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A REJOINDER TO A REJOINDER ON "HALAKHAH AS A GROUND FOR CREATING A SHARED SPIRITUAL LANGUAGE"

In the Spring '77 *"TRADITION,"* Solomon Spiro wrote "A Rejoinder to David Hartman's article 'Halakhah as a Ground for Creating a Shared Spiritual Language'."* The serious consequences of taking up the challenge as laid down by Hartman or of refraining from taking up this challenge as argued by Spiro demands a rejoinder to the rejoinder or — perhaps more apropos — a continuing "dialogue," spiritual or otherwise.

Perspective and Context

The context from within which one views the question of dialogue with the non-halakhic community is very critical. It is no accident that Hartman argues so passionately for dialogue, since he is speaking from Jerusalem, where the "sharedness" of community is a fact of life and the starting point of his perspective. Spiro, on the other hand — though not a "spokesman for the isolationist school"** — is nevertheless prepared to suspend judgment on the question because he is speaking from the context of *huts l'arets*—*huts l'arets* Jews of a halakhic feather can stick together to pursue their more limited spiritual quest, since "goyim" can be counted upon simultaneously to conduct the society at large and to run interference for the various Jewish sects to prevent their bumping into each other spiritually. The urgency in *huts l'arets* for dialogue with non-halakhic sects is not as pressing.

By contrast, the experience of *berit goral* (covenantal destiny) is, relatively speaking, more immediate in a society like Israel where Jews are responsible for running the whole show, from laying sewers to laying *tefillin*, which of necessity calls for simultaneous cooperation from the entire population in all its endeavors. The military issue is a daily reminder that Jews in Israel are in the same boat (*berit goral*), the experience and pressure of which then raises the question: can they also row together in spiritual terms (*berit ye'ud*) or must their shared destiny be involuntary through harsh political, military and material concerns? *Huts l'arets* Jews associate with others who already possess similar if not identical spiritual goals and meanings, and nothing forces the disparate sects together to experience a practical community except an occasional crisis, at which time their unity sometimes reaches impressive dimensions. This is Hartman's point of departure. "The presence of a living Jewish society in Israel with its dedication to *berit goral* constitutes a fruitful soil for the creation of such a community of meaning,"* a condition absent in the Diaspora.

Messiah's Role

Spiro can afford to delay a response to dialogue by offering a "possible reply" to the burning question, "Are non-halakhic Jews to remain outside forever?", on the grounds that "Every member of the halakhic community believes that the Messiah will imminently come" . . . and "Elijah, who will precede him, will conciliate all differences" and "It is this immediacy of the advent of the Messiah which gives rise to the unwillingness of the halakhic community to risk dialogue . . . now when soon all peoples will be united in a God-given harmony."**

The key words for Spiro's argument of relying on Messiah's coming are "imminently," "immediacy" and "soon." Spiro argues that given the dangers and imperfections, one ought not risk dialogue since soon it will not be necessary anyway. He suggests that the risks become more appropriate the less definite

*Hartman, D., *op. cit.*, p. 32.
**Spiro, Solomon, *op. cit.*, p. 56.

one is about the immediacy (timewise) of Messiah's advent. What is the calendar for this immediacy to which Spiro is referring and where is the threshhold for risk-taking?

Spiro correctly cites Maimonides' twelfth article of faith[1] as evidence of the centrality of the halakhic community's commitment and faith in the imminence of Messiah's coming. But he does not cite Rambam's admonition not to try to ascertain the time of his coming nor to deduce the same through homiletical argumentation from Scripture. Indeed Rambam invokes the sharp condemnation of *Hazal* concerning those who attempt to reckon the exact time of Messiah's coming: "Blasted be their bones."[2]

The Rambam has no difficulty combining the belief in the imminency of Messiah's coming with the admonition to "wait for him if he should tarry,"[3] a source of tension that it would seem Spiro feels a strong need to resolve by organizing his contemporary approach around the "immediacy" of the advent without taking into account the possibility of delay.

