

Book Reviews

***Interpreting Maimonides: Studies in Methodology Metaphysics and Moral Philosophy* by MARVIN FOX, (University of Chicago Press, 1990) 356 pp.**

Reviewed by
Michael Wyschogrod

After more than 300 pages of closely reasoned Maimonidean exegesis, Marvin Fox concludes his book with an "Epilogue: The Significance of Maimonides for Contemporary Judaism." The significance turns out to be a brief for an enlightened Orthodoxy. Enlightened Orthodoxy (not Fox's expression) is the mean between two extremes. On the one hand are the isolationists who reject the modern world completely and withdraw into a closed Jewish fortress from which all foreign influences are excluded. On the other are the modernists who jettison traditional religion for the spirit of the times. The third way, that of Maimonides and of enlightened Orthodoxy, is to keep the old and the new in balance. Maimonides is prepared to accept the truth from whatever source it comes. Non-Jewish philosophers and scientists need to be studied with deep attention and when they teach truths that can be rationally demonstrated, such teachings must influence our interpretation of Torah because the Torah cannot conflict with demonstrated rational truths. Needless to say, only those who control classical Jewish learning are in a position to interpret the Torah in the light of established philosophic and scientific truths. But it is the message of Maimonides that a knowledge of the intellectual achievements of humanity is an essential element in the proper understanding of Torah.

Another important lesson that Maimonides can teach contemporary Judaism, according to Fox, is the importance of formulating a body of doctrine. There are those who stress the fulfilling of the commandments instead of theoretical speculation. Fox believes that Judaism without a body of doctrine on which it rests is an anomaly. Rational beings must have a reason for doing what they do and this requires developing a philosophic framework that makes sense of the Torah system. Otherwise, we are dealing with a form of halakhic behaviorism which Fox rejects.

Finally, Fox argues, we can learn from Maimonides the legitimacy of seeking the reasons for the commandments. God does not command arbitrarily or capriciously. It therefore behooves us to search out the reasons for the commandments. Fox is aware of the danger of this approach. Once we are convinced that we have discovered the reason for a commandment, it is easy to take the next step and conclude that, in view of changed circumstances, the commandment is no longer relevant either because its goal can now be achieved better in some other way or because it is no longer necessary to try to achieve that particular goal. For this reason, Fox insists that however hard Maimonides worked to understand the reasons for the commandments, never did he feel free to suspend a commandment on the grounds mentioned. The ultimate authority of the commandments is that they emanate from God and are therefore binding whether or not we understand their purposes and whether or not circumstances have changed. Maimonides' orthodoxy is therefore secure.

The Epilogue is important for two reasons. Interpreters do their work from a perspective and in the Epilogue, more than anywhere else in the book, Fox reveals his perspective. Without the Epilogue, the book could be read strictly as a piece of intellectual history whose aim is to understand the mind of Maimonides but not to judge it. With the Epilogue, it becomes perfectly clear that Fox is not a historian but a philosopher. While he is trying to understand Maimonides, he is also interested in the issues Maimonides raises and has opinions about them. He stands for an enlightened Orthodoxy that is loyal to the biblical-rabbinic tradition but that is also deeply interested in the intellectual currents of the day. Like Maimonides, he strives for a philosophically viable Judaism and he reveres Maimonides because he sees him as the master who made the enterprise Jewishly respectable.

But the Epilogue is important for another reason as well. It seems that Maimonides' significance for contemporary Judaism is more formal than substantive. Maimonides can teach us not to ignore the philosophic climate of the day. He can teach us to accept the truth from whatever source, Jewish or non-Jewish, it derives and that it is legitimate to search for the reasons behind the commandments. But when it comes to the specific answers Maimonides gave to these questions, Fox seems less sure that Maimonides can teach us very much. Many of the reasons Maimonides gave for various commandments are not persuasive for us today (p.339). And when it comes to Maimonides' substantive philosophical convictions with which most of the book deals, none of them finds its way into the Epilogue. It seems that the opinion that we cannot attach positive attributes to God is not an opinion very useful today. Nor is Maimonides' account of divine causality. Nor are many other Maimonidean positions Fox deals with in the book. If they were, they would have found their way into the Epilogue. But the Epilogue is purely formal, almost entirely non-substantive. It endorses Maimonides' interest in philosophy and science but not the particular philosophic and scientific ideas so dear to Maimonides.

Maimonides' problem was, of course, that he had two loyalties: one to the biblical-rabbinic tradition and the other to Aristotelian philosophy. On Aristotelian grounds (pp. 306-307) he was convinced that God had no body, that he did not change and that all terms applied to God (e.g., knowledge, power, will, life, etc.) mean something completely different when applied to God and when used in their normal senses as applied to beings other than God. From this it follows that when such terms are applied to God, they mean nothing we can understand and for this reason we can only say what God is not, never what he is.

But the bible and the rabbis did not hesitate to apply all kinds of positive attributes to God. In petitionary prayer, we hope to influence God to change his decree from punishment to forgiveness. From the philosophical point of view, this is nonsense because it presumes that God can be caused to change by means of external influences. Fox concludes (p. 311) that for Maimonides "the conventional picture of God who hears the cry of the oppressed and hastens to their succor is not to be taken literally. It is a doctrine that the Torah, if read literally, teaches, together with the practice of petitionary prayer that it implies, in order to reinforce a belief that is essential for the welfare of the individual and society." But the sophisticated know better. "Although this manner of speaking about God's actions [as being subject to influence through prayer—M.W.] is also adopted by the Sages, Maimonides holds that they never intended it to be understood literally by sophisticated men, although they did recognize that one must speak this way for the masses." (p. 313).

Just as God permitted sacrifices as a concession to the masses who could not

be weaned from the practice without disastrous onsequences, so God permits petitionary prayer to the masses. But true philosophers know that it is not prayer but contemplation of God that is worthy of rational men (p.316). Presumably, when philosophers engage in sacrifices and petitionary prayer, they do so in order not to scandalize the masses. But, in truth, they know better.

