

SURVEY OF RECENT HALAKHIC PERIODICAL LITERATURE

Immanuel Jakobovits

With the continued sparsity of topical halakhic material in rabbinical periodicals proper, we are once again compelled to cast our net more widely and to feature an assortment of rabbinical writings bearing on Halakhah from works and quarters transcending our usual sources.

SOLVING THE *AGUNAH* PROBLEM

By far the most agonizing challenge confronting the rabbinate today is to ameliorate the wretched fate of legal spouses who remain "chained" (*agunot*) to each other and debarred from remarriage, because the spitefulness, avarice, desertion, insanity or unproved death of one partner prevents the release of the other through divorce. These tragic cases, which usually inflict more disabilities on women than on men (since the ban on polygamy and on divorcing a wife against her will is only a rabbinic enactment dating from the 10th century and thus of lesser severity than the corresponding restrictions on women), are becoming increasingly frequent with the widespread recourse to civil divorces and the husband's subsequent failure, refusal or inability to dissolve the religious bond by a religious divorce. The problem has lately been dramatized by the much publicized petitions for relief addressed by various National Councils of Jewish Women to the rabbinate in their respective countries.

The first scholarly response to this challenge has now come from Rabbi Dr. Eliezer Berkovits, of the Jewish Theological College in Chicago, in a book *Tenai b'Nissuiv uve-Get* ("Conditional Marriages and Divorces") just published by the Mosad Harav Kook (Jerusalem 5727). We here include some brief references to the contents of this significant work because (1) it was originally written for a halakhic periodical publication in Israel, (2) it deals with a subject of exceptional importance, and (3) it features an introduction of fundamental concern by the late Dr. Yechiel Weinberg.

The gravity, delicacy and complexity of the issues discussed in this 170-page volume render it both impracticable and imprudent to give even the briefest of abstracts in a journal such as *TRADITION*. All that can here be attempted is to acquaint our readers with the existence of this book, with the general nature of the far-reaching proposals it tentatively submits to expert consideration by the leading sages of our time, and with the authoritative opinions expressed by so knowledgeable a master as Dr. Weinberg.

After acclaiming the author's extraordinary erudition and industry in composing this profound and unique work, Dr. Weinberg emphasizes the unprecedented pressures of this problem. While the leading

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scholars of the last generation, which adamantly opposed any legal innovations to meet the situation, merely knew of relatively isolated cases of hardship resulting from the marriage and divorce procedures as currently practiced, the problem had been immensely aggravated in recent times, especially with the remarriage of numerous women who had obtained no religious divorce from their first husbands and whose subsequent children were thus branded as *mamzerim* suffering permanent and grave disabilities. This growing evil made it all the more urgent to spare no effort in the search for an acceptable solution.

Moreover, the heated and unanimous rabbinical opposition to a previously suggested innovation (proposed by the French rabbinate about sixty years ago) concerned the automatic annulment of every marriage subsequently dissolved by a civil divorce only; this would have reduced all Jewish marriages into mere "partnership contracts" to be arbitrarily terminated by the courts at the wish of either partner, making the formal "condition" attached to every marriage nothing but a legal evasion to cover up the civil verdict. Dr. Berkovits, on the other hand, limits his proposals for such "conditions" to specific cases without making them dependent on the civil courts.

While Dr. Weinberg felt too ill to determine a definitive affirmative or negative opinion on the book's proposals, he did offer some valuable elucidation of the subject. What prompted the greatest sages of the past generation to reject so

uncompromisingly any qualifications or conditions in the marriage contract which might have eased the situation—notwithstanding the more lenient views of such leading authorities as R. Mosheh Isserles, the *Noda Biyehudah* and the *Chatham Sopher*—was the concern not to qualify or undermine the absolute sanctity of the marriage bond and not to encourage any licentiousness among Jews who might claim that the religious marriage was but an empty formality which could be voided by a civil judge. The retroactive annulment of marriages resulting from such prior "conditions," by legally turning all marital relations during the intervening period into "acts of prostitution," violates the moral conscience of Judaism. Even at the time of the Talmud such enactments were only made in specific cases, and then only to avoid inadvertant encumbrances (*Gittin* 33a).

The fundamental question, therefore, that the book challenges the foremost rabbis of our age to resolve is above all one of principle: Is it more important to maintain the absolute sanctity and permanence of Jewish marriages in the sense of "I will betrothe thee unto me for ever" (Hos. 2:21), so that even in religious circles the purity of marital life should not suffer the slightest impairment, or to consider the widespread evils and hardships today of persons who cannot or will not be given their freedom from their spouses, and who nevertheless often remarry with disastrous consequences in violation of the law? There are weighty arguments for

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both alternatives, and our leading sages must not withhold their judgment by the most painstaking re-examination of this grave question.