Messianic Hope and Activism

In support of his possible reply, Spiro invokes *Eduyot* 8:7 which asserts that Elijah will come to resolve *mahloket* (differences of opinion) or as Spiro puts it, to "conciliate all differences." One should take note that this is only according to R. Shimon. The Mishnah there also advances the view of the Sages that Elijah's advent is "to make peace." If one follows Spiro's argument that since Elijah will conciliate differences soon (R. Shimon's view), it is therefore not worth bothering to risk an imperfect dialogue, then one is led to the absurd conclusion that similarly if Elijah will imminently bring peace (Sages' view), we are thereby relieved of engaging in enterprises whose purpose it may be to bring peace because of the risks, uncertainties and dangers.

The claim that the belief in the immediacy of Messiah is incompatible with an activist and aggressive posture toward attempting the solution of difficult and complex problems in

shaping history is antithetical to the whole spirit of *Medinat Yisrael* — unless one subscribes to the Satmar position.[4] It is understandable, however, from the perspective of a Diaspora community, which must find its niche spiritually within and fit itself into a larger context whose non-Jewish character makes Jewish passivity a more desirable and more acceptable mode of existence. It is then an easy step toward converting an unfortunate necessity of life into an ideology which blunts the barb of this sad repression.

Hartman admits that his understanding of the challenge is an ideological question born out of the reality that confronts him. One cannot claim to "evaluate and judge Hartman's case on its own merits"* by invoking a midrashic mishnah *(Eduyot)* whose meaning is so dependent on the ideology you are exposing.

Self-Sufficiency of Halakhic Community

It is this very same issue which underlies Spiro's claim that the "risk of waiting does not apply to the halakhic community" since "by definition, the halakhic community will always be willing to listen to . . . the authentic words of the Torah."** This leads us to the absurd conclusion that even a community of one would satisfy Spiro's claim. When Hartman questions the wisdom of maintaining isolation until the halakhic community feels sufficiently strong to withstand all temptations inherent in dialogue by suggesting that by then there might not be a community willing to listen,*** he is talking of an existing community of Jews who are already in so many respects sharing a common life *de facto*. It is not that "the halakhic community is duty-bound to bring the non-halakhic community into the fold" . . . in which case it is a "missionary effort" as Spiro understands it,**** but that it is an unnatural state of man (even a Jew) to be together with his fellow man in so many serious respects, even unto death, and yet not to try to understand him in his deepest aspirations toward life (spiritual language). "*Ve-hai bahem*" — "And you shall live with them"! (Leviticus

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*Spiro, Solomon, *op. cit.,* p. 50.

**Ibid.,* p. 51.

***Hartman, David., *op. cit.,* p. 32.

****Spiro, Solomon, *op. cit.,* p. 52.

18:8). In Diaspora, groups of organized Jews are not only spiritually apart but *de facto* apart as well. Hence it is understandable why the desire to communicate spiritually with those who do not share their views must be construed either as missionary work or as a risk not worth taking.

Maimonides: Precedent or Model

On Spiro's attempt to clarify Hartman's appeal to Maimonides[*] by asking whether Hartman wants us to see Maimonides' approach as a precedent for the legitimacy of rationality in Halakhah or as a model illustrating dialogic communication, Hartman very clearly states the latter. "Just as Aristotle aided Maimonides, so does Kierkegard help Soloveitchik plumb new depths in the halakhic experience. . . . These are two *illustrations* of the type of approach that I am suggesting."[**]

Mathematics of Soul Saving

Spiro's objection that this "model" approach is open to the criticism of what he calls "the economy of souls," is very puzzling. How can he claim that "In Maimonides' day because of the identification of philosophical truth with Torah, a shared spiritual language with non-halakhic segments of Judaism, who, in addition, were a minority, did not represent a great risk?"[***] It is precisely the question whether or not philosophic truth could be identified or integrated with Torah that caused such perplexity which motivated Rambam's treatise. Before he offered a way to do it (following perhaps in the footsteps of Saadia Gaon), who identified it as such?[5]

Furthermore, is it relevant to point out the minority status of the unenlightened of Rambam's day? The fact is that alternative philosophies offered cogent, meaningful and attractive

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[*]Spiro, Solomon, *op. cit.,* p. 53.