For long stretches, Fox sounds as if he has made peace with Leo Strauss's view that the *Guide* contains a secret teaching which must be kept from the masses but which must be communicated to those worthy of the higher truth. Given the intellectual straits in which Maimonides places himself, this reading makes some sense. It amounts to saying that Maimonides is really a non-believer in the traditional teachings of Judaism who assumes the discipline of Torah practice for the benefit of the vast majority of Jews who are not capable of grasping pure philosophical truth. While Fox comes close to adopting Strauss' view, in the final analysis he cannot do so. Maimonides' biblical-rabbinic loyalties are too deep to be interpreted as a facade hiding an Aristotelian anti-biblicism.

"For those who are predisposed to remove Maimonides from the traditional religious community," concedes Fox (pp. 21-22), "it is not difficult to read him in such a way that he turns out to be a crypto-heretic. Considering all that we know of the man and his life, his piety, and his meticulous commitment to the Law, this hardly seems to be a tenable position." So if Maimonides is not a crypto-heretic, if his biblical-rabbinic Judaism with all its anthropomorphism, sacrifice and petitionary prayer is not a concession to the masses, then what are we to make of the man? Could it be that he is a crypto-philosopher whose philosophic vocabulary hides a deeply anti-Aristotelian enterprise, an orthodox believer who uses Aristotelian terms to undermine Aristotelian philosophy so as to make Judaism palatable to those who respect Aristotle, hoping all the time that they will not recognize his deep anti-Aristotelianism?

At times, Fox flirts with this possibility. In a discussion of "The Doctrine of the Mean in Aristotle and Maimonides," Fox concludes (p.119): "With all the similarities between Aristotle's and Maimonides' doctrine of the mean, and with the especially striking similarity between the medical analogies of both thinkers, there is at the core a fundamental difference. On these matters, Maimonides is controlled finally by the Jewish tradition, rather than by the principles of Greek philosophy." The mean for Aristotle is far more flexible, having about it an inescapable element of changing convention, while the Torah has an inescapable element of fixity and permanence. Maimonides uses Aristotle's mean in his ethics but he Judaizes it.

Nevertheless, Fox is too good a philosopher to pretend that the Aristotelianism of Maimonides is but an insignificant veneer over his Judaism. "His [Maimonides'] guiding rule," writes Fox (p. 40), "is that what reason finds incorrect and unacceptable cannot be the meaning of Scripture, no matter what it appears to say." Should anyone be inclined to doubt Fox's assertion, he need only remind himself of Maimonides' comment in the *Guide* (II:25) that if reason could prove the eternity of the world, he would have no greater difficulty reconciling that view with the verses in Scripture that seem to teach creation in time than he had in reconciling the incorporeality of God with the verses that seem to attribute corporeal characteristics to God. Fox thinks (p.266) that this is so because "the language of Scripture is inherently ambiguous on this point [creation in time—M.W.]." It is not the language of Scripture that is ambiguous on the doctrine of creation in time. It is Maimonides who is convinced, as Fox says, "that what reason finds incorrect and unacceptable

cannot be the meaning of Scripture, *no matter what it appears to say* [my emphasis—M.W.].” Scripture and rabbinic texts are thus no obstacle to any doctrine, as long as Maimonides is convinced that the doctrine is rationally sound. Scripture and rabbinic texts are subject to interpretation, guided by reason. Where reason yields uncertain results, Scripture needs to be listened to on its own terms. But when reason speaks clearly, Scripture must yield.

It is remarkable that nowhere does Fox entertain the possibility that what Maimonides considers rationally demonstrated is itself influenced by his biblical loyalties. Compare the question of the corporeality of God with the eternity of the world. Maimonides considers it rationally provable that God is not corporeal but not that the world is eternal. From the purely philosophic point of view, the corporeality of God seems to me less irrational than the doctrine of coming into being out of nothing. Coming into being out of nothing violates the fundamental Parmenidian horror at non-being, a horror that, in modified form, permeates the metaphysics of both Plato and Aristotle. Yet Maimonides is willing to declare the non-corporeality of God demonstrated but not the eternity of substance. It seems to me that Maimonides’ Judaism is here influencing his metaphysical judgment. He probably sensed that it was Jewishly more licit to fight for the non-corporeality of God than for the eternity of the world. At the same time, it was not easy for him to declare the well established metaphysical doctrine of the eternity of substance to be unproven. So, while declaring the eternity of the world unproven, he could not resist adding that, were this not the case, he could reconcile eternal substance with Scripture. Fortunately, he did not have to although he could have done so. But had he done it, it seems to me, had he declared substance eternal and proceeded to square the creation account in Genesis with the doctrine of eternal substance, he would have had a much bigger fight on his hand than on the corporeality of God issue. Rabad, who remarks that better men than Maimonides have refused to deny the corporeality of God, did not himself affirm the corporeality of God. One can only speculate how he would have reacted had Maimonides affirmed that substance is eternal and uncreated and the bible can be read to harmonize with this view. Luckily, Maimonides did not have to take this path because he convinced himself that the eternity of the world has not been demonstrated. I suggest that he did not consider this view rationally demonstrated because his Judaism would not allow it. Reason is not as sovereign as Fox seems to think. It functions within a cultural context. This seems to be one of the truths that at least one school of contemporary philosophy has “demonstrated,” to use the Aristotelian-Maimonidean expression somewhat ironically.

Fox is fully aware that Maimonides is trying to live in two worlds, the philosophical and the biblical. He is also aware that these two worlds are in conflict about fundamental issues. “His approach,” writes Fox (p. 22), “. . . is to eschew the way of ‘either/or’ and to adopt instead the way of ‘both/and’.” Maimonides regularly takes seemingly opposed positions on certain issues, not because he is intellectually muddled or dishonest, or has a program for the elite that differs from his program for the untutored masses.” Again and again, Fox speaks of “balanced dialectical tension” (p. 23, 43, 46, 79, 249, 258, 260, 260 n.11, 297, 324), a term that apparently refers to holding opposed views that cannot be reconciled. It is Fox’s way of saving Maimonides from the charge that he was a heretic who clothed his unorthodox views in an outer orthodox shell meant to be ignored by the initiated. If we read Maimonides as teaching a secret doctrine for the elite, then there are no unresolved tensions. There is only one truth: that of Aristotle and his unmoved mover who is

not merciful, and eternal matter that was never created (to name but two un-Jewish teachings in the Aristotelian system) and the doctrine propagated to the masses that is biblical and rabbinic but not true.

