

THE QUESTIONS

The mood in the Orthodox community has been one of celebration; the retention of our youth and the “return” of non-observant Jews to observance are cause for optimism. But observant Jews are still only ten percent of our people and for most Jews in the United States, Judaism no longer matters.

At the turn of the century, two approaches were taken to modern culture: reject it, or embrace it and select what is compatible with Torah. Neither approach has touched the lost Jews, not in 5700 nor in 5750.

Like the varied nationalities of the former USSR, we divide ourselves into small warring groups. There are many circles with the wagons drawn round; any intruder from another circle is attacked. Who are the intruders? Like the attackers, they are observant Jews, with slightly different opinions or modes of dress. A dangerous phrase in Jewish life today, whether expressed as *fun unsere* or *mi-shelanu*, is “one of ours.”

How can we change from the fog of conflicting claims of superiority to a clear climate where Torah values and living are one, where we can fulfill the Rambam’s “making God’s name beloved through our actions”? We asked educators and *rabbanim* who are working in their communities to address these larger questions:

1. What are the major halakhic issues the Orthodox community should confront? How can we bring the Jewish community together at a time when minor variations in dress and custom divide and define us?
2. What can we do to involve the majority of the community that is either minimally or not at all concerned with its Jewishness? What attitude should we take toward Jews with a different background from our own, particularly toward *ba'ale teshuva*?
3. In what ways is contemporary Jewish education of women adequate or inadequate? Are attitudes toward women in the Orthodox community today in consonance with Torah values?
4. How do we balance the concern for the community at large with our individual level of observance? How do we avoid the two extremes: neither the sanctimonious “checking up” on others, nor the lowering of one’s own standards?

Michael Rosensweig:

As we approach the end of the twentieth century, the Jewish community faces no dearth of formidable and even monumental challenges. The range and scope of the issues that confront us is impressive. Some issues reflect age-old and indigenous problems common to other eras, or at the very least as yet unresolved by the previous generation. This list includes such crucial policy questions as how one should balance the various interests of competing values. What, for example, is the proper equilibrium between the obligation of outreach to others and religious self-development both with respect to allocation of time and resources, and the potential sacrifice in terms of ideal standards of religious conduct? The twin phenomena of a predominantly irreligious Jewish world threatened by even further erosion on the one hand, and a growing *ba'al teshuva* movement on the other, have served to accentuate and further complicate the fundamental tension between the insular and integrated perspectives and impulses in Jewish communal life that have often been a subject of debate throughout our history.

Other challenges stem from, or at the very least are further complicated by, specifically contemporary factors and circumstances. These, by virtue of the fact that they constitute uncharted territory and inasmuch as they invariably touch upon matters that are controversial, represent a potential threat to the very cohesion of the already fragmented halakhic world that transcends the objective issues themselves. The proper role of modern technology in areas that concern halakhic practice—be it in the realm of Shabbat, medicine, etc.—is a case in point. Yet, the most thorny halakhic concern of our age is unrelated to any scientific or modern advance. It can be traced to the unfortunate realities of the Jewish world, and even in part to our own failure in the religious community to impose and apply uniform standards. There is probably no single issue that is more crucial to the present and future of *Kelal Yisrael*, and more potentially divisive, than the question of personal status and *yohasin* as it relates to marriage.

The fundamental problem, of course, whether it take the form of *safek mamzerut* or suspect *gerut*, has always inspired a special sense of urgency given the stakes involved, and is one which is indigenous to any Jewish community. Obviously these questions have necessarily been confronted by halakhists throughout our history. There are, however, important differences between the modern problem and its classical antecedents. For one thing, the very concept of community in the narrow geographic sense has been eroded, if not entirely obliterated. Previously, one could assume specific roots for individuals, with the result that members of their community could vouch for their personal identity and status, insuring some semblance of *hezkat kashrut* on this basis. Given the present

