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## Beyond the Pale? Reflections Regarding Contemporary Relations with Non-Orthodox Jews

*Aharon Lichtenstein*

Readers familiar with the Orthodox Forum's publications, monitoring their direction and annually awaiting the most recent harvest, may marvel somewhat at the choice of this year's topic. There is no question regarding its relevance and importance, both perpetual and contemporary, but the sense of *déjà vu* is unmistakable. "Theme: The Relationship of Orthodox Jews with Believing Jews of Other Religious Ideologies and Non-Believing Jews." Hadn't that, in effect, they seem to recall, some vividly and many faintly, been the substantive focus of the 1992 volume on *Jewish Tradition and the Non-traditional Jew*?<sup>1</sup> True,

almost a score of years have since elapsed; and granted that within a rapidly changing social and philosophic scene, each historical context colors discourse with the nuances of its own perspective; but must basic *hashkafic* issues be examined afresh once every decade and a half? Are the medieval analogues cited in that volume—laxity in the performance of basic *mitzvot* such as *tefillin* or *mezuzot*, or widespread sexual promiscuity—less instructive today than in still recent memory? And does not the debate over *Austritt*, which tore German Orthodoxy asunder in nineteenth-century controversy,<sup>2</sup> clearly anticipate, in 2010 as in 1990, current dilemmas? And, quite apart from the historical record, haven't the analyses of core principled elements, such as *tokhahah* or the dialectic tension between *ahavat Israel* or the obverse, remained largely stable? And so, we rightly ask ourselves, with Rabbi Yehoshua, (תגידה ג), “מה חידוש היה בבית המדרש היום (הגיגה ג), “What novel teaching was there at the study hall today” (*Hagigah* 3a)?

In reply, I could suggest that even over a brief span, innovative factors can affect the course of thought materially; and that, in our case, among these we could single out the diffusion of postmodernism and the quest for heightened spirituality. Of possibly greater import is the fact that the respective volumes do not share identical subjects in the first place. As its title, formulated in the singular, clearly indicates, the earlier volume concentrated upon the relation to an individual deviant; and, while Dr. Judith Bleich's essay, “Rabbinic Responses to Non-observance in the Modern Era,” correctly focused upon the shift from responding to personal malfeasance to confronting the challenge of freshly reared and organized movements and ideologies, the bulk of the volume maintains its personal emphasis.

Of more critical significance, however, is a further distinction, extending well beyond what may strike some as a nitpicking attempt to carve out space for some freshly minted wares. I refer to the limelight riveted upon belief,<sup>3</sup> as opposed to observance—and, hence, upon the heretic as contrasted with the renegade. This topic per se deconstructs into two distinct units. At one plane, we perceive rejection of details of consensual theological doctrine, whether developed in the course of historical and collective assent, or whether forged in the crucible of animated and often acrimonious debate by authoritative theologians.

Admittedly, Jewish equivalents of the councils of Nicea or Trent are not readily identifiable, but, in a lower key, they may be discerned.

At a second plane, there are those who, not content with tilting swords with the Rambam over the catechetical weight of a specific codicil, question the very notion of Jewish dogma—either to the point of denying its historical existence or by asserting that it lacks all normative *halakhic* force. This position is most familiarly identified with Mendelssohn, who affirmed it quite unequivocally; but it was subsequently adopted by many in the early stages of the Reform movement who, for obvious reasons, so long as they still claimed allegiance to the *halakhic* canon, preferred to denigrate potentially divisive doctrinal elements while focusing upon ritual and ethical implementation; and it even gained credence among some avowed adherents of tradition who, in the similar interests of communal unity, preferred to be denominated as Orthoprax rather than Orthodox.

In actual fact, however, this position constitutes a skewed misrepresentation both of what had been and of what could have been. It is, of course, true that dogma occupies a less prominent station in *yahadut* than in Christianity—particularly, if the basis of comparison is Lutheran “justification by faith.” It is, further, equally true that we encounter in Hazal little of systematic theology, whose efflorescence gained momentum only after Rav Saadyah Gaon and the Rambam. But there is also little of systematic morality in Hazal, and Spinoza’s *Ethics* was as alien to their spirit as Luther’s *Ninety-Five Theses*. Would anyone therefore deign to assert that the ethical dimension did not constitute an authentic and integral facet of *yahadut*? It is of course arguable that Rav Yitzhak’s midrashic comment, cited by Rashi in his opening remark,

לא היה צריך להתחיל את התורה אלא מהחדש הזה לכם שהיא מצוה ראשונה  
שנצטוו בה ישראל ומה טעם פתח בבראשית? (בראשית א:א)

The Torah should have commenced with the verse “This month shall be unto you the first of months” (Exod. 12:1), which is the first commandment given to Israel. What is the reason, then, that it commences with the creation? (Gen. 1:1, *s.v. be-reishit*)

as well as the rejoinder that *Bereshit* was included as a forensic weapon to fend off polemical Gentile attacks upon Jewish possession of *Eretz Yisrael*, clearly imply that Torah constitutes a purely legal codex, sans *hashkafic* and dogmatic components. However, at bottom, the discussion is confined, hypothetically, to what might have been rather than to what there is; it relates, primarily, to cosmology and historical narrative rather than to theology; Rav Yitzhak presumably relied upon alternate sources, written or oral, to posit cardinal doctrinal truths; and, in any event, it is problematic to base so radical a thesis<sup>4</sup> upon this Aggadic riposte, which, furthermore, some *rishonim*<sup>5</sup> challenged. There is no dearth of dogmatic formulations, and this normative force is reflected in declarations that whoever fails to subscribe to them is to be barred from the world to come.<sup>6</sup>

Moreover, *yahadut* could not have been imagined otherwise. Speaking of religion generally, Whitehead<sup>7</sup> observed that some conception of the nature and the history of the world within which it is manifested and of what exists beyond it constitutes one of its indispensable components. How much truer, however, is the statement of *yahadut*, a historical religion not only in the sense that it was rooted in revelation in history, but also in the sense that the assumption and affirmation of certain historical events constituted a critical aspect of the woof and warp of Jewish living. Consequently, the content of the corpus of belief and its place within personal religious experience is, for us, *shlomei emunei Israel*, a major concern.

The precise *halakhic* status of belief is shrouded in controversy. The Rambam,<sup>8</sup> largely followed by the *Sefer Hahinukh*,<sup>9</sup> enumerated three separate *mitzvot* regarding conviction of the most cardinal of dogmas—the existence of the Ribbono Shel Olam. On the other hand, the Geonic author of *Halakhot Gedolot* omitted all such commandments from his count, as did Rabbi Eliezer of Metz in his *Sefer Yera'im*. In all likelihood, however, the omission is best ascribed, as the Ramban (who was himself ambivalent on the issue) contended, to the view that the duty to acknowledge authority cannot itself emanate by its own fiat, rather than to rejection of the norm of belief per se:

והנראה מדעתו של בעל ההלכות שאין מנין תרי"ג מצות אלא גזירותיו יתעלה שגזר

עלינו לעשות או מנענו שלא נעשה אבל האמונה במציאותו יתעלה... הוא העיקר והשורש שממנו נולדו המצוות לא ימנה בחשבונן.

It appears that the view of the author of the *Halakhot Gedolot* is that the enumeration of the 613 commandments is limited to decrees that He issued as calls to action or prohibitions proscribing action, but the belief in His existence, may His name be extolled ... is the foundation and root from which the commandments stem and is thus excluded from their enumeration.<sup>10</sup>

As for the Rambam, just how far he extended his position is graphically illustrated by a passage in which he relates to the full range of the obligatory tenets expounded in his list of thirteen principles, rather than to belief in God alone. As a coda to that list, he avers:

וכאשר יהיו קיימים לאדם כל היסודות הללו ואמונתו בהם אמיתית הרי הוא נכנס בכלל ישראל וחובה לאהבו ולחמול עליו וכל מה שצוה ה' אותנו זה על זה מן האהבה והאחווה ואפילו עשה מה שיכול להיות מן העבירות מחמת תאותו והתגברות יצרו הרע הרי הוא נענש לפי גודל מריו ויש לו חלק והוא ממושעי ישראל וכאשר יפקפק אדם ביסוד מאלו היסודות הרי זה יצא מן הכלל וכפר בעיקר ונקרא מין ואפיקורוס ומקצץ בנטיעות.

When all these foundations are established in a person and his belief in them is true, he is included among the community of Israel and one is required to love him and to show compassion upon him and all that God commanded us interpersonally, of love and brotherhood; even if the other has sinned out of temptation or by being overcome by his evil inclination, he is punished in accordance with the severity of his defiance, but he has a share [in the world to come], and he is considered among the sinners of Israel. But when a person casts aspersions upon one of these foundations, he has left the community and denied the essential principle, and he is called a heretic and one who uproots the foundational teachings.<sup>11</sup>

The centuries that followed spawned some amelioration of these assertions, with both the primacy of belief and details of some of the tenets to which the Rambam referred undergoing challenge.<sup>12</sup> But the

place of belief as an essential component of our tradition remained secure. The blandishment of Tennyson's faith that lies "in honest doubt," with the prospect that it holds out for spiritual self-determination is, to many, appealing. The cadences of Torah are pitched, however, in other voices:

וידעת היום והשבת אל לבבך כי ה' הוא הא-לקים בשמים ממעל ועל הארץ מתחת  
אין עוד. (דברים ד:לט)  
תמים תהיה עם ה' א-לקיך.