I agree with Fox that the heretical Maimonides is a wrong reading. Maimonides would have been a heretic if he had thought through his doctrines to their logical conclusion, if he had been perfectly consistent. I do not think he held doctrines which he understood to be in conflict with each other. Rather, I think he convinced himself that he had reconciled Judaism and Aristotle. Fox sees that he has not and that is why he invokes the "balanced dialectical tension" interpretation. We today know that the Greek world and the biblical world were not the same, that they had different perspectives on many issues and that it is not necessary to homogenize them. But for Maimonides, as for medievals in general, history was far less important than it is for us. They saw the greats of all ages—Abraham, Moses, Plato, Aristotle and the others—engaged in a dialogue across the centuries which would ultimately yield the one final truth. The task of the philosopher is to formulate the final truth that is above all historical localization. That is what Maimonides was trying to do.

The question is: did Maimonides succeed? I do not think he did but I cannot tell whether Fox thinks he did. Does Fox believe that by invoking the formula of "dialectical tensions" Maimonides can get away with holding contradictory positions without, in the final analysis, casting his lot with one or the other of the contradictions? Fox seems to think that one can be a true philosopher whose highest loyalty is reason and a true believer whose highest loyalty is Scripture at one and the same time. That this is not so can be seen from the fact that when Scripture and reason conflict, Scripture is reinterpreted. One of Maimonides' favorite rabbinic dicta is the claim that the Torah speaks in the language of men. For him, this means that many things that the Torah says are merely commonly used expressions not to be taken literally, which gives the philosopher the opportunity to dismiss philosophically unacceptable expressions (e.g., those attributing corporeality to God) as not in need of being taken seriously.

If the rabbinic dictum that the Torah speaks in the language of men is one of Maimonides' favorites, one of his least favorite rabbinic dicta is the teaching that a verse never loses its *peshat* meaning (BT Shabb. 63a, Yevam. 11b and 24a). He almost never quotes it and understandably so. For those, like Rashi, for whom the *peshat* was fundamental, the problem of anthropomorphism never assumed the magnitude it did for Maimonides.

The basic problem with this book is that it is not a purely historical study in the style of Isadore Twersky and others whose aim is to deal with an author in the intellectual setting of his time. Fox is partly a historian but, as his *Epilogue* proves, he is writing as a thinking Jew of the present who is deeply concerned with Judaism and contemporary philosophic issues. In this context, he fails to make Maimonides relevant to the present. Philosophy today does not yield "demonstrated truths." The very notion of rationality is undergoing deep re-examination in light of the events of this century. The impact of Midrash on the literary climate of our time illustrates the power of Judaism to speak to the culture of our time, to shape our very understanding of the nature of modes of discourse. None of this is reflected in Fox's work. His favorite post-Maimonidean philosophers seem to be Hume and Kant. Hegel is missing as are Kierkegaard, Gadamer and Levinas, to mention but a few of the names whose influence would have produced a richer reading of Maimonides.

Contemporary French and German philosophy is particularly aware of the complexity of the interpretive enterprise itself. Fox seems to think that the criterion of a correct interpretation of Maimonides is Maimonides' intention and almost nothing else. The author is the sovereign owner of his work and the task of the interpreter is to try to fathom, as best as he can, what the author meant when he wrote. But once a work is written, it embarks on a life of its own. The author is not a privileged interpreter because an author may be quite unaware of significant issues lurking in the margins of his work. The midrashic method is so interesting because it frees itself from searching for "the" meaning of the text because it understands that interpretation is an interplay between text and interpreter with the interpreter sometimes playing a more important role than the author. The very notion that a text is created by a sovereign author is itself questionable. Often, the author is the instrument through whom complex linguistic, structural and symbolic systems express themselves. The simple search for the "intention" of the author is an unreflective stage of interpretation.

Fox is to be commended for his defense of an enlightened Orthodox Judaism that does not cut itself off, as Maimonides did not, from the best in human thought. "We must be prepared," writes Fox (pp. 326-327), "to learn the truth from whatever source it may come even if it is external to our own community of faith. The greatest minds and the deepest thinkers of all ages and places must always be taken seriously." I would only add that this applies also to thinkers outside of the empirical-analytic philosophical tradition.

***Voices in Exile: A Study in Sephardic Intellectual History*, by MARC ANGEL (Ktav Publishing House, 1991) 237 pp.**

Reviewed by
Henry Toledano

Marc Angel's book *Voices in Exiles* is the first comprehensive study of Sephardic intellectual and spiritual history from the period of the Expulsion from Spain in 1492 through the first half of the twentieth century. It deals with thinkers and trends among the Sephardim of Turkey and the Balkan countries, the land of Israel, North Africa, and the Western Sephardic communities of Europe and the New World. In a sense, each of the book's thirteen chapters is a self-contained unit dealing with one or more aspects of Sephardic culture and creativity.

The numerous works examined by Rabbi Angel in these studies include works published in most of the major centers of the Sephardic world in Hebrew, Ladino, as well as a number of other western languages. These works cover a wide array of topics and are indicative of how remarkably productive Sephardic writers and intellectuals were during the period under study.

Angel places these teachings and ideas in their proper historical and ideological context, showing how the Sephardic thinkers and spiritual leaders attempted to respond to and confront the various challenges of their times. Indeed, if there is one major unifying theme underlying all the works discussed by Angel, it is that of "challenge and response." Following are several illustrative examples.

One of the difficult tasks of the spiritual leaders of the post-Expulsion generation was to try somehow to make sense of their bewildering predicament. While

some leaders such as R. Yosef Yaavetz and others like him saw in the tragedy that befell Iberian Jewry a punishment from God for the sin of having over-indulged in the study of Greek and Arab philosophy and science at the expense of the study of Torah, others, rather than blame the Jews for their own suffering, held God accountable. They claimed that God had acted wrongly towards the Jewish people, and they demanded that He must rectify this wrong by bringing about the long awaited messianic redemption in order to redeem His own reputation as a Just God.