mobility of the Jewish world, this factor of an ongoing stable and knowledgeable unit has all but disappeared. Moreover, the staggering numeric proportions of this question in our day—the results of civil marriage and divorce, intermarriage, and the recent phenomenon of the growing *ba'al teshuva* movement, and further escalated by the historic emigrations from Russia and Ethiopia, radically distinguish the modern problem. This reality and the not inconsiderable factor of the spotlight afforded by modern communication and travel with its attendant result of almost total and immediate visibility of the entire Jewish world, effectively transform what was previously an individually focused question of personal status addressed by specific *poskim* into a question of public halakhic policy with staggering implications and potentially frightening ramifications with respect to the future of Jewish unity in its most basic sense. This transformation is particularly significant when one considers the subtle yet crucial difference in perspective that may legitimately result when one must evaluate factors in terms of broad policy, as opposed to simply considering the merits and idiosyncratic circumstances of a particular case in isolation. The fact that despite this consideration the specific circumstances and details of individual cases remain halakhically relevant, further complicates this picture. While there are precedents in the halakhic treatment of the status of groups such as Karaites for a basically group-oriented approach to personal status, clearly the issues in our day are much more diverse inasmuch as they do not reduce primarily into ideological categories.

That the glare of the spotlight coincides not only with the epidemic proportion of the dilemma, but with an unfortunately unprecedented era of fragmentation and even hostility within the Torah world in all of its segments, has clearly compounded the difficulty of confronting these questions. The fact that beyond the instances of civil marriage and divorce, the problem of personal status is partially linked with the actions of the Conservative and Reform movements in the areas of *ishut* and *gerut* is another complicating facet. Notwithstanding the more concrete halakhic determination of individual cases, the thorny question of implied religious recognition constitutes a legitimate consideration in terms of the public policy implications of resolving status, but one which generates intense emotions, adding to the distinctively modern flavor of this dilemma, and exacerbating the potential for its resolution. At a time when factors have coalesced that demand a consensus approach to a problem which threatens the national destiny of a unified *Kelal yisrael*, many of the same factors are responsible for the inexcusable divisiveness of the Torah world which militate against the likelihood of such a consensus emerging.

And emerge it must. Notwithstanding this pessimistic portrayal, the only means by which we can confront this growing problem, and thereby

fulfill our responsibility to the future destiny of a unified Jewish world, is if we take a constructive approach that will allow the gravity of the problem to inspire us to transcend our relatively petty differences in an attempt to grapple with this national problem. In addition to the compelling moral-halakhic obligation to *Kelal Yisrael* per se which is so primary that it needs no further reinforcement, there must be a pragmatic recognition by the entire Torah world that the implications of these questions affect all of us equally. The encouragement of the process of *teshuvah* and *kiruv rehokim*, if it is sincerely pursued, necessarily must preclude glossing over this problem of problematic personal status.

At the same time, the resolution of this issue requires a consensus not merely because it is desirable generally, and particularly in the matters of great import, but because anything less simply would be ineffective or counterproductive, substituting one problem for another. If the result of any given approach to this issue will be the irrevocable alienation of any significant part of the Torah world in terms of future prospects of marriage between different sectors within our world, the price paid for a comprehensive resolution of some of these problems, even if halakhically compelling and convincing to its proponents, may very well prove to be too steep. In a situation of this magnitude, it is questionable whether any group has the luxury generally reserved for sincere and competent *poskim* of simply relying on his own conviction on the basis of *en le-dayan ela ma she-'enav ro'ot*, and rooted in the principle of *elu va-elu divre elokim hayyim*. In this sense, every part of the halakhic world is hostage to the general consensus of that whole world with respect to this issue. If it becomes impossible to achieve even a relatively unified consensus, it would be more desirable to confront every case on an individual and ad hoc basis, as problematic as this might be.

In any case, it is the projection of this sense of overriding urgency of common obligation and interest that represents the first step in mobilizing a cooperative effort towards a comprehensive review of options. The possibility that significant groups of Jews committed to Torah would be unable to intermarry, or that *sifre yahasin* would conventionally replace any semblance of *hezkat kashrut*, clearly mandate that concerted effort be undertaken to at least explore the possibilities of alternatives.