In his exceedingly well-documented dissertation Dr. Berkovits examines with great thoroughness and skill the various legal devices which could be, and have been, considered to alleviate the sad lot of the "chained" spouse. The opinions of numerous early and late authorities—from the Talmud to the present day — are carefully cited, analyzed and weighed in the light of contemporary conditions. On balance they lead the author to the conclusion that, upon further study by the acknowledged rabbinical scholars of our time, several solutions to the problem could be found in accordance with authentic precedents.

The book is divided into four chapters discussing the principal methods under review:

1. *Conditional Marriage*—the proposal to make the validity of marriages contingent, by an express agreement between the parties before their wedding, upon certain conditions, whereby, for example, the marriage would be invalidated if two years following its civil dissolution the husband refused to grant his wife a religious divorce or demanded a ransom for such a divorce. This proposal is based mainly on a ruling by the 15th century R. Israel Bruna, codified in the *Shulchun Arukh* (*Even HaEzer*, 157:4, gloss), permitting a marriage to be made contingent on the wife not being

left with an apostate brother-in-law (who could not free her from the levirate bond) upon her husband's death. Many objections have been raised against the principle of conditional marriages, but Dr. Berkovits believes that these could eventually be overcome or outweighed by the specific considerations for the public welfare here involved.

2. *Prospective Divorce*—the proposal to execute or commission a divorce to take effect on the fulfillment of certain conditions after a stipulated time. This method is usually advocated, and has occasionally been applied, in war time to free the wives of missing soldiers some time after the conclusion of hostilities. The author shows that there may be many legal and moral impediments as well as practical objections to conditional divorces of any kind, whether they are to take effect retroactively from the time of execution or later. The recommended procedure is to commission the requisite officials (scribe, witnesses, etc.) to write and hand over the divorce document on behalf of the husband in the event he does not return after, say, two years following the end of the war. This is based on the Talmud (*Gittin* 76b) and does not involve the attachment of any conditions to the divorce itself.
3. *Annulment*. The Talmud provides for certain cases in which the rabbis could declare a marriage null and void, to prevent

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fraud and other abuses, on the assumption that "whoever marries does so with the agreement of the rabbis" (*Ketuvot* 3a), i.e. on the implicit understanding that his act accords with the rabbinical enactments; hence the inclusion in the marriage formula of the phrase "according to the law of Moses and Israel" (*Tosaphot*). Opinions among later sages have been widely divided on how far this power can be generally used for the annulment of marriages, especially in cases other than the five specific (and rather technical) instances listed in the Talmud. While several communal enactments exercising this power are known from medieval records (as detailed by A. H. Friedmann, *Seder Kiddushin ve-Nissu'in*, Mosad Harav Kook, Jerusalem, 5705), the *Shulchan Arukh* (*Even Ha-Ezer*, 28:21, gloss) appears to rule out such annulments. One important authority (responsa R. M. Alshaker, No. 48) suggests that such enactments can be made only with the consent of all or most of the communities (and their rabbis) in a country. On this basis, Dr. Berkovits believes, the present facilities in communications and the existence of national communal and rabbinical organizations should render it possible to enact legislation for bringing some relief to today's pressing situation.

The book and its proposals will no doubt meet with much determined opposition, as did similar

attempts at modifying legislation in the past, even if the arguments can be halakhically sustained. The evolution of Jewish law is an organic process influenced by numerous social, moral and ideological factors as well as purely legal considerations. It is to be hoped that Dr. Berkovits' painstaking researches will give a powerful impetus to an intensified search for procedures doing justice both to the lofty rules which have "sanctified the people of Israel through *Chuppah* and *Kiddushin*" and to the individuals who occasionally suffer great hardship from the application of these rules.

EXPERIMENTS ON HUMANS

A medico-moral problem of ever more acute and widespread concern is the growing practice of medical experimentation on human subjects. No adequate halakhic opinions in this vital field of modern research are yet to be found in rabbinic writings. The present reviewer recently attempted an analysis of some relevant sources, leading to several tentative conclusions in principle, in an article on "Medical Experimentation on Humans in Jewish Law" originally published in *The Jewish Advocate* (Boston, July 7, 1966) and subsequently reprinted in the *Proceedings of the Associations of Orthodox Jewish Scientists* (vol. 1, New York, 1966).