Angel cites ample illustrations to show how this "rebellious" response to the Expulsion found expression in liturgy, in literature, and in an active messianic belief, one that was not based solely on hope. This even led some Sephardic leaders to take certain symbolic pre-messianic actions designed to hasten the coming of the Messiah. Such were Rabbi Yaakov Berav's attempt in 1535 to reestablish the traditional rabbinic ordination (*semikha*) and thereby restore the Sanhedrin, and the attempt by Don Yosef Nasi, a leading Sephardic Jew in the Ottoman Empire, to renew the Jewish settlement in Tiberias.

The attempt of Sephardic leaders to make sense of the Expulsion resulted in yet another interesting intellectual development, namely the resurgence of Jewish historical writing in the sixteenth century which was far more comprehensive in scope than earlier Jewish historical literature. An interesting feature of these post-Expulsion Jewish historical works is that their respective authors attempted to interpret historical events as fulfillments of biblical prophecies, seemingly in an attempt to understand the Expulsion by placing it into a larger historical context, guided by God's providence.

Another example of the challenge faced by Sephardic leaders involved the spiritual struggle of the *conversos* who returned to Judaism during the 16th and 17th centuries.

Sephardic spiritual leaders of the time rose to the occasion and attempted to make the transition of the *conversos* to Judaism as easy and as pleasant as possible. In the process, they produced an extensive literature in Spanish and Portuguese including original works as well as translations of classic Jewish texts. All of these works were designed to serve two purposes. They served to instruct the *conversos* in basic Jewish beliefs and observances on the one hand, and refute the criticism of rabbinic authority by skeptics among the *conversos* on the other.

Another aspect of Sephardic culture dealt with by Angel is folk wisdom and folk culture. In this context, emphasizes the dominant role played by women in the transmission and preservation of Sephardic culture. Although Sephardic women were not active in the formal intellectual life of their societies, they had a profound influence on what their husbands and sons thought and did. As Angel asserts, "It was they who sang and transmitted the Judeo-Spanish ballads, who told Judeo-Spanish folk tales to their children, who peppered their conversations with witty and humorous Judeo-Spanish proverbs."

In addition to providing the reader with a panoramic view of nearly five centuries of Sephardic experience and creativity, Angel's book also corrects certain erroneous premises of modern Jewish history, particularly with regard to Hassidism, the *Haskala* (the Enlightenment), and Zionism. Thus while no one disputes the centrality of these watershed developments in modern Jewish history, the general impression conveyed by most works of modern Jewish history is that these were the exclusive contributions of Ashkenazic Jewry without any Sephardic input. Yet, Angel shows that while the initial thrust for these developments came from Ashkenazic

Jewry and reflected its experience and its concerns, the Sephardim were not only influenced by these developments but also influenced them in one way or another. Thus, for example, although Hassidism was founded by Rabbi Israel Baal Shem Tov in response to the spiritual needs and social conditions of East European Jewry, its teachings stressed many themes emphasized by the Sephardic *musar* writers such as the centrality of kabbala, the need for self-improvement, and the responsibility of each Jew for all Jews. More important, Angel argues convincingly that Hassidism was influenced by Sephardic spiritual contributions. This influence is evident in the adoption by Hassidism of *nusah Sepharad*; the strong influence of Lurianic teachings reflected in many Hassidic teachings, customs and practices; the veneration and popularity that Rabbi Hayyim Benattar and his popular biblical commentary, *Or ha-Hayyim* enjoyed among Hassidim; and the widespread receptivity that works of Sephardic pietists such as Rabbi Eliezer Papo's *Pele Yoets* and Rabbi Eliyahu ha-Cohen's *Shevet Musar* enjoyed not only among Hassidim but among other Ashkenazic audiences as well.

The same is true of the *Haskala*. Again, there is no question that the *Haskala* was a phenomenon associated primarily with Ashkenazic Jewry's attempt to confront modernity. What is little known is that there was also what Angel aptly calls a "Sephardic *Haskala*." First, the Sephardim of Western Europe had already adjusted and adopted themselves comfortably to Western society. Second, even the Sephardim of Muslim lands were impacted indirectly by *Haskala* ideology through the increasing cultural influence of the European colonial powers in the Middle East and North Africa, and through the network of Alliance Israelite Universelle (A.I.U.) schools which brought the fruits of European *Haskala* to the Sephardim in Muslim lands. But more important, in confronting modernity, Sephardic intellectuals developed their very own *Haskala* with its own agenda. Thus, Angel's discussion of the teachings of several western Sephardim such as Grace Aguilar (1816-1847), R. Eliyahu Benamozeg (1822-1900), and R. Israel Moshe Hazan (1808-1863) among others, shows that they were not only steeped in western culture no less than the spokesmen of Ashkenazi *Haskala* but that they expressed in their respective writings many of its concerns.

Likewise, during the latter half of the nineteenth century, a number of enlightened rabbis and educators throughout the Sephardic diaspora advocated far-reaching reforms in Jewish education. Among other things, these reformers called for the extension of Jewish education to boys and girls alike, the introduction of modern pedagogical and progressive educational methods including that of teaching Hebrew by only speaking Hebrew (*Ivrit be-Ivrit*), and the inclusion of foreign languages and secular studies in the curricula of Jewish schools. And although these reforms met with strong opposition on the part of some traditionalists, ultimately the reformers prevailed primarily because they themselves were prominent religious traditionalists.

Another manifestation of the Sephardic response to modernity was the emergence in the 19th and early 20th century of a secular Judeo-Spanish literature which included journalism, drama, fiction and poetry as well as historiography and the collection and publication of Judeo-Spanish folklore.

On the other hand, Angel correctly points out that some aspects of the ideology of the Ashkenazi *Haskala* were irrelevant to the needs and concerns of the Sephardim, while others were unacceptable to them on religious or ideological grounds. Thus, the quest for political emancipation among Ashkenazim and their concern that they be accepted by non-Jewish society as equals was irrelevant to the

Sephardim of Western Europe who had a tradition of adaptability and felt relatively comfortable in their non-Jewish milieu. Similarly, the Sephardim in Muslim lands did not feel culturally inferior to their Muslim hosts and, unlike the Ashkenazim, had no use for political emancipation or equal rights, preferring instead the communal, religious, and judicial autonomy they enjoyed as *dhimmi* ("protected minorities") under Islam. More important is the fact that whereas the ideology of *Haskala* led its Ashkenazic spokesmen to question and undermine rabbinic authority, Sephardic leaders and intellectuals throughout the Sephardic diaspora advocated loyalty to Jewish tradition. The result was that while Ashkenazic Jewry was torn apart by the establishment of ideological and religious movements, Sephardic Jewry was spared this struggle and "did not fragment itself into Orthodox, Conservative, Reform and other movements." Rather, Sephardic communities remained loyal to the traditional *halakhic* communal framework even as they accommodated those whose observance of *halakha* fell short of the ideal. Thus, in confronting modernity, the Sephardim were able to be receptive to many ideas of the *Haskala* without compromising their loyalty to tradition.

