

BOOK REVIEWS

God at the Center: Meditations on Jewish Spirituality, by DAVID BLUMENTHAL, (San Francisco, Harper & Row, 1987)

Reviewed by
Michael Wyschogrod

"The purpose of this book . . .," writes David Blumenthal (p. xxvii), "is to set forth a series of unsystematized insights into the nature of Jewish spirituality." Toward the end of the book (p. 221), he concludes: "All reflection on Jewish spirituality must begin with God's presence. To be spiritual is to be sensitive to that presence." These two sentences together with the title of the book capture its basic thrust. Blumenthal tries to make spirituality understandable to the contemporary reader. As he understands the term, spirituality requires a focus on the relationship between the human being and God. God cannot be an intellectual construct or a hypothesis, nor can He be a metaphysical absolute beyond all human understanding. He must be a partner who is present in everyday life, one with whom a spiritual person stands in relation and with whom he or she can dialogue. Spirituality is thus a dimension of human personality, the dimension that makes us feel that the person has a real relationship with God, that he fears and loves him, that he is trying to please him, that his ego is not the court of last resort but that he understands that he stands under the judgment of God. Because there is so much, both secular and religious, that can divert us from our relationship with God, the spiritual person keeps his eyes on what is essential and places "God at the Center."

Blumenthal invokes the help of Levi Yitzchak of Berditchev in his enterprise. The book is organized around the weekly Torah readings with a final section

dealing with the Jewish holidays. In each meditation, which range from two to six pages, we start with something from Levi Yitzchak's *Kedushat Levi*, freely translated and then commented on by Blumenthal, who tries to explain Levi Yitzchak's insight for the contemporary spiritually sensitive reader. What emerges is not a theological system but discrete explorations, each of which is relatively independent of the others, but which together create a spiritual climate that is theologically significant.

Taking the book of Deuteronomy as an example, here are some of the points Blumenthal selects from *Kedushat Levi* for discussion and commentary. The Hebrew language and the land of Israel are holy and the latter cannot flourish except under Jewish auspices (p. 135). Man is totally dependent on God, even if this is difficult to accept for moderns who are enamored of human autonomy (p. 144). There are two kinds of fearing of sin: one in which sin is feared but the self remains intact—a lower level—and one in which there is an utter loss of self—the higher level (p. 149). The fulfillment of commandments can result in pride when the motive is not pure (p. 152). As we forgive others, so God forgives us (p. 155). There are times when we must take responsibility for our relationship to God. We cannot depend only on God's initiative (p. 157). Those who are burdened to live the life of this world with all the responsibilities that entails and who still worship God please God more than those who remain isolated from the

world and worship him without contact with this world (p. 159). In creating man, God exposed Himself to failure (p. 162). In prayer, there are those who are led by the words—the lower form of prayer—and those who lead the words—the higher form of prayer (p. 165). There is holiness among non-Jews and Jews must strive to liberate these sparks of holiness (p. 169). Generally speaking, pride is bad but one may be proud that one has a father in heaven (p. 172).

The above paragraph summarizes some of the main points that Blumenthal extracts from comments of Levi Yitzchak on the book of Deuteronomy. My summary fails to do justice to Levi Yitzchak's hermeneutic inventiveness and the complexity of his kabbalistic frame of reference. It is this frame of reference that leads us to the deeper questions that emerge from this book.

The fact is that anyone drawn to Jewish spirituality will quickly discover the kabbalah. If there was anything the kabbalists were concerned with it was God. In all possible ways they sought to discover the connection between God and man. The God they wrote about was not an abstraction in the philosophical sense but a powerful mystery whose presence was a reality in the life of the kabbalists. The atmosphere of secrecy which clung to the kabbalists was a function of the overwhelming reality which permeated their encounter with God. On the one hand, God was a profound and close reality in their lives. On the other hand, the God that their theosophical teachings defined was an utterly incomprehensible God, beyond anything the human mind could begin to understand. It is this dilemma that led to the doctrine of the *sefirot*, a topic to which Blumenthal devotes much attention because Levi Yitzchak devoted much attention to it.