The following ten basic principles found in the Halakhah appear to determine the Jewish attitude to such experiments:

1. *Human life is sacrosanct, and*

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of supreme and infinite worth. Any precept, whether religious or ethical, is automatically suspended if it conflicts with the interests of human life (except idolatry, bloodshed and immorality). Moreover, the value of every human life is infinite and beyond measure, so that any part of life—whether a second or seventy years of it—is of equal value, since infinity is indivisible. Accordingly, to kill a decrepit patient approaching death is exactly the same crime of murder as to kill a healthy person (Maimonides, *Hil. Rotzeach*, 2:6). For the same reason, one life is worth as much as a thousand lives, since infinity is not increased by multiplying it. One must not therefore surrender one hostage to save the others if the whole group is otherwise threatened with death (*Yoreh De'ah*, 157:1, gloss).

2. *Any chance to save life, however remote, must be pursued at all costs.* The violation of the law for the preservation of life is mandatory even when such an outcome is beset by any number of doubts and improbabilities (*Orach Chayyim*, 329:2-5). See also #9 below.

3. *The obligation to save a person from any hazard to life or health devolves on anyone able to do so.* Anyone refusing to come to the rescue of a person in danger of losing his life, limb or property transgresses the biblical law "Thou shalt not stand upon the blood of thy neighbor" (Lev. 19:16; and Rashi, a.1.). Hence a doctor who refuses to extend medical aid when

required is deemed guilty of bloodshed, unless a more competent doctor is available (*Yoreh De'ah*, 336:1). But it is questionable how far one must, or may, risk one's own life or limb in an effort to save one's fellow; the duty, and possibly the right, to do so may be limited to risking a less likely loss for a more likely gain (Karo, *Bet Yoseph*, *Choshen Mishpat*, 426).

4. *Every life is equally valuable and inviolable, including that of criminals, prisoners and defectives.* In the value of life, being infinite, there can be no distinction between one person and another, whether innocent or guilty (except possibly if under a sentence of death [*Orach Chayyim*, *Mishnah Berurah*, *Bi'ur Halakhah*, 329:4]), whether healthy, crippled, demented or terminally afflicted. Thus, the Torah decrees the inviolability of the body even after death specifically in relation to capital criminals (Deut. 21:23; see Nachmanides, a.1.), and the duty to compensate and save insane persons is the same as protecting the rights of others (*Bava Kamma*, 8:4; and *Mishnah Berurah*, loc. cit.).

5. *One must not sacrifice one life to save another, or any number of others.* This is derived from the "logical argument" of "how do you know that your blood is redder than your neighbor's," i.e., that your life is worth more than his (*Yoma* 82b), an argument equally used in reverse (*Hagahot Maimuni*, *Hil. Yesodei Hatorah*, 5:7) to explain why one must not surrender

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one's own life to save someone else's.

6. *No one has the right to volunteer to sacrifice his life.* The right to expose oneself to voluntary martyrdom is strictly limited to certain cases specified by law; to lay down one's life under any other conditions is regarded as a mortal offense (Maim., *Hil. Yesodei Hatorah*, 5:4).

7. *No one has the right to injure his own or anyone else's body, except for therapeutic purposes.* The human body is Divine property (*Hil. Rotze'ach*, 1:4), surrendered merely to man's custody and protection. It is therefore as wrong to harm one's own body as it is to injure another person's (*Choshen Mishpat*, 420:1-30), or even to strike a person with his permission (*Shulchan Arukh Harav, Choshen Mishpat, Hil. Nizkei Ha-Guph*, 4), unless such injuries (e.g. incisions or amputations) serve the overriding good of the body as a whole (cf. Maimonides, *Hil. Mamrim*, 2:4).

8. *No one has the right to refuse medical treatment deemed necessary by competent opinion.* For this reason (compare also #6 above), the patient's consent is not required for any urgent operation in Jewish law (Jacob Emden, *Mor Uketzi'a*, 228). The doctor's obligation to save life and health is ineluctable and altogether independent from the patient's wishes or opposition, and he may even have to expose himself to law-suits against him in the performance of this

superior duty.

9. *Measures involving some immediate risks of life may be taken in efforts to prevent certain death later.* It is permitted to administer doubtful or experimental cures if safer methods are unknown or unavailable. Indeed, a seriously ill patient may be given a drug which may either cure him or else hasten his death, even if the chances of success are not even, so long as the majority of the specialists consulted favor such treatment (Jacob Reischer, *Shevut Ya'akov*, part 3, No. 75; Solomon Eger, *Gilyon Ha-Harsha*, on *Yoreh De'ah*, 155:5).

