their images, or their brands anymore. Congregation members and students do not rely solely on family, rabbis, teachers, and organizational leaders as their prime sources of knowledge or authority. The Web and a wide network of halakhic figures and mentors also provide authoritative opinions. Additionally, with the ease of group formation via technology, people organize without organizations. Entities like the Tea Party and Partnership Minyanim emerge organically if not spontaneously.

To a great extent, the niche market has replaced the mass market economically and socially. In our consumer society, advertisers and customers know that everything can be customized just for us. Today, small is the new big.

People now coalesce around interests, not institutions. There is a serious decline in conventional joining of synagogues and national organizations. People seek greater personalization, caring to cultivate meaningful relationships rather than institutional affiliations. Yet, while people may be on Facebook, they ultimately are seeking face-to-face.

Short of cutting off all electricity, there is no way to remove oneself from the reality of social change. The overwhelming majority of our annual yeshiva high school graduates (75 percent in 2011) attend secular universities. They will be exposed to open environments for four to eight years or more. Even those inside our Torah institutions are not immune. When the Millennials marry and have children, they are likely to return to our synagogues and yeshivot. But they will not be the same as their parents' generation. They will speak differently and have varying expectations of what membership in community means and what responsibility entails.

The characteristics identified with the Millennial and Odyssey Generations do not belong to people in their twenties and thirties alone. Rather, they reflect the world and the mood in which we all find ourselves.

Our challenge is to understand and respond to these realities that significantly challenge our ability to effectively transmit Torah values to the Modern Orthodox community. Additionally, we need to

be open to the seekers and respectful of their search for meaning as Jews.

We are grateful to Rabbi Shmuel Hain for capably editing this volume and to the Orthodox Forum Steering Committee, whose ideas continue to enrich our deliberations.

It is our hope that, when reading this book, you will be encouraged to look at the social and generational changes as opportunities to enrich Jewish life and to encourage further discussion of these issues in our congregations and educational and communal institutions.

Robert S. Hirt
November 2011

Editor's Introduction

Shmuel Hain

For over twenty years the Orthodox Forum series has produced an invaluable body of literature addressing in a sophisticated fashion the central issues confronting the Orthodox Jewish community.

After the publication of the eighteenth volume of the Forum series and in recognition of the twenty years of the Forum, Series Editor Rabbi Robert Hirt, along with the Forum steering committee (led by Dr. David Shatz and Dr. Moshe Sokol), decided to convene a different kind of Forum. The goals of this special Forum were to reflect on the Forum's contributions while engaging a new generation of leaders and readers.

I had the privilege of co-chairing this effort with Rabbi Dr. Jacob J. Schacter. We were armed with a great deal of input from Rabbi Yehuda Sarna and a number of other young Jewish leaders. Collectively, the steering committee designed and executed a Forum that featured leaders of Modern Orthodoxy discussing the questions most essential to the future of the Jewish community.

Whereas each of the previous Forum volumes focused on one large overarching theme, this volume has two types of papers. One type revisits three important themes raised in Orthodox Forums past in order to have new perspectives offered by a new generation. Previously explored topics that are revisited include the impact of new voices (female, academic, and spiritual) on the traditional *beit midrash*, a reexamination of the tension between rabbinic authority and personal autonomy, and new perspectives on social justice and *tikkun olam*.

A second set of papers examines three new topics that were of particular interest to a younger generation of Orthodox Jews. These new topics include the Odyssey Years and the role of emerging adults in the Jewish community, the future of Modern Orthodoxy, and the prospects for Modern Orthodoxy's educational system.

One of the central tenets of the Forum is that truly open and honest dialogue occurs within a cohesive community committed to common values. In order to further the Forum's mission to create a diverse, interdisciplinary community of Jewish thinkers to discuss and debate ideas, this Forum introduced several new wrinkles. We modified the format from paper presentations to panel discussions and invited a younger and more diverse group of academics, *ramim*, rabbis, communal leaders, educators, students, and others who share the ideals of the Forum regulars to participate. The intergenerational dialogue, the increased number of female authors, the balance of academic and more popular perspectives, and the new venue (Yeshiva's Belfer Hall) all combined to create a new energy and vitality to the discourse at the Forum and to the papers in this volume.

I would like to take this opportunity to acknowledge the people who have been instrumental in completing this volume. First, all participants in the Forum and readers of these volumes recognize the impact of two Forum constants: Rabbi Dr. Norman Lamm, who convened the Orthodox Forum in 1989 and has actively participated in each of the Forums since, and Rabbi Dr. Aharon Lichtenstein, who has written the most Forum papers and has always treated with utmost rigor and respect all papers presented at the Forums. Rabbi Dr. Lichtenstein participated in each of the sessions of this volume's

Forum and even delivered an inspirational address at the Forum's celebratory lunch.

Series Editor Rabbi Robert Hirt is owed a great debt of gratitude for all of the achievements of the Forum series as a whole and for his vision in conceiving this volume in particular. President Richard Joel, Dr. David Berger, Rabbi Kenneth Brander, Ms. Rachel Friedman, and Rabbi Adam Mintz served in the critical role of moderators for the Forum's sessions. My heartfelt thanks to a wonderful role model, Rabbi Dr. Jacob J. Schacter, who not only moderated a session but who also showed me the ropes of planning and pulling off a Forum while offering support every step of the way. Ms. Elana Stein-Hain and Rabbi Yehuda Sarna contributed in numerous ways to the quality of the Forum. Mr. Alec Goldstein served as a capable and conscientious copy editor. Numerous friends, family members, students, congregants, and colleagues assisted in every aspect of the Forum.

Part 1

Tikkun Olam, Social Justice, and Jewish/Gentile Relationships

An early volume of the Forum analyzed social responsibility within the framework of *tikkun olam*. The relationship between Jews and gentiles was explored in the Forum devoted to “formulating responses in an egalitarian age.” Orthodox Forum 2010 featured a discussion of the following questions from the perspective of the next generation of Modern Orthodox Jews: How should we navigate the sometimes competing impulses of promoting social justice for all mankind and the particularistic concerns of the Jewish community? Are the products of our educational systems in Israel and America, with their limited exposure to non-Jews, prepared for real-world interaction with others in the workplace and at universities? How can we more effectively prepare our young people for these experiences without diminishing their sense of peoplehood?

1

Re-anchoring Universalism to Particularism: The Potential Contribution of Orthodoxy to the Pursuit of *Tikkun Olam*

Dyonna Ginsburg

There is a growing perception that certain circles within the North American Orthodox Jewish community have become more outwardly focused over the past five years, expressing an increased interest in humanitarian aid and social justice alongside ritual observance. Oft-cited examples include the 300 Yeshiva University students at the 2006 Save Darfur rally in Washington, D.C.; recent service-learning trips

to Honduras, Nicaragua, and Thailand jointly sponsored by Yeshiva University's Center for the Jewish Future and the American Jewish World Service; the establishment of Yeshiva University's Social Justice Club; the creation of a semester-long course on congregation-based community organizing for rabbinical students at Yeshivat Chovevei Torah; the founding of Uri L'Tzedek, an Orthodox organization with the sole purpose of creating a more just world, in 2007; the launch of the Peulat Sachir: Ethical Labor Initiative by a group of Orthodox rabbis in Los Angeles in 2008; and the unprecedented decision by the Jewish Orthodox Feminist Alliance to include a social justice track in its March 2010 conference. Highlighting these and other examples, one journalist has concluded that there is "a resurgence of interest and participation in social justice activism in the Orthodox world"¹ and another described "a sea change of thinking in the Orthodox community—an increasing focus on causes impacting the wider society."²

Is this perception of a new emphasis within Orthodoxy on social justice, humanitarian aid, and engagement with the non-Jewish world accurate? How significant are the changes in thinking, discourse, and behavior on these matters? What role does North American Orthodox Jewry have to play in the larger Jewish community's pursuit of justice? An exploration of these basic questions, each one of which could (and arguably should) be the focus of its own full-length article, forms the crux of this paper. Ultimately, this paper argues that the North American Orthodox Jewish community has a unique contribution to make to the endeavors of *zedek* and *tikkun olam*.

Before we proceed, it is important to note that this paper is written from my vantage point as a practitioner in the field, born and raised in the United States, yet having made aliyah eight years ago and spent my entire professional career in Israel. As executive director of Bema'aglei Tzedek, an award-winning Israeli social justice nonprofit organization with strong roots in the Religious Zionist community,³ I have had the privilege of witnessing and harnessing the tremendous power of the Israeli Orthodox community to spearhead social change in Israel, and of shepherding social justice ventures in the North American Jewish community. It should come as no surprise, then, that

this paper assumes a tone that is sometimes academic and detached, while at other times personal and engaged. This reflects my own position as an “outsider-insider,” attempting to understand, analyze, and comment upon trends in the North American Jewish community, a community both foreign and intimately familiar.

ORTHODOXY AND SOCIAL JUSTICE: IS THERE NOTHING NEW UNDER THE SUN?

At first blush, it might be argued that nothing has changed. A cursory look at Jewish sources indicates that Jewish tradition—from the prophecies of Amos and Isaiah to the talmudic rulings of *Masekhet Sanhedrin* and *Masekhet Bava Batra*—is replete with discussions about creating a just social order. The Torah, along with classical Jewish sources throughout the ages, enjoins us to care for “the widow, the orphan, and the stranger” and devotes significant time to exploring the bounds of individual, communal, and societal responsibility toward workers, the elderly, the sick, and the poor. It might further be said that portrayals of Orthodox Judaism as solely ritual-focused ignore the fundamental and time-honored connection between *mitzvot bein adam la-makom* (commandments governing behavior between man and God) and *mitzvot bein adam le-ḥaveiro* (commandments governing behavior between man and his fellow men). Even the very distinction between *mitzvot bein adam la-makom* and *mitzvot bein adam le-ḥaveiro* is problematic, as famously demonstrated by the following verses in which Isaiah rebukes the Jewish People for failing to comprehend that ethics underlie ritual:

Is such the fast that I desire, a day for men to starve their bodies? Is it bowing the head like a bulrush and lying in sackcloth and ashes? Do you call that a fast, a day when the Lord is favorable? No, this is the fast that I desire: To unlock the fetters of wickedness and untie the cords of the yoke, to let the oppressed go free, to break off every yoke. It is to share your bread with the hungry and take the wretched poor into your home.⁴

In addition, it might be claimed that, just as it is unfair to separate ethics and ritual in Judaism, it is also problematic to depict contemporary North American Orthodox Jews of all stripes as caring about the observance of *kashrut*, *Shabbat*, *z'eni'ut*, and the like, to the exclusion of helping people in need. Over the past couple of decades, Orthodox Jews have exhibited disproportionately high levels of volunteerism and charitable giving as compared to other segments of North American Jewry.⁵ Moreover, the Orthodox Jewish community has developed elaborate social service mechanisms and institutions to meet the needs of people in distress, from *gemachs* and *shul* committees to large-scale nonprofits. Some of these institutions, such as Chai Lifeline and Camp HASC, emerged out of the Orthodox community, but have subsequently come to meet the needs of the full spectrum of the Jewish, and sometimes even non-Jewish, world. Chabad has also developed its own sophisticated infrastructures to provide a wide variety of services, such as drug rehabilitation, disaster relief, and support for people with disabilities, to individuals regardless of race, religion, or nationality.⁶

Even the assumption that the Orthodox community has focused on volunteerism, charitable giving, and institution-building, rather than entering the fields of advocacy, lobbying, public policy, and coalition-building, is unfounded. In 1988, Agudath Israel of America opened an office in Washington, D.C., and, under the leadership of Rabbi Abba Cohen, has advanced many different causes (e.g., religious rights in hospitals, the armed services, and prisons; need-based scholarships for higher education; equitable participation of nonpublic school students in special education; educational expense tax credits; anti-pornography laws) through a combination of grassroots politics, close relations with the White House and Congress, and cooperation with the non-Jewish community.⁷ Similarly, the Orthodox Union's Institute for Public Affairs (IPA), headed by Mr. Nathan Diament, has adopted positions on a wide variety of public policy issues, such as right to life, school vouchers, public prayer in schools, assisted suicide, and capital punishment.⁸

If Judaism has always promoted a concern for the weak and downtrodden, if contemporary Orthodox Jews exhibit high levels of volunteerism, philanthropy, and social service institution-building,

if Orthodox leaders have publicly advocated on behalf of issues with profound social import for the past twenty years, then what is all the recent fuss about? Is the press, fueled by leading Jewish social justice activists, labeling something as revolutionary to create a false impression that the Jewish community has succeeded in mobilizing sectors of the population previously unengaged in the pursuit of justice? What makes initiatives such as Uri L'Tzedek, which is singularly dedicated to social justice, cutting-edge in the North American Orthodox Jewish community?

ORTHODOXY AND SOCIAL JUSTICE: THERE IS SOMETHING NEW UNDER THE SUN

Something new is happening. True, it is not the centrality of social justice in Jewish tradition. Nor is it the commitment of Orthodox Jews to help people in need or even the willingness of Orthodox leaders to lobby on behalf of social causes. All these things existed before. What is new is a combination of the type of issues addressed, the goals sought, and the way issues are tackled.

Until recently, issues of social import, which attracted the support and attention of the Orthodox community, were primarily those with a conservative, right-of-center bent, such as right to life, vouchers, and school prayer. Issues linked to liberal, left-of-center politics, such as healthcare, welfare, prison reform, public housing, urban planning, illiteracy, and labor unions, were not high on the Orthodox agenda. Part of what differentiates Yeshiva University's Social Justice Club, Yeshivat Chovevei Torah's community-organizing course, and Uri L'Tzedek's full range of activities from earlier advocacy and political activities, such as those undertaken by Agudath Israel and the IPA, is their focus on causes associated with the political left. In addition, the new initiatives emphasize a variety of global issues unrelated to Israel and the Middle East (e.g., health crises in the developing world, fair trade, sweatshops, blood diamonds, human slavery, genocide), further distinguishing them from previous Orthodox initiatives, which focused either on domestic issues or on international issues insofar as they pertained to Israel or the Jewish community.

Alongside the different types of issues addressed are different goals. Motivated exclusively by a desire to safeguard its own community, Agudath Israel uses parochial terms to describe its purpose: “To protect the rights and advance the interests of observant Jews and their growing network of educational and religious institutions; and to offer a uniquely Orthodox Jewish perspective on contemporary issues of public concern.”⁹ Particularistic goals similarly underlie the work of the Orthodox Union’s IPA. Although the IPA embraces more universal language than Agudath Israel, using the term *tikkun olam* to express its mission, stating, “The IPA works to bring the unique perspective of Jewish law and tradition to bear upon the widest range of public policy issues confronting American society at large, thus seeking to fulfill our mission to work for the betterment of the world—*tikkun olam*—for all of humankind,” it nevertheless declares that its primary objective is to “protect Jewish interests and freedoms.”¹⁰ These mission statements are in contrast to that of an organization like Uri L’Tzedek, which addresses issues that do not directly affect the Jewish community and whose *raison d’être* is “to create a more just world.”¹¹ It is worth noting that Yeshivat Chovevei Torah, the birthplace of Uri L’Tzedek, affirms “the shared divine image (*tzelem Elokim*) of all people, our responsibility to improve the world, and our capacity to be enriched by it” in its own statement of core values.¹²

It is not only the issues and goals that are new, however, but the method used to address the issues. To understand this crucial point, we must first make a brief digression and define four terms, which are often used interchangeably and indiscriminately by others, but will be used separately and consistently throughout the rest of this paper: *hesed*, *zedekah*, *zedek*, and *tikkun olam*. These definitions are not meant to be fully accurate in a pure etymological sense; rather, they are intended to provide practical labels for distinguishing between discrete concepts. While admittedly, in the classical sources, these terms contain a range of definitional possibilities, for our purposes they mean the following: (1) *Hesed*—individual acts of loving-kindness, (2) *Zedekah*—individual and/or communal acts of philanthropy, (3) *Zedek*—the pursuit of justice through systemic and structural reform, and (4) *tikkun olam*—our moral responsibility as Jews to the non-

Jewish world.¹³ *Hesed*, *zedekah*, and *zedek* describe three different means at our disposal to help people in need, whether they are Jews or non-Jews. If we encounter a hungry person, whether or not he is Jewish, we can either choose to feed him (an act of *hesed*), give him money to buy food (*zedekah*), or ask why he is hungry in the first place and lobby for governmental reform so that fewer people go hungry in the future (*zedek*). *Tikkun olam*, in contrast, refers not to a particular means at our disposal, but to a specific target population; namely, the non-Jewish world. *Tikkun olam* expresses our moral responsibility to non-Jews, regardless of whether we choose to use *hesed*, *zedekah*, or *zedek* as our modus operandi.

Initiatives like Uri L'Tzedek and Yeshiva University's Social Justice Club are innovative in that they attempt to shift the focus from *hesed*- and *zedekah*-centered approaches, which typify most of the volunteerism and social service institution-building prevalent in the Orthodox community, to a *zedek*-centered approach.¹⁴ *Hesed* demands that if two individuals, one wheelchair-bound and one able-bodied, approach a building that is not handicap accessible, the latter should lift the former, so that he can get inside. While fully acknowledging that the act of lifting a wheelchair-bound person is both sacred and necessary, *zedek* maintains that citizens must work together to ensure that buildings are handicap accessible from the outset, so that individuals with disabilities do not need to rely on the kindness of others to enter the building. *Hesed* and *zedekah* demand that we deliver food packages to the hungry; *zedek* insists that we ensure that the working poor earn a livable wage, so that they can provide for their own families with dignity, as opposed to relying on others to put bread on the table. It is important to note that a *zedek*-centered approach is not new to Jewish tradition. As Rabbi Yaakov Ariel, chief rabbi of Ramat Gan and one of the leaders of the Religious Zionist movement in Israel, wrote,

In Jewish tradition, we find two approaches—the communal system, which collected taxes from individuals and thereby ensured that poor people were taken care of in a systemic way, and simultaneously the individual

obligation to *Torat ḥesed*, which demands that every Jew aid the weak, visit the sick, comfort the mourner, provide for the bride, rejoice with the groom, lift the heart of the widow, and help the orphan. . . . [Today] the voice of Torah is not heard enough when it comes to *Tzedek*. It is inaccurate to say that the Torah doesn't have a voice in these matters. It most certainly does.¹⁵

Consciously or not, *zedek*-centered initiatives, which use *zedek*-centered discourse, draw our attention to the inversely proportional relationship that sometimes exists between an abundance of *ḥesed/zedekah* and an absence of *zedek*. People often assume it is coincidental that the Orthodox community, which excels in *ḥesed* and *zedekah*, refrains from the pursuit of *zedek*. Perhaps, however, it is precisely because the Orthodox community is able to rest on its laurels of “doing good” that it allows itself to desist from engaging in deep-seated, structural reform. When an Orthodox businessman refutes the claim that his workers are being denied their legally mandated wages by declaring that, every *Hanukkah*, he refurbishes the entire apartment of an employee, he is using *ḥesed/zedekah* as a smokescreen to obscure his unjust treatment of workers, at least on a rhetorical, if not on a real, level. When the Orthodox rabbi of an Israeli school, which is accused of refusing to accept Ethiopian Jewish students into its first-grade classes in blatant rejection of an Israeli Ministry of Education mandate, defends his school's policy by citing the fact that the parent body recently raised funds to buy shoes for a poverty-stricken Ethiopian, he is using *ḥesed/zedekah* as an excuse for the school's inequitable treatment of minority populations.¹⁶

The danger of using *ḥesed* and *zedekah* as excuses is not that we fool others, but that we deceive ourselves. Outsiders are generally not duped by smokescreens; sooner or later they are able to discern people's true intentions. We are the ones who fall into the trap of deluding ourselves, thinking that we have already fulfilled our obligations of creating a just society when we have only just begun. In this vein, *zedek*-centered initiatives provide a wake-up call to the Orthodox community, insisting that we capitalize upon our successes

of feeding the hungry and treating the sick to take the next logical steps and advocate for systemic reform in welfare and healthcare services.

Whether one focuses on the new social justice issues being addressed, goals being articulated, or the novel way some in the Orthodox community are choosing to tackle issues, it is clear that something different and consequential has been happening in certain segments of the Orthodox community in the past few years. Undoubtedly, there is still a long way to go, and the aforementioned initiatives range widely in terms of their scope, effectiveness, and impact. But those who point out changes are not guilty of mere hype or unwarranted self-congratulatory behavior. They are picking up on developments, real and significant.¹⁷

THE MODERN ORTHODOX COMMUNITY IN NORTH AMERICA: FROM STRUGGLE FOR SURVIVAL TO SELF-CONFIDENT LEADERSHIP

What historical and sociological factors brought about these changes? What caused a community, which had heretofore adopted and advocated for largely conservative and particularistic causes, to produce young people committed to progressive and global issues? What led a community, which excels in acts of compassion and philanthropy, to produce individuals unsatisfied with stopgap measures to help those in need?

For much of the twentieth century, people believed that the American Orthodox community was on the wane. Describing prevailing opinions in the Jewish community in the early to mid-twentieth century, sociologists Samuel Heilman and Steven Cohen declared, “Orthodoxy was perceived as being at best a residual category, a vestige of another era, and unsuited to contemporary culture. . . . It was commonly assumed that the poor, foreign, aging, Orthodox segment of American Jewry would concomitantly shrink in size and significance.” As late as 1977, there were predictions that “the number of Orthodox Jews is bound to decline in the coming decades.”¹⁸

These doomsday forecasts, however, were proven wrong. An influx of Orthodox Jewish immigrants in the aftermath of the

Holocaust significantly bolstered the numbers of Orthodox Jews and provided the “manpower for the renaissance that was to manifest itself almost a quarter of a century later.” By the end of the twentieth century, the North American Orthodox community was no longer struggling to survive. Its members had grown affluent, achieved professional and academic success, and built vibrant communities and institutions. A sense of self-confidence emerged, paving the way for what some have called “the Haredization of American Orthodox Jewry, that is, American Orthodox Jewry became more punctilious in ritual observance and turned inward, in the sense of decreasing cooperation with the Conservative and Reform branches of American Judaism.”¹⁹

At the same time that the Orthodox community started becoming more religiously conservative and insular, the rest of North American Jewry championed more universal and progressive values. Although universalism was a key part of the Enlightenment in the late eighteenth and the nineteenth centuries, it was in the 1970s and 1980s that the secular, Reform, Reconstructionist, and Conservative movements in North America began to highlight the role of *tikkun olam* and *zedek* in Jewish life. In 1970, United Synagogue Youth, the national youth organization of the Conservative Movement, was among the first organizations to re-appropriate the term *tikkun olam*, changing the name of its social action programs from “Building Spiritual Bridges” to “Tikkun Olam.” Several years later, the New Jewish Agenda, an organization devoted to promoting progressive religious and social values, adopted the slogan “Tikkun Olam” to express its mission. Most significantly, *Tikkun*, a politically left-leaning magazine, was founded in 1986, popularizing the use of the term *tikkun olam* within Jewish and non-Jewish politically liberal circles.²⁰

Considering this thumbnail history, it is hard to isolate “the” reason why previous generations of Orthodox Jews failed to pursue a *tikkun olam* and *zedek* agenda characterized by universalistic goals and liberal politics. Was it our long history of oppression and persecution in Europe that made the North American Orthodox Jewish community, with its disproportionate number of Holocaust survivors,²¹ deeply suspicious of non-Jews? Did the Orthodox community’s struggle for survival in early to mid-twentieth century America leave behind

vestiges of a siege mentality in which the world is divided into Jews versus non-Jews, Orthodox versus non-Orthodox? Was the religious “turn to the right” in the 1970s and 1980s accompanied by a similar shift in political attitudes? Did Orthodox Jews’ newfound economic independence make the community bolder in its isolation from the surrounding world? Did the Reform, Reconstructionist, and Conservative movements’ adoption of *tikkun olam* as their trademark push the Orthodox even further away from social justice work for fear of association with non-Orthodox streams of Judaism? Most probably, it was a convergence of some or all of these factors that prevented earlier generations from pursuing *tikkun olam* and *zedek*, as expressed in their most recent incarnations.

Some contemporary Orthodox Jews—including people in their teens and twenties who grew up in freedom and relative affluence and are unscathed by anti-Semitism—continue to view the relationship between Jews and non-Jews as a zero-sum game, in which Jacob rises only when Esau falls, and vice versa. Likewise, they perceive non-Orthodox Jews as the “other,” rather than as partners in the mission to make the world a better place. Lamenting this reality, Rabbi Lord Jonathan Sacks, Chief Rabbi of the United Hebrew Congregations of the British Commonwealth, declared:

The Orthodox community is very much concerned with the particularism but gave up on universalism. . . . Phrases like “light unto the nations,” or “the Jewish mission,” or “ethical universalism,” all those things became code words for assimilation, reform, and the whole concept of *Tikkun Olam* became suspect. What a tragedy that is today.²²

Alongside these people, however, are rising numbers of Orthodox Jews whose self-confidence leads them not to retreat from but to engage with the wider world; whose real-life experiences in secular colleges and the workforce teach them that non-Jews and non-Orthodox Jews are fellow travelers on this planet; who look to Torah and halakhah not as an invitation to insularity but as a mandate for inclusion. Increasingly comfortable in their own skin, these Orthodox Jews are

willing to step out of an exclusive identity to heal the suffering of others. They viscerally understand that, while the Torah's original injunction to pursue social justice is closely linked to our experience as an oppressed minority in Egypt, the current reality of Jewish sovereignty in Israel, coupled with the existence of a free and advantaged Jewish minority in North America, demands of us a radically different sense of responsibility than in the past.

What unique contribution can this growing segment of Orthodox Jews, having reached these conclusions, make to the field of social justice in the larger Jewish community? How can we best harness their power?

RE-ANCHORING UNIVERSALISM TO PARTICULARISM: THE UNIQUE CONTRIBUTION OF ORTHODOXY TO THE PURSUIT OF *TIKKUN OLAM*

The Particularism of Text

Many Jews view *tikkun olam* as an excellent way to reach out to the unaffiliated. As Ruth Messinger, president of the American Jewish World Service, wrote: "Working in various settings to help repair and improve the world offers entry and reentry points for Jews who find meaning in these activities and who can, through this work, develop a new appreciation of Judaism."²³ Honing this argument, Professor Gerald Cromer, a researcher for the Rappaport Center for Assimilation Research and Strengthening Jewish Vitality at Bar-Ilan University, concluded: "For those members of the [Jewish] community who are deterred by what they feel to be an overemphasis on ritual observance and/or tribal identity, repairing the world provides a more attractive way of connecting to their Jewish heritage."²⁴

The flip side of this argument, however, is the growing sense that *tikkun olam* has emerged as an alternative, rather than as a complementary, form of Jewish identity, which does away with traditional ritual and nationalist forms of Jewish expression. The case can be made that *tikkun olam*—both the phrase and the practice—has become devoid of Jewish meaning and bears loose connection to its roots. And, it is not only Orthodox Jews who feel this way.

Criticizing the modern usage of *tikkun olam* as a superficial, catch-all category, Arnold Jacob Wolf, Reform rabbi and longtime champion of progressive politics, wrote:

All this begins, I believe, with distorting *tikkun olam*. A teaching about compromise, sharpening, trimming and humanizing rabbinic law, a mystical doctrine about putting God's world back together again, this strange and half-understood notion becomes a huge umbrella under which our petty moral concerns and political panaceas can come in out of the rain.²⁵

Arguing that *tikkun olam* has lost its moorings and that it serves instead as a guise for liberal politics, Israeli journalist Hillel Halkin sarcastically claimed:

There appears to be nothing wrong with this world that Judaism does not command us to fix, and nothing needing fixing about which it does not have something to say. . . . Health care, labor unions, public school education, feminism, abortion rights, gay marriage, globalization, U.S. foreign policy, Darfur: on everything Judaism has a position—and, wondrously, this position just happens to coincide with that of the American liberal Left.²⁶

Halkin pushed this point further, saying that, like “a surrogate mother who can be hired to bear any child one wishes,” Jewish tradition has been made to conform to the a priori beliefs and value systems of progressive, Jewish activists—beliefs and value systems which are often absent from or clash with classical Jewish sources.²⁷

It is precisely in this regard that the Orthodox community has a special role to play. Instead of shying away from a field that has sometimes co-opted Jewish texts in a self-serving manner, the Orthodox community can assume the role of adding depth and authenticity to the Jewish social justice world. Possessing disproportionately high levels of Jewish literacy as compared to the rest of North American

Jewry, the Orthodox community can and should take the vanguard position in expanding and enriching Jewish social justice discourse by re-analyzing oft-quoted sources, unearthing lesser-known sources with contemporary social justice relevance, and demanding that practical halakhah, and not just theoretical Torah study, keep up with the times by applying traditional halakhic concepts vis-à-vis *ḥesed*, *zedekah*, and *zedek* to modern reality. What, for example, is the halakhic understanding of “you shall surely not ignore,”²⁸ “the poor of your city take precedence,”²⁹ and “it is forbidden to aid a thief (even indirectly)”³⁰ in an era of globalization characterized by complex consumer-producer relations, in which the clothing we wear and food we eat were produced by sweatshops and slave labor in far-off countries, and the Worldwide Web enables us to see the suffering of people thousands of miles away? As Rabbi Dr. Yehudah Mirsky wrote in “Tikkun Olam: Basic Questions and Policy Directions”:

Central features of today’s world, such as the extraordinary power and reach of modern states, economies and transnational entities; an increasingly networked, global community, facilitated in many ways by the internet; and, at a deeper level, the conviction, central to all modern politics and certainly to much humanitarianism, that societies are man-made entities which can be remade by the proper application of knowledge and skill—all these pose major, though not insurmountable, challenges to the inheritors and interpreters of Jewish text and traditions.

Indeed Jewish law and philosophy have over the centuries regularly proven themselves to be deeply responsive to changing circumstances and new ideas—but here as elsewhere it is easy to read the tradition sloppily or worse; it is more demanding to read and interpret it meaningfully and with care.³¹

The Orthodox community should not be afraid to engage in meaningful conversations that draw attention to previously whitewashed points

of friction between Jewish tradition and contemporary social justice discourse, between particularism and universalism. Such conversations may run the risk of alienating some Jewish social justice activists who prefer to view Judaism and progressive politics as one and the same agenda. But they maintain our integrity—both as Jews and as lovers of humanity—and ensure that we grapple with contemporary issues in a serious way.

The Particularism of Territory

Along with anchoring *tikkun olam* to its particularistic, text-based foundations, the Orthodox community has a special role to play in reminding the rest of North American Jewry that the primary Jewish responsibility to pursue *zedek* and *tikkun olam* is tied to a particular plot of land. The original biblical injunction to pursue justice is territorially based; it is intricately connected to Jewish sovereignty in the Land of Israel: “Justice, justice you shall pursue so that you may live and inherit the land.”³² Israel, as a Jewish polity, is charged with the responsibility of being a model society that implements the values of *zedek* and *tikkun olam* on a scale impossible for individuals or isolated communities to achieve. Following the destruction of the Second Temple, Jews lost this large-scale mechanism for social change and were compelled to settle for implementing *zedek* and *tikkun olam* in a limited way on foreign soil. According to Rabbi Jonathan Sacks, it should come as no surprise that, given the loss of Jewish sovereignty in Israel, *zedek* and *tikkun olam* have not featured more prominently in halakhic writings:

For two thousand years, we were dispersed, scattered, exiled, we were powerless, we were what Max Weber called the “pariah people.” Who in the world would think of learning from us? We were the wandering Jew, Old Israel, displaced, superseded, we were the people rejected by G-d. That’s what the nations thought. Who thought of learning from us? Thus, *Tikkun Olam*, which could not be implemented as a Jewish value, squeezed under the door in some attenuated way.³³

It was only with the founding of the State of Israel more than sixty years ago that the Jewish People once again had the engines of statecraft—an army, legislature, judiciary, diplomatic corps, and so on—to implement the Jewish ideals of *zedek* and *tikkun olam*, both as a laboratory for social justice within its own borders and as a catalyst for social change on the international arena. We need look no further than the recent, overwhelmingly positive, international media attention attracted by the IDF field hospital in earthquake-devastated Haiti to understand the tremendous potential the State of Israel has to be the vanguard for *tikkun olam* on the world stage.

North American Jewish social justice activists attempt to answer the overarching question: What is the responsibility of the Jewish minority to marginal populations within the larger society? Israeli social justice activists, in contrast, attempt to answer the questions: What is the responsibility of a Jewish majority to minority populations—both Jewish and non-Jewish—living in its midst? And, concurrently, what is the obligation of a Jewish State to fellow states around the world? The questions confronting the Israeli government and social justice community are questions of epic and historic significance and should concern anyone, worldwide, who cares seriously about Judaism and social justice.

Some North American Jewish social justice organizations and activists, however, have turned a blind eye to Israel and its potential to serve as a forerunner in the fight for justice. Although North American Jewish social justice organizations and their Israeli counterparts share many things in common (values, causes, target populations, professional staff, and donors), information-sharing and collaboration between such organizations has been sporadic at best. This lack of contact stems not only from the high demands of organizational life, which make it difficult to forge and maintain transatlantic networks, but also from a reluctance on the part of some North American Jewish social justice organizations and activists to be associated with Israel, conflicted about Israel's role in the Middle East and afraid of possible political fallout among constituents. Perceiving Israel as the antithesis of just, some in the North American Jewish social justice community go so far as to refuse to work with Israel on social causes

unrelated to the Israel-Palestinian conflict. This attitude is not only detrimental to Israel and its seven and a half million citizens (Jews and non-Jews alike), who could benefit greatly from cooperation with North American Jewish social justice organizations, but to the pursuit of *zedek* and *tikkun olam* in the world at large, which could gain much from coordination between the two largest and most well endowed Jewish communities in the world. Genuine dialogue between Jewish social justice activists in North America and their Israeli counterparts could go a long way in showing that Israel is multifaceted and complex, Israeli activists are spearheading cutting-edge social action work, and there is a lot that can be learned from one another.

Here too, Orthodox Jews have a critical role to play. On a practical level, surveys have consistently demonstrated that North American Orthodox Jews' attachments to Israel, however they are measured, greatly exceed those among other denominations. They travel to Israel, study in Israel, have first-order relatives in Israel, and move to Israel in far greater numbers than their non-Orthodox counterparts.³⁴ Practically, then, the Orthodox community is naturally suited to bridge the gulf between *zedek* and *tikkun olam* initiatives on both sides of the Atlantic. For example, it is no coincidence that Uri L'Tzedek and its Tav HaYosher initiative is modeled closely after Bema'aglei Tzedek, an Israeli organization founded in 2004 by a group of religious Jerusalemites that uses education and social action campaigns to create a more just Israeli society inspired by Jewish values, and its Tav Chevrati initiative, which grants certificates to Israeli restaurants that treat their workers ethically and are handicap accessible.³⁵ The founders of Uri L'Tzedek have spent significant time in Israel and gained first-hand exposure to Bema'aglei Tzedek and its work.

Beyond the practical advantage of frequent contact and connection with Israel, North American Orthodox Jews should also have an ideological interest in positioning Israel at the forefront of *tikkun olam* and *zedek*. For people who view the Torah as both timely and timeless, what better test case is there for Judaism's ability to develop creative ways of addressing current socioeconomic problems than the modern State of Israel? When most Israelis and Jews around the world consider the practical ramifications of the term "Jewish State," they

think largely of Israel's policies regarding public observance of Jewish holidays, public transportation on Shabbat, and army exemptions for the Haredi sector. The Orthodox community in North America, along with the Religious Zionist community in Israel, has an obligation to remind Israel and the world that a Torah-envisioned "Jewish State" demands a basic set of ethical norms and behavior just as much as, if not more so than, ritual observance.

ORTHODOXY AND SOCIAL JUSTICE: RESTORER OF FOUNDATIONS LAID LONG AGO

A growing circle of Orthodox Jews is joining the fight for social justice, both within and outside of the Jewish community. Their issues, goals, and methods may be new, but they are tapping into a source as ancient as the Torah itself. And tap they must. For, if they are successful, Orthodox Judaism, the Jewish People, and the entire world will benefit from the fulfillment of our age-old responsibility to anchor the universalism of *tikkun olam* in the particularism of Jewish texts and territory.

NOTES

1. Tamar Snyder, "Social Justice: An Orthodox Cause?" *Jewish Week*. May 18, 2008. www.thejewishweek.com/viewArticle/c372_a12454/Special_Sections/The_New_Activism.html
2. Amy Klein, "Orthodox students are embracing social action." *JTA*. November 16, 2009. <http://jta.org/news/article/2009/11/16/1009221/orthodox-students-embrace-social-action>
3. See the Bema'aglei Tzedek website: www.mtzedek.org.il
4. Isa. 58:5-7.
5. Samuel C Heilman, "Tzedekah: Orthodox Jews and Charitable Giving," in Barry A. Kosmin and Paul Ritterband, *Contemporary Jewish Philanthropy in America* (Savage, MD: Rowman & Littlefield, 1991).
6. See the Chabad website for more information: <http://lubavitch.com/programs.html?h=587>
7. Agudath Israel of America National Public Policy Position Paper (presented to the 106th Congress, published in conjunction with 1999 National Leadership Mission, June 29, 1999). <http://www.jlaw.com/LawPolicy/OU1.html>

8. See the IPA website for more information: http://www.ou.org/public_affairs
9. Agudath Israel of America National Public Policy Position Paper, <http://www.jlaw.com/LawPolicy/OU1.html>
10. As it appears on the IPA website, http://www.ou.org/public_affairs
11. See the Uri L'Tzedek website for more information: <http://www.utzedek.org/>
12. See the Yeshivat Chovevei Torah website: <http://www.yctorah.org/content/view/1/49/>
13. Traditionally, the term *tikkun olam* assumed a variety of meanings: In the Mishnah (*Gittin* 4), it was a rationale for rabbinic edicts in Jewish society; in the *Aleinu* prayer, it was linked to the messianic age in which the entire world will serve God; in neo-kabbalistic contexts, it referred to the act of bringing God into this world. While departing from more traditional definitions, this paper's use of *tikkun olam* as "Jewish moral responsibility to the non-Jewish world" is in line with the way the term has been increasingly used in common parlance over the past couple of decades. In fact, the sixth conference of the Orthodox Forum, held in March 1994, which served as a precursor for the 2010 Orthodox Forum panel on *tikkun olam* at which this paper was presented, employed the following working definition for *tikkun olam*: "The thesis that Jews bear responsibility not only for their own moral, spiritual, and material welfare, but for the moral, spiritual, and material welfare of society at large." See David Shatz, Chaim I. Waxman, and Nathan J. Diament, eds., *Tikkun Olam: Social Responsibility in Jewish Thought and Law* (Northvale, NJ, and London: Jason Aronson, 1997).
14. Two caveats: First, not all of Yeshiva University's and Uri L'Tzedek's social justice programs are *zedek*-focused. Running a clothing drive in Harlem, constructing a bridge in Nicaragua, and establishing micro-financing groups to help entrepreneurs in the developing world, as they have done, are all wonderful acts of *hesed* and *zedekah*, not *zedek*. Second, although Agudath Israel's and the IPA's lobbying efforts are motivated by particularistic concerns and promote generally right-of-center political positions, they still have a *zedek*-focus. It is interesting, however, that Agudath Israel and the IPA refrain from using the term *zedek*, while Uri L'Tzedek, as well as some college student activists in Yeshiva University's Social Justice Club, embraces this expression.
15. Rabbi Yaakov Ariel, "B'Tzedekah Tikonani: Bein Tzedek L'Tzedekah Ishit" ("In Righteousness Shalt Thou be Established: Between Collective Tzedek to Personal Tzedekah"), January 2006. <http://www.mtzedek.org.il/maamarview1.asp?id=65>
16. The examples of the Orthodox businessman and the Israeli rabbi are both based on personal encounters I have had as executive director of Bema'aglei Tzedek.
17. These developments are similar to changes that have taken place in Israel over the past couple of years, in which organizations like Bema'aglei Tzedek, Mizrach Shemesh, Tevel B'Tzedek, Kehillot Tzedek, Beit Morasha's Beit Midrash L'Tzedek Chevra'ti, and Yesodot were either started by Orthodox Jews, specifically target Orthodox Jews, or have expanded their activities to meet the needs of Orthodox Jews.

18. Samuel C. Heilman and Steven M. Cohen, *Cosmopolitans and Parochials: Modern Orthodox Jews in America* (Chicago: University of Chicago Press, 1989).
19. Chaim Waxman, "From Institutional Decay to Primary Day: American Orthodox Jewry since World War II," *American Jewish History* 91, nos. 3–4 (2003).
20. Lawrence Fine, "Tikkun: A Lurianic Motif in Contemporary Jewish Thought," in *From Ancient Israel to Modern Judaism: Intellect in Quest of Understanding: Essays in Honor of Marvin Fox*, vol. 4, ed. Jacob Neusner et al. (Atlanta: Scholars Press, 1989). http://www.myjewishlearning.com/practices/Ethics/Caring_For_Others/Tikkun_Olam_Repairing_the_World_/Contemporary_Jewish_Thought.shtml
21. Waxman, "From Institutional Decay to Primary Day."
22. Rabbi Jonathan Sacks, "Tikkun Olam: Orthodoxy's Responsibility to Perfect G-d's World" (speech delivered at the Orthodox Union West Coast Convention, December 1997/Kislev 5758). <http://www.ou.org/public/Publib/tikkun.htm>
23. Rabbi Sidney Schwarz, *Judaism and Justice: The Jewish Passion to Repair the World*, foreword by Ruth Messinger (Woodstock, VT: Jewish Lights Publishing, 2006).
24. Gerald Cromer, "Tikkun Olam: Engaged Spirituality and Jewish Identity" (Rappaport Center for Assimilation Research and Strengthening Jewish Vitality, Bar-Ilan University Faculty of Jewish Studies, 2007). http://www.rappaportcenter.biu.ac.il/Research/PDF/Hoveret%2015_01-56.pdf
25. Arnold Jacob Wolf, "Repairing Tikkun Olam—Current Theological Writing." *Judaism*, Fall 2001. http://findarticles.com/p/articles/mi_m0411/is_4_50/ai_82469827/pg_3/
26. Hillel Halkin, "How Not to Repair the World." *Commentary*, July–August 2008. <http://www.commentarymagazine.com/viewarticle.cfm/how-not-to-repair-the-world-11461>
27. *Ibid.*
28. Deut. 22:3.
29. See *Mishneh Torah, Hilkhhot Mattanot Ani'im* 7:13.
30. See *Shulhan Arukh, Hoshen Mishpat, Hilkhhot Genevah* 356, and *Arukh ha-Shulhan: Hoshen Mishpat, Hilkhhot Genevah*.
31. Yehudah Mirsky, "Tikkun Olam: Basic Questions and Policy Directions" (policy paper commissioned by Jewish People Policy Planning Institute, 2008). <http://www.jpppi.org.il/JPPPI/Templates/showpage.asp?DBID=1&LNGID=1&TMID=105&FID=452&PID=0&IID=843>
32. Deut. 16:20.
33. Rabbi Jonathan Sacks, "Tikkun Olam."
34. Chaim Waxman, "From Institutional Decay to Primary Day."
35. See the Bema'aglei Tzedek website for more information: www.mtzedek.org.il

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Privilege, Perspective, and Modern Orthodox Youth

Rivka Press Schwartz

My qualifications for discussing this topic are experiential rather than academic. I have no particular expertise in *tikkun olam* or the relationship between Jews and the broader world. My academic training is in the history of science. I have been teaching Modern Orthodox high school students for seven years, teaching American history with a distinct social history emphasis at a school that encourages the Grand Conversation—drawing connections between disciplines, between Torah and all other areas, between our learning and our lives. And in doing so, I have made some observations—about who our students are, and who they are not, when it comes to relating to the broader world. I will share those observations, discussing both the psychological phenomena that underlie, as well as the American history that belies, some of their assumptions about their place in the world and how they have gotten there. And finally, this paper will begin to sketch out how we might move our students past those facile assumptions to a more nuanced understanding.

This session was framed by a series of questions, including one about how well prepared our students are to function in the broader non-Jewish world. My students have no difficulty whatsoever functioning in the broader non-Jewish world. The modern American cultural and social milieu is one they inhabit fully and with perfect comfort. Whenever I ask my students whether they feel that they are more fundamentally like a non-Jewish Horace Mann student a few blocks away or a hasidic teenager in Williamsburg, they invariably tell me that they are much more like a non-Jewish prep school student whose concerns and pressing issues are most similar to their own than they are to their fellow Orthodox Jew. (That raises a different issue, perhaps the topic for another Forum, but it indicates that my students have no difficulty identifying and feeling comfortable with the non-Jewish world.)

As long, that is, as that non-Jewish world is like them: largely white, upper middle class (at least), focused on college admissions and acceptances as the greatest challenges of teenage life. The question is not, then, whether our Modern Orthodox high school students are prepared to engage with the non-Jewish world. It is whether they are prepared to engage without condescension (or at best, a sense of the white man's burden) with those who come from culturally and, more importantly, socio-economically dissimilar backgrounds.

To the extent that most of our students encounter the reality of poverty, it is in the framework of *hesed* activities.¹ At SAR High School, students can, through the advisory *hesed* program, spend a few hours at a food pantry or a soup kitchen in New York City. While this may help raise their awareness of the problem of hunger even in this wealthy city in this wealthiest country in the world, it exacerbates, rather than eliminates, their sense of distance from the people they are helping. We do not, after all, see ourselves in the patrons of the JCC of Washington Heights and Inwood's food pantry. Some of my high school students participate in *hesed* activities that have them traveling to a far corner of the globe to do charitable work among disadvantaged populations. In this mode, too—as the white Westerners helping the poor people of color—they are inhabiting a role that does not push them to discomfiting examinations of privilege, class, race, and justice.²

I have no interest in bashing “kids these days.” I don’t think that there is any new flaw of character separating today’s teenagers from the armies of teens that came before them. But our kids are, overall, better off than, and therefore more distant from, those who struggle to meet their most basic needs. These are not the Jewish kids of the 1930s, attending CCNY, the poor man’s Harvard, and debating Trotsky in the cafeteria. These are students groomed at least from ninth grade for their eventual entry into the Ivy League and thence, the white-shoe law firms and investment banks that are now the markers of a successful Modern Orthodox life.³ The more cushioned their lives are from the harsh realities of the struggle for survival, the more challenging it becomes for them to make the imaginative leap to seeing oneself in another’s position that is the prerequisite for empathy.

And being successful creates a powerful psychological dynamic that further distances those who have from those who do not, and which makes that empathy all the more difficult to achieve. We desire, indeed we need, to see our success as the product of our own efforts and achievements, rather than our good fortune. It is this phenomenon that Jim Hightower was pointing to when he mocked then-President George H.W. Bush as “someone who was born on third base and thinks he hit a triple.” Jews have, as a community, enjoyed great success in the economic, social, cultural, and political realms. A full accounting of the reasons for the success of Jews as a group would include a powerful immigrant work ethic, an intense emphasis on education as a means of advancement, and a fierce commitment to “making it” (which became the title of Norman Podhoretz’s book describing just such a trajectory).⁴

But the balance sheet would also have to include that along the way we have been the beneficiaries of certain broader patterns in American life, which have helped enable Jewish immigrant populations to achieve success. That success is then compounded through the succeeding generations. (A family with assets can provide its children with the opportunities and the start-up capital that will enable them to amass still more. A Jewish boy who got into Columbia University in the 1960s not only made good for himself, he made it that much easier for his children to secure their own coveted berths in the Ivy League.)

We may not have established these patterns, or gotten to choose our roles in the American pageant, but we have benefited from them all the same.⁵

We do not like hearing that. None of us, having achieved success in whatever realm, wants to think that it was the product of the circumstances that set us up for success, as much as it was our smarts, hard work, and brilliant application essay. And once we take sole credit for our own achievements, that in turn inclines us to see those who have not succeeded similarly as deficient and therefore responsible for their own failure. Social psychologists have described as the fundamental error of attribution our tendency to overweigh the importance of character traits and attitudes, and undervalue the importance of circumstances, in assessing others' behavior. When it comes to our own, on the other hand, we take credit for our successes but attribute our failures to outside forces beyond our control, a phenomenon known as the self-serving bias.⁶ Taken together, these tendencies play out in successful people taking credit for their own success and blaming the less successful for their plight. Besides being a fundamentally human inclination, this is also a profoundly American one—our desire to confirm our national mythology about Horatio Alger stories, bootstraps-up-pulling, and every individual's ability to make it, if only he or she works hard enough and is smart enough.

Why do we think this way, even in the face of clear evidence that circumstance, rather than individual choice, is a significant factor? One answer that psychologists offer, which seems highly relevant to this case, is our desire to see the world as just.⁷ In a just world, good things happen to good people, and bad things happen to people who have it coming to them. To make sense of our world, we want to impose order and rationality (which justice provides) on it, which is why we find *zaddik ve-ra lo* (the suffering of the righteous) so fundamentally disturbing. I would further suggest that there is another phenomenon at work here when we are on the fortunate end of the equation. Rather than see our good fortune as arbitrary and unearned, which might then force us to think in uncomfortable ways about those who are less fortunate than we are through no fault of their own, viewing our good

fortune and their lack thereof as a function of our being better, smarter, harder-working justifies why we are in the position that we are in, and protects us from unsettling thoughts about those who are less well off.

This tendency to ascribe to skill or commitment that which is at least in part attributable to luck and circumstance is the subject of Malcolm Gladwell's recent book *Outliers*.⁸ Gladwell details the extent to which, in fields as disparate as the Canadian Junior Hockey League and the founding of technology companies, circumstances, if they do not enable the individual's success, at least then provide the cultural medium in which it can grow and flourish. The point, supported by a range of examples, is that success is not solely a product of inspiration and perspiration. There are other factors that create the environment in which one person's inspiration and perspiration yield the exceptional results that others' hard work and creativity don't. In junior hockey, the other factor turns out to be having a birthday in the first three months of the year, ensuring that the player will be somewhat older, more developed, more coordinated than his age-group peers. That advantage gets him more attention from the coaches, which, if coupled with innate ability and hard work, yields an even better player, who in turn gets even more extra attention and coaching.⁹ When it comes to technology start-ups, while we are in thrall to a story about lone-genius college dropouts in their garages developing products and ideas that revolutionize the market, Gladwell traces the impact of early access to computers, and institutional and familial support, that enabled the lone geniuses to put in the thousands of hours of programming time that they needed to develop their talent.¹⁰ The point is the same. People do not achieve great success because they are hardworking and smart. They achieve great success because they are hardworking, smart—and lucky.

To support my assertion that Jews have benefited from some broader developments in American life that similarly created an environment conducive to nurture their hard work and creativity, I will discuss some examples from the general patterns of economic development in the twentieth-century United States. This is the period during which the newly arrived European Jews established themselves,

made it, and moved out to the suburbs. Then I will examine at some length the specific case of college admissions as the most relevant example in the lives of my students.

While Jewish Americans were achieving the American dream in the twentieth century, African Americans consistently lagged behind. African American households have accumulated far less wealth, on average, than white households. This disparity plays out all across American life—whatever an African American family's income, it is likely to have far less in assets than a white family with the same income. The psychological phenomena described above would incline us to see this as a story of hard work, merit, and just deserts.

But a close examination of the history tells a different story. Up through at least the middle of the twentieth century, the government of the United States and various American institutions pursued economic policies that benefited whites and largely excluded African Americans. It was the Jews' good fortune that by this point in history, they were positioned in a way to be able to benefit from that largesse.¹¹ Two recent books by American historians, *When Affirmative Action Was White*, by Ira Katznelson,¹² and *A Consumers' Republic*, by Lizabeth Cohen,¹³ address how the legal and governmental structures that were created during the mid-twentieth century served to perpetuate and actually increase the socioeconomic gap between African Americans and whites in the United States. Contrary to our popular assumptions about the intent and effect of both the New Deal and the G.I. Bill, they were not intended to, nor did they, provide all poor Americans with equal economic opportunity.

Thus, the current tenfold disparity in assets between white and African American families making comparable incomes, as documented by Katznelson,¹⁴ is not something that simply came to be or had to happen, but was the product of conscious choices made by government officials. In the case of the New Deal, President Franklin Delano Roosevelt bowed to the reality of a governing coalition that included the segregationist and racist Democrats of the Solid South, who agreed to the legislation establishing Social Security on the condition that it explicitly exclude domestic and agricultural workers, thus leaving most African American workers out of its benefits.¹⁵ Later,

when the G.I. Bill was passed to enable veterans of World War II to ascend to the middle class, the administration of these benefits, such as subsidized college education and mortgages, was left to the various states and private entities. The federal government's willingness to fund an African American veteran's education was meaningless if he could not find a college in which to enroll, as was its willingness to guarantee his mortgage if no bank would lend to him because of redlining.¹⁶ This history of the middle of the twentieth century becomes a history of many white Americans climbing up the socioeconomic ladder by a governmental framework that created the environment in which their hard work would be leveraged to greater advantage. African Americans enjoyed no such leveraging, and the effects of that, compounded through the generations, continue to be seen in American life.

Shifting our analytic lens from race to socioeconomic class, we turn to the specific case of college admissions. The history of college admissions is particularly fraught in regard to the question of earned and unearned advantage, and one in which I think it is particularly important that my students come to see that they may be the beneficiaries of a history of which they were unaware. This history tilts the playing field to their benefit before they even step onto it. In the early twentieth century, the elite American universities were bastions of white Anglo-Saxon privilege. But when too many strivers—particularly Jewish strivers—began applying for and earning admission, the universities instituted policies explicitly intended to bar Jewish applicants. As Jerome Karabel describes in his recent book about the history of admissions policies at Harvard, Yale, and Princeton, many aspects of the college application that are meant to get beyond mere numbers or grades to reveal the deeper character of the applicant were in fact instituted in the early twentieth century to weed out the Jews. Hence the letter of recommendation, the interview, the more detailed application questions. They would serve, first, to help the colleges identify the Jews and, second, to provide a pretext for denying them admission.¹⁷

This situation obtained until the years around World War II, when under the guidance of its progressive president James Bryant Conant, Harvard University revamped its admissions process to

make it more meritocratic (though, as Karabel notes, the “character” elements of the application remain central parts of the college application process today). Central to that effort—Conant’s desire to identify what Thomas Jefferson termed the “natural aristocracy” of the most capable and talented, and to provide them with the benefit of a Harvard education—was the development of the Scholastic Aptitude Test. As Nicholas Lemann points out in his history of the SAT, that test, now so often reviled as a barrier to students’ entry into elite universities, was, at its inception, regarded as an equalizer for ensuring that better-qualified students, whatever their ethnic or cultural backgrounds, could secure acceptance to the academic elite.¹⁸ (Certainly that was the view held by one Stanley Kaplan, who, unable to gain entry into medical school despite having graduated Phi Beta Kappa and second in his class, was working as a tutor preparing students for New York State Regents exams when one of them asked Kaplan to help prepare him for a new test that he was to take. Kaplan always regarded standardized tests as an instrument that would have enabled him, a talented but Jewish kid from a public college, to earn a seat in medical school. As it was, deprived of that opportunity, he became an entrepreneur and made millions.)¹⁹

The exam that was instituted with the intention to make applications more meritocratic, then, ended up favoring those students who had the wherewithal to pay for expensive test-prep courses. Students from well-funded schools also benefit from more opportunities to prove their academic rigor while in high school, more resources devoted to college guidance, more extracurriculars to burnish a resume. The end result, then, is a college application process that makes it much easier for a well-off student to present herself as a highly qualified candidate for admission. This does not negate the student’s hard work in her courses, in her extracurriculars, on her application. It does not change the fact that she is, indeed, a highly qualified candidate. But the environment in which she is functioning has done a lot to enable her success.

And that is even before we factor legacy admissions into the equation. Essentially a massive affirmative-action program for the well-to-do, legacy admissions refers to the boost awarded to students

of alumni in the admissions process at elite universities. And it is a substantial boost. This makes good strategic sense from the university's standpoint—it is hard to keep the donations flowing if you don't accept the children of your rich alumni—but it does mean that if someone benefited from cultural or social advantage a generation ago and got himself into an elite university, his children will continue to reap the rewards. Finally, there is the effect of the early-decision process, which significantly advantages those students who agree to apply early to a single university and, in most cases, commit to attending if they get in. Early-decision applicants are admitted to Columbia University at several times the rate of regular decision applicants. The tradeoff, however, is that by committing to one school, early applicants lose the chance to compare financial aid offers. So if maximizing financial aid is not a necessity, students can substantially increase their chances of getting into the schools of their choice.²⁰

All of these factors mean that the nation's elite universities, supposedly identifiers and cultivators of talent no matter its origin, are in fact perpetuators of an elite no less than when they were simply accepting wholesale the graduating classes of Groton and Philips Exeter, albeit a different elite. William Bowen, the former president of Princeton University and then of the Andrew W. Mellon Foundation, recently published a book examining the socioeconomic status of students in the elite universities.²¹ The numbers that his research turned up are striking. Only three percent of students in the universities he looked at—which included selective universities both private and public—were from the lowest quartile of the income distribution and without a parent who attended college. While students must doubtless be capable and academically strong to be admitted to the nation's top universities (setting aside for a moment the offspring of major donors and recruited athletes), the circumstances that enable some students to compile an application that will appeal to admissions officers go far beyond academic hard work, and far beyond what students can control. In any number of ways, being well-off improves your chances of getting into Harvard.

Why does this matter? Why do I care if my students recognize that they are where they are by the accident of a birth, good luck, and

a lot of advantages, and that but for the grace of God, they might have ended up in a very different place? That recognition is the necessary precondition for empathy. If you believe you have what you have because you earned it, then anyone who doesn't have it hasn't earned it, doesn't deserve it, and has no claim on your hard-earned dollars to get it. If you have benefited from accidents of history, geography, skin pigmentation, and sheer dumb luck in getting where you have gotten in life, you will be more grateful for what you understand to be your good fortune, and will view differently those who have not gotten where you have gotten. Instead of seeing them as held back by their own lack of ability or hard work, you will recognize that they have not had the advantages that you were able to capitalize on, a recognition that might impose some sense of obligation, but at the least would impose humility.

Is that—the sense of humility in the face of one's own good fortune, a sense that might engender empathy, and even a desire to help establish more conducive circumstances for the success of those less fortunate—a Jewish value? I could certainly make the case that it is, citing references to the Torah's exhortations to remember our sojourn in Egypt and be kind to the stranger—but I am mindful of something that Leon Wieseltier, the literary editor of the *New Republic*, has stated often, most recently in his *New York Times Book Review* evisceration of Norman Podhoretz's book, *Why Are Jews Liberals?*

Judaism is not liberal and it is not conservative; it is Jewish. But this is the beginning of the matter, not the end. For Judaism is immense and various: it holds within itself an oceanic plenitude of opinions and tendencies, developed over 2,000 years of philosophical and legal deliberation, and they do not all go together. To say that a view is Jewish is to claim a provenance more than an essence.

It is precisely a provenance that many American Jewish intellectuals seek. Deceived by the contemporary ideology of identity into the simplifying aspiration that all their parts may be unified into a seamless and shining whole, they rummage through the Jewish tradition to find

prooftexts for social and economic and political views that they have already established on other grounds. It is not enough that their views be true; they must also be authentic.²²

So I will not pretend that this position is the only authentic Jewish one, or a necessary outgrowth of halakhic and Torah values. But I do think that it is necessary. High school students feel keenly the need for justice and fairness in the world. In the view of many of them, the idea that the most worthy get the most and rise to the top seems eminently fair, which explains Ayn Rand's enduring popularity among that age group. If we can complicate their notions of worthiness, merit, and earning, we can have them think again about what those who succeed might owe the society that created the conditions for their success, and how they might view, and therefore what they might think it right to do for, those who have less than they.

How does one inculcate this sense of humility? If I had a conclusive answer to this question, I would be doing it more successfully than I am. But I do think that we can start by giving students some historical perspective on their extreme good fortune. At no other time in history of the Jewish Diaspora, and in no other place in the world, would they be as free to practice, to succeed, to achieve as Jews, as they have been and are in America in the late twentieth and early twenty-first centuries. And even as they work as hard as they can to achieve success on their own terms, their hard work is being boosted by a host of forces over which they have no control, but of which they need to be made aware. (Certainly, a yeshiva high school student should not be able to disparage affirmative action and its putative promoting of underqualified minorities without getting a stiff dose of American history in return. This is not to say that reasonable people cannot disagree strongly about the justice of affirmative action programs, the wisdom with which they have been implemented, and the ultimate outcomes they have achieved. But at the very least, those evaluations should be informed by a great deal of historical context.)

This belief in the power of teaching students about the past as a way to change how students see themselves in the world may seem

naive, to say nothing of wildly overestimating the value of a history education. But while we may be able to get our students to see and feel for those less well off than they by sending them to do *hesed* work among those populations—and while there is certainly value in that sort of consciousness-raising (besides, of course, the inherent value of the *hesed* being done)—the ultimate goal is something more: not merely that my students feel for those less fortunate than they, but that they come to recognize that they have arrived at where they are not solely by dint of their own hard work and smarts, but by the accretion of an unearned legacy of privilege that they have benefited from. Whether or not this recognition has any practical impact, it is a valuable corrective to their understanding of the world and their place in it.

NOTES

1. Like most of us, my students, in fact, encounter the working poor directly in the persons of their household help. But we think of them in the category of “nanny” or “housekeeper,” not “woman trying to support herself (and possibly a family) on a few hundred dollars a week.”
2. My co-panelist Dyonna Ginsburg, in her paper “Re-Anchoring Universalism to Particularism: The Potential Contribution of Orthodoxy to the Pursuit of *Tikkun Olam*,” introduces a very useful framework for thinking about these issues: the contrast between *hesed*, the individual acts of kindness that I engage in to help those less fortunate than myself, versus *zedek*, the collective political and social actions that we undertake to establish a more just society.
3. Throughout this paper, I will be using the terms “successful” and “success” to refer to financial success and the markers of educational and career advancement that are the stepping points thereto. This is a descriptive rather than a prescriptive use of the term; whether or not I would like the contemporary American Modern Orthodox community to define success in these terms, the reality is that much of it does so.
4. Norman Podhoretz, *Making It* (New York: Random House, 1967).
5. This is precisely what is meant by the term “white skin privilege,” a term that carries more than a whiff of the leftist academy but simply denotes the unearned benefits that accrue to a person by virtue of his being white.
6. Gifford Weary and Darcy A. Reich, “Attribution Theories,” in *Encyclopedia of Psychology* (Washington, D.C.: American Psychological Association, 2000), vol. 1, pp. 320–325.

7. Melvin J. Lerner and Dale T. Miller, "Just World Research and the Attribution Process: Looking Back and Ahead." *Psychological Bulletin* 85 (1978): 1030–1051.
8. Malcolm Gladwell, *Outliers: The Story of Success* (New York: Little, Brown, 2008). Interestingly, this book received more mixed reviews than Gladwell's earlier work. It may be that the bloom is off of his particular brand of popularization of social science research. But I cannot help but wonder if the fact that he is questioning whether the cultural elites (a group that surely includes book reviewers for the major publications) have achieved their status solely by merit has anything to do with it.
9. *Ibid.*, pp. 20–24.
10. *Ibid.*, pp. 42–47, 50–55.
11. The process by which Jews came to be recognized as entirely white (rather than as members of a separate Semitic race) is part of the fascinating and complex history of the definition of race in America.
12. Ira Katznelson, *When Affirmative Action Was White: An Untold History of Racial Inequality in Twentieth-Century America* (New York: Norton, 2005).
13. Lizabeth Cohen, *A Consumers' Republic: The Politics of Mass Consumption in Postwar America* (New York: Knopf, 2003).
14. Katznelson, *When Affirmative Action Was White*, p. 164.
15. *Ibid.*, p. 22.
16. Cohen, *Consumers' Republic*, chap. 4.
17. Jerome Karabel, *The Chosen: The Hidden History of Admission and Exclusion at Harvard, Yale, and Princeton* (Boston: Houghton Mifflin, 2005).
18. Nicholas Lemann, *The Big Test: The Secret History of the American Meritocracy* (New York: Farrar, Straus, & Giroux, 2000).
19. Karen Arenson, "Stanley Kaplan, Pioneer in Preparing Students for Exams, Dies at 90," *New York Times*, August 25, 2009, A14.
20. Recognizing these effects of their early-decision programs, Harvard and Princeton ended them in 2006, going to a single application deadline. Faced with the reality that other schools were not following their lead, however, and concerned that other schools would be "locking in" the strongest students before they got in the game, both universities reinstated early-admission programs five years later.
21. William G. Bowen, Martin A. Kurzweil, and Eugene M. Tobin, *Equity and Excellence in American Higher Education* (Charlottesville: University of Virginia Press, 2005).
22. Leon Wieseltier, "Because They Believe," *New York Times*, August 13, 2009, BR1.

3

The Universalism of Particularity

Meir Y. Soloveichik

JUDAH-ISM AND UNIVERSALISM

In the 1960s, Rabbi David Luchins, then a student of Rav Ahron Soloveichik, mentioned to Rav Mordechai Gifter that Rav Ahron, known for his interest in current events and public affairs, was at that point very concerned about the suffering in the African region of Biafra. Rav Gifter remarked in admiration, “It is not just that Rav Ahron is the only Rosh Yeshiva that speaks about Biafra, it’s that he is the only Rosh Yeshiva who ever heard of Biafra.”¹

The universalistic streak in Rav Ahron Soloveichik’s *yahadut* is a well-known aspect of his legacy, and it has always been a dear one to me. Yet equally dear is an insight of his that I repeat often: the fact that members of *kelal Yisrael* are now called *Yehudim*, which is rife with hashkafic significance.² If, he suggested, we have come to be known not as Abrahamites but rather as *Yehudim*, if we are named for Judah

whether or not we directly descend from him, it is because of Judah's great moment of repentance, his proud proclamation to his father regarding Benjamin: *anokhi e'ervenu!* Judah-ism, by its very name, proclaims that a Jew is bound to every other member of the Jewish people in a way that is more profound than the ethical obligations binding us to the rest of humanity. We are members of mankind—but we are also first and foremost members of a nation that is a family, in which every other Jew is our brother and sister.

These two aspects of my grandfather's worldview—particular and universal, or, in the Rav's formulation, *ger* and *toshav*—are often described as coexisting in a dialectical, or contradictory, manner. It is true, of course, that there is a *practical* tension between one's obligations to one's people and to humanity, just as there is a practical tension between *talmud Torah*, *tefillah*, *hesed*, and many other *mitzvot*; after all, every one of us has a limited amount of time and resources. Nevertheless, I believe that there is no *philosophical* or *theological* tension between these two themes. Indeed, if the Abrahamic identity comprises both *ger* and *toshav*, it is because these two facets are, from the perspective of Jewish ethics, not contradictory, but *ha be-ha talya*, and that the hierarchy of obligations inherent in Judaism is part-and-parcel of Judaism's message to the world. In this essay, I will outline why I believe this to be so, and why the communication of this message to the next generation is so vital to the future of Modern Orthodoxy.

YEHUDAH, YAHADUT, AND MODERNITY

If, as my grandfather insisted, the term *Yehudi* embodies the familial obligations of Judaism, then we must appreciate the full significance of the name, and of Judah's story to our own appellation. Following his participation in the kidnapping and sale of Joseph, Judah, we are informed, left his brothers, “went down from them” and wedded a woman; that is, separated himself from his family and founded a new one. Coming immediately, and jarringly, after the tale of Joseph's kidnapping, this sentence's placement is significant. Why Judah wished to leave his brothers is unclear, though we can guess. Perhaps, burdened by the guilt of what he himself had done, he was desperate to escape

the daily familial and fatherly reminder of his crime; or perhaps, aghast at the even more murderous intent of his brethren, he wished to no longer live among them. Whatever his motivations, the text makes his intentions obvious: Judah wished to no longer be associated with his family; he sought to start a new life and a new identity.

In Judah's attempt to abandon his family we find a most modern idea: the notion that anyone can be anything one wishes to be, that no identity is predetermined, and that one's background can be shed like a suit and replaced with another. Judaism, however, insists that taken to an extreme, this denies something fundamental about human nature. *Ki ha-Adam ez ha-sadeh*, we are informed in Deut. 20:19, and the explanation of this seemingly strange comparison, for the Rav, is that man, much like a tree, *has roots*, a past, and is defined by them and connected to them. When one is born a Jew, one is immediately considered a member of the Jewish nation, and nothing can undo this Jewishness. Thus one who sees his father, or brother, the way he would see a stranger—one who assumes that he has no greater connection to his mother than to someone he just met—is adopting a perspective that is unnatural and wrong. Nevertheless, it is just this perspective that is an essential aspect of modernity. Here it bears quoting Michael Wyschogrod:

The Enlightenment's understanding of human identity, while not focused on faith in Jesus, shares with the Christian view the focus on human autonomy. Each rational human being chooses her own identity. Aspects of one's identity not of one's own choosing, such as sex, nationality, and age, are deemphasized. Instead, a person is depicted as largely responsible for her identity as a result of choices made. The major difference between the Christian and Enlightenment views is that in the Christian view, God's grace plays a controlling role in the decisions human beings make. But if we can bracket the doctrine of grace, both the Christian and Enlightenment views depict a human being defined by the choices made and the life led. It is not the condition a person is born into

that matters, but what the person makes of the condition in which she finds herself.³

In this *perek*, we witness Judah's attempt to deny the pull of his past, the obligations of origin. In describing Judah's refusal to allow his son Shelah to fulfill the obligation of *yibbum*, the text is making clear to us that Judah had not learned the lesson of his misdeeds in the Joseph story, and that he further sought to sever all family connections from his past. As Leon Kass notes:

Symbolically, in withholding Shelah, Judah . . . defies the commandment to be fruitful and multiply, he denies Tamar her marital and maternal fulfillment, he neglects [Shelah's] duty to be one's brother's keeper, and he prefers the love of his own to the keeping of the law. The law of levirate marriage will surely strike the modern reader as a peculiar, even ugly and barbarous custom. . . . But if we are willing to set aside, for the moment, our current sensibilities, we may be able to discover, and even appreciate the principles that inform this ancient custom. For, details aside, the practice of levirate marriage seeks to uphold what is centrally important in marriage altogether. The heart of marriage, especially but not only biblically speaking, is not primarily a matter of the heart; rather, it is primarily about procreation and, even more, about transmission of a way of life. Husband and wife, whether they know it or not, are incipiently father and mother, parents of children for whose moral and spiritual education they bear a sacred obligation. . . . In levirate marriage, all these crucial principles are defended. A man serves, literally, as his brother's keeper: he refuses to allow his brother to die without a trace. Also, he refuses to nullify his sister-in-law's marriage, vindicating her claim to motherly fulfillment within her marriage. Taking seriously the commandment "Be fruitful and multiply," *levirate marriage elevates the importance of progeny above personal gratification, and*

hence, the importance of lineage and community above the individual.⁴ [Emphasis added.]

Indeed, upon being confronted by Tamar with the *eravon*, Judah realizes how wrong he really was, and becomes cognizant of the familial *arvut* he himself has abandoned. If Judaism is not named for its founder or greatest religious teacher, not for Abraham or Moses, but for Judah, it is, in part, because its first premise is essentially the lesson Judah learns. For when the Bible abruptly brings us back to Joseph, to his release from prison, and the famine that brings his brothers to Egypt, there, among the brothers—indeed, leading them—is Judah. He has returned to his family, he has rejoined his brethren. And when Joseph demands Benjamin, and Jacob resists, it is Judah who emerges as the embodiment of familial responsibility and brotherly bonds: *anokhi e'ervenu*. The familial obligations that I violated with Joseph, the bonds of blood that I sought to sever by abandoning my brothers—all that is over. I *am* my brother's keeper, and I shall be his surety! The word used by Judah is the same as the one used for the surety that he had given Tamar, noting that Judah has learnt well the lesson of the previous event. It is at this stunning moment that the two plots—the stories of Joseph and his brothers, and of Judah and Tamar—suddenly converge on each other, as we realize that these were not two stories but one, and one in which the main character may not be Joseph.

Judah's identification of himself as an *eravon*, a surety, a guarantor of his brother's safety, serves as an illustration for the talmudic maxim that all Jews are *areivin zeh ba-zeh*. Or, one might say, every Jew is a Judah. To be a Jew begins not only by affirming that the Torah was given by God, but also with the realization that one has been born into a family, and that every one of us is meant to come to the conclusion that Judah ultimately achieved: that no matter how much we can try, we are bound by blood and brotherhood to the other children of the patriarchs. To the modern Jew who seeks to sever himself from his roots, Judaism, by its very name, proclaims: You too are a Judah. You too are one who attempts to “go down from his brothers.” You too are one who has assumed, along with millions of members of modernity, that you can be whoever you want to be, that you are an unconnected

individual in free-floating space. But know that you are wrong. Were Judaism merely a movement, a collection of individuals, then one could undo Jewishness with a thought. The first tenet of *Yahadut*, in other words, is that it is more than a faith: It is a family. As such, it is aptly named for Judah, for the lesson that he learned, and for the bond of brotherhood that he ultimately embodied.