The *sefirot* constitute a transition from the utterly unknowable God to the God of Jewish spirituality, what Blumenthal likes to refer to as "the presence." At one end of the continuum is

Keter, explained by Blumenthal as "The Ineffable." At the other end is *Malkhut*, translated as "Engaged Royalty." The former is God in his own being, far beyond what we can comprehend. The latter is the God who interacts with us and to whom we can relate. In-between the upper and lower of the hypostases there are a number of other emanations of the divine. In short, the God to whom we relate is the lowest emanation in a chain that derives from the unknowable essence of God.

It seems quite clear that there are neo-Platonic influences at work here. The biblical and rabbinic God relates directly to human beings. While the rabbis speak of the *shekhina*, I do not read this as referring to an emanation of the God-head with semi-independent ontological status. Rather, the *shekhina* is the presence of God in Blumenthal's sense, a presence not of something that emanates from the real God but the real God as He chooses to enter into relationship with us. I cannot escape the conclusion that once we permit ourselves to be drawn into the world of emanated hypostases, we lose touch with the direct reality of the presence of a God who chooses to relate to human beings. And it is He who relates to human beings and not emanations of emanations of Him.

Herein resides the mystery of kabbalistic spirituality movingly reflected in this book. Given the intellectual framework of the kabbalah, a neo-Platonic Judaism could have resulted. Such a Judaism would have been theosophical and gnostic, dissecting the inner workings of the absolute and losing touch with the God with whom Tevye the milkman can dialogue as he makes his daily deliveries. While the theoretical kabbalah labors under a neo-Platonic metaphysics as described, the theoretical framework somehow does not stifle the simple directness of Jewish faith. It is almost as if lip service is paid to the theoretical framework while real religious life continues outside and in spite of the framework. There is no better

illustration of this than Levi Yitzchak of Berditchev.

Is Blumenthal doing Levi Yitzchak and us a service by enlisting him in the cause of spirituality? Does Levi Yitzchak share Christianity's favoring of the spiritual as against the material?

As Blumenthal uses the term, spirituality has very little to do with spiritualizing. The latter term refers to an attitude that dismisses the material as spiritually insignificant at best or positively evil at worst. Many Christian writers contrast the spirit of the law which is salvific with the letter of the law that kills. No Jew can be sympathetic to that scenario. Anything that human beings can deal with must have a finite dimension. To be real in the human world, demands such as love and justice must be embodied in institutions and legal codes. "One cannot be Jewishly spiritual," writes Blumenthal (p. 221), "in a context which is idolatrous, polytheistic, or antinomian (anti-Torah)."

Jewish spirituality is therefore not connected with glorifying the spirit at the expense of matter, but it consists of being aware of the presence of God under the conditions of human existence. A measure of Levi Yitzchak's success in his undertaking is the fact that his spirituality is able to speak to us almost 180 years after his death.

The life of Levi Yitzchak coincides with the beginnings of the *haskalah* which, in turn, gave birth to *Wissenschaft des Judentums*. Neither of the

above-mentioned terms appears in the thematic index of Blumenthal's book. The reason for this is that the book constitutes a break with the dominant tradition of contemporary Jewish scholarship.

Blumenthal could have written a historical study of Levi Yitzchak of Berditchev similar to Isadore Twersky's *Rabad of Posquieres* or Zwi Werblowsky's *Joseph Karo: Lawyer and Mystic*. These are "objective" historical studies in which the author explains the ideas of the person he is writing about and traces the influences on him and his influence on others. In such an enterprise, the author need not expose himself spiritually. He remains the neutral, objective historian who records what happened and lets the record speak for itself.

The great virtue of David Blumenthal's *God at the Center* is that it is not that kind of book. While historically and textually accurate (the only exception I found is the statement on p. 85 that Jews separate wool from cotton when, in fact, wool is separated from linen), the purpose of the book is not the easy safety of historical objectivity but the far more difficult and Jewishly productive enterprise of engaging Levi Yitzchak religiously and theologically. Particularly for Orthodox Jews, Blumenthal reminds us that the Torah must not be separated from its author but that it must function as a conduit to its author. Otherwise, God will cease to be at the center.