10. *There are no restrictions on animal experiments for medical purposes.* The strict law against inflicting cruelty on animals is inoperative in respect of anything done to promote human health (*Even Ha-Ezer*, 5:14), provided every care is taken to eliminate any avoidable pain (J. M. Breisch, *Chelkat Ya'akov*, Nos. 30-31).

From these principles the following tentative conclusions appear indicated:

1. Possibly hazardous experiments on humans may be performed only if they may be potentially helpful to the subject himself, however remote the chances of success are.
2. Even untried or uncertain cures should be applied in attempts to ward off certain death later, if no safe treatment is available.
3. In all other cases it is as wrong to volunteer for such experiments as it is unethical to sub-

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mit persons to them, whether with or without their consent, and whether they are normal people, criminals, prisoners, cripples, idiots or patients on their deathbed.

4. If the experiment involves no serious hazard to life or health, the obligation to volunteer for it devolves on anyone who may thereby help to promote the health interests of others.
5. Under such circumstances it may not be unethical to carry out these harmless experiments even without the subject's consent, provided the anticipated benefit is substantial enough to invoke the precept "Thou shalt not stand upon the blood of thy neighbor."
6. In medical treatments, the opinion of competent experts alone counts, not the wishes of the patient; and physicians are ethically required to take whatever therapeutic measures they consider essential, irrespective of any legal claims against them later.
7. Wherever possible, all new medical drugs or procedures should first be tested on animals, though every precaution should be taken to spare them from suffering pain.

REFORM MIXED MARRIAGES

Certainly a most unusual source from which to draw material to fill this Department is the *Central Conference American Rabbis Journal*. But the item abstracted below is so acutely relevant to contemporary Halakhah and its problems that it merits inclusion here as a

matter of great interest to our readers.

In a bold challenge to his Reform colleagues Dr. J. Petuchowski, for long an articulate advocate of some return to halakhic Judaism at the Hebrew Union College in Cincinnati, castigates the Reform Rabbinate for its ambivalent attitude to mixed marriages in a plea which could scarcely be improved upon by any Orthodox writer ("Realism about Mixed Marriages," *CCAR*, October 1966, p. 34 ff.). The article is based on a recent survey which revealed that 28% of the Conference members will "officiate" at a "Jewish" marriage with a non-Jewish partner, at least under certain conditions (15% without prior conversion, provided the children will be raised as Jews; 10% without conversion "in certain conditions"; and 3% with no conditions). The ostensible objective of such marriages is "to save the Jewish partner for Judaism," the children for Sunday Schools, and the "rabbi" for "an important pastoral function by calming the conscience of the Jewish partner and [his] parents."

But overlooked in these arguments "is the very nature of *kidushin*, and the clericalist airs which Reform rabbis are giving themselves by agreeing to 'officiate' at a mixed marriage. When it suits our purpose, we never tire of proclaiming that Judaism is a non-priestly religion. . . . But when it comes to concrete cases, we become more priestly and ecclesiastical than the most rigorous Orthodox fundamentalist" by establishing "the validity" or "Jewishness" of mar-

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riages which technically do not need a rabbi at all. The only justification for a rabbi's presence "is his role as representative of the *halakhah* accepted by *kelal yisrael*." Otherwise "he is guilty of *genevat da'at* — unless he specifically states in his wedding address, that the validity of this marriage is recognized only by the state and by some sections of Reform Jewry, though not by Judaism as a whole, and unless he omits the words *kedat mosheh veyisrael* from the *kiddushin* formula." He would have to make it clear "that he is 'officiating' at a 'sacrament' of his own invention, [which] has no connection with what is recognized by the rest of Jewry as a 'Jewish marriage.'"

Dr. Petuchowski adds courageously: "As long as more than one quarter of our members . . . will 'officiate' at mixed marriages, the Orthodox have the better of the argument where, as in England and in Israel, they deny the Jewish validity of Reform marriages. At any rate, they would be justified in instigating rigorous investigations whenever they are confronted by a Reform marriage. After all, as our own statistics indicate, 28 out of every 100 Reform rabbis are willing to 'officiate' at marriages which have no standing whatsoever in Jewish law."

To the question "Why should we be bound by the halakhic understanding of *kiddushin*, [and not have] our own Reform understanding of what a 'Jewish' marriage is?" the writer replies bluntly that such a marriage is, at best, a "Reform Jewish" marriage.