FROM *YEHUDIM* TO AN *AM MAMLEKHET KOHANIM*

For my grandfather, the very name by which a member of our people identifies himself indicates an unbreakable obligation to a particular people, a love for nation that is founded on familial identity. Yet at the same time, it is *this* nation, bound by blood and brotherly love, that is called to be an *am mamleket kohanim*, which, at least for Seforno,⁵ indicates a universal mission. “In this you shall be a *segulah*,” Seforno comments, “because you will be a nation of priests to understand and teach to the entire human race, so that they may all call in the name of God, to serve him together, as it is written, ‘And you, the Priests of God will call out.’” To be the priests of mankind obligates us to be ministers to humanity, seeking their moral, spiritual, and physical welfare. There are those who might assume that this duty conflicts with familial obligations as *Yehudim*, and that a priestly calling to those outside one’s immediate sphere outweighs one’s ever-present familial duties. Indeed, this is precisely what many Christians have argued regarding those they believe called to priestly duties, and why they have insisted on celibacy for the clergy. The notion of marriage hampering a priest’s pastoral role appears again and again in papal encyclicals. “A priest,” writes Pope Pius XI, “is to be solicitous for the eternal salvation of souls, continuing in their regard the work of the Redeemer. Is it not, then, fitting that he keep himself free from the cares of a family, which would absorb a great part of his energies?”⁶ His successor, Pius XII, in his encyclical *Sacra Virginitas*, insists that “spouses are to be bound to each other by mutual bonds both in joy and in sorrow.” As such, “persons who desire to consecrate themselves to God’s service embrace the state of virginity as a liberation, in order to be more entirely at God’s disposition and devoted to the good of their neighbor.”⁷ The

Second Vatican Council, which began after Pius's reign, reiterated in its statement *Perfectae Caritatis* that celibacy "frees the heart of man in a unique fashion so that it may be more inflamed with love for God and for all men."⁸

Judaism, in contrast, knows nothing of a celibate clergy, and some popes made clear in their writings that this evidences the Church's superiority. But the careful student of the *Tanakh* and Talmud understands that for Judaism, an insistence upon an unmarried state represents an ethical regression rather than the reverse, that having a preferential love for particular people makes one a more effective shepherd of one's flock on the whole, that having exclusive loves enhances, rather than detracts from, one's love of humanity.⁹ In other words, where the encyclicals extol celibacy as necessary for a truly effective clergy, rabbinic Judaism has long insisted the exact opposite: that those who have rejected familial responsibilities are *unsuited* for religious leadership. For the Church, family is a distraction from pastoral duties; for Judaism, family forms pastoral excellence.

Several examples illustrate this contrast. Papal encyclicals argue that those freed from the concern for wife and children can focus sufficiently to pray for humanity. Abstinence, Pius XII argues, "gives greater freedom to the soul which wishes to give itself over to spiritual thoughts and prayer to God."¹⁰ The Mishnah, on the other hand, insists that the *kohen gadol*, who represents the entire Jewish people in the *mikdash* on Yom Kippur, and asks for atonement on their behalf, must be married. Similarly, the Talmud informs us that in order to serve on the Sanhedrin, one first had to have children.¹¹ Where a priest might refrain from producing progeny in order that all the children in his parish may be his children, Maimonides argues that a member of the Sanhedrin *must* have children in order that he be merciful toward others.¹² *Kohanim*, in fact, were required to show a specific regard for their immediate family that they could not show other Israelites. Forbidden to attend most funerals, the Torah not only allows them to participate in the burials of their family—it obligates them to do so. In fact, for Maimonides, the obligation of a mourner to bury his own *karov* is deduced from the obligation of *kohanim* to be *metammé*

le-kerovim. In other words, for Jews, *kohanim*, and indeed all religious leaders, are role models of preferential love.

Why is it so important that a spiritual leader have familial, and not only communal, concerns? How does one make the case that the obligations of a husband and father weighing on the mind of a *kohen* do *not* distract him from his relationships with God and man, but rather are an essential ingredient in these relationships? And how can this help us better understand why Jews, called to be an *am mamlekhet kohanim* to the world, owe a still greater obligation to their own brethren?

AGAPE AND “SPECIAL RELATIONS,” SYMPATHY AND EMPATHY

Insight on this matter can be found in an article in the *Journal of Religious Ethics* by Julia E. Judish, titled, “Balancing Special Obligations with the Ideal of Agape.”¹³ Judish begins by suggesting that it is “undeniable” that a tension exists between *agape*, which she terms “an ethic of universal regard, a love of *all* neighbors,” and “special relations,” a love for those who “have preferential status based on their particularity.” It is the “recognition of these conflicting pulls,” writes Judish, that “has provided reason for Catholic priests to remain unmarried in order that they may most fully meet the demands of agape.” Judish seeks a strategy by which the two types of love can work in tandem. How, asks Judish, can a familial, preferential love inspire *agape*, a concern for outsiders, rather than detract from it? Citing a phrase from the theologian Gilbert Meilander, Judish argues that preferential love is a foundation from which one “builds up” to *agape*. As an example of how this would work, Judish provides the following story.

Judish’s grandmother, or “Nonni,” as she was known, fell in love with Judish’s grandfather at the age of sixteen, and, over the five-year courtship that followed, they saw each other every day: “Nonni would meet my grandfather on a trolley car, and they would visit together as he journeyed from his day job to night school, where he was training to be a metallurgist.” One night, while Judish’s grandfather was in chemistry class, a beaker exploded, blinding him. It was only ten days

later that the couple learned that his sight would return. “During those ten days,” Judish recounts, her grandmother “vowed that when she was able, she would do something with her life to help the blind.” Judish’s grandfather recovered and the couple married and raised a family; and in her spare time, Nonni learned to read Braille and devoted the rest of her life to transcribing hundreds of books and to helping the blind in countless other ways. For Judish, the story is not merely a familial anecdote; it is ethically illustrative in a profound way:

I tell Nonni’s story for a purpose. I am sure that my grandmother, like everyone, always knew that blindness is a terrible thing, but when that accident blinded my grandfather, whom she loved, she felt that knowledge. She gained an understanding, a deep and real understanding, of how awful blindness can be, because a person she loved became blind. That knowledge stayed with her and sustained her over thirty-five years of slow, laborious work. When she first began to transcribe books into braille, my grandfather had been recovered from that accident for years. Her work for the blind did not help him. It did not, in fact, help anyone she knew personally; requests for braille transcriptions would come from all over the country. Nonetheless, because she loved, in a deep and committed way, a unique, particular person, because she felt his suffering, she came to understand how any person who was blind might feel, and that understanding made her want to work to relieve their suffering.¹⁴

Judish’s point allows us to understand why Judaism asks its *kohanim* and clergy to found families, marry, and bear children before engaging in positions of leadership. Judaism insists on marriage and childraising because it insists that if we are to learn to love others, we must begin by loving those who are closest to us. Why, for Judaism, is preferential love so important? The answer lies in the distinction between sympathy and empathy. Judaism would argue that one who has no exclusive loves

cannot truly feel the emotional highs and lows experienced by one involved in these relationships. One who does not lie awake worrying about his own children can understand, but not fully empathize with, one who does; one who has not experienced the exclusive love that is marriage can understand, but not fully feel *with* another, the pain experienced by someone who has lost a spouse. Judaism therefore insists that both for the *kohen* and the layman, the experience of the family life is essential to truly understanding, and ministering to, humanity; rather than detracting from the love of others, it is essential to the very endeavor, for it is precisely the love for one's own that galvanizes him toward love of the outsider. As such, a prophet or pastor's love for his own children is the starting point toward cultivating compassion for other people's children. The case for celibacy appears to posit a choice between exclusive and expansive love, between special relations and *agape*, but this is a false choice. In Judish's words, "special relations are prior to *agape*, and one learns *agape* from them, and the universalist voice, once established, is truly a different voice— but neither voice obviates or overwhelms the other."¹⁵

This insight—that preference precedes universal concern, that preferential love is the foundation of *agape*—allows us new insight in the central rituals of Yom Kippur. The elaborate detail of the *avodah* of the *kohen gadol* embodies the extraordinary insight of Jewish ethics. As is made clear in the *maḥzor*, a complex series of confessions were recited by the High Priest on that day. He began by beseeching forgiveness for himself, and his family. Then the *kohen gadol* offered a confession, and prayer, for his fellow priests. Only after completing these confessions did the High Priest turn to the sins of the entire nation. The precisely ordered prayers are noteworthy. Here we have the High Priest on Judaism's holiest day, in Judaism's holiest site. All eyes are upon him as he represents his people before God. He begins by pondering his own imperfections, and his family's frailties, their need of mercy from the Almighty. He then "builds up" from there to ponder his extended family. The performance of the *kohen gadol* embodies a millennia-old insight that loving particular people in a preferential way enhances our understanding of the needs of others. As Judish writes, the fact that we

care more about our family “does not mean we are callous. In fact, the vulnerability of personal special relationships can teach us—or simply bring us—to feel a general love for all people.”

JUDAISM, UNIVERSALISM, AND THE “LOVE LEAP”

What is embodied by the hierarchy of relationships in the life of the *kohen gadol* is also made manifest in the hierarchy of concerns incumbent upon every member of the *am mamlekheth kohanim*. Bar-Ilan University Professor Ze’ev Maghen relates how he was once sitting in a restaurant in Tel Aviv when he heard that a plane crash in East Asia had killed hundreds of people. Utterly unperturbed, he continued with his meal. He then paused, thought to himself how he would feel if those killed were Israelis, and found himself without an appetite. It is preferential love for one’s own nation, he realized, that can lead to compassion for others:

Preferential love is the most powerful love there is, the only truly *motivating* love there is. It is by *means* of that love—the *special* love we harbor for those close to us—that we learn how to begin to love others, who are farther away. Genuine and galvanizing empathy for “the other” is acquired most effectively and lastingly through a process which involves, first and foremost, immersion in love of self, then of family, then of friends, then of community . . . and so on. It is via *emotional analogy* to these types of strong-bond affections that one becomes capable of executing a sort of “love leap,” a transference of the strength and immediacy of the feelings one retains for his favorite people, smack onto those who have no direct claim on such sentiments.¹⁶

This “love-leap” is precisely what the *kohen gadol* performs: from his immediate family to his extended family, and from there to all Israel. But it is also what Jews, the *kohanim* of the world, are called to embody. It is precisely the fact that Jews love their own so dearly that allows

them to desire the improved welfare of the world. To love everyone equally is to love no one truly at all.

In fact, in describing the day when all nations will have a covenantal relationship with *ha-Kadosh Barukh Hu*—a state of affairs that Jews, as an *am mamleket kohanim*, will have brought about—the *navi* stresses that this does not mean that all non-Jews will become part of the Jewish nation. Rather, Jewish eschatology envisions an age in which *Hashem ehad u-shemo ehad*, but countries are numerous, and national divisions remain:

On that day there will be an altar to the Lord in the midst of the land of Egypt, and a pillar to the Lord at its border. It will be a sign and a witness to the Lord of hosts in the land of Egypt; when they cry to the Lord because of oppressors he will send them a savior, and will defend and deliver them. And the Lord will make himself known to the Egyptians; and the Egyptians will know the Lord in that day and worship with sacrifice and burnt offering, and they will make vows to the Lord and perform them. And the Lord will smite Egypt, smiting and healing, and they will return to the Lord, and he will heed their supplications and heal them. In that day there will be a highway from Egypt to Assyria, and the Assyrian will come into Egypt, and the Egyptian into Assyria, and the Egyptians will worship with the Assyrians. On that day Israel will be the third with Egypt and Assyria, a blessing in the midst of the earth, whom the Lord of hosts has blessed, saying, “Blessed be Egypt my people, and Assyria the work of my hands, and Israel my heritage.”¹⁷

Jewish eschatology, writes the political philosopher Daniel Elazar, depicts “what properly may be termed a world confederation of God-fearing nations federated through their common acknowledgment of God’s sovereignty and dominion, with Jerusalem, where all go up to worship God, as its seat.” Such a confederation, he further notes, is

fundamentally different from the Christian descriptions of an ultimate “ecumene that will unite all nations into one people. The biblical position has remained that of the Jewish political tradition ever since, in opposition to the ecumenical stance of much of Christianity.”¹⁸ Even as Judaism believed that one day God would elect the nations of the world as God did the Jewish people, nevertheless *Yahadut* insisted that the distinctions among the nations would never disappear, predicting a multiplicity among monotheistic unity. At no point will God’s covenantal love require that man declare the irrelevance of his heritage, of familial and national status. Though eventually all will be chosen, the distinction between nations remains, and the nations will serve God in the fullness of their humanity. Here, too, Judaism proclaims its belief that particularity is part of Judaism’s universal message.

CHOSENNESS AND THE MODERN ORTHODOX FUTURE

In response to the questions facing this Forum, I have briefly outlined how a dedication to *kelal Yisrael* can be emphasized without leading to a lack of concern for others, and indeed how exclusive love can help foster universal concern. I would add, however, that one of the central questions we ought to face is not only whether Modern Orthodoxy can foster among its adherents a concern for the world, but also whether the next generation of Modern Orthodox Jews will ably respond to the challenge that the world, and especially the academy, will present philosophically to the notion of Jewish peoplehood. It was Shlomo Carlebach who said that when he visited an American college campus, “I ask students what they are. If someone gets up and says, I’m a Catholic, I know that’s a Catholic. If someone says, I’m a Protestant, I know that’s a Protestant. If someone gets up and says, I’m just a human being, I know that’s a Jew.”¹⁹ It is in such an environment that the following questions will be put to Modern Orthodox students, by professors and students, Jews and non-Jews: Ought we not to love all human beings equally? Is not loving one’s own kin preferentially a form of xenophobia? Is not caring particularly for Jews on the other side of the world because of a blood kinship a form of bigotry, or racism? Is not Hebrew scripture’s notion of the nation state outdated? Would not the world be better off if divisions between countries were undone, if

decisions were made by the United Nations, or the International Court of Justice at The Hague, and we all became, to paraphrase President Obama's speech in Berlin, "fellow citizens of the world"?

It is to these questions that the next generation of Modern Orthodox Jews must be able to respond. In doing so, they must ably defend their Jewish identity not as a dialectic fraught with tension, but rather as encompassing a complementary hierarchy of obligation, a moral philosophy whose genius was wrongly ignored, denied, and derided throughout much of the history of ethical thought, and that the world today ignores at its own peril. It is no coincidence that the Abraham who desperately desired a son also pleaded passionately for Sodom, that the Moses who went out "among his brothers" also saved the Midianites at the well, and that the Isaiah who sought and strove for the *teshuvah* of his own brethren also longed for a day when all the nations would seek instruction from the mountain of the Lord.

This is a lesson that not just the world but many Jews have forgotten. In Judaism's estimation, when one claims to be without roots, to be nothing but a human being, he denies not only his particular identity but his very humanity. "Nothing could be more striking," notes Rabbi Jonathan Sacks, "than the fact that a people whose very reason for being in the past was to be different, chosen, particular, should today define itself in purely universalist terms, forgetting—surely not accidentally—that it is precisely in our particularity that we enter and express the universal human condition."²⁰ This is the perspective that the next generation must be able to argue; as *kohanim* to the world, they must be not only ministers of monotheism but also proud proclaimers of the genius of Judaism's moral message. Whether we will prepare them to deliver this message cogently and courageously remains to be seen.

NOTES

1. See David Luchins, "Rav Ahron Soloveichik zt"l," at <http://www.ou.org/notices/5762/rasoloveichik.htm>
2. See *Bereishit Rabbah* 98:6, s.v. *Yehudah attah yodukha ahekha*.

3. Michael Wyschogrod, introduction to the second edition of *The Body of Faith*, pp. xvii–xviii. Of course, I in no way intend to deemphasize the Jewish belief in *beḥirah ḥofshit*; one is absolutely free to choose whether to fulfill the Torah obligations that stem from one’s Jewishness. But one cannot choose to do away with those obligations, or to undo one’s Jewish identity.
4. Leon Kass, *The Beginning of Wisdom*, pp. 530–531.
5. Seforno, Exod. 19:6.
6. Archivio Centrale dello Stato, 45.
7. *Sacra Virginitas*, 20.
8. *Perfectae Caritatis* 12.
9. For a greater elaboration on this point, see my article “Rabbis, Priests and Wives,” *Commentary* (October 2007).
10. *Sacra Virginitas* 38.
11. Talmud *Sanhedrin* 94b.
12. *Mishneh Torah, Hilkhoh Sanhedrin* 2:3.
13. Julia Judish, “Balancing Special Obligations with the Ideal of Agape,” *Journal of Religious Ethics* 21, no. 1 (1998).
14. *Ibid.*, pp. 40–41.
15. *Ibid.*
16. Ze’ev Maghen, “Imagine: On Love and Lennon,” *Azure* 7 (1999): 155.
17. Isa. 19:19–25.
18. Daniel J. Elazar, *Covenant and Polity in Biblical Israel: Biblical Foundations and Jewish Expressions* (New Brunswick, NJ: Transaction, 1995), pp. 118–119.
19. Quoted by Jonathan Sacks, “Love, Hate and Jewish Identity,” *First Things* (November 1997).
20. *Ibid.*

Part 2

Personal Autonomy and Religious Authority

The first volume in the Forum series addressed the tension between religious authority and the notion of individual autonomy. A later volume charted various models of rabbinic, lay, and communal authority. Since that time, the question of authority and autonomy has emerged as a key line of demarcation between those who identify as liberal Orthodox and those who identify as more traditional. The question of rabbinic authority is central to discussions about independent *minyanim* and ritual innovation, new roles for women in Orthodoxy, book- and concert-banning, and many other hot-button issues. Orthodox Forum 2010 revisited this issue with a discussion of these questions: Who should have religious authority when it comes to halakhic and public policy issues? What are the areas where personal autonomy is to be encouraged and respected? Should we be doing more to create a climate in which young men and women today will understand the importance of seeking guidance of a religious authority before making decisions that affect both their individual lives and the communities in which they live, or should we be encouraging more independent thinking by Modern Orthodox Jews? What steps need to be taken to foster either greater respect for authority or less reliance on religious authorities?

4

Ba'al Ha-Bayit-Centered Halakhic Consultation

Shayna Goldberg and Judah Goldberg

Much has been discussed and written about the tension between the modern value of personal autonomy and traditional Judaism's emphasis on rabbinic authority. The questions raised typically presuppose one of two familiar scenarios: (1) a learned individual who is capable of studying original halakhic source material and wants to assert his or her own analysis and decision regarding a particular issue; or (2) an area of Jewish life in which broad social and spiritual considerations seem to overshadow its specifically legal aspect, thus inviting the suggestion that the rabbi's voice may not be distinctive in this domain. Certainly, though, in areas of halakhah where the *pesak* seems straightforward and the lay input at best is only slightly informed, the term "autonomy" is entirely out of place. Indeed, what respect could a halakhic figure possibly accord to fanciful self-determination when his petitioner is being called upon, with blinding clarity, to surrender to the will of the Almighty?

At the same time, each of us, through our respective lines of work, has come to appreciate the power, and in some sense the legitimacy, of recognizing personal autonomy and self-determination even as we must confront individuals with sometimes “choiceless” realities. While one of us (S.G.) functions as a *yo’etzet halakhah* (adviser for the laws of family purity) and teacher of halakhah, to high school students and to brides, and the other (J.G.) as a physician, we have found striking similarities in the challenges we face in helping individuals understand and adjust to always changing and sometimes difficult circumstances. For the most part, whether in the realm of halakhah or in that of medicine, we are dealing with a “*hamon am*” who is neither proficient about the topics in question nor has ever actively sought autonomy in decision-making. They may approach our respective services seeking direct and blunt instructions and be unable to articulate any need for involvement. Yet what we have found is that they, too, very much benefit from feeling a degree of control over their halakhic and medical lives. Sometimes this control is not even an issue of making their own decisions, but just feeling empowered to understand their situations and play an active role in navigating their own circumstances. More than we ever could have imagined, the laypeople need to be brought into the conversation, and both their halakhic observance and their personal health flourish when they are. For our purposes, then, we interpret “autonomy” somewhat differently—not necessarily giving people the room to make their own decisions, but respecting their personhood and engaging them in a process of decision-making and education rather than just handing them a succinct directive of what to do next.

While the concept of patient-centered medicine has been well described (though not necessarily well practiced),¹ *ba’al ha-bayit*-centered halakhic consultation, by our estimation, has yet to be fully elucidated. Patient-centered care, among other things, believes (1) that the crux of a medical consultation should be a conversation rather than an opinion; (2) that the locus of control in the medical context should ultimately lie with the patient; and (3) that genuine autonomy, in contrast to its usual treatment in classic discussions of bioethics,²

should be interpreted as a capacity to be encouraged and nurtured through ongoing education, rather than a political right around which to tiptoe.

We believe that many of the same principles can inform and guide halakhic consultations. Admittedly, the parallel is imperfect, for two crucial reasons. First, the domains of *ḥayyei sha'ah* and *ḥayyei olam* are wholly incomparable, and one could alternatively point to either the graver consequences or the inherent potential for recovery regarding halakhic, as opposed to medical, recklessness. Second, patient-centered medicine, as it exists in the Western world, assumes an absolute autonomy of the patient regarding medical decision-making that halakhah could never countenance, not in regard to halakhic observance and not even with regard to personal health. While contemporary bioethics champions a patient's right to forgo any intervention, the foundation of a halakhic life is the sweeping surrender of one's will to something greater. A life of Torah is a life of duty, with responsibilities to both body and soul, and self-destructive behavior regarding either is no one's prerogative.

These limitations aside, we believe that patient-centered medicine still has much to offer regarding attitude, approach, and orientation, even as we avoid its extremes, and that this model can be instructive for the practice of halakhic consultation as well. Specifically, we advocate for educating the men and women of our communities, empowering them at every opportunity, bringing them into the halakhic process, and making halakhah a living and tangible part of their lives rather than just a rulebook—and all this even when the bottom line may not have any wiggle room. For our purposes, we will focus upon the experience of counseling and teaching women regarding *taharat ha-mishpahah* (the laws of family purity) as a model for what *ba'al ha-bayit*-centered halakhic consultation could mean.

(Note: As the bulk of this essay deals with halakhah and not with the practice of medicine, it draws mostly from Shayna's direct experiences as a *yo'etzet halakhah* and as an educator. For stylistic reasons, then, we employ Shayna's voice in the singular for the body of the essay and then return to our joint voice in the conclusion.

Nonetheless, the essay in its entirety represents our shared insights into halakhic consultation as a lived encounter and into the nature of halakhic engagement generally.)

THE EVOLUTION OF HALAKHIC EDUCATION

Most Orthodox Jews are first exposed to the basic concepts of halakhic observance in their homes, where the laws of Shabbat and *kashrut* are organically intertwined with other aspects of their lifestyles from infancy onward. Observance of these *halakhot* is therefore something that feels largely natural and familiar to the native Orthodox Jew. Over time, knowledge of these laws expands through formal education in school and in the synagogue, and possibly through self-education by reading halakhic works that are available to the public. The fundamental relationship to these laws, however, will always be intrinsically tied to the experiences of childhood. This familiarity often helps enable young adults to maintain their commitment to these laws after they have left their parents' homes, even when other areas of observance may suffer from some degree of neglect.

With regard to the laws of family purity, however, the majority of young Orthodox Jews have no exposure to, experience with, or education about these laws before they find themselves on the cusp of marriage and about to undertake their observance. *Taharat ha-mishpahah* is built upon a set of laws that a young couple must learn from scratch, much the way a nonreligious individual on the road to observance must build a knowledge of halakhah without the helpful grounding of practical experience. The question for educators, then, is how to teach the complex *halakhot* of *taharat ha-mishpahah* to someone for the first time. For many years there were not many great options for an engaged man or woman who needed to learn these laws. As Dr. Deena Zimmerman writes about her own engagement period at the beginning of *A Lifetime Companion to the Laws of Jewish Family Life*,

The books available at the time had laundry lists of what to do and not do, but not placed in any framework that I

could comprehend and thus retain. . . . Classes for brides and grooms of modern backgrounds did not exist. The classes that existed were, once again, listings of what to do and not to do, without sources and without much explanation.³

Many women and men of that generation will confirm a similar experience with their first encounter with these laws. Even to this day, many *taharat ha-mishpaha* classes teach only the bottom-line practice without any explanation of the development of the laws or any differentiation between a biblical law, a rabbinic law, and a custom. This method of teaching is often justified with an explanation that roughly goes as follows: “If you teach someone the difference between a biblical law and a custom, then he or she will feel entitled to make choices about what to keep and what not to keep and will often abolish the observance of anything considered nonessential.”

While I agree that a little knowledge can, in fact, be a dangerous thing and that awareness of different halakhic categories always engenders a risk of selective observance, I have come to prefer a different teaching approach, for both practical and more fundamental reasons. While it would be wonderful if everyone did everything they were supposed to all of the time, it is natural for people to make choices. To some degree, this can come from laziness, forgetfulness, apathy, or just from a feeling of being overwhelmed. More significantly, however, making choices should be anticipated as an inherent part of mature adult behavior. As individuals' lives become increasingly complex, they instinctively begin to prioritize, relegating some concerns to either the back-burner or the dustbin altogether. In all of our lives, we make daily choices about which traffic laws to sidestep, which aspects of health maintenance to forgo, and which deadlines are not absolute. Indeed, we view the ability to sift through myriad pressures and demands as a critical skill for effectively managing a complex lifestyle, and we worry about students or children who do not seem to be developing this type of executive function.

One might speculate that prioritization has no role in a body of religious law that warns us to be “punctilious about a minor

commandment as with a weighty one.”⁴ But to the contrary, a hierarchical structure of values and obligations is a hallmark of the halakhic system. Central to almost any halakhic inquiry is the need to identify any particular obligation or pressure as biblical, rabbinic, or customary; as the reflection of consensus opinion or a subject of controversy; and of any unique features that give it unusual weight. This information is not just “study for its own sake” but allows those intimately familiar with the halakhic system to override some concerns in the face of others, be it conflicting obligations or transcendent values such as *shelom bayit*, *kevod ha-beriyot*, or *hefsed merubbeh*. And this is just as true for issues of everyday practice as it is for monumental questions. While giants of *pesak* are grappling with the most difficult challenges of halakhic living, *benai* and *benot Torah* around the world are deciding on a constant basis whether a given circumstance may justify, for instance, forgoing prayer with a quorum, relying on a particular *eruv*, taking the extended hand of a member of the opposite gender, or skipping the third Sabbath meal.

We sometimes pretend, for the sake of simplicity, that halakhah presents a monolithic, homogeneous set of demands that can neither be negotiated nor even prioritized. But our constituents know better. They know that halakhah has its flexibilities (even if they fail to recognize the limits), and they know that not all obligations of the system are treated equally. As mature and sophisticated adults, they are going to bring their organizational skills to the halakhic dimension as well, in particular to the interface between their halakhic and material lives. The question for us, then, is whether we are prepared to empower them to make better, rather than worse, decisions, and whether we will give them the information they need to make informed, and hopefully more productive, choices.

I say “better,” not “perfect.” We may never respect the fundamental value set that any given petitioner or student brings to a particular choice. But we may not be able to revise it in the short run either. That does not mean that we cannot still respect people’s essential goodness; their innate desire to do the “right,” or at least the “righter,” thing; the likelihood that they, like their rabbis and teachers,

recognize that different halakhic categories exist; and the unavoidable fact that they must ultimately take ownership of their own decisions and actions.

Over my years of working as a *yo'etzet halakhah*, I have encountered women who are forthright in expressing their sentiments that “there was just too much to do.” I have heard this attitude not only in Modern Orthodox circles but also among observant Jews of all backgrounds. I remember one woman in particular, who identified with a so-called *yeshivish* outlook, who told me that she and her husband had calculated that in exchange for keeping every detail and stringency of the *harḥakot* (the obligation to maintain a certain degree of distance while a woman is a *niddah*), they were not going to also observe the *veset* days (the days during which a couple must abstain from relations in anticipation of menstruation). When I informed this woman that many of the *harḥakot* are no more than customs while abstaining from relations on a *veset* day is possibly a biblically mandated law,⁵ she was shocked and embarrassed. She felt betrayed that in her pre-marriage classes, the *harḥakot* had been overly emphasized while the *veset* days were not taught in a way that conveyed their seriousness.

BETTER HALAKHIC OBSERVANCE

It is for this reason, in my opinion, that educators should approach their students with a deep sense of trust, rather than fear. I believe we can trust that if one explains *halakhot* properly—how they developed and what the different levels of obligation are—then students can understand and appreciate the laws in the context of their original sources and will be enabled to better observe the halakhah. When a woman, for instance, does not understand the basis of what she is observing, even when she is committed to the broad system of halakhah, she will often make mistakes and err in her thought process. I have found that by giving women a deeper understanding of the *halakhot* they are observing, one allows them to make better halakhic decisions.

As an example, when I teach the *halakhot* of counting the seven clean days leading up to immersion in a *mikveh*, I always quote the

Shulḥan Arukh, which legislates that a woman must perform two internal checks on each of the seven clean days.⁶ I stress the importance of this practice and that this is how the halakhah is meant to be kept in its ideal form. I then add that if a woman performed checks on only the first and seventh days, she will still be able to immerse in the *mikveh*.⁷ I underscore the point that dropping down to this minimum should never be done electively. Rather, knowledge of this halakhah is intended for use either in a case where a woman forgot to perform a check on one of the interim days or in the case of a specific, unusual situation that might call for a more lenient observance of the “seven clean days.”

Often I am approached after a lecture on this topic by someone who is concerned that teaching the *halakhah* in this way will encourage women to voluntarily perform fewer checks. With knowledge that they can still use the *mikveh* with only one internal check at the beginning and one at the end of the seven clean days, what will stop them from observing only the minimum that is required? While this result is always a possibility, consider the other, more frequent response I receive after these lectures. It is far more common that a woman will tell me that she has not been careful to perform all of the internal checks, and on her own she has decided which checks to forgo. Often a woman like this determines, using her own intuitive sense of logic, that the checks on the first two days must be the most important in demonstrating that menstruation has truly ceased. Unfortunately, no one has ever taught her that there must be a clean check at both the start and finish of the week-long period so that we can assume that the entire week passed without any further bleeding. For so many years, a woman may be doing that which she thought was halakhically acceptable when in fact she has been neglecting to properly observe a critical halakhah. With a little knowledge, she can change her practice to be in accordance with the broadly accepted minimal requirements. Moreover, armed with a new understanding of why we ask women to perform checks at all, a woman may recommit herself to trying to keep these laws in their most ideal form. In this case, as in many, I find that increased knowledge leads to an immediate improvement in observance.

ASKING BETTER HALAKHIC QUESTIONS

Personal autonomy, conceived not just as a political right but as a capacity, includes the ability to navigate one's own situations and to have a sense of how to think about and handle the circumstances that one finds oneself in. Imagine a patient who is faced with a challenging medical scenario. He has just been told by his doctor that he has a condition that requires major surgery. If the patient has been empowered, perhaps through previous encounters with the medical system, to learn about his diagnosis and to get involved with his care, he will be better equipped to ask pertinent questions, receive informative answers, and make good decisions. In contrast, if the patient has been dealt with curtly by medical practitioners and has been effectively shut out of medical decision-making in the past, he is more likely to be overwhelmed by this new situation. He may not consider researching his condition and treatment options, nor will he know what his resources are. He may never ask the appropriate questions that would require someone to look at the case from a different angle. More importantly, he may not realize that he has a crucial personal history to share that is relevant to his case and could make all the difference in how his condition is handled and whether the surgery is necessary at all.⁸

When it comes to halakhic education, the more information we give people, I believe, the better equipped they will be to understand the day-to-day situations they may encounter and the more autonomy they may feel in dealing with the details of halakhah. Ironically, I have found, giving people more information and more of a sense of control over what they experience often has the result of bringing them closer to rabbinic authorities rather than distancing them. When a woman is under the impression that there is “nothing to talk about” and that the halakhah is “cut and dried,” she will make her own decision about how to proceed (often being stringent) because she does not even realize that there is a question to be asked and a decision or *pesak* to be rendered. When she understands, however, that halakhah is complex, that there are layers of development, that there are situations that are considered “pressing,” and that there are minority opinions that are sometimes

relied upon, she feels encouraged to engage herself in the halakhic process and to consult with a halakhic authority to discuss her case. By providing as much information about the halakhah as possible, one can help someone understand the parameters of halakhah. Familiarity with the kinds of scenarios under which asking the right halakhic questions and sharing more information than one might have thought necessary could help will ensure a more targeted response.

A woman once called me from the parking lot of the *mikveh*, having just immersed. She had noticed some staining, she told me, over the course of the seven clean days leading up to immersion. Since she had reason to believe the blood was not uterine in origin, she had decided on her own that it was halakhically permissible to continue her count. Now, having immersed, she sat in the parking lot of the *mikveh*, overwhelmed with guilt that perhaps she had made the wrong decision. As we discussed the details of her case together, I encouraged her to call her community rabbi. I coached her about what relevant information to share, and with that we hung up the phone. The next day I received the following message on my machine:

After I talked through my situation with you, I felt that I was better equipped to talk to my rabbi. I approached him with a clear understanding of my circumstances and what facts were important to share. It is because we spoke that I felt comfortable even asking him my question at all.

I have found that when one gives women a sense of control over what is happening to them, one empowers them to want to connect more with the halakhic system. A woman once consulted me about her scheduled night for the *mikveh*. She was planning to travel early that same evening with her husband, which precluded her immersing after sunset in her own *mikveh*. Her plane would likely arrive too late to immerse that same night in their destination city, and the next night was Friday night, with the *mikveh* at an impractical distance from their hotel. Knowing that there are some rare situations where we allow a woman to immerse early on the seventh day,⁹ I felt that she ought to bring her case to a *posek*. I shared with the woman the different

halakhic considerations that a *posek* might take into account, including the suggestion of immersing earlier in the day and then traveling to the airport separately from her husband so that she would not see him until after nightfall. I then strongly recommended that she call her *posek* herself. I felt that the call would mean something different coming directly from her, rather than my calling and discussing an “anonymous woman.” I wanted the *posek* to know whom he was talking to, to see how much she cared about the details of the halakhah, and also to feel how important it was for her to immerse in the *mikveh* that day.

The woman was nervous to call the rabbi because she did not want to be seen as someone who was “looking for a leniency.” By analyzing the different halakhic factors that were significant in her case, our discussion enabled her to see that her question had legitimacy. Instead of feeling embarrassed or ignorant when she called, she felt confident that she understood the issues involved and would be able to present them in an appropriate way. She called a few days later to tell me what a wonderful experience it was to discuss the relevant halakhot with her *posek*. She felt good about how she had presented her question. She felt empowered that she knew what was important to share, and she was happy to find out that indeed there was room to be lenient in her particular situation. Through personal engagement in the process, she was able to discuss her case in the full way that it needed to be dealt with.

Personal autonomy also includes knowing when one does not need to ask a question. Too often parents will dress a child in the middle of the night and present him or her to the emergency room, only because no one has explained to them that most fevers can be handled responsibly at home. Regarding Jewish practice, how paralyzing and frustrating it can be to observe halakhah as a list of do's and don'ts with little understanding of why! Every time a situation arises that varies even minutely from what a woman was told about, she is stuck not knowing what to do. There can be no conception of applying what she knows when she was never taught the logic behind what she is doing in the first place. Inevitably, a woman will encounter a slew of situations in which she is unsure how to proceed. Without

background information, there are two possibilities of what can occur next. To be frank, many women just consistently decide what to do on their own. As one woman remarked to me, “I have been married for twelve years and have never asked any questions, opting instead to be stringent on myself rather than having to call each time I don’t know what to do.” Other women find themselves constantly calling rabbinic figures. While they are not necessarily uncomfortable with making those phone calls, often they are put under tremendous stress as they wait for rabbis to get back to them and let them know how to proceed.

By educating women with the basic framework of a given set of *halakhot*, one can prepare them for many of the most common, straightforward scenarios. For instance, as mentioned earlier, although a woman should ideally perform two internal checks on each of the seven clean days, she is permitted to immerse in the *mikveh* as long as she performed one check each on the first and seventh days. A woman who has never been taught this halakhah and forgets to perform any checks, say, on day three will often either choose to be stringent and restart her count, or she will place a call and wait to find out how to proceed. How wonderful it would be if she had learned this halakhah before her wedding, or if the first time this happens, she learns that the next time she can continue without asking a question. With this attitude, each consultation becomes an opportunity to educate the questioner and to empower her to handle similar situations on her own in the future. Nurturing this tiny bit of personal autonomy goes a long way in influencing how women relate to the halakhic system overall. It turns halakhah from something that happens “to them” into something they can be involved in and even appreciate on a deeper level.

LESS RESENTMENT AND CONFUSION

Empowering women to ask appropriate questions and to get more deeply involved in their own situations changes the dynamic between women and rabbis, but not necessarily in the ways one might imagine. While some might envision emboldened petitioners who challenge every recommendation and fight over the interpretation of a Rambam, I find that increased knowledge and open, respectful communication

reduce tensions and relieve resentment. In fact, helping women to appreciate both the logic and development of the halakhic system and the sensitivity of the rabbis who are experts in the laws of family purity gives women a new, positive outlook that can have long-term and far-reaching effects on their entire relationship with Judaism.

At refresher courses on the laws of family purity, I regularly stress how halakhah values a couple's intimate relationship (as well as procreation) and thus the importance of immersing in the *mikveh* on time. However, I always close my teaching by making it clear that *tevilah be-zemanah lav mitzvah*—immersing on time is not a mitzvah in and of itself,¹⁰ and that by mutual consent a couple may therefore delay immersion in the *mikveh* in extenuating circumstances.¹¹ There is not a time I have taught this point that I have not been approached by numerous women afterwards telling me how they were instructed to go to the *mikveh* in the middle of a snowstorm or on a Friday night from the in-laws' house despite the discomfort involved. Each woman then goes on to express how much resentment she has felt until now that the halakhah could force her to go to the *mikveh* and be intimate under conditions that were stressful. How simply one can change a woman's relationship with the halakhic system by just acknowledging exactly what the halakhah requires of them and what it does not.

Unfortunately, the laws of family purity, and ignorance of them, can not only impact a couple's intimate life but also their ability to create a family. When women have not been given the proper tools to engage the halakhic system and feel powerless to do so, the results can be devastating. An older woman once approached me after a lecture I gave. During the lecture I had emphasized the importance of utilizing the many resources that are available to women today to educate themselves and help them navigate the laws of family purity. With tears in her eyes, this woman told me that when she was younger, she suffered from what we now refer to as "halakhic infertility": She would ovulate prior to her monthly immersion in the *mikveh* and thus had a very difficult time conceiving. Without extensive knowledge and an understanding of possible leniencies, she struggled to work up the courage to ask for advice. She finally called a rabbi, but found it to be a difficult experience and felt discouraged from further inquiry. Then

she said the following to me: “To this day I wonder if I had asked more questions, could I have had more children?” This woman has a couple of children and many grandchildren and always seems to be happy with her lot in life. It was shocking for me to hear that because of her experiences, she is left with deep, unanswered questions about her life—questions that she attributes directly to her relationship, or lack of it, with the halakhic system.

I contrast this story with that of a young woman today, who through her education has been empowered to engage the system and look for the proper advice to deal with the challenging circumstances she encounters. She had been calling me frequently with questions about how to navigate her situation so that she and her husband could finally conceive after quite a few years of marriage. In each conversation we discussed the issues at length. I would then speak to a *posek* and get back to her and explain extensively what should be done and why, halakhically, it was permitted. After about two years of this, I received the following e-mail:

I have some exciting personal news I wanted to share—my husband and I are having a baby! We’re due in a few months and are very excited. We just started telling people, and it means so much to me to be able to share this with you personally. I cannot even tell you how critically important our conversations became over the course of the past year. Thank you again for all of your help and guidance throughout the process!

Observing halakhah properly is indeed a process. It is crucial during this process to be engaged in an ongoing dialogue of *pesak* and education. Not only does this engagement affect real-life outcomes, it also affects how one feels about and relates to halakhah in general.

When women have not been educated to understand the halakhic process and are held as outsiders to a world of rabbinic authority, I have found that they are often confused about how the system works and how *pesak* is rendered. If they are not conversant in such concepts as *lekhathillah* and *be-di-eved*, *sha‘at hadh‘ak*, and *da‘at*

yahid, they will sometimes assume that if a woman's case is pitiful enough and the *posek* sufficiently compassionate, he will allow her to be lenient. Halakhah is then perceived to be something arbitrary that can be manipulated if the authority cares enough. This lack of understanding creates a tremendous amount of resentment in women who think that the rabbi is not being truly sensitive to the hardship of their situations.

Other times the feeling is not so much resentment as it is confusion. "How come sometimes I call the rabbi and he is stringent and other times he is lenient when the questions seem to be the same?" "How come a small stain on an undergarment can be ignored¹² but the same-size stain found on an internal examination can render me a *niddah*?"¹³ These types of questions leave women feeling not only bothered but anxious, as if with every phone call to a halakhic authority they are taking a chance and rolling the dice.

In contrast, when we give women insight into the process, we give them the ability to see how and why these seemingly contradictory conclusions are reached. No longer are the answers viewed as random. No longer is asking questions considered taking a chance. No longer are rabbis viewed as making arbitrary and insensitive decisions. Rather, as a woman once remarked to me, "The information you taught me in your refresher course was consistent with the kind of answers I have been given to questions I have asked my entire married life, but I never before understood why the answers made sense and how they fit into a bigger system."

I have encountered other women who did not feel the need to understand all the details of the system or how the rabbi came to the conclusion that he did. They did not need to be exposed to the primary texts and see the development of the halakhah with their own eyes. But these women also needed something. While they were committed to the system even with little understanding of what they were observing, they at least wanted the assurance that someone else had a deeper understanding of why these laws made sense. In a word, they needed their autonomy to be respected and their trust earned.

BALABUSTA-CENTERED HALAKHIC CONSULTATION

When it comes to the sensitive nature of the laws of family purity, I have found that there are other factors at play when answering halakhic questions. Often a questioner wants to feel that the authority of whom she asks her question has time for her. She wants to know: Am I bothering someone who is too busy? Will I be able to ask my question in full and give all the details? Will this authority figure think I am stupid or ignorant because I am asking this question at all? Especially in the area of family purity, the details of the question, as well as the “question behind the question,” are often of extreme importance in determining the proper answer. If the questioner feels rushed, or, worse, does not feel comfortable sharing all of the relevant information, the *pesak* given may turn out to be incorrect. If the questioner is made to feel that she is ignorant or a bother, she may never ask another halakhic question again.

Additionally, a questioner often appreciates when a rabbi articulates the thought process that is being used to determine the *pesak*. Moreover, this very process will sometimes introduce options that might not have been considered had the answer been given without a broader conversation. Often, when a respondent shares the details of the halakhic process, a questioner will realize that there is additional information that can make a difference. Alternatively, through a thorough discussion, the authority may think of a solution to a difficult issue that was not immediately apparent. I was once called by a woman on the last day of her seven clean days. She was literally in tears because her rabbi had told her that she could not immerse in the *mikveh* that night, as she had recently undergone a skin biopsy and still had stitches in place. As we talked about the particular details of her situation, it became apparent that the stitches only remained because her follow-up appointment with her physician was not scheduled for another few days. In light of this, we found a doctor in the community who could remove the stitches for her and thus enable her to use the *mikveh* that night.

Lastly, as with medical consultations, one who seeks halakhic advice needs to feel that the halakhic authority is caring, sensitive, and

approachable. Allowing a woman to vent frustration without feeling judged and letting her know that what she is experiencing is normal can go a long way in encouraging future commitment to a system of laws that can be difficult to obey. In contrast, when a questioner senses that the authority figure holds himself above his constituents or does not relate at all to what they experience, then the halakhic system seems intimidating and overwhelming. To respect the individual's narrative is to grant that person the emotional freedom to process his or her own unique feelings and thoughts about the experience of observant life. When a person feels understood in this way, I believe that he or she is more likely to respect halakhah and the people who decide it. The interaction strengthens both the lay person and his or her relationship with halakhic authority.

BEFORE THE QUESTION

Of course, demonstrating the halakhic system's sophistication and sensitivity need not wait for the asking of a mature question. As a teacher of halakhah to high school students, I often find that one can alter the entire way they perceive a particular halakhah just by exploring it more completely with them. Even if one might not see an immediate change in their behavior, their whole perception of observance is affected when they are invited to be insiders to the system. We should not be afraid to show teens the ambiguities and nuances of our sacred halakhah. When done with care, it only encourages them to appreciate the true nature of the halakhot and how they developed.

After teaching a challenging and often heated unit on the laws of gender separation to a twelfth-grade halakhah class, I asked the students to share something (in writing) that they had learned to appreciate about the *halakhot*. I was struck by some of their responses:

The fact that I learned that rabbis understand that sometimes things happen and people are in a situation where they must touch, like on a subway,¹⁴ and that they allow for this taught me that when deciding halakhah rabbis are practical and understand the kind of lives we

live. The fact that they understand this makes me feel more comfortable about halakhah in general.

Now that I know that there are times when the rabbis admit touching is OK (like on a crowded bus) I can appreciate more that they aren't just being radical when they decide halakhah because now I know that in the cases they are stringent there must obviously be a reason why that is so.

When I learned these laws in my old school our rabbi just told us that all touch with the opposite sex is forbidden. Now that I saw the sources inside I can see for myself that the halakhot are much more complex and nuanced than I had originally been taught.

It was clear to me that by exposing students to the depths of halakhah and by allowing the sources to speak for themselves, the students gained an appreciation of the system. More, they came to respect it, and even identify with it, in ways that they had not before.

CONCLUSION

Until this point we have argued that respecting personal autonomy and even empowering it through encouragement and education allows for better halakhic observance and more engagement with the laws themselves. What if this premise is wrong? What if, Heaven forbid, as others may counter, teaching laypeople more about the intricacies of halakhah instead leads to disregard of laws that they now view as less crucial and to less precise observance? At one level, we reiterate that one needs to embrace a broad and long view of observance before reaching any conclusions. While the simple obedience that derives from brief answers and a limited exposure to halakhic complexity can seem appealing, we believe that deeper knowledge, more sophisticated questions, more insight into the process of *pesak*, and greater appreciation of the role of the rabbi ultimately serve the purpose of halakhic excellence rather than hinder it.

But what if we are still wrong? What if, despite all of our claimed benefits from a respect for autonomy, the cumulative adherence to halakhah over a lifetime still suffers?

We submit that the goals of halakhic living (and education, for that matter) are not reducible to the single measure of maximal halakhic performance, so to speak. We reject a consequentialist approach to halakhah, in which practical outcome is the sole value, but rather embrace a pluralistic set of values in which process and overall engagement stand on their own merit.¹⁵ Indeed, “exegesis is not the crux, but rather action,”¹⁶ but this does not mean that the former becomes entirely subservient to the latter. We believe that the halakhah is both a rulebook and a life force, both an instruction manual and a wondrous world to enter, breathe, and experience—not just for the scholar but for the layperson as well. And here we do not have in mind the Rav’s Platonic description of Torah study,¹⁷ but a less idealized version that deals with the practical parts of Jewish living. Whether one experiences halakhic living as an outsider or as an insider, as a blind follower or as an active participant, has enormous spiritual significance that is independent of one’s adherence to the technical demands of the Law.

This marks the final divergence of halakhah from the medical model we have invoked. For while patient-centered medicine may be advantageous to personal health or have other emotional benefits, we certainly do not assign it any moral or spiritual import. We care little if a patient shrugs off the opportunity to become more invested in actively managing his or her medical care or to engage more fully in the decision-making process. Not so halakhah! Engagement in the halakhic system is itself deeply ennobling, and its worth cannot be reduced purely to its contribution to halakhic performance. For good reasons our Jewish vernacular distinguishes between a simple *shomer mitzvot* and a *ben Torah*, and we believe that continually escorting our constituency down the path from one to the other lies at the heart of the modern vision for egalitarian Torah education, both in the classroom and on the phone.

To be clear, we do not endorse more knowledge and less performance. To the contrary, Ḥazal’s stinging words for “one who

studies without intention to act”¹⁸ should hang in the air of every Torah classroom, particularly those in which intellectual achievement is pursued most ambitiously. At the same time, we suggest, those who teach halakhah or respond to constituents’ real-time dilemmas should consider their larger impact on the spiritual lives of their audience beyond just the bottom line. There is an opportunity to invite someone into the transcendent drama of engagement with *devar Hashem*, to foster a spiritual identity that does not just practice halakhah but is immersed in it. This takes, on the one hand, the openness we have described and, on the other, a degree of restraint, with the recognition that identity formation is inevitably a very personal process in which autonomy is crucial. Moreover, this orientation requires an element of imagination to view every minor consultation as a small part of a larger spiritual journey. But we think this dramatization is valid. We have seen transformations, big and small, that started with just a question. Indeed, such can be the power of a deep encounter with the halakhah—if only we encourage it.

NOTES

1. Donald M. Berwick, “What ‘Patient-Centered’ Should Mean: Confessions of an Extremist.” *Health Affairs* 28, no. 4 (2009): 555–565.
2. See, for instance, Tom L. Beauchamp and James F. Childress, *Principles of Biomedical Ethics*, 5th ed. (Oxford: Oxford University Press, 2001), pp. 57–112.
3. Deena Zimmerman, *A Lifetime Companion to the Laws of Jewish Family Life* (Jerusalem: Urim Publications, 2005), p. 15.
4. *Avot* 2:1.
5. *Pitḥei Teshuvah*, *Yoreh De’ah* 184:3.
6. *Yoreh De’ah* 196:4.
7. *Pitḥei Teshuvah*, *Yoreh De’ah* 196:7.
8. Jerome Groopman, *How Doctors Think* (Boston: Houghton Mifflin, 2007).
9. *Pitḥei Teshuvah*, *Yoreh De’ah* 197:9.
10. See *Shulḥan Arukh*, *Yoreh De’ah* 197:2 and *Be’er Ha-Golah*.
11. R. Shelomo Levi, *Sha’arei Orah* (Alon Shevut: Har Etzion, 2004), p. 146, and R. Elyashiv Knohl, *The Marriage Covenant: A Guide to Jewish Marriage*, trans. Kaeren Fish and Eli D. Clark (Ein Tzurim: Shiluvim Institute, 2008), p. 100.
12. *Shulḥan Arukh*, *Yoreh De’ah* 190:5.

13. *Pithei Teshuvah, Yoreh De'ah* 183:1.
14. See *Iggerot Moshe, Even Ha-Ezer* 2:14.
15. Regarding a pluralistic or hierarchical approach to religious values generally, see *Shabbat* 10a: “Rava observed that Rav Hamnuna was praying extendedly. He remarked, ‘Do we abandon eternal life [e.g., Torah study] in order to engage in worldly pursuits [e.g., prayer for material needs]?’ But [Rav Hamnuna] felt that time for prayer and time for study should be considered separately.” Of course, that context is very different from our own, but we find validation in Rav Hamnuna’s position for our own suggestion of pluralism regarding the ends of halakhic engagement.
16. *Avot* 1:17.
17. R. Joseph B. Soloveitchik, “*Ish Ha-Halakhah*,” in *Ish Ha-Halakhah: Galuy Ve-Nistar (Halakhic Man: Revealed and Concealed)* (Jerusalem: World Zionist Organization, 1979), pp. 28–35.
18. See *Yerushalmi Shabbat* 1:2.

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Authority and Autonomy: An Ethical Perspective

Tully Harcsztark

The question of authority and autonomy has emerged as a key line of demarcation between those who identify as liberal Orthodox and those who identify as more traditional. The question of rabbinic authority is central to discussions about independent *minyanim* and ritual innovation, new roles for women in Orthodoxy, and other, similar issues. A common strategy for engaging this question is to explore the halakhic literature regarding authority and that regarding autonomy. The place of autonomy in halakhah raises such questions as: What is the role of the individual in establishing halakhah? Under what circumstances are we permitted to rely on a minority opinion? Is a *talmid ḥakham* permitted to disagree with someone who came before him? How does halakhah change—or does halakhah change at all? In regard to authority, we explore such questions as: Does the power of an authority derive from the breadth of his knowledge, from the official appointment to a position of authority, or from charisma? Do we believe in *daas Torah*? Is it possible for an authority to err, or does his

position give credence to the opinion rendered regardless of the fact that it seems to be incorrect?

These explorations are crucial to deepening our understanding of these ideas. Much has been written in recent years on authority and autonomy, giving us a wide array of analyses and opinions with which we can work.¹ In this paper I would like to explore the issue from a different perspective. Determining the role of autonomy and its relation to authority has an ethical dimension. There are more and less ethical ways to make use of one's authority. There are positive ethical values at work in the desire for autonomy as well. And the same can be said for the interplay between them. While the issue must be considered from within a conceptual and legal-halakhic framework, it also raises important issues regarding self and other, and regarding the dignity—the *z'elem elokim*—of those with whom we interact.

REFRAMING THE DILEMMA

To consider the topic in this way, we must begin by reframing the issue. The title of this session immediately limits and guides the discussion along the lines of a common binary—on the one hand, there is authority, and on the other, autonomy. Hidden beneath the surface of this binary are judgments that immediately give particular shape to the dilemma that it raises and, in turn, impact on the available options for dealing with the problem. As Orthodox Jews, we intuit that one side in this binary is more correct than the other. We are *mezuvvim*—we must understand and accept the idea of commandedness. Expressions of autonomy, by definition, distance one from authority and contain the seeds of rebellion. Autonomy, then, becomes a value to be rejected or, at worst, tolerated in some measure. It is a product of modernity, and it is alien to authentic Jewish living. There is a conceptual and logical rigor to such an orientation that runs as follows: If we are obligated to follow Divine law and there are authorities who interpret the law, then it is also our obligation to follow the authorities who interpret the law. And, to wit, an explicit verse, *lo tasur*, perhaps teaches us that such is the case. Viewing autonomy as a Western intrusion has roots in political philosophy. Torah is based on a sense of obligation and Divine

command. In this way of thinking, community comes first. The notion of autonomy is rooted in a rights-based worldview that derives from a liberal tradition where the individual comes first.

Whether rooted in common or philosophical thinking, this orientation sets the stage for how we respond to “populist” halakhic initiatives. If autonomy is suspect and initiative is rooted in an independent will, then the initiatives themselves become suspect. For example, proposals regarding women and prayer—regardless of the merits of the particular proposal—are invariably greeted with diagnoses as to the motives of the proposers and the followers. If women seek greater involvement in prayer or in leadership capacities, they are doing so in the interest of promoting the feminist agenda. These charges are leveled freely and often without basis or firsthand knowledge of the parties involved. And yet it makes good sense to do so. If autonomy and initiative are, a priori, signs of weakness of commitment, then they become obvious targets of criticism.

And yet, there is something in this analysis that I want to resist. The desire for independent action on the part of an individual is not rooted solely—or even primarily—in a need to reject authority through separation. While some thinkers—the *Hazon Ish*, for example—see the observance of halakhah as rooted in subservience and submissiveness, others, such as Maimonides, see in halakhah the means through which to create a society within which human beings can reach the highest levels of intellectual achievement. While Maimonides would not frame it in terms of self-actualization, his own work is an expression of radically independent thinking. In the modern era, thinkers such as Rav Kook and Rabbi Soloveitchik developed complex understandings of Judaism that center around the unique strengths and the creative spirit of each person. Self-actualization and self-fulfillment are not alien to Jewish thought. Over the past century, they have become concepts of significant religious and ethical import.

As such, to think this issue through in a nuanced and meaningful manner, we must frame both sides of the dilemma as reflecting religious values that are in tension. On the one side is the responsibility that we carry to serve God and submit our will to His command. Rabbis, as interpreters of the Law, must be revered in turn. On the

other side, we have a responsibility to understand and to act. We are not born complete, and the world has not reached its end. We strive to understand more, to do more, and to shape the world as members of the Jewish people. This requires us to turn inward to better understand ourselves, our families, our community, and our society. These dual responsibilities require us to grow on two fronts simultaneously. Sometimes, the two fronts can be pursued simultaneously without tension. At other times, there is tension and conflict. The question of autonomy and authority presents a challenge to determine how best to balance these two goods when they bump up against each other in the service of God. The rabbi, teacher, or parent must, then, both empower and limit. Looked at from this perspective, the question of autonomy poses an ethical challenge to the authority figure.

The necessity of extracting the positive values of both sides of a dilemma in order to seriously consider the ethical implications involved is beautifully articulated by Charles Taylor.² In *The Ethics of Authenticity*, Taylor positions himself between conservative thinkers who see individualism as the source of a destructive relativism and radical individualists who value choice for its own sake. Taylor suggests that individuality and choice are only meaningful against a “background of intelligibility.” He calls this a horizon. Searching for moral meaning is a noble quest. But it is meaningless if any choice is the correct choice. It is only when there are horizons of significance which determine the background against which the person seeks an understanding of the ethical and the moral, that such choice has meaning. Taylor proposes that we think in terms of an “ethics of authenticity.” This notion accepts that there is much that is true in what has been thought. But he claims that a person has a right—perhaps a duty—to consider what has been thought with a critical eye. Conversely, independence of thought—the desire for authenticity—is a powerful moral idea. But it must take place in dialogue with that which has been thought. Authenticity makes an ethical demand. It requires us to determine how best to balance respect for what has been thought with the right and responsibility to consider for oneself what is morally sound.

The question of authority and autonomy has a similar structure. There are two positive values that often stand in tension. Striking the

balance is a question of ethical import. We risk limiting the creative spirit and the growth of understanding if we err on one side—and of weakening the commitment to halakhah and service of God if we err on the other. We must encourage strong ethical thinking on both sides of this question. In doing so, we can begin to articulate an ethics of autonomy on the one hand and an ethics of authority on the other.

MODERNITY, ADOLESCENCE, AND THE SELF

Peter Berger, in *The Heretical Imperative*, defined modernity as the period where we move “from fate to choice.”³ In the world that we currently inhabit, children from a very young age are exposed to choice and difference. They see that their way of life is not the only way of life. They meet good, honest people who have values and practices that differ from their own. Exposure to difference and choice makes questions of personal identity and “the self” a basic component in adolescent development and beyond. It is fair to say that, barring those who are raised in an enclave, it is common for adolescents to ask themselves: Why do I do what I do? What if I had been raised in a different community? How do I know that what I do is true? These questions are part of growing up in modernity. But it is not only an attribute of youth. It is a common element of the experience of adulthood in modernity. In philosophical terms, we commonly experience what Hegel referred to as the “alienated soul.”

In his *Phenomenology*, Hegel expounds on the changing relationship that the individual has with society. First, the honest soul lives in a harmonious relationship with society. Hegel calls this “the heroism of dumb service.” This is the attribute of nobility. One accepts the life that one lives without reflection and without challenging one’s lot. At this juncture the person experiences identification with the external power of society. However, it is the nature of Spirit to seek “existence on its own account.” The individual becomes conscious of its relationship to the power of society. The person experiences the limitation that is placed on him by the power of the state and of wealth. Despite the dissonance, the person continues on. At this point, he makes a commitment to follow the approved conduct. Commitment

assumes consciousness and choice. If one is making a choice to commit, it is a sign that he has moved beyond identification. From here, the individual proceeds to develop an antagonism to the power of the society. This is the move from nobility to baseness. At this point, the person moves from honest soul to disintegrated consciousness. There is a sense that the self is not his own self. It is a self that has been constructed by society. Even his morality is not his own but is society's morality. The process of alienation is an alienation of the self from itself. This is a painful process, but for Hegel, it is the beginning of the realization of Spirit and autonomy.⁴

This philosophical description captures the experience of many as they attempt to sort out for themselves who they are and who they want to be. It is true that many might never experience the dissonance and the challenges of the ensuing reflection. But many do. This experience is so pervasive, so impossible to defend against, and possibly a starting point for significant growth. It also explains a root experience in developing the drive for autonomy. The desire for autonomy is not rooted in rebellion. It begins early in our modern life and it is rooted in the desire for self-definition; the desire to know oneself. This is important, as the same behavior can be interpreted as an expression of the desire to separate, or it can be seen as an expression of an internal dialogue that takes place between the internal self and the socially constructed self. The former is a threat. The latter is seeking assistance and guidance—a partner in dialogue.

With this image, we see the essentially dialogical nature of human existence—particularly in modernity. At some point, a person recognizes that his “self” has been socially constructed. It has been shaped by society, community, and family. The internal self begins to confront its socially constructed self. And they begin to interact and talk with each other. The internal self begins to explore and evaluate who he is and to experiment with other possibilities. This internal dialogue is difficult. The person seeks to expand the participants in dialogue. This moment demands careful ethical consideration: As an authority, how do I respond to such questioning?

THE ETHICS OF AUTHORITY

Authority figures are educators. As rabbis, teachers, or youth leaders, they are always teaching, mentoring, and guiding others. The project of education can be understood in two ways. Pierre Bourdieu and Jean-Claude Passeron describe education as an act of social and cultural reproduction.⁵ In this description, they are referring to education in its broadest sense, going beyond the classroom down to the most basic values and orientations of everyday life. For them, social reproduction is rooted in power. The values and ideas of those in power are instilled into the everyday routines of a culture or society. The force of social reproduction penetrates down to the basic details and orientations of one's life. It can shape how one understands the idea of the good life, how many children one should have, why one works, or the responsibility one has to one's parents as they age. The force that they describe is not the conscious force of an individual action but one that is always present in ways of which we are not aware. This understanding of education can also be a deliberate, explicitly stated goal of education: The purpose of education is to reproduce in the next generation the values, disposition, practice, and knowledge that embody our community. It is easy to think of yeshivot or secular educational institutions that define their missions along such lines. This understanding of the goal of education fosters a more aggressive approach in interacting with students. There is a particular goal or end-point that we identify. We then have an array of strategies to help students internalize the particular values and practices.

This understanding of education stands in stark contrast to that which we would conventionally refer to as a liberal education. Michael Oakshott describes the goal of liberal education as follows: "What distinguishes a human being is not merely his having to think, but his thoughts, his beliefs, doubts, understandings, his awareness of his own ignorance, his wants, preferences, choice, sentiments, emotions, purposes and his expression of them in utterances or actions which have meanings; and the necessary condition of all of this is that he must have *learned* it."⁶ Note the emphasis on "his." A liberal education centers on "adventures in human self-understanding."⁷ It is liberal in

that it is liberated from the need to pursue particular contingent wants or the expectations of those around us. For Oakeshott, education is the opportunity for a person to achieve self-understanding. Learning is essential in that it allows us to become ourselves. A liberal education gives us the opportunity to “respond to the invitations of the great intellectual adventures in which human beings have come to display their various understandings of the world and of themselves.”⁸ A liberal education is rooted in the spirit of autonomy.

The question that confronts the Jewish educator runs as follows: Is Jewish education an exercise in social reproduction, where success is measured by specific practices and dispositions, or is the Jewish educator attempting to provide a liberal Jewish education in the sense that it helps the student better understand who he or she is; what her strengths and weaknesses are; to find what he or she truly finds to be beautiful in God’s world? There is a profound ethical dimension here in that we decide to what degree we value or consider important the very local emotions and understandings of each individual; the tension between the internal self and the socially constructed self.

It is for this reason that I consider it to be of vital importance to frame authority and autonomy as two values that are in tension rather than as one (autonomy) that threatens the other (authority). When we do so, we heighten our sensitivity to the deep thoughts and feelings of each individual while recognizing our responsibility of teaching Torah and mitzvot to our students. It encourages us to keep both values in front of us and carefully strike a balance between them. I work in an environment that is proud of the idea of providing a liberal education—an environment where students can think and ask and discover for themselves. It is a beautiful thing. One could say that it is also, in certain ways, not a Jewish thing. We measure the success of a liberal education by the ability of a student to think for himself. We measure the success of a traditional Jewish education by the degree of social reproduction that we achieve. Some will argue that these are not mutually exclusive. I would agree that they do not, by definition, contradict. But it is nearly impossible to assume that we will teach our students to think for themselves in a way that they will all independently arrive at the conclusion that we would like them to

find on their own. It sounds silly. But in many ways, that is what we are hoping for.

Because of the difficulty of the challenge, many have chosen to forgo significant parts of the liberal education. We still go to college and earn degrees. But we can accomplish that without pursuing a liberal education (a college education is an economic, not an intellectual, pursuit in many if not most cases). For myself, I strongly believe that it is our responsibility to do our best to achieve both. As *mezuvvim*, we are responsible for teaching commitment, observance, and service of God through Torah and mitzvot. But recognizing the significance of every individual—the *zelem elokim* in each person—demands that we provide adequate space for students to ask, think, doubt, and confront.

And here I return again to the dialogical nature of human existence. An authority that recognizes the dual responsibility to authority and to autonomy—to the task of social reproduction and that of a liberal education—must also recognize the importance of dialogue. Dialogue in this sense is far from such terms as “influence,” “impact,” or “guide.” The role of the authority becomes almost therapeutic. The rabbi or teacher has the responsibility to help the individual “work through” the issues that he or she confronts in order to best understand who he or she is—to understand one’s internal self. The authority is an authority who empowers.

There is no doubt that there is a reactive autobiographical element to this description. I was a good boy as a student. I attended right-wing schools and camps for many years. I spent time in summer *kollel*. Those were very valuable experiences—invaluable, I would say. But there were so many questions—emotional, philosophical, and values-oriented questions—that I did not—could not—raise. As an educator, I find myself so interested in what a student is really thinking about something that he has learned or has been taught to do. The “ethics of authority” demands that one attempt to open a safe space for dialogue and exploration in the context of Torah.⁹

THE ETHICS OF AUTONOMY

It is the nature of the individual to seek “existence of its own account.” It is particularly so in modernity. The individualistic tendency poses a threat to religious observance and commitment. To this, there is no doubt. One natural impulse to preserve the integrity of the community is to reject autonomy on principle. This sometimes takes the form of separating off into an enclave-type existence. There is a second strategy that has taken shape. A growing strand of Modern Orthodoxy is built in a way that engages the modern world but rejects the element of liberal education. This strand embraces Torah, economics, *hesed*, and sports. It is willing to engage the culture in those arenas. Finance, medicine, and law are reasonable professions. Torah study is a requirement. But the grand conversation between Torah and the world through big ideas is not a part of that culture. That strategy is working for many; but not for all. There are many passionately engaged Jews who seek the messier balance between autonomy and authority; between social reproduction and liberal education; between submission to the will of God and the adventure of discovering oneself.

But as a community, we have not yet figured out how to support such an approach. And what so often happens is a pull in opposite directions. The authority worries and prohibits the autonomous approach. The liberal-minded Jew demands his or her rights as an individual and rejects the authority. And the gap remains.

The individual needs to develop an ethics of autonomy—and the rabbis need to teach it. The greatest challenge to the integrity of halakhic observance in the liberal-minded Orthodox community is choice. This community sees choice as the most basic right of the person. To relinquish choice is to give up on self-definition. But this is wrong. As an independent-minded Jew, I may not pick and choose the parts of Judaism that work for me. If I seek self-definition and self-exploration, I must do so against the background of my obligations as an observant Jew. As Taylor said, if all choices are correct, then no choices are meaningful. When women expressed a desire to learn Talmud, a dialogue took place. One side of the dialogue was the personal need of so many women who sought to enter the world of

Torah. On the other was a tradition, texts, decisions that limited this possibility. An exploration of and dialogue between sources, societal needs, and possibilities ensued. The result has been a remarkable growth of Torah study for so many women. It has changed the face of the Modern Orthodox community.

When there is a process of dialogue, the growth is inspiring. When dialogue is not possible, the autonomous individual pulls away. The issue is politicized and the commitment to halakhah diminishes. The authority separates and rejects autonomy as a threat. When the authority recognizes and values the exploration of the individuals as a search for growth, and the autonomous individuals recognize that growth happens against the background of halakhic interpretation, then a mutuality can develop that will strengthen the community overall.

THE CURRENT STATE OF AFFAIRS

Choice as a defining feature of modernity has placed the authority-autonomy debate at the center of religious self-definition. Perhaps in response to the growing threat of autonomy and choice, there has been communal pulling in opposite directions. The power of the authority has been strengthened. *Daas Torah* has extended the reach of rabbinic authority. In a most subtle way, an environment of suspicion and distrust—and an increasing polarization—has developed between a segment of the Modern Orthodox community that seeks opportunities for self-definition and authorities who are determined to maintain the integrity of halakhah and the community's commitment to it. This does not mean that the community is shrinking—quite the contrary. A growing number of Orthodox Jews accept the supposed obligation to relinquish their right to autonomy as they accept the rule of the authority.

Our community requires an alternative. Authority as currently conceived is overly paternalistic. It denies the dramatic responsibility of every *zelem elokim*. Autonomy as currently practiced in the liberal community is bereft of obligation—of the idea of being *mezuvveh*. It is rooted in choice. The dialogical relationship creates pedagogical moments where the authority and the layperson can support each

other in strengthening the community through guided personal empowerment and self-discovery.¹⁰ I believe this to be true on philosophical grounds. But it is also necessary pragmatically. Many liberal Orthodox Jews would welcome the possibilities that such an orientation could bring. Without it, the gap grows wider, and we will lose the opportunity of helping each committed, dedicated, and thoughtful Jew find his or her own “self” in the Orthodox community.

NOTES

1. See, for example, Avi Sagi and Zeev Safrai, eds., *Between Authority and Autonomy in Jewish Tradition* (Hebrew) (Tel Aviv: Hakibbutz Hameuchad, 1997).
2. Charles Taylor, *The Ethics of Authenticity* (Cambridge, MA: Harvard University Press, 1991), pp. 13–41.
3. Peter L. Berger, *The Heretical Imperative* (Garden City, NY: Anchor Books, 1980), pp. 10–23.
4. G.F.W. Hegel, *Phenomenology of Mind*, trans. A.V. Miller (Delhi, India: Motilal Banarsidass, 1998), pp. 294–327. See Lionel Trilling, *Sincerity and Authenticity* (Cambridge, MA: Harvard University Press, 1971), pp. 33–47.
5. Pierre Bourdieu and Jean-Claude Passeron, *Reproduction in Education, Society and Culture* (London: Sage Publications, 1977), pp. 5–31.
6. Michael Oakeshott, *The Voice of Liberal Learning* (Indianapolis: Liberty Fund, 2001), p. 5.
7. *Ibid.*, p. 15.
8. *Ibid.*, p. 22.
9. Two assumptions must be acknowledged in this approach. First, in the debate surrounding halakhah and multiple-truth theory, this approach assumes the possibility of multiple truths in halakhah. See Avi Sagi, *The Open Canon* (New York and London: Continuum Books, 2008). Without that, the dialogical space is much too narrow. In addition, the argument is pragmatic in nature. An idealist would expect a clear definition of and parameters for the terms “autonomy” and “authority.”
10. The contemporary authority should be modeled less in the image of the charismatic leader who inspires an unreflective following or the brilliant leader who is the source of all knowledge but the organizational leader who has a strong vision and is further empowered as he empowers all stakeholders. The stakeholders to be empowered include professionals in their respective areas whom rabbis must enfranchise and work closely with. They also include laypeople—members of communities who strive to grow as Jews by understanding themselves with the guidance of their rabbis.

6

The Decline and Fall of Local Rabbinic Authority

Gil Student

The issue of rabbinic authority in the Modern Orthodox community is not a matter of how wide a rabbi's authority spreads—whether his opinion is decisive on issues of aesthetics, politics, and so forth, or just on ritual.¹ Those were the subject of discussions held at previous Orthodox Forums and generally contrasted our (centrist) limited views with the more expansive conceptions on the religious right.² Today's debate is whether rabbis have any authority at all. A rabbi who has shown himself to be wise will be consulted on issues ranging from the religious to the personal. His advice will be taken seriously because of his insight—but is it binding? When the issue is not halakhic, it is assumed in our community that his advice is nothing more than helpful suggestions. The question before us deals with halakhic issues. In the following three sections, I argue that there is a need for a personal halakhic decisor, that this guide should be your synagogue rabbi, and that today people often do not turn to their synagogue rabbi

for halakhic guidance due to a variety of reasons. I then offer practical suggestions for changing the situation by establishing a partnership among rabbis, communal leaders, and *roshei yeshivah*.³

THE NEED FOR AUTHORITY

Asking a Question

The idea of asking a personal *she'eilah* on halakhic matters seems to be rooted in an explicit biblical passage:

If there arise a matter too hard for you in judgment, between blood and blood, between plea and plea, and between stroke and stroke, even matters of controversy within your gates; then you shall arise, and go up to the place which the Lord your God shall choose. And you shall come to the priests the Levites, and to the judge that shall be in those days; and you shall inquire; and they shall declare to you the sentence of judgment. And you shall do according to the tenor of the sentence, which they shall declare to you from that place which the Lord shall choose; and you shall observe to do according to all that they shall teach you (Deut. 17:8–10).

The context of this passage⁴ and the initial words *ki yippalei*⁵ led the Sages to see this passage as obligating religious judges to take their unresolved questions to a higher authority.⁶ Despite the sensible *kal va-ḥomer*, I have not found any midrash or commentary that derives from this verse an obligation on a layman to present his halakhic difficulties to a religious authority. The reason for this, I believe, is that this need is so fundamental and obvious that it requires no compulsion. Of course, anyone interested in following the word of God who is unsure of the proper route will ask an expert for clarification of the law. We will otherwise be paralyzed by uncertainty or forced into stringency.

One of the many duties of the pulpit rabbi is to serve as the needed halakhic expert. This is, however, an understatement of his role. Rulings on Jewish law are not merely clarification or the offering

of an opinion. *Pesak*, a personalized halakhic decision (*pesikah* in modern Hebrew), is binding. This can be seen most clearly in the rule of *hakham she-asar ein hakham aher rashai le-hattiro*, “when one authority prohibits, another may not permit.”⁷ The standard approach to this issue is that the classical authorities debate why this is the case—whether it is because the inquirer accepts on himself to follow the authority’s ruling in an implicit prohibitive vow or because the respect due the first rabbi prevents annulling his ruling.⁸ I believe that there is also a third approach among commentators, perhaps the majority, which asserts that a rabbi’s ruling creates a metaphysical status; it establishes a halakhic reality for this object⁹ that had heretofore been uncertain.¹⁰ When there is halakhic uncertainty, a rabbi is needed to render a decision and determine the law, not just teach it.