A Living Covenant, by DAVID HARTMAN (The Free Press, 340 pp., \$22.50).

Reviewed by
Bruce F. Heitler

I.

As I set out eastward from Istanbul, I quickly became aware of the declining

influence of Western thinking. At the outset of my journey, in the major metropolis of Turkey, the mosques were kept almost as museums. They had some

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of the spiritual power inherent in their architecture, but there was not the aura of mystery that surrounded other shrines of the East.

I was alone on this journey, and the further East I travelled, the more intense was my confrontation with values I had not anticipated. In Turkey, I heard people complain that since Attaturk, the mystical sects had been restricted or prohibited altogether. In Iran (this was prior to the Khomeini regime), there was the sense that Western thinking was pitted in a struggle to maintain a rough hold on an unruly beast. Pictures of the Shah in every public room were intended to give a sense of his westernizing mission. In retrospect, it is apparent that neither the photographs of the Shah, nor his investment in western weaponry, succeeded in overruling the underlying spirit of Persia.

Finally, by the time I had reached Herat, Afghanistan, the East had taken over altogether. The mystic sects which had been prohibited in Turkey were in continuous and open existence in Afghanistan. The mosques had a feeling of mystery and reverence, even though the architecture was relatively modest by comparison with the gigantic structures of Istanbul. Five times a day the buses stopped to allow the passengers to get out and say their prayers, bowing until their heads touched the ground.

In Herat, I stood, confused by behavior which I had never before encountered, awed by the depth of feeling which even the common man seemed to have for the unseen. Here, after traveling alone for several weeks, pondering and mulling over the unusual attitudes and practices which I found all around me, I ran into my first American fellow traveler. Together we experienced a rush of companionship and comfort, a kind of relaxation and reassurance which comes of sharing a perception of reality which one has almost come to doubt.

We talked for most of the afternoon. We agreed that the turning of the

leaves in New England in the fall was a feast of color which neither of us had encountered anywhere else in the world—even though the same species of trees might be found in England or northern Europe. We disagreed about whether it was worth putting up with the crowds to see a major league baseball game, rather than watching on television. We talked about the effects of interstate highways on the growth of cities.

We had this discussion sitting on the edge of the market in Herat, where brothers sat by their sacks of lentils and dried spices, drinking tea and occasionally weighing out merchandise for a customer. We had this discussion in a city where one seldom sees a woman on the streets, and if a woman is outside the house at all, she is likely to be covered from head to foot, including her face.

II.

At first, reading David Hartman's *A Living Covenant: The Innovative Spirit in Traditional Judaism* felt like this welcome conversation in Herat, Afghanistan. Hartman lives in Israel where he is the founder and director of the Shalom Hartman Institute for Advanced Jewish Studies and a member of the Department of Jewish Thought and Philosophy at the Hebrew University of Jerusalem. But Hartman speaks like an American, with the refreshing enthusiasm which draws on the prosperity and innovation of American society. He acknowledges that American life is the basis of his philosophy:

First, there were the experiences of growing up in the pluralist society of the United States, where from an early age I had every opportunity to appreciate many cultures and faith postures. Just playing basketball brought me into human contact with blacks and whites, with Greeks, Italians, and Irish, with Catholics and Protestants. The exclusively Jewish world of the yeshiva did not isolate me from the rich mosaic

of humanity in the surrounding streets of Brownsville, my neighborhood in Brooklyn, New York.

Hartman is an advocate of many of the principles of American political life—pluralism, tolerance, innovation, and self-reliance—which he integrates into his view of Jewish thought. In this sense, he is like the greatest of the American philosophers, William James, Charles Saunders Pierce or John Dewey, who brought a no-nonsense, practical perspective to the issues of philosophy which had been defined by the European philosophical tradition. In Hartman there is none of the turgid rationality of the German philosophical tradition, and he is not so clipped and confident as the English tradition. *A Living Covenant* is an optimistic search for a practical way of looking at things which will account for the phenomena we experience.