Know therefore this day and keep in mind that the Lord alone  
is God in heaven above and on earth below (Deut. 4:39).

You must be wholehearted with the Lord your God.<sup>13</sup>

The implications of recognition of the importance of belief for the projected discussion at this Forum should be self-evident. Virtually by definition, the focus upon this aspect is more charged than delineation of the details of practical observance, inasmuch as it deals with the content of faith rather than with the degree of personal or communal commitment to it. Hence, with respect to the issues apparently on our table, dogmatic fealty is a two-edged sword. On the one hand, given the topic's importance, concern lest the purity and integrity of *hashkafah* be diluted or contaminated as a result of contact with non-believers, or that heretical or even quasi-heretical groups or ideas may be accorded a nuance of legitimizing recognition, is understandably acute. For many, that concern militates for sharp separation. On the other hand, precisely in view of the gravity of the subject, the sense of responsibility to safeguard Torah from spurious interpretation and to ensure maximal dissemination of *amittah shel Torah* is likewise greatly enhanced. Hence it is arguable that, if we can reasonably ensure protection of our own turf—a critical condition—our cause may stand to gain from interactive contact and discourse; and this, not only as a result of the self-knowledge which can spring out of contrast and differentiation—

כשושנה בין החוחים כן רעיתי בין הבנות כתפוח בעצי היער כן דודי בין הבנים (שיר  
השירים ב:ב-ג) –

Like a lily [rose] among thorns, so is my darling among the maidens. Like an apple tree among trees of the forest, so is my beloved among the maidens (Song of Songs 2:2-3) –

but out of possible enrichment, in the proper climate, of some of our own insights and perceptions.

I trust that I have adequately explained why I feel we are not treading water, not simply reconstructing a burnished rerun of half-forgotten discourse from which we wipe accumulated dust. That, however, is by no means my primary task. I have been charged with dealing with the issues currently at hand, with noting what presently exists and what can and what should exist if we mobilize the energy, the capacity, and, above all, the will, to bring it into being; and it is to that mandate that I now turn.

Let me open with an anecdote. In the course of his stay in Eretz Yisrael in the summer of 1935, the Rav visited the secular kibbutz of Kinneret. His host proffered some fruit, which the Rav naturally but politely declined. Sensing the reason for the refusal to partake of the offering, the kibbutznik observed that he presumes that it was grounded in concerns about *kashrut*; whereupon he proceeded to inform his thunderstruck guest that the local kitchen was absolutely kosher. When asked for the cause of this anomaly, he narrated the following story. Rav Kook once spent a Shabbat at the kibbutz, and he of course brought his own food. He ate each *se'udah* with the group, including participation in the *moza'ei Shabbat* fireside *kumsitz*. Upon taking leave of his hosts, he thanked them graciously and concluded with a brief wish. "I hope that next time I'll be able to eat together with you." Sure enough, the *haverim* voted to introduce *kashrut* in their public *hadar okhel*.

I am not so Pollyannish as to imagine that such a scenario could be repeated routinely. Rav Kooks are few and far between, and the response to the force of his personality also is not too common. Nor do I pretend that I would or could have emulated him, letting my yearning for fraternity overwhelm my concern about *tevel* and *orlah*. And I don't recall whether, relying upon the information to which he had

become privy, the Rav ate. My point relates to an entirely different continuum. Given the currently prevalent winds in our camp—or, for that matter, in that of our adversaries—let us assume that I, and my comrades, would have abstained. But to the accompaniment of which sentiment? How many would have felt and expressed Rav Kook's pain? And how deeply? Would we truly yearn for that “next time,” consumed by candid regret that it seems to be constantly becoming increasingly remote? And even if we sense that, under present circumstances, we have little choice but to confine ourselves inexorably behind barriers we have jointly constructed, could we at least fully internalize Beruriah's response to the iniquity which had infiltrated and possibly enveloped Rabbi Mayer, herself, and her community:

הנהו בריוני דהוו בשבבותיה דר"מ והוו קא מצעררו ליה טובא הוה קא בעי רבי מאיר רחמי עליהו כי היכי דלימותו אמרה ליה ברוריא דביתהו מאי דעתך משום דכתיב יתמו חטאים מי כתיב חוטאים חטאים כתיב ועוד שפיל לסיפיה דקרא ורשעים עוד אינם כיון דיתמו חטאים ורשעים עוד אינם אלא בעי רחמי עליהו דלהדרו בתשובה ורשעים עוד אינם.

There were once some highwaymen in the neighborhood of Rabbi Mayer who caused him a great deal of trouble. Rabbi Mayer accordingly prayed that they should die. His wife Beruriah said to him: How do you make out [that such a prayer should be permitted]? Because it is written “Let *hatta'im* cease”? Is it written “*hot'im*”? It is written “*hatta'im!*” Further, look at the end of the verse: “And let the wicked men be no more.” Since the sins will cease, there will be no more wicked men! Rather pray for them that they should repent, and there will be no more wicked.<sup>14</sup>

The *gemara* thence concludes with the report that Rabbi Mayer followed his wife's prescription, and it was indeed effective. That is, sadly, frequently not the case. But do we pine for it and do we lament our limitations?

Before we choose a course of action, we must effect a change of mindset and a change of heart. We must, at the very least, reduce the level and the scope of mutual demonization. So long as communal

leaders are viewed, respectively, as nothing but power-hungry iconoclasts or as benighted obscurantists, we shall, collectively, pay a heavy price. Unless—and until—we develop a propensity for mutual respect, acknowledging that there may be mediocrities and charlatans in various camps, but steadfastly refusing to tar indiscriminately, both the interests of *klal Israel* and the integrity of *Reb Israel* will be adversely affected. Unquestionably, where the most basic elements of our religious faith and existence are at stake—the totality of our relation to Torah, or critical aspects of that relation regarding the content of *emunot v'de'ot*, the character of *halakhah*, the substance of *Tanakh*, and the contours of our commitment, as *ovdei Hashem*—confronted by heterodox denominations, passions naturally and justifiably run high. History has amply demonstrated that internecine religious strife is often the most bitter, as combatants are animated by a sense of engagement in the encounter of the children of light with the children of darkness. For us, however, as Jews committed to the entirety of Torah, let vitriolic antagonism not prevail, routinely and consistently, as the sole or even as the dominant passion. Let us therefore be intent upon monitoring our motivation, with an eye to ensuring that if indeed we have been charged to enter the lists of fraternal strife, literal or figurative, we do so impelled by devotion and responsibility, but animated by the hope and the prospect of binding reconciliation.<sup>15</sup>

This martial imagery and some of its associations bear an attitudinal message relevant to significant facets of our personal and collective life. They do not, however, relate directly to the specific topic targeted for this conference. Participants are not being asked to consider whether and how to combat rival constituencies, but rather, whether and how to coordinate and cooperate with them in a positive spirit, well beyond an uneasy truce which is only galvanized into heightened unity by the impact of crises rocking our national boat. It is precisely at this juncture that the question of mindset confronts us. Many, in the most deeply committed sectors of the Orthodox world, on these shores, as in *Eretz Hakodesh*, harbor a profound distrust of competing camps and their leadership (often more so of the Reform and the Conservative movements than of the outright secular). Moreover, often in light of our resurgence, after sociological soothsayers had pro-

jected our impending collapse half a century ago, they extrapolate a continuation of this trend, paralleled by a corresponding decline of rival denominations, and they consequently find occasion for congratulatory triumphalism. I certainly share in the joy over the growth in *talmud Torah* in so much of our Orthodox world, of whatever stripe. And yet, we ask ourselves, at a time when, as Rav Michel Feinstein *z.t.l.* observed pithily, “Half of *klal Yisrael* knows nothing of *shema Yisrael*,” may we simply crow on our laurels? And does anyone imagine that if every non-Orthodox temple were to shut down forthwith, that on the morrow the membership would flock, en masse, to the nearest *shul* or *shtibe*? If indeed temple attendance and affiliation are waning, and on the assumption that the absentees are beyond the reach of our own message, is there not, beyond competition, as much cause for dismay as for gratification? If we are concerned, as we ought to be, about the future spiritual destiny of our siblings, and if we are convinced that, in certain areas, a measure of comity could enhance it, might the option not be at least worthy of consideration?

Lest anyone jump to fallacious conclusions, let me clarify. I am not in favor of untrammelled cooperation, let alone consolidation, merging, or agglomeration. I am not advocating joint rabbinical boards or similar initiatives which, for decades, obsessively traumatized or mesmerized many on the American Jewish scene. As *shomrei hadat* and *mahzikei hadat*, we have a sacred duty to protect and enhance the purity and integrity of Torah as we received it from our masters and as we are committed to transmitting to our successors. Beyond a certain point, no sheer quantitative gain can justify dilution or distortion; and, beyond a certain point, a blended structure is in danger of encountering just such a reality. Where and when they felt that the critical line might be transversed, *gedolei Yisrael* have resisted latitudinarian initiatives in the past and they shall presumably continue to do so in the future.