Similarly, while a *minhag* is binding because it has the status of a vow, the *Peri Hadash* asserts that this only applies to an extra-halakhic practice, one that is beyond biblical and rabbinic obligations. Following a specific ruling on a purely halakhic matter is not a *minhag* but the nature of halakhah.¹¹ In other words, when a rabbi rules for a questioner on a halakhic matter, his ruling shapes the questioner’s Torah obligation, creating a new halakhic reality for him.¹² Such is the power of the halakhic decisor.

The Art of Halakhah

I have heard talk about the proposed creation of a halakhic database with an artificial intelligence interface that will provide halakhic guidance. This is impossible for two reasons: (1) the vast complexities involved in creating a comprehensive database render the enterprise impractical, (2) it represents a misunderstanding of the nature of halakhic guidance. Initiates in many professions recognize that while their field projects an image of mathematical precision, it is in reality highly subjective and personal. Actuarial science is the field where I have seen this in practice, as well as the quantitative finance that facilitated the economic downturn from which we are currently suffering. The complex formulas and models seem purely objective, but in reality they operate with a great deal of subjectivity.

Similarly, *le-havdil*, halakhic decision-making is an art and not a science.¹³ Authorities throughout the ages have adopted multiple approaches to innumerable issues, and contemporary decisors have different methods of reaching a *pesak*. Some rabbis choose, whenever possible, the side of a debate they find most convincing based on an examination of the primary sources. Others take into account the multiple existing views among later authorities and reach decisions based on rules, such as allowing for leniency in rabbinic matters and requiring stringency in biblical matters. The majority of rabbis, it seems to me, stake positions somewhere along the spectrum between these two poles.

There is also an element of *hiddush*. Sometimes a rabbi will have an innovative approach to a subject that he will incorporate into his ruling. Others will rely only on precedent. But even precedent allows wide room for disagreement, because how you weigh prior authorities, whom you consider to be of prime importance and whom lesser, will certainly impact your conclusion.

Besides these methodological issues, a factual analysis is also required. You need to tease out of the questioner all of the necessary details to gain a full understanding of the question. This is no small feat, and people differ on how they do this and therefore what constitutes the full question to which the rabbi will then respond. No computer can do this.

Specialists

There was a time in history when the canons of knowledge were sufficiently limited that individuals could master all of them. Scholars such as Da Vinci and Galileo were capable of fully comprehending the breadth and depth of multiple disciplines, making important contributions that advanced different fields. This phenomenon of the Renaissance man is aptly a thing of the past. The current specialization of knowledge is a result of the extended study of hundreds of thousands of scholars in thousands of fields over hundreds of years. It is, in itself, a full-time job to keep abreast of developments in any given subject. The unique genius of the Renaissance man that once allowed a savant

to master all knowledge is now sufficient to master, at most, two or three fields.

Le-havdil, Jewish studies developed at a slight lag. The era of the “Renaissance Yid” was the late eighteenth and early nineteenth centuries, when a Maharatz Chajes could master all rabbinic literature and simultaneously keep abreast of developments in all of the various areas within the academic study of Judaism.¹⁴ With the advent of inexpensive printing, widespread advanced yeshivah studies, and the maturation of academic Jewish studies, this is no longer possible. The proverbial *Ish ha-Eshkolot* is a relic.¹⁵

Halakhah, the application of Jewish law to the nuanced realities of daily life, is no less a specialty. We cannot realistically expect every Jew to be a master of practical halakhah, and would be misguided to advise amateurs to reach their own conclusions when experts are readily available. Yet this type of anti-intellectualism, of “common sense” rule over studied decision, is a frequent occurrence. Many people think that after examining the relevant texts—often for the first time—they have gained sufficient insight into the subject to critique established authorities and offer their own opinions.¹⁶

Non-Specialists

There is a bit of a contradiction, or at least an inconsistency on first glance, in R. Abraham Besdin’s book *Reflections of the Rav*.¹⁷ In chapter 6, R. Besdin quotes R. Joseph B. Soloveitchik as defending the religious intuition of the average Jew. Jewish values and traditions are so ingrained in the Jewish psyche that they infiltrate the subconscious thought of the community. Yet in chapter 13, R. Besdin quotes R. Soloveitchik as insisting that authentic Judaism must come from its authoritative representatives because the masses are misguided in their “common sense” approach. Are the masses subconsciously enlightened or not? Can their religious instincts be trusted or not?

I think the resolution to this question can be found in the repetition in *Avot* chapter 1 of the dictum “Make for yourself a teacher” (*Avot* 1:4, 16). According to Rashi, this is an example of two *tanna'im* teaching the same idea. Maimonides, however, sees two different concepts being advocated. The first is an instruction to find a mentor

who will teach you Torah. The second is a command to find a rabbinic authority who will rule for you on halakhic matters. The former is about a teacher of Torah theory, and the latter about an adjudicator of Torah practice.¹⁸

When it comes to Torah knowledge, it exists in abundance in the Jewish psyche. Torah attitudes inform the views and practices of traditional Jews. Jewish law, however, must be decided by an expert in its application who knows all of its sources and understands how different circumstances affect it. Torah study and teaching are universal activities, but Torah ruling is only for experts. This is aptly described in a recent biography of Nehama Leibowitz, who, despite her expertise as a Bible scholar, made no claim to halakhic authority and regularly consulted with and deferred to noted rabbis:

Nehama abided by the halachic rulings of her day, refraining from voting, in compliance with R. Kook's prohibition of women from doing so. She took her halachic questions to rabbis she admired—to her local rabbi, R. Yohanan Fried, or R. Shlomo Zalman Auerbach and R. Shlomo Min Hahar. She also asked halachic questions of R. Isaac Herzog. . . . In the final decades of her life she regularly phoned the late R. Yosef Kapah with her questions. He recalled that she knew Halachah very well, and frequently already knew the answer. Nehama was turning to him, not for information, but because it was important to her to rely on a recognized authority in her religious practice. Thus she was careful to ask about seemingly minor issues such as making tea on Shabbat, even calling again to double-check.¹⁹

It is worth noting that even advanced Talmud scholars may not be experts in practical halakhah. Stories abound about *roshei yeshivah* who have refused to rule on practical matters, leaving them for pulpit rabbis. These stories, though, speak mainly of the past. *Roshei yeshivah* today generally feel free to rule on practical matters, only sometimes due to experience and expertise. This can lead to numerous problems,

including overly technical answers that ignore important human factors and the application of stringencies that are appropriate only for the *beit midrash* and not for the community in general. In particular, there is always a disconnect between the experiences of a rabbi who has spent his whole life in a yeshivah environment and those of a layman who spends the majority of his waking hours in a secular business place. Without ever having been there, it is extremely difficult for a rabbi to understand the environment and its challenges. A *rosh yeshivah* is often at a disadvantage to a pulpit rabbi in this regard, because the latter has greater secondary exposure through the time spent talking to his congregants. That disconnect sometimes leads falsely confident *roshei yeshivah* to issue rulings on situations they do not fully understand. This is, of course, a broad generalization that has many exceptions.

Nevertheless, it is commonplace for yeshivah graduates to take their halakhic questions to their *rosh yeshivah* or another of their teachers rather than their synagogue rabbi. Indeed, I too have been guilty of this at times. Not only does this sometimes lead to an improper answer and also impede the development of a rabbi-congregant relationship, it undermines the authority of the local rabbi, to which we now turn our attention.

THE LOSS OF AUTHORITY

The Outsiders

Until now, we have discussed the need to ask your halakhic questions of a qualified authority. Let us now focus on the proper address for these questions and why it has declined in popularity.

Today's heightened level of communication is a mixed blessing.²⁰ It is now commonplace for laymen to know on any given subject the views of multiple local and international rabbis. The proximity of very different communities in large Jewish enclaves and the omnipresent summaries in books, articles, and websites of multiple views allow for an open marketplace of ideas. This is a godsend for creating large amounts of stimulating Torah content that attracts the attention of those who might otherwise lack a sustained interest in studying Torah. In theory, this also keeps rabbis informed.²¹ But it also allows laymen to choose the opinion that suits their temperaments and needs.

The *humra* addicts are fed by Haredi newspapers, and the *kulla* seekers are satiated by renegade blogs. Many see no reason to ask their local rabbi.

Historically, the rabbi of a town was called its *mara de-atra*, “master of the place.” This title is reminiscent of the Gemara that all matters of the town are the rabbi’s responsibility (*Mo’ed Katan* 6a). Today, in the United States, most rabbis serve congregations and not towns. However, it seems to me that each rabbi’s religious authority still applies to his community, that is, to those families that voluntarily join a rabbi’s synagogue.²² Even though families choose their synagogues based on a number of criteria,²³ the very act of settling within a rabbi’s domain is, I suggest, a submission to his halakhic authority. I see no difference between choosing a contemporary synagogue for the quality of its *kiddush* and moving into a premodern town for business reasons. The latter certainly obligated a Jew to follow the city rabbi’s halakhic decisions, and so, I contend, does the former.²⁴

The Rema writes that a rabbi is not allowed to rule on ritual matters within the domain of another rabbi (*Shulhan Arukh, Yoreh De’ah* 245:22). The Gra (ad loc., no. 36) points to talmudic examples of rabbis refusing to issue a ruling while in another rabbi’s town (e.g., *Hullin* 53b). In contemporary application, a rabbi is the sole halakhic authority for members of his synagogue, and no other rabbi has the right to rule on halakhic matters for them. When an outside rabbi of any stature rules on a local matter, he infringes on the local rabbi’s jurisdiction, an infraction so serious that it is punishable with excommunication.²⁵ This stringency, I suggest, is well deserved, because divergent rulings on many issues can and do lead to disuniform practice and often communal *maḥloket*.²⁶

This is one of the reasons why my standard answer to people who e-mail me halakhic questions is that they should ask their rabbi. I find it difficult to understand the halakhic legitimacy of “Ask the Rabbi” features in newspapers and on websites, or, additionally, the *Kol Korei* type of halakhic pronouncements, unless they are attempts to fill the holes left by rabbis (and society)—answering questions that will never be asked of a rabbi—rather than to create local disconnects.

In 2005, in response to a pamphlet that advocated a recently built *eruv* in Flatbush (in addition to the prior *eruv* that had existed for over twenty years), a mailing was sent widely within the Flatbush community condemning any *eruv* in Flatbush. The denunciations were strictly by prominent local *roshei yeshivah* and synagogue rabbis, with a separate section containing letters from Israeli rabbis.²⁷ While it is significant that the statement was from local rabbis, it is unclear what right they had to impose their position on members of other local synagogues and communities who did not normally turn to them for guidance. I was particularly struck by the response of one blogger, who created a mock mailing that read simply: “The Flatbush Eruv: Ask Your Rabbi.”²⁸ This was a sharp critique of what can be viewed as an infringement on the prerogatives of many pulpit rabbis by the issuer of the Flatbush mailing.

Distance

There are other reasons that some people do not address their halakhic questions to their local rabbi. Whether due to embarrassment over lack of knowledge, shyness about discussing private details with an outsider, intimidation by someone so different, or personality clashes, some people are simply uncomfortable asking their rabbi questions. Some may ask rabbis who taught them in school, others may venture to websites where they can ask questions anonymously, while still others may choose not to ask and to instead act as they see fit.

There is also a general distrust of authority. A desire for independence is part of human nature, but for at least the past few decades, a profound skepticism of authority figures has dominated Western culture. Rabbis are certainly not exempt from being targets of this attitude. This is further aggravated when great rabbis are perceived, rightly or not, as ruling on matters they do not fully understand or being manipulated to rule based on incomplete or incorrect information. This leads to a dismissal of all rabbinic authority. This is certainly aggravated by the all-too-frequent news story about rabbis involved in financial and sexual scandals. The reality is that when one rabbi sins, all rabbis look bad.

Some people ignore great rabbis, while others bypass their local rabbi and go directly to a leading authority—whether a *rosh yeshivah* or the rabbi of a different community. An important reason for this attitude is the vast gap in expertise that often separates rabbis. Many competent rabbis lack the training, knowledge, and experience of their colleagues, particularly after years of communal service that have limited their available time for personal study. Laypeople want the most expert halakhic opinions, just as they want the most expert medical and financial opinions.²⁹

Sometimes a rabbi undercuts his own authority by accepting a position in a synagogue with a significantly different worldview than his own, whether to the right or the left, and then tries to “convert” his congregants. This common phenomenon creates an alienation that is unnecessary and counterproductive. A rabbi needs to work with his congregants and generate goodwill so they will have confidence in his views.³⁰ Part of this is to allow hashkafic pluralism, to recognize that his congregants have different backgrounds, worldviews, and temperaments, and to either answer questions appropriately or to direct questioners to someone who can.³¹ For example, if someone Modern Orthodox were to ask his Haredi rabbi about college choices, the rabbi must either answer taking into account the questioner’s worldview that values secular education or direct the questioner to a different rabbi who is able to advise within this framework. This takes a high level of sensitivity and humility that is difficult to achieve.

Lowering the Barrier

An additional diminution of rabbinic authority can be found in the recent debate regarding the ordination of women.³² Proponents advance two main strategies to avoid the prohibition of *serarah* that entails when women attain positions of communal authority. One is to adopt the minority view that the prohibition of *serarah* does not apply to women. The difficulty with this is that it leaves ample room for those who oppose the ordination of women to adopt the majority view that accepts *serarah* limitations on women.³³ Therefore, another approach is strategically more advantageous—namely, arguing that a rabbi has

no authority over the community. While a coherent argument to this effect can be constructed, the embracing of the decline of the local rabbinate is, I believe, to the detriment of the entire community.

A friend described the following incident: At a synagogue event, a man went to wash his hands before eating bread. Not finding the regular washing cup, he took a different vessel to use but was unsure of its halakhic suitability. He asked a local educator who was standing nearby, and this rabbi told him that according to one opinion it was good and according to another it was not. My friend, another local educator, witnessed the paralysis this response caused and stepped in, telling the man that the vessel was acceptable and he should proceed. My friend told me this to describe how some teachers of halakhah fail to instruct people what to do. My reaction, though, was that my friend had no right to issue a ruling for this man, given the other available options.³⁴ Who is he to decide on a halakhic matter of legitimate dispute among major *posekim*? The dilemma he witnessed should have been solved by a rabbi with local authority, with the mandate to render a decision that was conclusive for members of his community.³⁵ If the rabbi has no authority, his rulings, teachings, and exhortations become nothing but friendly advice, another voice among the many that crowd our lives in this hyper-connected day.

There is also a widespread lack of appreciation of the importance of meta-halakhic, values-based aspects of halakhah that require expertise in application. One can speculate as to whether the origin of this attitude is a growing textualism and/or a desire for scientific precision. Regardless, axiological principles that have guided halakhic authorities for centuries are regularly dismissed by laypeople in their desire to self-*pasken*.³⁶

Independent Minyanim

A few examples of the diminished respect for rabbinic authority are in order. One phenomenon that has recently been covered extensively in the media is the independent *minyan*. This “new” concept of a group convening for prayer without a formal synagogue structure is hailed by some as the future of Judaism.³⁷ The novelty of this phenomenon is debatable. It is actually the third wave or generation of the *Havurah*

movement, following its innovation in the 1960s with the original three *havurot* in Boston, New York, and Washington; and a second wave in the 1970s beginning in New York and Los Angeles. The second generation was a counter-move to the earlier *havurot* in that it represented a measure of return to more traditional synagogal forms while maintaining egalitarianism and innovation. The third generation is more formalized and is represented by “congregations of renewal” rather than informal prayer gatherings, among other differences.³⁸ Allow me to offer a few thoughts based on my childhood experience attending a *havurah* in the early 1980s.³⁹

This *havurah* was a gathering of families every Shabbat morning for egalitarian prayer in the basement of a Reform temple. The participants were local families of varying levels of observance and Jewish education. A core group of knowledgeable, observant people, including one JTS ordainee, led the group, said *divrei Torah* in lieu of sermons, and taught synagogue skills to those interested in learning. The friendships made in this group remain strong over twenty years later. After a few years of regular attendance, my family drifted back to our synagogue but continues to remain within that group of friends.

After polling many of the regulars at my recent elementary school reunion, I see a few factors that attracted people to this *havurah*: (1) the informality of structure and attire made it a welcoming environment, (2) the lively, participatory services, (3) the democratic nature—while in reality almost all decisions were made by the core group, everyone’s input was encouraged and taken seriously, (4) the completely egalitarian service was, at that time, fairly radical and not widely available in Conservative synagogues, (5) perhaps most important, it provided a fun Jewish experience for the children, who had wide leeway to run around and play.

After interviewing a few people involved in congregations of renewal, the independent *minyanim* at the border of Orthodoxy,⁴⁰ I found significant similarities and differences.⁴¹ The atmosphere is welcoming and informal, and the services are lively. The attendees have a wide variety of backgrounds and levels of observance. Decisions are fairly democratic, although some form of halakhic authority is regularly consulted and often given veto power. Perhaps the biggest difference

is demographic—the attendees of independent *minyanim* are young, abundantly single and/or without children, and living in a city. While on the one hand, this prevents family needs—such as preparation for a synagogue bar mitzvah—from interfering with attendance and allows for continuous replenishment of the ranks as long as young people continue to move into the neighborhood, it also leads to a constant exodus as members move on to another stage of life.

In general, it seems to me that the Ḥavurah movement had more potential staying power than the independent *minyanim*, yet largely failed to become a permanent fixture, despite the influence it exerted on the broader Jewish community. I expect independent *minyanim* to be an equally transient phenomenon, whose influence has yet to be fully seen. As high schools and colleges know well, the constantly changing student body makes trends short-lived, as new students arrive with different needs and interests than those who preceded them. The same can be said about the predominantly transient members of independent *minyanim*.

One important commonality is that of ritual experimentation. The *havurot* were free of rabbinic oversight and were therefore able to democratically choose full egalitarianism. The independent *minyanim* have a little more fealty to the halakhic process but are still the places where egalitarian experimentation is taking place, each *minyan* based on the boundaries its members decide. If a religious guide chooses to stop this democratic process, he or she runs the risk of members starting a new independent *minyan* where they have more freedom from unwanted authority (and this has happened).

Like everything, the ḥavurah and independent *minyan* phenomena have both positive and negative aspects. The positive aspects speak volumes about the state of American Jewry and its needs, information that synagogues ignore at their own peril. Some of the negative aspects include the democratization of halakhic decision-making, the bypassing of local and communal authorities, and the general atmosphere of halakhic experimentation.⁴²

Bans

Another example that is close to my heart is that of book-banning. I first learned of the impending ban on three of R. Natan Slifkin's books on the day it was issued—September 21, 2004, a few days before Yom Kippur. Despite my expectation that the controversy would quickly die down, a few months later the bans were further publicized in *Yated Ne'eman*. The ban led R. Slifkin's publisher and distributor to drop his books, after which he asked me to distribute his controversial works through Yashar Books, a company I had recently started. My inclination was to accept, but I first consulted with a number of synagogue rabbis, asking whether they wanted the books available for their communities. They responded positively, and I took on the distribution of the controversial books. I have subsequently obtained approval and encouragement from many other rabbis and *roshei yeshivah*.

This episode highlights another area in which the authority of synagogue rabbis is undermined. When leading Torah scholars issue wide-reaching rulings that are highly publicized, synagogue rabbis feel their hands forced. If these local authorities disagree or think that their communities reflect different circumstances that necessitate alternative conclusions, they will need to take the uncomfortable position of publicly disagreeing with giants of Torah. Not every rabbi has the courage and the political capital to do so. In effect, many rabbis have had the halakhic authority over local matters snatched away from them by the assistants and publicists of leading Torah scholars.⁴³

All of these many factors we have discussed contribute to the situation we have today where even sincere people striving to fulfill the *reẓon Hashem* choose not to abide by the halakhic decisions of their rabbis.

REGAINING AUTHORITY

Deference

Many of these problems are, one way or another, caused by rabbis, and the resolutions will also be through their efforts. The solution will not be synagogue rabbis preaching about their own prerogative to

determine local halakhah. Only the most forgiving audience will fail to note how self-serving that sounds. The answer, I believe, rests in a partnership among rabbis and communal leaders, each emphasizing the authority of a local rabbi and the local rabbis recognizing the need to consult with more expert authorities on complex cases.

Roshei yeshivah need to send their students to local rabbis as appropriate. Of course, I am not suggesting that the yeshivah is not a place for teaching practical halakhah by answering questions. However, there are questions, and there are questions. When a student wants to know whether his torn *zizit* have been invalidated, that is certainly an appropriate question for a *rosh yeshivah*. But when he wants to know whether he should attend his cousin's intermarriage, it is entirely appropriate for a *rosh yeshivah* to send a student to his local rabbi (and maybe even call the rabbi directly as well). The *rosh yeshivah* can also send a married *kollel* student to his local rabbi for household questions, such as those relating to *kashrut* and *taharat ha-mishpaha*.

In lectures, also, *roshei yeshivah* and communal leaders can speak about the importance of respecting the domain of the local rabbi. People often do not consider that they should submit to the halakhic authority of their *mara de-atra*. They need to be reminded—by someone other than their rabbi—of this obligation.

Stories about great scholars deferring to proper authorities need to be emphasized. It is told that a Vilna layman once inadvertently asked both the city rabbi and the Vilna Gaon about the *kashrut* of a chicken. The former permitted it and the latter forbade. In order to emphasize his authority as the city's official halakhic authority, the city rabbi insisted that the Vilna Gaon join him in tasting this cooked chicken—to which the Gaon assented (the story continues that a piece of forbidden fat fell onto the chicken as a divine commutation of the Gaon's sentence).⁴⁴

Roshei yeshivah who are expert halakhists certainly have a role in local halakhah, but as consultants for local rabbis. Pulpit rabbis should serve as the gatekeeper to prominent authorities. When people ask their rabbi a question, they know that he will take a difficult case to a world-class expert. This allows for the development of rabbi-congregant relationships and maintains the local rabbi as the sole

source of halakhic rulings, even for those pulpit rabbis who are not themselves renowned experts.⁴⁵ This also enables maintaining the rabbi-congregant relationship while still allowing for the conscientious objector, the congregant who belongs to a different ideological community than his rabbi and feels a need to obtain guidance in certain issues from those who share his ideology.⁴⁶ The pulpit rabbi should serve as the gatekeeper for such questions or, at the very least, be informed about the discussion. A rabbi unaware of, and uninvolved with, his congregants' hashkafic and halakhic dilemmas is significantly impeded in his communal work.

Guard Your Tongue

But the burden of restoring local authority should not be placed solely on the shoulders of *roshei yeshivah*. We all need to be careful in our speaking patterns to preserve the dignity and prerogatives of the synagogue rabbi. One of the many humorous aspects of the Jewish community is the frequent call for care in speech. While preaching greater *shemirat ha-lashon* is certainly praiseworthy, the way some rabbis can lecture about its importance while still insulting other people, sometimes in the very same speech, seems straight out of a stand-up comedy routine. At an Agudath Israel convention a few years ago, there was a session about blogs in which some speakers denounced bloggers who insult *Gedolei Yisrael*. Afterwards, I went up to one of the speakers and pointed out that when *roshei yeshivah* insult rabbis in the most public of ways, how can they be surprised when the public learns from them and insults rabbis as well? Insults are a weapon that can be easily turned around.

One of the standard messages relayed to an adult struggling with the consuming needs of an elderly parent is that his children are watching. They will emulate his treatment of his parents. Aside from the impetuses of gratitude and fulfilling a biblical commandment, an adult should treat his own parents well if he wants his children to treat him well. Of course, there are no guarantees in life. I suspect, though, that this powerful idea is true more often than not.⁴⁷

Similarly, a rabbi who wants respect from his followers needs to show respect to other rabbis. When a rabbi displays public respect

for the domain of another rabbi, he will be respected himself. When all rabbis respect each other's prerogative to serve as a *mara de-atra*, congregants will observe and learn. We need to free ourselves from the sadly common habit of delegitimizing the rulings of other rabbis and instead learn the language of *eilu va-eilu*.

The Incompetent Rabbi

When all is said and done, however, a synagogue rabbi needs to know his own limits. Not everyone who manages to pass a *semikhah* examination is truly fit to rule on Jewish law. A rabbi can have many wonderful skills that make him an asset to his community but still be unqualified for all but the simplest halakhic questions. The Mishnah has harsh words about such a person who despite his shortcoming still rules on halakhic matters, calling him a "wicked, arrogant fool" (*Avot* 4:7).⁴⁸ He needs the self-awareness to recognize the issue and consult with those more qualified in this aspect of the rabbinate. All of the advocacy for the prerogatives of the synagogue rabbi will be dismissed if the problem of the overstepping rabbi is not resolved. While R. Menashe Klein writes that he was told by R. Moshe Feinstein that he is obligated to disagree with the older authority whom he thought was wrong,⁴⁹ at the time R. Klein already had *Shas* and *Posekim* at his fingertips. This certainly does not apply to someone of dramatically lesser learning. Even if the precise definition of someone entitled to an opinion is unclear, this does not mean that we can entirely disregard the vague definition. If local rabbis do not *psaken* responsibly, they cannot expect the cooperation of *roshei yeshivah* and other rabbis.

Regarding such rabbis who do not defer to greater authorities when appropriate, I found a noteworthy paradigm of balancing the prerogatives of a *mara de-atra* with potential incompetence in R. Eliezer Melamed's *Revivim: Kovez Ma'amarim be-Inyanei Am, Erez, Zava*.⁵⁰ Asked whether an Israeli soldier is bound by the halakhic decisions of an army rabbi or should instead consult with his *rosh yeshivah* or hometown rabbi, R. Melamed answered as follows: There are many excellent army rabbis, but some are unqualified and/or too deferential to military superiors. Therefore, a soldier should follow the ruling of the army rabbi, who is the *mara de-atra*, unless his decision does not

“make sense,” in which case the soldier should ask an outside rabbi.

R. Aḥiah Amitai wrote a letter disagreeing, pointing out that the determination of whether a ruling “makes sense” is so subjective that it effectively dismisses the authority of the army rabbinate for anyone who prefers to look elsewhere for guidance. Additionally, outside rabbis frequently do not understand the immediate circumstances and often are educators without training in practical halakhah. This approach will also lead to religious disunity within units consisting of soldiers from different towns or *yeshivot*. And officers will ignore army rabbis when they see that even religious soldiers do not follow their instructions.

R. Melamed’s response was, essentially, that despite all these problems, this is the way it has to be. I believe that his approach can be reformulated as follows: When a soldier receives a ruling that does not make sense to him, he should ask an outside rabbi whether the ruling falls under the category of a mistaken and reversible decision as defined in the *Shulḥan Arukh* (*Yoreh De’ah* 242:31) and commentaries (admittedly a complex discussion). If it does, then the outside rabbi, who must make every effort to determine and fully understand the exact circumstances, can give a ruling to the contrary. Otherwise, the soldier must follow the army rabbi’s ruling even if his outside rabbi reaches a different conclusion. As long as the army rabbi’s ruling is not so mistaken as to be reversible, it is binding because he is the *mara de-atra*.

The same approach can be applied to synagogue members. An outside rabbi who is consulted, and is concerned about the competence of his questioner’s local rabbi, should only provide an alternative ruling if the first rabbi’s decision is reversible. Otherwise, he should advise people to follow their local rabbi’s decision even if he disagrees with it.

Global Halakhah

When it comes to issues that affect broad segments of the community—beyond a single synagogue, neighborhood, or town—broader halakhic shoulders are required. This is both because such issues are more complex and require balancing numerous halakhic and public policy concerns at once, and also because the decisor must be capable

of commanding the respect and deference of rabbis throughout the multiple communities. In short, he must be recognized as an outstanding halakhic expert with a deep understanding of general and local socioreligious dynamics.

Beyond the problem of the overstepping rabbi, which we have already discussed, a dilemma arises when the few rabbis who have achieved sufficient prominence disagree on a particular subject, as is inevitable. The halakhic system allows for such pluralism. Some people, however, mistake pluralism for chaos. They believe that allowing for multiple opinions means allowing for all opinions, that unless there is a single authority there is no authority. Local rabbis need to have their own outstanding authority, who shares the local communities' values, with whom they consult on global matters. Even then, laypeople often find it difficult to accept one position when there is widespread debate, particularly when they fail to understand the reasoning behind a specific view.

Show Your Work

The solution, albeit only partial, to this problem is greater transparency. There is a need for halakhic authorities or their disciples to proactively justify and defend their rulings in publicly accessible forums, perhaps by writing and publicizing lengthy responsa. The processes by which information is gathered and a decision is reached need to be disclosed. While criticism will be fierce and immediate, there are ample mechanisms available for responding to those critiques and, when appropriate, revising decisions based on valid criticisms.

A few years ago, someone posted a popular essay on a halakhic topic by R. Shlomo Aviner to an e-mail list on which I participated. I proceeded to critique his approach in detail, and the person who posted the original essay brought my critique to R. Aviner, who then responded to each point. While I was not entirely convinced by his response, I gained respect for his position and his intellectual openness. A few years later, I responded to a surprising position of R. Aviner's that a colleague of his e-mailed with a request for sources. I was pleasantly surprised by an e-mail with a list of responsa that supported his position. I believe that this is a new model that has great

merit. In theory, the local rabbi should be charged with the task of defending his and/or his authority's ruling. However, local rabbis often lack the expertise and information to do so.

Additionally, the wording of proclamations and responsa needs to be crafted in a way that is strong and confident but still allows for other competent authorities to disagree. This will not only tone down the rhetoric in communal discourse but also preserve the dignity and prerogative of the local *mara de-atra*.⁵¹

We have discussed how the local rabbi's authority is currently being challenged from many different sides. In multiple ways, the local rabbi's authority has diminished, to the detriment of responsible halakhic decision-making. It behooves us to consider the consequences of this continuing decline and to actively protect this embattled, age-old institution. Through a partnership of rabbis and communal leaders, we can, in some measure, increase awareness of the need for local halakhah.

NOTES

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1. I am intentionally avoiding the term *daas Torah* because it is so politically loaded and religiously ambiguous.
2. First conference, September 1989, published as Moshe Z. Sokol, ed., *Rabbinic Authority and Personal Autonomy* (Northvale, NJ: Jason Aronson, 1992). Fifteenth conference, March 2003, published as Suzanne Last Stone, ed., *Rabbinic and Lay Communal Authority* (New York: Yeshiva University Press, 2003).
3. On reading this paper, you may notice the frequent appearance of the word "I," as in "I believe" and "I view." I wrote in this way with the intention of making everything provisional, one person's opinion that is subject to revision based on the input of those wiser and more knowledgeable.
4. Cf. Malbim and *Torah Temimah* ad loc.
5. Cf. *Sanhedrin* 86b.
6. *Mishneh Torah*, *Hilkhot Mamrim* 1:4. David Shatz pointed out that even Moses had to ask a *she'eilah*—see Num. 27:5 and Rashi ad loc.
7. *Hullin* 44b, *Niddah* 20b, *Berakhot* 63b, *Avodah Zarah* 7a.

8. The former is proposed by *Nimukei Yosef* (*Avodah Zarah* 7a), and the latter is adopted by Rashi (*Niddah* 20b, s.v. *me-ikkara*) and Ran (*Hiddushim* to *Avodah Zarah* 7a, s.v. *ha-nishal*). See R. Yehudah Henkin, *Response Benei Banim* (Jerusalem: 1998), vol. 3 no. 8, for a long list and discussion of sources.
9. This rule only applies to the specific case brought before a rabbi and not other cases. Rema in *Shulhan Arukh, Yoreh De'ah* 242:31.
10. The phrasing used is “*shavya hatikha de-issura*” and not “*shavya a-nafsheih hatikha de-issura*.” Revid *Ha-Zahav* (*Parashat Shofetim*, s.v. *asher yorukha*) has it as “*shavya hakham hatikha de-issura*.” Cf. R. Shaul Yisraeli, *Ammud ha-Yemini* (Tel Aviv: Moreshet, 2000) 1:6:4, p. 53; R. Menashe Klein, *Mishneh Halakhot*, vol. 16 (Brooklyn, 2003), no. 59, p. 173; *Encyclopedia Talmudit*, s.v. *hora'ah*, sec. 6, vol. 8, col. 507.
11. *Shulhan Arukh, Yoreh De'ah* 214; *Peri Hadash, Oraḥ Hayyim* 596:7. Cf. *Hayyei Adam* 127:10; R. Moshe Feinstein, *Iggerot Moshe, Oraḥ Hayyim*, Vol. 2, No 83. Regarding family customs, see *Pitḥei Teshuvah, Yoreh De'ah* 214:4; R. Hershel Schachter, “*Hashbei'a Hishbi'a*,” in *Beit Yitzhak* 39 (2007): 513–520.
12. It is noteworthy that the *Peri Hadash* states that such a ruling may only be overturned by a uniquely outstanding scholar, of which there is only one or two in a generation. Cf. *Hayyei Adam*, loc. cit.
13. Cf. R. J. David Bleich, “*Lomdut and Pesak: Theoretical Analysis and Halakhic Decision-Making*,” in R. Yosef Blau, ed., *Lomdut: The Conceptual Approach to Learning* (New York: Yehiva University Press, 2006), pp. 87 ff.
14. On his accomplishments, see Meir Hershkowitz, *Rabbi Tzvi Hirsch Chajes* (Jerusalem: Mosad Ha-Rav Kook, 1972); Bruria Hutner David, “The Dual Role of Rabbi Zvi Hirsch Chajes: Traditionalist and Maskil” (doctoral diss., Columbia University, 1971); Jacob Schachter, ed., *The Students' Guide through the Talmud* (Brooklyn: Yashar Books, 2005), pp. xi–xiv.
15. Although exaggerated honorifics are still a thing of the present, and this writer is equally guilty of it. See my review of the *Mahzor Mesorat Ha-Rav* in *Jewish Action* 68, no. 2 (Winter 5768/2008): 85–88. See also *Benei Banim* (Jerusalem: 2005), vol. 4, no. 26, where R. Yehudah Henkin chastises his correspondent (this writer) for addressing him in overly laudatory terms, and more generally in vol. 2 (Jerusalem: 1992), no. 35.
16. Cf. *Sanhedrin* 99b–100a regarding those who say “Of what use to us are rabbis?”
17. Hoboken, NJ: Ktav, 1993. A close reader of the book will find the following answer implicit in the words.
18. Rashi and Rambam, *Avot* 1:16.
19. *Nehama Leibowitz: Teacher and Scholar* (Jerusalem: Urim, 2009), p. 336.
20. I discussed another aspect of this in “Are Blogs Good for the Jews?” in the *Jewish Press*, October 7, 2009: <http://www.jewishpress.com/pageroute.do/40987/>
21. In reality, it tends to keep the layman better informed than the rabbi, which is a different problem.
22. We see a halakhic concept of intra-city subcommunities regarding *minhagim*.

See *Responsa of Mahari Ben Lev*, vol. 3, no. 14; *Responsa of R. Eliyahu Mizrachi*, no. 13; *Responsa Maharshdam, Yoreh De'ah*, no. 40; *Peri Hadash, Oraḥ Hayyim* 596:19. Given the phenomenon of “*shtiebel* hopping,” I would define someone’s synagogue as the one he attends on Shabbat morning (when and if he attends). David Shatz, however, pointed out that some people even alternate where they pray on Shabbat mornings. I leave defining the affiliation of such people to others, fairly certain that they cannot be defined as having more than one community any more than one who maintains residences in two cities, traveling back and forth between his two homes on an equal basis.

23. Gidon Rothstein suggested this point and added that most synagogue members have no real say in the hiring of a new rabbi.
24. Cf. R. Shaul Yisraeli, *Amud Ha-Yemini* (above, n. 11), 1:6:10; R. Shlomo Aviner, *She'eilat Shlomo*, 2nd ed. (Jerusalem: 2006), vol. 1, no. 204, par. 8; vol. 2, nos. 223, 226, 227, 254; vol. 3, nos. 259–261; vol. 4, pp. 272–276.
25. Cf. *Shabbat* 19b, *Eruvin* 94a, *Pesaḥim* 30a, *Hullin* 53b; *Tashbez* 3:210; *Sheyarei Keneset ha-Gedolah, Hagahot Beit Yosef, Yoreh De'ah* 242:17; R. Samson Raphael Hirsch, *Collected Writings* (New York: 1984), vol. 6, pp. 271–277.
26. David Shatz raised the issue of *mahloket* in this case. R. Shlomo Aviner (above, n. 24) states that the custom is to accept local rabbis as authorities on all public matters but not on private matters, for which people may consult any rabbi.
27. See my blog post of June 15, 2005, at <http://hirhurim.blogspot.com/2005/06/flatbush-eruv.html>. The local rabbis pictured on the cover are R. Shmuel Berenbaum, R. Feivel Cohen, R. Hillel David, R. David Feinstein (from Manhattan), and R. Aharon Schechter. The Israeli rabbis are R. Yosef Shalom Elyashiv, R. Chaim Kanievsky, R. Aharon Leib Shteinman, R. Shmuel Wosner, and the Gerrer Rebbe.
28. As of the completion of this paper, I cannot locate this blog post and am relying on my memory.
29. Gidon Rothstein and Dovid Gottlieb emphasized this point.
30. Gidon Rothstein pointed this out.
31. Cf. R. J. David Bleich, “*Lomdut and Pesak*,” p. 109, n. 5. While *Shulḥan Arukh* (*Yoreh De'ah* 242:14; *Hoshen Mishpat* 10:3) seems to obligate a rabbi to answer a practical halakhic question presented to him if he can, I suspect that this is only a general requirement and does not obligate a rabbi to answer every question posed to him.
32. I refer to arguments I have seen in informal discussion and not to specific published articles. I thank Arie Folger for suggesting this general point.
33. Cf. R. J. David Bleich, *Contemporary Halakhic Problems*, vol. 2 (Hoboken, NJ: Ktav, 1983), pp. 254–267.
34. I would have either asked the rabbi or said, “I think this is allowed. Let’s check with the rabbi when we have the opportunity.”
35. On the rare occasions when I am forced to answer a halakhic question in my synagogue, when the rabbi is unavailable and an answer is needed immediately, I

try to determine how the rabbi would answer and then, afterwards, tell the rabbi the entire story to give him the opportunity to disagree for future occurrences, to know that I did not try to infringe on his domain, and to be aware of the halakhic questions raised by his congregants, i.e., to know what is going on in various people's lives.

36. See *inter alia* R. Mayer Twersky, "Halakhic Values and Halakhic Decisions: Rav Soloveitchik's *Pesaq* Regarding Women's Prayer Groups," in *Tradition* 32, no. 3 (Spring 1998); a critique of this in R. Reuven Singer, "Halakhic Values: *Pesaq* or Persuasion," in *Edah Journal* 3, no. 1 (Tevet 5763); and my response to that critique in "Values, Halakhah and *Pesaq*: Continued Discussion Of 'Halakhic Values: *Pesaq* or Persuasion,'" in *Edah Journal* 3, no. 2 (Elul 5763), reprinted in my *Posts Along the Way* (Brooklyn: Yashar Books, 2009), vol. 1, pp. 176–183.
37. See, for example, "New Jews' stake claim to faith, culture" (CNN.com, October 28, 2009) at <http://www.cnn.com/2009/LIVING/10/28/new.and.emergent.jews/index.html> and "Minyanim Grow Up, Turn Inward" (*Jewish Week*, November 25, 2008) at http://www.thejewishweek.com/viewArticle/c36_a14128/News/New_York.html
38. Prof. Jerome Chanes proposed these distinctions, which require further elaboration in a more appropriate venue.
39. This ḥavurah was featured in Abba Eban's film *Heritage*, although I was not there for the filming.
40. Which side of the border depends on whom you ask.
41. Adam Mintz correctly pointed out that there is a wide variety of independent *minyanim*. I attempt here to discuss characteristics that are typical of most such *minyanim*, aware that experiences will vary.
42. One occasional attendee at the ḥavurah to which my family belonged was the wife of a prominent Conservative halakhist. I have reason to believe that her husband refused to attend on principle, because he felt that the ḥavurah undermined rabbinic authority and communal structures.
43. Blaming assistants is an intentionally generous assumption.
44. Betzalel Landau, *Ha-Ga'on he-Ḥasid mi-Vilna* (Jerusalem: 1978), pp. 253–254; Betzalel Landau, *The Vilna Gaon*, trans. Jonathan Rosenblum (Brooklyn: Mesorah, 1994), pp. 179–180.
45. Adam Mintz contributed to this formulation.
46. Cf. R. Aharon Lichtenstein, *Leaves of Faith*, vol. 2 (Hoboken, NJ: Ktav, 2004), pp. 289 ff.
47. In a sense, it is based on the rabbinic dictum "Who is respected? One who respects others" (*Avot* 4:1) and the theological concept of "measure for measure." Cf. *Shabbat* 105b, *Nedarim* 32a, *Sanhedrin* 90a.
48. Quoted in *Shulḥan Arukh*, *Yoreh De'ah* 242:13, *Hoshen Mishpat* 10:3.
49. R. Menashe Klein, *Mishneh Halakhot*, vol. 8 (Brooklyn: 2000), no. 137, p. 202; idem, *Om Ani Ḥomah* (Brooklyn: 2000), p. 332. Cf. idem, *Mishneh Halakhot*, vol. 16 (Brooklyn, 2003), no. 63, p. 187.

50. Har Berakhah, Israel: 2007, pp. 250–254, taken from his columns in the newspaper *Be-Sheva* in late 2004.
51. While newspapers that print stories magnifying disputes do much to aggravate the problem, it would be unrealistic to expect them to cooperate with preserving the dignity of the local rabbinate when so much of their revenue depends on controversy. Our “relief and deliverance” will have to come from “another place.”

Part 3

Spirituality, Scholarship, and the *Beit Midrash*

Earlier volumes of the Forum featured an analysis of modern scholarship and its contributions and limitations to the study of Torah, an in-depth portrait of *lomdut* (the conceptual approach to Jewish learning), and a thorough examination of the relationship between spirituality and Divine Law. Orthodox Forum 2010 revisited some of these issues with the following questions: What role should spiritual and academic orientations and methods play in the *beit midrash*? Do they advance serious Torah learning or diminish it? Should these methods be taught in day schools and yeshiva high schools? What impact has advanced women's Torah learning had on the *beit midrash*? Can we facilitate contributions by those who have traditionally been considered outsiders, such as emerging female Torah scholars, to the culture of *Talmud Torah* and the *mesorah*?

7

Tradition and Modernity in the House of Study: Reconsidering the Relationship Between the Conceptual and Critical Methods of Studying Talmud

David C. Flatto

My first exposure to the academic study of Talmud (referred to herein interchangeably as the “academic method,” the “critical method,” or the “modern method”) came after completing nearly a decade of learning at Yeshiva University and *yeshivot hesder*, when I audited several

seminar sessions led by Professor David Weiss Halivni at Columbia University.¹ Prior to the start of the semester, I met Professor Halivni, who informed me that he would be teaching the second chapter of *Bava Batra*. Anticipating the opening *shi'ur*, I asked him whether he would be focusing on the *sugya* of *gerama be-nezikin* (indirect damages), which is one of the few “*lomdushe*” subjects in that chapter.² My enthusiasm for this topic hardly registered with him; he said that we would be proceeding sequentially, and intimated that there was not much in particular about that topic which would occupy his attention. I remember my sense of surprise and disappointment at his response, and my certainty that I was not in the right venue.

My strong reaction can be traced to my years of learning at Yeshiva University, whose hallmark mode of study is the traditional analytic method, especially the Brisker method (referred to herein interchangeably as the “traditional method,” the “conceptual method,” the “analytical method,” or the “Brisker method”). Developed in the illustrious *yeshivot* of Eastern Europe, especially Lithuania, in the nineteenth century, this methodology dominates yeshiva study to this day, including traditional and Modern Orthodox *yeshivot*.³ Schooled in the Brisker method, with its preference for conceptually intricate *sugyot*, I found the distinct emphases of the critical method to be alien and misguided.

Considered from a distance, Yeshiva University’s choice of the traditional method (I will focus on Yeshiva University as an exemplar of Modern Orthodox *yeshivot*) is not entirely obvious, although well known to all who have passed through its corridors. Marching under the banner of “*Torah U’Madda*,” Yeshiva University ideally promotes the highest forms of religious and secular study. At first blush, forging a synergy between these disciplines by applying secular academic tools to Jewish knowledge in the manner of the critical method, would seem to afford an ideal mode of study. Moreover, one would imagine that the origin and prevalence of the traditional method in pre-modern *yeshivot* would suggest that it is tailored to a world that does not embrace components of modernity which are at the forefront of the vision of Yeshiva University.⁴ Just as *parashah* or *Tanakh* are often studied in more “modern” ways at Yeshiva University (and

other Modern Orthodox *yeshivot*),⁵ so too one would imagine that its approach to *gemara* would reflect modern sensibilities.⁶ Nevertheless, although Yeshiva University encourages academic inquiry in its secular disciplines and endorses aspects of modernity, it resists academic studies within its *beit midrash*, deliberately assigning them to other divisions (such as the Bernard Revel Graduate School and Yeshiva College).⁷ Further, the specific branch of Jewish studies focusing on the academic study of the Talmud is hardly pursued at Yeshiva University altogether.⁸ Trying to imagine what a different kind of Modern Orthodox yeshiva would look like is not just a theoretical enterprise, because the dawn of Modern Orthodoxy in the late nineteenth and early twentieth centuries produced precisely such an institution in the Berlin Rabbinical Seminary (*Rabbiner Seminar für das Orthodoxe Judentum*). This trailblazing yeshiva incorporated nascent academic tools in all aspects of its religious studies, including the teaching of Talmud. Its *roshei yeshiva* authored pioneering studies on the schools of *midrash halakhah*, the development of the Mishnah, the era of the *geonim*, and the structure of the Talmud.⁹

Although the world of Berlin Orthodoxy has long since tragically faded, many of its primary values spread to the emerging center of Modern Orthodoxy across the Atlantic.¹⁰ Accordingly, one would presume that the great religious and educational experiment of the Berlin Rabbinical Seminary served as an inspiration for the ideological architects of Yeshiva University.¹¹ Nevertheless, when one enters the *beit midrash* of Yeshiva University, one has abandoned Berlin for the provinces of Lithuania. The dominance of “Litvishe” learning, and especially the legacy of Volozhin and Brisk, pervades all sectors of these hallowed halls of study. Yeshiva University deliberately secures a traditional mode of study which resists modern influences. Its *beit midrash* has been carefully constructed to hermetically seal off the methodological influences of the wider academy and preserve the mode of study of traditional *yeshivot* of the past. The stakes and implications of this choice are evident, and have continued to color the nature of Yeshiva University ever since.

Various reasons account for this choice, but perhaps the most basic one is the allure of traditional study. While the critical method

of Berlin was often dry, technical, and of the black-letter variety, a rich and dazzling world of conceptual sophistication and piercing analytical clarity was being developed in the preeminent East European yeshiva of Volozhin, and perpetuated by its progeny. Indeed, one of the crowning achievements of Yeshiva University is the quality of learning which has flourished there since its establishment, generated by the intensive mode of traditional study that transpires daily in its *beit midrash*. As a product of this *beit midrash*, I aspired to participate in this often exhilarating discourse. It was undoubtedly this deeply felt sentiment that triggered my visceral response during my conversation at Columbia University.

Looking back at my encounter with Professor Halivni a decade later, I understand my immediate reaction, but also have gained an additional perspective, largely due to my greater appreciation of the critical method (especially when understood in a more capacious sense, as I delineate below), which has also evolved much since its initial stages in Berlin. Professor Halivni (alongside other leading scholars) has developed a critical methodology over many years which he applies seriatim to the redacted text of the Talmud.¹² His aim is to deconstruct the layers of the Talmud and retrieve the original form and meaning of each respective layer. The specific content of a given passage is of lesser interest to him. In contrast, the traditional method privileges the conceptually intricate *sugyot*, which demand and reward the often strenuous mental exertion that is required to plumb the depths of their teachings. Standing where I am today, such *sugyot* still captivate my attention, but I now recognize that the various tools of critical scholars—including source-critical, as well as literary and historical tools—supply a powerful arsenal to use in engaging the very same conceptually rich material.¹³

Confronted with two methods which in my estimation have much cogency and validity, it is necessary to consider their interrelationship and their mutual viability. This issue has been addressed in various publications in recent years, including an Orthodox Forum volume titled *Modern Scholarship in the Study of Torah*.¹⁴ When I revisited these learned articles I gained much, but ultimately found myself unsatisfied (see more below). One of these papers describes the traditional mode

of study as the “Camino Real” (royal road), a designation that as a proud graduate of the Yeshiva University *beit midrash* I share much sympathy with, but nevertheless am unwilling to accept as a given or a point of departure.¹⁵ I am wary about characterizing any one approach as the leading one, other than to acknowledge that descriptively this characterizes the most popular approach in (even Modern Orthodox) *yeshivot* today. At the same time, the profound legacy and capacity of the traditional approach, which greatly enriches all analyses, cannot be gainsaid. Any academic rejection of the conceptual method seems to me tendentious and highly constraining.

In juxtaposing these two methods, I think it is crucial to accent their dialectic relationship. At times, the alternative approaches of academic and traditional study are mutually fructifying, and Talmud study can be greatly enhanced by employing a broader range of tools. At other times, however, they represent fundamentally different, even opposite, orientations toward learning Talmud (and beyond), and here navigating between them is much more complex. Below I will first elaborate upon the benefits of expanding the mode of study beyond the traditional method. Given these gains, I feel strongly that an avenue has to be carved out for promoting the greater pursuit of academic study even in the *beit midrash*. Afterwards, I will return to the tensions which inhere between these ultimately diverse approaches to learning Talmud. Here my conclusions are more tentative or provisional.

Allow me to illustrate by way of example what I mean by the modern study of the Talmud in comparison to the traditional mode of learning. I will deliberately choose an illustration that emerges from my personal course of study: After learning *Masekhet Sanhedrin* in yeshiva, I have returned to study this tractate with heightened critical sensibilities. Certain very basic analytical issues have surfaced in this recent iteration, which I briefly encountered in my previous round of learning, but have assumed an entirely different magnitude of significance in light of a critical framework; others are altogether new and also of much consequence.

The opening *mishnayot* of *Sanhedrin* map out the design of the court system. Comprising three tiers of courts (*batei dinim*) of three, twenty-three, and (seventy or) seventy-one judges, these

passages delineate the respective jurisdiction of the courts of each tier.¹⁶ Traditional study begins with a consideration of the range of matters assigned to these several courts, exploring the diverse (and sometimes extra-judicial) nature of their responsibilities (e.g., judging, instructing, preserving the *mesorah*, representing the people of Israel). Likewise, traditional analysis examines the kinds of legal or ritual processes which are under the supervision of the courts and require a *ma'aseh beit din* (official court procedure, e.g., fines, intercalations, debatable cases such as administering divorces). The conceptual method also examines the difference among the three tiers of tribunals, and considers whether jurisdiction is distributed only according to original subject matter or also the complexity of the issue at hand (e.g., the relationship between *davar gadol*, an important matter, and *davar kashah*, a difficult matter).¹⁷ Certain other basic questions do not surface in a traditional analysis, but deserve investigation:¹⁸ Why does *Sanhedrin* assign the judicial role to tribunals rather than a single judge? Elsewhere, rabbinic literature (as well as biblical and Second Temple literature) is replete with descriptions of individual sages who dispense justice.¹⁹ Even prescriptive sources, such as the immediately proximate last *mishnah* in *Bava Batra*, prescribe tutelage under a single judge.²⁰ Indeed, the Bible has ample attestations of the authority of individual judges, and contemporary juristic sources likewise portray a solo practitioner (especially sources within Roman jurisprudence).²¹ In fact, one of the more pronounced biblical subtexts for these opening *mishnahyot* of *Sanhedrin* (especially as understood by the *Bavli*)²² is the foundational juristic text of Exodus 18. The Mosaic judiciary portrayed in this biblical chapter is composed of individual judges, not judicial panels, and yet the *mishnah* depicts the judiciary as an institutional construct.

Analyzing the way rabbinic literature interprets the other central biblical passage which describes the function of the judiciary, Deut. 17, confirms the same point. While the underlying biblical verses direct the most difficult judicial matters to the judge or the levitical priests, rabbinic exegesis describes a supreme institution of the *Sanhedrin* presiding over all such cases.²³ There is no option of turning to a

single sage, and even the priests are represented as members of this supervisory body.

Similarly, evaluating the role of the priests within the court system according to *Sanhedrin* and other comparative sources reveals much about the nature of the judiciary. Biblically, the priests assume a leading judicial role (as accented in Deut. 17 and elsewhere), and Second Temple literature also affirms their controlling position. Likewise, certain rabbinic sources construct justice around the role of the priests.²⁴ Yet the main rabbinic interpretation of Deut. 17 reduces the role of the priests to a preference that they become members of the court tribunal.²⁵ Moreover, the judicial scheme of *Sanhedrin* never even records this proposition, and the sole passages that refer to the judicial role of priests merely note their eligibility to be members of the court system.²⁶ In fact, the first mention of the high priest in *Sanhedrin*—“the high priest may not be tried save by the court of seventy-one” (*mishnah* 1:5)—actually underscores that he is subject to the jurisdiction of the Sanhedrin. Breaking with much of Second Temple literature where the high priest is depicted as the chief justice,²⁷ the *mishnah* emphatically declares a jurisprudence which privileges the Sanhedrin and subordinates the priests. An even more dramatic subversion is manifest in the *mishnah*'s treatment of the judicial role of the king, who biblically and historically controlled justice, and according to the *mishnah* is completely sequestered from the court's procedures.²⁸

At first blush, the prevalence of judicial panels in *Sanhedrin* is simply an affirmation of the teaching in *Pirkei Avot* (4:8), “Judge not alone, for none may judge alone save One.” Yet, this *mishnah* in *Avot* requires more careful study. First, the *mishnah*'s formulation and placement (within tractate *Avot*) suggest that it is a supererogatory rule rather than an absolute requirement.²⁹ Moreover, other rabbinic passages expose the controversy, even polemic, surrounding this *mishnah*. For instance, a *tosefta* in *Bava Kamma* (8:14) records the following tannaitic statement: “R. Ishmael said: The household of my father was among the homeowners in the Galilee. Why was the property destroyed? Because they adjudicated civil matters alone

. . .” Defying the declaration in *Avot*, R. Ishmael’s ancestors judged alone, and one senses that enough others followed suit to require the recitation of this cautionary rabbinic anecdote. Equally notable is an elaborate *sugya* in *Yerushalmi Sanhedrin* which records the behavior of several rabbinic authorities whose practice was to judge alone, but also adduces the *Avot* passage to represent the opposing view, and, in a dramatic flourish, adds that even God only adjudicates alongside a celestial court.³⁰ Such rhetoric undoubtedly points to the controversy surrounding this issue.

When I studied *Sanhedrin* in a traditional setting, most of these essential aspects of the tractate remained unexamined, although certain conceptual inquiries I pursued in yeshiva touched on some of these issues. Specifically, two interrelated talmudic teachings address the standing of an individual judge. First, R. Aha teaches that a single judge may preside over a legal case according to the regulations of the Torah, and Shmuel rules that two judges have the authority to judge alone, although this practice is discouraged (see *Sanhedrin* 3a). These amoraic statements were analyzed in light of the perplexing position of Rambam, who simultaneously codifies the teaching of R. Abahu (who rejects Shmuel) requiring a court of three judges alongside the ruling of R. Aha.³¹ Resolving this seeming inconsistency in Rambam invites an important distinction between judging (or instructing) and officiating as a court, which also recurs elsewhere in *Masekhet Sanhedrin*.³² Thus, traditional study, or *lomdut*, focuses on what, if any, is the judicial role of an individual judge, and how this compares to the jurisdiction of a tribunal. Second, even within the context of a tribunal composed of multiple judges, there is the important discussion of R. Ḥayyim of Brisk concerning the status of a majority rule which applies in civil suits, even though this seems to violate the principle of *ein holekhin be-mamon aḥar ha-rov* (“one does not follow the majority in monetary matters”). In addressing this issue, R. Ḥayyim relates to whether one should conceptualize a court’s ruling as a *per curiam* verdict or as the collation of individual viewpoints of distinct judges, an issue which also arises elsewhere in *Sanhedrin*.³³ This line of inquiry is essentially probing the degree to which the institution of the court effaces the presence of individual authorities.

In other words, *lomdut* sensitized me to these leading questions, which are crucial for understanding the nature of judicial authority advanced by the court system of *Sanhedrin*. Even so, it is only with the critical tools of academic study that I was able to realize how deep and pervasive these issues are within the tractate. Moreover, the latter tools exposed sociological, political, theological, and ideological aspects of the nature of legal authority in rabbinic discourse that I was previously unable to access. All of these issues arise from a careful study of *Masekhet Sanhedrin*.

Only critical tools open up this material and allow these larger, vital themes to emerge—themes which are implicit in the analytical approach but take on a completely new dimension in the above analysis. I wish to underscore this point because it highlights that these tools focus on essential subject matter, and can often (although not always, as I discuss below) complement and deepen the findings of conceptual study. Frequently, those who learn in a traditional yeshiva setting assume that academic studies focus on secondary issues, at the margins of a *sugya* rather than the heart of the matter.³⁴ These include using manuscripts to emend rabbinic texts, or examining the material culture prevalent during the rabbinic period. While these issues are plainly within the orbit of academic studies—and it is difficult to object to further enlightenment on such matters, even if they are secondary to more “central” issues—they hardly exhaust the range of critical interests, and stated in isolation offer a skewed perspective on the nature of the academic enterprise. Critical inquiry, broadly conceived, emphasizes at least four additional lines of inquiry (which I utilized to varying degrees in pursuing a critical analysis of *Sanhedrin*), with significant implications for the study of the Talmud and the rest of rabbinic literature.³⁵

(1) *A synoptic study of rabbinic literature*. This approach calls for the examination of all parallel rabbinic traditions on a given topic, or even all variants of a given rabbinic statement. In a sense, this method is inspired by the rabbinic maxim, “The words of Torah are poor [i.e., scant] in one setting, and rich [i.e., elaborate] in another.”³⁶ But sometimes the relationship between synoptic sources is less harmonious and more discordant. While traditional learning

will round out the *sugya* by looking to parallel *Bavli* passages (often following the trail of the Tosafot), the critical method systematically adduces all parallel recensions of a given teaching, whether in the tannaitic (Mishnah, Tosefta, *midrash halakhah*) or the amoraic (*Bavli*, *Yerushalmi*, and *midrash aggada*) corpus. Juxtaposing alternative versions often provides a hint to which variant is the most authentic one, or helps uncover an inherent ambiguity in a given tradition, or displays a plurality of (subtly, but at times significantly) diverse traditions.

(2) *A diachronic study of rabbinic literature.* Rabbinic literature covers a vast expanse of time which is largely blurred by the synchronic nature of the redacted text. A primary aim of critical study is to sort the material temporally in order to map out the trajectory of development of rabbinic concepts. When so arranged, one can evaluate the transmission of traditions through successive generations, and also reconstruct any evolution in rabbinic ideas.³⁷

(3) *An analysis of the exegetical dimension of rabbinic literature.* A significant portion of rabbinic literature is exegetical in nature, and therefore this dimension of rabbinic thought deserves a meticulous and systematic analysis. While this characterization obviously encompasses works of *midrash halakhah* and *aggada*, it likewise extends to other genres of rabbinic literature, including many sections of the Talmud. In order to explore talmudic hermeneutics, the critical study of the Talmud returns to the biblical source, examining the scriptural foundation alongside the rabbinic exegesis. After registering any gaps between the plain sense of a biblical verse and the rabbinic rendition, a thorough investigation attempts to reconstruct the hermeneutical process and evaluate the implications of adopting a given interpretation. As a frame of reference, it is helpful to explore exegetical alternatives which surface in rabbinic and extra-rabbinic literature (see item 4 below). The generative or adaptive nature of rabbinic interpretation often emerges from this line of inquiry (see more in the conclusion below).

(4) *An evaluation of comparative traditions.* Rabbinic teachings can be constructively contextualized or differentiated by evaluating

the wider cultural, societal, and religious milieu in which they were composed or transmitted. A wider comparative lens considers the host culture in which rabbinic literature developed (e.g., Roman, Sassanian, Christian, Muslim). Often of greater relevance is a narrow lens which focuses internally within Jewish society, and considers how similarly situated Jews (living in roughly the same time and place as the rabbis, such as the authors of the Dead Sea Scrolls, Second Temple literature, Josephus, Philo, etc.) presented the biblical legacy, Jewish law and theology. Comparing rabbinic and extra-rabbinic literature helps set rabbinic teachings in sharp relief by highlighting distinctive emphases within rabbinic writings which would otherwise remain largely obscure.

My above observations regarding *Masekhet Sanhedrin* are informed by these four methods (alongside other critical methods),³⁸ and I am convinced that these constitute powerful tools which will yield significant insights when applied to most *sugyot*. To be sure, elements of these methods—especially items 1 and 3—are already incorporated into the traditional study of certain Modern Orthodox *yeshivot*. On occasion, they expand the canon of relevant primary texts to include the Tosefta, *midrash halakhah*, and *Yerushalmi*.³⁹ Likewise, they return to the scriptural source in order to classify a law as a *de-oraita* regulation, and to compare the *peshat* with the rabbinic *derash*.⁴⁰ However, these methods are rarely employed systematically and they are not applied critically. When a wider corpus of rabbinic material is examined, it is rarely analyzed synoptically, and efforts to reconstruct rabbinic exegesis are frequently constrained by an air of inevitability. Moreover, the other two methodological tools are hardly utilized (and the comparative tool bears relevance for the exegetical one, as stated above).

A Modern Orthodox yeshiva which is deeply committed to tradition's encounter with the religiously meaningful aspects of modernity should cull the best available methods from both modes of study. Complementing the conceptual illumination of the analytical method, the modern approach offers additional enlightenment from literary, historical, and critical perspectives. When applied with

rigor, devotion, and humility, the distinctive synergy between these methodologies will reveal authentic, and even arresting, insights into the Talmud.⁴¹

It should be noted that my analysis leans more heavily on items 3 and 4 (utilizing a literary and historical perspective), which may ultimately make it more palatable to a traditional audience. The larger challenges to traditional assumptions undoubtedly come from tools of higher criticism (especially in certain varieties), which are more related to items 1 and 2, and other methods.

In practical terms, I would then humbly suggest—before I complicate my position in the next section—that a flagship institution like Yeshiva University should offer more opportunities for such study, at least for students with certain capacities and proclivities (and there certainly is a small but significant group of such students). These opportunities should include a *shi'ur* or a *havurah*, the requisite *seforim* or databases, and a sense of institutional support. Most importantly, students who are interested in pursuing these methods should be encouraged to embrace a holistic approach to *Talmud Torah* which combines the traditional and critical methods. The deep divide or bifurcation that usually segregates these approaches is detrimental to the psyche and religious welfare of students, and can also stunt the potential achievements of *Talmud Torah*.

To concretize this point, allow me to return momentarily to an era at Yeshiva University which I only know about anecdotally. During the very decades that R. Soloveitchik enthralled *talmidim* of the analytic method with stunning *shi'urim*, *derashot*, and articles, Professor Avraham Weiss quietly developed a profound literary-critical methodology that was formative for the modern study of Talmud.⁴² From what I understand, there was hardly any interaction or interplay between these significant developments in Talmud study that concurrently transpired in the same nominal institution. From my vantage point, it is difficult not to be disappointed that there was not more cross-fertilization—as if the choice for a student had to be a stark either/or, rather than both/and. Accordingly, I consider myself fortunate to be a part of a small group of students from the next generation that gained much (indirectly) from both of these

masters. In a similar vein, I hope that current students in the Yeshiva University *beit midrash* are offered such an opportunity. Rather than just affording distinct paths for pursuing the two methods to select students (a *beit midrash* and a separate institute of Jewish studies), they should be invited, and taught, to combine these approaches in a single discipline. Likewise, a real desideratum for an institution like Yeshiva University would be to publish a journal dedicated (at least in part) to an integrated approach to the study of Talmud and rabbinic literature which is on par with Modern Orthodox journals such as *Sinai*, *Netuim*, and *Sidra*.

II

So far I have described ways that conceptual intuitions open fruitful lines of inquiry that can be greatly expanded with modern tools of study. Likewise, I have discussed critical methods which surface in a piecemeal fashion in the *beit midrash*, and have encouraged their greater and more systematic utilization. The portrait that I have been painting has been largely synthetic and collaborative. But there is a legitimate reason that the Modern Orthodox *beit midrash* has resisted the academic method, beyond being discouraged by its occasional tediousness, or even suspicious about its historical genesis or about certain of its contemporary practitioners. Grappling with this dimension of the modern study of Talmud raises thorny questions that are not easily resolved, even as they must be directly confronted.

When I reviewed the previous Orthodox Forum articles that addressed the academic method of studying Talmud, I was struck by how they both understated the nature of this approach (what the academic enterprise is all about) and overstated its compatibility with the traditional method. By understating, they focused largely on issues of recension and material culture, in the manner I said above. They illustrated fascinating, if esoteric, ways that the academic method can illuminate obscure *sugyot*. But they downplayed the manner in which it bears upon each *sugya*—aiming to deconstruct, delimit, and contextualize its teachings, and exposing its revisions, adaptations, and transformations. In this sense they also overstated, or were too

sanguine about, the potential harmony between the traditional and critical methods.⁴³

Indeed, certain leading academic scholars of modern talmudic study have written methodological essays in which they minimize the novelty of their approach by camouflaging it in the cloak of traditionalism. They partially achieve this by finding support for their critical methodology in select comments of the *geonim* or *rishonim*.⁴⁴

While this perhaps reflects admirable religious sensitivity (a new approach should not be applied lightly to a body of sacred literature), it also strikes me as largely disingenuous. No doubt, the *geonim* and *rishonim* had a degree of awareness of certain issues that preoccupy modern scholarship, but their overall approaches to interpreting the Talmud diverge dramatically. Indeed, the critical method, which situates rabbinic literature within history and critically evaluates its successive stages of transmission, can raise fundamental challenges to assumptions, methods, and conclusions prevalent throughout traditional modes of learning (from geonic times until today).⁴⁵ A subset of modern Jewish studies, the academic study of Talmud shares the same critical orientation (at least in significant respects)⁴⁶ which has been captured so vividly by Yosef Yerushalmi in his seminal work, *Zakhor: Jewish History and Jewish Memory*.⁴⁷ Tracing back to the development of *Wissenschaft des Judentums* during the nineteenth century, the critical method, as Yerushalmi underscores, in many ways constitutes a radically new venture in Jewish studies. In seeking to retrieve an accurate understanding of texts or historical events, the critical approach is willing to disturb or reverse hallowed assumptions, and to rupture the veneer of coherence in sacred transmissions. Inevitably, such an approach can present an assault on traditional law and lore. If there has been a staunch resistance in the *beit midrash* to the critical method, it is based on some deeply correct intuition about its essence. R. Samson Raphael Hirsch objected to the learning advanced in the Berlin Rabbiner Seminar on these grounds, and his mindset persists in the opposition that pervades an institution like Yeshiva University to this very day.⁴⁸

How should one navigate the conflict between the traditional and modern approaches when the productive synthesis I described

above becomes unattainable? Several of the luminaries of Modern Orthodoxy have unequivocally championed the traditional approach, and have explicitly or implicitly rejected the overall legitimacy of the latter approach. A more moderate view describes the traditional method as the primary one and the critical method as supplementary. A third formulation segregates these approaches: gemara in the *beit midrash*, and Talmud in the academy. At the other end of the spectrum, of course, some academics (even Modern Orthodox ones) have rejected the traditional method of learning altogether.⁴⁹ My own view on this matter is deeply torn. I take seriously the potentially erosive impact of critical studies (and heed the cautionary warning of leading rabbinic authorities), but I find it difficult to turn an eye away from an approach which is meticulously argued and defended, and whose conclusions are profound and persuasive. Recently, I reflected on this topic for a symposium concerning high school and Israel (post-high school) education, and I tended toward a more conservative approach.⁵⁰ But at a certain age or stage, the pedagogic considerations I raised in that context are mitigated, and the ultimate worth of the endeavor has to be assessed. If the modern method of studying Talmud is a worthwhile enterprise, then I believe it also should be a component of the *beit midrash* curriculum. Indeed, it is precisely within the confines of yeshiva that the parameters of inquiry can be liberally supervised and oriented in the most constructive manner, and in the optimal religious environment.⁵¹

Before concluding, I think it is important to realize what is at stake in this discussion. While the narrow topic at hand is one of *derekh ha-limmud*, it obviously dovetails with the larger question of the relationship between the boundaries of faith and the value of freedom of inquiry,⁵² or broader tensions generated by the encounter of tradition with modernity. Moreover, even focusing on the more immediate subject of talmudic methodology, the impact of adopting a modern critical approach extends beyond the meaning of numerous *sugyot* (including weighty or *lomdishe* ones) and intersects with certain systemic issues related to the overall nature of our religious tradition. Although these are delicate and complex matters which require further careful consideration in a different forum, they should at

least be briefly enumerated here. One, the critical approach, as stated, conceives of the *mesorah* as historically embedded. This allows for the notion of progression and development, and even assumes that this is an inevitable consequence of religion being transmitted to successive generations over time. Historicizing need not lead to relativism, but it does move away from immutable or inexorable readings. Second, encountering rabbinic literature alongside other extra-rabbinic Jewish traditions, such as the intensive ritual practices recorded in the Dead Sea Scrolls, influences the way one characterizes rabbinic law. Rather than viewing the Talmud as stringent or burdensome, rabbinic tradition adopts a relatively lenient approach in comparison to other contemporary voices. In other words, the critical method projects rabbinic law as essentially different from the way it is commonly perceived in today's popular imagination. Third, rabbinic law is often seen as growing organically and systematically. But the critical method recasts rabbinic literature (perhaps in exaggerated terms, but there is an important kernel of truth here, assuming this method is correct) as a bold reworking of earlier traditions. According to this description, rabbis relay scriptural interpretations and earlier rabbinic doctrines not as passive transmitters, but rather as active teachers or jurists who occasionally deliberately revise rabbinic law. Given that the ones who depicted the rabbinic process in these terms were the early reformers, there is a significant danger of overstating, or manipulating, such a characterization. Nevertheless, the problematic ancestry of this account does not dispose of the question of whether there is a modicum of truth here which has been largely muted, and could be influential if applied more gradually and responsibly.

These possible implications are not only sweeping but crucial, and I for one think that they need to be seriously engaged in order to better comprehend the essence of our religious tradition. They also help capture why fully embracing the critical method is no simple matter. But Modern Orthodoxy never saw simplicity as its mantle.

NOTES

1. Throughout this article I refer to the critical method and traditional method in uniform terms, and disregard the significant diversity of approaches within each school. Nevertheless, for purposes of this article I believe that this simplification is justified. I am assuming that the reader has much familiarity with the traditional method, and will elaborate below on aspects of the critical method. See also notes 35, 38, and 44. I would like to thank the 2010 Orthodox Forum coordinators and participants, and numerous other colleagues and friends for their many thoughtful responses to earlier drafts of this article.
2. See *b. Bava Batra* 22b–23a. Traditional *yeshivot* focus primarily on the first, third, and eighth chapters of *Bava Batra* in their course of study.
3. For a more precise account, see Mordechai Breuer, *Ohole Torah: ha-Yeshivah, Tavnitah ve-Toldoteha* (Jerusalem: Merkaz Zalman Shazar le-Toldot Yisrael, 2003); and Shaul Stampfer, *Ha-Yeshivah ha-Litait be-Hithavutah ba-Meah ha-Tesha-esreh* (Jerusalem: Merkaz Zalman Shazar le-Toldot Yisrael, 1995). On the conceptual method, see Chaim Saiman, “Legal Theology: The Turn to Conceptualism in Nineteenth-Century Jewish Law,” *Journal of Law and Religion* 21, no. 1 (2005–2006): 39–100; Yosef Blau, ed., *Lomdut: The Conceptual Approach to Jewish Learning* (Jersey City, NJ: Ktav, 2005); R. Aharon Lichtenstein, “The Conceptual Approach to Torah Learning: The Method and Its Prospects,” in *Leaves of Faith: The World of Jewish Learning* (Jersey City, NJ: Ktav, 2003); Marc Shapiro, “The Brisker Method Reconsidered,” *Tradition* 31, no. 3 (1997): 78–102; and Norman Solomon, *The Analytic Movement: Hayyim Soloveitchik and His Circle* (Atlanta: Scholars Press, 1993). For a discussion of the relationship of the Talmudic rabbis to conceptualization, see Leib Moscovitz, *Talmudic Reasoning: From Casuistics to Conceptualization* (Tübingen: Mohr Siebeck, 2002).
4. In addition, the critical method’s objective of arriving at an exact understanding of a rabbinic teaching arguably shares more with the monistic approach of the *rishonim* (at least in certain respects) than the binary analytic inquiry of the Brisker method, which was deemed by early contemporary critics to be too artificial and innovative. Of course, this is ironic, given that today the latter approach has become the prevalent “traditional” method of study in *yeshivot*. Moreover, the innovative dimension of the Brisker method (despite often being characterized as a bridge to the past) constitutes another reason to question whether it should be privileged over other novel approaches. To be sure, if the Brisker method has an innovative side, this partially undermines my argument earlier in the paragraph. Nevertheless, the new dimension of the Brisker method differs from the “modern” dimension of the critical method, which culls from critical-historical techniques which were developed in the modern era.