Hartman sets out, with clarity, the concepts which mark American political style, and he indicates that this approach is not altogether alien from traditional Jewish thought. He casts his argument in terms of the covenant between God and Abraham and the covenant at Sinai. For example:

Abraham's covenant signifies rejection of the idea that covenantal faith commitments are defined by racial and biological conditions. . . . The ritual of circumcision performed on the organ of procreation may symbolize Judaism's rejection of racism as the ground of covenantal consciousness.

In addition to a rejection of racial exclusivity, Hartman finds human independence and freedom to be essential characteristics of Halakhah. "For *halakhic* Jews, human independence and freedom result from the gift of divine self-limitation; and the expansion of human responsibility develops within a covenantal, relational framework." The tradition, according to Hartman, similarly manifests a sense of adequacy, dignity and initiative.

Hartman acknowledges that there are other strains in the vast road of Jewish thought, strains of terror and

submissiveness before God, of passivity before the inherited tradition as well as before the Ultimate. He asserts, however that these feelings of God's unpredictability may make it possible for us to rely on His commitments to us. Hartman makes a declaration of theological independence when he observes, "Better not to have any mutual commitments, we may feel, than to have commitments that prove ineffective in our greatest moments of need, but threaten us in our slightest moments of misfortune."

The heroes of the uncomfortable situation, where God was once seen not merely a reasonable partner in the project of creation, but sometimes as an awful, terrifying, unpredictable and incomprehensible power, are the sages of the Talmud. By the exercise of creative interpretation, knowledge and competence with regard to the text, the Talmudic sages extract from the Biblical text a path which is removed from the overwhelming mystery of God's apparently arbitrary power as it appears in the Bible.

Of course, there is a strain of Talmudic thinking which acts in just that way. With courage and aplomb, it makes the world safe for rationality, it provides a reasonably secure platform for human action, provided that we can feel secure maneuvering on the basis of the courageous, if obscurely cut arguments of the sages. The argument is similar to that of Eliezer Berkovits, former Professor of Philosophy at the Hebrew Theological College, in his book *Not In Heaven*. The sages have not been mere ministers of the written word. No, the Oral Law has taken an outstanding responsibility in interpreting the written text.

This situation is the background for Hartman's analysis, which he develops in terms of a critique of contemporary Jewish thinkers—Erich Fromm, R. Joseph Soloveitchik, and Yeshayahu Leibowitz—and of a comparison of the philosophical positions of Maimonides and Nahmanides.

Hartman mentions Erich Fromm, the German-born psychoanalyst and the-

orist of freedom, as the proponent of the humanistic, nonauthoritarian ideal. For Fromm, the notion of irrational authority is merely a stage on the way to higher freedom. Hartman's critique of Fromm is not broadly developed, I suspect, because Fromm is really the ghost behind Hartman's image of Maimonides.

Maimonides, one of the most brilliant, powerful and influential figures in Jewish history, has given us two major works, the *Mishneh Torah* (Code of Jewish Law) and the *Guide for the Perplexed*—both available in English translation. His philosophical position is complex because his two major works were addressed to different audiences. His *Mishneh Torah* was written in Hebrew and is intended for the observant Jew who wants a more accessible account of the laws of the Talmud. The *Guide*, in contrast, was written for an audience accustomed to Aristotelian logic and skeptical about any hint of mysticism in the Jewish tradition.

To this day, a debate continues as to which position represents the true Maimonides. Hartman presents the *Guide*, the rational and Aristotelian side of Maimonides, as the more authentic one. He feels that Maimonides' innovation in presenting Jewish thought to a rationalist audience is the precursor for his own effort to show how the traditional Jew can be comfortable with modern, pluralist sensibilities.

Yeshayahu Leibowitz has been a literary, religious, and scientific voice in Israel since before the founding of the State. His writings are mostly found in periodicals which have not been translated into English. At various times during the last twenty years, his pamphlets and articles have been the focus of discussion concerning the relation between religious and political matters in Israel.

Rabbi Joseph Soloveitchik was Hartman's teacher at Yeshiva University, and is the foil for a good part of Hartman's argument in the book.