Such an effort if it is to have even a remote chance of success must take place far away from the glare of the public spotlight. It must be undertaken in a spirit of confidentiality in order to eliminate as much as possible the pressures that inevitably result from the involvement, and even the knowledge of specific constituencies. Moreover, the issues in question involve the determination of subtle halakhic categories and entail the delicate weighing of competing halakhic considerations, not the least of which is the inherent tension that exists between the importance of projecting high religious standards as both an ideal and a means of

protection of the integrity of the halakhic system in an era in which that system is correctly perceived as very vulnerable to other societal pressures, and the value of dealing sensitively and sympathetically with the many sincere individuals whose very status is at stake through no fault of their own. Determinations of this sort are the exclusive domain of responsible *ba'ale halakha*, and are jeopardized by the interference, however sincerely motivated, of the larger public. The misconception popularly trumpeted in certain circles that where there is a halakhic will there is a halakhic way, is not only patently incorrect, but reveals a total insensitivity to the dynamics of halakha, and even constitutes an insulting trivialization of the integrity of its processes. There are halakhic issues that are in the final analysis intractable, notwithstanding the pain of *ba'ale halakha* who empathize with the victims of such circumstances. Moreover, the integrity of the halakhic system and process is a value which cannot be underestimated, for in its absence the entire structure and fabric of the halakhic world literally unravels. This consideration is often lost on the broader *kehilla*, but is passionately felt by all *ba'ale halakha* who perceive themselves as entrusted with this delicate legacy. It is these considerations that lead us to conclude that public expectation and advocacy that transcend the initial urgency to bring an issue to the agenda of halakhic discourse cannot but undermine the elusive goal for an emerging consensus. The historical-halakhic responsibility to *Kelal Yisrael* demands nothing less than an exhaustive effort of cooperation and analysis to this end, as well as the maximizing of conditions that might contribute to its success.

Perhaps in setting aside our squabbles and rising above perceived agendas and even legitimate ideological and spiritual differences in the name of common commitment to halakha and the advancement of its values, the Torah community can refashion a relationship of mutual respect and purpose among its constituent parts. Such an achievement would constitute a great *kiddush Hashem* and would establish the foundation for a much more effective presence in the larger Jewish community.

Rambam, in *Hilkhot Mamrim*, formulates his classic three-tiered description of *Bet Din haGadol* by concluding with their national function—*u-mehem hok u-mishpat yozeh le-khol Yisrael*. Apparently, Rambam perceives this function not merely to flow from their elevated status, but as constituting a dimension of that very status itself. Thus, he elaborates that the Torah relies upon them and that all believing Jews are obligated to base their religious behavior on their rulings—*lismokh ma'aseh ha-dat 'alehen*, and to generally lean on them for support in matters of religion—*ve-lisha'en 'alehen*. Thus, responsibility for the future and destiny of the entire community of *Kelal Yisrael* is entrusted to halakhic authorities, and constitutes an important element in their very

self-definition. Ultimately, our generation and its halakhic leadership will be judged not only by the number of yeshivot they establish, and amount of Torah they produce, but also by the extent to which they faithfully dedicate themselves to insuring as much as is possible the future integrity and unity of *Kelal Yisrael*. Hopefully, by virtue of the seriousness with which we address pressing halakhic issues such as these, we, too, will emerge as faithful chains in the *Hakhme haMesora* in all of its manifold dimensions.

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Jacob J. Schacter:

In the late 1940's, the prominent British philosopher, Isaiah Berlin, served as a visiting professor at Harvard University. Upon returning to England, he penned a brief essay describing the type of students with whom he came into contact there. Among other characteristics, he was particularly struck by their intense selflessness, a trait which they expressed to such an extreme degree that he considered it to be one of the "enemies" of "the intellectual life of American universities." Berlin wrote:

The second enemy is the state of mind of academic persons themselves whom war service or some other sharp new experience has made painfully aware of the social and economic miseries of their society. . . . A student or professor in this condition wonders whether it can be right for him to continue to absorb himself in the study of, let us say, the early Greek epic at Harvard, while the poor of south Boston go hungry and unshod, and negroes are denied fundamental rights. . . . With society in a state of misery or injustice, his occupation is a luxury which it should not be able to afford; and from this flows the feeling that if only he can devote some—perhaps the greater part—of his time to some activity more obviously useful to society, work for a Government department, or journalism, or administration and organization of some kind, etc., he might still with this pay for the right to pursue his proper subject (now rapidly, in his own eyes, acquiring the status of a private hobby).¹

The observation is significant for us today because it reflects precisely the opposite of what exists now on the university campus and in society at large. Instead of a burning passion to help others even at the expense of personal advancement, what is emphasized today is a desire for personal growth for the sake of one's own economic and social aggrandizement with a concomitant disregard for the needs of society as a whole. So much of university life today is geared to pre-professional interests (I once addressed some Brandeis University students planning to be rabbis who founded a group known as "the pre-rabbs") in a world