Needless to say, notwithstanding the charge of innovation, the traditional roots of the Brisker method have been staunchly defended by its leading practitioners, and in any event, the Brisker method has by now been received in the yeshiva world as the traditional method of study. For more on the Brisker

method and its origins, see the references cited in the previous note. See also R. Joseph B. Soleveitchik, *Halakhic Man*, trans. Lawrence Kaplan (Philadelphia: Jewish Publication Society, 1983), and idem, “*Ma Dodekh mi-Dod*,” *Ha-Doar* (1963).

5. See, e.g., the various writings of Rabbis Mordechai Breuer, Yoel Bin-Nun, and Elchanan Samet, and studies found in journals such as *Megadim*. See also Shalom Carmy, ed., *Modern Scholarship in the Study of Torah: Contributions and Limitations* (Northvale, NJ: Jason Aronson, 1996).
6. To be sure, certain leading Modern Orthodox voices have underscored the relevance, and even modern dimensions, of traditional study in the contemporary era. Thus, R. Soloveitchik’s *Halakhic Man* can be seen as a modern defense of traditional study (and practice). In addition, see R. Lichtenstein’s subtle analysis of the role of modern language in formulating traditional analytic concepts in his introduction to *Shi’urei ha-Rav Aharon Lichtenstein: Dina de-Garme*, ed. Amihai Gordon and David Feldman (Alon Shevut: Yeshivat Har Etsiyon, 2000). See also several essays in Blau, *Lomdut, The Conceptual Approach*. For additional reflections on this matter, as well as a post-modern perspective on Talmud study, see the various writings of R. Shagar (Shimon Gershon Rosenberg), especially *Kelim Shevurim: Torah ve-Tziyyonut-Datit bi-Sevivah Post-Modernit: Derashot le-Mo’ade Zemanenu* (Jerusalem: Yeshivat Siah Yitshak, 2003).
7. For additional background on the history of this distribution, see Aaron Rakeffet-Rothkoff, *Bernard Revel: Builder of American Jewish Orthodoxy* (Philadelphia: Jewish Publication Society, 1972), pp. 43–134, 198–203. See also the secondary references cited in n. 11 below.
8. For an important early statement of principle related to this matter, see Dr. Bernard Revel’s revealing (unpublished) essay “Seminary and Yeshiva.” Authored by Revel in 1928 in objection to the proposed merger between Yeshiva University and the Jewish Theological Seminary, this essay underscores the different approaches of the two institutions. It is transcribed in Rakeffet-Rothkoff, *Bernard Revel*, pp. 268–275.
To be sure, my sweeping characterization of the minimal role of academic Talmud study at Yeshiva University has some discrete and notable exceptions (see, e.g., my reference to the research of Prof. Avraham Weiss below), but as a generalization it holds true.
9. On the Berlin Rabbiner Seminar, see the various secondary references cited by Marc Shapiro, *Between the Yeshiva World and Modern Orthodoxy: The Life and Works of Rabbi Yehiel Yaakov R. Weinberg* (London: Littman Library, 1999), p. 76, n. 1. On the circumstances surrounding its closing, see Christhard Hoffmann and Daniel Schwartz, “Early But Opposed—Supported But Late: Two Berlin Seminaries Which Attempted to Move Abroad,” *Leo Baeck Institute Year Book*, vol. 36 (1991), pp. 267–304.
10. These values continue to have importance over a century later. Likewise, various social and religious challenges faced by the Modern Orthodox community

in Berlin over a century ago persist, or have resurfaced, in Modern Orthodox communities in the twenty-first century. Anecdotaly, in preparing for my graduate school comprehensive exams several years ago, I had to read much secondary material which analyzed historic societies which were mostly alien to me. Yet, one book on my reading list conjured up a world that was uncannily familiar—Mordechai Breuer’s important study of German Orthodoxy in the late nineteenth and early twentieth centuries, *Modernity within Tradition: The Social History of Orthodox Jewry in Imperial Germany*, trans. Elizabeth Petuchowski (New York: Columbia University Press, 1992). As this fact became increasingly apparent to me, I rapidly digested his study less as a student of the past and more as a concerned, or at least invested, member of my present community, hoping to gain insights about our present predicament.

11. In a sense, Yeshiva University embraces a more comprehensive modern ideology than the Berlin Rabbiner Seminar. For example, many Yeshiva University students study art and film and a host of secular subjects, play collegiate sports and participate in performance arts and various other extracurricular activities, and in numerous respects live openly modern lifestyles. While this characterization applies primarily to the college and university, and not to the Rabbi Isaac Elchanan Theological Seminary and *beit midrash*, there is a porous boundary separating these institutions (especially because many students are enrolled in several of them simultaneously).

For more on the history of Yeshiva University, RIETS, the *beit midrash*, and its East European influences, see Menachem Butler and Zev Nagel, eds., *My Yeshiva College: 75 Years of Memories* (New York: Yashar Books, 2006); Jonathan Sarna, *American Judaism: A History* (New Haven: Yale University Press, 2004), pp. 192–193, 231–233; Victor Geller, *Orthodoxy Awakens: The Belkin Era and Yeshiva University* (Jerusalem and New York: Urim, 2003); Jeffrey Gurock, *The Men and Women of Yeshiva: Higher Education, Orthodoxy, and American Judaism* (New York: Columbia University Press, 1988); Rakeffet-Rothkoff, *Bernard Revel*; and Gilbert Klaperman, *The Story of Yeshiva University, the First Jewish University in America* (New York: Macmillan, 1969).

12. The style of learning Talmud sequentially is also prevalent in certain traditional *yeshivot*, including Yeshiva University, and traces all the way back to Volozhin. Nevertheless, traditional *yeshivot* undoubtedly dedicate the lion’s share of attention to the “meatier” *sugyot*.
13. For more on these tools, see below.

The contrary position, which insists on adopting the singular focus of the traditional mode of study instead of other critical alternatives, deserves—in the spirit of both modernity and Lithuanian debate—to be challenged, and needs to be justified.

14. See Shalom Carmy, “Camino Real and Modern Talmud Study,” in his *Modern Scholarship*, pp. 189–196; Daniel Sperber, “On the Legitimacy, or Indeed, Necessity, of Scientific Disciplines for True ‘Learning’ of the Talmud,” *ibid.*, pp. 197–226;

- and Yaakov Elman, "Progressive *Derash* and Retrospective *Peshat*: Nonhalakhic Considerations in Talmud Torah," *ibid.*, pp. 227–288. See also Richard Hidary, "*Hilkhakh Nimrinhu le-Tarvaihu*," *Kol Hamevaser* 3, no. 3 (December 2009): 8–9; Moshe Simon-Shoshan, "Between Philology and Foucault: New Syntheses in Contemporary Mishnah Studies," *AJS Review* 32, no. 2 (2008): 251–262; David Bigman, "Finding a Home for Critical Talmud Study," *Edah Journal* 2, no. 1 (2002); Yehuda Shwarz, "*Hora'at Torah she-be-al Peh: Hora'at Mishnahh ve-Talmud ba-Hinnukh ha-Yisraeli ba-Aspaklaryah shel Tokhniyot ha-Limmudim ve-ha-Sifrut ha-Didaktit*" (Ph.D. diss., Hebrew University, 2002); Hayyim Navon, "*Ha-Limmud ha-Yeshivati u-Meḥkar ha-Talmud ha-Akademi*," *Akdamot* 8 (2000): 125–143; Pinchas Hayman, "Implications of Academic Approaches to the Study of the Babylonian Talmud for Student Beliefs and Religious Attitudes," in *Abiding Challenges: Research Perspectives on Jewish Education; Studies in Memory of Mordechai Bar-Lev*, ed. Yisrael Rich and Michael Rosenak (Ramat-Gan: Bar-Ilan University, 1999), pp. 375–399; Menachem Kahana, "*Meḥkar ha-Talmud be-Universitah ve-ha-Limmud ha-Masorati ba-Yeshivah*," in *Be-Hevlei Masoret u-Temurah*, ed. Menachem Kahana (Rehovot: Kivvunim, 1990), pp. 113–142; and various articles in *Why Study Talmud in the Twenty-first Century? The Relevance of the Ancient Jewish Text to Our World*, ed. Paul Socken (New York: Rowman & Littlefield, 2009).
15. See Shalom Carmy, "Camino Real and Modern Talmud Study," pp. 189–196. See also the formulation in Elman, "Progressive *Derash*," p. 251.
 16. See *m. Sanhedrin*, chap. 1:1–6.
 17. For some of these issues, see, e.g., R. Samuel Strashun, *Hagahot ve-Ḥiddushe ha-Rashash*, *Sanhedrin* 2a; R. Joseph B. Soloveitchik, *Koveẓ Ḥiddushei Torah* (Jerusalem: Mekhon Yerushalayim, 1984), pp. 47–65; *Shi'urim le-Zekher Abba Mori* (Jerusalem: Mekhon Yerushalayim, 1982), Vol. 1, pp. 150–151; R. Isaac Zev Soloveitchik, *Ḥiddushei Maran Halevi Al ha-Torah* (Jerusalem, 1962), *Parashat Yitro*; *Ḥiddushe Maran Halevi al ha-Rambam* (Jerusalem, 1962), *Hil. Sanhedrin* 5:1; R. Hershel Schachter, *Ereẓ ha-Zevi* (New York: Yeshiva University, 1992), pp. 225–237; and various articles in the *Mesorah Journal*, vols. 11–12, 14.
 18. For elaboration and specific references for this section, see the fifth chapter of my doctoral dissertation, "Between Royal Absolutism and an Independent Judiciary: The Evolution of Separation of Powers in Biblical, Second Temple and Rabbinic Texts" (Ph.D. diss., Harvard University, 2010).
 19. This insight was first made by H.P. Chajes in "Les Juges Juifs en Palestine de l'an 70–l'an 500," *Revue des études juives* 39 (1899), reprinted in Hebrew in *Shnaton Mishpat Ha-Ivri* 20 (1995–1997): 429–443.
 20. *M. Bava Batra* 10:8. Likewise, according to various Talmudic passages a single judge may adjudicate in certain circumstances. See, e.g., *b. Sanh.* 5a, 6a.
 21. For Roman jurisprudence, see, e.g., Barry Nicholas, *An Introduction to Roman Law* (Oxford: Clarendon Press, 1969), p. 18; and Hans Julius Wolff, *Roman Law: An Historical Introduction* (Norman: University of Oklahoma Press, 1951), p. 73.

22. See *b. Sanh.* 17a and 18a. See also the parallel Yerushalmi passage, *y. Sanh.* 1:4.
23. See *Sifre* 153 and *m. Sanh.* 11:2.
24. For biblical literature, see, e.g., Exod. 28:30; Deut. 19:17, 21:5; Ezek. 44:23–24; Mal. 2:6–7; for Second Temple literature, see, e.g., 1QS 2:19–20, 6:4–5; 8, *Let. Aris.* 3–5, 45; *ALD.* 13:16; *Ag. Ap.* 2:187, 194; and the sources cited in n. 27 below; for rabbinic literature, see, e.g., *Sifre* 350 and possibly *m. Horayot* 2:1.
25. See *Sifre* 153.
26. See *m. Sanh.* 2:1 and *m. Sanh.* 4:2.
27. See, e.g., *Ant.* 20:200–203; *Spec. Laws* 4:188–192; CD 12, 14; 1QS 9; and Matt. 26:57–67.
28. See my article, “It’s Good to Be King: The Monarch’s Role in the Mishnah’s Political and Legal System,” *Hebraic Political Studies* 2, no. 3 (2007): 255–283.
29. See Tosafot *b. Sanh.* 5a, s.v. *ke-gon*; and Rambam, *Hil. Sanhedrin* 2:11.
30. See *y. Sanh.* 1:1.
31. See Rambam, *Hil. Sanhedrin* 2:10–11 and 5:15. See also Rabbi Meir Simha Hakohen, *Or Sameaḥ, Hilkhot Sanhedrin* 2:10.
32. See R. Hershel Schachter, *Ereḥ ha-Zevi*, pp. 225–237. Perhaps this idea is also echoed in a loosely parallel debate in the *rishonim* about how many judges with *semikhah* are necessary to confer *semikhah*. See Rambam, *Hil. Sanhedrin* 4:3 and *Yad Ramah* on *b. Sanh.* 14a.
33. See R. Ḥayyim Soloveitchik, *Ḥiddushei ha-Geraḥ al ha-Shas* (Jerusalem, 1965), *Bava Kamma* 27b, p. 166; and R. Isaac Zev Soloveitchik, *Sefer Ḥiddushei Rabbenu ha-Geriz ha-Levi* (Jerusalem, 1975), vol. 5, p. 206. For a related talmudic passage, see *b. Sanh.* 29–30.
34. This assumption fosters the sense that the critical method is tedious or dry, alluded to above.
35. I offer this catalog of methodological tools to illustrate what I mean by the critical method (including the more expansive dimensions of the method I alluded to above), and to focus on specific lines of inquiry that can potentially contribute to an integrated mode of Talmud study. There are various other tools of academic study that involve different aspects of lower and higher criticism (such as form criticism, source criticism, and textual criticism). For a more systematic catalog of some of these methods, see the secondary references cited in n. 44 below.
36. See *y. Rosh ha-Shanah* 3:5.
37. Evolution can happen in more than one way. Sometimes it is a function of adaptation, and other times it as a byproduct of the transmission process. For a fuller discussion, see Shamma Friedman, “*Ha-Beraitot she-ba-Talmud ha-Bavli ve-Yahasan la-Tosefta*,” in *Atarah Le-Ḥayyim: Meḥkarim ba-Sifrut ha-Talmudit ve-ha-Rabbanit Li-Khevod Professor Ḥayyim Zalman Dimitrovski*, ed. Daniel Boyarin, Israel Francus, and Israel M. Ta-Shma (Jerusalem: Hebrew University Magnes Press, 2000), pp. 163–201. See also the secondary references cited in n. 44 below.

Mapping out the trajectory of rabbinic literature also helps hone in on

the historical dimension of rabbinic teachings. It should be noted that even as the academic method situates rabbinic teachings within history, often rabbinic sources advance an ideology that aims to transcend the narrow circumstances of the present. But according to the academic method, such writings should also often be understood as a particular kind of response to historical circumstances.

38. For example, synoptic study (item 1) helps focus on the subordination of the high priest to, and the separation of the king from, the judiciary, and sheds light on the meaning of *m. Avot* 4:8; diachronic study (item 2) reveals how the notion of the king's separation from the judiciary is responded to in later rabbinic literature; the exegetical approach (item 3) examines how Exod. 18 and Deut. 17 are interpreted in rabbinic literature; and the comparative approach (item 4) explores other (non-rabbinic) Jewish attitudes about the role of single, royal, and priestly figures in the administration of justice.
39. More traditional circles have also broadened the canon of relevant primary texts, tracing back at least to the times of the Vilna Gaon and Neḥiv. See Jay M. Harris, *How Do We Know This? Midrash and the Fragmentation of Modern Judaism* (Albany: State University of New York Press, 1995), pp. 234–250; and Gil S. Perl, “*Emek ha-Netiv: A Window into the Intellectual Universe of Rabbi Naftali Yehudah Berlin*” (Ph.D. diss., Harvard University, 2006).
40. This trend can also be seen in certain classical works of traditional study, such as R. Joseph ben Meir Teomim's *Peri Megadim* and various writings of R. Joseph Engel.
41. Admittedly, even if one acknowledges the legitimacy of certain aspects of the critical method, this does not necessarily lead to the conclusion that it should be invited into the *beit midrash* or integrated into an interdisciplinary mode of learning Talmud. I am advocating inviting the critical method into the *beit midrash* because of its important contributions to *Talmud Torah*, and I am further supporting an interdisciplinary mode of learning because of the rich potential for synergy between these approaches, which can significantly enhance the quality of *Talmud Torah*. Moreover, as I explain in the next paragraph, I think the fallout that arises from bifurcating and segregating these modes of study is problematic and detrimental.
42. On this methodology, see Meyer S. Feldblum, “Prof. Abraham Weiss: His Approach and Contribution to Talmudic Scholarship,” in *Abraham Weiss Jubilee Volume* (New York, 1964), English sec., p. 8.

I thank Professor Benjamin Weiss, a son of the late Professor Avraham Weiss, for providing me with additional information about his father in an interview held at Hebrew University in May 2010.

43. In studying *Sanhedrin*, I have encountered various *sugyot* where the critical method leads to conclusions which significantly diverge from the traditional approach. See, e.g., the sixth chapter of my dissertation, “Between Royal Absolutism and an Independent Judiciary.”

44. See Shamma Friedman, *Talmud Arukh: Perek ha-Sokher et ha-Umanin: Bavli Bava Meṣi'a Perek Shishi: Mahadurah al Derekh ha-Meḥkar im Perush ha-Sugyot* (Jerusalem: Jewish Theological Seminary, 1990), vol. 2, pp. 7–23; and “Perek Ha-Ishah Rabbah ba-Bavli, be-Zeiruf Mavo Kelali al Derekh Hekker ha-Sugya,” in *Meḥkarim u-Mekorot*, ed. H. Z. Dimitrovsky (New York: Jewish Theological Seminary, 1977), pp. 283–321. See also David Weiss Halivni, *Mekorot u-Masorot: Be'urim ba-Talmud: Masekhet Bava Batra* (Jerusalem: Magnes Press, 2007), pp. 1–148; and *Mekorot u-Masorot: Be'urim ba-Talmud: Masekhet Bava Metsia* (Jerusalem: Magnes Press, 2003), pp. 11–26.

In addition, see the related discussion in Elman, “Progressive *Derash*,” p. 252; and David Henshke, *Mishnah Rishonah be-Talmudam shel Tanna'im Aḥaronim Sugyot be-Dine Shomerim* (Ramat Gan: Bar-Ilan University Press, 1997), pp. 1–3.

45. Although traditional methods of study have certainly evolved since geonic times, and the prevalent analytic method in *yeshivot* today is of a somewhat recent vintage (see n. 4 above), all of these traditional approaches endorse assumptions, methods, and conclusions which are significantly different from those which are implicit in the critical method of studying Talmud. These considerable variances trigger much traditional opposition to the critical method.

Moreover, when one contends with the collective traditional opposition to the critical study of the Talmud, one is not merely dealing with an extreme, albeit formidable, opposition issuing from one sector of the traditional world (such as the Ḥazon Ish's opposition to the use of manuscripts), but rather a majority position held by most traditional learners who vociferously object to certain premises of modern critics.

46. It should be stated unequivocally that religious practitioners of modern talmudic studies (and other branches of modern Jewish studies) do not fully share in the orientation described by Professor Yerushalmi. Specifically, Yerushalmi emphasizes the way that the process of secularization reflected in modern critical studies undermines the theological and providential dimensions of Jewish studies. For religious practitioners, these latter dimensions can certainly be retained, even if the critical methodology can be applied independently of those creedal convictions.
47. Yosef Hayim Yerushalmi, *Zakhor: Jewish History and Jewish Memory* (Seattle: University of Washington Press, 1982).
48. On R. Hirsch and his opposition to the Berlin approach, see Shapiro, *Between the Yeshiva World*, pp. 27–84; Breuer, *Modernity Within Tradition*, pp. 125–202; David Ellenson, *Rabbi Esriel Hildesheimer and the Creation of a Modern Jewish Orthodoxy* (Tuscaloosa: University of Alabama Press, 1990), pp. 73–170; and Robert Liberles, *Religious Conflict in Social Context: The Resurgence of Orthodox Judaism in Frankfurt am Main, 1838–1877* (Westport, CT: Greenwood Press, 1985), pp. 108–230.
49. This is the undercurrent of certain pieces cited in nn. 14 and 44 above.

50. See my piece in the Meorot symposium, "On Modern Orthodox Day School Education," *Meorot Journal* (September 2009), available at <http://www.yctorah.org/content/view/552/10>
51. I am not addressing, and obviously not resolving, the crucial question of how this certain allowance of critical studies which are in tension with traditional learning should be implemented in the *beit midrash*. Moreover, I am uncertain whether there is one distinctive solution to this question. Instead, I remain optimistic that an optimal mode of implementation can be worked out on a case-by-case basis, in a manner that is sensitively tailored to the dynamics of each *beit midrash*. If implemented with sensitivity and forethought, the introduction of the academic method into the *beit midrash* should generate many of the benefits described above, without leading to much dampening of the overall enthusiasm of the *beit midrash* for *Talmud Torah*.
52. See the exchange among R. Yehuda Parnes, Prof. David Berger, Prof. Lawrence Kaplan, and R. Shalom Carmy in *Torah Umadda Journal* 1 (1989): 68–71; *Torah Umadda Journal* 2 (1990): 37–50; and *Torah Umadda Journal* 3 (1991–1992): 37–51, 90–97.

While the role of the academic approach of studying Talmud in a traditional setting raises significant challenges, it is certainly not of the same order of difficulty as the question of the legitimacy of the academic mode of studying Bible. Embracing a new approach to studying the Bible requires greater caution, since it implicates a different kind of foundational belief (even if distinguishing the study of Bible from normative implications is more easily achieved).

8

Scholarship Needs Spirituality—Spirituality Needs Scholarship: Challenges for Emerging Talmudic Methodologies

Yakov Nagen (Genack)

One of the most exciting and influential revelations of my life has been my encounter with the rich and varied possibilities entailed in learning *gemara*. This includes the process, including the multiple paths and methodologies of study, as well as the results, the multifaceted forms of understanding or experience that are sought or achieved.

R. Amital, Rosh Yeshiva of Yeshivat Har Etzion, once commented that it used to take a generation for a new generation to emerge; now it happens every few years! This observation is particularly relevant to

the study of *gemara*, as we shall see below. Over the last thirty years, I have witnessed how dynamic and changing the study of *gemara* truly is.

Along with my enthusiasm for many of the new methods and techniques, I have also become increasingly aware of the challenges they present. I have learned that every new approach has its price. My reservations have sometimes led me to reconsider the value of certain methodologies, but more often they have encouraged me to a search for ways to overcome these obstacles and shortcomings, a process that itself has often led to new creativity.

Many of the new approaches provide opportunities for “spiritual” elements in *gemara* learning that are absent in the traditional approaches. “Spirituality” in this sense refers to the quest for meaning and personal significance, and that is how I use the word in the context of this discussion.

The first part of this article is descriptive; it presents the stages of my journey to discover what “learning *gemara*” means. I will then present models for implementing some of the lessons I have learned within the framework of the contemporary *beit midrash*. I present only what I know from personal experience; it is beyond the scope of this article and my ability to present the totality of the phenomena of the emerging methodologies. Thus, this section will focus on how new methods are applied in the Hesder Yeshiva of Otniel, where I teach. Finally, I will grapple with some of the problems, pitfalls, and even dangers that may result from the use or misuse of these approaches.

My purpose is not to promote the particular methodologies discussed here, nor to debate the merits of these approaches in relation to others. *Hazal* teach us that “*ein adam lomed Torah ella mi-makom she-libbo hafez*” (*Avodah Zarah* 19a)—“a person learns best from a place that his heart desires.” I believe that this concept includes not only *what* one learns but *how* one learns it. Similarly, the principle of “*yagdil Torah va-ya’adir*” (*Isa.* 42:21), of strengthening and glorifying the Torah, is fulfilled in part by the fact that there are so many different ways to learn. The fact that different *yeshivot* learn Torah differently is therefore *le-khathillah* and not *be-di-avad*; ideal rather than merely acceptable. My goal in this article is thus primarily to share my own experience and perspective about the possibility of

implementing these methodologies with those who are inclined to learn about them.

Since the ideal way to learn about these new approaches is through examples, I will cite links to Internet materials that serve as illustrations for ideas discussed here.

ENCOUNTERS WITH THE WORLD OF LEARNING

The Methodological Journey

When I first began learning *gemara* in elementary school, I thought that the hallmark of a *talmid hakham* was his ability to translate the difficult Aramaic words of the Talmud. In high school, I discovered the importance of asking questions and seeking answers. The litmus test of scholarly development thus became what types of questions are asked and what forms of answers are sought. When I began my studies at Yeshivat Sha'alvim, I was taught that the goal of study is not only the understanding of a particular Rashi or Tosafot, but the comprehension of the topic that is presented by the *gemara* and discussed by the *rishonim*. As a student of R. Ahron Soloveichik and R. Michael Rosensweig at Yeshiva University, and later as a student of R. Aharon Lichtenstein at Yeshivat Har Etzion, I first encountered the Brisker approach, a method that analyzes the conceptual ideas underlying the topics in the *gemara*.

At each of these stages of my learning, I was convinced that the basic methodological possibilities of how to relate to the *gemara* had been exhausted, but I was proven wrong time and time again.

The next stage in my thinking included two parallel developments. I discovered philosophical analysis, which posits philosophical meaning to halakhic concepts. To truly understand the *gemara*, one must uncover the “philosophy of halakhah.” This drive stems in large part from R. Abraham Isaac Kook’s call for the fusion of *aggada* and halakhah. (In this article, I will generally use the term *maḥashavah*, and not *aggada*, as my intent is to refer not only to a particular literary genre, but to the philosophical realm in general.)

I soon discovered, however, that this philosophical inquiry is not highly regarded at some of the institutions in which I had studied, in part because of ideological and theological issues that these

methodologies present. In a lecture I once heard during Hanukkah, a prominent Rosh Yeshiva explained that the difference between Hellenism and Judaism is that the Greeks asked not only “what,” but also “why.” Another Rosh Yeshiva brought Korah’s rebellion as an example of the danger in searching for the philosophy of mitzvot (based on his understanding of Rashi’s comment at the beginning of the *parashah*). I later heard R. Kook’s son, R. Tzvi Yehuda, quoted as warning that combining halakhah and *aggada* violates the prohibition of *kilayim*; it is a forbidden mixture.

My second discovery was academic Talmud. Sensitivity to textual aspects of the *gemara*, which I imbibed from my *rebbe muvhak*, R. Shmuel Nacham of Sha’alvim, led me to explore this type of study in the venue of academic scholarship at Bernard Revel Graduate School, primarily with Professors Ya’akov Elman in relation to Talmud and Dr. Haym Soloveitchik in relation to the *rishonim*.

Academic Talmud deals with the entire gamut of sources in *Ḥazal*, not only the *Bavli*, but the *Yerushalmi*, *Tosefta*, *midrashei halakhah*, and *midrashei aggada* as well. More significantly, each source is understood on its own terms. This is in contradistinction to classical approaches, in which the *Torah she-be-khtav* is defined exclusively by the *Torah she-be-al peh*, the Mishnah by the *gemara*, the *Yerushalmi* by the *Bavli*, and the *Bavli* itself by the *rishonim*. Indeed, a friend of mine once commented that the book in the phrase “People of the Book” was once the Bible, but it is now the *gemara*. A second friend disagreed, claiming that the primary study is the *rishonim*. The academic methodology takes a different approach.¹

Part of the richness of traditional talmudic learning is the study of different opinions, the *shiv'im panim la-Torah*. We can relate to the *lamdan*’s joy in contrasting the Rambam with Tosafot, but an approach that views each work of *Ḥazal* in its own light reveals many more possibilities. The differences between the *Bavli* and the *Yerushalmi* are often much more fundamental than those between two *rishonim* who are ultimately focused on the interpretation of a particular passage in the *Bavli*.

Although this approach does not limit the study of a source to its classical commentators, it does not necessarily lead to conclusions that

reject or even differ with those commentators. Rather, it stresses that we can only understand why *Hazal* interpreted a text the way they did if we are aware that the *derash* is not identical with the *peshat*. Viewing the *gemara* on its own terms also allows us to deal with questions and categories that classical commentaries did not address.

As enthusiastic as I was about this type of study, I quickly realized that the opposition to philosophical inquiry in relation to halakhah pales in comparison to the opposition to textual methodologies. The possibility that there was a process of development within halakhah, as suggested by the academic approaches, is antithetical to a perception of the Torah as abstract and unchanging. In addition, this method can challenge the classical interpretations, and it may even undermine the authority of halakhah itself.

Particularly in Israel, the polemics against these approaches have been fierce. They include attacks against the attempt to interpret *Tanakh* outside of the prism of *Hazal*, as well as against “*Revadim*,” an approach that aims to inform students of the stages in the *gemara*’s development (*tannaim*, *amoraim*, *stammim*, etc.). Both of these polemics were spearheaded by R. Zvi Tau of Yeshivat Har Ha-Mor, the leader of the movement referred to as Yeshivot Ha-Kav (“The Line”). A full discussion of these polemics is beyond the scope of this article, but I will offer a partial response below.

A third approach to *gemara* study is the literary approach, which forges the textual with the conceptual. This approach studies the structure of a text and its use of language in terms of word-plays and imagery in order to ultimately uncover the meaning of the text. These methodologies were first applied in Torah study in regard to *Tanakh* and *aggada*, most prominently at Herzog College in Gush Etzion. It was and is promoted by teachers such as R. Mordechai Breuer, R. Yoel Bin-Nun, and R. Yaakov Medan, and through the *Tanakh* journal *Megadim*. A major turning point in my learning was exposure to the work of R. Avraham Walfish, who applied these methodologies to the texts of the Mishnah. From the Mishnah, it was but a small step to apply this approach to other sources in *Hazal*, including the *gemara*, and R. Walfish and others have continued exploration in this vein in recent years. *Netu'im* is a *Torah she-be-al peh* journal edited by R.

Walfish that includes many articles that utilize the literary approach. In particular, the first issues include a series of methodological articles by R. Walfish that I found very significant.²

From the Beit Midrash to the University and Back

In the mid-1990s, the desire to forge the tools of the academic world with those of the *beit midrash* brought me back to university, this time Hebrew University in Jerusalem. In yeshiva, I had studied the philosophy of halakhah in the context of the holiday of Sukkot. One of the major critiques of attempts to link halakhah and *maḥashavah* is the lack of rigor and the unclear boundary between *peshat* and *derash*. Thus, these efforts have generally been regarded, often rightfully so, as homiletics. I hoped that developing my findings in the course of a doctorate would help grapple with this challenge. My goal was to fine-tune the approach by utilizing the methodologies offered in the academic world and through the very fact that my findings would be open to critique; my advisers, various doctoral committees, the judges of my dissertation, and the editors of journals and their professional readers would evaluate my work. No stage ends with simple approval, but with long lists of questions, with the rejection of particular ideas, and with suggestions for improvement.

The study of ritual and symbolism in general, whether from the vantage point of anthropology or comparative religion, can lead to insights into halakhah. One can apply basic questions that are raised in these fields to the study of halakhah, and these studies also offer a broader context to particular ideas that appear in Judaism. This method does not necessarily lead to “parallel-mania” between Judaism and other traditions. Often, quite the opposite results—comparison highlights what is unique about Judaism.³

In 1997, I became a *ram* at the Hesder Yeshiva of Otniel, a yeshiva I had barely known existed before I was offered the position. (It has since become one of Israel’s largest *hesder yeshivot*, with 350 students and 14 *roshei yeshiva* and *ramim*). I assumed that a traditional yeshiva setting would not accept either of the basic approaches to Talmud study that I had pursued; a “*maḥashavanik*” would be seen as too *ruḥani*, too spiritual, in contrast to the classical *lamdan*, while

the academic scholar would be viewed as not *ruhani* enough. To my surprise, I found that the yeshiva was open to and involved in both the forging of *maḥashavah* and halakhah and the methods of academic scholarship.

I later discovered that much of the inspiration for this approach came from R. Shagar, who had taught one of our *roshei yeshiva*, R. Beni Kalmanson, as well as several of the *ramim*. R. Kalmanson eulogized R. Shagar as a *gedol ha-dorot*, as opposed to a *gedol ha-dor*; individuals who have significant impact on future generations are often, by definition, less recognized by the generation in which they live.

Although I joined the yeshiva in Otniel as a *ram*, I felt that I had once again become a *talmid*, as there was so much for me to learn. The yeshiva has a ḥasidic bent, which seeks the spiritual that goes beyond the intellectual. I discovered that uncovering philosophical meaning in halakhah is a not an end, but a beginning; the challenge is to translate the philosophical meaning into personal meaning and significance, and then to figure out how to incorporate it into one's life.

I have since given up believing that the journey to discover what it means to learn *gemara* will ever reach a definitive conclusion. In recent years, in fact, a number of additional approaches have developed. A colleague from Beit Midrash Ra'ava, R. Shimon Klein, has developed an approach that allows the imaginative faculties to play a role in learning. R. Dov Berkovits of Beit Midrash Beit Av demonstrates the dynamics of group discussion in developing personal significance for the ideas raised in the course of study.⁴ I view these approaches as following, or at least carefully integrating, the use of the intellect, not as supplanting it.

Applying Integrative Methodologies in the Beit Midrash

Although the approaches to *gemara* study that I have encountered over the years are “new,” methodologies in learning have constantly been evolving. The *aḥaronim* clearly related to the *gemara* differently than the *rishonim*. R. Hayyim Soloveitchik changed the nature of *lamdanut*, and his students, such as R. Shimon Shkop, took his methodology to new spheres. In recent times, however, this process has been greatly accelerated. The combination of interdisciplinary approaches and the

explosion of information in our times have led to unlimited possibilities. This rapid rate is inevitably problematic, as new approaches are often not yet ripe or properly developed. In addition, the eclectic nature of interdisciplinary approaches is limited by time constraints. One can devote years to writing a doctoral dissertation, but how does one incorporate various methodologies in a yeshiva, where a new *sugya* is studied every week?

I wish to present a model for coherently applying the methodologies we have mentioned. As previously noted, these are not theoretical models; they are based on experience from thirteen years of teaching in the Yeshiva of Otniel.

What Is Studied

One important factor that contributes to a methodological approach is the choice of what to learn. This includes both the choice of which *massekhtot* are studied and what is stressed in a given *massekhet*.

Meaning and significance for the student are crucial criteria in choosing a text. For example, as I write this essay, this year we are learning *Bava Batra*. Although we hope our students will learn the entire *massekhet* in *beki'ut*, we ultimately decided that the first two chapters would be studied *be-iyyun*, despite the fact that the third chapter is more “*lumdish*.” This decision was made in large part because of the relevance of these chapters, which deal with the relationship between the individual and society. Similarly, when learning *Gittin*, we focused on the last chapters, which deal with *gerushin*, divorce itself, and not the first chapters, which focus on the complexities of the *get*. This choice was made in part because the process of *gerushin*, more than the *get*, sheds light on the nature of marriage; moreover, the problem of refusal to offer a *get*, a burning issue in Israel, is rooted in this topic.

After choosing the text, there is the question of focus in each chapter. When studying the first chapter of *Kiddushin*, one could focus on *kinyanim* or on the nature of marriage and the meaning of the marriage ceremony. Through studying *Nedarim*, one could fine-tune the difference between a *heftza* and a *gavra* or contemplate the very nature of language. Ultimately, the issue is what to stress, as both approaches have merit and neither should be ignored entirely.

This approach to choosing the text to study does not limit the scope of *massekhtot* learnt in yeshiva—it actually expands it. In choosing a text, meaning is a goal, but this does not only imply practical relevance; texts that express values are existentially significant. The yeshiva has in the past studied *Zevaḥim*, a *massekhet* that is unfortunately not currently *halakhah le-ma'aseh*. Nevertheless, the world of the *Mikdash*, for the restoration of which we pray daily, should be an essential part of a Jew's worldview even today.

A famous cover of the *New Yorker* depicts how New Yorkers perceive the map of the world. Not surprisingly, New York City takes up most of the map. Similarly, many traditional *yeshivot* have adopted an outlook wherein legal aspects compose the bulk of *Shas*, while the rest is just peripheral. As a result, even when learning topics beyond *Seder Nezikin*, these topics are found and stressed. When learning *Gittin*, focus is placed on testimony and the validity of legal documents (*edut* and *shetarot*); when studying *Kiddushin*, stress is placed on *kinyanim*; analysis of *Ketuvot* is associated with clarifying *sefekot*. These abstract and legal concepts are important and must be studied, both for their inherent value and in order not to be completely disjointed from the *olam ha-yeshivot*, but in our yeshiva, they are studied in smaller proportion. Our goal is meaning and significance for the student.

Introduction to the Massekhet

The second stage after choosing the text to study is devoting time to an introduction to the *massekhet*. The study of the relevant *pesukim* in the Torah is but a small investment of time, but it is of great qualitative value for the course of learning. Study of the basic ideas that emerge from the *Torah she-be-khtav* is a significant backdrop for tracing the development of these ideas and seeing how they are applied in the *Torah she-be-al peh*. It also sharpens the ability to contemplate the relationship between the *Torah she-be-khtav* and the *Torah she-be-al peh*.

For example, when the yeshiva studied *Bava Kamma*, there was a weekly *shi'ur* in which each of the *ramim* was able to express his understanding of *Ḥazaḥl's* interpretation of “an eye for an eye” as referring to monetary compensation.

The introduction includes the study of the *mishnayot* of the relevant chapters as well. The ability to see the entire chapter of Mishnah as a unit and contemplate its structure is yet another significant point of reference before the study of the *gemara* actually begins. For example, study of the *mishnayot* of the first chapter of *Kiddushin* allows the student to analyze the similarities between the *kinyan* of *kiddushin* and other *kinyanim* and to uncover what is unique about it, a study that sheds light on the essential nature of *kiddushin*.

Plan for the Zeman

The introduction generally takes about a week. The bulk of the *zeman* will be dedicated to the routine of learning *sugyot* one by one. By now, there have been a number of staff meetings to decide which *sugyot* to study and which to skip. The goal is to create a curriculum that covers the major topic of the *massekhet*, along with some unrelated *sugyot* whose significance demands that they be discussed.

For example, the topic of *kinyan devarim* appears in *Shas* only in the first chapter of *Bava Batra*. Although it is not relevant to the major topic of the *massekhet*, this would be the only opportunity to study it. On the other hand, although this chapter also discusses the laws of *sefekot*, they are discussed extensively elsewhere, and would thus be more likely to be skipped in this context.

Individual Sugya

Here we have arrived at the heart of the challenge—the study of each individual *sugya*. Obviously, each *rebbe* has a different style; I will refer to a major trend among the *shi'urim* in our yeshiva, but I cannot speak for all. Furthermore, every *sugya* presents its own challenges, and no one formula is appropriate for each. The discussion below is thus purely a model.

The stages in learning a *sugya* are generally chronological. By virtue of the introduction, the relevant *pesukim* and *mishnayot* have already been studied, so it usually only takes a short time to complete the biblical and tannaic sources, reviewing them in the particular context of the given *sugya* and adding *midrashei halakhah* and *Tosefta* when relevant.

The next stage is the *gemara* itself—primarily *Bavli*, but the *Yerushalmi* as well. In this stage, an attempt is made to build up the basic *sugya* from within the *gemara* itself. This certainly takes more time than if the *gemara* is treated as a jumping board to the *rishonim*. However, if the student arrives at the next stage of studying the *rishonim* and *aharonim* after having himself dealt with the challenges that these commentators faced in unraveling the *gemara*, he actually saves time in the end; this approach makes it easier to understand the commentators. In addition, the student attains added insight into the paths each commentary has taken.

What takes place during each of these stages? When I studied at Yeshivat Har Etzion, I was taught a basic formula for breaking down and analyzing a *sugya*: seek the source (*makor*), the halakhic definition (*hagdarah*), and the scope (*hekkef*). From these, one attempts to uncover the nature (*ofi*) of the particular law. In my teaching, I add two additional steps. Once the *ofi* of the law has been determined, we ask the “why” and search for the meaning. To this conceptual approach, textual sensitivity is applied by noting the literary structure of the sources and by studying each in its own terms, meaning clarifying what is mentioned and what is not mentioned in each source.

An example of this method is demonstrated in the appendix at the end of this article.

Shi’ur Kelali

One basic way of broadening the scope of use of methodologies is through the *shi’ur kelali*, the *shi’ur* given by the Rosh Yeshiva to the entire yeshiva. In many *yeshivot*, the *shi’ur kelali* is on a topic that has not been studied over the course of the week. In Otziel, the *shi’ur* deliberately focuses on what was studied during the week to air different approaches, thus turning the *shi’ur* into a discussion in which both staff and students actively participate, rather than a lecture. The Rosh Yeshiva giving the *shi’ur* sees his role not as a solo performance but as a conductor of an orchestra.

Yemei Iyyun

Another method of enrichment is through *yemei iyyun* for the entire *beit midrash*. These generally take place toward the conclusion of a *massekhet*. In these contexts, staff and students have the opportunity to share insights and discoveries that arose during their learning. This is also an opportunity to invite guest speakers who specialize in the relevant fields.

For example, at the conclusion of studying *Bava Kamma*, we examined how Israeli law relates to the *halakhot* of *nezikin* (torts). Judges Neal Hendel and Moshe Drori were invited to present the similarities and differences between current Israeli law and halakhah. To allow for a meaningful discussion, the students prepared in advance by studying a number of the two judges' court decisions.

Throughout the study of *Massekhet Kiddushin*, the *beit midrash* contemplated the nature of marriage that emerges from the study of the *massekhet*. Toward the end of the *zeman*, we studied the validity of civil marriage based on the conclusions of various *sugyot*. R. Shlomo Dichovsky, a leading member of the rabbinical high court, shared his opinions and experience on this issue. In order to relate to policy issues, we hosted R. Yaakov Medan, who has written a covenant for Israeli general society together with Judge Ruth Gavison in an effort to overcome the gap between religious and secular Israelis when it comes to civil marriage.

While studying *Massekhet Shevi'it*, we traveled to fields and met with farmers. This contributed to an understanding of the realia concerning the agricultural aspects of the *sugya*. Students also heard first-hand how farmers planned to meet the challenges of observing the laws of the then-upcoming *shemittah* year. We also hosted a professor of agronomy (the study of soil, especially as it relates to agriculture), who gave a more scientific view of the agricultural elements involved.

When we finished *Massekhet Gittin*, we attempted to study the different sides and approaches to dealing with the *agunah* issue. We met R. Eliyahu Ben Dahan, the head of the *beit din* in the Israeli court system, and once again with R. Shlomo Dichovsky. In addition, R. Elyashiv Knohl came to the yeshiva to present his proposal for prenuptial agreements.

We conduct ancillary studies of topics in a year's *massekhet*. While we were studying *Massekhet Berakhot*, *tefillah* workshops took place. When we were studying *Massekhet Shabbat*, classes exploring the different meanings of Shabbat were held. When we were learning *Massekhet Nedarim*, which deals with the ability to create commitments and prohibitions through the power of speech, the parallel "spiritual" work was focused on uplifting speech. In addition, there were classes on *Sefer Yeẓirah*, which deals with the spiritual and philosophical underpinning of language in Judaism. Learning *Massekhet Bava Kamma*, which focuses on damages to property and theft, led one of the staff members to give a lecture series about ethical and spiritual issues relating to money.

Beyond the Beit Midrash

While there is certainly an inherent value to the Torah studied in yeshiva, every institution aims to give its students the tools to continue learning Torah after leaving the confines of the *beit midrash*. The *mizvah* of learning Torah applies "*be-shivtekha bi-veitekha u-va-lekhtekha baderekh*" (Deut. 6:7), in the home and on every path in life, not only to time spent in the *beit midrash* as a formal student. Torah learning must eventually be applied in the home, in discussion between parents and children, and in the encounter with the outside world. This means that *yeshivot* must be realistic about the time constraints and environments that students will one day find themselves bound by.

When I studied at Yeshiva University, I recall, some students explained that they did not learn during night *seder* because only learning *gemara be-iyyun* is of value, and in a two-hour night *seder* there was not enough time to properly learn in depth. The yeshiva stresses certain forms of *gemara* study, especially the simultaneous use of multiple methodologies, which are often too complex to be continued after leaving that environment, when students face the challenges and limitations of family life and profession. The challenge is not to try to replicate what is done in the *beit midrash*, but to find ways to use the many facets of learning as ingredients to be rehashed in appropriate and relevant forms.

A good example is the study of Mishnah. The Mishnah itself is short and easily understood, making it appropriate to learn even in short time periods or in a family setting with people of different ages and backgrounds. The study of Mishnah is often technical and dry, however. Using the literary tools developed by R. Walfish mentioned earlier and using the resultant literary structures to uncover meaning can turn the study of Mishnah into a rich Torah-learning experience.

The task of preparing students for study after leaving the *beit midrash* must begin within the *beit midrash* itself. For years, a group of students in our yeshiva met weekly to study a chapter of Mishnah. In a short time, the students became active participants, picking up the basic methodologies. Evidence of their participation can be found in the numerous insights of the students quoted in the book that evolved from these classes, *Nishmat ha-Mishnah*.⁵

Similarly, our staff prepares students for a different type of *gemara* study. One of our teachers, R. Amnon Dukov, begins each morning with a daily *gemara shi'ur*, going page by page, and he tries to limit it as much as possible to the basic text of the *gemara*. He uses a number of basic techniques, among them focusing on understanding what underlies the flow between the seemingly associative topics within the *gemara*. A step up from regular *beki'ut* study, this presents a realistic style for graduates to continue after they leave the yeshiva. The yeshiva's website also includes a forum that coordinates the study of *gemara* for graduates. Everyone can post ideas and insights about the *daf* currently studied by the forum.⁶

CHALLENGES OF NEW METHODOLOGIES

Dangers of the Eclectic

Now that we have seen the possibilities for Torah study that have been provided by new approaches, we must discuss the potential pitfalls of using them and how these problems may be addressed.

I strongly believe that different methodologies should be used in tandem. The complex nature of *gemara* is a reality that requires a multifaceted approach. A student can exhaustively apply one methodology and still arrive at skewed conclusions, since he will

have ignored other dimensions of the *sugya*. For example, many learned articles analyze in overwhelming detail the textual aspects of the *sugya*—the manuscripts, philology, realia, etc.—but lack the conceptual underpinnings to achieve a sound understanding. The opposite phenomenon of conceptual study without textual analysis can similarly lead to problems.

There is a threefold danger, however, in using multiple methodologies.

First, a little knowledge is a dangerous thing; it is certainly perilous to use methodologies without knowing how to use them. Using several methodologies generally leads to being less familiar with each of them, and thus may lead to a more confused process than had one focused only on one approach. The student must recognize this danger and be aware of what he does not know. There should also be means for students to learn the basics of the methodologies that they are exposed to and expected to apply. If this exposure is not offered in special classes, the teacher must relate to the methodologies during the *shi'urim*. We cannot assume that students will absorb these foundations by osmosis.

Second, when a *shi'ur* is tackling a topic from many vantage points, less time can be devoted to each method. To avoid sloppiness about the essential, the teacher must often skip what is peripheral. Ultimately, there is a price for this approach, but it is a price I am willing to pay.

Third, with many tools at one's disposal, there are great temptations to sacrifice intellectual honesty. Instead of using multiple methodologies to test an idea, one may use them to create a "supermarket" to pick and choose items that push a pet theory.

The use of manuscripts is a good example. Alternative *girs'a'ot* must be invoked not only in order to promote a particular idea, but also to temper it. For example, I have argued that the celebration of the *simḥat beit ha-sho'evah* is a reenactment of the story of the bringing of the ark to Jerusalem by King David and that the singing and dancing of the "*ḥasidim*" represent that of David himself. What could be a better proof than the *mishnah* that states that the *ḥasidim* said "*shiroṭ ve-tishbaḥot*," a phrase also used by *Hazal* to describe David's

poetic endeavors? All the manuscripts of the *mishnah*, however, just read “*tishbahot*” instead of “*shiroi ve-tishbahot*,” creating a much less striking analogy to David.⁷

Similarly, I argue that *Massekhet Tamid* 1:4 parallels Song of Songs 2:12–14. After all, the Mishnah uses the phrase “*higgi’a et*,” matching the words of the verse, “*et ha-zamir higgi’a*.” Once again, however, the word *et* does not appear in the reliable manuscripts of the Mishnah.⁸

Ultimately, to overcome the challenge of selective use of methodological tools, it is critical that there be an opportunity for interaction, feedback, and critique between *lomedei Torah*.

Halakhah and Maḥashavah

As I mentioned earlier, R. Zvi Yehuda Kook quoted Hatam Sofer as stating that mixing halakhah and *aggada* is forbidden as *kil’ayim*.⁹ The attitude opposing interaction between halakhah and *maḥashavah* often assumes that classical *lamdanut* is more of a vehicle to uncover the *peshat*, to touch on the original meaning of *Hazal*, than *maḥashavah* is.

I believe that, in essence, the opposite is true. I do not mean to devalue classical *lamdanut*; rigorously uncovering the implications of *Hazal*’s *halakhot* is significant even if it does not uncover the conscious intent of the *ḥakhamim*. *Lamdanut* is, in fact, an essential source for the model of learning *gemara* that I have presented. However, the genre of *maḥashavah* is closer to that of halakhah. As Yonah Frankel has pointed out, all of our sources from *Hazal* contain both halakhah and *aggada*—the *Bavli*, *Yerushalmi*, *midrashei halakhah*, and, to a lesser extent, the Mishnah and Tosefta. The same *ḥakhamim* engaged in both genres.¹⁰ The idea that halakhah and *maḥashavah* are unrelated would also contradict all we have learnt from anthropology and comparative religion. Rituals have significance and meaning, and often reflect a value system. The burden of proof is on anyone who would argue that Judaism is the exception.

In practice, however, matters are more complicated. There are indeed serious challenges to attempts to uncover the *maḥshevet ha-halakhah*. Just as many dogmatically deny the very possibility that *maḥashavah* considerations form the basis for the halakhah, some

have gone to the other extreme, maintaining that every detail of the *shakla ve-tarya* teaches us a fundamental idea. The famous guru George Gurdjieff tells of a man walking with the devil. The man asks the devil what another man is doing, and the devil responds that he is collecting truths. The man then asks why the devil is not frightened by this attempt, and the devil replies that he has no reason for concern; ultimately, the person will turn the truths into a dogma.

A second problem of intertwining halakhah and *maḥashavah* is its newness. For many years, methodologies of *lamdanut* were created, exercised, and polished. No such methodologies have been formed for *maḥshevet ha-halakhah*. In my doctorate¹¹ and my book on Sukkot,¹² I grapple with this challenge, but there is still a long road ahead.

I will address the third and, in my opinion, the most serious problem in the next section.

Spirituality Needs Scholarship

Academic scholarship and the search for spiritual meaning are two different drives, but both are significant, and it is necessary to incorporate both in learning. I believe that this is true not only because each contributes to and deepens study, but precisely because the differences between them may help each to overcome the pitfalls and dangers of the other.

Although I believe in the essential relationship between *maḥashavah* and halakhah, the fact that *maḥashavah* has personal, subjective significance—as opposed to *lamdanut*, which is generally more abstract and detached—leads to a gap between critically and objectively understanding the sources, on the one hand, and expressing a subjective, personal worldview through the sources, on the other. The subjectivity of *maḥashavah*, the “spiritual meaning” of the text, must somehow be counterbalanced.

The following anecdote articulates both the problem and an approach to respond to it. When Professor Benjamin Ish Shalom opened his institution, Beit Morasha, R. Amital asked him whether it would be like a university or a yeshiva, the difference being that “in university, you want to know what Rav Kook *said*; in yeshiva, we want to know what Rav Kook says *to us*.” Ish Shalom, who desired to combine

the best elements of both approaches, replied, “I want to know what Rav Kook says to *me*.”¹³ Ultimately, the professor agrees that study should lead to personal significance, but he demands that it be based on and following from the best effort to uncover the original meaning. To do this, one must be conscious of what emerges from the text itself and what its implications are. Academic scholarship, which seeks to at least partially detach a person from his subjective understanding of the matter studied, allows for a two-step process that can temper subjective interpretations. Without this, the search for meaning can leave one looking at a mirror instead of through a window.

Scholarship Needs Spirituality

Academic scholarship attempts to view each source in its own context. This, of course, leads to the realization that *peshuto shel mikra*, the simple reading of the Torah, is not necessarily always identical with the commentary of *Hazal*. The challenges raised by this situation are more of an educational than a theological nature, as there are many sources for this type of explication and many instances of *rishonim* and *aharonim* who justify or practice this approach.¹⁴ The problem must be dealt with, however; if this method leads to an interpretation of texts that differs from the classical one, it may undermine the authority of these sources and, thereby, the binding nature of halakhah. It is beyond the scope of the present discussion to adequately address this issue, but I will attempt to point to a general approach.

Those with experience in *gemara* study recognize that not every commentary provides the simple meaning of the source it intends to explain. There may be an educational danger in acknowledging this reality, but there is an educational danger in denying it as well, especially as students themselves often raise this issue. The educational approach of a teacher who offers far-fetched explanations, trying to convince students that the problem surfaces only because of the limits of the students’ intellectual grasp and refusing to accept the problem that the students see, may ultimately, God forbid, cause severe damage to the students’ trust in their teachers and the Torah itself. Basing commitment to the *Torah she-be-al peh* on the argument that it involves no development whatsoever may cause some to abandon

it entirely. Students who sense that commentary includes a creative process in addition to a descriptive one may conclude that the *Torah she-be-al peh* lacks sanctity and that there is no need to be committed to it. It is essential that these issues be raised and grappled with within the *beit midrash*, as often students face these questions only later, when they are no longer part of an atmosphere that can help them deal with these issues from a vantage point of *yir'at Shamayim* and theological depth.

R. Kook writes about three major revolutions of the (then) “new thinking”—sociology, cosmology, and the theory of evolution. Each of these changes was perceived as threatening to faith. R. Kook’s approach was to meet the challenges not by ignoring them or by denying them all validity, but by viewing them as challenges to discover the divine within them, and ultimately to enrich faith and achieve a deeper understanding of God through them.¹⁵ Similarly, questions rooted in academic study may serve as an opening for deepening the study of *Torah she-be-al peh*. A believer says, “When *Mashiaḥ* comes, my grandmother will rise from her grave,” while a nonbeliever says, “When my grandmother rises from the grave, *Mashiaḥ* will come!” The formulation and the melody can make all the difference between faith and heresy; a *beit midrash* is capable of offering the correct melody.

The traditional method of *gemara* learning leaves little room for any approach that stresses the development of the *Torah she-be-al peh*, primarily as a result of assumptions relating to two fundamental issues—the nature of commentary and the nature of the Oral Torah itself. Rethinking these topics—and teaching them differently—can help us successfully grapple with the challenges posed by developmental theories.

If the value of a commentary is entirely related to its ability to passively uncover the original intent of the author, it is difficult to accept any gloss that does more than that. One of the major revelations in our times (although often taken to an extreme in postmodern thought) is the realization that legitimate commentary can be dynamic. It seems clear that *Hazal* themselves had a complex conception of commentary. Statements such as “*lo ba-Shamayim hi*”¹⁶ stress a preference for the commentator’s understanding of the text over that of God. “*Eilu*

*ve-eilu divrei Elokim hayyim*¹⁷ envisions the possibility of multiple truths in interpretation. The famous story of Moses not understanding what R. Akiva quotes in his name attests to this as well.¹⁸

What is the *Torah she-be-al peh*? Some suggest that the existence of two *Torot* reflects the fundamental differences between them. The Written Torah is by nature fixed, whereas the Oral Torah is not written deliberately in order to maintain its fluidity. R. Moshe Glazner, the author of the *Dor Rivi'i*, writes:

Know that there is a major and obvious difference between the *Torah she-be-khtav* and the *Torah she-be-al peh*: The *Torah she-be-khtav* was given to Moses word for word, from “*Bereishit*” to “*le-einei kol Yisrael*,” whereas the *Torah she-be-al peh* conveyed to him included the content, but not the words . . . as words can be passed down only in writing. . . . By the very nature of oral transmission, there will be differences in understanding between people, as each will put in some of his personal understanding. . . . In truth, we see the Torah’s wonderful wisdom in that it gave the sages of each generation [the ability to give] the commentary on the Torah, so that the Torah will live with the nation and develop with it, and this is its eternity. With this [understanding] we can explain the phrasing of the blessing recited after [reading] the Torah: “Who gave us a Torah of truth [*Torat emet*] and implanted eternal life [*hayyei olam*] within us.” The Tur explains that the “Torah of truth” is the *Torah she-be-khtav*, whereas “eternal life” refers to the *Torah she-be-al peh*. . . . Thus the *Torah she-be-al peh* is not called absolute truth, but “agreed-upon truth,” which is dependent on the understanding of the judge in your time. For this very reason, it is called “eternal life implanted within us,” because through it, the living spirit of each generation will come to fruition.¹⁹

The Torah is eternal because it is fluid and dynamic.

R. Kook similarly acknowledges human input in the *Torah she-be-al peh*:

The spirit of the nation did not generate *Torah she-be-khtav*, but the spirit of God, creator of all, created it.... In the *Torah she-be-al peh* ... we feel the spirit of the nation, which is connected like a flame to a coal to the true light of the Torah, causing, through its special qualities, that the *Torah she-be-al peh* was formed in its unique form. Certainly, man's Torah is included in God's. The spectator's open eye looks through the lighted speculum; [this is] true to all houses of God. It is impossible that from him there will be hidden this abundance in all its developments. These two lights make a complete world, where heaven and earth meet.²⁰

The source of this passage has, in fact, been censored. In the original passage taken from R. Kook's journal, the line reads "*she-Torah she-be-al peh nozeret*," that the *Torah she-be-al peh* is formed, in the present tense, and not in the past, as indicated in the printed version. R. Kook viewed the formation of the *Torah she-be-al peh* as a process that not only occurred in the past but continues to occur in the present.²¹

Rav Kook's conception of the *Torah she-be-al peh* is rooted in the Kabbalah. In kabbalistic thought, the *Torah she-be-khtav* and the *Torah she-be-al peh* are represented in the 10 Divine *sefirot*; *Torah she-be-khtav* is represented by *tiferet*, "splendor," and *Torah she-be-al peh* by *malkhut*, "royalty." *Malkhut* reflects the Divine presence within reality and is the spiritual representation of Israel within the *sefirot*. Much of Kabbalah deals with the interaction between *tiferet* and *malkhut*, including the interactions between God and Israel and between the *Torah she-be-khtav* and *Torah she-be-al peh*. In simple terms, the kabbalistic conception of the Divine is that God is not only transcendent but immanent, and can be expressed and revealed through human endeavor. Therefore, the fact that there is human creativity and participation in the formation of the *Torah she-be-al peh* does not undermine its status as an expression of the Divine. The

sanctification of the human element of the *Torah she-be-al peh* gives it greater validity and legitimacy than if it was merely “human, all too human.”

While this is obviously a simplistic explanation of the kabbalistic concept underlying R. Kook’s approach, I believe it is important to stress that the Kabbalah offers a perspective on dealing with these issues.

There is a further important point relevant to academic study of the *Torah she-be-al peh*. Seeing a creative process within the insights of the anonymous editors of the *gemara* is problematic if this leads to the impression that their innovations are less authoritative. But the authority of the *gemara* stems from its acceptance by *kelal Yisrael*,²² and the anonymous parts of the *gemara* are certainly included in what was accepted. We know that *gadol mei-rabban shemo*—when a rabbi is cited by his name alone, without any title (such as Hillel), it is a reflection of his greatness. I would add that *gadol mi-shemo sham*—remaining anonymous is even greater than being named at all.

Academic scholarship needs spiritual tempering to protect faith, but also because an approach that lacks faith ultimately limits a student in the search for truth. I have a friend who studied Greek philosophy because he recognized that the works of the Greek philosophers changed the world. He complained that the professors had no faith. “Why would you expect the professors to be religious?” I asked. “You don’t understand,” he replied. “I mean they have no faith in Homer, Aristotle, and Plato!” The prevalent presumption of the academic world—that one must be emotionally detached from the topic studied in order to be objective—undermines the ability to uncover the deep truths of the topics studied. Lack of spiritual context not only makes an academic approach to the *gemara* dangerous; it impedes a basic understanding of the text.

R. Shagar goes a step further in criticizing the academic world’s claim of truth based on its “objectivity” and detachment from the text, challenging this assumption based on the postmodern argument that all readers have preconceptions when approaching a text.²³ Commentary may come from the outside; the commentator deliberately detaches himself from what he is studying, thus giving him

a broader perspective, as he looks from afar. However, commentary may emanate from a different direction; the commentator identifies with what he is studying and has the advantage of understating it from the inside. Ultimately, the postmodern preference is for understanding that comes from within.²⁴

I would add the need to be aware of the strengths and limitations of both the inside and outside commentary; a balance between scholarship and spirituality, a golden mean, must be navigated.

The Mixed Blessing of the Experiential

A balance is necessary not only between spirituality and scholarship, but within spirituality itself.

I grew up in a *litvish* environment, in which religious values focused on *yir'at Shamayim* and commitment particularly in the context of fulfilling the halakhah. In Israel, I encountered additional dimensions in *avodat Hashem*, a more ḥasidic approach that focuses on love, joy, and seeking to experience God.²⁵ In this context as well, there is a need for synthesis, as opposed to a black-and-white choice between alternative paths.

After several years of teaching, I realized that enthusiasm for the more ḥasidic approach was actually doing a disservice to many of my students, who did not have the privilege of growing up in the *litvish* tradition and for whom the experience of *avodat Hashem* was thus primarily experiential, the *havaya*. This approach is problematic for three reasons. First, instead of being a means to greater closeness to God and a deepening of one's service to the Divine, the spiritual experience becomes an end in and of itself, a phenomenon evidenced by the growing popularity of New Age movements. Second, personal experience becomes the only criterion for legitimacy; if I can't relate to something, I simply don't do it. Finally, focus on the experiential can lead a person to be self-involved and less attuned to others.

In order to preserve the experiential element of *avodat Hashem* while avoiding its descent into amorphous "spirituality," a focus on *yir'at Shamayim* is necessary. We are taught that "*reshit ḥokhmah yir'at Hashem*" (Ps. 111:10); in our time, we should add that "*reshit havaya yir'at Hashem*." Similarly, just as the Mishnah (*Avot* 3:17) calls for a

balance between wisdom and action so that the wind will not uproot a flourishing tree with shallow roots, we must stress the balance between action and experience.

From an educational perspective, it is no small challenge to achieve that balance. It is not sufficient to simply note each value, especially if the other is stressed. I ultimately realized that this balancing must be a day-to-day challenge, and not merely a topic for an occasional talk. For many years, I have begun each class with my students by noting the date and then adding the verse, “This is the day that God has made; we will rejoice and be glad in it” (Ps. 118:24), thereby expressing the perspective that life itself is a blessing and that joy is to be found in recognizing this reality. As a result of the concerns outlined above, I have adapted my practice somewhat; before this verse, my students and I recite the last verse of Ecclesiastes together: “The end of the matter, when all is said and done: Fear God, and keep his commandments, for that is the whole duty of man” (Ecc. 11:13).²⁶

Use of New Methodologies in Israel and in America

Many have noted that the use of the approaches discussed above is much more prevalent in Israel than in America. Many view this as stemming from the fact that the thought of R. Kook is much more pronounced in Israel, while that of R. Yosef Dov Soloveitchik has been influential in American trends of learning. In reality, however, I think the answer is more complex. As I have already noted, many of R. Kook’s followers are at the forefront of the polemics against these approaches, often fiercely criticizing the concept of *maḥshevet ha-halakhah*. On the other hand, many of the figures promoting these methodologies are American-born, including R. Avraham Walfish and R. Dov Berkovits, as well as R. David Bigman, Rosh Yeshiva of Yeshivat Ha-Kibbutz Ha-Dati, R. Mayer Lichtenstein, my colleague in Otniel, and R. Tzuriel Wiener, head of Beit Midrash Ra’ava. Furthermore, many of these teachers view themselves as students of R. Soloveitchik or of his students, and they draw inspiration from his thought.

As is the case with many great men, both R. Kook and R. Soloveitchik were many things to many people. R. Yoel Bin Nun once described the difference between the way R. Kook’s two primary

students approached R. Kook's thought. R. Zvi Yehuda Kook skipped the philosophical and kabbalistic passages in his father's writings, focusing on the more tangible aspects, while R. David Ha-Kohen, the Nazir, would begin each *shi'ur* by asking one of the students to recite the ten *sefirot* in their proper order. Ultimately, R. Zvi Yehuda's approach, with its strong focus on *Am Yisrael* and *Erez Yisrael*, became dominant in Mercaz Harav; the impact of the more philosophical side of R. Kook is sensed through the works edited by the Nazir, such as *Orot ha-Kodesh*. As a result, the impact of the latter approach was felt initially on an individual rather than an institutional level, until the two men ultimately became part of or founded institutions themselves.

Similarly, R. Soloveitchik was a complex personality. In addition to being a successor to the tradition of Brisk and his commitment to many aspects of that conception of Torah, he demonstrated interest in philosophy, knowledge of *Hasidut* and Kabbalah, and openness to academic studies (although not in relation to the study of Talmud). This complexity impacted on his Torah study. The same R. Soloveitchik who was able to eloquently present the classical distinction attributed to the Brisker method—the distinction between searching for the “what” as opposed to the “why”—often engaged in a more philosophical quest in his explanation of the halakhah.

Ultimately, then, the issue is more fundamental than the difference or similarity between two prominent personae. The question becomes why certain sides of each personality were perpetuated and developed while others were not.

A possible theory regarding the different trends in Israel and America was suggested by R. Shagar. A major thesis of R. Shagar's book is the relationship between methodology and motivation for Torah study to the worldview of the student. As he discusses this extensively, I will only relate in the present context to the implications for the issue at hand.

R. Shagar distinguishes between two basic approaches to the relationship between Torah and life. One conception, which he attributes to the Brisker approach, views the divinity and eternity of the Torah as part-and-parcel of its being abstract and autonomous, and thereby disjointed from life and reality. The Torah's alienation

from the natural flow of life is in many ways a dogma and ideal. It leads to the creation of a closed language of *lamdanut*, denigration of *balabatish* reasoning, seeing a divide between how people think and how the Torah thinks, and viewing the Torah as devoid of emotional or human elements, and thus claiming that the *mizvot* lack reasons.²⁷

Within Israel, R. Shagar discerns a growing thirst for ways that Torah can illuminate life's questions and challenges, to a linkage between the flow of life and the Torah. Is God's will manifested exclusively within the realm of halakhah, or can God be found within life itself? The return to *Erez Yisrael* and the fact that they live as part of *Medinat Yisrael* has led the Dati Leumi community in Israel to prefer the latter approach.

The prominence of American-born teachers in these trends in Israel is logical, simply because their range of knowledge in different realms is broader in many ways. Thus, the new approaches link the potential presented by American Jewish education with the milieu of *Erez Yisrael*.²⁸

I believe that there is a necessity for the application of these methods in the American Modern Orthodox community as well. There is a value to openness to the world which may justify its price, but this is a potential that must be actualized in practice. In a community that values Torah, exposure to secular pursuits must lead to a significant impact on the study of Torah, including the study of Talmud, which remains the primary text of Torah study in high schools and *yeshivot*.

The openness of the Modern Orthodox community has allowed for new opportunities for women to study Torah, in particular the previously inaccessible text of the Talmud. Many women indeed feel privileged to have been born in a generation in which they have these opportunities. When men in the Modern Orthodox community feel similarly—that openness has enabled them to better serve God and study His Torah—the Modern Orthodox community will have succeeded in validating its decision to accept the challenges of openness.

CONCLUSION

In this article, I have argued that new methodologies and approaches to the study of *gemara* present exciting possibilities and potential for advancement and learning. Although these approaches must be fine-tuned and more fully developed, their application in the yeshiva setting has been successfully implemented.

Numerous objections have been raised to these newer approaches, but many can be overcome. Among the principal difficulties that I have outlined is the use of numerous different approaches. On the other hand, I have noted the danger of limiting study to one approach alone, which can at times skew the picture of the *sugya* at hand. As my title says, scholarship needs spirituality and spirituality needs scholarship; each force tempers and develops the other, and both are crucial.

The challenge of our generation of Torah teachers is to find the proper balance between these two trends so that we can convey the wisdom of the *gemara* in the most productive way possible.

APPENDIX: STAGES OF A SUGYA

In the context of describing how individual *sugyot* are taught, I presented a model for studying the various stages of a *sugya*. So that the model will not remain theoretical, I will bring an example from one *sugya* in *Bava Batra*, “*hezzek re’iyyah*.” This is not designed to be an article on the topic, but rather a general description of the stages of study performed by my second-year students. Therefore, no attempt will be made to prove or fully develop any particular point. I will not focus on the early stages of learning, defining the *makor*, *hagdarah*, *hekef*, and *ofi*, but rather on the additional aspect of incorporation of different methodologies and strategies. My goal is to give a feeling of the flow of the study process.

We ultimately dedicated two weeks to this topic. Most of the first week was focused on studying the sources in *Hazal*. We then devoted a week of study to the major *rishonim* and *aḥaronim*, and finally concluded the third stage by going through the *posekim*, focusing on recent halakhic responsa.

The *sugya* of “*hezzek re’iyyah*” focuses on one central question: By what authority can one be forced to build a wall to protect his neighbor’s privacy? The conclusion of the *gemara* is that it results from the principle of *hezzek re’iyyah*. Presumably, this means that it is an act of *nezek* to look into your neighbor’s property. Since it is forbidden to be a *mazzik*, one can be forced to build a wall in order to prevent this damage.

The phrase *hezzek re’iyyah* does not appear in the Mishnah, the *Yerushalmi*, or even in statements by *amoraim* in the *Bavli*, but only in the *stam* of the *gemara*. This certainly does not preclude the possibility that the concept precedes its first literary mention, but it does open the possibility to investigate whether there are other approaches to understanding the principles that emerge from the Mishnah. It is plausible that the wall is built to ensure privacy. But the question remains if the invasion of this privacy *must* be defined as an act of *hezzek*, as would seem to be implied by the *stam*, a categorization that has multiple ramifications. If this is not an act of *hezzek*, by what right can we force a neighbor to build the wall?

The premise of our course of study is that all opinions must accept the conclusion of the *gemara*, the halakhah that a neighbor must build a wall between properties, and that that halakhah is based on the principle of *hezzek re’iyyah*. But different *rishonim* and *aḥaronim* may assume different underlying concepts for this principle, and thus reach different conclusions about its application.

Our study of the *sugya* began by learning the *mishnayot* of the first chapter of *Bava Batra*, which deals with situations in which one is obligated to participate in a joint building endeavor that serves a common need. The chapter relates to this in the contexts of relationships between partners, neighbors, and members of a city. From the structure of the chapter, it appears that the relationship itself leads to obligations in situations of mutual need when that need is determined to be fundamental. In the case of partners or members of a city, the logic of this point is self-evident, as one is part of a unit. The *ḥiddush* of the *mishnayot* is the application of this concept to the relationship between neighbors. Even though the neighbors have not explicitly created a contractual relationship, there is a relationship

between them that cannot be denied and that can lead to mutual responsibility.

This point is highlighted by comparing Rambam's codification of these *halakhot* to the discussion in the *mishnah*. According to the *mishnayot* (*Bava Batra* 1:1–4), there are three principles to consider when determining whether one can force someone else to participate in a joint venture: (1) one can force participation for needs that are fundamental or customary; (2) one cannot force participation for needs that are not fundamental; 3) if it can be determined that a person utilizes something that was paid for by the other person alone, he can retroactively be forced to pay his part of the venture, even if it is not a fundamental need. According to the simple reading of the *mishnayot*, this list of principles, which appears twice, applies in the context of the relationship between neighbors (with the possible exception of *mishnah* 1:1).

Rambam (*Hilkhot Shekheinim* 5:1) brings the same list in the same order, but he limits the application of these three principles to the case of someone who wishes to compel a partner to participate in a joint venture. Partners are bound by these logical principles because they have entered into an agreement together.

Rambam limits the application of these principles to partners, and not to neighbors, because he follows the *Bavli's* development of the *mishnah*, which is based on a number of *ukimta'ot*. In the context of partners, Rambam intuitively reaches the same principles that the simple reading of the *mishnah* does.²⁹

Understanding the structure of the *mishnayot* helps explain the *gemara's* discussion. Should we interpret the *stam* in light of that structure, leading to the conclusion that *hezzek re'iyah* is fundamentally connected to the relationship and responsibilities between neighbors, or should we interpret the *mishnayot* in light of the *stam*, concluding that the principles guiding neighbors are governed by the concept of *hezzek re'iyah*?

Among the *amoraim*, we find that the building of a wall can be obligated even when it does not serve a mutual need. For example, when a roof overlooks a courtyard, Shemuel obligates the owner of the roof to build a wall four *ammot* high to protect the privacy of those who live

in the courtyard (*Bava Batra* 6b). However, here, too, it is not obvious that the prohibition to be *mazzik* underlies the obligation. As R. Isser Zalman Meltzer points out,³⁰ the owner of the roof is also obligated to build a wall of ten *tefaḥim* between his roof and adjacent neighboring roofs. The purpose of this short wall is not to prevent *hezzek re'iyah*, but to delineate the properties and identify the owner of the roof as a thief if he tries to enter his neighbor's property. Clearly, there is a mechanism that forces a person to build to protect a neighbor's needs even when the person is not a *mazzik*. R. Isser Zalman Meltzer views that mechanism in the context of neighbors' mutual obligation not to infringe on one another's property rights.

Yet another approach to the nature of the problem of invading privacy appears in the context of the prohibition to open a window facing an existing window (*Bava Batra* 60a). R. Yoḥanan seems to view the problem as lack of *zeni'ut*. The *stam*, however, masterfully presents the approach that the problem is *hezzek re'iyah*.