R. Soloveitchik seems a commanding presence for Hartman, even though he rejects and appears to belittle R. Soloveitchik's position repeatedly. R. Soloveitchik embraces the duality between human autonomy and submissiveness to God as essential and inescapable, and he makes a virtue out of his necessity.

In Hartman's view, living constantly on the horns of dilemma defeats R. Soloveitchik and condemns him to loneliness. The paradigm of this defeat is the moment of the *akedah*, the binding of Isaac where Abraham is asked to give up all that he values in response to a naked command from God. However, in this case, Abraham is rescued at the brink. Hartman suggests that a stronger image of the dilemma which Soloveitchik celebrates is Moses' denial of entry into the Promised Land. For all his prophetic powers, Moses can neither understand nor easily accept the decree of the God whose path he has pledged to follow. Hartman rejects R. Soloveitchik's "demand that Jews oscillate." Perhaps Hartman is afraid that, like a metal wire, we will soon fatigue and break. Perhaps he is right.

Hartman suggests that Soloveitchik's position may be an appropriate response to the very limited opportunities which were available in Brisk. Even though he broke out of the world of his father (taking a Ph.D. at the University of Berlin), R. Soloveitchik continues to advocate a Jewish world which addresses only the opportunities that were available in the constricted world of his parents. "It is difficult to see how *halakhic* man can win out against the modern social activist," challenges Hartman.

Hartman's characterization of Leibowitz is even less sympathetic. Leibowitz appears unearthly, an ascetic, a mystic, a phantom who transcends history and flies out of reality. By exalting complete submission to God's authority as the highest ideal, Leibowitz rejects the covenant by which God has allowed us the status of full partnership in the business of history.

In a burst of vigor, Hartman rejects any view which separates the Jewish community from the affairs of the world, civil rights and practical politics, economic justice and consumer protection. These political concerns are the flesh on the sinews of Halakhah. "From my own anthropological perspective," asserts Hartman, "the division (of the modern world) into two communities is a violation of Judaism's concern with bringing all life into the service of God." Hartman asserts indignantly that we are entitled to a legible world which allows us self-esteem.

III.

The Living Covenant is organized around Hartman's commentary on several themes of Jewish thought: law and ethics, prayer, understanding suffering, the covenant between God and the Jewish people, the finitude of the human condition, and the nature of the State of Israel, which Hartman calls "The Third Commonwealth."

In each case, Hartman warns that the triumph of rabbinic thinking that "seeks to be accompanied by the consciousness of the beloved always and everywhere" is its own undoing. In that way lies "silent resignation before the mysterious will of God."

Rather than submit irrationally to anything mysterious, Hartman suggests that we trim the sphere of the divine to a more manageable size, and he correspondingly claims to expand the province of rationality. He proffers a world without miracles, where nature "functions according to its own morally neutral position." Neither history nor natural science is the occasion for wonder; never mind about purpose in these realms. Hartman's theme is that the exercise of human competence only makes sense if both history and nature are immune from purposes beyond what rationality can detect.

Drawing on considerable knowledge of the Jewish sources, Hartman

offers several useful images of the world he advocates. He commends Purim to our attention more than Passover. In the Passover story, the presence of God is imposing. In Purim the presence of God is hidden at every turn, more like the world of modern sensibilities. Purim teaches activism; Passover teaches reliance on God's sovereignty.

The central theme of the book, the Sinai covenant, also emphasizes Hartman's suggestion that we substitute empowering paradigms for enslaving ones. The Exodus from Egypt is an image which reflects overwhelming divine power: the rescue of the Hebrews from their helpless subjugation to Pharaoh. Thinking this way, we see ourselves as helpless and subjugated, passive and powerless. In contrast, Hartman advocates the image of the covenant in which we experience divine self-limitation for the sake of human freedom and responsibility.

The establishment of the Second Commonwealth in the time of Ezra and Nehemiah is another example of how the Jewish consciousness operates in a world where God's presence is hidden rather than imposed. The return from exile was supposed to be grand and fulfilling. The reality was considerably more messy, such as we perceive in the current state of affairs.