It should be clear, however, that this assertion complements its predecessor and in no way contravenes it. My focus is, again, on the mindset. How do we, personally and communally, perceive our relation to apparent adversaries, and how do we envision ourselves? Is ours a dual commitment—not, *has veshalom*, to two Torot, but to multiple

aspects of our unitary Torah, through which our historical community realizes its manifest destiny as *ממלכת כהנים וגוי קדוש*, “a kingdom of priests and a sacred nation”? Or is ours a monochromatic bond, all our efforts being single-mindedly directed, theoretically and practically, to the integrated realization of one overriding goal? Of course, in a sense, the whole of Torah is oriented—as, in a broader sense, is the religious life in its entirety—to creating an ideal world, one in which, as *ein od milvado* in the transcendental sphere, so in the terrestrial. Beyond doubt, we should all strive to pursue the counsel of the mishnah, *וכל מעשיך יהיו לשם שמים*, “Let all your deeds be for the sake of Heaven.”<sup>16</sup> However, action “for the sake of Heaven” is itself multifaceted; and, as Rav Haym Volozhiner recognized,<sup>17</sup> it is self-evident that, in another sense, *yesh od milvado*, as a palpable reality, to be perceived and confronted. And it is to that plane that we need to address ourselves. To take a simple concrete example, numerous *pesukim* incorporate the message of *הארץ ומלאה לה*, “The earth and all its plenitude is Hashem’s,” even as they concurrently assert that this self-same earth has been granted to man, entitled to partake of it and entrusted with nurturing and developing it. Moreover, in this latter capacity, he is commanded to share the terrestrial plenty with his Master’s divine treasury, on the one hand, and with the deprived and the disenfranchised, on the other—all of this, within the compass of a single and very partial department of human life.

How, at this diversified plane, do we relate to our specific problem? Confronted with the dual conclusion of the encomium to Jerusalem in *Tehillim* (122) – *למען אחי ורעי אדברה נא שלום בך* – “For the sake of my kin and friends, I pray for your well-being” and *למען בית ה' א-לקינו אבקשה* – “For the sake of the house of the Lord our God, I seek your good,” do we feel exclusive responsibility to the latter goal, relating to the first only when it in no way competes with the second—or, better still, when the two reinforce each other mutually? Or do we acknowledge a genuinely dual commitment—advancing both components in tandem wherever feasible, striving to coordinate divided effort where it is not, and recognizing candidly that the interests of the two may conflict, as each diverts attention and resources from the other? How genuine and significant a value are the interests, material and spiritual,

of אחי ורעי, “my kin and friends,” to us? In situations of conflict, do we cut the Gordian knot by affirming that those to whom the welfare of בנינו, “the house of the Lord our God,” is of little or no interest are, in effect, disbarred from the community of עמיתך ואחייך, “spiritual comrades and brethren,” so that we, in turn, assign sparse value to their concerns?<sup>18</sup>

Our ultimate aspirations are, in theory, reasonably clear—and they are greedy, relating not only to “believing Jews of other religious ideologies and non-believing Jews,” but to humanity as a whole. We yearn, at the eschatological plane, for a reality in which the world at large—the social as well as, in a sense, the cosmic—is suffused with pervasive faith, experiential as well as conceptual, and committed to acknowledgment of epiphanous *malkhut shamayim*. We make no attempt to conceal this undemocratic vision. On the contrary, we trumpet it forth, passionately. It is central to the *berakhah* of *malkhuyot* on Rosh Hashanah:

מלוך על כל העולם כולו בכבודך והנשא על כל הארץ ביקרך והופע בהדר גאון עוזך  
על כל יושבי תבל ארצך וידע כל פעול כי אתה פעלתו ויבין כל יצור כי אתה יצרתו  
ויאמר כל אשר נשמה באפו ה' א-לקי ישראל מלך ומלכותו בכל משלה

Reign over the entire universe in Your glory; be exalted over all the world in Your splendor, reveal Yourself in the majestic grandeur of Your strength over all the dwellers of Your inhabited world. Let everything that has been made know that You are its Maker, let everything that has been molded understand that You are its Molder, and let everything with a life's breath in its nostrils proclaim, “The Lord God of Israel is King, and His majesty rules over everything.”

But it is not reserved for rare festive prayers, occupying, as it does, an equally dominant place in the weekly recital of *nishmat* –

כי כל פה לך יודה וכל לשון לך תשבוע וכל ברך לך תכרע וכל קומה לפניך תשתחוה  
וכל לבבות ייראוך וכל קרב וכליות יזמרו לשמך –

For every mouth shall offer thanks to You, every tongue shall swear loyalty to You, every knee shall bend to You, all who

stand erect shall bow down before You, all hearts shall fear You,  
and every innermost part shall sing praise to Your name – <sup>19</sup>

and, perhaps even more significantly, in the presumably humbler context of the thrice-daily avowal of *aleinu*:

לתקן עולם במלכות ש-די וכל בני בשר יקראו בשמך להפנות אליך כל רשעי ארץ  
יכירו וידעו כל יושבי תבל כי לך תכרע כל ברכ תשבע כל לשון לפניך ה' א-לוקינו  
יכרעו ויפולו ולכבוד שמך יקר יתנו ויקבלו כולם את עול מלכותך ותמלוך עליהם  
מהרה לעולם ועד.

To perfect the universe through the Almighty's sovereignty,  
and all flesh shall call out in Your name, to turn all the earth's  
wicked toward You, that all the world's inhabitants shall recognize  
and know You, that every knee shall bend, every tongue shall swear,  
before You, Lord our God, shall they bend and prostrate, and to the  
honor of Your name shall they call out glory, and they shall all accept  
the yoke of Your sovereignty, and You shall reign over them speedily  
for all eternity.

In envisioning this catholic prospect, a Jew of any stripe may be typically content, to think of the biblical millennium, as prophesied by Micah and Yeshayahu, jointly:

והלכו עמים רבים ואמרו לכו ונעלה אל הר ה' אל בית א-לקי יעקב ויורנו מדרכיו  
ונלכה בארחתיו כי מציון תצא תורה ודבר ה' מירושלם (ישעיה ב:ג)

And the many peoples shall go and say, "Come, let us go up to the Mount of the Lord, to the House of the God of Jacob, that He may instruct us in His ways, and that we may walk in His paths," for instruction shall come forth from Zion, the word of the Lord from Jerusalem. (Isaiah 2:3)

The Orthodox Jew—and this is where the greed lies—almost invariably thinks solely of the ways and paths of our theological persuasion and *halakhic* tradition.

The aspiration is, then, both clear and enthralling. The implication for our present discourse is presumably equally clear. If we are charged

with ennobling the universal human spirit, at the plane of *bein adam l'havero* and, concurrently, enthroning *malko shel olam*, at that of *bein adam lamakom*, how much more pressing should be our normative duty to *knesset Israel*, in light of our personal and collective kinship and of its unique chosenness. Consequently, that duty should constitute a significant facet of our deliberations concerning our relation to spiritual "other." Does it? Surely, the impression prevalent among both interested laymen and professional historians is that discussion has focused upon the impact upon and within our own Orthodox ranks, with an eye to maintaining viability and vigor; to sustaining the provenance and the integrity of our tradition and its values; to containing the power and the influence of adversarial forces, present and future. Given the urgency and the potency of dangers and pressures, the emphasis upon coping with an agenda ranging from survival through continuity and striving for efflorescence, is fully understandable. But is it sufficient? And is it sufficiently balanced?

The aspiration for *tikkun* is, I repeat, clear and enthralling. I fear, however, that its implication for our issue is, in many respects, less consistently enthralling, for this scenario evidently relegates the epoch between the present and the Messianic era to a period of *teshuvah*. This process in no way demeans it. Its creative and purgative aspect, conjoined with the quest for grace and regeneration, renders *teshuvah*, at the personal plane, and, *a fortiori*, in the public sphere, as one of the most challenging and dramatic of developments. Its role as the defining characteristic in a lengthy process of transition does, however, complicate matters considerably—at time, in ways and in respects which may undermine *teshuvah* proper.

This concern bears directly upon our immediate issue of relationship to the non-Orthodox. For one thing, the modern liberal soul often recoils at the substance and tone of its presumed relationship to rivals, rejecting not only the attitude often encountered in circles close to Mercaz Harav, that the renegade is, deep down, a *homo religiosus* encased in a secular shell, but also being perturbed by the view of the "other" as so much prey waiting to be ensnared in a transmuting net. Moreover, the traditional community may find itself caught in a dilemma. On the one hand, it strives to imprint its stamp upon the

Jewish world in its entirety. On the other, it recognizes that, inasmuch as the process of *teshuvah* is, by definition, fundamentally spiritual, recourse to non-spiritual means may have counterproductive repercussions, which may dilute or defile the desired process. The exertion of excessive pressure, the assumption of an aura of omniscient superiority, the appeal to unspiritual motivation—all may serve to debase content and foment resistance.