The first *sugya* of *hezzek re'iyah* (*Bava Batra* 2a–3a) is far from spontaneous *shakla ve-tarya*; it is carefully orchestrated. There are seven parts to the first part of the *sugya*, a typological structure for Talmudic *sugyot*.³¹ Five of the six *mishnayot* of the first chapter, a *mishnah* in the second chapter, and the statement of Shemuel are interpreted as focusing on looking into the neighbor's domain as the central problem. Although the first part of the *sugya* takes the position that *hezzek re'iyah* is not *hezzek*, this ultimately holds true only in regard to the first *mishnah*, whereas in all the other cases there is an obligation to build a wall. Finally, the *sugya* comes to the conclusion *hezzek re'iyah shemeih hezzek*, damage through looking into another's property is considered damage even in the case of the first *mishnah*.³²

That the *sugya* is a deliberate literary creation can be demonstrated even from minor points. For example, the *sugya* begins by bringing a proof that the word *meḥizah* in the *mishnah* means "wall." There are many *mishnayot* from which this point could be proven; it is thus surprising that the *sugya* chooses to prove it from a *baraita* in *Kil'ayim*. Recognizing the agenda of the *sugya* leads to an explanation for this choice. According to the cited *baraita*, the owner of a vineyard must build a wall in order to prevent his grapes from creating *kilayim* with

the grain in his neighbor's field; if he does not build the fence, he will be responsible as a *mazzik*. This source serves as a significant precedent for the approach that the *stam* later presents: that the obligation to build a wall stems from the need not to be a *mazzik*. Additionally, *kil'ayim*, like *hezzek re'iyah*, is a form of non-tangible *nezek*; the lack of a wall between the grain and vines does not physically damage the grain, but rather leads to a halakhic prohibition.

The one *mishnah* in the chapter in which the *stam* does not identify *re'iyah* as being the problem, *mishnah* 3, discusses a case in which one neighbor builds a wall that ultimately encompasses his neighbor's field from all four sides, thereby protecting the neighbor's field as well as his own. Nevertheless, the basis of the obligation is not viewed as resulting from a relationship between the neighbors participating in a project because of a common need, but rather from the fact that receiving benefit is considered a sufficient cause to obligate (*zeh neheneh ve-zeh haser—hayyav*).³³

Reviewing the different possibilities within *Hazal* for the requirement to build the wall serves as preparation for understanding much of the dynamics within the *rishonim* and *aḥaronim*. Those who see the problem as essentially that of relationships between neighbors' relative rights and obligations invariably bring proofs from the *mishnah*. For example, R. Isser Zalman Meltzer claims that the phrase *hezzek re'iyah* cannot be taken literally to imply that looking at another's property is a *nezek*, as in that case the discussion belongs in the second chapter of *Bava Batra*, which discusses avoidance of damages, and not in the first, which discusses laws that emanate from partnership. Similarly, Rashba views *hezzek re'iyah* as an issue of *ẓeni'ut*,³⁴ expanding R. Yohanan's statement regarding creating a window that faces other windows to encompass the general problem of looking into other courtyards. Those who focus on the *nezek* aspect of *hezzek re'iyah*, such as Ramban, build their case on the *stam*'s statements.

Thus, there are a number of currents within *Hazal*, and the challenge that the commentaries deal with is deciding to which to give predominance and which to reinterpret in light of that. Many commentators choose to harmonize the sources instead of viewing

them as reflecting different perspectives. The preliminary step of seeing various approaches in *Hazal* does not necessarily preclude the veracity of ultimately harmonizing them, but allows the student to see the basic tensions between the sources.

Philosophical and Meta-Halakhic Considerations

Once we have discussed the different approaches to the concept of *hezzek re'iyah*, we can contemplate the significance of the differences between these approaches.

Ultimately, the underlying issue is the relationship between the categories of *Bava Kamma* and those of *Bava Batra*. In *Bava Batra*, the two sides are not strangers; there is a relationship between them. These cases are thus different from the situations in *Bava Kamma*, which focus on damages, and wherein there is no previous relationship between the sides.³⁵ To what degree is this difference significant? The variance of opinions is wide; some see the relationship between neighbors as the basis for mutual obligation, and others see that relationship as a hindrance to obligating each other.³⁶ It is easier to obligate the other when the situation is construed as if they were strangers, since a stranger does his work exclusively on behalf of the recipient, while a neighbor acts also out of self-interest. If a stranger builds a wall around your property, he benefits you and not himself. When your neighbor builds the wall, he benefits as well.

The differences between these two basic approaches are not only philosophical; they touch on meta-halakhic issues as well. In the introductory *shi'ur kelali* that he delivered at Mercaz HaRav on *Bava Batra* in 1929, R. Kook pointed out that while the *halakhot* of *Bava Kamma* are ultimately based on *pesukim* from the Torah, *Bava Batra* is almost entirely devoid of *pesukim*.³⁷ R. Kook's insight leads to an important question: Where are these laws coming from? From where does their authority derive?

It seems that this is also a major point of divergence between the two basic approaches. One approach takes explicit, pre-existing categories and expands them. Thus, the approach of the *stam* is to take the pre-existing category of *nezek* and expand it to include invading privacy, thus creating the concept of *hezzek re'iyah*. Similarly, the

concept that one must pay for benefit received when it comes at the expense of the giver (*zeh neheneh ve-zeh h'aser*) is expanded to include cases in which the receiver of the benefit did not actively take the benefit (as opposed to the original case of *zeh neheneh ve-zeh h'aser*, wherein one actively and without permission dwells in a area that was designated for rent). The application of this principle to the situations in *Bava Batra* also entails an expansion of the concept of what is defined as a loss, as in the *Bava Batra* situations, the builder is generally building unilaterally for his own benefit and the neighbor benefits only incidentally; in those cases, it is unclear what loss is entailed by the builder.

On the other hand, the approach that focuses on the relationship between neighbors is not building on previous categories. From where do these laws and their authority derive? Here again, R. Kook's insights about halakhah are pertinent. The Torah teaches that when faced with a halakhic dilemma, "You shall approach the *kohanim*, the *levi'im*, and the judge who live in those days" (Deut. 17:9). R. Kook explains that there are two approaches to halakhah, that of the *kohen* and that of the judge:

The specific laws of the Torah can be analyzed according to the general spirit of the Torah, according to the power of the reasons for the Torah, appropriate to the general message of the Torah. Alternatively, one can analyze the details according to isolated study, comprehending one idea from the other without looking at the overall spirit.³⁸

The approach of the *kohen* intuitively derives the halakhah from a broad perspective of the values of the Torah. This approach was dominant when *Am Yisrael* was concentrated in *Erez Yisrael*. The second approach, that of the judge, focuses on building analogies from one detail to the next. This reflects the situation of Torah study outside of *Erez Yisrael*. In other contexts, R. Kook contrasts these approaches, terming them *Torat Erez Yisrael* and *Torat Bavel*.³⁹

I find it difficult to accept R. Kook's distinction as characterizing the difference between the *Bavli* and the *Yerushalmi*, as he does; there

are many *sugyot* in the *Bavli* that reflect what R. Kook characterizes as *Torat Erez Yisrael*. The insight about the existence of two basic approaches to halakhic thinking, however, is often reflected in differences in approach to particular *sugyot*, as in our case.

The lack of textual sources specifically in the realm of *Bava Batra*, which deals with issues of relationships within the community, is not accidental. The nature of these areas demands a fluidity that rigid and detailed legislation would prevent. As the *Maggid Mishneh* points out at the close of *Hilkhot Shekheininim* (14:5):

Our perfect Torah was given to perfect man's character and behavior . . . "And you shall do the right and the good" (Deut. 6:18), meaning that one should behave in a good and righteous manner with other people. It was not appropriate to command details, as the commandments of the Torah apply in every day and age and in every situation . . . and man's qualities and behavior change with the times and people . . .

Thus, the approach that does not interpret *Bava Batra* in light of pre-existing categories views these laws as based on the general values of *ve-asita ha-yashar ve-ha-tov*, doing what is right and good.

Pesak Halakhah

The final stage of our discussion confronts the challenge of applying the *gemara* to the changing realia. The *Hazon Ish*, for example, views modern courtyards as serving different functions than those that existed in talmudic times, making many of the laws of *hezzek re'iyah* less relevant.⁴⁰ The *Minhat Zevi* views the Israeli law that obligates a builder to insert shutters on bedroom windows as alleviating the problem of *hezzek re'iyah*.⁴¹

It is interesting to note that many *Haredi posekim* are open to consideration of changes in realia, and they stress that Israeli law, as well as *hazzakah* and *minhag*, plays a role regarding the application of *hezzek re'iyah*. In a *pesak* by a *beit din* in Alon Shevut composed of rabbis from the Religious Zionist community, on the other hand, we

find a very straight application of the prohibition of *hezzek re'iyah*.⁴² Part of the difference may stem from the fact that *hezzek re'iyah* poses different problems based on the surrounding community, such as whether it is a dense urban society or a private villa in an upper-middle-class suburb.

One lesson learned from study of this topic is that even after the laws are essentially fixed in the *Shulḥan Arukh*, there is still fluidity in applying these *halakhot*, allowing them to fulfill the condition of the *Maggid Mishneh* mentioned above: “The commands of the Torah apply in every day and age and in every situation . . . and man’s qualities and behavior change with the times and people.”

NOTES

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1. While students in traditional *yeshivot* may be exposed to the whole range of sources, the sources are not generally viewed on their own. In cases in which an earlier text is interpreted by later authorities, the range of legitimate interpretations is limited to those that have already been offered. For example, in *yeshivot*, the *Yerushalmi* is studied in light of the *Bavli*, not as an independent source.
2. “Word-Plays in the Mishna,” <http://www.herzog.ac.il/vtc/0039563.html>
3. “*Sukkot* in Rabbinical Thought: Motifs in the Halakhah of *Sukkot* in Talmudic Literature” (Ph.D. diss., December, 2003) (Heb.), <http://www.daat.ac.il/daat/vl/nagendoc/nagendoc01.pdf>
4. See his book on *Massekhet Kiddushin*: Dov Berkovitz, *Marriage and the Limits of Personal Power: Talmudic Creativity in the Eye of the Storm* (Israel, 2008).
5. Available at <http://www.daat.ac.il/daat/vl/yakov-negen/yakov-negen01.pdf>
6. The yeshiva’s website is www.otniel.org
7. *Nishmat Ha-Mishnah*, p. 140, n. 16 (see n. 5 above).
8. *Ibid.*, p. 216, n. 4.
9. The original statement of the Ḥatam Sofer was somewhat different: “So I do declare, anyone who mixes words of Kabbalah with the conclusions of halakhah is guilty of planting *kil’ayim*,” *Responsa Ḥatam Sofer, Oraḥ Ḥayyim* 1:51.
10. On the relationship between halakhah and *aggada* in *Ḥazal*, as well as the development of the view that seeks to dislocate them, see Yair Lorberbaum, *Zelem Elokim: Halakhah ve-Aggada* (Jerusalem, 5764), pp. 105–140.

11. See n. 3 above.
12. Yakov Nagen (Genack), *Water, Creation, and Immanence: The Philosophy of the Festival of Sukkot* (Israel, 2008).
13. Prof. Ish Shalom noted that if one who studies R. Kook in yeshiva is called a Kooknik, whereas one who studies Rav Kook in the university is called a Kookolog, one who combines both approaches is a Kooknikolog
14. See *Divrei Rishonim ve-Aḥaronim bi-Inyan Havanat Darkhei ha-Talmud*, ed. Asaf Malakh. Certainly, this fact does not prevent accusations of heresy. Dr. Moshe Bernstein told of a *ḥasid* who entered one of his classes, politely listened, and then thanked Dr. Bernstein at the end of the class. When Dr. Bernstein asked him what he had learned, the response was, “That the Rashbam and Ibn Ezra are *apikorsim!*”
15. *Orot ha-Kodesh*, vol. 2, pp. 538–562.
16. *Bava Meḥia* 59b.
17. *Eruvin* 13b.
18. *Menaḥot* 29b.
19. *Dor Revi'i*, introduction to *Hullin*.
20. Introduction to *Orot ha-Torah*.
21. *Shemoneh Kevaḥim*, vol. 2, *piska* 56.
22. See Ramban’s introduction to *Mishneh Torah*.
23. Shagar, *In His Torah He Meditates: The Study of Talmud as a Quest for God*, ed. Zohar Maor (2008), p. 154.
24. *Ibid.*, pp. 160–167.
25. In other contexts, I have written about the power of Judaism to incorporate both “doing” and “being,” which is often viewed as the east-west divide. See “*Parshat Bereshis: Doing and Being*” (<http://www.notes.co.il/yakov/61535.asp>) and “*Om Shalom: Jewish and Spirituality between East and West*” (<http://www.notes.co.il/yakov/16266.asp>).
26. This combination of joy and *yir'ah* is organic, as attested to by the reading of *Kohelet* on Sukkot, “*zeman simḥatenu.*”
27. Shagar, *In His Torah*, esp. pp. 92–95. Regarding the lack of reasons for all *mizvot*, see p. 96.
28. *Ibid.*, p. 143.
29. R. Kook, *Iggerot Ra'ayah* (Jerusalem, 5745), vol. 1, p. 124 (letter 103). On the *mishnayot* of the first chapter of *Bava Batra*, see Yakov Nagen and Baruch Siach, “*Mishnat Perek ha-Shutafin*,” available at <http://upload.kipa.co.il/media-upload/otniel/otniel3619.DOC>
30. *Even ha-Azel, Hilkhot Shekhenim* 2:16.
31. See Shamma Friedman, “*Mivneh Sifruti be-Sugyat ha-Talmud*,” Sixth Congress of Jewish Studies, pp. 389–402.
32. In our text, the conclusion is presented as “*lishna aḥarina.*” In manuscripts, it is brought as “*ikka de-amrei*” (see *Dikdukei Soferim*). The significance of the

difference is that *lishna aḥarina* implies a parallel *sugya*, whereas *ikka de-amrei* implies that it is all part of one *sugya*.

33. See *Bava Kamma* 20b, which quotes and interprets this *mishnah*.
34. *Teshuvot ha-Rashba* 2:268.
35. For a summary of many elements of the *sugya*, see Yakov Nagen and Yehuda Katz, “*Mavo Le-Sugyat Hezzek Re’iyyah*,” available at <http://upload.kipa.co.il/media-upload/otniel/otniel3620.DOC>. That article was written ten years ago, and some of the points mentioned here do not appear.
36. See, for example, Ramban, *Milḥamot Hashem*, on the *sugya* on 4b.
37. Ch. Mescheloff, *Tov Ro’i al Bava Batra: Yalkut Bi’urim, Ḥiddushim, He’arot, u-Derushim shel Maran Ha-Ra’ayah Kook* zz”l al *Massekhet Bava Batra* (Jerusalem, 5758), p. 13.
38. See R. Kook’s introduction to *Ein Ayah* (Jerusalem, 5755), vol. 1, p. 16.
39. *Iggerot Ha-Ra’ayah*, vol. 1, p. 124 (letter 103).
40. *Ḥazon Ish*, *Bava Batra* 12:3.
41. *Minḥat Zevi*, responsum 3.
42. See R. Gidon Pearl, “*Ḥovat ha-Reshuyot li-Mno’a Hezzek Re’iyyah*,” *Techumin* 19 (5759): 55–59.

9

The World of Women's
Torah Learning:
Developments, Directions,
and Objectives

Esti Rosenberg

The beginning of the third decade of the opening of the world of Torah to women is a fitting occasion to try and assess what has been achieved thus far, and to examine the connections and influences between the traditional Torah world, composed almost entirely of men studying in yeshivot, and the world of Torah developed by women over the past thirty years.¹ In order to accomplish this task in a thoroughgoing manner, we must examine the world of women's Torah study, its contents and distinctive features both scholastic-spiritual and sociological, as well as its successes and challenges.

This article makes no pretension of being academic; I shall neither present empirical data nor base my words upon sociological

theories. I shall try to describe the reality of the processes experienced by the world of women's Torah learning during the past thirty years, a world in which I was privileged to be involved and take part almost from its very establishment. The nature of personal involvement makes an objective account impossible, and perforce the narrative that I present here interweaves my own subjective experience and "objective" processes and changes that have transpired in the national religious community over the course of the period under discussion.

BIRTH PANGS: THE INITIAL STEP

What is the world of women's Torah learning, and what were the stages of its development? Toward the end of the 1980s and the beginning of the 1990s, several frameworks were established that offered women various opportunities for serious Torah learning. Midreshet Lindenbaum and Matan in Jerusalem, along with Midreshet HaKibbutz HaDati, were the first such frameworks. These institutions were a dream come true for many women (primarily older women, and a small group of younger women), before whom the gates to serious Torah study had until then been locked. Post-high school frameworks of Torah study for women were nonexistent, with the exception of Michlalah Jerusalem College, which had been established about twenty years earlier, and combined academic studies with Torah learning. The learning at Michlalah was at a high level, focused primarily on the teaching of *tanakh* and its commentaries. The idea of *gemara* study was unthinkable, and the *Torah shebe'al peh* program in which I was enrolled centered around the teaching of Mishnah and halakhah, and on isolated citations of Talmudic passages on photocopied pages. The general atmosphere promoted the building of a home and family, and a woman's spiritual virtue was measured by the level of her investment in nurturing her husband's development as a Torah scholar. As a young woman who wished to engage in serious *gemara* study, I had no independent opportunities for such study that were directed toward and designed for me. I could learn at home with my father, or sit in the women's section as a passive listener who hears but neither sees nor is seen. The strongest feeling that I remember from those days is that of jealousy;

we were jealous of boys and the wide variety of opportunities open to them for Torah study. I remember seeing a newspaper advertisement about a new institution aimed at training spiritual leadership, Beit Morasha. The advertisement did not mention that the new framework was intended solely for men, and I called to register. It goes without saying that I was rejected; it was clear that frameworks of this sort were designed exclusively for men. The desire to learn was found not only in me, but in other young women as well, and so too the frustration of not being able to fulfill it. It is, however, important to note that this feeling was not shared by all my friends; many young women as well as older women were comfortable with the status quo and did not quite understand the need for change.

The first frameworks established were intended for two different audiences. In Jerusalem a group of older women, predominantly Anglo-Saxon, organized themselves on their own to study *gemara* in the home of one of the group's members. This small group was very organized, composed of serious students and teachers, and its studies were challenging. Rabbanit Malka Bina and Rav Chaim Brovender were partners to this initiative. This modest beginning eventually led to two institutions that will be discussed below: Matan, which would continue to direct itself to an older audience, and Midreshet Lindenbaum, then called Midreshet Bruria, whose target audience would be young Israeli women before and after national or army service. Young women would learn for a year in this framework and then continue on to university studies.

These institutions chose for themselves the designation "midrasha" and thus distinguished themselves from the classical yeshiva. The distinction was significant, for the challenge facing the first generation of women's learning related to this important question. Until that time the sole frame of reference for Torah study had been the yeshiva model, and thus we came against the question whether the new model to be built for women should be identical to the yeshiva model or entirely different. On the one hand, at issue was a framework for women, and as such it would certainly have to be different from the yeshiva model, which was designed for men. On the other hand, there was a true and sincere desire to draw from the traditional world

and connect to the world of the yeshivot. I don't know who chose the term *midrasha*, but in my opinion it does not adequately convey this duality, for it is a new term in the domain of Torah study and does not sufficiently express the connection to the traditional world of Torah learning. About ten years later Herzog College and Yeshivat Har Etzion would ask me to establish a Torah framework for women at Kibbutz Migdal Oz in Gush Etzion, an institution we would call a "Beit Midrash for Women." The term *beit midrash* was chosen to signify that it constituted a direct continuation of the Torah study and service of God of generations of *batei midrash* throughout the Jewish world.

Torah study in the new *midrashot* (Midreshet Bruria and Midreshet Ein HaNetziv) was serious and at a high level, with *gemara* taught alongside *Tanakh* and Jewish thought. The main innovation in the teaching of *Tanakh* and Jewish thought was the introduction of the concepts of *sefer* and *chavruta* for women's learning, a change that turned study from a passive activity in which the student listens to an "all-knowing" rabbi, into a learning activity in which the student stands at the center as an independent party with whom a dialogue must be conducted. It is, however, important to note that we were still dealing with a very small number of students—about thirty young women a year.

This process received the support and blessings of my father, the Rosh Yeshiva of Yeshivat Har Etzion, Rav Aharon Lichtenstein, and the heads of Ohr Torah Institutions, Rav Chaim Brovender and Rav Shlomo Riskin. Most of the teachers in these institutions were graduates of Yeshivat Har Etzion who over the years had imbibed the teachings of Rav Yosef Soloveitchik, who three decades earlier had led the way for women to study *gemara* at the Maimonides School, which he established in Boston and, later, at Stern College for Women.

"WHAT WILL PEOPLE SAY?" REACTIONS TO THE ESTABLISHMENT OF THE *MIDRASHOT*

The general atmosphere in the religious-*Torani* community in Israel was not especially sympathetic to this development. Part of the opposition was disagreement "for the sake of heaven"; the dispute focused on the fundamental question regarding the status and role of women in the

religious sphere, and Torah study by women in particular. The rabbinic establishment, which for the most part watched the process growing “from below,” was troubled by the following questions:

Are women permitted to study *gemara*? Should we encourage the opening of new areas of study which traditionally have been closed to women? Will the relocation of the sources of Torah knowledge undermine the status of the man in the family as the supreme Torah authority in the classical family structure? Is a woman permitted to ignore the exemption from time-bound positive precepts that is granted to women and decide that she wishes to intensively immerse herself in Torah, despite the fact that she is not commanded to study Torah? Doesn't this involve an upheaval of the natural order, and a lack of understanding regarding a woman's role as wife and mother? Doesn't the danger exist that in the wake of exposure to the profundity of Torah learning, women will invest themselves less in their homes, owing to the fact that they are busy with their studies?

And above everything else, additional questions hovered in the air regarding the “final destination” of this process: Will the women engaged in advanced Torah study become *poskim*? *Rabbaniyot*? Community leaders?

The fear of change and reform dictated the intensity of the spiritual opposition alongside additional social questions that disturbed the religious community. The issue of motives came up time and time again; did the recent development stem from a place of pure Torah motives, or from feminist ideals? The female students had to constantly prove their commitment to halakhah and rabbinic authority, and continuously protest that they were not feminists. These claims do not lend themselves to definition or proof, and therefore the women who engaged in Torah study were greatly frustrated by this issue of motives. In addition, questions arose regarding the “track” that a member of the national religious community should choose for herself: Did she have a year to “waste” on Torah study—a year for which she would not receive any social recognition in the form of a diploma? Doesn't this year of study delay marriage and push off childbearing? The crowning argument with which these women had to contend was that no man would want to marry a woman who knew

more than he did, and that Torah study itself puts finding a husband into jeopardy. The young women who studied in the *midrashot* during those early years were undoubtedly perceived at times as “strange” in the eyes of the surrounding society—the society of their peers and the society of their parents’ generation. The great majority of high schools and *ulpanot* refrained from encouraging their students to turn to Torah study upon completion of their secondary education for all the reasons mentioned above.

“DISAGREEMENT FOR THE SAKE OF HEAVEN”: THE RESPONSE TO THE OBJECTIONS

Despite all the objections mentioned above, the first generation of female students was imbued with a pioneering and adventurous spirit along with abundant faith and confidence in the justice and urgency of their cause. There were two sources of this faith and zeal. The first source was the distinguished Torah leadership that accompanied the *midrashot* and invested ample time and effort both in teaching at the *midrashot* and in leading the ideological struggle on behalf of the entire process. Standing up against the rabbis who opposed the innovation were rabbis who encouraged the women to engage in Torah study. While it is true that at this stage of women’s Torah learning the rabbinic supporters, almost all of whom were students of Rav Soloveitchik, were in the minority, for most of the students this was enough.

The second source that assisted the pioneers in their struggle against the opponents of women’s Torah learning was the inner strength of the women themselves. These women, who had waited many long years for this development, deeply felt its importance for their religious world, and clearly understood that their desire to learn and to be partners in the world of Torah flowed from a yearning to draw closer to God. These women felt that their Torah study would deepen and intensify their religious world, as well as the religious world of their families and children. This conviction gave them the strength to stand up to their opponents and assume responsibility for their order of priorities in their religious life. Moreover, below the surface, some of the women, and perhaps even some of their teachers,

believed that women's learning could be beneficial not only to the women themselves, but also to the world of men's Torah study. At this stage, ideas of this nature were never expressed out loud, but it seems to me that the seeds of such thoughts were already sown, seeds that in another twenty years would find expression in a clear and articulate voice.

Despite everything stated above, and despite the zeal and vision that advanced the process, the objections to women's Torah learning were undoubtedly a significant factor in the development of this world. The need for extreme caution in order to remain within a broad rabbinic consensus resulted in slow and guarded progress, and may also have discouraged some women who wished to engage in Torah study, but were deterred by the reactions of their environment.

These frameworks continued for two or three years, with most of the time and effort being invested in educational advancement: the acquisition of tools, *sedarim* and *shi'urim* in *gemara*, proficiency in , and a deeper familiarity with basic Torah texts. Following this initial period, several things happened that would eventually influence the direction taken by women's Torah learning.

GROWING PAINS: DEVELOPMENTS INSIDE THE MIDRASHOT

In order to better understand what transpired within the world of the *midrashot*, I wish to relate to the structure of the classical yeshiva as it developed across the generations. Throughout the ages, the yeshiva operated on two axes at the same time: the first axis (in which most of the time was invested) was the *mitzvah* of Torah study: the intensive occupation with the debates of Abaye and Rava and understanding them and analyzing them. Parallel to this, the second axis was religious growth in the worship of God through prayer and "service of the heart." While it goes without saying that even the scholastic axis is directed at advancement in the service of God, it is nonetheless possible at times to draw a clear distinction between the two axes. For surely there are elements and times when emphasis is placed on the scholastic dimension (e.g., the *shi'ur kelali*, high-level *haburot*, and the like), and other aspects and times when spiritual development is emphasized

(Divine service is the focus of *sihot*, prayer, *musar*, and the like). It may even be argued that across the generations, yeshivot were distinguished one from the other based on the relative importance attached to each of these axes within the yeshiva. This distinction was already clear in the tension between the Volozhin Yeshiva and the Mussar yeshivot in Europe, and it can still be found—albeit in far less extreme form—in the yeshiva world in Israel. At the same time, the question was raised and discussed across the generations whether a yeshiva should be a melting pot for Torah scholars, its aspiration being to raise a scholarly elite, or whether, perhaps, it should direct itself at training *ba'alei batim* who would fix times for Torah study, and whose religious world would be more profound and meaningful as a result of their years in yeshiva.

This question is not the focus of our discussion, but when we examine the world of the midrashot we will certainly encounter it. Is the dream and vision underlying women's Torah learning to produce female Torah scholars who will be able to participate in scholarly Torah discussions at the highest level, or perhaps the primary goal is to raise *ba'alei bativot* who are dedicated to and love the Torah?

The earliest institutions mentioned above were primarily learning frameworks. These frameworks did not host additional religious activities, whether joint observance of Shabbat and holidays, or prayer services. The shared experience centered exclusively on study. This was true in the institutions catering to older women (Matan), and also in the frameworks attracting younger women (the early period of Midreshet Lindenbaum). The first students did not ask for more than this or push for anything beyond the learning process.

Did these students not feel a need for the intensive, all-embracing experience of days and nights in the tent of Torah, communal prayer, and camaraderie on Shabbat and holidays? Did they want to enable women to study Torah, or did they perhaps wish to build a Torah world of Divine service that focuses upon study, but also offers the student a world of prayer, singing, and *Yamim Nora'im* that are celebrated together? I doubt whether a clear answer to this question was available during the early years.

The revolution in women's Torah learning transpired in two stages: during the first stage, new learning options were opened to

women; it was only several years later that the total and intensive experience of “dwelling in the house of the Lord all the days of my life” was added. With the passage of time, night *seder*, the celebration of holidays, and even total detachment from society in favor of immersion in the world of Torah eventually became the lot of the female Torah student, similar to the experience of her male counterpart.

This process stretched out over several years for a variety of reasons.

First, the intensity of the encounter with Torah study was so exciting and not taken for granted, and the opportunity to come into contact with the sources of the Oral Law was so new for the participants that they needed nothing else. The feeling of closeness to God resulting from the breaching of the gates of study was so overwhelming that there was no need for another dimension of “service of the heart.” Their hearts became sated by the learning endeavor itself.

Second, some of the women who led the revolution were already at a more advanced stage in their lives, married and the mothers of children, such that a more embracing course would have been entirely inappropriate for them. Several years later, with the entry of younger, eighteen-year-old women into this world, it became necessary to broaden the framework, as we shall see below.

Third, changes, especially in the religious domain, tend to advance slowly and in moderation. The women who participated in the process were happy with what they had. Most of the rabbis who were partners to the process taught these women at set times, at a high level, and with dedication, but they did not see this as their life project; their hearts and time were invested in the yeshivot in which they taught and in the educational processes taking place there. Thus, there was nobody to lead the next stage—joint observance of Shabbat, prayer services, personal discussions, and the like—and so the experience of women’s Torah learning was restricted to the learning process led by the rabbis.

Fourth, and perhaps most importantly, the traditional *beit midrash* is largely built around “service of the heart,” in the sense of what the Sages said: “What is service of the heart? This is prayer.” A women’s *beit midrash*, however, lacks this dimension, inasmuch as the

women are halakhically incapable of creating *davar she-bi-kedushah*, and assembling together not only as a group that learns together, but also as a group that prays together. The inability to join together for a prayer quorum made it impossible to construct a world of prayer alongside the world of learning. If the women were to stay in the midrasha for Shabbat, how would they pray? And if they remained for Rosh Hashanah, how would they create the basic experience of a yeshiva in the absence of a *minyan* for the *Yamim Nora'im* services? How were they to draw physically close to the rabbi teaching them; could they dance with him on Purim night? And if the teacher was a woman, how could they honor her at their weddings?

The fear of dealing with these questions was great; both the students and their teachers tried not to raise these issues, based on the shared desire to progress with utmost caution, and without giving the impression that they were pushing for change that was too quick and too far-reaching. There may at times have been differences of opinion on these issues between the women themselves, or between the women and their teachers, but in general they carefully avoided dealing with these questions. As a result, they refrained from creating spiritual opportunities outside the learning experience, owing to the grief and distress that would result from their inability to actualize them.

It was almost impossible to build a serious world of Torah study without creating a complementary world of "service of the heart." The spiritual forces in Torah study and in the dedication to it are so powerful that it was impossible to separate between the world of study and the world of prayer over the long term. It also came to be understood that serious study requires a framework more all-embracing than the frameworks existing at that time. The women's desires deepened over the years: The younger students no longer yearned only for equal educational opportunities, the opening of Torah study to women, but also for equal spiritual opportunities, the world of the yeshiva and all that it entails.

It was at this stage that I began to serve as a leader for younger students. As the daughter of my father I was privileged to grow up in a yeshiva environment. I was exposed to the spiritual intensity of a *tisch* led by Rav Amital, I experienced *Yamim Nora'im* in the yeshiva all my

life, and I heard many talks given by my father. The yeshiva world with which I was familiar was, in fact, more a world of serving God, and less a world of day-to-day learning. I wanted to bestow upon my young students the full richness of my spiritual experiences. The dreams that I brought with me met the thirst in the hearts of my students. Several years later, additional women joined as key figures in the world of women's Torah learning and directed it not only toward scholastic goals, but to spiritual and moral ones as well.

“DWELLING IN THE HOUSE OF THE LORD” THE SECOND STAGE

And, indeed, after about five years had passed, several groups of younger students (before national or army service) with a burning desire to learn demanded that the framework be more all-embracing, more serious, and more demanding of spiritual and scholastic connection to the Jewish calendar: They established a *mishmar* program on Thursdays, and joint celebration of Shabbat, Hoshana Rabba eve, Simchat Torah, Purim, and Shavuot. All these were the initial attempts to create a balance between the world of prayer and the world of learning, without violating the halakhic limitations regarding women's prayer.

The calf wanted to suckle and progress in a total world of serving God even more than the cow wanted to nurse. There were times that the teachers in the program—male and even female—did not approve of the great zeal that these women brought with them, and they feared the difficulties that their students would encounter upon leaving the midrasha, first in their national service and later in building their future homes. This notwithstanding, the vision and excitement “for the sake of heaven” were so great that nothing could stand in the way of these women.

The vision and dream of serious learning deepened and intensified, for there were more hours of study and greater fervor. Alongside the dream of learning, great effort was invested by both the staff and the students in the development and intensification of the axis of serving God in a more direct manner.

These women succeeded in their mission, and their small circle began to create an intensive *beit midrash* for young women as a

year-long framework, both for learning and spiritual growth. (Alongside the framework that I have described, frameworks for older women offering weekly *shi'urim* continued to develop.) It is, however, important to note that the qualitative breakthrough did not yet lead to a significant increase in the number of women students. We were still dealing with a very small and exclusive group, about thirty women in two frameworks. The Torah leadership most strongly identified with this process was Rav Lichtenstein and his students, who saw women's Torah learning in general, and their learning *gemara* in particular, as a positive *lekhatilah* development.

A SURPRISING TURN: EXPANSION

At the end of the first decade to the breakthrough in women's Torah learning, and with its qualitative strengthening, both spiritual and scholastic (despite the quantitative limitations), a change took place, one that was surprising but at the same time foreseeable. The women ardently learning in small frameworks succeeded in broadening the fields of interest and occupation of the world of women's Torah learning. We were no longer dealing with a handful of women who perhaps posed a threat to the field of men's Torah knowledge, seeking entrance into areas where they did not belong, but with a group of women who wished to advance in their moral development, religiosity, and knowledge of Torah, and sought to deepen their commitment to halakhah through the study of halakhah and *gemara*. This dream seems to have found an attentive ear in other Torah circles as well. If the objective was not to produce female Torah scholars, but rather *ba'alei batiyot* or perhaps better mothers, then surely all strata of the national religious community could show interest.

Over the next two years, three new *midrashot* were opened whose spiritual and academic foundations were very different than those of the pioneering *midrashot*. They did not try to copy the existing *midrashot*, but they were undoubtedly established in their wake. These frameworks were also one-year Torah frameworks that adopted the designation of midrasha and were directed at young women following national service. They had similar frameworks, but different content, and sometimes even different goals.

Yeshivat Merkaz HaRav and later Har HaMor led to the establishment of Midreshet HaRova, Yeshivat Or Etzion established Midreshet Orot Etzion, and in the community of Maon a midrasha was established in the spirit of Yeshivat Merkaz HaRav and with a hasidic flavor. This expansion would influence the future course of the *midrashot's* development. The spiritual borders of the world of women's Torah learning were suddenly expanded, and so too its contents were at once broadened and modified. From a process involving a small spiritual group, it opened itself up and invited young women from diverse spiritual worlds to participate. Alongside the increase in the number of students, the religious and spiritual objections significantly diminished owing to the fact that these were *midrashot* of a different nature. Even in the *ulpanot* it now became possible to direct students to these frameworks, for they were regarded as "kosher" even in circles other than those emanating from Yeshivat Har Etzion. From a quantitative and attitudinal perspective, this was a significant change that has continued to intensify to this day. Over the years almost every yeshiva established a midrasha that adapted the spiritual statement of the yeshiva into a spiritual framework for women. As in the yeshiva world, different *midrashot* bear the same designation and the same framework, but are very different in their inner contents. In these new *midrashot*, *gemara* is hardly studied; the curriculum mostly revolves around issues of Jewish faith and thought, and preparation for a woman's most important role—motherhood. In many of these places, study is perceived not as a *lekhatilah* pursuit, but as a *be-di'eved* activity, in order to allow for the acquisition of tools with which to deal with the world and raising children. In a discussion that I participated in between several heads of *midrashot* in Israel, a woman who heads one midrasha argued that in her opinion, only young women with "psychological" problems who needed to "lounges" in the world of Torah should go to a midrasha. The difference between the original *midrashot* and the later ones is the difference between "lounging in Torah" and "toiling in Torah."

Today the world of women's Torah learning offers a wide variety of alternatives for Torah study. The original frameworks that promote deep and serious learning greatly expanded and today make up about

half of the women studying in the various institutions. They continue alongside many smaller frameworks that offer a one-year program that is primarily directed at religious strengthening. Regarding these frameworks, it is difficult to speak about opening the gates of Torah study to women, for the educational program is based primarily on talks and secondary sources. The gulf in the underlying assumptions regarding a woman's place in the world of Torah between these two ends of the spectrum is exceedingly wide.

“WE WERE LIKE DREAMERS”: NEW REALITIES AND DEVELOPMENTS

Twenty-five years after the establishment of the earliest frameworks, the results are quite impressive: About 30 *midrashot* are scattered across the State of Israel, with a student population of about a thousand young women every year; serious frameworks of study for older women are found in several Israeli cities; the change in mentality regarding a woman's ability or perhaps even obligation to study Torah as part of her religious world embraces all streams of religious Zionism. Torah *shi'urim* in preparation for the holidays in communities and in *ulpanot* constitute a widespread and inspiring sight. The *midrashot* have banded together in the “midrashot Forum,” which is evidence of a well-grounded and organized phenomenon. These institutions receive government funding, and teachers' colleges boast about their joint-programs with various *midrashot*.

Another development that on the face of it may appear “material” or perhaps “technical” is the construction of permanent buildings for the *midrashot* over the last decade. The allocation of financial resources in the Jewish world for the specific purpose of building *batei midrash* for women testifies in a most concrete manner that the world of women's Torah learning has turned into an “everlasting edifice.” Magnificent *batei midrash* have been dedicated in Migdal Oz, in Nishmat, and in Midreshet Lindenbaum; each of them displays architectural sensitivity to creating a place that is, on the one hand, serious and dignified, while at the same time different from the classical yeshiva building.

During these years and parallel to the growth and flowering of the *midrashot*, we have been witness to other developments, all of which

draw on the phenomenon of the opening of the gates of Torah learning to women. Anyone who has been exposed to the world of Torah knows very well that it is impossible to confine Torah study within strict limits. The thirst is overpowering, and the feeling that the Torah is wider than the sea and requires long years of study stands before every student from the moment of entry into this world. This feeling led to the establishment of frameworks for continued study following the one-year program. Different dreams underlie the different programs.

Training Programs for Torah-Spiritual Leadership

In the women's *beit midrash* founded by Yeshivat Har Etzion and Herzog College, a three-year program was established whose primary interest is to train teachers for the next generation. The proposal that it submitted to various foundations spoke about "a training program for teachers for Torah-spiritual leadership." It was designed as at least a three-year program, in which the students receive teacher training at Herzog College, alongside intensive Torah study and full *beit midrash* life with all that this entails. The goal of the program is to train women to teach women teachers who would be forged, both scholastically and spiritually, in the world of Torah. This program has been running now for about seven years, alongside the regular one-year program. It is intended primarily for graduates of the one-year *beit midrash* program and constitutes a direct continuation of that program in both the intensity and the age of its students. The program's goal is to effect a change in the Torah education of girls in Israel on the elementary and high school levels, and to produce models for emulation and identification.

The Advanced Talmudic Institute

Matan established the Advanced Talmudic Institute, which operates a three-year program designed for women with a strong background who wish to engage in advanced *gemara* study and plan to teach *gemara* in different frameworks. The program awards its students generous scholarships in order to allow them to fully immerse themselves in Torah study. The program is intended for women with a B.A. or beyond, and operates four days a week between 8:30 a.m. and 3:30 p.m. Each

year about 10 women learn in this framework, and they constitute a high-quality cadre of advanced students. A similar program is offered in *Tanakh* that is combined with the pursuit of an M.A. The goal of this program is to produce highly educated women to teach in high schools and post-high school programs.

Rabbinical Advocate Program for Women

Ohr Torah Institutions, under the direction of Mrs. Nurit Fried, broke through from the world of Torah study in the *beit midrash* to the rabbinical courts. Following a prolonged struggle that included petitioning Israel's High Court of Justice (Bagatz) against the Ministry of Religions, women were granted the authority to represent women and men alike before a rabbinical court on matters relating to divorce. During the mid-1990s, the first class of women rabbinical court advocates (*to'anut rabbaniyot*) was opened. The program was open to women with a strong prior background, and for two years the students studied relevant sections of *Even HaEzer* and other sources. The program was supervised by Rav Shlomo Riskin and other figures expert in these areas. Following the two years of study, the women sat for examinations administered by the Rabbinate that would allow them to appear before a rabbinical court. The struggle for this change was very difficult; many rabbinical judges and rabbinical advocates opposed it. Nevertheless, owing to their perseverance as well as their understanding that a woman rabbinical advocate can often alleviate the distress of an *agunah*, the initiators did not give up, and indeed for many women female representation before the court eases the experience of divorce. A *to'enet rabbanit* needs a strong foundation in Torah knowledge, and the students had to demonstrate high proficiency in learning. A world that had been exclusively in the hands of men was forced to listen to and conduct a learned discussion with women as equals to the male advocates. The goal of this program was to effect a change in the rabbinical courts and produce women who can represent women in times of crisis.

Kollel Halakhah for the Training of Yo'atzot Halakhah

Ten years ago Midreshet Nishmat, headed by Rabbanit Chana Henkin (wife of Rav Yehuda Henkin), established a program that trains *yo'atzot halakhah* (women who are halakhic advisers, and not halakhic decisors) in matters pertaining to *taharat ha-mishpahah* (family purity). Later the Women's Halakhic Hotline was established, allowing women to anonymously call in questions relating to *taharat ha-mishpahah* to the *yo'atzot halakhah*. The program, which functions under the supervision of members of the Midreshet Nishmat rabbinic staff (Rav Yaakov Varhaftig, Rav Menachem Burstein from Machon Puah, and others), trained *yo'atzot halakhah*, focusing on one area of halakhah—*taharat ha-mishpahah*. It is a two-year program in which, alongside halakhah, which is studied at a very high level, the students also take courses on medical, psychological, and emotional issues relating to women. After two years the students undergo an oral examination administered by three rabbis in order to receive the title *yo'etzet halakhah*. The answers that the *yo'atzot* give to the halakhic queries addressed to them are given with the full consultation of the rabbis supervising the program. Some of the questions reaching the hotline are answered by the *yo'etzet* on the spot; regarding others she first consults with her rabbinic supervisor, and later gets back to the woman who posed the question. Questions relating to *taharat ha-mishpahah* are directed to the *yo'atzot* in the community as well. It took great courage to open this program, for here we are dealing not only with the opening of study to women, but also with the translation of the acquired knowledge into halakhic decision-making— a manifestly male and rabbinic domain. The program emphasizes that these women are advisers and not decisors, but nevertheless this is a real revolution. The motive was clear: introducing women into an exceedingly sensitive area in the encounter between women and halakhah, and thus enabling more women to ask halakhic questions in a pleasant and comfortable manner. Without a doubt, opening the gates of Torah knowledge to women hastened this development. Great caution is exercised with respect to formal titles, and the limits of the knowledge of the *yo'atzot*, who have studied for only two years, is clearly recognized, but nevertheless the rabbis who have accompanied this program have demonstrated great courage. As

for its acceptance by the community, here official recognition was not necessary (as opposed to the case of the rabbinical court advocates), and therefore everything was easier. The power of the *yo'atzot* stems from the many women who turn to them with questions and accept them warmly and with a sigh of relief. In one Diaspora community in which the services of a *yo'etzet halakhah* are offered as part of the community organization, the number of questions directed to the *yo'etzet* is nearly double the number of questions that had been previously directed to the community rabbi on the same topics. We see, then, that women who in the past refrained from asking halakhic questions are now doing so, and it would seem that they are also more meticulous in their halakhic observance. The program's goal is to train women to be capable of providing serious halakhic answers in the field of *taharat ha-mishpahah*.

The World of Prayer

Alongside the academic developments described above, I feel privileged to take note of another phenomenon that developed during these years. In the *beit midrash* in Migdal Oz, the gates of song and prayer were opened to hundreds of women during the week of *selihot* and on Yom Kippur. With the establishment of the *beit midrash* it was clear to us that it was incumbent upon us to provide the students with a *minyan* for the recitation of *selihot* in preparation for the *Yamim Nora'im* as part of the *beit midrash's* routine. A minimal *minyan* of men was arduously assembled from among the residents of the kibbutz and the staff of the *beit midrash*, and *selihot* were recited as in every Jewish community, a half an hour each night. A year later the students and educational staff decided to conclude the service with a song. The students (in the women's section, of course) were not satisfied with one song, but rather every night they continued to sing for an hour or more. The solemnity and excitement infected all those in attendance, including the *chazzanim*. A tradition of unhurried prayer that allowed for the thoughtful recitation of the *piyyutim* developed in the *beit midrash*; the verses in between the *piyyutim* were also recited slowly and with care. Passages from the *selihot* themselves were also sung (*Haneshama Lach*, *Ve-Havi'otim*, and others). The services were elevated

to the level of the prayers of the *Yamim Nora'im*; the excitement, the concentration, the pace were all similar to those of Yom Kippur, and not merely a hurdle that had to be passed on the way to the *Yamim Nora'im* prayers. It seemed as if the students were pouring out their hearts because they would not be together for Yom Kippur.

Over the years, and especially with the move to the new *beit midrash*, the word got out about the slow *selihot* accompanied by singing before, during, and after their recitation and spread across the country. Students who invited their friends and mothers, former students who returned to the *beit midrash* for the *selihot* years after having completed their studies, and teachers who brought their classes for the *selihot* service solidified into an enormous community of women. The number of men also grew from a *minyán* which had to be counted every night to make sure that there were ten to the situation today, when the men's section is frequently packed to capacity. Each night a larger number of women gather together from midnight until two or three in the morning. The participants are high school students arriving on their own, alongside high school and ulpana students coming as a group with their schools, together with women in their forties and fifties who come from all parts of the country in order to prepare for the *Yamim Nora'im* with prayer and song. It is important to note that each night before the *selihot* begin a talk is given by a member of the staff of the *beit midrash*, and various classes on timely issues are offered to the guests.

One personal memory: About twenty-five years ago a difficult task was cast upon my father's shoulders—to find the key to the women's section in the Katamon *shtiebl* so that I could recite the *selihot* inside, rather than outside below the shul's window. At Yeshivat Har Etzion, where I came as a child, I was also among the few women who recited *selihot* as part of their religious world. Today I stand in a packed *beit midrash* with five hundred other women who come each night to recite *selihot*.

The intensity of the *selihot* led directly to the question whether or not to have a *minyán* in the *beit midrash* on the *Yamim Nora'im*. The students repeatedly asked to arrange for a *minyán* in the *beit midrash* on Yom Kippur. Their desire to pray in their home on Yom Kippur

was easy to understand, and the feeling consolidated that a women's *beit midrash* can and should join together for community prayer on Yom Kippur. Despite the strong feelings, it seems that what is self-evident in the world of men's Torah learning requires clarification and discussion in a women's *beit midrash*. Today I am certain that, with all the difficulty it entails, this process of clarification sharpens the issues and demands truth and honesty that lead to deeper and more profound understanding.

Various issues were discussed in this context: Is it proper to conduct a service in a congregation comprised of forty men and five hundred women? Is such a service spiritually "kosher"—must not men constitute the backbone of the service? Or perhaps some of the spiritual elements can take place on the other side of the *mehitzah*, where great spiritual energy issues forth from a community of women? Is it proper to expose women to a meaningful experience of prayer when it is clear that later in their lives they will for many years spend their time taking care of their children outside the synagogue—will the transition be too difficult? Issues relating to women's singing and *kol ishah* were also raised.

After several years of discussion with the students, who felt a deep emotional involvement with the issue, we turned to the Roshei Yeshiva of Yeshivat Har Etzion, Rav Lichtenstein and Rav Amital, and asked for their blessings. Three conditions were attached to their affirmative answer: the contingent of men must be significant in number (about fifty); it must be composed solely of men who wish to pray there (and not men who were pressured to do so owing to the need for a sizable *minyan*); all the men must be married.

Yom Kippur services have been conducted in the *beit midrash* for the past five years. It is difficult to describe the excitement in the women's section and even in the men's section. The *minyan* is for the most part composed of members of the staff, parents of students, and husbands of former students. Members of the *beit midrash* staff lead the service, and I give the talks on the night of *Kol Nidrei* and before *Ne'ilah* from the women's section, the men listening in the men's section. Hundreds of women and young girls from near and far fill the *beit midrash*. We have demonstrated that it is indeed possible to

actualize a world of Torah and prayer in a women's *beit midrash* within the bounds of halakhah.

MAKING A RECKONING: THE ACHIEVEMENTS OF WOMEN'S TORAH LEARNING

What were the achievements of the world of women's Torah learning over the past twenty-five years? In what ways did it succeed, and where is work still needed? How, if at all, has women's learning influenced men's Torah study in particular, and the religious world in general? Have the transformations and new emphases in the world of women's Torah learning changed the priorities of the religious community and the way of life of the religious family?

I will first address these questions from the perspective of the world of women, and then I will attempt to examine them with respect to the world of men's Torah study.

On the individual plane, we have enjoyed great success. The spiritual, religious, and even halakhic worlds of women have enjoyed unparalleled development and advance in recent years. More Torah classes are being offered to women and girls; women go to synagogue for Minchah and Ma'ariv more than ever before. The phenomenon of *selihot* described above and serious bat mitzvah celebrations all across the country point to spiritual seeking and a desire for religious intimacy. Women no longer see the religious world as the exclusive domain of men. The level of the Torah-related conversations among young religious women is certainly higher today than it was a generation ago. Every ulpana offers *Torah Lishmah* programs, and Torah classes are flourishing in national service settings. Guests arriving at a wedding find the bride and her friends immersed in spiritual singing and not only in small talk, as was the case in the past. Not every high school and ulpana graduate invests a year in Torah study, but the existence of the *midrashot* has influenced even those who have chosen not to study in them—through seminars, through the challenge that they pose to young women, and through the fundamental assumption that Torah learning is open to women. Many mothers are filled with envy when they see their daughters enjoying opportunities that they themselves

were never offered. Many frameworks are also available to older women—daily, weekly, and pre-holiday classes.

“With our Faces Turned to the Community”

In addition to the direct influence that it has had on each individual, the world of women's Torah learning has impacted upon the community as a whole and upon the community of women in particular. In this context, I wish to note three primary factors:

Direct personal influence: A woman who studies Torah in a *beit midrash* brings her husband and her family that which she has learned and experienced in her studies. The Torah discussions in the house, among the family in general and between husband and wife in particular, are directly influenced by the world of women's Torah learning. The level of conversation, the nature of the discussion, and the spiritual partnership have all immeasurably risen during these years. A mother's involvement in her children's Torah study sends an important message regarding the place of the religious world in the house and the centrality of Torah study in the life of the family. Women have begun to speak at their sons' bar mitzvah celebrations as perpetuators of the tradition. More and more women offer *divrei Torah* at family events (this last phenomenon may be limited to certain sectors of the community, but it is still important to note them).

Female leadership: Women who over the course of the years studied in these Torah frameworks today teach girls and women in community and high school frameworks. *Gemara* teachers in high schools and *midrashot* along with teachers of *Tanakh* and Jewish thought in community settings present a model of a serious Torah figure. A spiritual leadership is also growing in the *midrashot*, some of which are headed by women. In several communities in Israel women are actively involved in their synagogues. It is certainly possible to find women with intense spiritual strength and proficiency in learning who constitute models for inspiration and advancement in the service of God. In part of the community, this leadership is limited to the world of women: women leading women. In other parts of the community, however, women leaders play a role in forums of rabbis and male teachers. At the recent conference of Tzohar rabbis, women were

invited to sit on various panels as educational and *Torani* figures, and not only as professionals, such as psychologists and social workers.

I admit that that we still have a long way to go before the place of women as Torah leaders is fully recognized, but in parts of society we are certainly beginning to see a change. Part of Torah society views women speaking in mixed company as a violation of the required standards of modesty, and in that sector I do not foresee any breakthroughs or changes regarding female leadership outside the world of women.

Answering the needs of the community: In the framework of these influences, I include the work of the *yo'atzot halakhah* and the rabbinical court advocates. The world of women's Torah learning has enabled the training of these women as figures who are proficient in their areas of expertise and who significantly contribute to the entire community. The rabbinical court advocates directly impact upon one of the most important institutions in the religious world and in the encounter between the general community and the rabbinical court system in connection with the laws of marriage and divorce. In their professional capacity, they engage in legal proceedings before important Torah authorities alongside their male counterparts. In these court proceedings, the world of women's Torah learning directly encounters the world of male Torah learning. We are not dealing here with Torah scholarship for its own sake but rather with human lives and the practical application of Torah, and it is perhaps precisely for this reason that it is such a fascinating encounter. The rabbinical court advocates are also very active in the area of *agunot* and women who are refused a bill of divorce, and in this way they directly influence the nature of the religious community.

The *yo'atzot halakhah* also turn to the community and impact upon one of the most important *mitzvot* in the preservation of the Jewish community over the generations. The service that they provide women greatly influences the world of Jewish men. A halakhic discussion conducted between a *yo'etzet halakhah* and her rabbinic supervisor constitutes a direct meeting place between the two worlds. The *yo'etzet* brings to the halakhic discussion not only her Torah knowledge but also the fact that she is a woman in an area that is so sensitive to women. In a conversation I had with one of the *yo'atzot*,

she described the vibrant halakhic discourse that she maintains with her supervisor in which her halakhic judgment and experience as a *yo'etzet* is given great weight in the final ruling jointly reached by the rabbi and the *yo'etzet*. This is a concrete change in the community, and perhaps even in the halakhic decision-making process—a modest change, but nevertheless an important one.

From all that has been said above, it seems to me that without a doubt women's Torah learning has greatly impacted upon the religious community, on both the individual and the community level. An interesting question is whether the choices and initiatives to influence in the communal domain were conscious decisions connected to the nature of women and the most important circles in which women live on a day-to-day basis—the circles of family and community—or whether, perhaps, women were “pushed” into these areas of influence because they knew that it would be impossible for them to be involved in other areas of halakhah. It is difficult to answer this question, but it seems to me that the choice was not merely *be-di'eved*. It had a deep element of *lekhatilah*, a desire for involvement and influence in areas where women's sensitivity and sisterhood would be an advantage and in that way contribute to the religious community as a whole.

**“THE DIFFERENCE BETWEEN MEN AND WOMEN”:
THE INFLUENCE OF WOMEN'S TORAH LEARNING
ON THE WORLD OF THE YESHIVOT**

One question remains unanswered: Has the world of women's Torah learning changed or influenced men's Torah institutions—the yeshivot? A certain difficulty lies in the very question. During this period, many transformations took place in the world of men's Torah learning: New yeshivot opened, the world of men's Torah learning expanded, and parts of it underwent significant changes. Yeshivot placing greater emphasis on the spiritual dimension became more dominant, while the number of students remaining for many years in the more scholastic yeshivot declined. The yeshiva curriculum, which twenty years ago centered primarily on the study of *gemara*, today addresses issues situated “between the holy and the profane.” In Yeshivat Har

Etzion, members of the educational staff lead discussions on matters relating to society, the state, and the like. These seminars are restricted to certain fixed occasions (e.g., on Hanukkah or on *Motza'ei Shabbat*), but twenty years ago even these times were dedicated exclusively to the debates of Abaye and Rava. Indeed, times have changed.

Can these changes be credited to the influence of women's Torah learning, or are we perhaps dealing with spiritual changes taking place in this generation that are part of broader developments in both the religious and the general world? The *midrashot* and the yeshivot experienced similar changes (though in entirely different proportions), but would it be presumptuous to attribute these changes to the world of the *midrashot*? Aren't both the yeshiva and the midrasha part of the postmodern (and perhaps also neo-hasidic) world, these influences being evident both in the midrasha that was taking form and in the yeshiva that was undergoing change during these years?

Is it possible to test this issue? I cannot offer a precise answer to this question, but I wish to add two more pieces of information relating to the connection between the world of the *midrashot* and the world of the yeshivot, which may contribute to the discussion.

Where are we likely to find a bridge between these different worlds of Torah?

First and foremost, in the world of learning, the primary focus of the yeshiva. In this area, I am sad to say, the world of women's Torah learning has not yet produced Torah scholars of the caliber that can influence Torah scholars in the yeshivot. Unfortunately, all the attempts made in this direction have been meager, and they do not pose a true challenge in the area of learning. Is it possible to develop into a real Torah scholar (in the full sense of the term, and without lowering the standards of the idea) while learning only four days a week until half past three? In order to produce women Torah scholars, we need ten-year frameworks of study from early in the morning to late at night, but such institutions do not yet exist. There are women who are proficient in Torah, but we have not yet produced Torah scholars in the original sense of the term. It is possible, but we have a long way to go, and in this sense we have not influenced the world of men's Torah learning.

I opened this essay with the question whether yeshivot direct themselves to producing Torah scholars or educated *ba'alei batim*. Over the years, attitudes on this issue within the yeshiva world have changed, and in recent years there have been an increasing number of voices calling for a strengthening of the class of *ba'alei batim* strongly connected to the world of Torah as the educational focus of the yeshiva. In this sense there has been an impressive cross-fertilization between the two worlds, and the changes in the world of the yeshivot may have influenced the world of women. An honest examination of the world of the *midrashot* reveals that we have undoubtedly produced *ba'alei batiyot* who love the Torah, are connected to it, and understand its value and halakhic demands, but we have not yet merited producing Torah authorities. Is this conclusion disappointing? It depends upon whom you ask. Personally, I am certain that at this initial stage we should be happy with our achievements.

Another important encounter between the two worlds takes place on the human level, both on the part of the rabbis who teach in both worlds, and on the part of the students. More than one teacher has told me that after beginning to teach in a midrasha, he changed the way he teaches in a yeshiva. One of the instructors at the *beit midrash* in Migdal Oz, who teaches Rav Soloveitchik's essay "*U-Bikkashtem Mi-sham*," told me: "The questions that women ask me are different than the questions raised by men, and I have begun to teach the men differently in light of the questions posed by the women, which provided me with new perspectives on the text being studied." Voices from the world of women's Torah study are definitely being passed to the world of men's Torah study and have an impact upon it.

As mentioned above, another point of transfer is found between individuals who live in the two different worlds. Parents and daughters, brothers and sisters, husbands and wives who share their experiences with each other create many different relationships and connections between the two worlds. Here too it is difficult to determine whether we are dealing with influences from the world of women upon the world of men, or with mutual influences streaming in the spiritual discussion being conducted by individuals who are troubled by

the same issues and bring their own worlds to a vibrant and living encounter with similar but different worlds. Even though it is difficult to answer this question, I am convinced that the personal channel is exceedingly important in creating connections and influences between the two worlds, and that both worlds are enriched by these encounters, influencing and being influenced at the same time.

CONCLUSION

Let me conclude with a brief survey that I conducted “in the field” in anticipation of what I am saying here. I asked two instructors who teach in the *beit midrash* in Migdal Oz whether the *midrashot* have had any effect on the yeshivot. The first instructor teaches Ḥasidut in the *beit midrash* and is primarily occupied with hasidic thought: “Certainly,” he answered, “what kind of question is that? The spiritual discussion has changed in the yeshivot, the depth, the way that I teach, the questions that my wife raises while I prepare my class, the *midrashot* have surely greatly affected the yeshivot and what is taught in them.” Taking this answer as a compliment, I turned to the next teacher, an instructor of *gemara* who is primarily occupied with the debates of Abaye and Rava, but also teaches Jewish thought in the *beit midrash*. I asked the same question: “How, if at all, have the *midrashot* influenced the yeshivot?” The teacher looked at me in amazement as if he did not understand the question and immediately replied: “The *midrashot* influencing the yeshivot? Certainly not! Is it possible for the depth of learning in the *midrashot* to influence the yeshivot? Do the *mechinot* influence the yeshivot? The world of the *midrashot* is far from impacting upon the world of the yeshivot.”

I listened to the two answers and pondered about the personality and spiritual gap between these two teachers and the different ways in which they experience and define both the world of the *midrashot* and that of the yeshivot. I understood that I would never find a single answer to the question I had posed. As an interesting point to consider, let me add that when I pressed the *gemara* instructor and told him what his colleague had said, it was he who said what was cited above, that his teaching of “*U-Bikkatshtem Mi-sham*” in the yeshiva definitely

changed after he taught women precisely the same text. When I meet him again, I will ask him whether his *gemara* classes in the yeshiva also changed after teaching the same tractate to the women. I am not sure what his answer would be.

It is my hope that, with the help of “He who gave the Torah to His people Israel,” the next twenty-five years will be just as exciting, advancing us and bringing us closer to Him.

NOTE

1. Editor's note: this article focuses exclusively on the development of advanced women's Torah learning in Israel. A separate treatment of the American scene, and a comparison between the two, is required.

Part 4

The Odyssey Years: Perspectives on Identity and Membership

As *New York Times* columnist David Brooks noted in his column on October 9, 2007 (<http://www.nytimes.com/2007/10/09/opinion/09brooks.html?em>),

“There used to be four common life phases: childhood, adolescence, adulthood and old age. Now, there are at least six: childhood, adolescence, odyssey, adulthood, active retirement and old age. Of the new ones, the least understood is odyssey, the decade of wandering that frequently occurs between adolescence and adulthood.”

What do we know about the Odyssey Years and how they impact identity in general and Jewish identity in particular? Is this developmental stage and the changes associated with it a long-term phenomenon? Do Jewish texts address the issues raised by this new social reality? How can Jewish organizations and institutions better meet the needs of young Jews who identify in more fluid ways? How can Orthodox “Odyssey Years” parents and their children better understand one another’s perspectives?

10

The Modern Orthodox Diaspora as a Strategic Asset

Aharon Horwitz

Not long ago, the mechanism for perpetuating Orthodox identity—and within it modern Orthodox identity—was apparent to all. Day school, synagogue, ritual at home, post-high school yeshiva studies—these components of a modern Orthodox upbringing created a “maximal exposure” to Judaism during youth and adolescence. According to Professor Bethamie Horowitz, this upbringing generates a sustained commitment to Judaism into adulthood.¹ Then, as adults within the framework of marriage and children, Orthodox Jews passed their traditions forward to the next generation.

While the first part of this equation—maximal exposure—still guarantees that modern Orthodox youth and adolescents are highly committed to a religious Jewish lifestyle, the bottom has fallen out from under the second half, namely the seamless handoff of the

practices and traditions of the adolescent period into adulthood. That is to say, while many Modern Orthodox youth enter adulthood with their Orthodoxy intact—indeed, more than intact; much has been made of the rightward trend among young Modern Orthodox—many more delay the transition into traditional adulthood and its accompanying family framework. More and more, these individuals comprise a Modern Orthodox Diaspora: young people existing in the ritual-social “near abroad,” situated not far from Orthodoxy, yet not exactly inside either. If trends continue, the sojourn of Modern Orthodox 20-somethings into other territories, unusual lifestyles, and untraditional frameworks will become *de rigueur* for a large percentage of its youth, as will a process of immigrating back and forth between these new lands and the world of one’s upbringing. While this Orthodox Diaspora community may, to many, represent a great threat to the integrity of Modern Orthodoxy, it also, in reality, represents a great asset, and an opportunity to strengthen the connection of Modern Orthodoxy to core Jewish purpose. The challenge for Modern Orthodoxy will be to adopt a stance that fully incorporates these people and their experiences during their time “abroad,” while at the same time maintaining its commitment to Jewish Law, such that Modern Orthodoxy as a whole finds itself refreshed and renewed for a new era.

To better understand this community, let us take a look at a real person named “Sarah,” whom I grew to know well over the past several years through the organization that I co-direct, PresenTense, and before that in the context of university. Sarah’s story is familiar: Raised in a Modern Orthodox household, she attended leading New York area Jewish lower, middle, and high schools. After high school she studied for a year at a leading seminary in Israel, followed by attendance at a college with a strong Modern Orthodox Jewish community. At college, she excelled both as a student and as a leader and representative of the Orthodox community. During this period, she fully embodied most of the outward religious customs of the Modern Orthodox lifestyle. She kept strict *kashrut* (other than Starbucks), observed the laws of *negi’ah* (prohibiting physical contact between the sexes), maintained modest dress, and held to a regimen of Torah study.

Sarah's Orthodoxy was not a sheltered one. She was fully modern and engaged. She led student groups that included non-religious Jews, Jews of other denominations, and non-Jews, took the regular classes, and participated on student college boards. By the end of her college years, she had been exposed in depth to the modern world and yet—I know this from conversations—anticipated a life in the Modern Orthodox tradition that would have looked very much like the one her high school teachers modeled. In fact, even in her senior year of college, despite the seeds of many other possibilities that may have been planted in her psyche, any Stern College rabbi or Brovender's Rosh Metivta (teacher) would have classified her as a committed member of the Modern Orthodox community.

Sarah, talented and ambitious, dated extensively in the final years of college and just after, fully expecting to meet her spouse and move into a traditional Jewish community like Teaneck, Brookline, or Riverdale—however, she did not find her match. As graduation day moved into the rear-view mirror, she began to pursue a number of business projects—switching frequently between opportunities—that mandated frequent travel. Her circle of friends expanded, and she had income and means to set up her own life on Manhattan's Upper West Side. Her behavior *vis-à-vis* her religious observance changed as well. She steadily drifted from the practices of her Modern Orthodox youth and adolescence. Piecemeal, skirts gave way to pants, *shemirat negi'ah* was no longer a consideration, and carefully eating out in dairy places was an acceptable practice when necessary. She only prayed in a community on Shabbat—often only on Friday night—and sometimes frequented independent, semi-egalitarian *minyanim*, or, for an experience here and there, spiritually oriented *minyanim* that were altogether mixed. At this point, if she had to undergo an “Orthodoxy Test” by most of the standards of our yeshivot, she would probably not pass muster.² Surprisingly to many perhaps, if you asked Sarah (and I have), she would answer that not only is she highly affiliated, but, indeed, that she is comfortably Modern Orthodox. Moreover, she is not alone in this sentiment: Through her proximate social network, she has many friends like herself; through her broader digital social

network, she is tied to hundreds more living in those Orthodox-adjacent territories.

What is going on here? Sarah's experience fits neatly into the frame of the Odyssey Years, described by the *New York Times* columnist David Brooks as a decade-long stage of life that has become a period of "wandering that frequently occurs between adolescence and adulthood."³ During this time, explains Brooks, commitment to the characteristics of "tightly structured childhoods" gives way to a period that is accompanied by experimentation, searching, and identity creation—a time when sacred cows can lose their heads without a blink. Brooks notes that church is replaced with spiritual "longing," independence without marriage leads to a broad and diverse social network, and careers are unmade and remade through job experimentation. For the many Americans and Western youth who go on this odyssey, this period involves a time of identity creation that enables a shifting away from the values and identity taught in childhood and adolescence.

For many Modern Orthodox youth, the same is true: Threaded throughout the Orthodox world are pockets of communities comprising 20- to 40-year-olds on odyssey. These are Sarah's friends, who have led to much soul-searching among the Modern Orthodox community: Communities in the Upper West Side of Manhattan, Pico-Robertson in Los Angeles, Brookline in Boston, Bakka, Rehavia, and Katamon in Jerusalem, and the Arlozoroff area in Tel Aviv, housing young adults who loosely adhere to Orthodox life rhythms such as Shabbat observance, communal meals, prayer, and *kashrut*. However, this is not the Modern Orthodoxy of their youth: They may orbit a shul or three, but they only go occasionally. *Minyan* during the week—and often *tefillin* or prayer at home—is optional. They circle around *kashrut*, basically observing it, but not investing too much energy in examining where the supervision comes from, or caring overly much about eating at a vegan, dairy, or vegetarian restaurant. They frequent pubs, and enjoy opportunities for mixed dancing at weddings that start with traditional Jewish music but end with rock.

The fact that, like Sarah, most of these people consider themselves actively Modern Orthodox, probably rings false to many within the community, who would say that these “Odyssey Orthodox,” while “culturally Orthodox,” are “not serious,” or are representative of “Modern Orthodox-lite.”⁴ Insofar as they represent an opposite trend to the much-discussed haredization of the Modern Orthodox, they, in the eyes of many, are even more of a challenge, as they undermine the competitive claim of Modern Orthodoxy that it can seriously contend with other forms of “Torah-true” Judaism. Others take comfort in the hope that, once the years of wandering are over, the family framework will still bring them home.

Whatever stance one takes on these communities, they are certainly as important as they are perplexing. While, as Chaim Waxman points out, Modern Orthodoxy may not be as weak a stream within Orthodoxy as many claim, it still faces challenges on all fronts as regards definition and demographics.⁵ One of the key factors that can undermine the high level of Orthodox commitment (built during youth through the expensive investment of time and money in education), notes Bethamie Horowitz, is an extended dalliance outside the family framework, specifically a delay in marriage. Horowitz found that

Those with Orthodox upbringing were more strongly influenced earlier in their lives. The Orthodox-raised who continued their childhood Jewish engagement into adulthood were enmeshed in a mutually reinforcing network of Jewish commitment and practice, beginning in their families and continuing in day school and in synagogue life.... This Orthodox formula of Jewish maximal exposure, which was usually successful in producing later Jewish involvement, could potentially become undermined in three main ways ... not being married or having a family were associated with less ritual involvement.

Of course, marriage, in this case, is merely a symptom of the bigger sea change described by Brooks. If, as is likely to happen, a strong percentage of Modern Orthodox youth continue to get married later, delay having children and joining a committed synagogue community, embrace different cultural norms in the years after college, and become part of diffuse social communities, Horwitz's insight hints toward a major bleed on the Modern Orthodox demographic pool. Seen through this lens, there exists the potential that sojourns to the Orthodox near abroad may turn into a full abandonment of the homeland.

Let us raise the stakes more. If the Modern Orthodox community does not face the challenge presented by this Orthodox Diaspora, the consequences will pile up very quickly. First, as mentioned above, these youth represent numbers, which will impact the corporeal continuity of the community. This is not a question of the survival of *Orthodoxy*. Trends surely point to the fact that Orthodoxies are flourishing strongly in the age of modernity—the Haredi and yeshivish community will have plenty of numbers going into the next 20 years.⁶ Specifically at stake here is *Modern Orthodoxy*. The young people on odyssey are important to Modern Orthodoxy's continuity, insofar as they are people comfortable with modernity and knowledgeable about Judaism. Should they not maintain their Modern Orthodox citizenship, then the numbers question will have a strong impact on the strength of the community and its institutions. We will descend into a self-perpetuating cycle where a weakened set of Modern Orthodox institutions loses the ability to vigorously compete against the anti-modern or modern-ambivalent religious on the right and parallel pressures on the left.

Second, the Odyssey Orthodox, because of their sojourning, represent a vital pool of social capital and a fantastic social network. From the field, they bring connections and contacts that more sheltered Orthodox Jews may lack. As I observe daily in my environment, Modern Orthodox immigrants into other frameworks often rise to leadership positions, serve as unofficial Jewish guides to other odyssey seekers from other backgrounds, and feel fully comfortable defending the legitimacy of a modern way of life to people slipping into more Haredi and anti-modern Jewish frameworks. The Odyssey Orthodox

often inspire the non-Orthodox-raised to begin considering themselves learners and observers of Jewish law and practice (though, even with their passion for learning and ritual, these additions to our community usually look and behave more like their Odyssey Orthodox peers than the more traditional Modern Orthodox). All the assets gained during this period are at the community's disposal should these people stay within the Modern Orthodox framework.

Third, they represent vital intellectual energy. If Modern Orthodoxy is to avoid becoming detached from the current environment and the challenges emerging from the field, it needs the energy and intellectual investment of the cohort of individuals who are on their odyssey. It is indeed the openness of Modern Orthodoxy to higher education and women's advancement (relative to more right communities) that, in the first place, may be the very reason that so many Modern Orthodox youth are naturally drawn to the odyssey experience. If we truly believe in the values of Modern Orthodoxy, it may be to our great gain to see this generation through on their intellectual, religious, and social journey, and their eventual return to contribute to the Modern Orthodox world. Moreover, if Orthodoxy can somehow grow alongside its traveling youth, this will open great opportunities for addressing challenges of the future with intellectual contributions from places as yet unconsidered. These people are not simply lazy, they are searching out meaning and wisdom, which, again, stay with them as an asset should they choose to invest their lives in the Modern Orthodox community.

The stakes are clear, but the answer is not. To devise an approach to incorporating the Odyssey Years into a Modern Orthodox lifecycle, we need to further understand what makes these people tick. A common misconception is that the period of odyssey is one of selfishness to the point of distraction. Looking at the research, this actually proves not to be the case among the general odyssey population; we can extrapolate from anecdote that neither is it the case within the Modern Orthodox Diaspora. Indeed, evaluated by a number of metrics, people in their 20s today are more engaged with civic activism, politics, and society than ever. According to the Civic Youth survey, from 2000 to 2005, voting between the ages of 18 and 25 soared across the demographics.⁷

So, too, volunteerism and involvement in important social causes. The trend has expressions elsewhere as well. If you are like many users of Facebook, you have become familiar with the multiplicity of invitations for “causes” and solidarity groups. Odyssey youth are indeed highly connected, if not to their parents’ path, then to a path that is rich with commitment to community welfare and society as a whole. Indeed, in a study by Galston (upon which Brooks bases his opinion editorial), 81 percent of young adults surveyed felt that a key step toward adulthood was to “become less self-oriented, develop greater consideration for others.”⁸

The factors contributing to this sense of civic commitment are manifold. On the face of it, according to surveys, engagement-oriented approaches to education support volunteerism and civic commitment. From a young age now, often fifth or sixth grade, kids are exposed to social networks built around social activism and see leading social entrepreneurs among their models.⁹ One should also include the impact of media: More and more movie and television narratives, and more importantly, the online extensions that go with them, are centered on stories about superheroes and acts of bravery aimed at saving the world. Mass media is telling a story of ordinary peasants rising up to be kings and in the process saving the world. Surely this is impacting youth attitudes toward their own power to effect change.