IV.

Unfortunately, for all the fun of experiencing Hartman's righteous enthusiasm, the argument has some problems. Hartman points out that Maimonides' philosophy withdrew God's active intervention from the natural world, and left the world to run according to its own momentum. Hartman suggests that we do the same for history. However, except for the most aggressive skeptic, the world does have hints of meaning and wonder. The harnessing of these subtle clues for ethical and psychological benefit is one of the essential contributions of Jewish

thought. Hartman, in his determination to make room for human competence, has left no room for the dimensions of reality which are beyond our grasp. The project of Jewish philosophical thought is to describe the world as it is, not as we would like it to be—even though the corners of the world are not as neat, our power in the world is not as effective, and our grasp of the world is not as firm as we wish.

Hartman's plea for pluralism and tolerance is certainly welcome, especially in the context of Israeli debate, which tends to be argumentative and competitive. Yet the book shows a lack of sympathy for other points of view. Neither Leibowitz nor R. Soloveitchik comes through Hartman's pen as more than a thin cartoon. Although Hartman recites that Jewish thought is a structure of contraries, he is so concerned with promoting social activism that he leaves the psychological perspective withering from inattention. He is scornful of the mystical. He makes such an effort to get things done that he leaves little room for wonder and celebration, which are the very source of the power which lies at the heart of Jewish life.

It is disheartening to see Hartman deal roughly with Nahmanides. A Spanish rabbi, philosopher, kabbalist and physician, Moses ben Nahman (Nahmanides) wrote a commentary on the Torah in the 13th century which is still appreciated for its lucid style and psychological sophistication. He was the first major commentator on the Torah to include insights of the Kabbalah or mystical tradition. Here is a voice which speaks with a clear resonance to the issues troubling the modern mind. Yet Hartman accuses Nahmanides of "ongoing biblical mythologization of reality." The psychological sensitivity of Nahmanides is characterized as airy mysticism. Nahmanides suggests a way of inhabiting a perceived world of biblical dimensions, with subtlety and innovation, which is a source of delight.

Hartman's stance is that of neither a counselor nor a philosopher, neither a

student nor a seeker. It is the perspective of an anthropologist—a distant, telephoto view that adequately scrutinizes details, but has a falsely flattened view of the scene he contemplates. "From my own anthropological perspective," he interjects. But the anthropological view in the end is more tragic than R. Soloveitchik's loneliness or Leibowitz's mystical submission. The anthropologist describes the rules of a society from the outside. He misses the passion and the awe which enrich an inner perspective. The thought of the anthropologist is an arid rationality, arrogant in that it never suspects that there is much of a life behind the surface which it surveys.

More disturbing is that Hartman views even his own hero, Maimonides, through the same flattening lens. Hartman seems to think that for Maimonides, rationality is simple and straightforward, rough and ready like the frontier, clear and apparent as the big sky in a television commercial. Rationality that allows no room for mystery and yearning, for perceiving an influence beyond the obvious, for different streams whose source is altogether beyond the reach of intellect, is a different rationality from what the 20th century accepts.

Rationality is a humble faculty that does not proclaim that it can survey all the dimensions of reality, much less look at itself. Rationality ultimately surrenders with laughter. The mark of the 20th century is in breaking the shackles of an arrogantly presumptuous rationality which characterized the mainstream of 18th- and 19th-century philosophy. It seems that in every field outside the domain of religion, the thought of the 20th century is coming to terms with the phenomena which have been the meat of Jewish thought for centuries: paradox, uncertainty, realms beyond the seen, and the inescapable requirement for action in view of it all.

Hartman seems to miss all this. In the end, his outspoken optimism rings with a hollow echo. More upsetting, he

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characterizes Maimonides with the same two-dimensional technique which pervades the rest of the book. Maimonides, who asserted from Egypt that it was prohibited for a Jew to live in Egypt, shows subtlety beyond Hartman's. Through his anthropologist's glasses, Hartman has a hard time detecting that Maimonides' presentation in the *Guide for the Perplexed* may have been packaged for an audience accustomed to the categories of Aristotelian logic, even if they were not easily compatible with

Jewish concepts. Aristotle was in vogue; Maimonides wrote Jewish tunes in an Aristotelian mode.