[**]Hartman, David, *op. cit.,* p. 10.

[***]Spiro, Solomon, *op. cit.,* p. 53.

frames of reference then as they do today. What difference if yesterday only a minority of Jews were aware of them — tomorrow it may be a majority. Is Spiro saying that if the majority of Jews of Rambam's day had been lured by philosophy or Karaism, Rambam would not have felt moved to write the *Guide?* On the contrary, he wrote it even for the few.[6]

As an aside, the very notion of "economy of souls" as an appropriate variable by which to compare the spiritual destiny of one set of Jews against another seems open to question for several reasons. Firstly, is there not a contradiction between "economy" and "souls?" "Whoever saves one (Jewish) life is as if he had saved the entire world." If true in physical rescue, is it not even more so spiritually? This becomes even more acute when you realize that such a vast portion of the Jewish people is severed from its traditional roots not as a result of its inherent opposition but because of vast historical upheavals that have inundated the body of the Jewish nation. A more uncompassionate expression toward the spiritual renewal of ourselves and our fellow Jews than "economy of souls" can surely not have been coined.

Secondly, even if we are determined to make a spiritual census, then it behooves us to be more accurate in our accounting. "The statistics of souls gained for Torah Judaism by groups which do conduct dialogues with the non-halakhic community are not impressive in relation to the numbers who fall away," says Spiro.* To which statistics does Spiro refer? Does he include the losses to Torah Judaism of those students educated within institutions of Torah Judaism who dropped out because of the failure to take seriously the question of Torah values in relation to values at large? Those numbers may be larger than we think if, for example, one considers the drop-out rate of eighth grade day school students to Yeshiva high schools. Does he know the numbers of Jews who might be drawn to Torah Judaism if a dialogue were made available by those committed to halakhic forms of Jewish life? He asserts that the numbers who "fall away" are relatively speaking higher. What is the basis for such a statement?

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*Spiro, Solomon, *op. cit.,* p. 51.

A Rejoinder to A Rejoinder on "Halakhah As A Ground For Creating A Shared Spiritual Language"

It is easy to argue "economy of souls" as a serious objection and then not show its validity.

Shared Theological Language

Spiro seems to have misunderstood Hartman's appeal to the laws which combat idolatry. Hartman is attempting to show how one might approach the more difficult issue of sharing the theological aspect of the spiritual language with those who have difficulty relating to God either because of agnosticism or atheism.* He suggests that theology is not only significant in what it asserts (the belief in God as such) but also in what it rejects — idolatry. This means that when a Jew proclaims "The Lord our God the Lord is One" he is equally asserting "You shall have no other gods!" The battle against idolatry is as much a part of theological language as the affirmation of the One God.

If outright affirmation is difficult for the non-halakhist, rejection is possibly an easier form of affirmation. "To negate can be a moving experience and be deeply meaningful . . ." claims Hartman, "if what is negated has a powerful attraction." By focusing upon what theology is combatting rather than upon what it seems to be affirming, we may discover that halakhist and non-halakhist have more in common than they realized even theologically speaking.

Idolatry — Contemporary Bridge

Furthermore, when Hartman offers the halakhot against idolatry as an example of a value in Judaism which can be translated into categories of thought that are understandable in modern categories of thinking via psychology, he is illustrating the use of a fabric of shared values which already exists if the specialized language of Halakhah can be translated into the language of other universes of discourse. He is emboldened to use this illustration because the Talmudic sages seem to have gone

*Hartman, David, op. cit., p. 23.

down this road, as he shows.* It is irrelevant to argue that "for all the reasons Maimonides gives for the commandments, those applying to idol worship are the least appealing to contemporary sensibilities."** Whether or not Maimonides' specific argument is appealing today is not important to Hartman's position. The very attempt by Maimonides to rationalize it in his day and in his way is very much to the point. One must attempt to emulate Maimonides, but within the intellectual sensibilities of contemporary society.