"Should we be willing to settle for that, we could save ourselves a great deal of trouble in the State of Israel. Some years ago, Israel's Minister for Religious Affairs assured the Reform Jews that they would obtain complete religious freedom (including the area of marriage and divorce law), if they were to consent to registering as a separate religious denomination. . . The Reform Jews of Israel rejected the suggestion as preposterous." But judged by the admitted practices of the Reform Rabbinate, and particularly the claim, never officially repudiated, of many younger Reform leaders that "Reform Judaism is a new religion . . . which—more or less by historical accident—shares part of its name with the historical religion of Judaism," the Minister's suggestion "may not have been so preposterous, after all." In fact, Dr. Petuchowski believes that about 25% of the CCAR members would be ready to assert that Reform Judaism is a new religion in its own right—a percentage liable to increase as time goes on.

The author therefore calls on his colleagues to surrender their present ambivalence and inconsistency in favor of one of two mutually exclusive positions: Either mixed marriages, involving an unconverted non-Jewish partner, are possible in all cases, because the prohibition of them no longer applies in modern times. In that event, we "have radically broken with the law of marriage as understood by historical Judaism; [this] should, logically, make us amenable to the suggestion of Israel's Minister of

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Religious Affairs that Reform Jewry register as a sect in its own right." Or else, the Conference "will have to take a stand against those of its own members who regard Reform Judaism as a new religion . . . , and it will also have to bear in mind the meaning which the concept of *kiddushin* has for *kelal yisrael*."

We cannot but heartily endorse this bold plea, confident that its conscientious adoption would in one stroke remove a major obstacle to Orthodox-Reform understanding and reduce the awful danger of Jewry being split into two peoples unable to marry within each other—a paramount threat unfortunately altogether overlooked in the author's reasoning to sustain his strictures.

"SANCTIFYING THE NAME"

BEFORE NON-JEWS

The recent violent controversy concerning the Jewish religious obligations to non-Jews* makes Rabbi Shelomo Goren's halakhic dissertation on the above theme particularly topical. It appears as a contribution to the valuable Israeli Army magazine *Machanayyim* (No. 110, Tishri-Cheshvan 5727), the two latest numbers of which are entirely devoted to blood libels and show trials against Jews. They contain, as always, an erudite lead article of halakhic interest by the Chief Rabbi of the Israeli Defense Forces.

The most severe law in the Torah, demanding martyrdom and

overriding even the saving of human life, is the precept "to sanctify the Name" of God, based on "And I shall be sanctified in the midst of the children of Israel" (Lev. 22:32). The performance of this supreme duty, according to Maimonides, is meant "to publicize the true faith in public, without fearing any sacrifice. . . ." (*Sefer Ha-Mitzvot*, pos. com. No. 9).

Whether the commandment to sanctify the Name applies only in the presence of ten Jews (i.e. "in public")—as does the law not to desecrate the Name—or not, may be a matter of dispute, depending on different versions of a passage in the *Sifra* (on Lev. 25:38). But for practical purposes the Talmud (*Sanhedrin* 74b) and the codes (Maim., *Hil. Yesodei Ha-Torah*, 5:1) rule that at least ten Jews are required to fulfill this obligation "in the midst of the children of Israel." It seems clear, then, that the precept does not apply in the presence of non-Jews, unless the transgression itself requires martyrdom, viz., the offenses of idolatry, bloodshed and forbidden sexual relations, which demand sanctifying the Name by refusing to commit them at the cost of life, if necessary, even in private.

On the other hand, we find that it is a special obligation to sanctify the Name of Heaven before non-Jews. Thus the Jerusalem Talmud (*Bava Metzi'a*, 2:5) relates of R. Shimon ben Shetach that he returned to a non-Jewish owner a

* See Immanuel Jakobovits, "A Modern Blood Libel," in *TRADITION*, Summer 1966, p. 58 ff.

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precious stone found on a donkey bought for the sage, so that the pagan would exclaim "blessed be the God of the Jews." Legally such lost property need not be returned, since it is assumed that the owner has given up hope of recovery and so has surrendered his ownership. But R. Shimon nevertheless returned the stone so that God's Name would be sanctified by the mouth of the non-Jew. For this reason, then, property lost by a non-Jew should be returned, even after the loser had despaired of its recovery, while it would not be necessary to restore it to a Jewish loser under such circumstances, since that would not involve any sanctification of the Name.