So too, in the Modern Orthodox Community. For all that the Odyssey Years represent a time of drifting from the ritual strictures of youth, they are accompanied by an intense involvement with the community and engagement in social good. Odyssey Orthodox young adults are living out some of the important Jewish values that they were taught throughout their education—*gemilut ḥasadim* (acts of kindness), *tikkun olam* (repairing the world), *tzedekah* (charity), and communal obligation.

Sarah, from our case study above, spends many hours each busy week volunteering, planning *tzedekah* events, and being a part of projects aimed at supporting Israel, Jewish causes, and the general good. In these frameworks she is working with fellow Orthodox Diaspora community members, as well as Jews and non-Jews from other communities. As holds for the general community, this commitment

to social good is founded in early training at Modern Orthodox institutions. Youth volunteering is flourishing—just witness the Teens for the World project that excited the New York Jewish community and led to a *Jewish Week* “36 Under 36” recognition for its founder, SAR High School student Joe Teplow.¹⁰ Further, innovation has sprung up like spring flowers among Jews in their 20s and 30s. Ventures like my Presentense Group, Avodah, Hazon, Jdub, Media Midrash, Omanoot, Jewish Heart for Africa, Challah for Hunger, Impact Aliyah, Teach for Israel, and Bible Raps have been accompanied by institutionally driven projects like Joshua Venture Group, YU’s Center for the Jewish Future, the Center for Leadership Initiatives, and many more. Many of these are projects propelled by odyssey seekers—and many count members of the Orthodox Diaspora on the management team or in core volunteer positions. Odyssey youth are not slackers, nor are they ignoring the values taught in their youth—many Modern Orthodox odyssey youth are heroes in the making.

What crumbles, then, during the transition from adolescence to adulthood, when analyzed with the concerns of Modern Orthodoxy in mind, is not the commitment to social good or the Jewish People, but rather the commitment to ritual and halakhic obligation. Why, we must ask, if these people are so willing to be obligated and committed to diligently and rigorously pursuing the values they learned in the excellent Modern Orthodox educational system, are they not behaving similarly in the upholding of Jewish law as they learned it? One path to an answer is to blame outside factors for the breakdown in tradition—but that would be doing a disservice to Modern Orthodoxy’s future. Instead, we can use these young odyssey communities to hold a mirror up to ourselves and ask the question: Why are our ritual and commitment to halakhah not compelling enough to last the odyssey? Let us explore the possibility that the *halakhot* and rituals of our community are not being effectively framed in the context of the values that stand strong during the Odyssey Years. To resurrect an old argument, the *ta’amei ha-mitzvot* (meaning of the commandments) that might explain the *halakhot’s* value are not apparent enough to the membership of the Orthodox Diaspora to provide a bulwark against the waning influence of earlier education. What we could consider, in the face of this, are

a few directions that might prove useful in the discourse of how we communicate with Odyssey Orthodox, and how we structure our educational curriculum in our schools: First, a focus on core principles of purpose and values will help connect the experiences and concerns of odyssey to the Modern Orthodox community. This requires, in our curricula, shuls, and yeshivot, an insistence on halakhah and the halakhic way of life not so much for its own sake (or to serve God, history, or Torah), but as a way to support practically the fulfillment of the Jewish mission as a whole. We must explain how the obligations of halakhah further the social values that odyssey youth grew up with and continue to pursue even as they abandon ritual stricture. Second, an expansion of the Modern Orthodox community's understanding of its self-purpose, and a reincorporation of the Orthodox Diaspora's story into the story of the mainstream, will both help Modern Orthodoxy stay true to course and keep the Odyssey Orthodox within the Modern Orthodox story. Keeping them within, of course, means that the community will have a continuing claim on the time, treasure, and brainpower of its journeying youth.

As regards core purpose, Modern Orthodoxy might consider making a transition from a stance of "Modern Orthodoxy-in" to a stance of "Modern Orthodoxy-out." As with the best leadership development programs and community organizing campaigns, Modern Orthodoxy's success should not be measured by the number of students attending Yeshiva University or yeshiva gap-year programs, but rather by the number of its children leading Jewish and non-Jewish institutions that are aimed at changing the world for good. It must consider these people—whether they adhere to the precepts of their youth or not—as a set of ambassadors for Judaism's core purpose and value proposition to the world. Within this worldview, Modern Orthodoxy should take pride and strength from the fact that its commitment to ritual obligation and maximal Jewish learning provides confidence, strength, inspiration, and passion for both Jewish leadership and a lifelong commitment to the Jewish People and Jewish purpose.

By shifting the metric from the internal to the external, we will oversee a shift from measuring outputs (the number of yeshiva

graduates produced by the modern Orthodox community) to measuring outcomes (the level to which Modern Orthodoxy is helping the Jewish People fulfill their God-given purpose). In this way, Modern Orthodoxy reconnects to a very appealing activist Jewish mission of *or la-goyim* (light unto the nations), which accurately describes the social activism and charity work that odyssey youth embrace during their years in the Orthodox near abroad.

Further, claiming this fantastic network of leadership as part of the modern Orthodox project will give a *raison d'être*—and, even more powerfully, proof of its effect—to the modern Orthodox system of obligation to halakhah and Jewish ritual norms. The value outcome will simply be apparent. Celebrating this sort of accomplishment as part of what Modern Orthodoxy and halakhic practice is about will also remove any hint of antagonism between the modern Orthodox establishment and its odyssey children. They will take pride in their affiliation and view Modern Orthodoxy as both a launching pad for good human citizens and a great incubation space for their own children during the period of youth and adolescence.

The challenge of this approach is that Modern Orthodoxy must come to understand itself less as a delineated ideological movement than as a network or organizing framework with real but broad value boundaries, made up of a group of people who share a background and a commitment to the power of Jewish learning, obligation, and lifestyle, and are determined to engine the Jewish People toward the realization of the core role of *Kiddush Hashem* (sanctification of God's name) in the public sphere as in the private.

What role do ritual and obligation serve in this equation? Interestingly, the odyssey attitude to Judaism sounds similar, in some ways, to what was described by Dr. Haym Soloveitchik in his “Rupture and Reconstruction.” Early immigrants to America, writes Soloveitchik,

created free-loan societies, burial societies, immigrant aid associations, and landsmannschaften. Synagogues, lodges, and ladies auxiliaries were formed, hospitals established, networks of social services instituted, and charities of every sort erected for local needs, for overseas kin, and for

the nascent settlements in Palestine. Temples, community centers and YMHAs soon dotted the residential landscape. Jewish schools, however, were scarcely to be found.¹¹

At the end of World War II only thirty day schools of any sort existed in the entire United States, with a total student population of some 5,800. Yeshivot were far, far fewer, and the population of these institutions was minuscule.¹²

According to Soloveitchik, early immigrants felt that Judaism was something “deep in the bone,” and the default position of the Jew, rather than something that had to be learned. The emergence of a more intensive Orthodoxy came later, when this assumption did not pan out. In certain ways, today’s odyssey youth are like those first immigrants—they know Judaism, they are comfortable with it, and they live the principles of “social vision (*yoysher*) and a moral standard of conduct (*mentshlikhkeyt*)”¹³ without feeling compelled to be overly strict about religious ideology. The problem with this approach, which grows from a certain natural comfort with Judaism, is that without the strength of obligation, one loses one’s way or finds it challenging to pass on to the next generation.

This is a big part of the problem that modern Orthodox practice solves. In our discourse, our rituals and focus on community—and the sense of obligation as a value—must be tightly tied to the perpetuation of our values. A sense of obligation out of the fear of Heaven does not tend to survive the odyssey period. In this sense, Modern Orthodoxy must reframe its lifestyle to the odyssey youth as a conscious “opting-in” to obligation, for a purpose of reaching a higher plane and being better citizens of the world. *Yoysher* and *mentshlikhkeyt* will be better served with *mitzvot*; that is to say, we value obligation and a routine of ritual because it better enables us to deliver Jewish values to the world.

An “obligation as a value” approach will speak to the spirit of the Odyssey Years, when everyone is choosing what they want to be, and running away from what they are told to be. In this case, as we recognize that maintaining an ambiguous stance as to why we pursue specific commandments, or resting it on Divine command, does not

transfer through odyssey, we could consider a communal project to put meaning to the *mitzvot*, as part of a process of articulating why they are important to maintaining a commitment to our values. If we can successfully articulate why obligation is important to achieving maximum social impact, then we can speak to that aspect of Odyssey Orthodox living. What does attending *minyan* do for you as a person concerned with making an impact on the poor of the community? How does *tefillin* add value to our personal commitment to social good? We could open these questions to an ongoing conversation within the modern Orthodox public on the Web, using a system of suggesting ideas and voting them up or down, such as the one provided by Salesforce.com's Ideaforce system and used by Dell and Starbucks to evaluate customer ideas. This unorthodox approach will help the modern Orthodox on odyssey create their own opt-in justification for halakhah.

An opt-in approach also has serious implications for *pesak* (halakhic decision-making) and the role of heads of *yeshivot* and rabbis in modern Orthodox life. The concept of halakhic *pesak* has engraved a concrete sense of right and wrong and boundaries to the community that are increasingly blurred for a large number of young people living in the modern Orthodox Diaspora. These travelers have experimented with different prayer communities, tasted of different practices, and lived with a more abstract sense of right and wrong. As such, the influence of the rabbis has waned as they are less and less in dialogue with the Orthodox Diaspora. Members of that diaspora are comfortable choosing different paths and making their own decisions.

There is a longstanding adage that one should select a rabbi and follow his *pesak* across the halakhic board. It would be far more relevant to open the rich range of opinions in Jewish legal discourse to the use of the Odyssey Orthodox. *Pesak* could be presented to this community as it really is: a guide to those who are self-obligated to a system of obligation, expounded by people who devote themselves to study and religious leadership, rather than a proclamation of binding authority that excludes people from the modern Orthodox Community. In the framework of this "*pesak* marketplace," modern Orthodox leaders will find new chances to make the case to odyssey followers that their *pesak*

further the values of social good that the odyssey community values. Only in this manner can *pesak* be relevant to the odyssey communities, and only in this manner will rabbinic authority touch their members.

The modern Orthodox Diaspora is fully comfortable with the values we cherish, and its members take actions every day to fulfill them. This fact should be celebrated, and these people should be embraced as shining examples of what Modern Orthodoxy achieves through its system. They should be invited to participate in the making of new meanings for existing rituals, in the process of coming to understand how rituals enhance a values-committed lifestyle and make it more sustainable and transferable. In this process, rather than seeing the modern Orthodox Diaspora as a negative, the mainstream should see it as the valuable asset it is. In their immigrations, Odyssey Orthodox bring needed new ideas, challenges, and pressures to the heart of Modern Orthodoxy. They are helping Modern Orthodoxy become more than a movement within a spectrum of Jewish religious streams, but rather as a cross-Jewish People alliance of people who choose to build a life of value around a striving for the social good, with a support structure of ritual and obligation.

When today's odyssey seekers, in 10 years or so, return to historical community frameworks in search of a home for their children, they will look for a Modern Orthodoxy that can embrace diversity while still staying true to the obligations of halakhah and social values. It is important, at this stage, for the modern Orthodox community to consider which discourses in the centers of modern Orthodox thought are helping prepare the ground for this reality. Those voices should be invested in and amplified, despite the challenge they may pose to other entrenched interests. In identifying these centers, we must find those who are speaking toward obligation and halakhic ritual—down to the most specific and esoteric—as a means of furthering the social values we so highly regard. Ritual and obligation should serve as the glue toward living a life that furthers the Jewish collective in its odyssey to be a light unto the nations.

NOTES

1. Bethamie Horwitz, *Connections and Journeys: Assessing Critical Opportunities for Enhancing Jewish Identity*. (New York: UJA-Federation of New York, June 2000, revised 2003), pp. vi and 102.
2. I think here of Rabbi Lamm's statement that "we adhere to the same Ikkarim, we are loyal to the same Torah, we strive for the same study of Torah and observance of the mitzvot that our parents and grandparents before us cherished throughout the generations, from Sinai onward." Dr. Norman Lamm, "Some Comments on Centrist Orthodoxy," *Tradition* 22, no. 3 (1986).
3. David Brooks, in *New York Times*. October 9, 2007.
4. It is possible to see this in many places, most fascinatingly in the discussion and debate that occurs in online spaces such as blogs and bulletin boards, such as "Hashkafa.com," the "premier forum for the Jewish frum," Hashkafa.com. July 29, 2003; January 15, 2009. <http://bit.ly/9axiU9>
5. Chaim Waxman, "American Modern Orthodoxy: Confronting Cultural Challenges," *Edah Journal* 4, no. 1 (Iyar 5764): 2–13: http://www.edah.org/backend/JournalArticle/4_1_waxman.pdf
6. For a review of this literature, see Chaim Waxman's article in *Edah Journal* 4, no. 1 (Iyar 5764): 2–13.
7. Emily Hoban Kirby and Kei Ginsberg-Kawashima, "Youth Vote in 2008," www.civicyouth.org (Circle: The Center for Information and Research on Civic Learning and Engagement. Tufts University Jonathan M. Tisch College of Citizenship and Public Service, August 17, 2009; January 15, 2010), <http://www.roanestate.edu/owl&writingcenter/OWL/MLA-Format4Websites.htm>
8. William Galston, "The Changing 20s" (presentation to the Brookings Institution, October 4, 2007), slide 28.
9. "Civic Education: What Students are Learning," www.civicyouth.org (Circle: The Center for Information and Research on Civic Learning and Engagement. Tufts University Jonathan M. Tisch College of Citizenship and Public Service, January 15, 2010), http://www.civicyouth.org/?page_id=246
10. Amy Spiro, "36 Under 36: Joe Teplow," *Jewish Week*, April 29, 2009. http://www.thejewishweek.com/viewArticle/c371_a15631/News/36_Under_36_TJW.html
11. Haym Soloveitchik, "Rupture and Reconstruction," *Tradition* 28, no. 4 (1994): 89.
12. Ibid.
13. Ibid., p. 90.

11

How Orthodoxy and Orthodox Synagogues Can Meet the Needs of the Odyssey Generation

Asher Lopatin

A little over two years ago, David Brooks wrote an influential piece in the *New York Times* called “The Odyssey Years.”¹ It was the most e-mailed article in the *New York Times* that day, and broke a story that William Galston had been working on at the Brookings Institution. Rather than seeing adolescents maturing right away to full adults in their twenties, ready to settle into careers, marriage, and mature lives, the Odyssey Years are a developmental phase in between adolescence and adulthood. This is a time for men and women in their twenties to explore what their lives are about: what excites them, what bores and frustrates them, who they really are, and who they want to be. This added phase explains why it now takes another decade—till they

are in their thirties—for the average man or woman to find a spouse and a career path. Significantly, Brooks notes that the Odyssey Years include an aversion to organized religion and a lack of commitment to an institution representing religion.

The Odyssey Years is a powerful explanation for a phenomenon which anyone who is involved with twenty-year-olds sees clearly. As a rabbi in a city shul in Chicago, where the majority of members over the past fifteen years have been singles and young couples in their twenties and thirties, much of the Odyssey Years theory makes sense—and is simply a reality. Actually, from my observations, and my wife's involvement as well in the lives of members, I would push the Odyssey Years beyond just the twenties into the thirties—and for a smaller subgroup even into their forties. In fact, for several years in our community we had a joint program between all the synagogues in the neighborhood—Reform, Conservative, and Orthodox—that catered specifically to Jews in their twenties, and eventually the mission had to be rewritten because so many people in their thirties were coming to events and fitting into Odyssey Years type programming.

The generation of the Odyssey Years is successful in many of the ways our society measures success: They might be getting higher degrees like master's, doctorates, law degrees well into their thirties, and sometimes they go from a law degree to a medical degree. One congregant was a successful assistant district attorney in his late twenties, didn't like it and decided to pursue an M.D. and is now a happy doctor, just starting his medical career in his late thirties. Another congregant was a successful lawyer in private practice, yet decided to go to rabbinical school and now is teaching and developing curriculum for a Jewish high school. Still others go from working for large corporations to setting up their own private business or practice. One Ph.D. in physics, in his late twenties, decided that was not enough, and went for a law degree to be a highly sought-after patent attorney. These are not drifters or losers; they are highly motivated and capable people who have made the Odyssey Years an acceptable way of living—without feeling the pressures of “settling down” and committing to a lifetime career in which they need to stay.

Moreover, even in terms of relationships, and accepting the values of raising a family, the Odyssey Years are not years of failure. In my understanding of my congregants of this age range—about half the shul—those in the Odyssey Years certainly feel frustration at not having a steady partner or not being married and starting a family, especially women in their thirties. It is not because they lack the effort to find a committed relationship. They are not single because they are not willing to settle for a relationship that does not meet their standards. These are not superficial standards; but are based on morals and time-honored values. Potential spouses must be compatible religiously, sexually, and practically. In one example I witnessed, a congregant in her mid-thirties, eager to find a spouse, dated a man for over a year, but eventually had to break up because he already had children from a previous marriage and did not want to have any more, and she wanted kids. For this congregant, the Odyssey Years mean that she is willing to go to great risks in order to find a man who really shares her values—values that are very Jewish.

Other couples in their late twenties and thirties, who are clearly attracted to each other and enjoy each other's company and stimulating outlook on life, are struggling because one partner is religious and the other—though perhaps traditional or sympathetic—is just not observant or religious enough. Some couples have come to my wife, Rachel, and me several times, desperate to make a relationship work, but at the same time, in tune with the empowerment the Odyssey Years give them, they are not willing to compromise the basic foundations of the life they care so much about.

Eventually, most of these people in the Odyssey Years find a career that they are successful in and which, usually, is fulfilling and emotionally rewarding. They find spouses who are compatible and stimulating and inspiring. They have kids, sometimes with a lot of fertility treatment because of the wife's advanced age, but they probably have as many kids as they would have had they gotten married younger—these are people in a Modern Orthodox synagogue (my own shul) or in a Conservative synagogue who are still having three or four kids, which is sufficiently over the average American trend as to be considered a success in being fruitful and multiplying. Many of the

mothers who start having kids in their thirties are willing to have kids even in their early forties, and many of the fathers end up in their mid-forties with kids who are preschool or just being born. The Odyssey Years statistically and anecdotally push off the age of family life, but these families may be stronger and more fulfilled because of it. In fact, the Odyssey theory might explain why of the more than a hundred weddings at which I have officiated, most Modern Orthodox or even to the left of Modern Orthodox, there have been only four divorces in fifteen years, compared to the national trend—even for Modern Orthodox, which would be closer to forty or fifty. I certainly might be lucky, and I do send everyone to a marriage counselor before getting married, but I would suggest that one major reason for the low divorce rate is that I mostly marry people in their late twenties or thirties. Even when these couples are not as compatible as would be ideal, and even when they fight and quarrel over religious issues, they have a maturity to be committed to staying together and trying to work things out. They have learned from the Odyssey Years.

Not only can the Odyssey Years be seen as a successful phase, one that enhances the lives of a generation rather than stealing years away, they also need to be seen as differently expressed for different people. Some people struggle with relationships in these years. Other people find a loving and compatible spouse when they are in their twenties, even early twenties, but still struggle with jobs, careers, and education. One congregant got married young and just had a child, but is still figuring out a career—in business, in the pulpit, or some other aspect of Jewish communal life. In fact, it is perfectly normal for people in their twenties to go into a job after college knowing that it will only last a few years, and they plan to then go on for their master's degree or move into a different field altogether. One of the most exciting aspects of the Odyssey Years is that people can remain committed to each other, as husband and wife, or sometimes as significant other, while one or the other in the relationship figures out what they are doing with their lives. Some people take decades to find a spouse and get married in their late thirties and also take decades to find the right career. And yet, with the right support, these people—several of whom I have known personally for many years—are able eventually to settle

down, have kids, and find a job that they find meaningful and exciting.

So you can even have a spouse, and children, and still be in your Odyssey Years, struggling to find a career or get through an educational track. Sometimes it is strange to see a father or a mother as not yet having fully matured into adulthood—and sometimes it is frustrating as a rabbi to see parents like this—but it is more upsetting to see parents who feel forced into a certain career or profession, who are living sad and unfulfilled lives. Which is better for the kids? Which is better for the spouse? Even if we cannot judge, the Odyssey Years are a reality in American society, in Jewish society, and even in Orthodox society.

From a religious point of view, the Odyssey Years are an extra challenge because young adults in their twenties and thirties—into their forties—are still searching religiously, sometimes bouncing year to year between keeping kosher and not, or keeping Shabbat or not, or coming to daily *minyan*, then on Shabbat, then not at all. They may be interested in learning Talmud and halakhah one month, but then *parashah* the next month. One of my congregants in his thirties found his home in the writings of Rabbi Nachman, but was not comfortable in the yeshiva which introduced him to Rabbi Nachman. These years are a time of great religious flux, with changes in observance and belief—belief in God floating over to agnosticism, to atheism, and then perhaps back to a traditional belief in God. Young adults in their Odyssey Years are influenced religiously by films they watch, by *The Simpsons* and *South Park*, and sometimes by hot books which either get them closer to or farther from the teachings of organized religion. A wild religious journey may accompany a firm career path and a stable relationship, or it might lead to dating gentiles, and even intermarriage. Sometimes the Jewish partner becomes more spiritually aware, even more traditionally observant, exactly when starting a serious relationship with a non-Jew. The Odyssey Years are not linear and consistent—that is precisely what separates them from the familiar turmoil of adolescence and the calm of adulthood.

For me, the most interesting question that the Odyssey Years theory presents is how Judaism, mitzvot, the rabbi, the synagogue, and the Jewish community all fit into the lives of Jews in their twenties and

thirties. Is it true that this generation of American Jews, who reflect the American trend of this new phase in life, is less interested in synagogue life? Are they less interested in traditional Orthodox Judaism? Are they less interested in coming together and being part of the Jewish community or “a” Jewish community? Are the Odyssey Years the enemy of American-style Judaism?

Some sociological theories first popularized over a decade ago suggest that the younger generation has issues with organized, set religion and communal, structured forms of worship. Robert D. Putnam discusses this phenomenon in *Bowling Alone: The Collapse and Revival of American Community*, where he argues, “For the first two-thirds of the twentieth century a powerful tide bore Americans into ever deeper engagement in the life of their communities, but a few decades ago—silently, without warning—that tide reversed and we were overtaken by a treacherous rip current.”² American Jews, from Modern Orthodox to unaffiliated, would seem to fit into his model. In *The Jew Within*, Steven M. Cohen and Arnold M. Eisen discuss the challenges that Jewish institutions, and the synagogue in particular, face in attracting what is now, in 2010, called the Odyssey Generation.³ They argue that Jewish meaning in contemporary America occurs primarily in the private sphere, and they ask whether Jewish institutions, especially the synagogue, can remain the central venue for a generation that is highly individual and suspicious of communal institutions—or just plain uninterested in them. They outline how synagogues can appeal to this generation, but their requirements for appealing to the Odyssey Generation would seem difficult for an Orthodox shul: music in the prayers, changes in the liturgy, no ideology, and almost allowing for each person to experience their own religion in the synagogue. Does the theory of the Odyssey Years, a time in the lives of maturing men and women that stretches for as long as two or even three decades, affirm the theories of *Bowling Alone* and *The Jew Within*, and give Orthodox synagogues and communities a bleak picture of the involvement of these pre-adults in our Jewish institutions and our tradition? David Brooks and William Galston imply that it does—that these pre-adults who feel the need to explore who they are and where they want to go are going to move away from organized religion and

its trappings: Away from synagogues and Jewish communal events; away from Federation and AIPAC and missions to Israel; away from Shabbat dinners, Shabbat strolls, and Shabbat restrictions, telling them what they can do and cannot do, and what they are supposed to do and where they are supposed to be. *Kashrut* and the *mikveh*—such restrictive elements of our tradition—can these possibly be part of the agenda of the Odyssey Years?

I would strongly argue that the Odyssey Years are fully compatible with Orthodox Judaism, with involvement in Jewish tradition and Jewish communal life. In fact, even though I have heard some Jewish leaders in their twenties and thirties arguing against the most basic anchoring element of our synagogue—synagogue dues—I have seen strong evidence that those in their Odyssey years are not only willing to join synagogues and become active members, but, even more, are eager to use the community to get the most out of these crucial years in their development. In some ways, our tradition and our traditional institutions might be more needed for this generation of seekers and growth-oriented Jews than for any other generation.

When I first came to my shul there was a system in place, based on the cooperation of the neighborhood synagogues, whereby people did not need to join any one synagogue to get High Holiday seats. If they were in their twenties—the classic Odyssey Years—they would have up to three years to pay a nominal fee to Kehilla, a communal fund comprising a number of synagogues, and they would gain admission to any synagogue they chose. Many people who joined Kehilla felt that they were doing their share by paying this \$100 to Kehilla—money that went to the combined organization to put on parties and events—and they would come to shul and not feel any compunction to actually join any of the synagogues or to make the commitment that joining entails. The truth is, they could have paid the same amount of money to any of the shuls, paying a student rate or asking for a special rate given their financial needs, and the synagogues would have accepted them as full members. However, both Kehilla, which represented all the shuls and the JCC, and those who took advantage of Kehilla membership, thought that for people in their Odyssey Years (the term had not been coined yet) this was the best we could do. We had thought that people

in their twenties and thirties, before being married, or before children, or before the children needed Hebrew school or being bar mitzvah-ed or bat mitzvah-ed, were just too independent and on too much of an odyssey to commit to any one community. However, we found out that we were wrong. Once the rabbis got together and pulled the plug on this program, our synagogue and the Conservative synagogue—and even the Reform synagogue—all discovered that young adults in their twenties were indeed able to make a commitment and were happy to join a community that they appreciated and wanted to be a part of. Now those in their Odyssey Years make up nearly half of our synagogue membership.

Thus, the Odyssey Years are not a phase that synagogues, rabbis, or even the organized Jewish community should fear. Those in the throes of the Odyssey Years are fully ready to engage in synagogue life, and, Judaism—traditional Judaism, specifically—and the synagogue are a perfect fit for those in their Odyssey years. However, they are a new category of people which all the players in the community—professional and lay, rabbis and congregants—need to accommodate in different ways than they would for adolescents or for “adults” who have settled down and are not in the exploratory phase of their lives.

The rest of this paper will address the different ways for Orthodox institutions to reach out to those in their Odyssey Years, and how and why Orthodox communal life, and a modern Orthodox outlook in particular, can work well to attract and retain the participation of those in their Odyssey years. I would like to address how accommodating those in their Odyssey Years can transform our communal and philosophical attitudes in general and create a more welcoming, non-judgmental, and supportive Judaism and Jewish community for all its constituents. In a sense we are all on an odyssey, and while it might be more pronounced among a certain age group, if we can sensitize the Jewish world to the need that all people have to explore and grow and transform, we can help make our God-given Torah and our age-old traditions more meaningful for Jews of all types and ages.

In some ways it would seem that Orthodox Judaism in particular would have problems with dealing with Odyssey Years, since connecting with the odysseers would seem to require patience and

removing pressure from those who are growing, experimenting, and trying to find out who they really are and where they really want to go. Orthodox Judaism, on the other hand, is tied to a divine, definite way of life with clear objectives, such as getting married, learning Torah, having children, full observance of mitzvot, and having a career which can pay the bills for a kosher home and day school. How can the values and goals of the Orthodox way of life mesh with someone who is earning nothing for ten years—just taking student loans—or is looking for a spouse into his or her thirties or even forties, but remains unwed and childless—or even unwed and never wed with a child? It would seem that Orthodox Judaism is a total misfit for a period in people's lives where they do not want to be tied down by conformity in expectations about their way of life—be it in their careers or work ethic, in their relationships, or in their religious observance and outlook.

One partially successful approach rejects any accommodation to the odysseers. Rather it presents a judgmental, firm, and openly opinionated Orthodoxy to young adults in their Odyssey Years. At the same time it gives them a loving but firm sense of structure which ironically appeals to some in their Odyssey Years. From Aish HaTorah to a host of more yeshivish-connected outreach institutions in many communities and on college campuses, this approach sometimes works. In fact, young adults in their Odyssey Years are sometimes the perfect people to grab and snatch away from the clutches of American culture and be sent off to yeshivot and seminaries in Israel, such as Or Same'ach, Machon Shlomo, Neveh Yerushalayim, and Machon Bina. Young adults do not want to be patronized or shouted at, but if the firm hand and mouth are filled with warmth, love, and a good sense of humor, it frequently can win them over. Sometimes success can mean just getting an odyssey young man or woman to experience Shabbat for a few months or a year, even if they eventually give it up; success can mean the Maimonides program, where students are paid to learn Torah every week for a year or a semester. It is important not to dismiss an approach to the Odyssey Generation which is completely counter-intuitive and not compromising or pandering: a firm approach might be exactly what some young adults are looking for.

In fact, as a nonjudgmental, modern Orthodox rabbi I have gotten complaints from some congregants for not pushing them harder to do more mitzvot. Sometimes I envy the rabbi who is able to put his arm over the shoulder of a young adult in his thirties and say, “Isn’t it time you started learning Torah once a week?” Or, “Would you make a commitment to put *tefillin* on every day for the rest of your life?”⁴ Some young adults respond positively to that kind of top-down *kiruv* approach, and some, who might not, still are inspired by the rabbi who can provide structure and a path to others, if not themselves. Some in their Odyssey Years may indeed yearn for a strong father or mother figure, the rebbetzin, who will provide the anchor in their lives that their parents have not provided. I have seen it happen. However, if this is the only Orthodox response given to the Odyssey Generation, we will be missing out on the vast majority of the young adults who do not respond positively to this approach.

Ḥabad Lubavitch understands that to reach many in the Odyssey Generation there has to be an atmosphere of acceptance, love, and non-judgmentalism, even as the standards of Orthodoxy are strictly upheld. Over twenty-five years ago, when I was an undergraduate at Boston University involved in Hillel, I was able to see the Ḥabad outreach effort up close. In fact, I went frequently to Friday night services there, and was close to the Ḥabad rabbis, especially Rabbi Abba Perlmutter. Later, when I was a graduate student at Oxford, I was a part of the founding of the Ḥabad house in Oxford, which, after a short tenure with an interim rabbi, was led by Rabbi Shmuley Boteach and renamed the L’Chayim Society. Rabbi Boteach is now a well-known rabbi who is able to bring in huge crowds of the Odyssey Generation, but back then he was following the playbook of Ḥabad Lubavitch outreach to the Odyssey Generation, starting on the university campus.

In all the successful cases of outreach that I have seen over the years by Ḥabad, their technique is to maintain their standards of *kashrut*, Shabbat, and philosophical underpinnings, based on Orthodoxy along with their particular hasidic twist, outlined in *Tanya*, while at the same time giving the appearance and feel of being totally welcoming, totally nonjudgmental and accepting of all Jews no matter what their level

of belief or observance is. This is not necessarily hypocritical: The Talmud and later authorities are clear that all the laws of rebuke and intolerance toward those who are not fully practicing or fully believing need to be carefully and cautiously applied. There are people who drive on Shabbat to Habad houses and people who do not observe Shabbat or *kashrut* before or after spending time at a Habad event. However, Habad maintains a positive, loving, and appreciative attitude toward those who come to Habad houses and Habad events without ever making them feel that they or their lifestyles are being judged or criticized. In fact, despite the strictness that Habad has about tradition and halakhah, stricter than Modern Orthodoxy regarding the rituals of *kashrut* and women's involvement in the synagogue, just to name a few, they can be more open in many ways than Modern Orthodoxy is toward the young adult of the Odyssey Generation who needs to explore, grow, and experiment without making any commitment to anyone or any group or any philosophy.

One recent example that I have just been involved with is a Hebrew school that Habad was willing to open for Odyssey parents—some intermarried—in our neighborhood. This is a group of parents who do not want to join synagogues, do not want to commit to day school for their kids—yet they are still interested in a taste of Judaism. They are typical examples of the Odyssey Generation: no commitment and no devotion to one cause. They still do not really know what kind of Jews or even what kind of people they are. The Reform and Conservative synagogues in the neighborhood had no interest in these non-members who wanted Hebrew school without joining. My synagogue said that we would be happy to start a Hebrew school for these non-members, but they would have to pay what it would cost to run such a program, roughly \$2,000 a student. The parents were not interested in spending that kind of money on Judaism for their kids. But Habad jumped on their idea, and charges only \$500 per year for a child for weekly sessions, and does not even insist on payment. To a synagogue, the attitude of these noncommittal, non-paying parents, is a turn-off—we do not have the resources to help them, but we also resent their trying to get something for nothing.⁵

However, Ḥabad does not allow students in the program who are not halakhically Jewish. I saw how painful it was for the Ḥabad rabbi, who runs the program with his wife, to tell a parent that they could just not have their child in their program—even though he was six or seven years old—because he was not Jewish by Orthodox standards. This is a tough issue, and Ḥabad in the former Soviet Union might deal with it differently, but it is an example of the way Ḥabad reaches out to the Odyssey Generation, while not stretching its own tenets of faith or practice. The boys start their Hebrew school by getting a pair of *zitzit* placed on them, and the girls do not. And I have not heard any of the Odyssey parents complaining about this lack of egalitarianism or the *kefiyah datit* (religious compulsion) that is meted out to the students. Rather, the parents feel that Ḥabad loves them, values their children, and never judges them for their lack of commitment or lack of observance.

The Ḥabad house at Boston University, when I was an undergraduate in the 1980s, also did not ask the students for any commitment. In fact, Hillel, which was pluralistic and much more liberal than the Ḥabad house in many ways, asked for the one thing that turned off Odyssey students the most: to become part of the group. While students could go to Ḥabad once a week, for Friday night dinner, and not feel compelled to think about Ḥabad or Judaism for another moment during the week, Hillel, since it was student run, gave off the expectation that ideally, people would get involved and would come to other events, other than a Shabbat dinner; the atmosphere at Hillel gave the impression to the Odyssey student that he or she was not fulfilling his or her “Jewish fix” by just showing up once a week for a dinner. Ḥabad and the Ḥabad rabbi and rebbetzin accepted students exactly as they were and where they were, and did not impose any expectations on them; ironically, Hillel gave off the impression that just getting a free meal once a week was not enough. The meals were also not free at Hillel. Just as the Odyssey parents struggle to pay significantly for their children’s Jewish education, Odyssey students did not want to shell out to pay for a Shabbat dinner. But the power of the Ḥabad movement is that it genuinely does not judge these individuals

for not paying for their keep; more than just not rebuking people for not doing mitzvot, and loving them simply because they are Jews, Ḥabad attracts a large number of the Odyssey Generation by accepting their lack of commitment to the very organizations and communities from which they derive their needs and wants. Ḥabad accepts that Odysseers are on a journey and cannot be expected to pay their dues or show commitment until they mature into full adults—when their kids are b'nai mitzvah or even later.

So far we have described two almost opposite ways of engaging the Odyssey Generation. Aish HaTorah and those in the Ḥaredi *kiruv* camp do not accept the Odysseers the way they are. They look for those in the Odyssey Generation whose search takes them to Torah and greater observance of Judaism, and the job of the *mekarev* is to push these members of the Odyssey Generation to veer off their extended journey of self-discovery, and stop at the Torah and mitzvot rest stop, so to speak. These *kiruv* organizations are open about not accepting Jews just the way they are, but, rather, moving them in the direction of traditional Jewish observance and Torah study. They reach only a small subgroup of the Odyssey Generation, but there are those in that generation who are ready and can be persuaded, to end their journey of discovery on the Torah exit.

On the other hand, Ḥabad hopes to attract Odysseers who will choose a life of Torah and mitzvot, but it makes no demands of them. No demands of commitment. Ḥabad houses do not charge dues, even when they act as a synagogue; nor make demands of changing a lifestyle or getting off the journey of exploration that they are on. However, both Ḥabad and the Ḥaredi *kiruv* organizations share a relative inflexibility to change their own halakhic or philosophical outlook to accommodate the Odyssey Generation. Moreover, neither group has the tools of a progressive, theologically non-judgmental, Jewish philosophy to attract the Odyssey Generation. On a practical level, Ḥabad is non-judgmental; that is what people feel, and I have every reason to believe that the Ḥabad rabbis and *rebbezins* do not spend time judging those Odysseers that they serve—they only admire the small miracle of commitment that the Odysseers and their children demonstrate episodically.

I would like to propose a third approach, which I believe has shown success in attracting the Odyssey Generation into synagogue and Jewish communal life. It stems from my past fifteen years as a modern Orthodox rabbi of a synagogue that has catered to the Odyssey Generation, people in their twenties, thirties, and forties, who normally would not be drifting into an Orthodox shul. In fact, the third way, based on a modern Orthodox vision and a love of the Jewish community, is the exact opposite of the Ḥabad model in some ways, but it has much of the look and feel of the Ḥabad model. It consists of pluralistic respect for diversity along with a religious sensitivity for and acceptance of the needs and experiences of the Odyssey Generation. At the same time it unabashedly, firmly, and openly advocates for real commitment from every individual, no matter where they are in life, to the Jewish community, the Jewish people, and the mission of the Jewish people on earth. In my experience as a leader of Boston University Hillel in the 1980s and of the Jewish Society in Oxford in the 1990s and then as a rabbi of a synagogue that went from ninety households to almost 400 households, I have seen this modern Orthodox approach to the Odyssey Generation attract many young adults that the other two approaches—Ḥabad and Aish Hatorah—could not attract. I am convinced not only that the modern Orthodox approach has the capability of reaching the most Odysseers, but that it is also more consistent than the Ḥabad approach and more humble than the Aish HaTorah approach.

As opposed to the Ḥabad model, where nonjudgmentalism is a conscious avoidance of the issues where the philosophy of Ḥabad would clearly disagree with the vision and lifestyle of the Odysseers it caters to, Modern Orthodoxy, because it believes in engaging a diverse world, can advocate an essential form of pluralism. Donniel Hartman defines pure pluralism as considering opinions and practices one disagrees with to be equally valuable as one's own.⁶ But a more useful definition of pluralism is the attitude that we can respect and learn from visions and practices with which we disagree. It is not mere tolerance, which is basically the Ḥabad outlook, where individuals are tolerated for their nonhalakhic practice and nontraditional outlook, but celebrated as people who can observe at least some laws, celebrated

for at least coming to Friday night dinner or mastering the *aleph-bet* at the Hebrew school. Pluralism goes beyond tolerance and means that I value my encounter with your heresy; pluralism means that I value my relationship with you not just because you are a Jew, but because I am genuinely interested in who you are; I can learn from you and be inspired by you, even though your actions and beliefs are not traditional. I can be inspired by a daughter of survivors who tattoos her father's Auschwitz number on her hand, even though it is halakhically wrong; or by a gentile girlfriend who keeps Yom Kippur and studies Torah along with her Jewish boyfriend. Modern Orthodoxy, at its core, accepts the positive benefits of engaging the world outside of Torah, and the Odyssey Generation is a manifestation of that world.

It is clear how a pluralistic approach, from rabbi or congregants or the literature in the synagogue, can be appealing to the Odyssey Generation. Who wants to get involved in an organization, or be around people, when they feel that their lifestyle is not respected? Odysseers are the first to understand that people have different opinions about religion and about life in general, and they expect others to respect them as well. Can a Habad model, which gives the feel of respect to those who enter the Habad house, but does not value their journey or their current views of life and religion, really maintain that relationship in the long run? At some point, when people realize that they are only loved because of how they were born but not who they are today, they either break off, or they veer off to the way of Habad and adopt a Habad lifestyle for themselves—or a *frum* lifestyle—and realize that there really was no value to all the *mishigas* they believed in when they were part of the Odyssey Generation. On the other hand, I have found that a relationship based on respect for difference, even if that difference goes against Torah law and traditional Jewish philosophy, can last in the long term.

Thus, pluralism is not only the expression of Modern Orthodoxy's respect for the world outside the straight line of the *masorah*, but it is also an effective way of attracting people on a confusing and non-linear journey such as the Odyssey of our young adults today.

Are there limits to modern Orthodox pluralism? Absolutely. Any Orthodoxy cannot condone relativism, whereby every single view

of the world is just as valuable as my own, where I do not see a real difference between the way I practice Judaism and the way someone who rejects all of halakhah practices Judaism. Modern Orthodoxy must recognize that there is a difference between Torah and what is outside the realm of Torah: We say a *berakhah* before learning Torah, but not before reading Shakespeare or Newton's physics or even Einstein's "Jewish" physics. Modern Orthodoxy has to recognize that there is a value of living an observant life that, all things being equal, goes beyond the life that does not follow Torah and *mitzvot*. However, those in the Odyssey Generation are not looking for us to validate their way of life as a Torah way of life. They are looking for basic respect for their struggle and their search, and it is Modern Orthodoxy that contains the philosophical underpinnings to value things that fall beyond the boundaries of the Jewish tradition.

In my own practice of pluralism, I have found that my respect for those who are not traditionally observant stems from my respect for their honest commitment to grow, to search, and to be interested in who they are as Jews. As the leader of a synagogue, I have expectations within my respect for their Odyssey. Habad dares not openly make the demand of a basic commitment to growth or to the Jewish community they are born into. In the short term this may attract many Odysseers. However, I have found that the Odyssey Generation actually does value an honest commitment to growth and to trying hard to discover who one is—whether they are Jewish or not. Thus, as long as I can respect where they are on the spectrums of belief and practice, and not even push them to go anywhere else, they are happy to be a part of a community that values their growth and their search, and respects where that leads them.

As a modern Orthodox Jew I can appreciate having diversity in the community—people who are nonobservant and observant, nonbelievers and believers—because I value engagement with the entirety of human endeavor and believe that it can improve who I am as a Jew. But while believing in the richness of diversity, my respect for all those in my community who are not keeping kosher, or believing in a personal God, or the authority of rabbis to determine halakhah, and my ability to not be afraid of what they introduce to the community,

stems from their showing the community respect by being committed to growing as Jews, to learning more about Judaism, to finding out what God—whatever that means—asks of them. This commitment is not only reflected in respecting the same books and heritage, and not only in respecting growth, but, importantly, by being willing, on some level and in some way, to get involved in the synagogue, by joining the community and showing support. I have found that expecting people to be committed to personal growth and exploration, and, as well, to be committed to the community that is enabling them to do that growth resonates with the Odyssey Generation rather than turning them off. They are committed to growth and exploration in their own lives, and they very much desire to find a community that will respect their journey and enable them to grow and to continue their search.

I remember clearly a discussion I had with one of our families—an Odyssey family of parents in their thirties, still exploring their religious commitment and career paths—as they were struggling with the idea of belonging to an Orthodox shul even though they did not keep kosher at all. I assured them that our shul would not ask them to become kosher, but I also told them it would make me happy if they started keeping kosher, since *kashrut* is an important standard and mitzvah in Judaism. What our shul would ask them to do is to continue growing and learning, exploring *kashrut*, and ultimately coming to a better understanding of what they thought Judaism expected of them. Jewish living is the process of growing in their Judaism, rather than merely a destination and a place to stand.

Is this respectful—pluralistic—and nondemanding stance Orthodox? Yes it is! From the Ramban's *lifnim mi-shurat ha-din* ("beyond the letter of the law"), to the Vilna Gaon's commentary on Proverbs that we need to grow in Judaism, otherwise we will fall back and regress, to R. Moses Ḥayyim Luzzatto, who argued that the Jewish person must avoid just observing the law by rote or by habit "*mi-limmudo*—as he or she was taught," there is a long tradition of seeing the obligation of the Jew to move forward on an infinite scale of observance. The obligation of the community and the leaders of that community is to encourage that growth. True, in Orthodoxy there is a standard of the law, halakhah, and an awareness that some behavior

meets that standard—such as eating kosher food—and other behavior does not meet that standard, but the role of the community is just to push people further along that line regardless of where they are, and regardless of how far they will go. The expectation is that everyone is in flux, everyone is exploring how to move on that line; there should not be an expectation of where they will end up because they should not end up, and stop, anywhere—there is no end to this growth. People who take on keeping Shabbat should move further—having guests on Shabbat, for example, or learning on Shabbat, or singing more *zemirot* on Shabbat. Everyone needs to be moving and discovering more about themselves and their capabilities, and this describes what the Odyssey Generation is about—movement, growth, personal search.

Thus, modern Orthodox communities that encourage growth but let the individual determine his or her own growth are ideally suited to welcome the Odyssey Generation. As long as our synagogues are places that are welcoming to diversity, and that basically just push people to push themselves, to grow and to change, then we are the right setting. We do not need to fear pushing people and fostering an environment where people are growing in their Judaism, changing and exploring their faith and observance. But we need to enable them to do that growing in their own way and at their own pace, and we need to make them feel that they are not being judged for how they are growing and how fast. Modern Orthodox communities have to have the confidence in their own commitment to Torah and mitzvot and tradition to feel safe enough to be open to these Odysseyers becoming an integral part of the synagogue, notwithstanding all the religious and behavioral challenges their odd practices and beliefs might present.

Yet as good a fit as Modern Orthodoxy might be for the Odyssey Generation in respect to their comfort in a community that pushes everyone, no matter what their beliefs or practices are, to grow and change, the Odyssey Generation will only be attracted if it is interested in doing that growing and changing in a community setting in the first place. While my experience over the past fifteen years has been that these young adults do want to be part of a community, how do we respond to the well-documented challenges of *The Jew Within*, where Cohen and Eisen argue the primacy of individualism in the

religious and personal search, in contrast to the communal and public setting? How can Orthodox synagogues ask members of the Odyssey Generation to show commitment to the people and the communities that enable them to continue their search in life if they are not even interested in doing their search in the public or communal sphere? Respect, understanding, even sharing the value of growth and The Search, might not chase the Odyssey Generation away from our institutions, but how are individual-oriented Odysseers attracted to synagogues made up of many people?

The answer is that what attracts these personal and self-minded individuals is convincing them—honestly—that the community they are joining belongs to them, not someone else; in a sense, to use terminology from *The Jew Within*, that the synagogue—even the Orthodox synagogue—ceases to be community or public; rather, it becomes the private sphere, the personal space, of the Odyssey Generation and those they invite in.⁷ When Odyssey Generation young adults feel that they actually have ownership in the synagogue community, that not only are they a part of the community but that it is an extension of their private domain, then they are excited to join and show commitment to that community. They have to see themselves and see their own personality reflected in the synagogue in order to feel that they can grow and explore that self and that personality in the synagogue.⁸

To give the Odyssey Generation the feel that they are owners in the synagogue, the leaders and the other congregants have to convey that message. But conveying this message carries risks: these new and unanchored individuals who are becoming part of the community and feeling it is their own might try to change the synagogue and its practices. Are the synagogues and their congregants ready for this? On a broader level, is Modern Orthodoxy ready for this? Ḥabad houses, for all their tolerance and non-judgmental feel, do not allow people to join and pay membership, and, therefore, they do not have to answer to the Odyssey Generation or anyone who might shake things up. That was a brilliant strategic decision on the part of the Lubavitcher Rebbe, but it will not enable Ḥabad houses to get key parts of the Odyssey Generation who want to see the synagogue as a reflection of

themselves, as their own personal space. And by not allowing for the richness of membership of the Odyssey explorers, Ḥabad misses out on all the creativity and growth that can occur from the interaction of these new members who are experimenting and growing with other members who might be set in their ways and settled.

For Modern Orthodoxy, the Odyssey Generation represents an opportunity of renewal and growth for our institutions, particularly for synagogues, and for Judaism itself. Our Odysseers at Anshe Sholom have pushed us to start a more “yeshivish” *minyán* for those who wanted a more “right-wing” feel, but they have also pushed us to be creative in being more inclusive of those normally not included in services and enabling traditional parts of the service to have more meaning for people—through explanations during the services, more classes, encouraging to lead services or read Torah publicly those who would normally shy away. All of these measures are within halakhah, but to a great extent were introduced in reaction to people who have come to the synagogue and are searching. We need people to question what we do and why, to push the synagogue to explore new ideas just as we push them to explore new parts of Judaism that they have not gone to yet.

If we are comfortable just to preach what we think is right, what we think is the final word of Judaism, we might need to adopt the Aish HaTorah attitude of simply telling people what to do, and rejecting those who refuse to comply. If we are afraid of what integrating the Odyssey Generation, with all their uncertainty, might mean for our communities, than the best we can do is the Ḥabad model of welcoming, not overtly judging, but not making these young adults owners of the community. However, if we are confident in our *yiddishkeit* and the strength of our communities, but we are open to learning and growing ourselves and working together with those who are settled and those who are searching to find out together what God wants from us and what our synagogues and institutions should look like, then we are ready for the Odyssey Generation. We are ready for what we can offer them and for what they can offer us.

NOTES

1. The article is available at <http://www.nytimes.com/2007/10/09/opinion/09brooks.html?em>
2. Robert D. Putnam, *Bowling Alone: The Collapse and Revival of American Community* (New York: Simon & Schuster, 2000), p. 27.
3. Steven M. Cohen and Arnold M. Eisen, *The Jew Within* (Bloomington: Indiana University Press, 2000).
4. Just this past week a person started doing this, and was honored to be asked by his *kiruv rebbe* to do so!
5. We are happy to house the program for free in our synagogue, but personally, I love helping out the devoted Habad crew that runs the school; I do not feel as good about these parents who do not have enough commitment to simply join a shul or become part of a community.
6. Donniel Hartman, *The Boundaries of Judaism* (Continuum Books, 2007).
7. See my paper "Synagogue Becomes a Home" at www.cipf.org
8. This has worked with the ritual institution of the *mikveh* as well. Since we built a *mikveh* in our community, and women in the community feel it is their own, many women who never went to *mikveh* have started going.

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An Emerging Approach to Emerging Adulthood and Modern Orthodoxy

Michelle Waldman Sarna

Emerging adulthood is a new developmental construct to account for recent demographic and sociological changes which have redefined the transition to adulthood. Since there has been no previous direct exploration of this phenomenon in the Modern Orthodox Jewish community, this essay attempts to begin a critical conversation for our community by surveying relevant research in the field and proposing several features that are highly relevant for the Modern Orthodox cohort.¹ The following topics are addressed:

1. What is emerging adulthood generally? The typical sociological features, subjective experiences, and conceptions of this period of life as well as the factors that account for the diversity of this phenomenon are explored.

2. How is religiosity experienced during this developmental period? Patterns of religious and spiritual development for this cohort are presented.
3. How is emerging adulthood particularly relevant for the Modern Orthodox cohort? The features of the typical experiences and conceptions of Modern Orthodox emerging adults will be hypothesized.
4. What are the important implications of these findings? Several theories regarding the opportunities and challenges that uniquely confront the Modern Orthodox cohort will be offered.

WHAT IS EMERGING ADULTHOOD?

A New Developmental Phase

The contemporary transition to adulthood has recently been captured by several terms, including arrested development, contestable adulthood, and young adulthood. Perhaps the most influential and captivating construct in psychology and sociology literature is “emerging adulthood,”² which encompasses the demographic and subjective experiences of many young men and women, ages eighteen through twenty-five or thirty.³ Historically, adolescents transitioned immediately from dependent children to independent young adults.⁴ Yet, recent demographic trends have introduced a period in between adolescence and adulthood.⁵ Specifically, a rise of the median age of first marriage, an increase of participation in higher education, and a higher frequency of residential change have changed the typical experiences of people between the ages of eighteen and thirty.⁶ Thus, unlike their cohort in previous generations, contemporary eighteen- to thirty-year-olds tend to be mobile and freely explore options in life, love, work, and ideology before they make enduring adult commitments. They tend to enjoy the privileges and freedoms of adulthood without the responsibilities of such roles as marriage partner and parent. The phenomenon of emerging adulthood is described from three different perspectives: the *typical experiences* of this life stage, *identification with adult status*, and *conceptions of criteria for adulthood* achievement.

Extensive research has highlighted five main experiences that typically characterize this life stage:⁷

1. Emerging adults tend to explore their identity as they consider different options about enduring life decisions related to work, marriage, religion, and ideology.
2. Emerging adults tend to experience this period as one of instability that entails numerous residential changes in response to love, work, education, and pursuit of adventure.
3. Emerging adulthood generally entails a focus on the self, since emerging adults have few social obligations and responsibilities toward others, whereas they have high autonomy in running their own lives and spend considerable amounts of time alone.
4. Emerging adulthood tends to be a time of feeling in-between adolescence and adulthood.
5. Emerging adults experience an age of possibilities, characterized by the first opportunity to leave difficult home and family conditions and a broad range of choices regarding the future.

In sum, emerging adulthood is experienced as a period of identity exploration, instability, self-focus, feeling in-between, and multiple possibilities.⁸

Besides being delayed, the achievement of adulthood status has also been redefined regarding *when individuals perceive* they have achieved adult status.⁹ For example, when asked whether they have reached adulthood, 60 percent of people between eighteen and twenty-five respond “in some ways yes, in some ways no,” whereas 5 percent respond “no,” and 35 percent respond “yes.”¹⁰ These responses indicate ambivalence about adulthood status during this period of life.¹¹ Furthermore, the achievement of adulthood status is no longer perceived as finite or abrupt as it was previously.

Studies reveal that this cohort also has different conceptions of the *criteria* required for adulthood status than were held by those of previous generations. Adulthood was traditionally determined by role transitions, such as marriage, independent residence, school completion, full-time employment, and parenthood.¹² Prioritization of these role transitions contributed to the traditional onset of adulthood as sudden and definite, in contrast to the current experience of a gradual and lengthy process.¹³ Traditional societies have also

determined adulthood status according to family capacities, such as being capable of protecting and caring for a family.¹⁴

However, in recent surveys, American adolescents, emerging adults, and adults consistently endorsed characteristics of independence, such as forming relationships with parents as peers rather than authority figures, accepting responsibility for one's actions, deciding personal beliefs independently, and financial independence, as the most salient markers of adulthood.¹⁵ Of secondary importance are criteria related to consideration for others and avoidance of behavior that is harmful to others.¹⁶ While high importance was ascribed to family capacities—the ability to provide a caring, financially stable, and secure home environment—role transitions such as marriage and parenthood were not considered major markers of adulthood. For example, when asked to select the necessary markers of becoming an adult, emerging adults ranked role transitions lowest.¹⁷ This phenomenon has been explained, in part, by the focus on individualism as a value for white middle-class Americans.¹⁸

Cultural Diversity

Findings have demonstrated that emerging adulthood is the most heterogeneous developmental stage, in part because of the flexible norms that guide appropriate living arrangements, educational enrollment, and social relationships during this time period.¹⁹ For example, while the average marital age has risen in industrialized countries, so has the variance of the range of marital ages.²⁰ These variations manifest in diverse experiences, degrees of adulthood identification, and conceptions of adulthood criteria. To date, no studies have explored the phenomenon of emerging adulthood in the Modern Orthodox Jewish community. In order to shed light on this obscure area, relevant findings from studies of other cultures and subcultures as well as findings regarding individual differences will be presented.

The divergent patterns of this life stage have been explored in different countries as well as in different ethnic and subcultures within the United States. Studies in China, Israel, and Argentina reveal variations in the degree to which this cohort relates to the typical

experiences of emerging adulthood. In other countries, emerging adults were less likely than their American cohort to experience this life phase as an in-between stage²¹ or as a period of instability,²² whereas they were more likely to experience this stage as other-focused. Furthermore, their responses indicated both similar and discrepant conceptions of adulthood. For example, Israeli respondents generally endorsed similar criteria for adulthood as their American counterparts,²³ which included independence criteria such as accepting responsibility for one's actions and independently deciding one's beliefs. Yet, the Israeli respondents also granted greater importance to criteria related to responsible norm-abiding behavior, which entails the avoidance of risk-taking behaviors, such as substance abuse as well as criteria related to role transitions such as marriage.

Several explanatory factors have been proposed to account for the variations in the experiences and conceptions of emerging adults in different cultures. These factors include a culture's demography and values. Demographic variables include a younger achievement of milestones, such as marriage and family formation. For example, Chinese emerging adults tend to marry younger than their American counterparts; the Chinese average marital age is twenty-three versus twenty-six in the United States. Similarly, Chinese emerging adults tend to complete their education and assume the responsibility of providing for a family at a younger age.²⁴ Furthermore, the culture's conventional morals or values, such as individualism versus collectivism or emphasis on the family unit versus individual accomplishments, may also affect emerging adulthood in a given society. For example, Israeli eighteen-year-old emerging adults are influenced to value the welfare of the collective through their mandatory conscription in the army during this age period.²⁵

Subculture Synthesis

The variation of emerging adulthood experiences and conceptions between subcultures within the United States is perhaps more nuanced. In a review of studies exploring diverse experiences of emerging adulthood, the authors reflected that "there may be cultural differences within countries that are . . . greater than differences

between similar groups across countries.”²⁶ Thus, emerging adults in subcultures often experience a clash between the majority culture’s values and their subculture’s ideals, resulting in an integration of the demographic variables and values of the dominant culture with the unique characteristics of their subculture.

In a study of ethnic subcultures in the United States, the responses of African Americans, Asian Americans, and Latinos who have been exposed to both the majority culture in America and their own heritage subculture reflected certain patterns of the majority culture but also differed in significant ways.^{27,28} For example, the emerging adult respondents tended to endorse criteria for adulthood that reflected independence (e.g., accepting responsibility for one’s actions) as frequently as whites. Yet, members of the ethnic minority groups tended to endorse criteria for adulthood that related to family capacities (e.g., supporting a family financially), norm-compliance (e.g., driving safely), and role transitions (e.g., marriage) more frequently than their white peers. These variations were attributed to the synthesis of values from the majority culture that emphasized independence and individuality with values of the minority subculture, such as obligations to one’s family and consideration for others.

Individual Differences

Research has indicated two possible explanatory factors that may account for individual differences in the experiences and conceptions of emerging adults which may be particularly relevant for the Modern Orthodox cohort. These factors include an individual’s religious acculturation and marital horizon. Religious acculturation refers to the degree of identification with the values, social relationships, and traditions of a minority subculture while confronting the influence of a majority culture. This variable may account for different experiences and conceptions of emerging adulthood between individuals in a given subculture.

In a study of aboriginal college students in Canada, the degree of acculturation to the aboriginal subculture (versus the dominant Canadian majority culture) predicted variance in experiences during

this stage, perceptions of adult status, and criteria for adulthood.²⁹ The highly acculturated students were less likely to experience this period of life as an in-between stage, a period of instability, or a time of self-focus. They were also more likely to report that they had already achieved certain markers of adulthood. In specific, the highly acculturated female students were more likely to report achievement of roles, such as marriage and parenthood, and the highly acculturated male students were more likely to report achievement of norm-compliance behaviors, such as avoiding substance abuse. Lastly, the highly acculturated students were more likely to endorse adulthood criteria related to family capacities, including the capability of supporting parents financially, as well as criteria related to interdependence, such as becoming less self-oriented.

A second factor in influencing emerging adulthood is strongly intertwined with the average marital age promoted by a given culture.³⁰ For example, Mormon emerging adults tend to engage in few risk-taking behaviors and to generally experience a shorter and more structured emerging adulthood, which is attributed to the religion's emphasis on early marital timing.³¹ The influence of marriage on emerging adulthood may refer both to those who are already married and to those who have strongly prioritized marriage as a goal for the near future. Marital horizon theory refers to the bidirectional relationship between emerging adults' approach to the upcoming life stage of marriage in relation to their current experiences and values.³²

Two aspects of one's perspective toward future marriage may influence one's current emerging adulthood experiences and conceptions. The degree of prioritization of marriage as a goal and the proximity of desired marital timing may guide one's current behaviors and values. In a recent survey, emerging adults endorsed high levels of agreement that marriage was an important part of their life goals and varied in their responses regarding the priority of marriage and the desired timing of marriage. The emerging adults who endorsed a more proximal marital age (in their early twenties) were more likely to behave as if they were married in their current behavior and values than those who expected to marry later (mid- to late twenties).

Thus, the proximity of emerging adults' desired marital age affected their current behaviors and values related to substance use, sexual permissiveness, and family formation.

Potentially Negative Consequences of This New Life Stage

Researchers and social commentators debate whether emerging adulthood is a positive phenomenon for the individual or for society.³³ Criticisms of this prolonged journey to adulthood include the danger "that these young people would not develop adult skills and might experience 'happy' developmental stagnation through overprotection."³⁴ Critics allege that this overprotection underprepares the emerging adult for independence and self-sufficiency and does not provide the tools needed to focus, make decisions, and assume adult responsibilities.³⁵ Research indicates that emerging adults who identify themselves as an adult earlier than their peers are less depressed and anxious, and engage in fewer risk-taking behaviors in comparison to those who identified as in between childhood and adulthood,^{36,37} because they have already committed to important decisions. Negative consequences of a prolonged transition to adulthood also abound for the general society, including the economic burden of supporting the emerging adult in an extended path to financial independence, the current increase in divorce and decrease in fertility rates, and reduced future earning power.³⁸

RELIGIOSITY AND SPIRITUALITY DURING EMERGING ADULTHOOD

The commitment to traditional, formal, and observable expressions of religion remarkably declines during this life stage.³⁹ In fact, a higher proportion of people between eighteen and twenty-nine does not identify with any religious group (22 percent) in comparison to the proportion of the total U.S. adult population (15 percent).⁴⁰ This decline in levels of religious commitment and participation in institutionalized religion persists regardless of religious upbringing.⁴¹ In a study of 140 emerging adults,⁴² no correlation was found between the degree of childhood socialization and current religious beliefs or practices.⁴³ It is unclear whether this trend reflects a generational shift

toward decreased religiosity or a cross-sectional pattern of temporary reduction in religiosity which will rebound with the advent of the next developmental stage of family formation.

While tending to reject formal and institutional religion, emerging adults may increase their exploration of different expressions of spirituality,⁴⁴ and they tend to endorse forms of religiosity that represent highly individualized combinations of different beliefs and practices from a variety of religious influences.⁴⁵ In the executive summary of an ambitious study titled “OMG: How Generation Y is Redefining Faith in the iPod Era,” the author concludes:

Generation Y does seek community and meaningful involvements, though often in informal and non-traditional ways. Religious faith and commitment is one route by which young people find meaning, value, and community, though their religious pluralism complicates what this looks like in practice.⁴⁶

Emerging adults tend to be oblivious⁴⁷ or skeptical toward traditional religious institutions either because of negative experiences in the past or because of a perceived compromise on individuality.⁴⁸ So, while Jewish emerging adults express high levels of pride and self-confidence about their Jewish identity, they feel alienated from existing Jewish institutions and communities.

Additionally, this cohort enjoys a high degree of choice, where they can decide where and when they work, marry, and socialize. They are exposed to unprecedented racial, ethnic, sexual, and religious diversity.⁴⁹ Consequently, this cohort tends to have more liberal and progressive views on such social issues as gay marriage and immigration in comparison to older generations.⁵⁰

However, a significant minority of emerging adults (27 percent) reported having a strong religious commitment.⁵¹ These emerging adults reported that they were more likely to attend worship services regularly (71 percent), have friends who practice the same religion (56 percent), and firmly integrate all aspects of formal and informal religious attachment into their lives than their less religiously committed peers.

It was this group of respondents who strongly endorsed religious values that have been associated with unique experiences of emerging adulthood. These religiously committed participants tended to endorse traditional views on sexuality and marriage⁵² and to express stronger connections to family and community.⁵³

Research on the impact of traditional religious commitment on emerging adulthood conceptions and experiences has largely focused on the Mormon community. The Mormon Church strongly endorses early marriage and family formation.⁵⁴ For example, there is a significantly lower average marital age in Utah, where 60 percent of the population is Mormon, than other states (23 years old for men, and 21 years old for women)⁵⁵ and a higher likelihood that students at a Mormon university will marry while in college (60 percent of men, and 45 percent of women).⁵⁶ Religiously committed Mormons were less likely to experience this period as a time of identity exploration and multiple possibilities. For example, responses concerning their religious identity, selecting a marriage partner, and certainty about religious beliefs suggested that Mormons had already decided several important decisions that the majority of U.S. emerging adults were still exploring.⁵⁷ They also were less likely to experience this period as a time of instability and self-focus, and tended to avoid risk-taking behaviors. Lastly, they were less likely to experience this phase as an in-between period and reported that they already achieved several of the criteria traditionally associated with adulthood, such as marriage. They also tended to endorse other-oriented criteria more frequently than their peers.

AN EMERGING PICTURE OF MODERN ORTHODOX EMERGING ADULTS

The Jewish community comprises 1.6 percent of the total U.S. population; 10 percent of it is Orthodox.⁵⁸ The Orthodox denomination is disproportionately younger than other Jewish denominations.⁵⁹ For example, 34 percent of those who affiliate with synagogues at all between ages eighteen and thirty-four affiliate with an Orthodox synagogue. While it is difficult to determine what percentage of Orthodox eighteen- to thirty-year-olds identifies as Modern Orthodox,

it appears that the construct of emerging adulthood is particularly salient for this subgroup.

The Modern Orthodox cohort appears to share several features of the aforementioned typical emerging adulthood experiences and conceptions, such as an extended and increasingly ambiguous pathway toward adulthood. Yet, it is likely that the Modern Orthodox emerging adulthood trajectory significantly diverges as well. This cohort appears to experience a truncated emerging adulthood, marked by fewer experiences over a shorter period of time. Modern Orthodox emerging adults tend to have fewer experiences of identity exploration, feeling in-between,⁶⁰ instability, or self-focus than their American cohort.⁶¹ Furthermore, they are more likely to experience this stage as other-focused and to grant greater importance to other-oriented criteria as requisite for adulthood achievement. These deviations may be attributed to Orthodox Judaism's promotion of other-oriented values and early achievement of developmental milestones, such as family formation.

As a subculture within the United States, Modern Orthodox Jews are influenced both by the values of Jewish tradition and by the values of the pervasive majority culture, hopefully in that order. Therefore, Modern Orthodox experiences and conceptions of emerging adulthood will likely reflect a conflict between and synthesis of competing trends and values. Individual differences in these experiences and conceptions may be explained by the degree to which an individual acculturates to the Orthodox community, commits to a traditional lifestyle, and prioritizes marriage as a proximal life goal.

Modern Orthodox emerging adults may be at a crossroads in their religious and spiritual development. Some tend to intensify their commitment to formal or traditional religion. They may be emboldened by their desire to rebel against a society they perceive as increasingly secular, without values, and unbridled. They tend to seek a counterculture existence by adhering to passionate religious guides with strong commitments to prescriptive tradition, such as Haredi models of Judaism.⁶² This is often supported and encouraged by education provided by yeshivot and seminaries. Others may stagnate. Their close connections to their community and family of origin

both propel and limit their present religiosity. For example, they may zealously initiate and loyally participate in a *minyán* that is devoid of devotional prayer and *kavvanah*, but authentically reproduces their own Young Israel at home.

Others may be influenced by the generational trend to decrease formal religious involvement, either temporarily or permanently. They may seek highly individualized expressions of spirituality that will satisfy their pursuit of personal meaning and address their skepticism toward formal institutions and communities. Modern Orthodox emerging adults may also be challenged by their first confrontations with progressive and liberal perspectives and an unprecedentedly religiously, ethnically, and culturally diverse cohort.

IMPLICATIONS: KEY THEMES

Strong evidence corroborated by personal experience indicates four trends which warrant further exploration: a condensed experience of the typical emerging adulthood trajectory, conflicting criteria regarding adulthood achievement, engagement with diversity, and the prevalence of communal and individual entitlement. These trends present both challenges and opportunities that should be further addressed and explored.

Forced Identity Foreclosure

The Modern Orthodox community likely deviates from the common features of emerging adulthood and experiences a condensed and lighter emerging adulthood, if one at all. There may be several benefits to this trajectory, as mentioned above. Yet, Modern Orthodox emerging adults may experience identity diffusion, or the inability to commit to important life decisions because they are struggling to integrate competing values and expectations from their religious community and secular society.⁶³ Alternatively, Modern Orthodox emerging adults who engage in a society that promotes (or necessitates) an extended period of identity exploration, while feeling pressure to commit earlier than their peers, may experience identity foreclosure, a premature commitment to an identity without sufficient exploration.⁶⁴ These

challenges of navigating competing goals and expectations and committing to critical life decisions in an unsupportive context may lead to regret and disappointment, particularly in areas of family formation and religious identity.

This may be one of several factors that contribute to the rising marital age and increased number of singles in Modern Orthodox communities.⁶⁵ Modern Orthodox emerging adults' expectations for romantic relationships and eventual marriage partners may entail conflicting and unrealistic expectations. For example, they are increasingly informed by media, pop culture, and peers' portrayals of multiple relationships over an extended period of time versus religious messages of fidelity, commitment, and modesty. They may have difficulty committing to a partner without the former experiences.⁶⁶

Modern Orthodox emerging adults may also be prematurely forced into religious trajectories, either by themselves or by others. The foreclosure on religious identity may alienate the emerging adult by minimizing his genuine journey, which is conversely validated by secular society. For example, a nineteen-year-old who has "flipped out in Israel" may be genuinely exploring one of many possible identities rather than merely being "brainwashed." He may try one path and then decide on another. Alternatively, an emerging adult may have serious religious questions or overwhelming curiosity which drives him to explore a secular or alternative lifestyle. If religious mentors respect (even if they do not condone) this exploration and continue to foster a relationship, the door is opened for a return to commitment of faith. Alternatively, by judging, evaluating, or distancing, the religious mentor may crystallize a temporary exploration into a permanent lifestyle or foreclose an important, and perhaps legitimate, quest.

Competing Criteria for Adulthood

Modern Orthodox emerging adults are likely facing competing criteria for adulthood, similar to members of other religious subcultures. Community emphasis on role transitions such as marriage and parenting compete with the societal emphasis on advanced degrees, longer education, and impressive achievements in the workforce. The

Modern Orthodox cohort is likely affected by emerging adults' high expectations for future roles, including careers that are both lucrative and fulfilling and spouses who are both partners and soul-mates.⁶⁷ Similar to other emerging adults, they are thrust into an increasingly complex and competitive economy that demands more schooling. Yet, as they pursue these lofty (and sometimes unattainable) goals, they are also struggling to transition to the roles of spouse and parent.

These competing criteria may be particularly challenging for women, who often must balance (the blessed burden of) taking care of young families while finishing school and launching a career. They often compete for grades and job opportunities against peers who are singularly devoted to academic and professional achievement. They are often faced with difficult decisions regarding childcare, due to the expense and unavailability of quality childcare options. In short, these young couples struggle to balance the financial, emotional, and logistical aspects of starting a family while pursuing academic and professional achievements. Often, the grandparents are expected to contribute to this otherwise impossible juggling act.

Furthermore, women who are single may experience a heightened sensitivity to their marginalization in the Modern Orthodox community. These women may have achieved adult status in the workforce through their achievement of criteria related to financial and emotional independence, yet they may still be perceived as immature by those in the Modern Orthodox community who define adulthood achievement by role transitions, such as marriage.⁶⁸ While they are welcomed, applauded, and respected in the professional domain, they feel judged, pigeon-holed, and excluded from the family-centered Modern Orthodox community, which only recognizes them as "eligible" rather than as "accomplished."

Engagement with Diversity

As 70 percent of the Modern Orthodox cohort attends secular universities⁶⁹ and increasingly engages in a generation that is the most racially, ethnically, and religiously diverse,⁷⁰ they are often confronted with the "other" up close for the first time. They also tend to engage

in academic and social discourse that is remarkably politically and socially liberal. This access to diversity and progressive ideology may challenge their commitment to tradition, but it also may embolden them. They may be religiously inspired and engaged by the interaction with the other, whether a peer who is passionately committed to a different faith or one who is completely secular and inspired by their own religious lifestyle. Many emerging adults are curious and want to engage in meaningful conversations that transcend boundaries. At NYU, the most impactful Jewish experiences for some Jewish day school graduates have been interfaith programs with religiously committed peers. Ironically, these encounters have often inspired a rededication to traditional observance.

This engagement is often inevitable and unavoidable, so the Modern Orthodox community must carefully consider how to convey messages and engage in conversations related to cultural superiority or the notion of chosenness, denominational differences, gender disparities, and sexual diversity. Modern Orthodox emerging adults are alienated by religious teachers whom they perceive as racist, biased, or homophobic, and there is clearly a generational divide regarding sensitivity to these issues. For example, one NYU student left his yeshiva in Israel at the beginning of the year because a rabbi had made a racially insensitive comment about the poster of an African American basketball player hanging on his wall. As a community, we must frame these forums sensitively and appreciate that these conversations are opportunities for education and growth. If we are not convening these conversations, we risk appearing irrelevant or insecure.

Furthermore, we must provide more outlets for multiple forms of spirituality within the Modern Orthodox community. Some of our most religiously committed students seek to engage with what they perceive as controversial, edgy, and new, such as Machon Hadar. Are we creating enough of these opportunities within the Modern Orthodox community? We should capitalize on our rich tradition of engaging with the secular and provide our own models of multiple forms of religious expression.

Individual and Communal Entitlement

The tendency of emerging adults to be self-focused also influences the Modern Orthodox cohort. While Judaism provides a healthy antidote to this tendency through its strong emphasis on *hesed* and *tikkun olam*, and while it appears that religious emerging adults are more inclined to be other-focused than their peers, they are inevitably afflicted by this contagious sense of entitlement. They feel entitled to a community of convenience. While many take initiative and contribute tirelessly for the benefit of others and the promotion of Jewish life, others need to be constantly invited, on their terms, at their time. They expect to be pursued, to be fed, to be entertained, and then to be congratulated. And some will still check out.