The difficulties are real and the road probably lengthy and tortuous. Nevertheless, our commitment to the vision and our aspiration to contribute to its realization should constitute an aspect of our spiritual reality and ambition. I confess that in surveying these lines, I am troubled by traces of pretentious grandiloquence, if not downright bombast. Yet I do indeed submit that our overview of our issues cannot be confined to the local and contemporary, much less to confrontation between the RCA, the RA, and the CCAR. I see no satisfactory serious alternative to, minimally, raising fundamental concerns and at least familiarizing ourselves, across a broad canvas, with primary problems and sketching possible options and directions, which transcend current hot-button issues and domestic resolutions.<sup>20</sup>

That task itself, is greatly complicated by a diverse set of significant variables. Among these may be obviously included: (1) the nature and degree, as regards both content and motivation, of deviation; (2) its sociohistorical content—personal or collective, within a Gentile or a Jewish, and, particularly, theocratically oriented, *halakhic* state; (3) the nature of the playing field, with which camp in dominance; (4) how viable are various initiatives, and what kind of response are they likely to elicit, in the Orthodox community, or in others? (5) apart from narrowly religious or theological ramifications, what might be possible national or social repercussions? (6) What is the prevailing climate and level of commitment to Torah, both practical and conceptual, in circumstances under consideration? (7) Are we authorized to pursue compromise directions, be it even in the interest of axiological and spiritual expediency; and if so, when is it desirable?<sup>21</sup>

I refer to these factors as variables, clearly implying that, individually and collectively speaking, they ought to have some bearing upon the course of decision and direction. I regard this view as almost self-

evident. Regretfully, I recognize that other *bnei Torah* may object to such flexibility, advocating instead a more consistent and narrowly formulated approach, replete with sharply defined and, in all likelihood, tougher directives. I do not for a moment question either the sincerity or the viability of alternate positions. But ראינו שעיניו רואות מה, “a judge can only be guided by that which his eyes see.” I can relate to our cardinal issues only as I perceive them. Having stated my position, and with a watchful eye upon these variables and under which circumstances they should be assigned their respective weights, I proceed to outline the major challenges and possible courses.

I believe we can single out two primary areas, which both overlap and impact upon each other but which may also be viewed as separate components of our relationship to the “others.” The first concerns attitude and evaluation—not only our collective perception, but how we presume, in light of classic sources and traditions, that they are regarded celestially. The second relates to our own interaction, if any, with the non-Orthodox—of what scope and of which character.

As to the former, we turn instinctively to Scriptural expressions of divine affection or wrath. From the Rambam’s perspective, these will probably not shed much light on our dilemma, inasmuch as he neutralizes their literal meaning, given its anthropomorphic character.<sup>22</sup> That view has not taken root as the mainstream tradition, neither among the philosophical community nor among the populace. Nonetheless, even along a broader front, to our dismay, this source provides relatively little guidance, inasmuch as, in light of the variables, prophetic expressions are often dramatically opposed, so that only a self-serving evaluation of the status of a given period could shed much meaningful light upon the fitting relation to it. Chapters in *Tehillim*, saturated with vehement hatred and containing liturgical pleas for the destruction of enemies, are presumably more relevant. We should bear in mind, however, that these generally constitute a defensive response to life-threatening personal danger, rather than a chapter in public conflict.<sup>23</sup> Moreover, for most of us, these *perakim* can offer meager direction. We are not, spiritually and psychologically, sufficiently pure to be able to harbor such a level of negative emotion.

We will probably get clearer guidance by turning to Hazal, among whom Rabbi Mayer and Rabbi Yehudah, each armed with a supporting proof-text, were apparently divided on this issue:

בנים אתם לה' א-לקיכם בזמן שאתם נוהגים מנהג בנים אתם קרוים בנים, אין אתם נוהגים מנהג בנים אין אתם קרוים בנים דברי ר' יהודה רבי מאיר אומר בין כך ובין כך אתם קרוים בנים, שנאמר בנים סכלים המה ואומר בנים לא אמון במ ואומר זרע מרעים בנים משחיתים ואומר והיה במקום אשר יאמר להם לא עמי אתם יאמר להם בני א-ל חי.<sup>24</sup>

“You are sons to the Lord your God”; when you behave as sons you are designated sons; if you do not behave as sons, you are not designated sons; this is Rabbi Yehudah’s view. Rabbi Mayer said: in both cases you are called sons, for it is said, “They are sottish children” (Jer. 4:22), and it is also said, “They are children in whom there is no faith” (Deut. 32:20); and it is also said, “A seed of evil-doers, sons that deal corruptly” (Is. 1:4), and it is said, “And it shall come to pass that, in the place where it was said unto them ‘Ye are not my people,’ it shall be said unto them, ‘Ye are the sons of the living God’” (Hosea 2:1).

Elsewhere we hear of an analogous debate between a Sadducee and Rav Hanina, with the latter evidently inclined to Rabbi Mayer’s position:

אמר ליה ההוא צדוקי לר' חנינא השתא ברי טמאים אתון (פירש"י): "ודאי טמאים אתון ואין שכינה ביניכם שורה בטומאה) דכתיב טומאתה בשוליה אמר ליה תא חזי מה כתיב בהו השוכן אתם בתוך טומאתם אפילו בזמן שהן טמאין שכינה שרויה ביניהן.

A certain Sadducee said to Rav Hanina: now you are surely impure [Rashi explains: “You are surely impure and the Divine Presence dwells not in impurity], for it is written, “Her filthiness [impurity] was in her skirts” (Lam. 1:9). He answered: come and see what it is written concerning them: “That dwells with them in the midst of their impurity” (Lev. 16:16), i.e., even at the time when they are impure, the Divine Presence is among them.<sup>25</sup>

These texts refer to the divine relation to *klal Yisrael*—the collective beneficiary of the special, and, up to a point, reciprocal—bond, inherent in its covenantal link to the Ribbono Shel Olam. However, elsewhere, a similar chord is struck at the personal plane. Commenting upon the affirmation of grace and commiseration, as a sequel to *ma'asseh ha'egel* and subsequent pardon, Rabbi Mayer notes:

וְחַנְתִּי אֶת אֲשֶׁר אֲחֹן אֵעֶפֶּ שְׂאִינוּ הַגּוֹן וְרַחֲמֵי אֶת אֲשֶׁר אֲרַחֵם אֵעֶפֶּ שְׂאִינוּ הַגּוֹן.  
 And I will bestow grace on whom I will bestow grace, although  
 he may not deserve it, and I shall have pity upon whom I shall  
 have pity, although he may not deserve it.<sup>26</sup>

And elsewhere, in yet another connection and an even more striking vein, the same context is depicted as the basis for a dialogue between Moshèh Rabbenu and the Ribbono Shel Olam concerning, again, the status of the wicked and their disposition:

דַּתְנִיא כְּשַׁעֲלָה מֹשֶׁה לְמֵרוֹם מִצְאוֹ לְהִקְבֹּה שִׁיּוֹשֵׁב וְכוֹתֵב אֲרֵךְ אַפִּים אֲמַר לְפָנָיו רְבוֹנוֹ  
 שֶׁל עוֹלָם אֲרֵךְ אַפִּים לְצַדִּיקִים אֲמַר לוֹ אֵף לְרָשָׁעִים אֲלֵל הַשְּׂתֵא  
 חַזִּית מֵאֵי דַמְבַעֵי לָךְ כְּשַׁחֲטָאוּ יִשְׂרָאֵל אֲמַר לוֹ לֹא כֵךְ אֲמַרְתָּ לִי אֲרֵךְ אַפִּים לְצַדִּיקִים  
 אֲמַר לְפָנָיו רַב־שׁׁעֵל לֹא כֵךְ אֲמַרְתָּ לִי אֵף לְרָשָׁעִים וְהֵינִי דְכַתִּיב יִגְדֵל נָא כַּח ה' כַּאֲשֶׁר  
 דְּבַרְתָּ לְאֲמַר.

When Moses ascended on high, he found the Holy One, blessed be He, sitting and writing “long-suffering.” Said he to Him, “Sovereign of the Universe! Long-suffering to the righteous?” He replied, “Even to the wicked.” He urged, “Let the wicked perish!” “See now what thou desirest,” was His answer. “When Israel sinned,” He said to him, “didst thou not urge Me, [Let Thy] long-suffering be for the righteous [only]?” “Sovereign of the Universe!” said he, “but didst Thou not assure me, Even to the wicked!” Hence it is written, And now, I beseech thee, let the power of my Lord be great, according as thou hast spoken, saying.<sup>27</sup>

In a relatively minor key, the issue also surfaces in a marginal, albeit, familiar *halakhic* context. We recall that *tefillat Kol Nidrei* opens

with a preceding plea for dispensation to join in prayer with sinners. The source of this *minhag* is a passage in the Mordecai in *Yoma* who, in turn, bases it upon a *gemara* in *Keritut*, the gist of which is that the inclusion of miscreants within the structure of a *ta'anit* is one of its integral aspects:

אמר ר' שמעון חסידא כל תענית שאין בו ממושעי ישראל אינו תענית שהרי חלבנה ריחה רע ומנאה הכתוב בין סמני הקטורת.

Said Rabbi Simon Hasida, any fast in which no sinners of Israel participate is no fast, for behold the odor of *galbanum* is unpleasant and yet it was included among the spices for the incense.<sup>28</sup>

As is common in numerous *hashkafic* debates, no definitive *psak* determines its resolution. Speaking out of my own experience, however, I can attest to the fact that, toward the conclusion of *Kol Nidrei*, while reciting the *pasuk* of *לכל בני ישראל ולגר ולגר הגר בתוכם כי לכל העם בשגגה*, “The whole Israelite community and the stranger residing among them shall be forgiven, for it happened to the entire people through error” (Num. 15:26), I have consciously thought that *lekhoh*, the entire, should include Shulamit Aloni. This notion may strike some as an illegitimate intrusion of subjective predilection upon a holy text and a sacred moment. I cannot agree. In areas that have been left open, we have a moral and *halakhic* right—possibly, a moral and *halakhic* duty—to take a stand; and in such cases we are entitled to include personal proclivity as a component of that stand. All the more so when the preponderance of Hazal’s explicit dicta on the issue can be mustered in our support.