As further instances of acts to sanctify the Name in the eyes of non-Jews, Rabbi Goren also cites the Talmudic interpretations (*Git. 46a*; *Yevamot 78b* and *79a*; see also *Maim., Hil. Melakhim, 6:5*) of Joshua's action in sparing the Gibeonites (*Josh. 9*) and of David's surrender of Saul's seven sons to avenge Saul's breach of promise sworn to the Gibeonites so that the latter would "bless the inheritance of the Lord" (*2 Sam. 21*).

Whether, and to what extent, the sanctification of the Name before non-Jews may be regarded as a Biblical precept may be related to the divergent interpretations of Maimonides' rulings on martyrdom (*Hil. Yesodei Ha-Torah, 5:4*). One opinion, which Rabbi Goren refutes as untenable in the light of the rulings' wording, distinguishes

between the desecration of the Name, which applies even in private, and its sanctification, which requires the presence of ten Jews (*Lechem Mishneh*), whereas another opinion holds that to be guilty of desecrating the Name ten Jews must also be present (*Peri Chadash*). According to a third view, on the contrary, the Name can be both sanctified and desecrated even in private (*Merkevet Ha-Mishneh*).

Following this latter view, we must assume that there are two distinct degrees of sanctifying the Name—the higher form requiring performance "in the midst of the children of Israel," i.e., before ten Jews, and the lower form which can be fulfilled even in private or before non-Jews—with a parallel distinction between corresponding forms of desecration. The distinction, suggests Rabbi Goren, is based on two separate verses, viz., "And ye shall not desecrate My holy Name; but I will be sanctified among the children of Israel" (*Lev. 22:32*), and "Neither shalt thou desecrate the Name of thy God" (*Lev. 18:21*), the latter verse making no reference at all to acting in public. That verse, then, extends the law of desecration, and by analogy also of sanctification, to acting in the presence of only non-Jews as well. This conclusion is expressly endorsed by the Messianic vision of Ezekiel who states three times ". . . and I shall be sanctified by you (or by them, i.e., by Israel) in the eyes of the nations. . . ." (*20:41*; *28:25*; and *39:27*).

REVIEW ARTICLE:

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IN QUEST OF TRADITION FOR JEWISH EDUCATION

These are the days of "the dialogue," when direct confrontation with those who hold different points of view is encouraged. For it is hoped that through the process of frank exchange of opinion we would more easily arrive at those ideas which unite us, accentuate that which we hold in common, and thus make it easier for all of us to solve the vexing problems which face us.

From this vantage point, it has been most stimulating and enlightening — even challenging — to read Dr. Samuel Blumenfield's series of provocative essays* on American Jewry and Jewish education and on a number of personalities who were evidently his mentors. Dr. Blumenfield is identified with the so-called *Kelall Yisrael* educationalists in this country. He is the American head of the Department of Education and Culture of the Jewish Agency — which attempts to serve all groups within the American Jewish community. Yet,

out of the interesting melange of essays, which he has written over the years, there emerges an educational philosophy which is, on the face of it, by and large, surprisingly traditional—in the historic sense. Over and over again, whether discussing the status of American Jewry, Jewish education, the Hebrew language, Israel or Zionism, he calls for a return to "tradition." Even his "chief," Yitzchak Har-kavy, head of the Jerusalem office of the Department, refers in the Introduction to the wonderful synthesis Blumenfield represents of "traditional Judaism" and an interest in modern Zionism. As a most dramatic instance of the author's constant call for a "return to tradition," I quote the closing sentence of a long and learned essay on "The Study of Torah and Education in the Course of the Ages" which is replete with quotations from the Bible, Talmud, and even some *She'elot* and *Teshuvo*. (itself a surprising phenomenon):

* *Chevrah Ve'chinukh Beyahadut America*, by Samuel M. Blumenfield (Tel Aviv: Neumann, 1965).

In Quest of Tradition for Jewish Education

"Since 'Talmud Torah'—the study of Torah — has been converted by the modern Jew to mean 'Jewish education,' it is incumbent upon all those who are concerned with this education to infuse it with that spirit of sacrifice, devotion and holiness which characterized 'Talmud Torah' " (p. 74).

Upon closer scrutiny, it develops that the author does not spell out in any detail just what he means by "tradition," beyond his inspired dedication to it. Nor does he indicate to what course of practical action this "tradition" impels us and him, beyond some broad general, inspirational objective. As a matter of fact, it is hard to find an appreciable number of concrete solutions to the many problems he analyzes so brilliantly, beyond general exhortations to "return to tradition." But that we shall leave for later — after examining this interesting work in greater detail.