Their college Jewish life is framed by a Birthright mentality, in which they are entitled to fellowships, stipends, and free trips to enrich their Judaism. This mindset may affect even the most giving and other-focused students. For example, a selfless leader in our community presented the need of providing students with a funded trip to South Africa to do goodwill. She did not stop to think why others should fund such an excursion or what possible good they could bring. Participants on a heavily subsidized service-learning trip to Israel routinely asked for more stipends and funding—as did their parents. Some of the same students spend Passover in five-star hotels and routinely take three exotic vacations a year.

The flip side of this sense of entitlement and self-focus is, perhaps, a pervasive sense of loneliness and dispensability. Modern Orthodox emerging adults are exploring how they are unique and what they can uniquely contribute to their community and to the broader society. Invitations to lead, rather than to participate, often prove transformative in their trajectory. Many have “big questions and worthy dreams”⁷¹ that will only be acknowledged through personal and respectful attention.

Arguably, the Modern Orthodox feel entitled as a community. We have relegated the religious nurturance of young Modern Orthodox emerging adults to other organizations and to secular benefactors. As a community, we are not adequately investing in providing resources for the navigation of this defining period in which major life decisions

are made. It seems that many Modern Orthodox parents feel that they have already invested adequately in emerging adults' Jewish education heretofore, and if their children need more, it is time for someone else to foot the bill. Many Orthodox organizations focus on Jewish education through twelfth grade, yet refuse funding to this important cohort.⁷² Aside from institutions like Yeshiva University and Touro College, which accept tuition, the Orthodox Union, through its Jewish Learning Initiative on Campus (JLIC) program, is arguably the only Orthodox organization that has prioritized serving the needs of this cohort. Furthermore, we have not addressed the opportunity to engage the 47 percent of emerging adults who are religiously "undecided." What, if any, is our responsibility toward them?

TO CONCLUDE ... (OR TO BEGIN)

This essay has aimed to integrate relevant sociological, demographic, and developmental research with personal experience and anecdotal evidence to ask several questions and begin this critical conversation. Regarding future communal policy, the most confident assertion of this essay is that more research is desperately needed to examine this critical life stage in the Modern Orthodox cohort. Attention and resources have been generously dedicated to this pursuit in the secular domain, in other religious domains, and in the secular Jewish cohort, but little attention has focused on the rigorous study of the Modern Orthodox emerging adult cohort.⁷³ How does the Modern Orthodox community experience and understand emerging adulthood? What are the strengths, challenges, and opportunities of meeting the needs of this cohort?

This life period is one in which major life decisions are determined which set a trajectory for the future. Emerging adults are remarkably vulnerable and yet tremendously capable. Will we invest in their unlimited potential and ensure that their promising journey brings them toward realizing their individual and our collective potential?

NOTES

1. Several articles cited in this essay address related topics, but none specifically addresses the construct of emerging adulthood within the Modern Orthodox community. Personal conversations with major researchers in this field, including Jason Carroll, an expert on Mormon emerging adults, and J. J. Arnett, the father of the field, have confirmed this gap.
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Part 5

The Future of the Modern Orthodox Educational System

How can we create a more coherent and effective educational narrative for people growing up in Modern Orthodox communities? How, for example, can the journey from a co-ed yeshiva high school to an Israeli (sometimes Haredi) yeshiva to Yeshiva University or a “secular” college contribute to a person’s understanding of their Modern Orthodox identity? How can we create a less bifurcating and more integrating educational approach? In the current economic climate, can we improve the quality of an integrated education while lowering its cost?

13

Toward a Passionate Modern Orthodoxy

Gil S. Perl

If the mission of the Modern Orthodox day school is to ensure the continuity of observant Judaism, then on the whole it seems that we are succeeding. Our communities continue to grow. Our shuls continue to prosper. Attendance at daily *minyanim* seems to be up, and another kosher establishment seems to open every other day.

If the mission of the Modern Orthodox day school is to increase Torah learning, then on the whole it seems that we are succeeding. The numbers of students spending a year or more in Israel yeshivot and seminaries continue to rise. The learning programs at Yeshiva College, Stern College, and their graduate schools continue to grow. Participation in community-based adult-learning opportunities continues to swell.

In fact, and perhaps most surprising to the prognosticators, who have long bemoaned the Modern Orthodox community's shift to the right, if the mission of the Modern Orthodox day school is to populate their own ranks with another generation of Modern Orthodox

children, then on the whole it seems that we are succeeding. Despite the increasing number of graduates who are choosing to raise their own children in the more cloistered confines of the right-wing community, the major co-ed Modern Orthodox day schools do not seem any worse for it. Their numbers continue to hold steady alongside those of their more right-wing counterparts.

If, however, the mission of Modern Orthodox day schools is to imbue students with an ideology of Modern Orthodoxy, then according to many of the leading voices on the subject today, we are failing. In a piece which appears online as part of the Edah monograph series, Rabbi Jack Bieler, long-time educator at Ramaz and the Melvin J. Berman Hebrew Academy, writes that despite the accomplishments of the Modern Orthodox day school system,

modern Orthodox educators, parents, and some students have developed doubts about whether the reality of the contemporary modern Orthodox day-school experience matches its ideals. Questions are increasingly raised about whether these educational institutions really provide a modern Orthodox education and produce modern Orthodox young people.¹

Likewise, Rabbi Shalom Berger, faculty at the Lookstein Center for Jewish Education at Bar-Ilan University and moderator of Lookjed, the largest discussion group for Modern Orthodox educators, begins his essay in *Teaching Toward Tomorrow: Setting an Agenda for Modern Orthodox Education*, a volume recently published by ATID, by citing a letter he received from a former student, which he took as

further corroboration of the anecdotal evidence that the Modern Orthodox Jewish community today is having a difficult time communicating its core values to its children. This can be heard in conversations with veteran educators, seen in curricular change . . . and in the much discussed “shift to the right” which is at least partially a

rejection of interaction with—and validation of—the non-Orthodox world.²

Several of the questions posed as the framework for a recent Meorot symposium on Modern Orthodox day school education, imply a similar sense of failure in the transmission of Modern Orthodox values. Perhaps most striking is the tenth and final question asked of the prominent set of respondents:

What should be done in Modern Orthodox education to instill confidence in its graduates that they are not religiously inferior in knowledge or observance to haredi graduates?³

The obvious implication is that most of today's graduates of Modern Orthodox day schools do, indeed, see themselves as religiously inferior. They are poised to perpetuate what Rabbi Mark Gottlieb has called “a religiously minimalist community of affluence and mediocrity, unable to provide its adherents with the religious and cultural resources to realize its ambitious and holy mandate.”⁴ As part of such a community, they choose to send their children to Modern Orthodox day schools not out of deep-seated commitment to the ideological underpinnings of Modern Orthodoxy, but out of a desire to provide their children with a Jewish education that is not “too Jewish,” while simultaneously positioning them for acceptance by prestigious high schools and, in turn, for acceptance by the most prestigious of universities.

The consensus, therefore, seems to be that Modern Orthodox day schools are succeeding as launching pads for some students into a variety of alternative Orthodox ideologies, and as a treadmill for others uninterested in religious growth. They are failing, though, to produce passionate Modern Orthodoxy.

THE PASSION TEST

Evidence for the failure of Modern Orthodox schools to successfully imbue students with an ideological affinity for Modern Orthodoxy is

often sought in two complaints which have emanated from the Modern Orthodox community for years—albeit from different sectors of the community. The first comes from vocal Modern Orthodox parents who lament the tendency of certain children to “flip out” during their year or years in Israel. They come home dressing, speaking, and acting more like members of the right-wing world than the Modern Orthodox world in which they were raised. And this, according to the parents, points to the failure of day schools to successfully “make” their students Modern Orthodox.

The second complaint comes not from parents but from certain school administrators, and often it is heard as a direct or indirect defense for not “making” more students Modern Orthodox. These administrators bemoan the paucity of available Jewish educators who truly embody the ideals of Modern Orthodoxy. If only they could find educators to hold up as role models, more students would embrace and commit to a Modern Orthodox way of life.

It seems to me that both of these complaints are overstated, though they both seem to point to the same kernel of truth. With regard to the complaint of Modern Orthodox kids flipping out, the recent research of Dr. David Pelcovitz and Rabbi Steven Eisenberg on the effects of the year in Israel makes a compelling argument that this phenomenon is really not as widespread as it may seem.⁵ And, as an administrator who has built a team of Modern Orthodox educators over the last few years, my own recent experience suggests that there really are plenty of Modern Orthodox young men and women entering the field of education today.

There does seem, though, to be a certain quality that this cadre of young teachers often lacks. And it is the same deficiency that I believe leads parents to the fear of flipping out and educators to the conclusion that Modern Orthodox day schools are failing. In all of the above cases, I believe what we are witnessing is a lack of passion. Not necessarily passion in general, but passion for the ideas and ideals of Modern Orthodoxy.

So, while teachers who embody Modern Orthodox ideals may not be as hard to find as some have claimed, finding teachers who are passionate about Modern Orthodoxy is undoubtedly a rather difficult

task. Modern Orthodoxy simply is not something we generally associate with passion. Therefore, when parents see their children becoming religiously passionate during a year in Israel—even if these children adopt no wholesale, life-altering changes in their career aspirations or communal affiliations—there is often a fear that sets in. It is a fear of a mindset generally foreign to Modern Orthodox circles. A fear of religious passion.

Try performing the passion test. Go to your local Modern Orthodox high school and ask the principal to introduce you to the students who are passionate about Modern Orthodoxy. In all likelihood, instead of an introduction you will get a quizzical look in return. After all, what does such a student look like? Does he have a Rambam in one hand and Hegel in the other? Does she spend one night a week learning additional *gemara* in the local shul and one night a week reading Plato in the local library? Perhaps he has a *seder* in *The Lonely Man of Faith*, or in a comparative study of *parashat mishpatim* and its parallels in the Laws of Eshnunna? And while it is true that passion in any area is often hard to procure in adolescents, were you to ask the very same principal to find you a group of students who are passionate about *talmud Torah*, about Jewish spirituality, or about the State of Israel, in all likelihood he or she would have no trouble at all. In an instant you will meet the student who learns every evening in the *beit midrash*, the student who lives for an NCSY *havdalah*, and the student who wraps herself in an Israeli flag every time there is a school *hagigah*. Students who are passionate about such ideas are not hard to find in a typical Modern Orthodox day school. Students in a Modern Orthodox day school who are passionate about Modern Orthodoxy, however, are virtually unheard of.

IDEOLOGY FOR THE LAYMEN

Let us return to the two complaints referred to above: students flipping out in Israel and a scarcity of Judaic studies teachers who embody Modern Orthodox ideals. I argued that while both complaints seem a bit inflated, both point to the fact that religious passion is often absent and even feared in the Modern Orthodox community. I believe,

though, that the connection between these two phenomena may be even deeper.

Successful teachers are passionate beings. Their personal passion for the material they teach and the manner in which they teach it are conveyed to their students, which in turn fosters similar feelings for the ideas and ideals within the captivated student. Those students in whom such feelings burn strongest often have the greatest desire to share their passion with others, and hence they choose to become educators themselves. Indeed, a *Public Agenda* study conducted in 2000 found that 86 percent of new teachers felt “that that theirs is a profession that requires a sense of mission” and only those “with a true sense of calling” should enter education.⁶

This passion or sense of calling is born out of ideology—that is, a particular set of beliefs surrounding the subjects they teach. One who simply loves biology may well choose a career which sequesters her in a research laboratory, immersed in the subject matter she adores. However, one who believes that all people should love biology—or at the very least that all should learn it—is one who chooses the classroom over the lab, the world of education over the world of intellectual investigation. It is this sense of mission that lies at the core of good teaching. It is ideology that provides the passion for education.

For ideology to successfully induce passion and a sense of mission, however, it must contain two related ingredients. First, its core values must not only appeal to the mind, but must stir the heart as well. Second, the ideology must advocate principles which an adherent can wholeheartedly and unreservedly affirm.

I believe this is where Modern Orthodoxy has broken down. That which has been written over the last half a century in an attempt to formulate a Modern Orthodox ideology has created a highly cerebral, highly intellectual world of discourse that speaks to the minds of a gifted few and to the hearts of even fewer. Schools, in turn, seeking to infuse these *Torah u-Madda* ideals into their curricula, have begun implementing a range of curricular initiatives, from “integration weeks,” where the same topics are studied in both general and Judaic studies, to the introduction of critical study of Talmud and Bible in their programs. These, though, are duties of the mind, not duties of the

heart. I surmise that the average student studying the crossover between Jewish and Greek culture leaves no more excited than the average adult who hears a lecture on the relationship between Maimonides and Aristotle. And, while historical-critical study of our sacred texts has much to offer us at certain times and in certain contexts, for the vast majority of kids it is not the stuff of which passion is made.

What is more, the distinctive ideas that have emerged from the architects of Modern Orthodoxy, and that set it apart from its sister ideologies in the Orthodox world, are almost always cast with an eye toward temperance and moderation. Modern Orthodoxy believes in the value of secular studies, but only insofar as they enhance one's religious well-being. Modern Orthodoxy believes in the value of Western culture, but only so far as it does not run counter to our religious sensibilities. Modern Orthodoxy believes in engaging the non-Orthodox world, but only so far as it does not involve matters of theology or religious practice.

While moderation in life is undoubtedly a value, moderation in the formulation of ideology inhibits the procurement of passion and is a death knell for its successful transmission. Consider, for a moment, the alternative Orthodox ideologies to which our motivated young men and women often turn. The yeshiva world maintains that *talmud Torah* is the preeminent value in Jewish life. Their adherents believe in the primacy of *talmud Torah* at all costs whether financial, familial, social, or political. The hasidic world thinks similarly about *deveikut* and the experience of drawing close to God. Perhaps most recognizable to members of the Modern Orthodox world is the lack of moderation in contemporary Religious Zionist ideology. To an ardent Religious Zionist, the significance of *Erez Yisrael* in the past, present, and future of *Am Yisrael* is not tempered by anything. They do not subscribe to the value of *Medinat Yisrael* in moderation. Indeed, it is only the potential for significant loss of life that has sparked the debate in recent years as to whether there ought to be limits to Religious Zionist ideals. And for the ideology to survive, such must be the case. Just consider what would become of the Israel Defense Forces should its officers and generals temper their belief in the value of *Medinat Yisrael*. Yet, the ideology of Modern Orthodoxy is built, from the very

outset, on temperance. We do not advocate whole-hearted immersion in the world of secular studies, for what then of *talmud Torah*? We do not condone unfiltered encounters with Western culture, for what then of its decadence and depravity? We do not support full-fledged partnership with the non-Orthodox world for fear that it might legitimate that to which Orthodoxy stands opposed.⁷

This is not a recipe that cooks up passion. No one gets excited over something they believe in “a little.” No one gets inspired by something they are committed to “somewhat.” Moderation and mediocrity do not produce energy and enthusiasm. In many respects, today’s Modern Orthodoxy ought to engage in the same process of self-reflection that Michael Lynch, a professor of philosophy at the University of Connecticut, described in his 2005 article in the *Chronicle of Higher Education* in regard to American political liberalism:

In different ways, liberals are asking: Could the very values they hold dear rob them of the requisite fire in the belly that conservatives, particularly social conservatives, seemingly have in abundance? Most liberals believe in equality of opportunity and resources, freedom for individuals to pursue their own vision of life, and tolerance toward those whose vision of the world is different from their own. Some of them, however, complain that in their eagerness to venerate their ideals, they too often undercut their ability to be politically effective. To put it in a nakedly partisan way, some liberals worry that Yeats was right: “The best lack all conviction, while the worst / Are full of passionate intensity.”⁸

The absence of positive Modern Orthodox ideology which stirs the emotion and into which the average layman can buy wholeheartedly leads to an absence of passion. The absence of passionate students leads to an absence of passionate teachers a few years later. Into that void step teachers—either in an Israeli yeshiva or in our own American day schools—who are passionate about other brands of Orthodoxy, and their passion is translated to a handful of students who become

similarly passionate. They, in turn, form the nucleus of the next cadre of teachers eager to step into the ideologically vacuous space of Modern Orthodox schools in hopes of sharing their passion with others. And so the cycle continues.

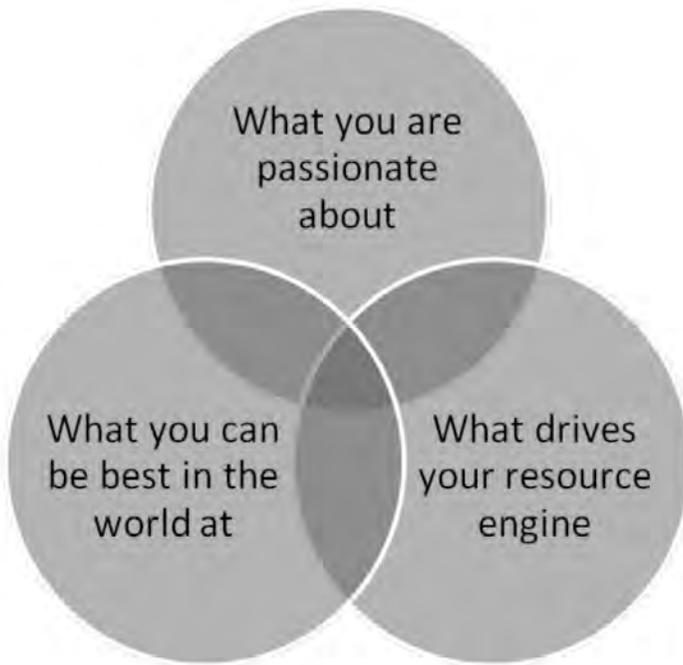
FROM FOXES TO HEDGEHOGS

In his best-selling business book *Good to Great*, Jim Collins uses Isaiah Berlin's famous essay "The Hedgehog and the Fox" as the launching point for what he calls the hedgehog concept.⁹ Applying this concept to Modern Orthodoxy may further clarify the above-described challenge, and perhaps help articulate first steps toward creating a solution.

The fox, in Berlin's essay, has a plethora of scattered ideas and divergent pieces of information but lacks an underlying concept or a unifying vision. On the other hand, the hedgehog knows far less, but what he knows relates directly and completely to the one big idea which lies at the center of all he does. Collins cites Princeton professor Marvin Bressler, who noted that "what separates those who make the biggest impact from all the others who are just as smart" is that "they're hedgehogs." As examples of high-impact hedgehogs and their high-impact ideas, Collins points to Freud and the unconscious, Darwin and natural selection, Marx and the class struggle, Einstein and relativity, as well as Adam Smith and the division of labor.¹⁰ For our purposes we might add to the list R. Hayyim of Volozhin and *Torah li-shmah*, the Baal Shem Tov and *deveikut*, and Rav Kook and *Torat Eretz Yisrael*.

Collins notes, though, that it is not only individuals who fall into the categories of hedgehog and fox, but companies as well. He and his research team found that companies which showed extraordinary growth and then proved able to sustain it over long periods of time were, without fail, companies that rallied around a single unifying concept that defined everything they did. More specifically, he describes these companies as focusing on the overlap of three different "circles." The first circle asks, "What are you deeply passionate about?" The second circle asks, "What can you be the best in the world at?" And the third circle asks, "What drives your economic engine?"¹¹ In his monograph *Good to Great and the Social Sector*, Collins replaces the term "economic engine" with "resource engine" when describing what makes nonprofit

organizations great.¹² The model for social sector organizations, then, looks like this:



To assemble these pieces and thus build the core of a successful social sector organization, Collins maintains, the following procedure must be followed: “You first begin with passion, then you refine passion with a rigorous assessment of what you can best contribute to the communities you touch. Then you create a way to tie your resource engine directly to the other two circles.”¹³

On the one hand, this model offers important insight into for Modern Orthodoxy’s failures. As outlined above, Modern Orthodoxy seems to have approached the process in the reverse. For decades the Modern Orthodox community has been asking “What can drive our resource engine?” without spending the requisite time on the two questions which should have preceded it. Hence, we have a community with significant infrastructure that is largely devoid of passion and a sense of mission.

On the other hand, this model may also provide the first steps toward a solution. Let us, for a moment, look at other Orthodox ideologies—the yeshiva movement, *Hasidut*, and Religious Zionism—and chart out, at the risk of oversimplification, how their approach to Torah Judaism may look when seen through this model.

At least for the sake of a theoretical model, I believe that as subsidiaries of Orthodoxy, all three of the above-named movements would place Torah and *mitzvot* in the first circle as the answer to, “What are you passionate about?” Where they differ is in the second circle, in answering, “What can you be the best in the world at?” Here each movement has staked out certain areas in which it excels. Where the elements overlap with circle number one, that is, where there are Torah values and *mitzvot* the group can perform or promote better than others is where the greatest passion is evoked and the deepest sustainable commitment is created.

For example, for the yeshiva world, *talmud Torah*, as defined by the study of *gemara*, is most definitely located in the intersection between circle number one and circle number two, because it is undeniably one of the 613 *mitzvot* and it is something they ardently believe they do better than anyone else. Their “resource engines,” therefore, focus on promoting the area of overlap between circles one and two. For the hasidic world, the area of overlap between circles one and two may include the *mitzvot* of *ahavat Hashem* and *tefillah*, among others. In certain Haredi circles, both hasidic and yeshivish, *tzniut* might also appear in the common area between circles one and two. For the *dati le’umi* community, on the other hand, it is the *mitzvah* of *yishuv Erez Yisrael* that dominates the overlap between the circles as an authentic and undisputed Torah value their community is uniquely poised to perform and promote. All three of these ideologies fit the model described by Collins, and all have proved generally successful in transmitting their core values to subsequent generations of adherents.

We would have great difficulty, though, placing Modern Orthodoxy into a similar model. What would we put in circle number one? What is it that we are passionate about? And if we were to focus on those within the Modern Orthodox community who do, indeed, believe that we ought to be passionate about Torah and *mitzvot*, what

would we possibly place in the second circle? What authentic Torah values, about which we are passionate, do we, the Modern Orthodox community, do better than anyone else?

Difficult as these questions may be, I believe it is exactly where we must start. To create a passionate and sustainable Modern Orthodoxy, we, too, have to begin with circle number one. We, as a community, have to overcome our fear of religious enthusiasm and support unbridled passion for Torah and *mitzvot*. That, though, is only the first step. Equally important is circle number two. We, like other movements within Orthodoxy, must identify authentic Torah values that are easily communicated across diverse populations and need not be tempered with moderation, that we—the Orthodox community that stands at the crossroads of Torah Judaism and Western society—can do better than anyone else. It may be the *mitzvah* of *kiddush Hashem*, the concept of *or la-goyim*, the notions of *ahavat Yisrael* and *arvut Yisrael*, or any of a myriad of others. But what is clear is that if Modern Orthodoxy is to perpetuate itself as a movement and an ideology, it must transform itself from the fox who does a little of everything and believes in a little of everything, into the hedgehog who has fewer but more focused objectives and does them remarkably well.

The day school system is but one cog—albeit a very significant one—in the resource engine of Modern Orthodoxy. To look to the day schools to create sustainability and continuity for Modern Orthodox ideology is to start at the end of a process and hope it will work its way backward. Instead, those in positions of influence throughout the Modern Orthodox world need to begin articulating a hedgehog concept for their constituencies. It needs to be authentic, capable of eliciting passion, and focused on the opportunities unique to the Modern Orthodox community. Armed with such an ideology, day schools will have the tools with which to build formal and informal curricula capable of fostering a unique form of Jewish inspiration. Children who are inspired by the unique sense of mission conveyed in their day schools will become adults inspired to pass on that mission to others. Then we will have taken significant strides toward a passionate Modern Orthodoxy.

NOTES

1. Rabbi Jack Bieler, *Preserving Modern Orthodoxy in Our Day Schools*. Edah Monograph Series, No. 2, <http://www.edah.org/backend/coldfusion/search/document.cfm?title=Preserving%20Modern%20Orthodoxy%20in%20our%20Day%20Schools&hyperlink=RabbiBieler.HTML&type=Document&category=Jewish%20Literacy:%20Education%20for%20Adults%20and%20Children&authortitle=Rabbi&firstname=Jack&lastname=Bieler&pubsource=Edah,%20Monograph%20Series,%20Number%202&authorid=233>
2. Shalom Berger, "Tomorrow's Challenges," in *Teaching Toward Tomorrow: Setting an Agenda for Modern Orthodox Education*, ed. Yoel Finkelman (Jerusalem: ATID, 2008), p. 8.
3. Symposium "On Modern Orthodox Day School Education," *Meorot* 7, no. 2 (Tishrei 5770), <http://www.bjpa.org/Publications/details.cfm?PublicationID=4095>
4. Mark Gottlieb, "Toward a Halakhic Humanist Worldview: Recovering a Lost Vision," in Finkelman, *Teaching Toward Tomorrow*, p. 37.
5. David Pelcovitz and Steven Eisenberg, "The Year In Israel Experience," <http://www.yu.edu/uploadedFiles/Israel%20Studies.pdf>
6. Public Agenda, *A Sense of Calling: Who Teaches and Why* (2000).
7. It is worth noting that in some Modern Orthodox circles, one value that has been embraced without reserves is *talmud Torah* for women. And, not surprisingly, it is in these women today that we might find the best examples of passionate Modern Orthodoxy.
8. Michael P. Lynch, "Where Is Liberal Passion?" *Chronicle of Higher Education* 51, no. 33 (April 2005): B7–B9, retrieved February 1, 2010, from ProQuest Education Journals (Document ID: 844367421).
9. Jim Collins, *Good to Great* (New York: Harper Collins, 2001).
10. *Ibid.*, p. 91.
11. *Ibid.*, p. 96.
12. The "resource engine" being the time dedicated to the organization, the money raised, and the brand it builds.
13. Jim Collins, *Good to Great and the Social Sector* (Jim Collins, 2005), p. 20.

14

Enhancing the Coherence and Efficacy of Modern Orthodox Education

Shira Weiss

When reflecting upon the current state of Modern Orthodox education in America, it is disconcerting to observe that many graduates of Modern Orthodox high schools fail to understand the complexity and nuances within Modern Orthodoxy and its *Torah u-Madda* approach, and thereby often neglect to internalize its ideals in their mentality or lifestyle. Such a reality, I believe, can be attributed to a host of factors, including the focus on autonomy and individualism in society, education, and adolescence, coupled with the lack of transmission of religious meaning and values in the Judaic and secular studies classroom. During the adolescent stage of development, when the individual is naturally questioning and exploring his identity, the influences of contemporary society and liberal educational methodology encourage him to be autonomous in his quest. The dual

curriculum in many Modern Orthodox high schools, however, is not being taught in a manner that transmits religious meaning and values, but instead often focuses on students' mastery of textual materials and skills to the exclusion of more affective objectives. As a result, students relate to both the Judaic and secular components of their dual curriculum as compartmentalized academic disciplines, devoid of much accessible religious inspiration, which does not enhance, or even substantiate, their religious commitment. Considering these causes and employing potential countermeasures will enable Modern Orthodox educators to create a more coherent and effective educational narrative for adolescents, affording them a greater understanding of Modern Orthodox ideals that can inform their outlook and practice well beyond high school.

AUTONOMY AND THE LACK OF RELIGIOUS MEANING

Students today are the product of a far more autonomous age than that of previous generations. As a result, many adolescents have adopted the anthropocentric attitude of their environment and approach all aspects of their lives from the perspective of how it can serve them. In the religious realm, the quest for personal spirituality seems to be replacing adherence to institutional religion. Christian Smith describes current societal conditions:

American youth, like American adults, are nearly without exception profoundly individualistic, instinctively presuming autonomous, individual self-direction to be a universal human norm and life goal. Thoroughgoing individualism is not a contested orthodoxy for teenagers. It is an invisible and pervasive doxa, that is, an unrecognized, unquestioned, invisible premise or presupposition.¹

As an educator in a Modern Orthodox high school, I frequently encounter this attitude of autonomy in students' comments: "I am committed to do those commandments that make sense to me," "Why should I recite words in prayer that I didn't compose and are

not meaningful to me?” or “I find the way I dress to be modest even if it doesn’t conform to the standards prescribed by religion.” Such sentiments expressed by students reflect a fear of giving up freedom and submitting to an overarching, non-negotiable authoritative system. Taught by their surroundings that the sovereign self reigns supreme, students reflect the attitude that every Jew has the ability to personally define Judaism. These students lack a sense of commitment or loyalty to tradition. Jonathan Sarna notes,

Once upon a time, most people in this country adhered to the faith and ethnicity of their parents: their cultural identity was determined largely by their *descent*. Now, religious and ethnic loyalties are more commonly matters of choice; identity, to a considerable degree, is based upon *consent*.²

Many students do not internalize the primacy of obligation as the guiding principle of Modern Orthodoxy and, as a result, they neglect strict adherence to the standards of Orthodoxy while they participate in that which modern society and culture has to offer. Educators are not adequately teaching the definition and explicit values of Modern Orthodoxy, and students, therefore, choose to interpret their Modern Orthodox identity as one in which their autonomy enables them to pick and choose those Orthodox standards which they feel should be maintained in the modern era. Even among students who are able to articulate ideals of Modern Orthodoxy, few internalize them in their own practice. For many, the conception of Modern Orthodoxy is lax observance, with the focus more on the “modern” engagement in society and less on the “Orthodox” religious practice. These students are not self-confident in their Modern Orthodox identity and feel, instead, that much of what they choose to practice is based more on convenience than on idealism.

Additionally, students in Modern Orthodox educational institutions often misunderstand the *Torah u-Madda* approach as simply attributing value to learning a dual curriculum of Judaic and secular studies, but neglect to identify with its notion that secular

knowledge strengthens an understanding of and commitment to Torah. *Torah u-Madda* does not encourage vacillation between Judaism and secularism, but instead, the embracing of secular wisdom and its integration with Torah. High school students, often not adequately committed to the primacy of Torah as a way of life, instead view the dual curriculum as compartmentalized studies. This is far from what Dr. Norman Lamm had in mind:

Torah Umaddah is an opportunity, because of all its creative tensions, for ultimate inner harmony, a way to unite [one's] deepest Torah commitments with his growing experiences as a modern person living in a scientific technopolis, in an open and democratic society and in a culture that, despite all its terrible failings, is vibrant and progressive.³

Students in many Modern Orthodox high schools often maintain their misconceptions about *Torah u-Madda* because their schools present non-Judaic subjects as devoid of religious messages and separate from the Judaic component of the dual curriculum. As a result, students fail to recognize the religious nature of the pursuit of knowledge and the spiritual value of secular studies, which they often consider of higher priority than Judaic learning. Furthermore, Judaic studies classes themselves often fail to relay religious messages to students, especially those courses which focus on academic excellence and emphasize skill acquisition and mastery of textual material. Many teachers do not devote time to the affective component of religious education, but expect it to emerge naturally from the curriculum taught. Rabbi Jay Goldmintz, of the Ramaz Upper School, argues that “it emerges naturally only if students see the text as having that potential from the start and, even then, they may need assistance.”⁴ Many of today's students in Modern Orthodox educational institutions do not enter the classroom with such expectations, and therefore do not derive much affective meaning from their Judaic courses.

Professor Moshe Sokolow, in an article in *Meorot: A Forum of Modern Orthodox Discourse*, delineates “what a yeshiva high school graduate should know, value and be able to do.”⁵ In a comprehensive

and ambitious outline, he points out four attitudinal objectives and then develops a far more extensive and specific set of textual curricular goals. While he explicitly articulates how to rigorously study Judaism, he does not elaborate upon how to add meaning to its teachings and practice. Sokolow's curriculum accurately reflects many Modern Orthodox schools' focus on the mastery of textual content and skills, rather than on affective education, even though many of these schools would acknowledge that their ultimate goal is to transmit life-long values. Most respondents to Sokolow's article noted that within his curriculum, more emphasis is placed on what students should know rather than what they should do and be. I acknowledge that the minimal discussion of attitudinal objectives could reflect the fact that affective meaning is very difficult to teach. I also recognize that in some schools religious inspiration is being transmitted, to some extent, in the informal educational realm and through teachers' modeling of such values. From the outset, I want to make clear that I am in no way minimizing the importance of teaching curricular content and improving students' textual skills. Those certainly are, in my opinion, critical educational goals that I devote much time and effort to achieve in my teaching. I argue, however, that focus on such goals in the classroom, to the exclusion of others, may prove to be a disservice to our students. While students may be religiously inspired informally at a *shabbaton* or *hagigah*, such emotional and experiential inspiration can be short-lived when their emotional high dissipates, if not substantiated through more consistent means in the formal educational environment. Additionally, teachers' modeling of Modern Orthodox values can have a far greater impact if students have a thorough understanding of the actual values and how they are embodied in real life (beyond merely the physical appearance of their teachers). Lastly, cognitive material and skills must be taught in a sophisticated and compelling manner; however, educators can present such knowledge in a relevant and meaningful way without detracting from its rigor. I do not believe that the study of textual skills need be at the expense of religious meaning; however, I also do not believe (and many students have attested) that the study of textual skills is, in and of itself, inspiring.

The focus on autonomy can also be perceived in the liberal educational theory advocated by some Modern Orthodox schools. Several years ago, a faculty committee at Harvard University concluded that the aim of a liberal education is “to unsettle presumptions, to defamiliarize the familiar, to reveal what is going on beneath and behind appearances, to disorient young people and to help them to find ways to reorient themselves.”⁶

Such an approach encourages individuals to question existing norms, break free from the preconceived notions of their upbringing, and examine life by thinking for themselves in order to arrive at their own conclusions. The emphasis of such an approach is on the autonomy of the individual. Liberal educational theory has a great deal to offer us as Modern Orthodox educators—including the importance of critical, rational, and rigorous analysis in every academic discipline, including Judaic studies.⁷ While students are encouraged to draw their own rational conclusions, Modern Orthodox educators are not also conveying to students that there are matters beyond the limits of human comprehension. We need to convey the legitimacy of accepting and believing that which is not necessarily rationally conclusive. Furthermore, schools and communities do not sufficiently emphasize the obligation to demonstrate loyalty to religious authority, and Modern Orthodoxy’s ideals are, therefore, not being internalized or actualized by many of its students. Instead, many Modern Orthodox adolescents are, understandably, approaching religion with a wholly autonomous attitude. This, coupled with the methodology of their education and the models they observe from their parents and communities, leads them to conclude that they will believe and observe only whatever makes rational sense to them. I have heard students express their attitude toward religious commitment as: “Prove it to me and then I will be committed.” I do not believe that submission *per se* is the challenge for students, since obedience to moral and social norms is demanded by society and acceptable to its citizens. The difficulty for many students is commitment to incomprehensible and often burdensome and restrictive commandments whose benefits that make such restrictions worthwhile are not necessarily evident. Students often take no issue

with observing God's social and moral commandments, which they do not always even consider to be religious observance.

Students' neglect to internalize religious values in high school can have long-term ramifications, since the high school years are a critical time in the adolescent's religious development and identity formation. Such a stage can also be characterized by the quest for autonomy. Erik Erikson explains that during the high school years, adolescents seek to rid themselves of their preconceived understanding of religion and begin to explore more critically in search of who they are. According to Erikson, even the most well adjusted adolescent experiences some role identity diffusion, rebelliousness, and self-doubt and seeks someone to inspire him as he gradually develops, through experimentation, a set of personal ideals most suitable for him.⁸

Sharon Parks, based on James Fowler's theory of faith development,⁹ suggests that in the adolescent stage of development, the individual deviates from his previous childhood stage by beginning to think about his thinking.¹⁰ The absolute form of knowing from his childhood cognitive stage breaks down and he is able to view things from perspectives other than his own. As the individual grows in self-awareness, he no longer looks only for truth or falsehood, but comes to realize that every opinion may be as worthy as any other. Authorities are, at times, found to be in error, undependable, or in conflict. The adolescent, therefore, begins to question and challenge authority that was familiar and dominant in his childhood as he realizes that all knowledge is relative to perspective. That is why adolescents occasionally reject belief in God, even when they do not necessarily have an alternative belief in a Higher Being.

Just as absolute authority and dependence on a single authority eventually break down, the monolithic nature of the community breaks down as well. The adolescent is no longer as willing to define himself solely as a member of one particular community and becomes more open to expanding the notion of community. The limitations of homogeneous communities are recognized, and the ideas and beliefs espoused by others are found to be valid. Adolescents experience a slow and sporadic transition from full dependence upon parents or authorities to independence and autonomy which can result in a loss

of faith.¹¹ Such recognition signals a developmental step forward. However, these new thought processes can lead to identity crises in a period of great ambiguity and uncertainty for individuals in their spiritual development. When the adolescent realizes that his view of the world is untrustworthy, he struggles to make sense of competing authorities, of his growing sense of self-awareness and self-authority, and of the multiple communities he experiences. It is at this stage that a “mentoring community,” a compatible social group that espouses and reinforces the values that the adolescent is seeking to develop, is beneficial. Educators are not currently entirely successful in transmitting Modern Orthodoxy’s values to adolescents in this critical stage in the formation of their identity, due partially to the lack of reinforcement of such values in adolescents’ homes and communities, since it is very difficult for educators to have an impact on students if such influence conflicts with what is promoted elsewhere. Students in many Modern Orthodox educational institutions today experience one set of standards in school and a wholly different one outside of school.

COUNTERMEASURES

Upon considering societal, educational, and psychological contributors to the autonomous culture and the paucity of religious meaning incorporated in the formal curriculum, I believe measures can be taken to improve Modern Orthodox education and help graduates develop an appreciation for its ideals. Adjusting existing school practices in key areas may prove more beneficial than proposing radical changes to which established schools and their accustomed students may not be receptive. It is constructive for schools to convey to students the value of autonomy and the individual’s quest for meaning. Educators, however, can do more to additionally promote the importance of institutionalism and the obligatory nature of religious commitment within which one can strive for individual expression. Furthermore, schools can stress the significance of liberal educational methods both in Judaic and secular studies, and simultaneously explain to students that rational conclusions need not be the sole arbiter of truth. Finally, at the developmental stage when impressionable adolescents are gaining

exposure to diverse influences, it is important for teachers, parents, and community members to serve as mentors to reinforce the Modern Orthodox values promoted in the school.

It is useful for educators to articulate to adolescents that the Modern Orthodox community does not seek to isolate itself from society at large, but rather to gain from and contribute to many of the advances that this autonomous age has enabled. Teachers, however, simultaneously can convey that there is, additionally, value in the institutional mentality which is often overshadowed by modern man's autonomous and individualistic quest in society. Hugh Hecló articulates this distinction in *On Thinking Institutionally*:

Institutionalists see themselves as debtors who owe something, not as creditors to whom something is owed. As debtors they have been freely given a world charged with meaning and calls to commitment. What is on offer is an invitation to engagement that goes well beyond self-engagement. Faithful reception gives life meaning by establishing a connection with exterior referents from the past that have, in a sense, already gone beyond and outlived you, and done so to your benefit. . . . To live in a world of nothing but institutional thinking would be a monstrosity. By the same token, to live in a world in which institutional thinking is absent, or so heavily discounted as to fade into insignificance—that, too, would be a monstrosity.¹²

In transmitting the message of the importance of institutionalism, teachers can demonstrate the value of such a mentality by drawing upon relevant contemporary examples to which students can relate.¹³

Students' ability to identify with Sandberg's sentiments regarding his institutional respect for his baseball predecessors and for his link in the chain of baseball history may help them begin to think about their sense of belonging to a community, the value of reverence for their (rabbinic) ancestors, and their role in the perpetuation of the legacy of Jewish history.

Educators can explain to students that they appreciate the desire to make religion more personally meaningful, and that there is room for autonomy and rational understanding within religion.¹⁴ The challenge for an autonomous Jew is to navigate through the conflicts between Jewish law and personal conscience by striving to preserve his identity without abandoning his steadfast commitment to the Divine covenant.¹⁵ It is important for educators to help students conceptualize a mitzvah as not simply a meritorious act that one can choose to observe, but as an uncompromising obligation.¹⁶

Greater emphasis can be placed on this distinction in Tanakh and Talmud classrooms as students learn about Israel's covenant with God and the halakhic process. It is important for students to be cognizant of these competing social values and of the importance of affording reverence to the institution to which they belong while engaging individualistically in society.

Respect for religious authority is difficult to convey to adolescents who are no longer satisfied with simplistic theological conceptions. By adolescence, many students seek a rational understanding of their religious identity as they are exposed to competing values. With sensitivity to students' intellectual and emotional maturity and level of academic preparation, the challenge for high schools, in dealing with their adolescent population, is to teach about religion in a challenging yet accessible manner in order for students to integrate what they are learning with who they are becoming. It is constructive for educators to show students the intellectual substantiation for religious commitment through science, history, philosophy, and other secular studies, as well as from their Judaic learning. Schools can convey to students the nuances of the *Torah u-Madda* approach by demonstrating throughout the curriculum how Judaic studies can be integrated with other disciplines, affording students a deeper and more meaningful understanding of each subject by viewing their interconnections. Educators can show students how religious meaning can be derived from all disciplines, in order for them to develop a comprehensive, multifaceted religious faith and live an integrated existence in which the embracing of all realms of life enhances their commitment and informs their lifestyle. Modern Orthodox beliefs and values can

pervade all areas of school life and can be clearly demonstrated in all academic disciplines through a cross-curricular approach. For instance, science and history courses can teach theological lessons by giving students a more elaborate and intricate understanding of God's physical creations and providential role in history. Educators can demonstrate how nature reflects divine wisdom and providence, and thereby show that understanding and utilizing science to promote human welfare is not devoid of religious significance, but rather an expression of man's providential relationship with God. Additionally, the cognitive components of faith and philosophical dogma can be taught in order for students to achieve the appropriate conceptions of God to accompany halakhic practice. Such an approach can help eliminate the bifurcation between students' learning and their lives.

It is important that Judaic teachers, too, present rational, relevant, and meaningful lessons in order to allow students to internalize their messages. Within the formal curriculum, educators can find opportunities to broach and rigorously explore the most complex and challenging religious issues with which adolescents grapple. For instance, it is fitting to address conflicts between science and religion in the Creation story in *Bereishit*, religion's demand of morality in the Binding of Isaac episode, free will and Divine justice in the Pharaoh narrative in *Shemot*, theodicy and the problem of evil in *Iyyov*, the meaning of life in *Kohelet*, to name just a few. Similar opportunities can be found within the Talmud, Hebrew language, and Jewish history curricula. Analytical study need not be mutually exclusive from applied, contextualized, values-driven learning. Students should not feel that their curriculum is antiquated and irrelevant to their lives or that their intellectual curiosity needs to be stifled regarding religion. As Dr. Norman Lamm writes, "you cannot close your mind to falsehood without risking the exclusion of truth."¹⁷ By creating a comfortable environment within the classroom, teachers can encourage students to think about the curriculum taught and to discuss how it can be integrated into their identity and lifestyle.

As much as it is constructive for educators to reassure students that Modern Orthodoxy is not afraid to deal with difficult questions and theologically challenging materials, it is also important for them

to teach students that one's faith and observance need not be reliant on clear-cut resolutions (which are sometimes elusive). Such an acknowledgement has strong philosophical support, as a contemporary trend in religious epistemology demonstrates the limits of philosophical argumentation.¹⁸ It is important for educators to encourage students to think through, challenge, and arrive at personal understanding in every realm, including the religious, but also to convey reverence for tradition, acknowledgment of that which is beyond their limited human comprehension, and the legitimacy of the emotional, experiential, and intuitive components (in addition to the cognitive) that make up their religious identity. Students should be taught that rationality can support their religious identity but need not be the sole arbiter of religious truth. As much as students can be encouraged to question, critically evaluate, and apply philosophical analysis to better understand and find meaning in their religious beliefs and practices, they simultaneously can be taught humility in the intellectual realm. As Maimonides explains in *Hilkhot Yesodei ha-Torah* (Basic Principles of the Torah) 2:2,

And what is the way that will lead to the love of Him and the fear of Him? When a person contemplates His great and wondrous works and creatures and from them obtains a glimpse of His wisdom which is incomparable and infinite, he will straightway love Him, praise Him, glorify Him, and long with an exceeding longing to know His great Name; And when he ponders these matters, he will recoil frightened, and realize that he is a small creature, lowly and obscure, endowed with slight and slender intelligence, standing in the presence of Him who is perfect in knowledge.¹⁹

While not every adolescent will be receptive to the idea of the incomprehensible, I believe that it is nonetheless important for educators to articulate such values, because they may have a long-term impact, only realized later in life.²⁰

In addition to deriving religious meaning from the cognitive realm, educators can convey the multifaceted nature of one's relationship with God and the legitimacy of substantiating such a relationship with other factors in addition to the intellect. As John Kotter, a leadership expert at Harvard Business School, writes, "People change what they do less because they are given an *analysis* that shifts their thinking than because they are *shown* a truth that influences their *feelings*."²¹ It is valuable for teachers to explain to students that their religious commitment need not be dependent on the rational vindication of their beliefs, but on their total existential experience. Rabbi Shalom Carmy explained to a theologically alienated student that ultimate questions are most effectively dealt with by utilizing all human capacities and the broad range and depth of experience. Healthy people, he argues, do not proceed through life by "reasoning everything out from scratch, or by waiting for undisputed empirical data to accumulate," but by relying on the "cognitive counsel of emotions" and intuitions."²²

Similarly, William James argues in *The Will to Believe*, "Our passional nature not only lawfully may, but must, decide an option between propositions, whenever it is a genuine option that cannot by its nature be decided on intellectual grounds."²³

One's rational self is not the only criterion for belief. Rather, we often make decisions based on passions and emotions. James furthers his argument:

To preach skepticism to us as a duty until "sufficient evidence" for religion be found, is tantamount therefore to telling us, when in presence of the religious hypothesis, that to yield to our fear of its being error is wiser and better than to yield to our hope that it may be true. . . . Dupery for dupery, what proof is there that dupery through hope is so much worse than dupery through fear?²⁴

James suggests that the religious believer and the skeptic are both driven by emotions; the believer decides to believe in an effort to seek truth,

while the skeptic denies belief in an effort to avoid error. Therefore, the skeptic's position is not more compelling than that of the believer.

David Hume, among others, taught that many ideas are taken for granted without rational proof, such as the regularity of nature and the reality of the external world, yet the lack of intellectual certainty does not impact one's beliefs, and therefore it is inappropriate to be overly rational and expect intellectual arguments in every realm.²⁵ While reason is an instructive force in our lives, it does not determine all that we think or do. Dr. David Shatz notes,

We are possessed not of minds alone, but of hearts, emotions, needs, instincts, habits; and inhabit social contexts. Obviously, without the use of reason, anarchy enters; still, in most areas of belief and practice, we don't—and shouldn't—let philosophical worries get to us.²⁶

I have found that such realizations help make the leap of faith in religion more palatable to students and have responded to students' struggles with doubt and to arguments that they should only believe and practice that which they find rationally compelling. It is important for such lessons to be transmitted in the classroom, where cognitive teaching is primarily emphasized, in order for students to realize the need for affective and experiential learning, as well, in order to fully understand their religious identity. Curricula that incorporate affective lessons into classroom teaching will enable students to derive greater meaning from formal educational settings on a consistent basis, in addition to emotional and experiential informal programming in schools, camps, and *shabbatonim*.

Some may argue that exposure to theological ideas, even though the clear intention is to strengthen faith and commitment, may cause dissatisfied students to question more, or may not be constructive for students who are not questioning at all. As I stated earlier, the intellectual and emotional maturity of students must be considered, as well as their level of academic preparation, before raising such issues. I believe that broaching such topics in the high school classroom is

more beneficial than detrimental, since it gives questioning students the opportunity to discuss their theological struggles in a safe environment. To do this at a time in their lives when they are gaining exposure to many competing values, instead of forcing them to stifle internal tensions that they feel it is inappropriate to voice, is surely preferable to the alternative of their encountering such questions in a later context when they may not have the guidance and ability to maintain their beliefs. Additionally, many students do not question at all not because they have achieved a thoughtful and satisfying status in their Jewish identity, but because they are indifferent and disinterested in their Judaic learning. Broaching such issues with apathetic students can encourage them to think seriously about their Judaism, their life choices, and their overall outlook.²⁷

Even though my focus has been primarily on improvements that can be made in the educational realm, it is necessary, when considering the adolescent stage of development and students' exposure to competing influences in this vulnerable time in their lives, to acknowledge that religious identity cannot only be addressed in the school environment. It is important for communities to embody and reflect Modern Orthodox ideals in order for students to recognize the expression and implementation of what they are being taught in the classroom. At this critical time in adolescent development when identity is challenged and redefined, it is extremely valuable for students to be surrounded, both in and out of school, by a "mentoring community" made up of people who are living examples of the fusion of religion and culture, to help guide and inspire their religious development. Students are often more influenced by the personal conduct, passion, and values of a role model than by the formal curriculum taught in the classroom. In addition to the curricular suggestions I have made, teachers' modeling of passion and commitment, coupled with an open and honest acknowledgment of personal religious struggles, can have a profound impact on the transmission of such values to students. The school can generate similar models within the mentoring community outside the school by engaging parents and community members (through adult education lectures, parent-child learning programs, family holiday celebrations, and other informal educational activities)

in order to demonstrate to students the community's commitment to its ideals. Since religion provides a coherent perspective on life, all influences on the adolescent's experience need to be considered in his development.

CONCLUSIONS

The affirmation of faith and commitment on the cognitive, affective, and experiential levels, the internalization of integrated ideals, and the reinforcement of such values in the home and community will provide students with a solid foundation to achieve greater appreciation for their beliefs and practices as they continue their educational narratives in Israeli yeshivot and universities where they may be exposed to ideas which conflict with their Modern Orthodox upbringing. With a committed yet enlightened backbone, influences to the right in Israeli yeshivot (which may lead to short-lived intensified religious practice) and to the left, via the intellectual and social temptations of independent life in secular universities (which may motivate students to deviate from religious norms) need not cause confusion, but can rather substantiate identity. Greater Torah knowledge learned in Israeli yeshivot will enhance students' foundational understanding of themselves as Jews even if they do not agree with all of the yeshiva's *hashkafot* (religious orientations). Greater exposure to the sophistication of secular studies in university will enlighten their understanding of their Modern Orthodox identity, so long as they integrate such materials in ways that enhance or broaden, but do not threaten, their religious foundation. While I recognize that such teachings will not resolve all tensions in high school and beyond, such measures will, at a minimum, help students understand and develop an appreciation for Modern Orthodox ideals. There is no simple formula for transmitting religious meaning to high school students, and religious passion can be difficult to foster in an intellectual environment. However, if educators devote more time and effort in their classrooms to promoting the meaningful internalization of curricular content, I believe the goals of Modern Orthodox education can be better met.

NOTES

1. Christian Smith, *Soul Searching: The Religious and Spiritual Lives of American Teenagers* (New York: Oxford University Press, 2005), p. 143.
2. Jonathan Sarna, "The Secret of Jewish Continuity," *Commentary* 98, no. 4 (October 1994): 57.
3. ³ Norman Lamm, *Torah Umadda*. (Northvale, NJ: Jason Aronson, 1990), p. 212.
4. Jay Goldmintz, "Religious Development in Adolescence: A Work in Progress," *Tradition* 37, no. 4, (2003): 59.
5. Moshe Sokolow, What Should a Yeshiva High School Graduate Know, Value and Be Able to Do? *Meorot: A Forum of Modern Orthodox Discourse*, 2009, <http://www.yctorah.org/content/view/552/10/>
6. "General Education Gains," *Harvard Magazine* (July–August 2007), <http://harvardmagazine.com/breaking-news/general-education-gains>
7. As a student and teacher of philosophy, I engage in such critical evaluation in my own studies and demand it of my students on both the high school and college levels. I utilize rigorous philosophical methods and analysis in my research and in my teaching to elucidate biblical, rabbinic, and Jewish philosophical texts which have enriched my own understanding and belief system, and hopefully those of my students as well. In my personal quest for meaning, I have been motivated to seek rational substantiation for my beliefs and practices in an effort to lead a deeper and more fulfilling religious life, and I encourage my students to do the same.
8. Erik Erickson, *Childhood and Society* (New York: Norton, 1963); idem, *Identity, Youth and Crisis* (New York: Norton, 1968).
9. James Fowler, *Stages of Faith: The Psychology of Human Development and the Quest for Meaning* (San Francisco: HarperCollins, 1981); idem, *Faithful Change: The Personal and Public Challenges of Postmodern Life* (Nashville: Abingdon Press, 1996).
10. Sharon Parks, *Big Questions, Worthy Dreams: Mentoring Young Adults and the Search for Meaning, Purpose, and Faith* (San Francisco: Jossey-Bass, 2000); idem, *The Critical Years: Young Adults and the Search for Meaning, Purpose, and Faith* (San Francisco: Jossey-Bass, 1986).
11. Patrick Love, "Comparing Spiritual Development and Cognitive Development," *Journal of College Student Development* 43, no. 3 (2002): 357–365.
12. Hugh Hecló, *On Thinking Institutionally* (London: Paradigm, 2008), pp. 98, 183.
13. Ibid., p. 3. See www.baseballhalloffame.org/news/2005/sandberg_speech.doc. For instance, Hecló quotes Ryne Sandberg's speech at his induction into the Baseball Hall of Fame as an illustration of the value of commitment to something that is beyond oneself and to the perpetuation of tradition:
 Respect. A lot of people say this honor validates my career, but I didn't work hard for validation. I didn't play the game right because I saw a reward at the end of the tunnel. I played it right because that's what you're

supposed to do, play it right and with respect. . . . If this validates anything, it's that guys who taught me the game . . . did what they were supposed to do, and I did what I was supposed to do.

14. Joseph Soloveitchik, *Halakhic Man* (Philadelphia: Jewish Publication Society, 1983), pp. 78–82; Moshe Sokol, “Personal Autonomy and Religious Authority,” in *Rabbinic Authority and Personal Autonomy* (Northvale, NJ: Jason Aronson, 1992).
15. Kenneth Seeskin, “Autonomy and Jewish Thought,” in *Autonomy and Judaism*. (Albany: State University of New York Press, 1992), pp. 22.
16. Aharon Lichtenstein, “Mitzva: A Life of Command,” in *By His Light* (Hoboken, NJ: Ktav, 2003), p. 5. As Rabbi Aharon Lichtenstein writes,

A person cannot come and sit in judgment upon Torah, and upon the Almighty, and enter the world of Torah and *avodat Hashem* as if he were shopping in a department store. One shops in a department store precisely in response to one's own needs and desires. It is part of self-indulgence and self-fulfillment. But one cannot shop around in God's world. Either one understands what it means to accept the discipline of *avodat Hashem* or one doesn't. . . . Judaism is built on the notion of nullifying your will before God's, of defining your existence as being called and commanded.
17. Norman Lamm, *Faith and Doubt: Studies in Traditional Jewish Thought* (New York: Ktav, 1972), p. 16.
18. See Peter van Inwagen, “Is it Wrong, Always, Everywhere, and for Anyone to Believe Anything Upon Insufficient Evidence?” *Faith, Freedom and Rationality*, Ed. J. Jordan, D. Howard-Snyder. (MD:Rowman & Littlefield,1996). Robert Merrihew Adams, “The Virtue of Faith.” *Faith and Philosophy* 1 (1984):pp. 3-15. Stephen T. Davis, *Faith, Skepticism and Evidence*. (PA:Bucknell University Press, 1978).
19. Translation from Isadore Twersky, *A Maimonides Reader* (Springfield, NJ: Behrman House, 1972).
20. The lack of internalization and expression of Modern Orthodox values during adolescence may reflect what psychologists call the sleeper effect. The sleeper effect suggests that the persuasiveness of a message often increases, rather than decays, over time. This effect is often observed when an individual's agreement with a persuasive argument is greater a long time after exposure to it than immediately thereafter. Although the content of the communication may be learned well at the time, the message may be discounted because the individual is either not ready to accept it or not receptive to the deliverer of the message. Over a period of time, however, the discounting factor may be forgotten more rapidly than the content of the message. The result would be a delayed increment of change due to the persuasiveness of the communication. For further discussion, see Joseph Priester, “Examining the Psychological Process Underlying the Sleeper Effect: The Elaboration Likelihood Model Explanation,” *Media Psychology* 1, no. 1 (1999); Walter Weiss. “A ‘Sleeper’ Effect in Opinion Change,” *Journal of Abnormal and Social Psychology* (1953): 48.

21. John Kotter, *The Heart of Change* (Harvard Business School Press, 2002), p. 1.
22. Shalom Carmy, *Notes from ATID: Forgive Us, Father-in-Law, for We Know Not What to Think: Letter to a Philosophical Dropout from Orthodoxy* (Jerusalem: ATID, 2004), pp. 14, 17.
23. William James, "The Will to Believe," in *Philosophy and Faith* (Boston: McGraw-Hill, 2002), p. 487.
24. *Ibid.*, p. 491.
25. David Hume, *Dialogues Concerning Natural Religion* (New York: Prometheus Books, 1989).
26. David Shatz, "The Overexamined Life Is Not Worth Living," in *God and the Philosophers: The Reconciliation of Faith and Reason* (New York: Oxford University Press, 1994), p. 268.
27. In my personal narrative, philosophical and theological topics were never discussed in my school, and while I graduated committed to my beliefs and halachic practice (which was partially due to my familial upbringing), as soon as I began my year of study in Israel and the subsequent year at an Ivy League university, I began to question why I believed and practiced. The motivation for my questioning was not out of rebellion, but rather a sincere attempt to understand what was dictating my life. When I asked these questions of my *rabbeim* and teachers, hoping to find clear-cut resolutions to substantiate the lifestyle to which I was accustomed, I quickly realized that finding the answers was a life-long pursuit with which they, too, struggled. It was then that I began reading and learning (and eventually teaching) philosophy and theology in order to substantiate and find meaning in my own beliefs and practices, and to help my students do so. I believe I would have benefited from broaching such topics in high school, which would have provided me with guidance as I embarked on my personal journey of religious growth. I have dealt with many high school students from Orthodox and non-Orthodox backgrounds who have expressed that such classroom lessons have enhanced their understanding of their identity at a critical point in their adolescent development. Numerous students in my Jewish philosophy courses at Stern College have told me that college was their first exposure to a sophisticated and enlightened study of philosophy and theology, since such topics were never incorporated into their high school curriculum. Many described feeling stifled and discouraged from asking questions in search of deeper understanding in high school and expressed that they would have benefited greatly from a more open environment to provide them with guidance.

Part 6

The Future of Modern Orthodoxy

Assess the vitality of Modern Orthodoxy now and where you see it twenty years from now. What steps need to be taken to create and grow a more passionate and committed Modern Orthodox community? How do you view the relationship between those who identify sociologically as Modern Orthodox and those who are ideologically Modern Orthodox? Moving forward, how inclusive or exclusive should the definition of who is a Modern Orthodox Jew be?

15

Contemporary Challenges for Modern Orthodoxy

Yitzhak Blau

DIVIDING LINES

The divide between Modern Orthodoxy and the Haredi world incorporates far more issues than are portrayed in standard descriptions. Ideologues tend to focus on attitude to secular education as the burning issue for American Orthodoxy and approaches to the State of Israel and army service as the essential debate in the Holy Land. Yet the hashkafic differences extend more widely and more deeply. Other dividing lines include issues pertaining to women, attitudes to gentiles and to other Jewish denominations, *daas Torah* (or the role of the rabbi), the credence given to human ethical intuitions, the relationship between human initiative, the natural order, and divine providence, and willingness to include communal and personal needs as a factor for halakhic leniency.

I submit this expanded list both as a means of fully appreciating the range of issues and as a way of digging to the heart of each matter.

Certain arguments logically depend upon previous debates. For example, the question of army service strongly connects with positions regarding the balance between human efforts and Divine providence. Who truly protects *Medinat Yisrael*—those patrolling the Lebanese border or those studying in *kollel*? The secular studies debate links with the question of how we view gentiles. If we see them as beings with parallel spiritual and moral striving, it makes sense to look to their brightest lights for wisdom and guidance. If we see gentiles as essentially different from Jews, all the more so if we depict them as somehow of an ontologically lower order, their thought should have little relevance. Our approach to women's issues stems partially from the weight granted to ethical intuitions about equality and justice.

This framework can aid our analysis of the current state of Modern Orthodoxy and help us understand plans and prospects for the future. We shall begin with the current shortcomings and potential pitfalls of our movement and then turn to our relationship with those on the right and on the left. Other writers, most notably R. Aharon Lichtenstein,¹ have enumerated similar weaknesses, but the list bears a fresh look.²

OUR COMMUNAL DIFFICULTIES

R. Yehiel Weinberg noted long ago that those lacking genuine idealism can use R. Samson Raphael Hirsch's *Torah im Derekh Eretz* approach as a means for enjoying two worlds, that of Heaven and that of Earth.³ From this perspective, Modern Orthodoxy stands for eating at fancy kosher restaurants, watching significant hours of TV, and identifying easily with the surrounding culture while remaining entirely guilt-free. Such a Modern Orthodoxy does not call for passion, commitment, or striving for religious excellence. I trust that I need not argue why such a vision represents communal failure. Unfortunately, too many of those who identify with our movement think in these terms, to some degree or another.

I once tried to convince a very fine *ba'al teshuvah* college student at a midwestern campus to come to the Modern Orthodox yeshiva I taught at rather than a competing Haredi institution. In response, he pointed to a wonderful undergraduate fellow who cared passionately

about *tefillah* and *Talmud Torah* and basically said: “Other students view this fellow as the local Modern Orthodox star, but he is publicly not *shomer negi’ah*. How can I align myself with your movement?” I brought other factors to bear but was forced to admit that his point had bite.

While our community’s levels of Torah study and mitzvah observance have risen considerably in the last thirty years, we still have a long way to go. Why should high school students who care deeply about halakhah often feel estranged from the dominant social atmosphere in many of our yeshiva high schools? Why do our adults not think more critically about the trashy novels they read or the mindless movies they see? These questions should trouble us and motivate some attempted response.

Even the aforementioned communal improvement sheds a critical light on our movement. Whereas a quorum could not be found in the YU *beit midrash* during evening hours in the 1950s and early 1960s, it currently pulsates with the sounds of a room full of vibrant Torah learning. Yet how many of those voices identify with the tenets of Modern Orthodoxy? Unfortunately, some of these students have come to associate a more committed Orthodoxy with our brethren to the right. No doubt, we could criticize their search for a more simplistic message, but an honest appraisal should force us to confront the communal weaknesses that drive these students toward a more Haredi approach.

Some of the above can be attributed to an insufficient number of Modern Orthodox educators, particularly outside of the American Northeast. Modern Orthodox high school students in Chicago, Miami, and Los Angeles may be more likely to study *gemara* and *humash* with Haredi educators than with the Modern Orthodox. Perhaps our community remains too driven to achieve the pinnacle of American success through graduating from the best law or medical schools. In many Modern Orthodox communities, the assumed standard of living requires more income than a small pulpit or a high school teacher’s salary can provide. Though prestige and salaries for educators have improved, many parents still dissuade their talented sons and daughters from the path toward becoming *klei kodesh*.⁴

A friend of mine, who taught in a predominantly Sefardi school, once sat in a meeting with parents objecting to Ashkenazi dominance among the school's teaching staff. After several minutes of such complaining, my friend asked the crowd how many of them wanted their sons to become educators. When no one raised a hand, my friend said: "Well then, your children are going to have Ashkenazi *rabbeim*." We can direct a parallel argument against our own community. If we want our messages sufficiently broadcast, we must encourage our children to enter communal work.

What message will we broadcast? As I understand Modern Orthodoxy, it strives to make discerning judgments about the broader world of culture, extracting the great wisdom found there while rejecting themes antithetical with our religious worldview. Which aspects of contemporary culture create estrangement with Orthodox Judaism, and what deeper factors lay at the root of each cultural danger? Let us begin the quest for improvement with an analysis of the challenges facing our community on both the popular and the intellectual level. Since our Modern Orthodox world interacts with the broader society on the levels of both lowbrow and highbrow culture, each requires separate analysis. Modern Orthodox Jews watch movies and TV, utilize the Internet, and pursue university educations. What challenges currently face us in each realm?

Western democracies deserve respect for their capacity to incorporate different ethnic and religious groups and their ability to combat discrimination and despotism. Particularly in America, Jews should express gratitude for the treatment they have received. Nonetheless, the Modern Orthodox Jew must think critically about many aspects of this world. Western society's sexual morality conflicts sharply with traditional Jewish values, and we need to affirm our worldview in an uncongenial environment. Technological achievement generates a culture of instant gratification lacking the patience to think in terms of long-term goals. For example, we want our Torah learning neatly packaged, preferably in English translation. Modernity enables leisure time for all segments of society but lacks the ethos of justifying how we utilize that time. While concern about *bittul Torah* can reach exaggerated proportions, a good deal of that ethic should

permeate our approach to free time. The positive value of equality has a negative mirror image called relativism. Western society's promotion of freedom sometimes degenerates into the idea that all ethical and religious choices share equal validity.⁵

POPULAR CULTURE

Each decade provides fresh distractions that make the question of using time constructively an increasingly pressing concern. YouTube and Facebook make it possible to spend endless time in front of a computer watching videos and keeping up with every acquaintance we ever met. Kierkegaard writes that modern man stimulates himself to avoid introspection and thought in the way that American settlers once banged pots to keep the wolves away.⁶ Constant artificial stimulation is the enemy of inwardness and depth. Internet addicts also dedicate their time to blog reading, in theory an avenue for more serious discussion. However, the rapid pace and current nature of blog conversations mean that they often consist of anonymous voices criticizing others without developing an argument: "X has been wrong for years and should be replaced." Such comments do nothing to improve communal discourse and, when done under the cloak of anonymity, reveal a lack of courage and decency.⁷ Some bloggers write more thoughtfully, but the pressure to constantly produce renders extended thinking about ideas and formulations almost impossible.

In my article "Modern Orthodox Arguments Against Television,"⁸ I argue that our communal values should make us especially wary of this medium. We believe in increased Torah study and leadership opportunities for women, rejecting an approach which views women as pretty faces that should remain in the kitchen. Yet what perspective on women does Hollywood provide? Does acting talent or female beauty play the greater role in becoming a media star? Why do actresses hitting middle age find their choice of roles diminishing? While many of these points apply to male actors as well, the objectification of women is still far more prevalent in society. TV and movies send us a constant and not particularly subtle message that, ultimately, looks are what truly matter.

Furthermore, we believe in becoming educated about the world around us, but watching television only hinders that goal. Neil Postman has convincingly argued that TV as a medium for serious content has been an abysmal failure. *Sesame Street* has taught children the alphabet, but where are the shows that contribute beyond the first grade? Nor does the TV news fare any better. The brief time allotted to any news story combined with the dominance of the visual (a burning building always beats a story about the budget) means an absence of ideas presented with any depth.⁹

The problems of Modern Orthodox overexposure to this culture extend beyond the barrage of images of sex and violence; they also include a steady diet of mindlessness, passivity, and short attention spans. Note how the medium of movies invariably negates the possibility of extended conversation. The visual medium demands movement, and people stand still when they converse. When Hollywood converts books such as *The Lord of the Rings* or *Harry Potter* into movies, interesting dialogue gets cut in the interest of longer action scenes. In addition to the above, too many of our adolescents enter the culture of following the private lives of movie stars, including divorce, dysfunctional families, and outrageous behavior geared toward remaining in the headlines. Instead of disgust with this world, our high school students participate in the voyeuristic following of the rich and famous, something antithetical to *Torah u-Madda*.

A summary of this tirade against television might state as follows: We could imagine saying to a Haredi interlocutor: "Modern Orthodoxy's advantage is our ability to cull the wisdom found in Bradley's philosophy and Yeats's poetry." Could we imagine saying: "Modern Orthodoxy's advantage is our ability to watch *Friends* and *Desperate Housewives*?" The time has come for a widespread communal effort to minimize intake of the vacuous elements of popular culture.

No doubt, some readers will accuse me of intellectual elitism that unrealistically expects every carpenter and plumber to read Kant and Kierkegaard in their spare time. Furthermore, exhausted parents coming home from a long day at the office lack the energy to decipher *The Waste Land* or *Lyrical Ballads*. They need some mindless entertainment to unwind after a day of arduous work. I accept the

point. Indeed, too much *Torah u-Madda* literature focuses exclusively on the intellectuals, leaving out what this ideology means for the bulk of its adherents. Yet, my rejection of much of popular culture still stands. Modern Orthodox Jews do not only watch enough TV and movies to regain their strength, they spend numerous hours watching TV as an end in itself, often failing to make discriminating judgments about which shows to watch. Furthermore, many options stand between the poles of *The Critique of Pure Reason* and *Days of Our Lives*.¹⁰

A good deal of worthwhile literature does not tax the brain excessively. Some intelligent writers, such as Oliver Sacks and Stephen Jay Gould, excel at conveying important ideas to a wide audience in an engaging manner. Historical biographies may also serve a similar role, as can novels such as *To Kill a Mockingbird* or *Cry, the Beloved Country*. A person need not be a great intellectual to read many critiques of modern society, such as that of Neil Postman mentioned above. Thus, one option consists of lighter yet meaningful reading.

The identical concern should motivate a new kind of Torah literature as well. We need to produce a literature true to our ideals that does not deny nuance and complexity but still can be read by those who do not recognize words such as “*Weltanschauung*” and “ontological.” Perhaps Modern Orthodox intellectuals have been too quick to dismiss such literary endeavors. I confess to having directed negative comments toward summaries of R. Soloveitchik’s writings such as the volumes of R. Abraham Besdin. Such negativity is overdone. Many people will not finish *The Lonely Man of Faith*, but they will benefit from reading R. Besdin’s summary. We should produce more examples of this without oversimplifying to the point where our message gets lost.

Of course, other options for constructive use of time exist beyond the world of reading. We could turn off the TV and the Internet in order to play a board game with our children, converse with a friend, or become involved in a communal charity project. Our community should internalize the value of needing to justify how we utilize our time. The broader culture remains unconcerned about this issue, an arena in which we need to part ways with the surrounding culture.

Torah u-Madda for those less interested in the Western canon can also find expression regarding professional life. Earlier, we

discussed encouraging the best and the brightest to enter the world of education and the rabbinate. We should also emphasize choosing a profession, or selecting a role within one's profession, that enables constructive engagement in *yishuvo shel olam*. Helping professions such as medicine, psychology, and social work easily lend themselves to such engagement. Many other professions depend greatly upon what a person decides to do with his or her degree. Lawyers can help large companies make money; they can also service the disadvantaged. Advertising usually entails trying to convince people to acquire something they truly do not need; yet these skills and training can also be directed toward good causes.

These contributions also depend upon university education. If we view a job solely as a means of supporting a family, then the nature and quality of the job become insignificant. Selling poor-quality watches or advertising for a cigarette company puts food on the table just as well as any other job. However, if we grant religious value to the quality of a person's professional endeavors, then a new purpose to university studies emerges. University training enables greater contributions to the parochial Jewish community and to the broader society. Such concerns should become a bigger part of our communal discourse.¹¹

Clearly, the preceding argument does not diminish the value university education plays in simply enabling our community to support itself. Since families need feeding and communal institutions require support, we should applaud endeavors that promote our ability to make an honest living. At the same time, we can encourage the attempt to find meaningful professional expression beyond the goal of making money.

ACADEMIC CULTURE

The need to make better judgments about the broader culture exists with regard to intellectual currents as well. Some fairly dominant trends in contemporary academic circles cannot be reconciled with Orthodox Judaism. I refer not to specific conflicts with the biblical narrative that emerge from fields such as evolutionary biology or archaeology. A greater problem stems from much wider trends and the overarching

intellectual climate. This climate destroys standards, since it denies objectivity, truth, knowledge, and goodness. From this perspective, all historical accounts reflect self-serving narratives. Richard Rorty tells us that we cannot say that democracy is morally superior to fascism; we can only assert that we prefer it.¹² Followers of Jacques Derrida insist that since no boundaries guide the interpretation of texts, we can explain them as we see fit.

Having despaired of the quest for goodness and truth, we naturally reinterpret those who claim to base their actions upon moral and religious ideals. These lofty terms truly cover a self-serving quest for power and influence. Thus, Michel Foucault understands the worlds of politics, society, and culture as discourses of power intended to enable those in power to maintain control. Perpetuating the idea of a canon of great literature reflects white European males locking women and minorities out of the party. “Great books” courses fade into oblivion.

No doubt, my account focuses on the more extreme versions of prevalent trends; other thinkers critique these excesses. Charles Taylor writes of the absence of positive vision in Foucault.¹³ Thomas Nagel,¹⁴ Bernard Williams,¹⁵ and others have subjected Rorty’s rejection of truth to vigorous critique. Terry Eagleton ridicules the excesses of postmodernism.¹⁶ At the same time, the trends I list are currently in academic vogue. Literature departments include more deconstructionists than followers of I. A. Richards, while philosophy professors are far more likely to identify as postmodern than as existentialist or Kantian. History professors use loaded terms such as “narrative” that already lead the discussion away from a search for historical truth. Without knowing the precise popularity of these intellectual trends, we can express concern about their influence.