This is not to deny that we encounter in Hazal some stridently harsh statements regarding ideological apostates. Indeed, as the Rambam, previously cited, stated, the non-Orthodox heretical lapse in belief is regarded more seriously than breach in observance; and the sequence concerning punitive levels in the *gemara* in *Rosh Hashanah* clearly reflects this priority. By way of exemplification, one might cite a *baraita* with respect to *avelut* upon the death of an apostate:

כל הפורש מדרכי צבור אין מתעסקין עמו בכל דבר אחיהם וקרוביהן לובשין לבנים ומתעטפין לבנים ואוכלין ושותין ושמחין שנאבד שונאו של מקום שנאמר הלא משנאיך ה' אשנא ובתקומיך אתקוטט תכלית שנאה שנאתים לאויבים היו לי.

Regarding he who separates himself from the ways of the community, none involves himself in his care; the brethren and relatives wear white and wrap themselves in white; they eat, drink, and celebrate, for an enemy of God has been eliminated, for the verse states, “O Lord, You know I hate those who hate You, and loathe Your adversaries. I feel a perfect hatred toward them, I count them my enemies” (Psalms 139:21-22).<sup>29</sup>

We note, however, that this procedure, precisely because it is so severely punitive, is reserved, in light of the source cited, for *mesan'ekha*, Your adversaries, those who are not merely non-observant but who radiate and generate animosity to the Ribbono Shel Olam—who have, in effect, severed themselves totally from the world of Jewish living. The parameters of the term are open to flexible judgment, so that its application to a given individual or group is most unlikely. Moreover, the normative demand to judge leniently—assuming that it applies to ordinary interpersonal relations and is not confined to the judicial process<sup>30</sup>—militates our recognition of the positive aspects of non-believers' lives and focusing upon them, as well as upon evaluating specific components charitably.

In effect, we are brought back, albeit in a different sense, to the mindset. We cannot give our ideological rivals that of which they are most desirous—the inherent equalization of religious and secular ethics, on the one hand, and, in the mode of *eilu v'eilu*, the recognition of Reform and Conservative Judaism as full-scale versions of Torah, on a par with traditional *mesorah*. Such legitimization would emasculate the epicenter of Orthodoxy. But there is no essential barrier to a fairer and more generous perception of the movements' respective leaderships and of their adherents. We can certainly affirm—I hope I can make the point without condescension—that merit can inhere in the virtue of “others”; that many of our Reform and Conservative brethren sincerely seek the Ribbono Shel Olam; and that their quest has worth.

The attitudinal element is significant in its own right; but it also bears upon the aspect of interaction, to which we now turn. In this connection, we might best dwell primarily upon three components. The first concerns the prospect of joint pursuit of common Jewish goals—social, political, and spiritual, with an eye to advancing a collective aim or ameliorating mutual pain rather than impinging upon each other. The second relates precisely to such impact, and it subdivides into two: supportive enhancement and adversarial antagonism, respectively. Within the contemporary context of our discourse, the first issue should presumably present no problem. It is warranted by both collective national responsibility and rudimentary sensibility, and it is supported by amply publicized precedent—the struggle over Soviet Jewry, marshalling support for the State of Israel, legislative contretemps over *shehittah*, and efforts on behalf of sensitizing *hesed shel emet* treatment of death and bereavement, to name just a few. Moreover, such cooperation bears the imprimatur of the Rav *z.t.l.*, who consistently advocated unified stands on matters of external import, *klapei huz*, wherein the full range of the religious spectrum participates, as an emissary to the non-Jewish world or to our indigenous community, in an attempt to push the common envelope, but not on internal matters, *klapei penim*, which, in light of crucial ideological differences, are not susceptible to agreed resolution or even compromise.<sup>31</sup>

Nevertheless, I am occasionally startled to discover that even palpably positive initiatives may be opposed if hatred—at times, vitriolic—rears its ugly head, and fear lest any credit whatsoever might redound to rival groups, overshadowing and possibly eviscerating basic human and Jewish instincts. I recall vividly a telephone conversation with a former *talmid* who was applying for a position of *rabbanut* in upstate New York. He was to be interviewed the next day and, in preparation, simulated anticipated questions and possible responses. He had been given to understand that the issue of intramural relations—to wit, how he would relate to other denominations—would probably rank high on the list, and he was calling me for advice on how to field it. Upon further inquiry, it turned out that the specific issue—which had apparently generated some debate in the *kehillah*—related to Yom

Hashoah and whether he would favor a joint or separate convocation. Shocked, I responded that, as far as I knew, the Nazis had not differentiated. Could we? In my stupefaction, I realized that we had an educational charge to fulfill.

The second area, in both of its aspects, admittedly requires greater caution, but here too we need to monitor—and on occasion modify—our stock responses. At issue is the advisability of extending assistance—manpower, material, moral, spiritual—to non-Orthodox movements, thus enhancing their stature and entrenching their position within the Jewish world, on the one hand, but also intensifying their commitment to *avodat Hashem*, on the other. The question is deceptively simple, but the answer quite complex. In our world, there are those who subscribe to the thesis that under no circumstances is it permissible or advisable to advance the cause of deviationists, and they have no compunction about striving to present what they see as a convincing and vociferous case for their position. For them, the answer to our question is as straightforward as the query. However, I find this view wholly untenable, on moral, national, and, quite frequently, *halakhic* grounds. As I have had occasion to stress in various contexts, non-Orthodox movements often provide a modicum of religious guidance, of access to Jewish knowledge and values, of spiritual direction and content. Moreover, they provide it for many beyond our own pale and reach. In such situations, the contribution to Jewish life is real and meaningful. Can anyone assert, as our critics claim we hold, that it makes no difference whether one is an atheist or a Reform Jew? Worse still, some insist upon ascribing to us a preference for the former.<sup>32</sup> But can any responsible Orthodox Jew, genuinely and responsibly concerned about either national viability or spiritual vigor, confirm this charge? And, were he confronted with such a choice with respect to a son or a daughter, is it conceivable that he would opt for atheism? Admittedly, in certain contexts, when power and authority within the public arena are at stake, and when an Orthodox alternative is readily available, some benefit may redound to us by the weakening of competition. But that is precisely what complicates the answer to a simple question. Weighing the respective significance of various components of our personal spiritual regimen—and, beyond that, the possible con-

flict between the needs of some individuals against public priorities, is never easy—particularly, when דברים העומדים ברומו של עולם, “manners of the utmost significance,” are at stake. The religious interests of both *Reb Israel* and *klal Yisrael* challenge us to respond to their dual call upon us. Assuredly, however, there are many situations in which the cause of *yahadut*, and the attempt, both duty and desire, to hasten the advent of ביום ההוא, “On that day,” militate assisting movements with which we have sharp disagreements. Myopia may only impede it.

The dilemma may be illustrated through a practice which has gained ground in segments of the modern Orthodox world in recent years, in both North America and England—and, perhaps for precisely that reason, has surfaced as a problem. I refer to the organized mutual learning of Jewish—and generally, traditional—texts and problems, within joint or denominational settings, at the same session, or as successive presentations within a series. The advantages are clear. Ordinarily, regardless of who is holding forth, most of the audience will gain Torah knowledge and spiritual insight. We can, likewise, anticipate a rise in solidarity and fraternity. Moreover, in many such communities, refusal to participate will often be ascribed to a blend of fear, fuelled by insecurity, and supercilious arrogance, rather than to pristine insularity; it will be interpreted as an expression of demonization rather than as an assertion of perceived radical incompatibility, and the overall impression will hardly score points for our image. Finally, abstention will leave the entire playing field at the disposal of the heterodox; so, what have we gained?<sup>33</sup>

Two things. We have averted—or, at least, believe we have deferred—the hobgoblin of parity and have made it unequivocally clear that we regard ourselves as the only genuine alternative in town. Second, we have avoided the exposure of some of our constituency to winds of strange doctrine and to their evangels.

These are no small pickings. But so may that be true of a possibly exorbitant price—and hence, the dilemma. In all likelihood, the most effective response should be differential. The attitudinal stance of the speakers, the prevailing ideological climate, the social venue, the degree of implicit parity, the texts to be discussed, the religious and intellectual maturity of the audience—all require careful consideration

in assessing the likely impact and the relevant risk-benefit ratio. And of course, we are confronted by the principled *halakhic* and *hashkafic* issue of how gains and losses are to be weighed with regard to the various alternatives. How do we measure qualitative versus quantitative factors? Who may be affected and to what extent? Above all, we must give thought to the menu of topics. Generally speaking, questions of science and religion, for instance, are preferable to debate over biblical criticism or psychoanalysis of the pillars of *messorah*. It is not my purpose here, however, to assign report cards, but rather to suggest that in certain areas the optimal approach is differential; hence it will probably require more thoughtful and sensitive attention than blanket stonewalling. The practice of *yakirei Yerushalayim*, who cautiously refused to sit, at a *bet din* or as dinner guests,<sup>34</sup> with unfamiliar faces, is far more difficult to emulate in our context than in theirs.