As noted, the 28 essays in the volume represent a collection of the Hebrew essays the author has written over the years in various periodicals, most of them general or secular. They are here brought up to date for the express purpose of providing for teachers in Israel and others a picture of American Jewry and its educational goals and practices. The essays are divided into four sections: "American Jewry Seeks its Ways," "Jewish Education—Theory and Practice," "Mentors in Educational Thought" and "Personalities."

The first two groups form homogeneous units and spell out the problems projected rather fully — sometimes with undue repetition,

which is understandable in a collection of essays written over many years. The sum total of these essays is a sometimes pessimistic critique of the state of American Jewry and its educational set-up. Blumenfield bemoans the fact that American Jewry has no inner dedication to spiritual values, no real interest in a proper educational system for its youth, no authoritative voice to speak for it and no pioneering sense to chart new horizons. Its educational system has moved too far away from "tradition," represents excessive concentration on language study, is far too pragmatic, and given over — in the main — to the study of statistics and an over-emphasis on experimentation. In a word, it is no more than a "*chinuch yalduti* — a childish education." It merits and needs a drastic re-appraisal and a complete over-hauling.

The other two groups of essays are more heterogeneous. The section on "Mentors in Educational Thought" is a curious conglomeration, to say the least. It was natural that Dr. Blumenfield who has written a book on Rashi, "The Master of Troyes," should include an essay on him. He also has a most illuminating essay on "The Educational System of Maimonides." These two essays are learned, thorough and — again — written more or less in traditional vein. There follow an essay on Ahad Ha'am, who seems to be the author's major mentor—although he does differ with *all* of his conclusions—and three on general educators, the "giants" of our times: John Dewey, William Heard Kil-

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patrick and Robert Hutchins.

The latter three essays are brilliant and fortify the author's basic philosophy of education which is an interesting synthesis of emphasis on the spiritual values of the past and modernism in technique and method. He points up the ambivalence with which many of us who labor to win over modern youth to the Jewish way of life are plagued. Of necessity, we are forced to follow Rabbi Meir's pungent contention *vis-à-vis* his teacher, Elisha ben Abuyah: "*Tocho akhalti u'kelipato zarakti*" — I have taken the essence, but discarded the shell. While we may reject the major premises of Dewey's and Kilpatrick's philosophy, we have gained much by adapting their methodology to Jewish education. Blumenfield contends, for instance, that Dewey's accent on doing follows our own dictum of *lo hami-drash ikkar, ela hama'aseh* and that his passion for democracy impels and encourages us to develop our own system of values; and that Kilpatrick's insistence upon the child and his needs as the crucial factors in education has represented a genuine bulwark to the educational philosophy of the Hebrew Day School. Hutchins' emphasis on the classic curriculum and on "eternal" ideas is, of course, right up "our alley."

In the last groups of essays, he pays tribute to his teachers and colleagues who inspired him with a passion for the Hebrew language, for Eretz Israel and the field of education: Haim Greenberg, H. A. Friedland, Nissan Turoff, Menachem Ribalow, Ephraim Lisitzky,

Yechezkel Kaufman, Mordecai M. Kaplan and Zalman Shazar. If there are any central common themes in these essays—not covered in the others—they are: the emphasis of these teachers on values of the spirit (as they interpreted them), and the importance of building up proper teacher-pupil relationships. In almost every case he shows how the teacher's concern and love for his pupil provides the greatest motivation for the latter's personal and professional growth. Beyond these "new" themes, there is further corroboration of his major thesis, or variations on it, as, for instance, his dramatic projection of Haim Greenberg's moving argument that "Hebraic concepts" are more crucial in the education of our youth than the Hebrew language (his famous address at the Zionist Congress), and of Yechezkel Kaufman's diatribe against the child-centeredness of progressive education and his contention that the teacher must be a catalyst of ideas and values.

All the essays are written in a fine Hebrew style, in language replete with Biblical and Talmudic idiom. The author quotes the Talmud and other classical Jewish sources freely. His learning has been broad and impressive and he supports his thesis with variegated authorities and sources. The volume is a learned one, as it is a stimulating and provocative one.