Contrary to what Spiro argues, that "it is ironic that idol worship should be suggested as a category of discourse for the modern mind,*** it is precisely these kinds of laws that present the greatest challenge to a Jewish philosophy interested in communicating to other Jews the shared meaning that Torah values can have with values that arise from other sources. The modern mind has difficulty appreciating and understanding laws surrounding idolatry because the modern cultural milieu is so far removed from the ancient context with respect to its concepts of worship and practices. The possibility for dialogue can best be tested by dealing with the area of greatest difficulty. There could be no sharing if one were to appeal to faith alone in explaining the laws of idolatry and sacrificial worship.

Hartman has developed a much lengthier treatment of the question raised by Spiro in his recent book on Maimonides.[7] He claims that with regard to *mitsvot* like those concerned with sacrificial worship, Maimonides specifically felt that maintaining integrity in the Jewish legal system argues against changes in normative quality as a result of changed social conditions.**** Hartman adds that "by maintaining the law of sacrifices the Jew might be reminded of his human vulnerability to paganism."***** The same approach can be applied to laws of idolatry. A ra-

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*Hartman, David, *op. cit.*, p. 25-27.

**Spiro, Solomon, *op. cit.*, p 54.

***Spiro, Solomon, *op. cit.*, p. 54.

****Hartman, David, *Maimonides: Torah and Philosophic Quest*, The Jewish Publication Society of America, 1976, p. 177.

******Ibid.*, p. 183.

tional approach might well include an understanding of the role that is played by creating certain kinds of memories as well as by creating and sustaining certain behaviors.

A Shared Spiritual Language — Its Basis

Finally, Spiro questions the appropriateness and cohesion of the term "a shared spiritual language."* It is not clear why Spiro wants to reduce the issue of shared spiritual language to a consideration only of the authority and source of the language as when he says "Both the halakhic and non-halakhic are sincere in expressing their love of their neighbors, but their motivations are different: one is spiritual, the other secular."** What of the content of the language itself, its message, aside from its source? Is this not at least another aspect of a spiritual language? Hartman is aware of the difference in theological orientation between halakhist and non-halakhist as has been indicated by what he himself raises. "A much more difficult question is whether a shared theological language is possible between the believer and the agnostic or atheist."*** To this he answers, "If we can assume that it is possible for individuals to agree on what they reject without acknowledging what they affirm, we may be able to create a shared theology of the repudiation of idolatry, without demanding a clearly defined commitment to belief in God."**** Theology and behavior are elements within a spiritual language, each of which can be tested as to their shareability. And theology itself, as has been explained, can be understood in its positive affirmations as well as by beliefs that it rejects.

Authority and Content

It may well be that the different grounds for observing a given

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*Spiro, Solomon, *op. cit.*, p. 55-56.

**Spiro, *ibid.*, p. 55.

***Hartman, David, *op. cit.*, p. 23.

****Hartman, David, *ibid.*, p. 24.

precept may influence the content of the precept, but not necessarily. At least until we have examined this very carefully, we cannot claim as Spiro has done in his comparison between Buberian dialogic love of neighbor and a halakhic love of neighbor.* "A dialogic love of another person must be human or it cannot be dialogic, while a halakhic love must retain 'something of God' in it even if it diminishes the dialogue to the extent that it cannot be overwhelming as it should be," says Spiro. How does he know so certainly that the Divine component of halakhic love is not to exhort man to love his fellow in a dialogic sense and to reveal to him the grandeur of this gesture? When Hillel advises that too-oft-quoted gentile that "love of fellow" is the whole Torah, is it so clear in which sense he means it in order to be able to exclude with certainty the dialogic sense. The contextual spirit is different, as Spiro points out, but only in the sense that how one comes to the insight is different. The spiritual language must not necessarily be completely different, as Spiro argues, if the capacity of man to love and to be enhanced through love is revealed. It is not so obvious that by definition, a dialogic love may permit one to love a lecher or a convicted killer, in contrast to Halakhah which "will not allow that."** Even in executing capital punishment, the Talmud exhorts us, one must do so lovingly, as evidenced by the prescription to execute the victim as painlessly as possible deduced from the verse "Thou shall *love* thy neighbor as thyself."[8]

If, on the other hand, there is legitimate room for hate in the halakhic system, why is it so obvious that dialogic love excludes all hate. Dialogic is not be confused with Christian love. One can imagine human grounds whereby a person rules himself out of consideration for human love.