This course is commended—and to some extent mandated—from various perspectives, both collective and personal. As to the former, it is rooted in two major values. Sanctification of the public square is, first and foremost, an aspect of the *mitzvah* of *kiddush Hashem*, in the broader sense of *ונקדשתי בתוך בני ישראל*, “That I may be sanctified in the midst of the people of Israel,” as referring to suffusing our communal and national scene with a profound awareness of our sacral character.<sup>35</sup> In a parallel vein, it is also conceived as a duty deriving from the paradigm of Avraham Avinu, on the one hand, and from the *mitzvah* of *ahavat Hashem*, on the other:

ד“א ואהבת את ה' א-לקיך אהבהו על כל הבריות כאברהם אביך כענין שנאמר ואת הנפש אשר עשו בחרן והלא אם מתכנסים כל באי העולם לבראות יתש אחד ולהכניס בו נשמה אינן יכולים לבראותו ומה ת"ל אשר עשו בחרן אלא מלמד שהיה אברהם אבינו מגיירן ומכניסן תחת כנפי השכינה.

An alternate explanation: “And you shall love the Lord your God,” make him beloved to all His creations, like your patriarch Abraham, as the verse states, “And the persons they had made in Haran” (Gen. 12:5), yet even if all the men of the world would gather together, they could not create a single gnat and breathe a soul into it. Thus what does the verse teach

when it states, “That they made in Haran?” Rather, it teaches that our patriarch Abraham would convert them and bring them under the wings of the Divine Presence.<sup>36</sup>

Straddling our dual duty, personal and collective, we are enjoined to be engaged by the quasi-legal and wholly ethical and religious concept of *arevut*. Multifaceted on theoretical grounds as in application, it bespeaks both liability for the sins of others and a corresponding charge to nurture their spiritual welfare. On the one hand, we are responsible for the religious well-being of both the community and its members *וכשלו איש באחיו איש בעון אחיו מלמד שכל ישראל ערביין זה לזה*, “And they shall stumble one upon another, one because of the iniquity of the other, this teaches us that all of Israel are guarantors one for another”;<sup>37</sup> and on the other, we have not, *halakhically*, discharged our duty to perform a given *mitzvah* so long as we have not sought to enable the parallel performance of others—and this, both as a dimension of our normative commitment to that *mitzvah* and as an element in *gemilut hasadim* toward them.<sup>38</sup> If we are bound to return a lost object to its owner, is it conceivable that we remain wholly indifferent with respect to his spiritual welfare? *אבדת גופו מנין תלמוד לומר והשבתו לו* “From whence do we know [that one must save his neighbor from] the loss of himself? From the verse, ‘And you shall restore him to himself’”<sup>39</sup> – and, we might add, *על אחת כמה וכמה*, *a fortiori*.

This responsibility is, admittedly, perhaps palliated somewhat if the distressed individual has no interest in being succored.<sup>40</sup> As, on the Rambam’s view, one is exempt from *hashavat aveidah* if the owner of the lost object is apathetic, and even the cause for its loss, so presumably with respect to spiritual guidance. Even this situation, however, cannot be asserted with any degree of certitude, since it may be readily contended that the analogy does not hold water—and this for at least two possible distinctions. First, as regards property, the owner’s mastery of the object differs, from a religious perspective, from that over his spiritual self—or, for that matter, over his physical self.<sup>41</sup> Second, as regards the rescuer’s responsibility vis-à-vis his endangered fellow, it is patently both broader in scope and, qualitatively, more intensive, in

relation to his self than to his belongings. Hence, whatever the attitude of the threatened other, we, for our part, are possibly not relieved of our own charge.

On some views, such relief might be justified by self-inflicted spiritual recalcitrance. Addressing himself, for instance, to the need to prevent consumption of proscribed foods by their thief, Rabban Shimon ben Gamliel declares, *הלעיטהו לרשע וימות*, To wit, roughly: “Present it to the transgressor and let him bear the consequences.”<sup>42</sup> However, this seemingly apathetic formulation aroused the amazement of a leading seventeenth-century *posek*, the author of *Havot Yair*,<sup>43</sup> and has subsequently undergone much qualification and modification, with some authorities rejecting it as a minority view. The fact that, in the whole of *shas*, it appears only in an isolated instance is noteworthy and apparently supports this conjecture. Be this as it may, our commitment to providing spiritual guidance and preventing wanton violation remains firm.

This position having been asserted, there remains another aspect of our relation to the non-Orthodox: a major quotient of principled opposition to the very quest for any measure of accommodation with deviationists—with respect to various specific areas, for some, and as the pervasive and defining characteristic of our overarching relationship with the heterodox, for others. In many respects—particularly as regards core questions of faith and belief, of normative lifestyle and the sources of authority, whether formal or consensual—this situation is inevitable. These are, after all, the gut issues which define us, respectively; and I am certainly by no means in favor of shedding or diluting our commitment or identity. Much of what divides us lies beyond negotiation, and, whether with regret or resolve, we need for the foreseeable future to acknowledge this fact. Negotiations regarding the prospects of the use of a revised *ketubah* or of joint recognition of an agreed upon *bet din* to be charged with authority over issues of marriage and divorce were initiated in good faith during the mid-1950s by the *halakhic* leadership of the R.C.A. and of the R.A. Nevertheless, despite the absence of acrimony, they produced nothing but the bitter-sweet fruit of missed opportunity. However, there exist matters of controversy of a more flexible nature, with respect to which both policy

and its implementation may be subject to meaningful latitude. With regard to these, a measure of description and analysis may be helpful in formulating our own inclinations and in clarifying them to others. I harbor no illusion that this will, in and of itself, effect reconciliation and usher in the millennium. But even if it only helps improve the current climate, paving the way for a better tomorrow, *dayyenu*.

The central issue confronting us—at once the most pragmatic and the most passionately experienced—concerns the exercise of power in the context of religious controversy. Typically, one side may envision itself as an angel guardian, protecting and advancing cherished values, while another sees itself, passionately, as the aggrieved victim of discrimination; and vice versa. And both may be right. In practice, many of these issues impinge most directly and most immediately upon individuals; but, as the roots are likely to be collective, I shall attempt to focus briefly upon these—to deal, that is, with aspects, explicit or implicit, of the theory and conduct of the historical *kehillah*, with the contemporary scene in Israel or in the Diaspora, and, *a fortiori*, with a possible future theocratic community.

As a point of departure, we need to note a fundamental distinction. Unquestionably, there are numerous avenues through which an ideological community can harness its control of elements of the power structure of its base in order to impose its will upon constituents, so as to safeguard the perceived collective character of that entity, in accordance with political or spiritual goals. It may impose direct monetary or physical sanctions, ranging from incarceration to execution. In the economic sphere, it can utilize direct subvention or tax incentives favoring adherents, to the detriment or neglect of dissidents. On the legal front it can limit access or recourse to the system and disbar some from participation in certain processes.

Such initiatives are, essentially, largely discriminatory in nature, and hence understandably objectionable to liberal sensibility. There is, however, no denying that, historically, many were adopted by, among others, our traditional community, and some (as, indeed, is the case with many modern and presumably democratic societies as well) are of the woof and warp of the *halakhic* corpus.

Generally confining, these sanctions are often grounded in exclusion—at times, perhaps even expulsion—from the *halakhic* community, through classification under the rubric of one of a complex of kindred categories, such as *mumar*, *rasha*, or עִמָּךְ מֵעֲשֵׂה עִמָּךְ, “he who does not act as befits Your people”;<sup>44</sup> or, conversely, through the lack of the characteristics requisite for definition as רַע, אֶה, or בְּרִית. Generically, they entail prioritizing the sustenance or safeguarding the integrity of *bet Hashem*—in the broader or narrower sense of the concept—over the welfare and aspirations of the individual. In this respect, this mode is out of sync with much of the modern temper, which is wholly at peace with penalty administered by the state and its agencies in response to deviant conduct, but only where *lèse majesté* of flesh and blood is concerned, not with recalcitrant conscience-driven positions invoked against<sup>45</sup> מֶלֶךְ מְלָכֵי הַמְּלָכִים.

It is not to my present purpose to rationalize this practice or to “justify the ways of God to man” within the context and against the background of modern democratic theory and practice. I dealt with some of the central issues in some early essays;<sup>46</sup> and, some strange attempts to cross-breed *yahadut* and postmodernism notwithstanding, find little cause for recasting or revising my basic formulations. My task here is rather to survey whether and to what extent the premises latent in what I have briefly outlined should dictate our response to the question to which I have been asked to address myself.

The relevance of the nature and scope of the imposed standards touches precisely upon the distinction I wish to stress. Some of the positions espoused by the Orthodox community and its leadership, which breed resentment among its opponents, are not, strictly speaking “theirs,” at all. Rather, they constitute application of *halakhic* norms to concrete situations. Disqualification of *parshiyot* of *tefillin* written by a Reform *sofer* is, indeed, discriminatory. But the decision to enact it is no recent innovation of Hungarian rabbis—or of their current Israeli or American counterparts—desperately fending Neological encroachments. It is nothing more than the implementation of the Rambam’s dictum—based, in turn, upon Talmudic sources—that only כֹּל שֶׁמִּזְוָהר עַל הַקְּשִׁירָה וּמֵאֲמִין בָּהּ הוּא שְׂכֹתָב “Only one who is commanded regarding the tying and believes in it may write,”<sup>47</sup> which leaves little, if

any, latitude for *poskim*, even should they prefer leniency. Likewise, determination of who is to be authorized to engage in *siddur kiddushin* or *gittin* must be made with an eye to the *gemara's* admonition,

כל שאינו יודע בטיב גיטין וקידושין לא יהא לו עסק עמהם.

He who does not know the particulars of divorce and betrothal should have no business with them<sup>48</sup>

which, as the example cited clearly indicates, sets a high standard of mastery:

א"ל רב ימר לרב אשי... אפילו לא שמיע ליה הא דרב הונא אמר שמואל?