Another interesting aspect of the Sephardic response to modernity was the bold and forthright manner in which Sephardic *poskim* responded to modern problems. Angel discusses representative responsa of such Sephardic *halakhic* authorities as R. Eliyahu Hazan, R. Hayyim Yosef David Azulai (the Hida), R. Yaacov Moshe Toledano, and R. Benzion Uziel, and shows how they were able to apply traditional principles of *halakha* in a spirit of creativity and innovation, and provided *halakhic* insight with which to deal with many modern problems, including the vexing problem of the *aguna*.

As for Zionism, once again there is no question that political Zionism was Theodor Herzl's response to the Jewish situation in Europe in his time. Yet, the idea of "active Zionism," that is the notion that the Jews cannot wait passively for the miraculous coming of the Messiah was first articulated by R. Yehuda Halevi in his *Kuzari*. It was picked up later by numerous Sephardic activists, most notably by Don Yosef Nasi who attempted to renew the Jewish settlement in Tiberias during the latter half of the sixteenth century, and R. Hayyim Abulafia who actually succeeded in renewing the Jewish settlement there in 1740, ushering in a world-wide wave of immigration to Tiberias. Finally, "active Zionism" was given its fullest expression by R. Yehuda Alkalai of Sarajevo, who is rightly regarded as the precursor of Theodor Herzl. Angel discusses the life, works and ideas of R. Alkalai in great detail. As early as 1834, R. Alkalai published his first work, a Hebrew booklet, *Shema Israel*, in which he advocated the creation of Jewish colonies in the land of Israel as a precondition to redemption. This became a dominant theme throughout his writings, especially after the "blood libel" of Damascus in 1840.

R. Alkalai, like Halevi before him, became more and more convinced that Jews must do something about their own precarious situation by returning to the land of Israel, rather than wait passively for the coming of the Messiah. Throughout his writings in both Hebrew and Ladino, R. Alkalai continued to maintain that redemption is primarily in the hands of man himself, i.e., the people of Israel. Miraculous redemption, Alkalai believed, can only come at a later stage. But, as Angel observes, R. Alkalai "was no starry-eyed visionary." In his writings, Alkalai provided specific and pragmatic suggestions. He actually formulated a full program of action including: the establishment of agricultural colonies as well as an industrial infrastructure; a mode of self-rule; a world Jewish assembly (anticipating Herzl's Zionist Congress); methods of

raising funds from Jews of the diaspora; the securing of international political support; and the revitalization of the Hebrew language. In short, R. Alkalai worked out a real "blueprint" for political Zionism as it was later outlined by Herzl in his book "The Jewish State." One must agree with Angel's assessment that R. Alkalai's advocacy of active Jewish participation in their own redemption in their own land was "a historic innovation of the first magnitude." And while we cannot establish any direct link between the ideas of Alkalai and those of Herzl, it is not altogether improbable that Herzl might have been directly or indirectly influenced by the Zionist thought of R. Alkalai. The parallels and similarities between Herzl's program and that of R. Alkalai are far too numerous to be either accidental or coincidental.

All in all, then, the total picture that emerges from *Voices in Exile* is that of a highly creative and productive Sephardic diaspora whose intellectual and spiritual leaders were ever so sensitive to the challenges of their times, and confronted them boldly, forthrightly and creatively. In the process, these Sephardic thinkers and writers made a significant contribution to universal Jewish culture and universal Jewish thought, a contribution which has yet to receive the recognition it deserves. Angel's work makes all this invaluable information accessible to scholars and laymen alike in a very engaging and cogent presentation.

Angel's book presents other Jewish scholars interested in Sephardic culture with the challenge of carrying his research further. Indeed, Angel himself has set the perfect example for this hoped for research in his recent study of R. Papo's *Pele Yoetz*, *The Essential Pele Yoetz: An Encyclopedia of Ethical Jewish Living*.

***The Uses of Tradition: Jewish Continuity in the Modern Era*, JACK WERTHEIMER, ed. (Jewish Theological Seminary of America, 1992) 510 pp. *Halacha in Straits: Obstacles to Orthodoxy at its Inception* by JACOB KATZ, Hebrew (Magnes Press, 1992) 287 pp.**

Reviewed by
Marc B. Shapiro

The Uses of Tradition is a very valuable book of essays which will be of interest to readers of *Tradition*. The entire first section is devoted to studies of Orthodoxy. David Ellenson opens the volume with an insightful article on German Orthodoxy's immersion in German culture. This is followed by a ground-breaking and detailed article by Michael Silber on the development of ultra-Orthodoxy in Hungary. No other article to date even comes close to Silber's in its comprehensiveness and attention to detail, and one must look forward to more writings from him which will illuminate this often ignored phenomenon.

In his discussion of the origins of what is popularly known as ultra-Orthodoxy, Silber conclusively shows that in many ways this community, although claiming to be the guardian of tradition, actually presents an entirely new outlook. This is a good illustration of G. K. Chesterton's well known comment that it is really Orthodoxy which is "the natural foundation of revolution and reform."¹ Silber describes how the ultra-Orthodox were led to their stringent interpretations and rulings as a means of holding the community together against the onslaught of moder-

nity, (the exact opposite approach of the German Neo-Orthodox). Men such as R. Hillel Lichtenstein and R. Akiva Joseph Schlesinger are the focus of this study and they are contrasted with the more moderate Orthodox such as R. Moses Schick and R. Abraham Samuel Sofer. Silber's typological classification of various rabbis is also helpful² and, unlike many scholars, he has the advantage of being able to make use of Hungarian sources which provide for a well balanced treatment. It is a valuable article for both its insight and readability.