All or Nothing

There is yet another aspect to this discussion. Even if Spiro were right that the authority question exhausts the meaning of a spiritual and for this reason he claims that "a halakhic person

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*Spiro, Solomon, *op. cit.*, p. 58.
**Ibid.*, p. 56.

can share a common language with his non-halakhic counterpart but not a common *spiritul* language"* he seems not to give due to the fact that the Jew's spiritual life is mediated through the manifold facets of the Torah, the record of which we have in the Babylonian and Jerusalem Talmuds, not to speak of the vast supportive literature. Doesn't the capacity of the Jew to relate himself to even some of this (notwithstanding the role of the Divine which may not be clear or acceptable to the non-halakhist) argue for the sharing of some of the spiritual baggage? Hartman claims that "the insistence that faith be expressed in behavior patterns . . . creates a realm of common categories.** He supports this with Midrash Rabbah, Lamentations[9] from the statement "Would that they had forsaken Me but kept My law, since occupying themselves with the light which it contains would have led them back to the right path."

This has not been answered by Spiro. Hartman did not claim that the spiritual language of a halakhist and non-halakhist are identical. He only asked whether they share anything in common. And then perhaps on this shared quantity they might build a stronger spiritual community. Spiro seems to feel that it is "all or nothing."

Conclusion

We here in Israel can understand Spiro's capacity and passion for such absolutes, but we want him also understand that we cannot afford that passion, because we have to live together with those very Jews from whom he wants to be protected spiritually. While we also sincerely pray for the Messiah's fulfillment of Zephania's words that "Then, I will change unto the people a pure language" (3:9), this does not preclude us from investigating the possibility of creating a spiritual *ulpan* whose aim is to develop a partially pure spiritual language for pre-Messianic people.

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*Spiro, Solomon, *op. cit.,* p. 55.
**Hartman, David, *op. cit.,* p. 27.

NOTES

1. Maimonides, *Commentary on the Mishnah, Introduction* to Perek Helek of tractate *Sanhedrin.*

2. *Sanhedrin* 97b, Rabbi Samuel b. Nachmani said in the name of R. Jonathan, "Blasted be the bones of those who calculate the end. For they would say since the predetermined time has arrived and yet he has not come, he will never come" (Soncino translation).

3. Maimonides, *Commentary on the Mishnah,* Twelfth article of Faith of Perek Helek.

4. See Norman Lamm, "The Ideology of the Neturei Karta According to the Satmarer Version," *TRADITION,* Fall 1971, p. 38-53 for a masterful presentation of the Satmar position.

5. Maimonides, *Guide of the Perplexed,* translated M. Friedlander, Hebrew Publishing Co., Part 1, p. 6. "The object of this treatise is to enlighten a religious man who has been trained to believe in the truth of our holy law, who conscientiously fulfills his moral and religious duties and at the same time has been successful in his philosophical studies. Human reason has impelled him to abide within its sphere; and on the other hand, he is lost in perplexity and anxiety. If he be guided solely by reason and renounce his previous views which are based on those expressions, he would consider that he had rejected the fundamental principles of the Law; and even if he retain the opinions which were derived from those expressions and if, instead of following his reason, he abandon its guidance altogether, he would still feel that his religious convictions had suffered loss and injury."

6. Maimonides, *Guide of the Perplexed,* Part 1, p. v. in the introductory letter to his pupil, R. Joseph ibn Aknin, Maimonides writes, "Your absence has prompted me to compose this treatise for you and for those who are like you, *however few they may be."* (my underlining) — It is clear that if "they would have been many," he would have felt even more the urgency to write this work.

7. Hartman, David, *Maimonides: Torah and Philosophic Quest,* Jewish Publication Society, 1976, p. 176-183.

8. *Sanhedrin* 82a. Said Rav Nachman that Rabba bar Abbuha stated: Scripture says "Thou shall love thy neighbor so thyself" — choose an easier death for him. (Soncino translation).

9. Footnote 34 in Hartman's article.