Rav Yemar asked Rav Ashi... Even if he is ignorant of this ruling of Rav Huna in Samuel's name?

that is, must he know that we accept the view of Rabbi Yose, that *kiddushin* in which the declaration of "כדמ"י לי את מקודשת is inferred contextually but not verbalized are valid?

א"ל אין הכי נמי

And the concluding response is—indeed, if he is ignorant of this, he cannot qualify.

Some have sought to qualify these limitations by invoking concepts which mitigate the responsibility of the disbarred, by invoking concepts which shift the blame to others. He or she may be categorized as the victim of his upbringing,<sup>49</sup> of his passions, which, it is contended, should be evaluated more liberally,<sup>50</sup> or as merely a party to a collective apostasy.<sup>51</sup> However, these concepts, while possibly valid in themselves, and certainly are very much in line with much contemporary moral theory, are of little relevance for the issue under discussion. They can be significant with regard to the mitigation of personal fault but of no import when the issue is one of objective competence or commitment.<sup>52</sup> Would we routinely entrust the construction or maintenance of a complex reactor to a well-intentioned but barely trained technician?

On the other hand, in certain situations our course of action may very well be determined by public policy factors or axiological considerations, when pure *halakhah* would admit some leeway. The optimal degree of centralization with respect to *kashrut* or *mikvaot* is not subject to categorical *halakhic* fiat; and *halakhah* as a whole clearly acknowledges the existence of *devar hareshut* and the legitimacy of including relatively extraneous elements, which nevertheless have spiritual consequences, in the process of decision. Moreover, we are not so ethereal as to reject wholly any truck with patently pragmatic or, if you will, political factors. In such cases, however, the subjective factor in the formulation or exposition of policy will be far more significant.

I presume it would be a bit naïve to expect that our non-Orthodox opponents will be wholly convinced or mollified by this distinction. Even should they appreciate it, some resentment over what they often perceive as marginalizing discrimination and unfair delegitimization—particularly, in the ranks of the Conservatives—would probably persist. Nevertheless, it is to be hoped that the rancor would be palliated and residual accusative temper ameliorated. While we would not anticipate unqualified acceptance of our own position, we could hope that other camps would at least understand us better, and consequently respect us more, if they regarded us as spiritually motivated rather than as power-hungry autocrats. The climate of discourse and the quality, both civil and religious, of discussion, purged of some acrimony, could then be improved significantly, as regards both למען אחי ורעי “For the sake of my brethren and kin” and א-לקינו ה' למען בית ה' “for the sake of the house of the Lord our God,” in the broader senses of these terms.<sup>53</sup>

Of no less importance is the value inherent in our own awareness of the distinction. Without necessarily conceding any of our positions in either category, recognition of difference could potentially issue in critically fairer assessment of how and why we structure the process of collective decision. In a climate which increasingly values transparency, we could better our standing in this respect, possibly both improving the quality of decision proper and attaining greater and more charitable appreciation of its nuances. It would also clarify somewhat when we could be conciliatory and when intransigent, altering, for instance,

our recourse to concern about the slippery slope—a concern which is unquestionably rooted in Hazal<sup>54</sup> but whose application in our modern context requires careful crafting.

I reiterate that, unquestionably, the issues which divide us from the non-Orthodox are substantive and substantial, and I harbor no illusion about easy or early resolution of our conflicts. Much of what is preached and professed by many beyond the pale of Orthodox belief as being gospel truth, ranging from claimed historical facticity to meta-historical vision, regarding the secular as well as the sacred, is regarded by *ma'aminim bnei ma'aminim* as nothing short of *kefirah*. Much of what is extracted from Scripture or ingested into it is shot through with *apikorsut*. Above all, the composite portrait of the Ribbono Shel Olam often presented, by critical scholarship, as the biblical and/or Jewish perception of deity is, for us, blasphemous *hiruf v'gidduf*. Of all this we are painfully aware; and of all this we are perforce on our guard. Nevertheless, I submit that if we are in earnest about our concern regarding אהי ורעי, my brethren and kin, and honest about the role of ירושלם הבנויה כעיר שחברה לה יהודי, “Jerusalem, built up, a city knit together” (Psalms 122:23), we should recognize the value of such resolution and strive, in the interest of both national and spiritual welfare, to internalize it as such. Wasn't the conjunction of these aspirations crucial to the climactic vision of Sinai? And was it not part of what Ruth, incisively imagined by Keats as sad-heartedly, “sick for home, / She stood in tears amid the alien corn,” at the Rubicon of personal destiny, intuited as essential to the molding and enhancement of permanent Jewish commitment?

### Postscript

When this paper was initially presented to the Orthodox Forum last spring, it was subtitled: “An Overview Regarding Relationships with Non-Orthodox Jews.” Taken literally, this description augured, to say the least, a sweeping and indeed pretentious undertaking. It presumably was to include a historical survey and analysis of how relationships have in actual fact developed, without limitations grounded in geographic, historical, or cultural context. The historical playing

field was apparently to have been multiple sectors of religious existence, personal and collective; while covering the full range of Orthodox Jewry and its contrasting constituency, only negatively defined, of indiscriminate non-Orthodox Jews. Contemporaneously, the paper was, evidently, to study and describe the current sociological and ideological status of the respective groups, and, finally, to posit, prospectively, a recommended agenda and modality.

It was a tall order—excessively so; and I marvel and regret that I did not realize this fact fully at the time. In presenting this revised version now, more aptly and modestly subtitled, “Reflections Regarding Contemporary Relationships with Non-Orthodox Jews,” I have dealt with both the numerator and the denominator. That is, I have both increased the relevant material and reduced the menu to more modest proportions. In effectuating the latter, I relied somewhat upon this Forum’s mandate, whose introductory paragraph, geared to describing the aim of this Forum, spoke of coming to grips with “the question of how the Orthodox community addresses the Conservative and Reform communities to the additional question of how to address the growing secular Jewish community. This issue mirrors some of the aspects of the Israeli phenomenon and contains some uniquely American elements.” As any reader can judge, however, my presentation has fallen well short of realizing this more limited aim, even at the level of an overview, particularly as regards its scope. I have largely omitted treatment of secular Jewishness, in part because of lack of space and my personal limitations, and in part because while one can of course speak of secular Jewry and the spiritual orientation of nonobservant and non-believing Jews, secular Judaism, as such, is an oxymoron, as secular Anglicanism would be. This downsized essay is, then, centered upon the present scene, discussed against the background of past experience. It draws upon *halakhic* categories and their application, while yet clearly falling short of a full-blown Torah discourse, and it focuses upon a summary exposition of the direction I believe ought to be pursued, circumstances permitting. I have also, despite close to four decades of residence in *Erez Hakodesh*, paid relatively limited attention to the Israeli scene, which would require full treatment on its own.

I find this omission regrettable, but in closing I wish to assure the reader that the limitations were not the result of oversight. I simply feel that while much of my discussion is pertinent to the gamut of contexts billed in the introduction, much does not, since the differences between the respective confrontations are significant. One cannot equate a Reform movement, which explicitly rejects any formal fealty to *halakhah*, with the Conservative, which, despite recent highly deplorable shifts to the left, continues to nurture a self-image of *halakhic* commitment. Despite our profound difference from “believing Jews of other religious ideologies,” they obviously cannot rightly be denominated as secular. Likewise, the Israeli scene, particularly, as viewed from the vantage point of a *yeshivat hesder*, differs markedly from the Diaspora, the reality of common danger significantly heightening the sense of *brit goral*. When a *dati* and a *hiloni* have sat in a tank jointly, their common safety and respective futures often inextricably intertwined, the reality of their relation is perceived, intuitively and existentially, in light of their very special situation.

Hence, rather than lump disparate issues under a common umbrella, I have focused upon a narrower spectrum, and I leave it to the reader to invite comparison or stress dissonance. For the lacunae, I beg indulgence – ועוד חזון למרעד

## NOTES

1. The editors would like to thank Rabbi Dov Karoll for providing translations of many of the primary texts in this chapter. ~~(Northvale, N.J. 1992). I should add, however, that irrespective of possible duplication in the choice of topic, the cast of contributors has changed markedly.~~
2. This chapter in German Jewish history has been widely studied and is the subject of a considerable literature. For our purposes, a recent book which combines detailed attention to this topic with analysis of its broader context—Adam S. Ferziger, *Exclusion and Hierarchy: Orthodoxy, Nonobservance, and the Emergence of Modern Jewish Identity* (Philadelphia, 2005)—is most helpful. One need not adopt the book’s theses—foremost among which is the assertion that in the modern era, the Orthodox community did not content itself with classifying outsiders but, in effect, built a new identity and molded fresh categories—in order to benefit from this study.
3. Coleridge rightly insisted upon radically differentiating faith from belief. Here I

have largely ignored the distinction, however, since it is not very relevant to my topic.