In a fine study of R. Abraham Karelitz (*Hazon Ish*), Lawrence Kaplan describes the great importance of this sage and the original approach he advocated. Of particular concern to Kaplan are R. Karelitz' criticisms of both the Brisker method of Talmudic study and the *mussar* movement. For a variety of reasons R. Karelitz, despite his desire to remain a private figure, emerged as the leader of the *haredi* community in Israel and his preeminence influenced all segments of Orthodoxy.

Kaplan speculates that R. Karelitz settled in Bnei Brak rather than Jerusalem in order to enable himself "to function outside an already existing communal framework, [this was] a wish to help fashion and shape a new framework." While this may be true, it is probably also the case that he wished to avoid the religious controversy regarding R. Kook, which was raging in Jerusalem and into which all who lived there were drawn.³ Missing from Kaplan's study is a discussion of R. Karelitz' position in what we may call the Zionist *haredi* community centered around R. Abraham Isaac Kook's Yeshivat Merkaz ha-Rav. Not surprisingly, in this community the *gadol hador* was R. Kook rather than R. Karelitz, even after the former's death, and their relationship with the latter has always been fraught with tension.⁴

Kaplan's essay is followed by Menachem Friedman's "The Lost Kiddush Cup," in which R. Karelitz also plays a great role. Friedman's concern is with the larger measurements for religious requirements which, through R. Karelitz' influence, have become standard for the *haredi* community. What is most significant about this point is that the acceptance of these new measurements required a rejection of many years of family tradition; a step made easier following the destruction of the Holocaust. This illustrates once again how Orthodoxy, rather than being merely the faithful guardian of the past, can also be quite revolutionary and dynamic.

Friedman argues that this phenomenon emerges in our community because it is now the yeshiva which stands supreme and which occupies a more central place in Orthodoxy than ever before. As R. Immanuel Jakobovits pointed out in these pages a quarter of a century ago, "judgments rendered in the isolation of yeshivot can afford to be rigid, if not dogmatic in their reasoning. [Congregational] [r]abbis, on the other hand, must endeavor to vindicate their decision before public opinion. They must also take into account the ramification of their rulings on relations and attitudes within the larger community."⁵

David Fishman describes the brave struggles of the Orthodox, led by the Lubavitcher Rebbe, R. Joseph Isaac Schneerson, to ensure the continuity of Judaism and the economic viability of the traditional community in the early days of the Soviet Union. Although he admires all that R. Schneerson was able to accomplish, he also notes that R. Schneerson made some major errors in judgment, the most fundamental being his belief that the government was not interested in pursuing an anti-religious policy. He was thus able to advise his followers to remain in Russia when it was still possible for them to leave. Any positive effect which they had on the community was soon wiped out and it was then too late for them to emigrate, ensuring that their children and grandchildren would be indoctrinated into commu-

nism; certainly not an outcome envisioned by the Rebbe. It is, however, important to stress that while the Lubavitcher Rebbe was demanding that his followers remain in the Soviet Union, numerous other rebbes and religious leaders were themselves leaving and urging their followers to do the same. In retrospect it is obvious that the latter approach was the correct one.

It is significant that the volume under review also contains an essay by Harvey Goldberg on modernization and traditional responses in North Africa. Research by Goldberg and others has finally introduced balance into what has so far been European-centered research. In addition to describing the rabbinic reaction to modernity he also discusses the reaction of the laity, which he characterizes as "selective traditionality." It was from this latter group that the central element of folk religion emanated, namely, the *hillula*, or pilgrimage festival at the graves of saints. Although Goldberg does not mention it, it is worth noting that the *hillulot* were opposed by some rabbis both on theological-halakhic grounds and on account of their rowdy atmosphere.⁶

One point left unmentioned by Goldberg is that, not having to face the threat of Reform, North African halakha was able to develop in different ways from what is found in Europe. This is particularly true with regard to Morocco. Here one finds many seemingly radical decisions by eminent figures (in particular R. Joseph Messas), such as are generally not found in Europe, at least not in the writings of mainstream halakhists. For example, not only did Moroccan rabbis generally have a lenient attitude towards conversion, but rulings were given that the *hazzan* need not repeat the *shemoneh esreh*, married women need not cover their hair, the law of *eruvei hatzerot* is no longer applicable, non-Jewish milk is permissible, wine handled by a Muslim can be consumed, Jews can be buried in the same cemetery as Gentiles (with a separation of four cubits), and flowers may be placed on the coffin.⁷

Morocco is also the only modern Diaspora country in which the Bet Din was still a moving force behind halakhic development. *Takkanot* were issued on a wide range of issues, and unlike what occurred when the Chief Rabbinate of Israel issued *takkanot*, there was no right wing opposition.⁸ In general, the Ashkenazic trends of separatism and extremism found no echo in North Africa, or among Sephardim in general, and incidentally, this is one of the reasons why the Sephardic Chief Rabbis in Israel have not had to confront a significant right wing challenge to their legitimacy from within their own communities.

It is a little surprising that there is no article on Orthodoxy in the United States. Indeed, with the century coming to a close there is a need for a comprehensive study of the development and trends of American Orthodoxy in the twentieth century and Mordechai Breuer's outstanding study of German Orthodoxy could serve as an excellent model for this treatment. Of course, as everyone is by now well aware, and despite all earlier predictions, Orthodoxy has been a great success story. However, the form of Orthodoxy which has emerged in the U. S., and which continues to be getting stronger, is an even greater surprise.

In his latest volume Jacob Katz continues with his important contributions to Jewish scholarship. This work contains a great number of Katz' essays on the development of Orthodoxy, including some studies which have never before appeared in print. (His classic article on the *Hatam Sofer* is not included, having earlier appeared in his *Halakhah ve-Kabbalah* [Jerusalem, 1984].) Every essay of Katz displays such careful scholarship, attention to detail, and illuminating descriptions, that it is truly impossible to do justice to this book in a short review.