These positions are incompatible with Orthodox Judaism, which traditionally affirms certain beliefs as true, which roots its communal identity in assertions about historical events, and which thinks seriously about the meaning of sacred texts in the hope of uncovering explanations authentic to the words and spirit of their authors. Modern Orthodoxy must make good judgments about which currents will pull it along as it encounters university studies. Clearly, the

solution cannot rely upon instructing our students not to read Rorty or Foucault. Instead, Modern Orthodox thinkers can contribute to a literature highlighting the flaws in postmodern and deconstructionist thought and develop other models for our conceiving of the world. We frankly admit that proving the truth of certain propositions is not as straightforward as medieval authorities believed and yet still maintain our ability to affirm truths. Many secularists participate in such a project, as do Christian writers such as Alvin Plantinga¹⁷ and Peter van Inwagen.¹⁸ Among other strategies, this critique will point out the self-defeating nature of thoroughgoing skepticism, and that essential aspects of our language and thought presuppose some objective reality. Furthermore, few will want to affirm the full expression of the extreme position when asked whether Deborah Lipstadt and David Irving represent two relativistic narratives about the Holocaust equally entitled to claims of truth and goodness.

The existence of problematic academic trends does not pose a reason for abandoning the *Torah u-Madda* enterprise because we are under no obligation to focus our attention on currently popular works. If our students will benefit more from reading Aristotle, Aquinas, Orwell, and Auden, let us encourage them to do so irrespective of what their professors assign. Furthermore, it is our very encounter with regnant intellectual positions that enables us to critique them accurately and incisively. Sometimes those who are uninterested in non-Jewish thought may end up more influenced by such works. Haredi minimizing of the distinction between *peshat* and *darash* and their frequent reinterpretation of the benevolent motivations of gentiles or secularists may make us wonder who has been more influenced by cynical skepticism. The ArtScroll phenomenon indicates that the desire for instantaneous solutions has penetrated the Haredi world as well.

Though these broader trends strike me as the most pressing problem, we also need to confront the challenges to our historical and literary assumptions regarding *Tanakh*. I am in sympathy with Shalom Carmy's argument that successful study of Torah while working with our own methodological assumptions is a far more powerful argument for Orthodox Judaism than fighting our opponents to a draw regarding

biblical criticism or archaeology. In addition, constantly responding to critics distracts us from creative and productive tasks at hand.¹⁹ At the same time, some Orthodox scholars need to show that these battles can be fought to a draw, or perhaps even won. Otherwise, we give our students the impression that we have no effective response to these challenges.

My presentation has focused on the negative forces in highbrow and lowbrow culture, so the picture naturally looks bleaker than it truly is. The outside world still offers many opportunities for religious growth. The great books still exist, and I draw inspiration and insight from them on an almost daily basis. Some of the progress made in areas of science and technology enables the acquisition of skills that significantly reduce human suffering. With good judgment, we can utilize all the good the world has to offer while rejecting what merits rejection.

CHALLENGES FROM THE LEFT

Beyond our internal challenges, we also confront issues from left and right. The vicissitudes of history reveal the foolishness of predictions, but this does not free us from the responsibility of some looking ahead, and I will explore a potential development. It may be that the bulk of the Conservative movement is heading toward a merger with Reform. They have already capitulated on egalitarianism; homosexuality and patrilineal descent may soon follow. If this trend continues, the right wing of the Conservative movement will be forced to look for a new home. Some will join “halakhic egalitarian” institutions such as Machon Hadar, while others will end up sociologically forced into Orthodoxy. We need to think about how to welcome such individuals while still not allowing their positions on Divine authorship of the Bible or on homosexuality to achieve Orthodox legitimacy.

The previous discussion highlights two charged issues, homosexuality and egalitarianism, that often prevent others from identifying with Orthodoxy. Our most articulate and intelligent thinkers need to address these issues. Regarding the former, we should encourage attempts to discover successful versions of reparative therapy but remain open to the possibility that they simply do not

work. Conversations with several students struggling with such inclinations exposed me to people desperately wanting to be part of the *frum* community while confronting impulses they, and their therapists, have not successfully altered. Once we realize that people struggling to balance their homosexual urges and identity with the dictates of Orthodox Judaism are not rebelling against God or simply weak of will, we need to express great sympathy for them. We can show empathy and understanding even if we cannot alter the basic halakhic prohibition.

Women's issues provide a forum with more potential flexibility even as full-fledged egalitarianism stands firmly beyond the boundaries of Orthodoxy. We can articulate a moral vision that denies total egalitarianism as an absolute ethical mandate. As long as our tradition allows every man and woman sufficient avenues of religious expression, restrictions and lack of full equality need not cause any moral crisis. At the same time, our community could open up more possibilities for women without violating any halakhic or hashkafic norms. I confess that I find it hard to understand rabbinic objections to women delivering *shi'urim* in synagogue when our community has no problem listening to women speaking publicly in a host of academic, political, and communal settings.

Those who want to object to certain innovations on public policy or hashkafic grounds certainly have a right to do so. Our halakhah is not a totally insulated technical code divorced from questions of religious worldview and communal need. However, rabbis must be forthright about these concerns rather than create poor halakhic arguments to prohibit things truly permissible. The laity is knowledgeable enough to ensure that such strategies will generate distrust and animosity toward the rabbinate. To take one example, solid halakhic arguments exist against women receiving *aliyot*, but only weak contentions prohibit women's *tefillah* groups. Those who want to oppose the latter on extra-halakhic grounds should say so clearly.

Radical feminism can prove destructive to family life and our traditions, but feminism should not be made into a monster causing a constant circling of the wagons. Challenges of this kind have always motivated two different types of responses. Some rabbinic voices draw

more red lines in an effort to stop any movement in a problematic direction; others rely upon some flexibility within the halakhic system to meet communal needs. If we realize that almost all segments of Orthodoxy have benefited from changes in women's roles in the last century, we must seriously consider this second option. When I hear some voices proclaiming that they want contemporary Jewish women to be identical with their great-grandmothers, I am astonished. Do they truly want their daughters to receive almost no formal schooling? Acknowledging that some changes have enhanced Orthodoxy moves us away from a knee-jerk opposition to any innovation. At the same time, we cannot trample upon halakhic boundaries; ritual distinctions between men and women remain non-negotiable.

THE HAREDI ALTERNATIVE

The right provides a different set of challenges. The Haredim portray themselves as the only authentic expression of Torah, and they criticize the Modern Orthodox for lacking commitment and seriousness. The shift to the right in Modern Orthodoxy means that for some of our members, this critique has hit home. Even those remaining within the Modern Orthodox camp sometimes articulate the notion that authentic Judaism lies to their ideological right. We need to candidly admit the cogency of their criticisms, but by no means must our response consist solely of mealy-mouthed acquiescence. While the bulk of our energies should focus on self-improvement, we also need to articulate why we do not find joining the competition a tempting proposition. The Haredi world has impressive successes; it also has deep flaws, some of which inherently intertwine with its very positives.

The current version of *daas Torah* prevents serious discussion of ideas because only one opinion can exist. No major rabbinic figure in the Haredi world publicly defended R. Natan Slifkin's approach to *Haza!*'s knowledge of science or R. Natan Kamenetsky's take on rabbinic biography despite the fact that both have deep roots in our tradition. A world that does not allow for debate and the exploration of different ideological positions produces shallow thinking by definition, since it curtails analysis of the strength and weakness of each position. *Daas*

Torah also prevents self-criticism, since every communal position becomes identified with rabbinic leadership, and thus any criticism of Haredi society transforms into an unacceptable attack on the *gedolim*. Such a climate renders reevaluation and communal introspection almost impossible.²⁰

A strong conception of authority which does not allow for debate and discussion generates even more pernicious effects. Given the negative potential within human nature, a system that does not provide for checks and balances or allow for criticism of the leadership opens the possibility that unscrupulous individuals will take advantage of their authority for personal gain. If every communal decision were made by rabbinic giants with the outstanding character of R. Shlomo Zalman Auerbach, this concern would recede. Unfortunately, this is not the case. Furthermore, the prospect of elderly rabbis being manipulated by their assistants opens up another possibility for abusing the system.

The utter absence of gratitude to God for the miracle of the Jewish state as well as to the secularists who made it possible stands as another blemish on the Haredi worldview. True, some secular Zionists sometimes speak in disgusting terms about Haredim, but I am not sure that the secularists fare better on the pages of *Yated Ne'eman* than the Haredim fare in *Ha'aretz*. Moreover, secular Zionism enabled the rebuilding of the world of the *yeshivot* after the Holocaust. It provides medical care and many other services even as it exempts an entire population from the army service necessary to protect the state. Even their public protests indicate Haredi comfort in the Jewish state. As the Brisker Rav pointed out to the Neturei Karta, those who truly viewed the Zionist government as tsarist Russia would be afraid to protest.²¹ Where can we find any Haredi expression of *hakkarat ha-tov* for this situation?

Other basic flaws include a lack of intellectual honesty which censors dissenting positions and unwelcome parts of history. Great rabbinic figures who did not adhere to current Haredi positions are either excluded from the pantheon (R. Soloveitchik and R. Kook) or distorted to match Haredi expectations (R. Hirsch²² and R. Yeḥiel Yaakov Weinberg). Even if we think such an approach works, the means matter in our religion, not just the ends.

The preceding paragraphs should not be our main focus; we cannot build an identity upon attacking other groups. Nonetheless, Modern Orthodox spokesmen need to explain why we prefer our path, an endeavor that sometimes involves noting the shortcomings of alternative models. I imagine a critic responding that doing so will mean our functioning in the very same way as the Haredi world we criticize. Can we resent their triumphalism while emphasizing the advantages of our approach?

I would answer in the affirmative. First of all, our educators will not cover up the rabbinic authorities who disagree with our positions. We will teach the many dissenting rabbinic voices even as we affirm the religious value of worldly wisdom and the State of Israel. Secondly, we will confess the dangers inherent on our positions as well as the advantages of other approaches. The complexity of life usually means that approaches include positives and negatives. Finally, we will attempt to learn from what other communities have to offer. If the Haredi world has more successfully internalized the need to avoid *bittul Torah*, we should admit it and go about trying to improve. In this manner, we can avoid excessive flag waving even as we argue strongly for Modern Orthodoxy.

If we truly believe in our philosophy, we should insist that the leaders and teachers of our institutions predominantly reflect that philosophy. It may be beneficial to include Haredi voices on our rabbinic staffs, but why should that choir include the largest number of members? Why do many Modern Orthodox parents who send their children off to Israel not consider the ideological direction of the *yeshivot* and seminaries? Some attribute this to consumer ignorance.²³ Others suggest that Modern Orthodox parents knowingly send their kids to Haredi instructors in the hope that the Haredi world provides greater assurance that the children will stay observant. If so, this phenomenon indicates a lack of confidence in our religious community. Fears about modernity and the *zeitgeist* help create a situation in which retreat from the world seems safer than confronting it.

The most important part of our current mission is not to insist on Modern Orthodox educators and point out flaws in the Haredi world but to improve the religious vibrancy of Modern Orthodoxy. To

the degree that we achieve this, the need to look elsewhere will recede. Better judgments about popular and academic culture and renewed emphasis on Torah and *mitzvot* can create a far stronger Modern Orthodoxy.

MODERN ORTHODOXY IN ISRAEL

Until now, our essay has focused more on the American scene, although much of the discussion pertains to Israel as well. Obviously, the *dati leumi* world differs from American Modern Orthodoxy. Religious Zionists deserve great credit for their efforts in the army and their dedication to the Zionist project. Yet we should acknowledge that significant segments of this world do not see value in secular education, are comfortable with demonizing the non-Jew (a clear result of the Arab-Israeli conflict), and are uninterested in increasing Torah study opportunities for women. Furthermore, the withdrawal (or expulsion) from Gaza has moved many in the *dati leumi* world to an increasing feeling of estrangement from the state and secular Israelis. On the other hand, the more liberal Orthodox voices heard in the religious kibbutzim and in the halls of Israeli academia often lack reverence for halakhah and *ikkarei emunah*. Perhaps American *olim* will help amplify the sound of Modern Orthodox ideals within Religious Zionist discourse. At the same time, the impressive commitment of the *dati leumi* world to the destiny of *Am Yisrael* should force American Jews to seriously confront the challenge to leave Teaneck or Queens for the land of their ancestors.

THE NEED FOR GEDOLIM

One final issue merits discussion—the dearth of Modern Orthodox *gedolim*, a problem that plagues the Haredi world as well. What *maḥshavah* works of enduring value have been produced in that world since R. Hutner's *Pahad Yitzhak*? This may reflect a broader trend in American society. George Steiner contends that democratic society produces a leveling effect in which weaker students achieve more but stronger students are pulled down.²⁴ Paradoxically, the great expansion of yeshiva learning in the twentieth century may have led to an absence of excellence.

Modern Orthodox ideology adds another layer of challenge. Our best students are less likely to stay in *kollel* for extended periods because we preach engagement with the world. Moreover, we contend that *gedolim* who have never left the *beit midrash* remain ill-equipped to deal with a world that they know so little about. I think our position correct, but it generates a situation in which our finest students do not spend enough years in the *beit midrash* to achieve full mastery of our sacred literature. Perhaps we need to think about stipends enabling *talmidei hakhamim* already in the field for several years to take a break in order to sit and learn. In this way, such scholars can combine the benefit of worldly involvement with intensive study.

CONCLUSION

Rather than bemoaning our current shortcomings or pointing an accusing finger at others, let us redouble our efforts to address our myriad challenges. We need to inspire our community to passionate commitment in place of apathy, to far more productive usage of time, toward rejecting modern sexual mores and other pernicious aspects of the broader culture, toward a search for jobs that exemplify *tikkun olam*, and to encourage our most talented sons and daughters to enter the world of Jewish communal work. Our path is not easy, but nothing of authentic worth ever is.

NOTES

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1. R. Aharon Lichtenstein, "The Future of Centrist Orthodoxy," in *Leaves of Faith: The World of Jewish Living* (Jersey City, NJ: Ktav, 2004), pp. 309–330.
2. Critics of my presentation will point out the lack of sociological studies cited and the impressionistic nature of my remarks. We currently lack such studies, and I do not think communal introspection should shut down until they exist. Moreover, such studies may suffer from problematic questioning or unrepresentative or insufficient sample respondents. Thus, studies help but do not eliminate the need for alternative modes of analysis. We can ask people with experience in the

community to note their impressions and see whether others concur. Over the course of seventeen years, I have taught Modern Orthodox students from ninth grade through post-university and have spoken in many Orthodox shuls. These encounters provide the basis for my assertions. Furthermore, the prescriptive elements of my analysis do not depend on the communal reality in the way that the descriptive aspects do.

3. R. Yehiel Yaakov Winberg, *Lifrakim* (Jerusalem: 2002), pp. 408–409.
4. The talent drain coming about because so many Modern Orthodox educators move to Israel also plays a role.
5. Allan Bloom, *The Closing of the American Mind* (New York: Simon & Schuster, 1987), esp. pp. 25–43.
6. Cited in Rollo May, *The Courage to Create* (New York: Norton, 1975), p. 67.
7. It seems a basic postulate of fairness that people criticizing others should themselves be subject to criticism. With few exceptions, those posting on blogs face no real danger or emotional distress; they remain anonymous solely so that no one in shul or at work will give them a hard time regarding what they write. This reflects a lack of courage.
8. See Yitzchak Blau, “Modern Orthodox Arguments Against Television,” *Tradition* 44, no. 2 (Summer 2011): 53–71.
9. Neil Postman, *Amusing Ourselves to Death: Public Discourse in the Age of Show Business* (London: Penguin, 2006).
10. R. Yisrael Lipschutz legitimates the need for some levity and idle chatter but demands that these activities maintain a certain quality. See *Tiferet Yisrael Avot* 3:10, *Yakhin*, no. 67–68.
11. See David Shatz, “Practical Endeavor and the Torah u-Madda Debate,” *Torah U-Madda Journal* 3 (1991–1992): 98–149.
12. Richard Rorty, *Contingency, Irony and Solidarity* (Cambridge: Cambridge University Press, 1989).
13. Charles Taylor, “Foucault on Freedom and Truth,” *Philosophical Papers*, vol. 2 (Cambridge: Cambridge University Press, 1985), pp. 152–184.
14. Thomas Nagel, *The Last Word* (Oxford: Oxford University Press, 1997).
15. Bernard Williams, *Truth and Truthfulness: An Essay in Genealogy* (Princeton, NJ: Princeton University Press, 2004).
16. Terry Eagleton, *After Theory* (New York: Basic Books, 2003).
17. Alvin Plantinga, *Warranted Christian Belief* (Oxford: Oxford University Press, 2000).
18. Peter van Inwagen, *Metaphysics* (Westview Press, 2002).
19. Shalom Carmy, “A Room with a View But a Room of Our Own,” in *Modern Scholarship in the Study of Torah*, ed. S. Carmy (Northvale, NJ: Jason Aronson, 1996).
20. See David Berger’s comments in the Communications section of *Tradition* 27, no. 2 (Winter 1993): 92–94.

21. One version of this story appears in Shlomo Lorenz, *be'Mehitzatam shel Gedolei ha'Dor*, vol. 1 (Jerusalem: 2006), p. 182.
22. See Shelomoh Danziger, "Rediscovering the Hirschian Legacy," *Jewish Action* 56, no. 4 (Summer 1996): 21–24, and the exchange between R. Danziger and R. Joseph Ellias, "Hirschians Debate the True Meaning of Hirsch," *Jewish Action* 57, no. 1 (Fall 1996): 61–66.
23. Joel Wolowelsky, Letter to the Editor, *Torah u-Madda Journal* 8 (1998–1999): 329–331.
24. George Steiner, "The Archives of Eden," in *No Passion Spent* (New Haven: Yale University Press, 1996), pp. 266–303. For a critique of Steiner, see Cynthia Ozick, "George Steiner's Either/Or," in *Metaphor and Memory* (New York: Vintage Books, 1989), pp. 73–81.

16

The Future of Modern Orthodoxy

Shmuel Hain

This paper does not aim to conduct a wholesale analysis and *heshbon hanefesh* of Modern Orthodox ideology and its adherents; others, including Rabbi Norman Lamm and Rabbi Aharon Lichtenstein, have done this in foundational treatments of Modern Orthodoxy.¹ Nor is it a sociological study of Modern Orthodoxy; that is left to experts in the field like Dr. Chaim I. Waxman and others.² My goals, rather, are to impart some personal perspectives and insights about recent trends and developments in the Modern Orthodox community, to share some concerns about the current state of the community, and to propose some directions for re-imagining its future.

Over the last several years, the public discourse of Modern Orthodoxy has become increasingly strident in tone and narrow in focus. Hot-button divisive issues have dominated communal conversation and continue to threaten to widen communal fissures. These issues include women's participation in ritual and leadership

roles, conversion standards, interfaith dialogue, biblical criticism, and acceptance of homosexuals.

In the first few months of 2010 alone, the Modern Orthodox community witnessed several rounds of recriminations. First, it was a new rabbinic organization established, in part, to promote decentralized conversion standards. Then it was a public forum on homosexuality in the Orthodox community. And the third controversy centered on the decision by two rabbis to bestow the title of *rabbah*, a feminized version of “rabbi,” on a woman previously ordained with the title of *maharat*. In recent months, some of the same battle-lines have been redrawn on the Statement of Principles advocating a welcoming posture toward homosexual Jews and on the suggestion to change the liturgy of the morning blessings (from *she-lo asa’ni ishah* to *she-asa’ni Yisrael*).

Each of these episodes sparked public pronouncements followed by denouncements that generated name-calling and more rhetoric: *hillul Hashem* (desecration of God’s name). Conservative. Fundamentalist. Haredi. Beyond the pale. Off the reservation.

Significant sociological shifts within the American Jewish community have contributed to the current climate of hyperbolic debate. On one end of the spectrum, the gulf that existed between certain segments of the Haredi world and some elements of the Modern Orthodox world has narrowed due to changes in both communities.³ More Orthodox Jews than ever subscribe to many central tenets of Modern Orthodoxy, even if they may not self-identify as such. Today, nearly all Orthodox Jews identify with, and care about, the well-being of Israel (or, in their parlance, *Erez Yisroel*) and its citizens. Likewise, Orthodox Jewish girls across the spectrum are better educated and encouraged to pursue various careers. Moreover, the utilitarian worth of a college education and, even more significantly, the value of critical thinking have made inroads in the Haredi world in America.⁴ At the same time, the continued influence of the gap year(s) in Israel and other, related phenomena have created a more submissive and Haredi-like mentality among some young people who grew up in Modern Orthodox homes and schools.⁵

At the other end of the spectrum, Orthodox day schools have been more successful than Conservative and Reform schools in promoting Jewish identity. In this realm, Modern Orthodoxy has won the most important battle—the battle of Jewish continuity—against the more progressive denominations.⁶ In recent years, Torah study and *mitzvot* have been increasingly championed by other denominations. Perhaps more importantly, Orthodoxy, especially the modern variety, is no longer a denominational label to be avoided. On the contrary, Orthodoxy is a desirable term associated with authenticity and success. The ascendancy of Orthodoxy, along with the Bar-Ilan-driven democratization of halakhic research, has spawned a genre of academic articles and monographs that has redefined or crossed the line of Orthodox practice and theology for some, and blurred the lines for many others.⁷

What has emerged is a community expanding in multiple, and sometimes opposing, directions. While the expansion and diversity hold the potential for deepening the community's impact, other factors imperil the future of the Modern Orthodox community.

This larger threat can be described in sociological terms, with psychological insights and via halakhic formulae. Sociologically, the phenomenon known as the Big Sort explains how America has become a country of increasing religious and cultural division, economic separation, and political polarization.⁸ The eponymous book portrays, anecdotally and statistically, how Americans have sorted themselves geographically into like-minded communities over the last three decades. In one particularly striking anecdote, the authors tell the story of a real estate developer who successfully designed two totally different ideological communities on different sides of a thoroughfare.

In the last decade, sorting has gone beyond geographical neighborhoods; it has extended to the political best-sellers we read, the cable news networks we watch, and the Internet news and opinion sites we bookmark, all of which reinforce and radicalize our own views while demonizing other viewpoints. Political debates have transformed into culture wars. Local city and county governments are becoming more and more radical in their politics. Nationally, Congress has lost most of its moderate members and is mired in seemingly intractable conflict.

This is the great danger of the Big Sort; people living in homogeneous bubbles tend to grow both more certain and more extreme in their beliefs. Without a cross-pollination of ideas, we stagnate ideologically, politically, and culturally. Different viewpoints are perceived solely through an *us-versus-them* lens.

This sorting is playing out within the Modern Orthodox community as well; having served as a rabbi in Manhattan, Woodmere, and Riverdale, I can attest that the geographical and ideological sorting and subsorting is astounding. I understand well the impulse that Orthodox Jews may feel to be surrounded by people whose homes are like theirs in terms of religious observance and values. But there is a price to pay for protecting ourselves and our children; all too often, our communities, our shuls, our friends, our rabbis all reinforce our beliefs and radicalize our views.

The ratcheted-up rhetoric is due to psychological factors as well. In 1917, Freud coined the term “narcissism of small differences.” Referring to earlier work by the British anthropologist Ernest Crawley, Freud said that we reserve our most virulent emotions—aggression, hatred, envy—toward those who resemble us the most. We feel threatened not by the Other with whom we have little in common, but by the “nearly-we” who most reflect ourselves. As a result, our most negative feelings are directed at people who most resemble us, while we take pride in and underscore the small differences that distinguish us from them.⁹

In halakhic parlance, this phenomenon is known as *minah mahriv bah*, *de-lav minah lo mahriv bah*, “its category destroys; a different category does not destroy.”¹⁰ According to the first *mishnah* in *Zevahim*, a sin-offering is disqualified when it is slaughtered with the intent that it is a different (sin- or other type) offering. Imprecise intent, according to the *mishnah*, destroys the validity of the sin-offering. However, the Talmud adds, if one slaughtered a sin-offering with the intent that it serve as unconsecrated meat (*hullin*), the sacrifice remains kosher. According to the principle of *minah mahriv*, only the competing intent of one sacrifice to another registers as a true threat and destructive force in the world of sacrifices.

So, too, within the world of Modern Orthodoxy, the people and views closest to our own are often perceived as the most pernicious threat, requiring swift denunciation and demonizing. If you read James Kugel, you are a heretic; if you protest his appearance at Yeshiva University, you are a backward traditionalist. If you favor women religious leaders, you are Reform; if you reject female Orthodox rabbis, you are a misogynist.

Perhaps it is time, then, for us to state the inevitable or to admit that which already has occurred. There is no longer a cohesive, singular, Modern Orthodoxy. Separate rabbinical schools and separate rabbinic organizations reflect the reality of a community institutionally and ideologically divided. Maybe we would all be better off if we acknowledged and supported an official split into different camps.

Those who view these issues in a binary fashion—modernity vs. *mesorah*, authority vs. autonomy, progress vs. tradition—would feel validated by such a split. Ideologues armed with the “truth” of tradition and rabbinic authority would declare triumphantly that the assault on Orthodoxy was now over, with the supporters of innovation officially relegated to Conservative Judaism status. Their ideological counterparts also would finally have conclusive proof that the shift to the right and the delegitimizing of the left had created the need for new institutions that uphold the “true” values of Modern Orthodoxy as opposed to Haredi-lite monolithic positions.

However, the big losers in the schism sweepstakes are, and would be, all of the adherents and potential adherents of Modern Orthodoxy and even the broader Jewish community. The many challenges and opportunities confronting our rich and diverse community, and the real people who inhabit it, are being ignored or overlooked due to the continuous internecine battles. With so much time and energy focused on the latest controversy, all of the challenges and issues that this Orthodox Forum has explored—and many others challenges—are given short shrift. An attempt at an official split would only exacerbate the problem, with each side claiming to be the “true” Modern Orthodoxy while projecting itself as the victim of attacks and blaming the other side for the schism.

Moreover, an attempt at an official split would not produce the sociological outcome of two totally separate camps, for two reasons. First, the belief that the Modern Orthodox establishment can preserve the traditional soul of Modern Orthodoxy by declaring innovators to be beyond the pale is mistaken. This narrow view fails to recognize that despite denouncements, the founders of partnership *minyanim* and the ordainers of female rabbis still view themselves as within the fold and will never have a Mordechai Kaplanesque “I’m not Orthodox” eureka moment. Second, many Modern Orthodox Jews defy neat labels. These Jews, a majority perhaps, would not feel at home with either subdenomination or its leaders. Indeed, in interacting with my congregants and students I sense that they are becoming increasingly tired of and disappointed in the extreme rhetoric of Modern Orthodox discourse.

But there is an additional trend which makes the focus on ideological divides particularly self-defeating. For many people raised Modern Orthodox, and for some who have drifted toward Modern Orthodox values, any outsider-imposed label is out of touch with the reality of their personal religiosity. The postmodernist emphasis on religious meaning for the individual has undermined old religious hierarchies and weakened many institutional power structures.¹¹ Even someone like me, who was raised in a home proud of institutional Modern Orthodoxy, and who developed religiously and intellectually in schools affiliated with the flagship, often wonders how these institutions can remain relevant and enhance their influence in this deinstitutionalized moment.

Going forward, the Modern Orthodox establishment will only inspire more commitment and unity within its ranks by re-imagining its leadership role. If it does not, these institutions will be irrelevant at best and destructive forces at worst.

The first step is to press the reset button on communal discourse. Rather than expending our time and energy on divisive and futile debates about who is Orthodox, our institutions and leaders must focus on the substance and complexity of each issue. This would be, in a certain sense, a conscious rededication of ourselves to the age-old ideals of Modern Orthodox centrism. As Rabbi Aharon Lichtenstein

once wrote, "It is of centrism's very essence 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 which transcends the diversity."¹²

We will only address matters as a mature community and break the cycle of labeling and attacks when we refuse to oversimplify complex issues. Simply stating that something is not technically a violation of a specific transgression and therefore should be embraced by all true Modern Orthodox Jews, or, alternatively, maintaining that any change in *mesorah* is categorically forbidden and the innovators are obviously not Orthodox, ignores the complexity of each issue and reduces discussion to *ad hominem* attacks.

As a direct function of fostering a more nuanced and thoughtful approach to complex issues, we would then more easily locate the "unity that transcends diversity" and even acknowledges diversity. If the conversation recognizes the multiple values at play, the models proposed in a subsequent dialogue will take into account the variegated and complex social and halakhic realities of our individual and collective communities.

To illustrate, let us turn to the discussion of female rabbis and women's leadership. The substantive issues of this complex topic have been completely drowned out amid the cacophony of controversy and calls for condemnation. The intersection of modern egalitarian ethos, halakhic considerations, and meta-halakhic values such as *mesorah* should be examined thoroughly and thoughtfully in a joint conversation among halakhic decisors, communal rabbis, and lay leaders (especially female leaders). A meaningful conversation on this complex issue would then, I imagine, yield consensus for halakhically and communally accepted positions for female scholars to serve as spiritual, pastoral, and educational resources in some of our communities. In the past few years, several Modern Orthodox rabbis and their communities have hired qualified women to serve in these substantive capacities, recognizing what these individuals have to offer. A consensus already exists among these rabbis and their communities that employing women in these roles is beneficial and halakhically desirable, even as each rabbi and community has chosen a different

job description and title in an effort to best navigate the issues raised earlier. We bemoan the dearth of educators and leaders in Modern Orthodoxy; encouraging our best and brightest men and women to enter *Avodat ha-Kodesh* and assuring them that they will have our support and our respect will increase the ranks of qualified leaders.

That is the kind of conversation our community should be having. Ultimately, institutional Modern Orthodoxy will better serve the community by taking the lead in convening and promoting substantive and sophisticated conversations about complex issues, rather than allowing the extreme voices to dominate the communal discourse and agenda, thereby diverting attention from the areas of consensus.

The return to centrist ideals requires an attitudinal transformation so that it does not result in an even more dogmatic Modern Orthodoxy. Institutional Modern Orthodoxy and its leaders need to take up the project of unsorting the community. I am aware that this all may sound Pollyannaish. I do not think that dialogue alone will solve the problems, but the alternative has been unproductive and often destructive. In order to end the current Modern Orthodox culture wars, we have to reject the fallacy that conversation alone legitimizes the alternative viewpoint. If leaders will not even sit down and talk with their ideological opponents, they have abdicated the role of true communal leadership.

As a lifelong centrist, I sometimes find it necessary to remind myself of an observation by the comedian George Carlin about the two categories of drivers: the maniacs who drive faster than he does, and the idiots who drive slower.¹³ Whether leader or layman, we cannot adopt the opinion that everyone an iota to the left is a heretic and everyone a smidge to the right is a fundamentalist. To play a leading, positive role in the lives of Modern Orthodox Jews, we need to recognize that there are many others traveling on the same road, in the same direction. To achieve this mentality, the notion of *arvut* (collective responsibility) must loom large.

Kol Yisrael arevin zeh ba-zeh (“All Jews are guarantors for one another”)¹⁴ finds halakhic manifestation in the principle of *yatza motzi*, the rule that one can recite certain liturgical commandments

on behalf of another even though one has already performed the particular mitzvah.¹⁵ Some argue that the mechanism of *arvut* teaches us something radical about one's own personal mitzvah fulfillment.¹⁶ Namely, even after one has performed and seemingly fulfilled a mitzvah, the principle of *arvut* redefines one's own personal fulfillment of the mitzvah and suggests that since we are all guarantors for one another, one's mitzvah is incomplete so long as even one fellow Jew's mitzvah has not been fulfilled. One may recite *Kiddush* on another's behalf because, in halakhic reality, it is being recited on one's own behalf. One remains, to a certain extent, personally obligated in the mitzvah until all Jews have fulfilled that mitzvah. This notion of brotherhood, so visceral and so interconnected, is quite ambitious: I assist in your mitzvah because it is really my mitzvah; I feel your pain because it is my pain. It is the kind of *arvut* that is evident in the most tight-knit of communities. It is the feeling of nationhood that is palpable during times of great national tragedy and overwhelming national joy.

But there is an alternative understanding of *arvut* when it comes to mitzvah fulfillment for another.¹⁷ This perspective may be less radical in a sense, though it is no less ambitious. According to this view, my personal mitzvah remains intact; it has been completely fulfilled and is not affected whatsoever by someone else's incomplete obligation. And yet, the idea of *arvut* allows me to traverse the gap between my fulfillment and another Jew's obligation in order to perform a mitzvah on another's behalf. That we are all responsible for one another does not mean that someone else's lack of fulfillment affects the status of my mitzvah. Rather, because we are all responsible for one another, we may assist one another even when we have already fully discharged our own personal obligation.

This second approach to *arvut* must be our guide as Modern Orthodoxy moves forward. The diversity of Modern Orthodoxy can be a great strength if we orient ourselves to this perspective. We do not have to, nor should we, all agree on every issue. My personal views can remain intact just as my mitzvah remains intact, but we are obligated to respect others' viewpoints, and should not hastily dismiss another's views as fanatical or heretical. Rather, we must relate to other people's views with an eye on traversing the gap between us, even if, after

thoughtful conversation, we ultimately maintain our own positions.

We have thus far outlined how recognition of the complexity of issues will help everyone engage in more meaningful dialogue, while an appreciation of and reorientation to *arvut* in all its dimensions will promote diversified unity. However, there is one final ingredient necessary to effectively reach, engage, and influence those on the margins of Modern Orthodoxy. Our institutions can be relevant and inspiring forces, even in our de-institutionalized moment, if our leaders relate to the vast array of declared and undeclared adherents of Modern Orthodoxy with a dual mission.

The ethicist and theologian William F. May has noted that love has two sides, accepting love and transforming love.¹⁸ He describes them in the context of parent-child relationships.

Parenting entails a double passion and loyalty. . . . On the one hand, parents need to accept the child as he is. Parenting requires accepting love. On the other hand, parenting requires transforming love. If they merely accept the child as she is, they neglect the important business of her full growth and flourishing. . . . Attachment becomes too quietistic if it slackens into mere acceptance of the child as he is. Love must will the well-being and not merely the being of the other. But attachment lapses into a Gnostic revulsion against the world, if, in the name of well-being, it recoils from the child as it is.

Much as in our human relationships, Modern Orthodox leaders must be committed to both the being and the well-being of all of their constituents. Some leaders, much like some parents in a permissive society, unwittingly neglect their obligation to transform and inspire. Due to an overriding impulse to accept people as they are, leaders may shortchange their responsibility to cultivate the spiritual growth of their members by challenging them to strive for greater commitment to religious norms and greater sensitivity to ethical imperatives.

More common, however, are religious leaders who view acting as a vehicle of transformation as their sole role. They demand religious

compliance, along with accomplishments and results that conform to their own aspirations and standards. Leaders often seize upon the community and individuals as products to be perfected, and when expectations are not met, rejection follows. As May notes: “We find it difficult to maintain equilibrium between the two sides of love. Accepting love, without transforming love, slides into indulgence and finally neglect. Transforming love without accepting love badgers and ultimately rejects.” Our leaders need to appreciate and accept the positive aspects of our diversity and all those who feel a connection to the community. This “openness to the unbidden,” as May describes it, enlarges our own humanity and would open up new vistas for religious and moral development.¹⁹

And yet, we must continue to promote the well-being of an “ideal” Modern Orthodoxy. We must lead by encouraging more people to appreciate the value of a life filled with all of the complexity and challenges that a commitment to Orthodoxy and modernity entails. Promoting and aspiring to a certain communal ideal does not necessitate, and should not entail, condemning all those who may fail to live up to that lofty standard.

To borrow May’s terminology, we must embrace all and demonstrate, through actions and words, that we accept them. At the same time, we must seek to transform them. This dissonance, accepting while still transforming, has its roots in the words of the Sages (*Avot* 1:12): “Hillel said: Be like a student of Aaron; love peace and pursue peace, love mankind and bring them close to Torah.”

Though the first half of the statement is more well known (and is germane to the central argument of this paper), the second half contains a dual charge, much like the model of accepting and transforming love developed by May. Hillel did not say that we should love others only on condition that they follow the Torah, and certainly he did not suggest that we love them to manipulate them into observance. Nor did Hillel state that one should love others and leave it at that. Rather, we have a dual mandate. Hillel charged that we must accept others with unconditional love, and we must also strive to bring them closer to Torah, to transform them. It is precisely the unconditional love of acceptance that fosters the ability to draw others closer to Torah. If our

leaders dedicate themselves to both types of love, they will be most successful in promoting our ideals.

Long ago, W. B. Yeats had an apocalyptic vision that captures the current climate of Modern Orthodoxy in America:

Things fall apart; the centre cannot hold;
Mere anarchy is loosed upon the world,
The blood-dimmed tide is loosed, and everywhere
The ceremony of innocence is drowned;
The best lack all conviction, while the worst
Are full of passionate intensity.²⁰

Our challenge, to paraphrase the great American historian Arthur M. Schlesinger Jr., is to make sure that the vital center holds and grows,²¹ as the best hope for our future lies in the widening and deepening of the center of Modern Orthodoxy. We cannot afford to continue letting loose the blood-dimmed tide. Our best, not just our most extreme, must display a sense of conviction with passionate intensity.

NOTES

1. R. Aharon Lichtenstein, "The Future of Centrist Orthodoxy," in *Leaves of Faith: The World of Jewish Living* (Jersey City, NJ: Ktav, 2004), pp. 309–330; R. Norman Lamm, "Some Comments on Centrist Orthodoxy," *Tradition* 22, no. 3. For an important critique of these perspectives articulating the need for a new framework and language for the culture of Modern Orthodoxy, see, R. Alan Brill, "Judaism in Culture: Beyond the Bifurcation of Torah and Mada," *Edah Journal* 4, no. 1 (http://www.edah.org/backend/JournalArticle/4_1_brill.pdf). See also the response of R. Yitzchak Blau "Contemporary Fads and Torah u-Mada: A Response to Alan Brill," *Edah Journal* 4, no. 2 (http://www.edah.org/backend/JournalArticle/4_2_Blau.pdf). Also see R. Blau's paper in this volume, which updates the earlier treatments of Rabbis Lamm and Lichtenstein.
2. See Chaim Waxman, "Dilemmas of Modern Orthodoxy: Sociological and Philosophical," *Judaism* (Winter 1993) and, more recently, Yehuda Turetsky and Chaim I. Waxman, "Sliding to the Left? Contemporary American Modern Orthodoxy," *Modern Judaism* (2011). See also R. Yehuda Sarna's brilliant usage of Google trends in his contribution to this volume.

3. The radicalization of some segments of the Haredi world has also alienated some of the more moderate members of that community.
4. For example, an honoree at a recent Mir Yeshiva Dinner is a student of Prof. David Weiss Halivni. Other examples of this trend include the growth of the Jewish community in Waterbury, CT, the *Hakirah* journal published out of Flatbush, and a *Mishpocha* magazine cover story featuring a Yeshiva University *rosh yeshivah*.
5. A recent study on this subject by Dr. David Pelcovitz and Steven Eisenberg, "The Year in Israel Experience" (January 2010), explores how pervasive this phenomenon really is (<http://www.yuschoolpartnership.org/attachments/article/1442/The%20Year%20in%20Israel%20Experience.pdf>). Nevertheless, the gap year is still a major influence on many who grew up Modern Orthodox. A more subtle manifestation of the increasing haredization of Modern Orthodoxy is the attempt to project certain YU *roshei yeshivah* as a Modern Orthodox *moetzes* through vehicles like the website www.Torahweb.org.
6. See the findings of the most recent census on Jewish day schools commissioned by the Avi Chai Foundation and conducted by Marvin Schick; <http://avichai.org/wp-content/uploads/2010/06/Census-of-JDS-in-the-US-2008-09-Final.pdf>
7. Examples include the article on partnership *minyanim* by Mendel Shapiro, "Qeri'at ha-Torah by Women: A Halakhic Analysis," *Edah Journal* 1, no. 2 (http://www.edah.org/backend/journalarticle/1_2_shapiro.pdf) and the works of Marc B. Shapiro and Mark Kellner on the principles of faith.
8. Bill Bishop, *The Big Sort: Why the Clustering of Like-Minded America Is Tearing Us Apart* (New York: Houghton Mifflin, 2008).
9. See Sigmund Freud, *On Sexuality* (Penguin Freud Library, vol. 7, 1991), p. 272.
10. See *Bavli Zevaḥim* 3a.
11. The best research on the subject is the Pew Center's Study on millennials available at <http://pewresearch.org/millennials/>
12. See R. Lichtenstein, "Future of Centrist Orthodoxy," p. 323.
13. See, for example, the quotation at http://www.digitaldreamdoor.com/pages/quotes/george_carlin.html
14. The different formulations of this principle may yield different conceptual connotations. The original source for this rabbinic adage is found in *Sifra Behukkotai* 2:5. A full treatment of the topic is beyond the scope of this paper.
15. See *Bavli Rosh Hashanah* 29a.
16. Ritva, *Hilkhot Berakhot* 5:1 and commentary to *Rosh Hashanah* 29a.
17. See Hazon Ish, *Orah Hayyim* 19:1.
18. See the reports of the Presidential Council on Bioethics, <http://bioethics.georgetown.edu/pcbe/background/sandelpaper.html>
19. I believe that this is the most ambitious explanation of the talmudic adage *U-Mitalmedai yoter m'kulam* (*Bavli Ta'anit* 7a), that one learns from one's students more than one learns from teachers and colleagues. This does not just mean that students help refine a teacher's argument with questions that force

the teacher to reformulate and clarify more precisely. More broadly, students can facilitate new approaches to a topic in particular and to learning methodology in general. But perhaps most broadly and importantly, the exposure to diverse students and their unique personalities, values, and life experiences also helps the teacher to expand his religious and moral persona.

20. Yeats, "The Second Coming," at <http://www.potw.org/archive/potw351.html>
21. Arthur M. Schlesinger Jr., *The Vital Center: The Politics of Freedom* (Boston: Houghton Mifflin, 1949).

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The End of the Middle of the Road: Re-envisioning Modern Orthodoxy for the Twenty-first Century

Yehuda Sarna

The close of the millennium's first decade gives us cause to celebrate several victories, won gradually, for the Modern Orthodox community.¹ On the non-Orthodox front, we have demonstrated the invaluable role day schools play in Jewish continuity and the centrality of classical texts and literacy in Jewish expression. On the yeshivish front, we have advanced the cases for a degree of higher education, support for the State of Israel, and an increased role for women in Jewish leadership. And yet, the changing landscape of American religion gives me cause to doubt whether the tantalizing sense of triumphalism is truly fit for indulgence.²

For decades, our centrist religious community has gambled with becoming an “excluded middle”: neither too insular nor too assimilated, neither too obscurantist nor too unbelieving, neither too rigid nor too progressive. We have aimed at maintaining a balance just right, not “too” much of anything. Given the growth of our schools, camps, youth groups, and neighborhoods, we can safely say that the middle of the road has led us to accomplishments beyond our predecessors’ most distant horizons.³ But our challenges differ from those past, and if we do not reorient ourselves, we risk approaching the end of the middle of the road, a moment when we will become, to borrow Arthur Schlesinger’s distinction, a dead—not a vital—center.⁴

A year ago, on behalf of the Orthodox Forum, I assembled a focus group of fifteen peers—rabbis, educators, and academicians—to discuss the challenges they saw themselves inheriting as young leaders in our community. Three themes emerged: (1) the paucity of inspiring theological discourse emerging from our brain centers, (2) the perceived apathetic disposition of the rank and file in our community, and (3) the lack of clarity as to what it means to be Modern Orthodox. This last point gave rise to an emotional ambivalence regarding labels as a whole and this one in specific: what distinguishes Modern Orthodoxy from other groups—besides our own compromises—now that other groups have acceded to our original claims?

This essay attempts to re-envision Modern Orthodoxy in light of the profound changes in American religion over the past generation. Creed no longer unifies or homogenizes people as it once did, and individuals within our community find themselves more and less attached in complex ways to multiple identities. Our institutions should relinquish their imagined control over the term “Modern Orthodox,” constantly rendering judgment over which interpretation is or is not loyal. This ultra-orthodoxization of Modern Orthodoxy limits the real possibilities—and now responsibilities—of a paradox-based Judaism to speak to the widest spectrum of Jews today. Instead, we need to recognize the wide web of associations within which our institutions are embedded, develop the network, and harness its diversity to generate bolder and more powerful ideas. The notion of a

Modern Orthodoxy ought to be a point of fascination to the American Jewish public, not simply an aggregate of schools and synagogues.

For the purposes of this essay, I refer to the corporate, institutional Modern Orthodoxy in upper case, whereas the *dynamic set of ideas* characterized as modern orthodox will appear in the lower case. It is the sincere, self-conscious embrace of the paradoxical challenges—not the answers or communal structures—that needs to grow at the core of a twenty-first-century vision of Judaism.

Attempts at invigorating Modern Orthodox day schools or synagogues through doctrinaire claims to centrism will withstand neither the passion of fundamentalism nor the critique of liberalism. Learning to live in the paradox, tolerate opposites, and change one's mind can provide such defenses, though they may also erode communal barriers—a danger of which I am aware. But rather than belonging to a Modern Orthodoxy that comprises but a sliver of a portion of American Jews and a shadow of other shades of gray, I prefer to engage in the questions a modern orthodoxy brings to bear on the varieties of contemporary Jewish expression.

Modern Orthodoxy has lost its meaning, in part, because institutional lines have become confused with theological or philosophical ones. How profound is the difference between the modern orthodoxy of a lawyer living in Passaic and one living in Teaneck? A doctor who attends an Orthodox Union shul versus one who davens *nusah ha-Ari*? The flavor might be different, but the essential religious positioning is the same. It is our own ideological navel-gazing that has contributed to the contrasting shades of gray, rather than celebrating slight nuances. The appeal of a modern orthodoxy has increased to the point where *hasidim* and secular Jews alike will engage in some of it, and while it may be dangerous to our institutions to concede that point, it is a peril to our ideas not to.

To assess the possibilities and responsibilities of modern orthodoxy, we need to change the way we conceive of visioning. If the point of departure is a narrow canon, our scope will not extend much wider. We must be able to breathe before we think. We should not re-envision modern orthodoxy from within, and it is wrong to ask what

is the creed of modern orthodoxy. Neither should we ask what are the goals of a modern orthodox school. This essay, instead, will take a fresh look at modern orthodoxy from the outside in. Where do we stand in our network? What are the strengths and weaknesses of our label? We must first see how our broader culture perceives modern orthodoxy and then how we can build on it given our particular tradition. To accomplish these goals, I have drawn from contemporary sociologists, philosophers, news media, and popular culture. I began with the most popular source of information nowadays: Google.com.

One of Google's many obliging features is GoogleTrends, which displays the number of searches performed for keywords, as well as which terms are "hot," that is, most googled this week. Trends can also disclose the volume of keywords on news websites. I looked to see when in the past decade did "Modern Orthodox" hit the news hard. I noticed three identifiable peaks since 2000: August 2000, December 2004, and August 2007.⁵ What follows is my analysis of the major events which prompted public consciousness of modern orthodoxy and what we ought to learn from them.

AUGUST 2000: SEN. JOSEPH LIEBERMAN WINS VICE-PRESIDENTIAL NOMINATION

The highest peak on the GoogleTrends graph reflects the nomination of Sen. Joseph Lieberman for vice president of the United States. The internal satisfaction and pride of the Modern Orthodox community was shared in the pages of the mainstream media. Here is a piece from *New York* magazine:

"This is a great thing for the modern Orthodox community," says Dr. Norman Lamm, president of Yeshiva University. "Because after all the bad press that Orthodoxy has gotten here and elsewhere, we finally have a rational, practical, dignified, and honorable man who represents what we stand for." Indeed, it is hard to overestimate the joy in the Orthodox community. "I'm extremely excited about this," says Rabbi Marc Schneier

... “Senator Lieberman’s Orthodoxy is my Orthodoxy. It’s based on inclusiveness and tolerance.”⁶

Lieberman’s nomination signified that Modern Orthodoxy had arrived in America, that though we do not constitute the majority, we can nevertheless be part of it.⁷

Perhaps more significant than the Modern Orthodox response was the way the general American public received Lieberman’s nomination. The connection between President Clinton’s extramarital affair while in office and Lieberman’s nomination is unmistakable; rather than Lieberman’s Jewish observance representing backwardness, anachronism, or shame, it symbolized moral rectitude and integrity. An op-ed in the *New York Times* claimed:

The far more significant contribution by Mr. Lieberman is that he has given the Democratic ticket a kind of moral armor that the party has not enjoyed since Jimmy Carter’s first campaign in 1976. With the advent of Ronald Reagan in 1980, religiously conservative Christians flocked to the Republican side and stayed there. Mr. Lieberman is pulling some of those voters back, confounding predictions that his Orthodox Jewish faith might arouse anti-Semitic feelings. What has happened instead is that many fundamentalist and evangelical Protestants and culturally conservative Catholics are more attracted by Mr. Lieberman’s devoutness than they are put off by doctrinal differences between Christianity and Judaism. What this amounts to is a new Democratic purchase on that category of voters the strategists call “people of faith.”⁸

A different generation of American politics would never have tolerated a Jewish nominee, yet specifically because of—not despite—his religiosity, Lieberman was able to gain wide acceptance, even among Christians.

This phenomenon reflects the reorganization of American religion away from denominationalism and toward a political

bifurcation into liberals and conservatives. This division cuts through every denomination to a greater or lesser extent. According to the sociologist Robert Wuthnow, this reorientation resulted from many social processes:

The erosion of the divisions separating . . . members of different denominations . . . came about gradually. It was legitimated from within by norms of love and humility that promoted interfaith cooperation. It was reinforced from without by . . . rising educational levels, memories of the Holocaust, and the civil rights movement. . . . Regional migration brought Catholics and Protestants and Jews and Christians into closer physical proximity with one another. Denominational ghettos, forged by immigration and ethnic ties, were gradually replaced by religiously and ethnically plural communities.

Wuthnow likewise cites rising rates of intermarriage, expanding friendship circles, and religious experimentation.⁹ In short, the tripartite division of American society into Protestant, Catholic, and Jew, as expressed by Will Herberg in an essay by that title, has been replaced by a polarized split between liberal and conservative across the board religiously.¹⁰

Lieberman's nomination speaks not only to the acceptance of an individual in a political context, but, perhaps more importantly, to a different idea of what it means to be religious. The eminent philosopher Charles Taylor differentiates between a "neo-Durkheimian" society and a "post-Durkheimian" one. A neo-Durkheimian culture is pluralistic in the sense that one can belong to any religion one wishes, as long as that religion provides a full denominational structure of churches and Sunday services. One cannot exist socially or spiritually between multiple structures; such a person is called a "heretic." On the other hand, in a post-Durkheimian society, taking religion "seriously is to take it personally, more devotionally, inwardly, more committed. Just taking part in external rituals . . . is devalued in this kind of

understanding.”¹¹ Taylor names this new religious sensibility “the ideal of authenticity.”

The dominant way of thinking now about moral action, according to Taylor, is rooted in self-fulfillment and, by extension, not impinging on anyone else’s ability to self-actualize unless it would cause harm to another person. In a different culture, religiosity could be dismissed if it were doctrinally aberrant or philosophically incoherent; now, so long as a person is true to himself, his religious path can be widely respected.¹² In Lieberman’s challenge to President Clinton over his affair, he demonstrated conviction and claimed a sincere moral voice in the eyes of an American public which saw consistency in other parts of Lieberman’s life. In twenty-first-century American culture, being authentically religious is more significant than being Jewish.

But Lieberman appealed to more than the religious segment of American society. Even among the less religiously committed, Lieberman’s nomination highlighted “America’s fascination with Joe Lieberman’s style of observance,” according to *Time*.¹³ What is at the core of this intrigue? David Brooks, in his social commentary on the “new upper middle class,” identifies contradictory trends in that group. On one hand, its members are thoroughly *bourgeois*, concerned with social ascension and material success. On the other, he argues, it is no longer “in” to display one’s accomplishments or power in the same way. They are *bohemian* in their desire for earthiness, authenticity, and individuality. The marriage of bohemia and bourgeois—from the 1960s to the 1980s—produced the label “Bobos”—the Bohemian Bourgeois.

David Brooks, in his work *Bobos in Paradise: The New Upper Middle Class and How They Got There*, traces the impact of Boboism in the way people design their homes, tour “meaningfully,” socialize at parties, and, finally, practice their religion. For the example par excellence of Bobo religiosity, Brooks cites “Flexodoxy,” a flexible orthodoxy. It satisfies the desire of many to engage in authentic, ancient ritual, while still maintaining their autonomy and individualism: “It is rigor without submission. . . . They are rigorous observers, but they also pick and choose, discarding those ancient rules that don’t accord with modern sensibilities.”¹⁴

Though Brooks treats Bobos particularly with a loving derision, his characterization applies broadly to the changes in American society. The point Brooks makes is that whereas Americans used to see the idea of orthodoxy as something backward, antiquated, and outdated, they now look upon it as representing authenticity, integrity, and originality. The fascination that caught Americans—not just the religious ones—reflects the trends Brooks describes.

Thus, our observations of Lieberman's nomination highlight the rising importance of "authenticity" in two ways: (1) in how American religion is becoming "de-denominationalized," only to be replaced by the values of personal spiritual understanding, and (2) in how for orthodoxy specifically, the image has changed from one of backwardness to originality. These factors ushered in a decade of Orthodox public prominence: Matisyahu topping the billboards, the pope visiting an Orthodox synagogue, *People* magazine featuring an Orthodox wedding ceremony, and several top-level political appointees. Were it not for our own scandals involving greed and sexual abuse, we would have completely reaped the benefits of this public relations boon. America in the twenty-first century has an appetite for modern orthodox approaches to religion and contemporary society. We have only begun to understand what this could mean for our community and what responsibilities it entails. But what this decade also shows is that we still remain something of a secret.

DECEMBER 2004:

MODERN ORTHODOX ON STAGE OFF-BROADWAY

The second spike on my GoogleTrends survey was the least predictable, since it related to an event that touched relatively few in our community: an off-Broadway show titled *Modern Orthodox*.¹⁵ The show received mixed reviews from all the major theater publications, attracting their attention mostly through an all-star cast. I attended a performance at the kind invitation of the producers, expecting an insider's portrayal of a Modern Orthodox community or lifestyle.

Instead, *Modern Orthodox* depicts the relationship between a modern, secular couple and an Orthodox diamond dealer from

Brooklyn who wears a black velvet yarmulke with a Yankees logo.

In my debriefing with the producers, I expressed my confusion as to the way the Orthodox character was cast, since, to use the *New York Times* reviewer's language, "Hershel's abrasive behavior tends to indicate colossal bad manners more powerfully than spiritual enlightenment."¹⁶ The character suffers from all the old Jewish stereotypes: He is greedy, sexually repressed, self-deprecating, and opportunistic. Meanwhile, the assimilated Jewish roles enjoy freedom from those trappings. The producers responded that this construction belonged to the playwright, Daniel Goldfarb, a professor at New York University, originally from Toronto. We made a coffee date.

I explained to the playwright that an entire community—schools, camps, synagogues, yeshivahs—identifies itself as Modern Orthodox, yet it surprisingly does not make its way into his play of that very name. He responded that his inspiration for the character came from the hasidic women at Do-All Travel, a travel agency in the diamond district from which Goldfarb purchased his semi-regular flights back to Toronto. He was amused at how they refused to book him flights on Saturdays or how they ordered kosher meals for him without asking. Despite the fact that he had taught creative writing to several Modern Orthodox students at NYU, still, in his mind, the intersection of modernity with traditional Judaism took place in the diamond district.

Here is what I learned: The recognition—and much less so understanding—of modern orthodoxy within the public consciousness is still quite thin. Moreover, Modern Orthodoxy in the public mind is found less in corporate Modern Orthodoxy than it is in exception-to-the-rule Orthodox individuals. The public interest in Lieberman led more to an appreciation of a *person* than to understanding of a community.

Modern Orthodoxy, then, has no monopoly on modern orthodoxy. The infusion of *ba'alei teshuvah* into the ranks of Chabad communities and the impact on *sheluhim* of being "out there" in the world certainly lends Chabad, for example, an air of worldliness. The increasing levels of secular education, wealth, political clout, and outreach efforts of the yeshivish community have no less forced it to

come to terms with many aspects of modernity. For most of America, modernity is not synonymous with a liberal arts or science curriculum any more than it is with using Blackberries or rooting for the Yankees.¹⁷ American society exhibits an intense interest in the fusion and negotiation between modernity and religious tradition, though our community is far from the first thing that comes to mind.

JULY 2007: NOAH FELDMAN PUBLISHES “ORTHODOX PARADOX”

Perhaps the most explicit public discussion of Modern Orthodoxy occurred at the prompting of Harvard Law Professor Noah Feldman. In his article “Orthodox Paradox,” Feldman describes his educational experience at the Maimonides School in Boston and some of his discontents, namely the allegation that his non-Jewish wife was excised from a photograph in a publication for alumni. This incident becomes a metaphor for Feldman’s belonging but unbelonging to the Orthodox community, or, as he puts it, feeling “of but not in” the community.¹⁸

If there was any doubt that Feldman was “not in” the community, it certainly vanished after the publication of his piece in the *New York Times Magazine*. One after the next, Modern Orthodox leaders condemned Feldman in Jewish and mainstream media. The lone rabbinic voice to his defense came from Rabbi Shmuley Boteach, who argued that intermarriage is neither beneficial for one’s marriage nor permitted by Jewish law, but it is considered a *hok*, not an immoral act. The community should not excommunicate the intermarried.¹⁹

The important part of Feldman’s identification with Modern Orthodoxy is not the “not in,” but the “of.” What does it mean to be “of” the Modern Orthodox community? How many people out there are Modern Orthodox “of”s? At Boteach’s recommendation, we invited Feldman, Boteach, and Michael Steinhardt to discuss their ideas of Jewish identity and values for this generation. We booked the Great Hall at the Cooper Union, the largest available hall near NYU. Close to one thousand people attended the event we called “A Debate on Jewish Values.”

Michael Steinhardt talked about education and philanthropy. Boteach discussed how some Jewish rituals have universal appeal and value. Feldman spoke about the centrality of Talmud Torah. He cut through the earlier attempts at universalization, saying that statements about Judaism must be grounded in halakhah, not simply abstracted from what Jews do. When asked how he intended to raise his children, he responded that he intended to raise them in his tradition, teaching them Hebrew and Torah, enabling them to become educated Jews. Then he said that his wife is not Jewish and the children will be raised in her tradition as well.

Despite his hesitancy in this last response, Feldman's overall presentation resonated more than those of the other presenters to the Orthodox students in attendance.

In my own processing of the event, I realized that part of what angered the Modern Orthodox establishment was the possibility that Modern Orthodoxy could be defined by someone from the outside. But in a religious climate which is increasingly de-institutionalized, we do not always have that kind of control; we do not have a monopoly on modern orthodoxy. Feldman says that he benefited immensely from observing the struggle between modernity and tradition, and it is this struggle which animates much of his professional and personal life. The establishment can control who is in the community (who can attend day school, get an *aliyah* in shul, or form a club at Yeshiva University), but it cannot determine who is "of" the community and where they take their experience.

My observations of the hundreds of Orthodox students I meet every year—not just NYU students, but all of their friends who visit from Yeshiva University, Touro, Queens, Harvard, and so on—is that "of the community" is becoming a more popular designation. This is due in part to the increased mobilization of American society and the shifting of religious identity away from communal membership and toward personal self-conception. Building on our earlier discussion of de-denominationalization, it is crucial in this context to point out the privatization of religious identity.

Robert Wuthnow articulates the causes and particular forms of this phenomenon:

The idea that religious expression is becoming increasingly the product of individual biographies is supported by the very fact of America's pluralistic religious culture. With several hundred different denominations, sects, and cults to choose from, every individual can pretty much tailor his or her religious views to personal taste. As individuals are increasingly exposed to the teachings of different faiths through books, television, travel, and geographic mobility, eclecticism becomes the likely result.²⁰

As Wuthnow states, the privatization of religious identity contributes to its taking a *narrative* form in today's society. Rather than casting it in terms of belonging, identity is now constructed by way of personal narrative. In other words, when someone is asked "What religion are you?" they are now less likely to respond, "I belong to such-and-such church," but more likely to respond, "Well, my father was X, my mother was Y, but they sent me to school Z. Then in college I belonged to the Q, but I ended up marrying a woman who was R, and we've decided to raise our children S." Personal narratives in a pluralistic society are not easily controlled by institutions.²¹

True, the Orthodox community may be less susceptible to this phenomenon than religious groups with lower social barriers, but the implications for our educational system must be considered. If we think about all the different potential narratives of alumni of yeshivah high schools, we notice that although many alumni will turn out pretty much like their parents, apples not falling far from the tree, many others will journey. Some will lapse in their observance until they have children or beyond. Others will become yeshivish or even hasidic. Some will intermarry or come out of the closet. The fact that these paths exist ought to come as no surprise, nor should the roles a Modern Orthodox high school play in propelling a student in these different directions. What Feldman correctly points out is the manifold trajectories that result from the powerful collision between modernity and tradition, including his own legal career and intermarriage.

My peers in the focus group I assembled a year ago expressed ambivalence with regard to adopting the label "Modern Orthodox."

I would probably consider myself “half modern orthodox, half just Jewish.” As the Generation Y (or as some say, Millennial) research argues, the younger generation eschews simple labels, defining itself along multiple identity lines, analogous to multiple windows open on one computer screen.²² The complexity of one’s identity almost forces an individual to create a story of coherence.

To be “of but not in” the community is to acknowledge the role that participation “in” the community has played in shaping one’s current self. Most of our institutions focus on keeping people in, serving as a link of a cradle-to-grave chain of religious institutions from preschool, day school, yeshivah high school, yeshivah in Israel, YU or Orthodox college community, and the singles scene in Washington Heights or the Upper West Side, to marriage, synagogue affiliation, *daf yomi*, and the PTA. But many will not go this path. Do they count? If they do, how do we teach the tools of creating a self-narrative that inculcates the best of modern orthodoxy, whether an alumnus goes the way of the yeshivish or the lapsed?

My review of the spikes on GoogleTrends has uncovered the following features of modern orthodoxy this century, not coincidentally related to social trends discussed generally by philosophers and sociologists, and no less coincidentally reflected in the decade’s popular culture. August 2000 teaches that the notion of orthodoxy is more accepted in mainstream American culture than ever before. Rather than being viewed as backward or antiquated, it is seen as authentic and personally meaningful. December 2004 shows that nevertheless, the Modern Orthodox community has not succeeded in presenting itself as the champion of the fusion of modernity and tradition. It has neither a monopoly over nor the most creative ideas regarding its core tension. The sum of the years 2000 and 2004 yields this result: We face a historic challenge that we are not meeting, namely, to address and inspire America and American Jewry in their hunger for grounded authenticity.

Lastly, August 2007 shows that since identity is increasingly constructed as a personal narrative, there are more people who identify with the community in some tenuous way but do not fully participate in it. The opportunity we can capture is the ability to continuously

sustain and enrich our own while they participate fully in a multiplicity of other networks. Our broadest impact may come, ironically, through those who are not exclusively “in.”

The overall picture of modern orthodoxy at the beginning of the twenty-first century is one of de-institutionalization. Intellectual resources and communal power are no longer centralized: There are multiple Torah and college options, multiple rabbinical schools, multiple forms of Orthodox Zionism, multiple ways of engaging with modernity, multiple entry and exit points to the community. The boundaries of the community are no longer clear: Many communities exhibit modern orthodox values but claim they are not, many claim they are who are not, many who are not but wish they were, and many who are and wish they were not.

In a moment of de-institutionalization, the focus on reclaiming the vital middle, announcing it as dogma and denouncing the rest as either not modern or not orthodox, constitutes misplaced attention. Where, then, ought we to direct our energy in the decades to come?

THE ROAD AHEAD

The de-institutionalization of Modern Orthodoxy resembles many other developments in our society, especially given the advent of the digital age. The key strategy proffered by many in the field consists of reorienting an organization around networking rather than building hierarchies. By forming relationships with other organizations that can perform certain tasks better than we can, we enable ourselves to concentrate on our strengths and move the whole team ahead.²³ But what are our unique strengths? Who are suitable partners in our communal endeavors? How far should these relationships go? How do we prioritize? Below I propose five core principles that need to be taken under consideration.

First, all issues of “foreign” communal policy should be on the table. Despite the de-centralization, we are currently strong institutionally, and this fact ought to inform how we relate to the Other: other Jewish groups, other religions, other ethnic groups. It is important to consider policies from the 1950s and 1960s in their historical context, but not to elevate them to the level of halakhah if

they were not intended to be. Defensive positioning, to the right or the left, is necessary or constructive in those decades.

Second, Modern Orthodoxy is best positioned to serve—potentially—as the most apt connector. Our authenticity and openness, our ability to speak in multiple discourses, our varied educational and professional backgrounds uniquely place us not in the middle of a spectrum (where we only connect to the immediate left or right) but at the hub of a wheel. To the degree to which we nurture our relationships by encouraging and modeling respect, we can serve as the nerve center and essential translator. To be effective, this openness must be developed philosophically and promoted communally. If, on the contrary, we stake out our dogmatic territory and condemn the heretics, we cut off strands of the web.

Third, we have the ability to convene the network—potentially—as no one else can. Beyond serving as connectors and translators, we can contract the network to achieve maximal diversity of perspectives on a given subject. I wonder, for example, whether we would gain by broadening the tent at this Forum to include the range of self-identified modern orthodox voices. The power of convening can be a great source of creativity and new realizations.

Fourth, as far as a communal label goes, “Modern Orthodox” owns great potential in our current religious climate. It conveys the struggle, balance, or anxiety we experience, but also our authenticity, openness, sincerity, and creativity. I sympathize with my colleagues who work within the Conservative movement, because they have a much more difficult task in refashioning their identity, given the political associations that accompany the name and the constituency they are trying to reach. If only we internalized the loftier side of what modern orthodoxy actually means in America—not what it used to mean or “ought to mean”—then we would be granted a deeper appreciation of the culture we are interdependent with and our responsibilities to it. By holding America up as our mirror, we become aware of ourselves. The portrait is inspiring.

Fifth, networking will encourage us to ask bigger questions and get bigger ideas. The big questions for individual institutions usually revolve around money, members, or freshmen. For academics, the big

questions center on publication or research funds. The resulting big answers often come in the form of a clever pitch or marketing strategy. By dwelling in the network, we become aware of the broader communal or global questions we ought to be asking. The significance of any idea is in proportion to the question that prompts it. Leadership in a network society is found in the ability to articulate the big questions, not to provide easy answers.

The social, intellectual, economic, and political forces that animate the twenty-first century differ significantly from the ones that inspired *Halakhic Man*, *Lonely Man of Faith*, and *Confrontation*. We owe the greatness and relevance of Rabbi Soloveitchik's ideas in part to the questions he asks. We must recommit to the nuclear energy of the ideas inherent in modern orthodox approaches, not to the ultra-Orthodox adoption of the corporate Modern Orthodox dogma. We need to explore theological ideas and discussions that respond to our questions, though they challenge the assumptions of a generation ago.

True, we would not be mistaken in celebrating our successes at the outset of this century. But the middle of the road may well reach its end. Our responsibility is to clear the paths that reach beyond.

NOTES

1. I owe a great debt to my colleagues and friends for their assistance: Dr. Josh Rosenzweig, Rabbi Dr. Elyahu Stern, Rabbi Dan Smokler, and Prof. Aaron Koller. I offer my profound thanks to Rabbi Dr. Alan Brill for his ongoing guidance, as well as for introducing me to the works of Robert Wuthnow and Alasdair MacIntyre. I reserve my deepest thanks of all to soon-to-be-Dr. Michelle Waldman Sarna for her keen insight, analysis, support, and encouragement.
2. See, for example, the chart by Antony Gordon and Richard M. Horowitz, "Will Your Grandchildren Be Jewish?" at SimpleToRemember.com, 2007; Rabbi Norman Lamm, cited in Matthew Wagner's "'We Will Soon Say Kaddish' for Reform, Conservative Judaism, YU," *Jerusalem Post* (May 11, 2009) and responses such as Jonathan D. Sarna, "Saying Kaddish Too Soon," *Forward* (May 27, 2009).
3. See the growth of Modern Orthodox day schools in Marvin Schick, *A Census of Jewish Day Schools in the United States, 2008–2009* (Avi Chai Foundation: October 2009).

4. “When I named the book I wrote in 1949 *The Vital Center*, the ‘center’ I referred to was liberal democracy, as against its mortal international enemies—fascism to the right, communism to the left. I used the phrase in a global context . . . [Others recently have been] using the phrase in a domestic context. . . . In my view, as I have said elsewhere, that middle of the road is definitely not the vital center. It is the dead center.” Arthur Schlesinger Jr., “It’s My Vital Center,” *Slate Magazine* (Jan. 10, 1997). Many in our community advocate re-energizing the “middle of the road.” See Rabbi Benny Lau, “The Middle-of-the-Road Approach,” *Institute for Jewish Ideas and Ideals* (March 18, 2009).
5. The search results can be viewed at http://www.google.com/archivesearch?q=modern+orthodox&scoring=t&sa=N&sugg=d&as_ldate=2000&as_hdate=2099&lnav=hist10
6. Craig Horowitz, “The Kosher Campaign,” *New York* (August 21, 2000).
7. Ironically, this point was reinforced following the 2004 election, which Nathan Diament called “a watershed for our community,” since the Orthodox vote, but not the overall Jewish one, reflected the majority American electorate. “The quickly forming cliché from the 2004 election is that ‘values’ drove religious traditionalists to support President Bush; this dynamic was certainly present in the Orthodox community. Exit polls indicate that just as Bush decisively won the votes of Catholics and Protestants who attend church weekly, so too did he win the votes of those going weekly or more to minyan at synagogues.” “How the GOP Won the Orthodox Vote,” *Forward* (November 11, 2004).
8. Howell Raines, “Editorial Observer; When Devotion Counts More Than Doctrine,” *New York Times* (September 17, 2000).
9. Robert Wuthnow, *The Struggle for America’s Soul: Evangelicals, Liberals, and Secularism* (Grand Rapids, MI: William B. Eerdmans, 1989), p. 32.
10. Will Herberg, *Catholic, Protestant, Jew: An Essay in American Religious Sociology* (Garden City, NY: Doubleday, 1955).
11. Charles Taylor, *Varieties of Religion Today: William James Revisited* (Cambridge, MA: Harvard University Press, 2003), p. 11.
12. Charles Taylor, *The Ethics of Authenticity* (Cambridge, MA: Harvard University Press, 1991), pp. 16–17.
13. David Van Biema and Josh Tyrangiel, “Democratic Convention: Caught in the Middle,” *Time* (August 21, 2000).
14. David Brooks, *Bobos in Paradise: The New Upper Middle Class and How They Got There* (New York: Touchstone, 2000), p. 243.
15. The review in the *Village Voice* summarizes the plot: “Ben Jacobson (Craig Bierko), a secular Upper West Side financial consultant, is about to propose to his live-in girlfriend, Hannah, a doctor (Molly Ringwald). In the opening scene, he buys an engagement ring from a young Orthodox diamond salesman, Hershel Klein (Jason Biggs), and the battle lines are drawn. Peppering every utterance with Hebrew or Yiddish phrases, Hershel scoffs at Ben’s unobservant ways and pronounces him ‘a gentile.’ Comic contrivances land Hershel in Ben and Hannah’s

- apartment as an intolerable—and intolerant—houseguest: The Yid who came to dinner and was appalled that it wasn't kosher. Eventually, as a standard comic foil must, Hershel teaches his modern friends a thing or two: Hannah calls it a sense of 'what is meaningful—no, magical—in life.' In the bargain, Hershel (through a kiss stolen from Hannah) gets a dose of 'manliness' that enables him to enjoy racy dinner conversation with a woman found through an Orthodox Internet dating service." Alisa Solomon, "Chuppah Blues," *Village Voice* (December 7, 2004).
16. Charles Isherwood, "They've Got Those Upper West Side, Not Jewish Enough Blues," *New York Times*, December 7, 2004.
 17. See Yehuda Mirsky's "Modernizing Orthodoxies: The Case of Feminism," in *To Be a Jewish Woman / Lihiyot Ishah Yehudiyah*, Kolech Proceedings 4 (Jerusalem: Kolech Religious Women's Forum, 2007), English sec., pp. 37–51. See especially pp. 43–44 and n. 15.
 18. Noah Feldman, "Orthodox Paradox," *New York Times Magazine* (July 22, 2007).
 19. Shmuley Boteach, "Stop Ostracizing Those Who Marry Out," *Huffington Post* (July 22, 2007).
 20. Robert Wuthnow, *The Struggle for America's Soul: Evangelicals, Liberals, and Secularism* (Grand Rapids, MI: William B. Eerdmans, 1989), p. 116.
 21. The sociological observation parallels trends in philosophy and theology toward narrative identity. See, for example, Alasdair MacIntyre in *After Virtue* (University of Notre Dame Press, 1981), pp. 205–225, esp. p. 217; Paul Ricoeur in *Refiguring the Sacred: Religion, Narrative and Imagination* (Minneapolis: Augsburg Fortress, 1995), pp. 12–13.
 22. The definitive work on the "millennial" generation is Neil Howe and William Strauss, *Millennials Rising: The Next Great Generation* (New York: Vintage Books, 2000). The most extensive studies on Gen Y Jews includes Linda Saxe's "America's Jewish Freshmen: Current Characteristics and Recent Trends Among Students Entering College" (Hillel: The Foundation for Jewish Campus Life, June 2002); Anna Greenberg and Jen Bertkold, "Grand Soy Vanilla Latte With Cinnamon. No Foam. Jewish Identity and Community in a Time of Unlimited Choices" (Reboot, 2006); and Anna Greenberg, "OMG! How Generation Y is Redefining Faith in the iPod Era" (Reboot, 2005).
 23. For example, see Paul Skidmore, "Leading Between: Leadership and Trust in a Network Society" (Demos).

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