4. Mendelssohn's position was in all likelihood oriented to his specific Jewish background and agenda. Beyond this, however, it probably reflects the pallid character of the Enlightenment. Recently, this position has been energetically pressed by Marc Shapiro, but it can hardly be defined as a variant of avowed Orthodoxy.
5. See, e.g., Ramban and Rabbenu Bahyye, *ad locum*.
6. See *Sanhedrin* 90a.
7. See Alfred North Whitehead, *Religion in the Making* (New York, 1927), pp. 191-193.
8. See *Sefer Hamitzvot, Assei*, 1-2; *Lo Ta'asseh*, 1; and MT, *Yesodei Hatorah*, 1:1-7. It is noteworthy that the Rambam evidently rejects agnosticism as well as atheism.
9. *Mitzvot*, 1-2. The *Hinukh* diverges from the Rambam, however, with respect to some details of the content of belief. For instance, whereas the Rambam focused upon abstract metaphysical aspects of divine existence and providence, the *Hinukh* includes belief in concrete historical events:  
להאמין שיש לעולם א-לוה אחד ... וכי הוא הוציאנו מארץ מצרים ונתן לנו את התורה (מצוה כ"ה).  
To believe that the world has one God... and that He took us out of Egypt and gave us the Torah (*mitzvah* 25).
10. השגות הרמב"ן על ספר המצות להרמב"ם, לא תעשה, ה'.
11. *Perush Ha-Mishnayot*, Rav Kapah's edition, *Sanhedrin*, pp. 144-145.
12. Probably the best-known is the critique of Rav Yosef Albo's *Sefer Ha-Ikkarim*, but he was certainly not alone.
13. As to the substance of this *temimut*, *rishonim* disagreed. The Ramban, *Devarim*, 18:13, gave it a religious cast, inasmuch as we were commanded, in a sacrificial vein, to ignore knowledge, true though it might be, emanating from other entities, albeit recourse to that knowledge would enable us to avert prospective debacles. The Rambam, *Avodat Kokhavim*, 11:16, defined it in cognitive terms as a need to affirm and acknowledge that all forms of superstition and witchcraft are utter nonsense.
14. *Berakhot* 10a. Strictly, and grammatically, speaking, the *pasuk* contains no deviation. The term חטאים, as punctuated with a *dagesh* in the *tet*, is the plural of the *nomen agentis* of חָטָא, "sinner," and not of חָטָא, "sin." Nevertheless, as in many midrashic texts, even a minor irregularity suffices as the basis for homiletical comment.
15. This course may very well be mandated by the normative thrust of *ahavat Israel*. Quite independently of that, however, its benefits—spiritual, ethical, and social—are self-evident, even from a universal perspective.
16. *Avot*, 2:12. See Rambam, *Shemonah Perakim*, chs. 4-5, and MT, *De'ot* 3:3.
17. See *Nefesh Hahaym*, III.
18. For a recent example, see, *בינה ודעת*, הלכות מחללי שבת בזמננו (ירושלים), תשס"ח. Interestingly, while the volume is grounded upon rigorous premises and pervaded by them, the author—apparently recognizing that, in the modern con-



tions with non-Orthodox circles, generally marked by dignity and respect, could readily attest; and that it was both inaccurate and unfair to relegate the work of a generation to the sidelines on the basis of a single brief passage. I also pointed out to him that he was basing his remarks upon a faulty English translation of a faulty Hebrew translation of the original Yiddish. Nevertheless, he held his ground. For the passage in question, see *The Rav Speaks* (a translation of *Hamesh Drashot*) (Toras Horav Foundation, 2002), pp. 43-47. It is true that the Rav was perturbed by what he rightly perceived as the tendentious and disingenuous substance of some *teshuvot* written by Conservative rabbis. I might add that I, myself, encountered something of this directly in working on a *responsum* intended to waive the ban on Gentile wine, which had been referred to the Rav—who then turned it over to me—by one of its Conservative opponents. But that is still a far cry from Rosenak's cavil.

32. See, e.g., Nathan Rotenstreich, "Secularism and Religion in Israel," *Judaism*, 15:3 (1966), 273-283; and my response, in "Religion and State: The Case for Interaction," *Judaism*, 15:4 (1966), 410-411.
33. Cf. *Iggerot Mosheh, Yoreh De'ah*, 1:139 and 2:106-107; and note the comment thereon in Marc B. Shapiro, *Saul Lieberman and the Orthodox* (Scranton, Pa., 2006), pp. 21-22, with regard to teaching in a Conservative *talmud Torah*. It should be noted, however, that Rav Mosheh's *heter* relates to the personal license of the teacher, whereas our discussion refers to the systemic public square.
34. See *Sanhedrin* 23a. One of the Gerer rabbei'im is reported to have commented—perhaps, half in jest—that they would sit with adversaries but insisted upon knowing who they were.  
At some level, the issue arises with respect to the venue of publication as well, but, obviously, to a far lesser degree.
35. In a limited vein, the Rambam cites three distinct aspects of the *mitzvah*; see *Yesodei Hatorah* 5, *passim*. Above and beyond all three, however, is the overarching sense most consonant with *פשוטו של מקרא*, i.e., enhancing the sacral quality of His divine name(s). See Seforno, *Vayikra* 22:22.
36. *Sifre, Va'ethanan*, on *Devarim* 6:4. The portrait of Avraham as a great proselytizer is of course familiar from other *midrashim*; but the link with *ahavah* is telling.
37. *Shevuot* 39a.
38. See *Sotah* 37a and Rashi, *Rosh Hashanah* 29a, s.v. קמ"ל.
39. *Sanhedrin* 73a.
40. See *Baba Mezia* 31a; for the discussion concerning *avedah mida'at*. The Tur, *Hoshen Mishpat*, 260, assumes that in such a case ownership ceases as the object becomes *hefker*. However, the Rambam, *Gezeleh V'avedah* 12:11, holds that ownership remains intact, and only the *mitzvah* of returning the *avedah* is nullified.
41. The notion that a person is *not* master of his own being, while anathema to secular modernists, is of course a linchpin of classical religious thought. It served to negate a possible legal right to sell oneself, and, from Plato to Spenser, as a rationale (unlike Camus) for rejecting suicide.

42. *Baba Kamma* 69a. The final word in the original of this dictum is *veyamut*—literally, “and let him die.” However, as I presume that if the thief’s life were actually in danger, as he consumed his loot, one would certainly be duty-bound to save him, I have preferred to translate generically. The only “death” in question is that which is the just dessert of the sin.
43. See Resp. 142. For a recent survey of the formula and its qualifications, see R. J. David Bleich, “The Case of the Poisoned Sandwich,” *Tradition* (Fall 2008), 58-86.
44. These terms, each divisible into subcategories, all relate to non- or anti-*halakhic* content and are listed here in descending order of severity. The first denotes apostasy, the second entails violation of certain kinds of prohibition, and the third, failure to maintain a *halakhic* regimen, flexibly defined for various applications. The term *אינו עושה מעשה עמך* is more marginal than the others cited here. Moreover, its practical definition is relative to the area of its application. A single narrow aberrant violation does not, per se, place the deviant beyond the pale. See *Baba Mezia* 48b, *Tosafot*, s.v. *b’osseh*; and cf. *ibid.*, 62a.
45. It has been widely suggested that recourse to coercion is the litmus test serving as the Rubicon dividing the premodern *kehillah* from its successor; see, e.g., Ferziger, ch. 3. This assertion obviously invites a question as to whether this development entails an attitudinal shift or just the loss of requisite power.
46. See, particularly, “Religion and State: The Case for Interaction,” *Judaism*, 15:4 (Fall 1966), pp. 387-411; and *Judaism*, 16:2 (Summer 1967), pp. 226-227. Reprinted in *Leaves of Faith* (Jersey City, 2003, 211-232).
47. *Tefillin* 1:13.
48. *Kiddushin* 6a.
49. See *Shabbat* 68b and Rambam, *Mamrim* 3:1-2.
50. See *Sanhedrin* 26b, and *Tosafot*, s.v. *hehashud*.
51. See Ramban, *Bamidbar*, 15:22-30. I am inclined to think that a close reading of the Ramban’s text does not necessarily yield a radical distinction between collective and individual apostasy, with respect to their gravity and possible pardon. Even if one does read this into the Ramban, the scope of the distinction is, as I have noted, limited.
52. An analogy may be noted between this formulation and the question—debated by, *inter alia*, Kant vs. the Utilitarians—as to whether ethical and/or religious virtue is to be defined by subjective input and intent or by objective output and result. And indeed, some link exists, since, well before Kant, the matter had been treated in the world of *halakhah*, within which it figures prominently. Anecdotally, the following incident may be illustrative. At a meeting held some years ago between the staff of an Israeli yeshiva and a group of Conservative leaders, Dr. Schorsch cited the text of the *mishnah* in *Menahot* (110a), אחד המרבה ואחד, הממעט ובלבד שיכוון ליבו לשמים “Whether one offers much or one offers little, as long as one directs his mind toward Heaven,” as a guideline for choice of a *posek*, on the basis of goodwill and intent, rather than upon the range of knowledge.

Whereupon an observer questioned whether he employed parallel criteria in selecting a doctor.

53. It should be stressed, however, that the history of dogmatic and doctrinal religious conflict is replete with illustrations of the thesis that tension—and, at time, persecution—is most intense when at issue are what to an outsider appear to be mere nuances, the very proximity sharpening the mutual threat.

דמינה מחריב בה דלא מינה לא מחריב בה (זבחים ג.)

Its own kind destroys it, while a different kind does not destroy it (*Zevahim* 3a).

54. Many Rabbinic ordinances, classified as *gezerot*, are rooted in the fear that neutral A may lead to undesirable B. However, Hazal established a general principle that גזירה לגזירה לא עבדינן; i.e., we don't proscribe neutral C out of concern that it will lead to neutral A, and thence to B. See *Bezah* 3a.