Although many seem to be unaware of this fact, the word "Orthodoxy" is borrowed from Christianity⁹ and, if R. Samson Raphael Hirsch is to be believed,¹⁰ it was the Reformers who first categorized the traditionalists in this manner, believing the term to be derogatory. Despite some opposition, the traditionalists themselves, with few exceptions, soon began to proudly refer to their lifestyle as Orthodox.¹¹ Basic to the studies of Katz and his students, in particular Moshe Samet, is the awareness that Orthodoxy is not to be identified simply with loyalty to tradition in the time-honored fashion. Rather, Orthodoxy refers to a self-conscious adherence to tradition, in the context of large scale defections from this tradition. As Katz points out, although the Orthodox, as opposed to the Neo-Orthodox, portrayed themselves as nothing more than the guardians of traditional life, this was not at all true since they were, in fact, responsible for many innovations and also developed a new method of confronting the deviant trends (cf. the essays of Silber and Friedman, mentioned above).

An interesting point which Katz perceptively illustrates is how the Orthodox appealed to the modern sensibilities of the government by arguing that it violated their freedom of conscience to have to be joined in one *kehilla* with the Reformers. This is ironic because when they were in the majority the traditionalists had no hesitation in requesting government intervention in order to retain control over the non-traditionalists. The truth is that the Orthodox would have liked nothing better than for the government to have banned Reform temples as subversive to true religion. No longer able to achieve this, they settled, rather uncomfortably, into their new role as advocates of religious freedom.

In other studies Katz argues that, in the absence of convincing halakhic sources with which to refute the Reformers regarding issues such as *yom tov sheni* and *metzitza*, the halakhists came up with novel ideas and sources, giving the practices an entirely new basis and often classifying what used to be regarded as a secondary detail, e. g. *metzitza*, as a central religious obligation. There is little doubt that, if asked, the nineteenth century *posek* would deny that his categorizing of *metzitza* as central to the commandment of circumcision has anything to do with the Reformers. As far as the halakhist is concerned, if *metzitza* is shown to be an indispensable ritual, than it has *always* been indispensable. The halakhist would never agree that he has taken liberties with the sources because of religious or social pressures. However, the historian tries to explain trends and understand why it is only in this particular generation that *metzitza* assumes such central importance. Furthermore, as Bernard Bailyn has so correctly noted, "the very possibility of historical explanation lies in the differences between the perspective and range of knowledge of participants and those of the historian."¹² It is the historian who views the halakhist as having been pressured by forces beyond him, and often not even apparent to him, into a sometimes radical reinterpretation of sources, all in order to justify what in his mind is essential to prevent the breakdown of traditional Judaism.

In discussing the famous responsum of R. Jacob Ettlinger in which he ruled that contemporary Sabbath violators are not to be treated like idolators,¹³ Katz stresses the social factors which, he claims, forced this decision, which was really nothing more than a formal justification of an already existing situation. Although Katz does not elaborate on this issue, I think it is clear that most historians who examine R. Ettlinger's responsum will conclude that, in effect, R. Ettlinger has created an entirely new legal category, i. e. the God-fearing Sabbath violator. Indeed one need not be an historian to adopt this view for numerous halakhists have regarded R. Ettlinger's

approach as a complete departure from halakhic precedent.¹⁴ On the other hand, the halakhist sympathetic to R. Ettlenger's position, and there are many, would argue that rather than creating a new halakhic category, R. Ettlenger merely applied the built-in principles to a different factual setting. Unlike the historian, the halakhist believes that every decision rendered has always been inherent in the traditional texts, just waiting to be derived. Even when the halakhist admits that he is stretching the sources in order to find some justification for a questionable practice (*limmud zekhut*)—always a noble endeavor¹⁵—as long as sources can be found the halakhic system has not been undermined in any way.

This basic difference in outlook can be seen again and again when comparing the approaches of the halakhic historian with that of the *posek* and can be illustrated most vividly by looking at Haym Soloveitchik's description of the Tosafist attitude towards martyrdom.¹⁶ According to Soloveitchik, professor at Yeshiva University's Bernard Revel Graduate School, there were occasions when contemporary circumstances led the Tosafists to create a new legal standard and in so doing were responsible for a radical new development in halakha. Soloveitchik's method of describing halakhic development is shared by such leading scholars as Katz, Ephraim Urbach,¹⁷ and Yitzhak Gilat, all of whom identify with Orthodoxy, and it is this method which is rejected as factually incorrect, and even heretical, by those who do not recognize any real history or sociology of halakha. The dispute is, of course, not new and was one of the basic points of disagreement between R. Samson Raphael Hirsch and R. Zechariah Frankel, and to a lesser extent Hirsch and R. David Hoffmann.¹⁸

Katz also illustrates the nineteenth century creation of what he terms *ex cathedra* rulings. That is, the halakhist, acting through his charismatic personality, issues rulings on a wide range of communal issues basing himself primarily on biblical passages and religious feelings rather than halakhic sources. If a certain decision is perceived by the halakhist as necessary to maintain the Torah community, he will reach it. The halakhist places these new rulings at the very center of the religion, and one who violates them is no longer to be regarded as a faithful Jew.

It seems clear that the method of decision-making Katz is describing is fundamentally not really different than the contemporary notion of *Daat Torah*. I thus do not accept the popular view that *Daat Torah* is a twentieth century concept. Even in pre-modern times one can point to rabbis deciding communal matters based on non-halakhic points. What this means is that the halakhist was intuitively convinced that his community needed to adopt a certain approach and, lacking the precise halakhic sources, supported his position by citing Bible, Midrash etc.¹⁹ By making a case without traditional halakhic sources it is impossible for an opponent to marshal contrary halakhic arguments. A ruling could be opposed, but not refuted. The only real difference between the modern exponents of *Daat Torah* and the earlier authorities seems to be that the earlier authorities felt the need to expound upon their opinions with numerous Scriptural and Aggadic proofs. The modern exponents of *Daat Torah* often feel no need to offer any justification of their views and it is here where one finds their originality.

All this is very interesting and certainly requires a great deal more discussion than can be given here. However, if the current scholarly climate is any indication for the future, we have much to look forward to as scholars continue to debate the history and development of halakha.