In Herat, Afghanistan, my American friend lamented that all the poverty, which he found so oppressive, could be overcome if people would simply lift themselves out of the mosques and the markets, set for themselves working hours, organize factories, pay taxes and get on with the good life. He said it with energy and confidence, like Hartman.

Economics and Jewish Law, by AARON LEVINE (Yeshiva University Press, 1987).

Reviewed by
Aharon Shapiro

Aaron Levine's earlier book, *Free Enterprise and Jewish Law* (Yeshiva University Press, 1980), has already shown his ability to combine expertise in both Torah scholarship and economics. In this present masterly volume, *Economics and Jewish Law*, he again shows how Jewish law views many current business issues.

The variety of topics covered include business ethics, advertising, competitive techniques, social welfare problems, halakhic implications of inflation, and a fascinating discussion of the financial markets. His work should appeal to a very large audience since it can serve three very useful functions: it is a reference manual for the Jewish scholar; an encyclopedia of relevant Jewish law for the economist; and a handbook for anyone who wants to live a fully committed Torah life in the contemporary world of economics.

In the past, secular scholars were totally unaware of the applicability of Jewish law to current questions. Most textbooks tended to date the appearance of any significant economic thought to the time of the Commercial Revolution

of the fifteenth century. Prior to this period, the Old World economy was defined by a stagnant, backward, feudalistic system. The serfs thought only of survival; the Church thought only of the next world; the nobility thought only of the next carousal or bloody battle. And yet, Jewish sages composing the Talmud in Jerusalem and Babylonia two thousand years ago dealt with many of the same business and ethical questions we raise today.

R. Hiyya, for example, held that professional money-changers who gave financial advice on which currency would circulate were liable for any wrong advice that they may have given. Would Rabbi Levine hold stockbrokers responsible for bad advice on shares of a firm that they should have known was going bankrupt? (Some years ago a major brokerage firm advocated buying Pennsylvania Railroad right up to a week before the railroad filed for bankruptcy.)

On the subject of sales promotion, R. Yose b. Hanina stated, "Anyone who elevates himself at the expense of another's degradation has no place in

Heaven." Rabbi Levine would agree that you may praise your own product, but you may not use the "sales tactic of demonstrating the superiority of your product by harping on the defects of a lower priced competing model." My guess is that this dictum would apply to the negative TV ads that some presidential candidates often use to attack their opponents.

Beit Hillel and Beit Shammai disagreed as to whether it is permissible to dance before an ugly deformed bride and shout aloud, "Oh beautiful and charming bride." Obviously, the groom who is marrying her thinks she is beautiful. Biblical constraints against insincere remarks are here relaxed when their purpose is to enhance affection between bride and groom. But for the used car salesman we might apply Levine's position that "aesthetic judgments are subject to the sincerity constraint."

Levine must be commended for the abundance of documentation upon which he bases his conclusions. Regrettably, not all of his halakhic conclusions are readily adaptable to current business practice. Jewish law is frequently much more demanding. For example, puffery or exaggeration of the virtues of a product is tolerated under American law. We assume that the sophisticated consumer knows better. But Levine believes that if an objective testing of the consumer shows that he tends to accept all the superlatives at face value, then puffery becomes objectionable. Levine's example: the claim that a soap is "whiter than white" misleads the consumer. It also seems to me that an actor appearing on a TV screen in a white jacket advocating a particular cold remedy does in fact convey a false impression that he is a physician. The actual impression left with the viewer should be the determinant of advertising permissibility.

Halakhah seems to object strongly to encouraging someone to live beyond his means. Levine contends that offering a reluctant customer an installment plan

as a means of inducing him to buy an item he clearly cannot afford violates Jewish business ethics. Does Phil Rizzuto know that he is transgressing *lifnei iver* (an injunction against misleading another in a harmful direction) when he tells us how easy it is to borrow cash at the "money store"?