Yet, as noted above, it is rather difficult to put one's finger on what Blumenfield really stands for and what he wants—when all is said and done. Perhaps he has been, like so many in our age, too eclec-

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tic in his studies and thinking, and is groping, like the rest of us, for real solutions instead of "pat" ones. Perhaps he was drawn away too early in his life and studies from those who continued the *Mesorah* to which he pays such passionate tribute. Judging him from this volume *alone* — and I know this is too facile a process for a man of Blumenfield's calibre and perhaps even a bit unfair since this is not an autobiography — it means that he has made a tremendous leap all the way from Maimonides to Achad Ha'am, skipping the generations between them. I looked in vain for some reference, for instance, to the Baalei HaMussar and the other great Roshei Yeshiva who were as much men of *Chinukh* as some of the others about whom he writes. I know, further, that Dr. Blumenfield is not a *Yeshivische Mensch* and, frankly, I would not raise this point had I not discerned in him a real desire to achieve for himself what he senses to be the wish of American Jewry: *lehachazir et ateret hamasoret leyoshnah* — "to restore the crown of 'tradition' to its pristine glory (p. 36).

My quandary is multiplied tenfold when I note further his deep and abiding interest in religious living and values. He quotes extensively from many non-Jewish thinkers who make a plea for the return of the Jews to religion and even chides Hutchins for leaving out the Bible from his list of universal classics. He seems to believe intensely in the thesis of W. A. Irvin, whose "The Intellectual Adventure of Ancient Man" he quotes, to wit: "There is no denying that

the concept of the selection of Israel is based on reality . . . and it is an historical truth that Israel was the people of the Lord" (p. 25). Moreover, he argues again and again that the separation of Church and State in America only makes it easier for us to abide by our own *religious* values; and that the American concept of cultural pluralism actually promotes the growth of Judaism. He seems to believe, too, that the trend away from progressive education towards the acceptance of known religious ideals is a boon to Jewish education. Or, note his biting critique of American Zionism — in which he is firmly moored—calling on it to re-base itself in its religious context; or his insistence that some of our Israeli friends are neglecting the age-old values of our people. Blumenfield really puzzles me.

Reverting to my *main* difficulties with Blumenfield, what does he really mean by "tradition" and what road must we take to "renew it as of old"? Does he give us anything more than "pat" solutions?

Certainly, there is little more than a vague hope in his suggestion to help Israeli youth come back to spiritual—if not religious—values and build that cultural bridge between Israel and America when he suggests a kind of Jewish Unesco "to achieve concrete and lasting relationships between cultural, religious and educational institutions in Israel and America" (p. 37). How would this function and how would it do the job?

In an attempt to solve the problems he painfully perceives in his three fields of major interest—Jew-

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ish education, the Hebrew language and Eretz Israel — he suggests a three-way synthesis or *mizug*: “The task of the educator is, then, to restore to Jewish education *its values of Judaism*. The content must be *Torat Yisroel* and *Tarbut Yisroel*, even if we have to change the form in consonance with the spirit of the times and the ‘taste’ of our modern age. This is our ‘three-fold cord’: an education with its *roots in the past*, recognizing the present, and full of ideals for the future” (pp. 79-80, *italics mine*).

While reading these moving lines, I marked in the margin: “But how?”—and decided that Blumenfield was by-passing the issue, being content merely to state the problems and express a vague wish for their solution. Then I came across this passage: “Just as the Jewish educator saw it as his duty to emphasize *religious* ideals and *traditional* customs in the secularist and nationalist periods, so he must accentuate, in the present atmosphere of sectarianism and the tendency towards separation into religious ‘streams,’ the concept of the unity of the people and its mission for the revival of Hebrew and Israel reborn *without indulging in theological and ideological differences*” (p. 104—*italics mine*)! At this point I realized—with all due respect to Blumenfield’s learning, the challenge and stimulation, and even enjoyment, he provided me

through this interesting volume — where he really stood and where I could not go along with him. Like all my good friends in what I call the “general” field of Jewish education, he wants the Jewish school to be *all things to all people*, which will only lead to *lowest common denominator chinukh*, and not the genuine “*hachzarat he-atarah le-yoshnah*” for which he himself pines.

The dialogue has ended. I am the richer and the wiser for it; but whether we can work out a *common* approach and method to solve the problems which face us both, I earnestly question. A crucial and basic definition of “tradition” divides us considerably.

One personal note in closing. Blumenfield’s book was especially meaningful to me, since, like him, I spent many years at Teachers College at Columbia University and came under the influence of the “giants” and the intellectually stimulating forces he describes. His problems were, in many ways, my own. He seems to have harmonized the eclectic stream of ideas which made an impact on him. I hope I have also. It is a pity, however, that our understanding of “tradition” seems to place us at opposite poles. I have a feeling that he envies me my finding my peace in the *mesorah* of old, the anchor of *all* Jewish generations.