NOTES

1. *Orthodoxy* (Westport, Connecticut, 1974), p. 257.
2. See my "Iggeret Bikkoret al Yeshivat Eisenstadt," *Ha-Ma'ayan* 34 (Tishrei, 5754), pp. 15-25.
3. This reason was actually suggested by R. Kook himself, see R. Moshe Zvi Neriyah, *Bi-Sede ha-Reiyah* (Kefar ha-Roeh, 1987), p. 241.
4. For R. Zvi Yehudah Kook's downplaying of R. Karelitz' importance see *Gadol Shimushah* ([Jerusalem], 1984), pp. 67-68.
5. "Rabbis and Deans," *Tradition* 7:4-8:1 (Winter, 1965-Spring, 1966), p. 98.
6. See R. Joseph Messas, *Mayim Hayyim* (Jerusalem, 1967), no. 207, *Mayim Hayyim* (Jerusalem, 1985), vol. 2, *Orah Hayyim*, no. 105; R. Saul Ibn Danan, *Ha-Gam Shaul* (Jerusalem, 1977), vol. 2, pp. 62-63.
7. I hope to soon publish my article on halakhic trends in Morocco where I provide sources for all the halakhic decisions listed in this paragraph.
8. See Moshe Amar, "Ma'amad ha-Ishah be-Vatei ha-Din be-Morocco ba-Meah ha-Esrin," *Mi-Kedem u-mi-Yam* 3 (1990), pp. 187-202.
9. See J. Wohlgenuth, "Etwas über die Termini 'Orthodoxes und gesetzestreu es Judentum,'" in Simon Eppenstein et al., eds., *Festschrift zum Siebzigen Geburtstage David Hoffmann's* (Berlin, 1914), pp. 353-358.
10. *Judaism Eternal*, translated by I. Grunfeld (London, 1959), vol. 2, pp. 238-239.
11. Of course, history is full of examples of groups which readily appropriated a term coined by their adversaries. From Jewish history, the one which stands out is the term *mitnagdim*, which is how the Hasidim originally referred to their opponents. See Aaron Wertheim, *Halakhot ve-Halikhhot be-Hasidut* (Jerusalem, 1989), p. 234.
12. See Gordon S. Wood, "The Creative Imagination of Bernard Bailyn," in James A. Henretta, et al., eds., *The Transformation of Early American History* (New York, 1991), p. 41. My thanks to Dr. Edward S. Shapiro for bringing this valuable essay to my attention.
13. *Binyan Zion ha-Hadashot* (Jerusalem, 1989), no. 23. The note stating that this responsum is only theoretical is by Ettliger's son, as is stated in his introduction to the volume. Although this note is praised by R. Hayyim Eleazar Shapira, *Minhat Eleazar* (Munkacs, 1902), vol. 1, no. 74, there appears to be no reason to assume that Ettliger did not consider his responsum to have practical significance. Therefore, there is no difficulty in the fact that numerous *poskim* have relied on Ettliger's lenient position.
14. See e. g. Shapira, *loc. cit.* See also R. Moses Kliers, *Moreshet Moshe* (Jerusalem, 1970), no. 6: "After the sages said that a Sabbath violator is a *mumar*, we cannot look at what is in his heart, just as it does not matter whether an idolator prays and observes the entire Torah. He is still regarded as a *mumar*."
15. See, for example, R. Moses Israel, *Masat Moshe* (Constantinople, 1734), vol. 1, no. 17 (pp. 67a-b):

והדבר חובה עלינו למשכנוי נפשינ ואפי' על צד הדחק לקיומי מנהגם של ישראל
 שלא יהיו חו כעוברים על דת . . . אבל התוס' דחקו לפרש . . . והוזקו לזה
 משום דחזינן להו לישראל קדושים . . . וכי היכי דלא למשויינהו שעושינ שלא
 כהוגן במידי דנהוא ופשטיה דחקו התוס' לתרגמה בהכי אע"ג דאין זה פשטא . . .
 ונמצא הוזקו התוס' לדחוקי לישנא דש"ס דלא למשויינהו לישראל שעושינ שלא
 כדן אף אנן בדידן נחזי סמך כל דהוא להך היתרא דקמן שפשט ברובא דעלמא
 יש לדחוק לקיים מנהג ראשונים R. Moses Sofer, *She'elot u-Teshuvot
 Hatam Sofer* (Jerusalem, 1989), *Orah Hayyim*, no. 90: "במילי דרבנן אעפ"י שהוא דוחק וסברת הכרס
 Cf. also R. Samuel de Medina, *She'elot u-Teshuvot Maharashdam* (Lemberg, 1862), no. 70 (beginning); R. Samson Morpurgo,
Shemesh Tzedakah (Venice, 1743), vol. 1, *Orah Hayyim* no. 4; R. Meir Katzenellenbogen,
She'elot u-Teshuvot Maharam Padua (Cracow, 1882), no. 78; R. Jehiel Michel Epstein,
Arukh ha-Shulhan, Orah Hayyim 338: 8.
16. "Religious Law and Change: The Medieval Ashkenazic Example," *AJS Review* 12 (1987), pp. 205-221.
17. Katz, however, has called attention to a difference between his approach and that of Urbach; see *Halakhah ve-Kabbalah*, pp. 344ff. Whereas Urbach speaks of social conditions

forcing the *rishonim* to issue real *heterim*, Katz views the *rishonim* as doing nothing more than providing a halakhic imprimatur for what was already common practice. Soloveitchik's approach is in line with that of Katz.

18. Yonah Emanuel, in his review of Yitzhak Gilat's *Perakim be-Hishtalshelut ha-Halakhah* (Ramat Gan, 1992), in *Ha-Maayan* 33 (Tishrei, 5753), pp. 42-49, correctly senses that the latter's approach follows in the footsteps of Frankel, and therefore Emanuel disqualifies his book from the realm of faithful Torah scholarship. Gilat, *ibid.* (Tevet, 5753), pp. 51-57, replies to a number of Emanuel's specific points but does not deny that his approach is similar to that of Frankel. The implication is clear, namely, that the realm of faithful Torah scholarship is much wider than what Emanuel believes it to be.
19. See e. g. the interesting comments of Menahem Elon, "Darkhei ha-Yetzirah ha-Hilkhatit be-Pitronan shel Ba'ayot Hevrah u-Mishpat ba-Kehillah," *Zion* 44 (1979), pp. 259ff.

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