Encouraging envy is wrong according to Jewish tradition. Levine cites Talmudic as well as sumptuary laws of Jewish communities in the Middle Ages which denounce the ostentations of the wealthy. Yet so much of today's salesmanship is directed precisely to our proclivity to envy those who are frolicking in their new retirement homes or tooling around in their new sportscars. Such advertising might, according to Levine, violate Jewish ethics.

One troublesome area is the handling of inflation according to Halakhah. Most modern nations, including the State of Israel, have learned to compensate for the problem of price inflation by indexing many prices and wages. In Israel almost all credit and monetary obligations are tied to some price index so that the purchasing power of a lender or worker is maintained. Even in the USA we have begun to index tax exemptions and social security benefits. These days the majority of mortgage lenders will insist on tying interest rates to an interest index which in turn is related to prices.

Our sages, however, generally required a borrower only to return money similar to that which he borrowed without being obliged to maintain the purchasing power of the money borrowed. There is concern that indexing might violate Jewish usury laws (*ribbit*). Levine's excellent research would allow for indexing where inflation can be attributed to debasement of the currency by the government. In modern terms, this is equivalent to the Federal Reserve Bank depreciating the value of the dollar by overexpanding the money supply. Then, when too many dollars chase a fixed supply of goods, the general price level will rise.

However, if price rises are associated with the increasing cost of a particular batch of goods and not because of a change in the money supply, loans should not then be indexed to inflation according to Jewish law. This is a worrisome conclusion since a great deal of our recent inflation can be attributed to OPECs supply shock which drove up the price level of a particular batch of goods, namely petro-chemical products. If Halakhah would not allow for indexing here, would this not discourage lending?

Levine has suggested that a contract using a *heter iska* (a clause which makes the lender a partner entitling him to a share of profits [or loss]) would allow for indexing for any type of inflation. However, this reviewer has found that while Israeli banks all use *heter iska*, most other business activity continues to index for prices without the *heter iska* clause.

Similarly, Halakhah still has considerable difficulty with today's business contract. We are not certain how to handle contracts for margin purchases, stock options or futures, as well as contracts for intangibles like purchases of options or stock indexes. For example, a person buying stocks on margin does sign an agreement to put up more cash should his stock's price plummet. However, since the purchaser buys on the expectation that prices will rise, his margin agreement is not made in good faith and is hence a non-binding agreement called *asmakhta*.

Levine's discussion of environmen-

tal pollution is excellent. It is handled in a manner consistent with economic theory. His rabbinical sources imply that society may choose to tolerate a moderate amount of pollution if it is the will of the majority. Even though some citizens may indeed want a 100% clean environment, a unanimous agreement is not required if the majority agrees to less. Similarly, present pollution control theory would justify pollution abatement measures only to the point where additional units of cleanup become more costly than the value of the benefit to society. Professional economists would advise discontinuing additional abatement measures at the point where incremental social costs are just equal to incremental social benefits.

In the area of governmental regulation of business and government welfare, Jewish thinking is parallel to most economic positions today. While some economists still argue strongly for deregulation and "getting government off the people's backs," it is hardly likely that we shall ever return to the totally deregulated market-place of the classical economists.

I look forward to Professor Levine's future writings which, hopefully, will deal with some additional current irritants that beset our society; such as hostile take-overs, insider trading, and other contemporary business practices. In the interim, this volume remains an extremely useful, intellectually stimulating and exciting addition to halakhic literature, and is highly recommended reading.

Holocaust Calendar of Polish Jewry, by ISRAEL SCHEPANSKY

Reviewed by

RABBI YAAKOV FEITMAN

Names and numbers. That's all it is. Just names and numbers. But what emotion-laden names and what horrific numbers.

A day in the death of Vilna: February 9, 1941–2019 women, 864 men, 817

children—murdered by the Nazis in cold blood. Total dead by September 24, 1943 (24 Elul 5703)—80,000. Vilna, Jerusalem of Lithuania. Dead. Silent.

Lublin. City where Daf Yomi was

