

COMMUNICATIONS

HALAKHAH AND LIFE

TO THE EDITOR OF *TRADITION*:

This letter is prompted by a reading of the lead article in the Spring 1971 issue of your journal entitled "The New Trend in Halakhah," by Rabbi Louis I. Rabinowitz.

As a layman I am aware that for me to react in writing to an article in your magazine is an exercise in temerity and futility. The "temerity" aspect is obvious enough—"futility" because coming from a layman this letter is not likely to get a very attentive reading. Nevertheless, the issue of Halakhah is of such overwhelming importance in our day that I am writing this more out of a sense of compulsion than out of a sense of purpose.

The existence of such a concept as *Le-Halakhah Ve-Lo Le-Maaseh* comes as a deep shock. We have been taught all these years that Halakhah, if it is anything, is the practical, within life, application of the truths to be found in the Tanakh, the Talmud, the Responsa; that search and study in Torah should be the preoccupation of every good

Jew never for idle hairsplitting but directed to the one task: to help Jews live a good, righteous life according to the word of God.

And now we find out that there exists a seemingly well accepted and well respected institution within Rabbinic tradition that accepts debate and inquiry into the Torah in a vacuum. Torah, it would seem is for discussing only and not for "doing!"

One is reminded of a joke that illustrates a similar situation in the business world: a quantity of tuna fish is being traded through many hands and everybody is making a good profit along the way. When it reaches the consumer, he finds the tuna spoiled and inedible. The store keeper is told when objecting to the merchandise: ". . . we forgot to tell you, this tuna was only for buying and selling, not for eating . . ." Halakhah that is just for "talking" and not for "doing" is, I feel, a corruption of the very concept of Halakhah. Like operating on a lifeless body: you can permit yourself a lesser degree of care and responsibility than is called for on the living flesh. It is luxury, having the best of all Rabbinic worlds.

TRADITION: *A Journal of Orthodox Thought*

What is one to say when this kind of luxury is indulged in not only in the act of "pure" (i.e. "in a vacuum") study but even when faced with human suffering and tragedy? It certainly seems to these, perhaps "unsophisticated" eyes, like blatant irresponsibility; a simple cop-out. It would, among other things, give more ammunition to all those who are constantly declaring that Judaism and Torah are irrelevant and obsolete. One gathers from a reading of recent issues of your journal that there is a stirring of recognition within all sectors of the Jewish congregation of the basic need of Halakhah for Jewish survival. Historically, this new debate, transcending the Yeshiva walls, has just begun. It will hopefully involve many Jews new to the whole subject, erstwhile secularists, who will call a spade a spade, not observing certain niceties and gentlemen's agreements that have obtained in the world of Rabbinic discourse.

This new Halakhah involvement will pretty well have to stick to the heading *lemaaseh*, for it will have to yield answers how one is to lead a righteous Jewish life in a modern age.

This challenge is present both in Israel and in the Diaspora. To tolerate a Halakhah search that is not *Le Maaseh* is to admit that Halakhah itself may be irrelevant *lemaaseh*.

Ronald Gruen
Dallas, Texas

RABBI RABINOWITZ REPLIES:

I find it difficult to understand

Mr. Gruen's perturbation and "deep shock" at the discovery of the existence of a concept of *Le-Halakhah ve-lo le-Ma'aseh* in Jewish Law.

I should like to point out *en passant* that if the interpretation I gave to the use of this phrase in the particular instance I quoted, viz., that it was, as I stated "an expression of regret that it was by then only a theoretical point which *could not* be implemented in practice," the concern shown by Mr. Gruen does not apply in this instance. Nevertheless the concept that there are halakhot which are not necessarily implemented in practice is a reality of Jewish law.

The phrase *Halakhah le-Ma'aseh* appears in the Talmud in two different connotations. The first is that a certain act of conduct practiced by an authority is to be accepted as halakhah. An example can be seen in *Berakhot* 24a where R. Hamnuna b Joseph states that the reason Raba asked him to bring him his *tephillin* from a certain place was done deliberately to teach him that *halakhah le-Ma'aseh*, i.e., that this practice was to be accepted as the Halakhah.

In *Baba Batra* 130b, however, it has a different connotation. There the rule is specifically laid down, "the halakhah is not to be deduced either from theoretical study (*limmud*) or from adopted practice (*ma'aseh*), unless one is told that *halakhah le-ma'aseh*, i.e., that that practice is to be accepted as the halakhah (see Rashbam in loc.). This ruling is followed by an actual example. R. Assi asked R. Johanan, "When the master tells us that

Communications

such and such is the halakhah, may we act accordingly?" He answered him, "Do not act in accordance with it unless I state that *halakhah le-ma'aseh*," i.e., this action does represent the halakhah.

This meaning is somewhat different from that given to it by later authorities who applied it to suggest a possible contrast between halakhah, on the one hand, and *ma'aseh*, on the other, to the extent that although a certain action may be in accordance with the halakhah, it is not to be implemented in practice. Nevertheless, it definitely makes a distinction between theoretical halakhah and practice.

The justification for the later extension of, or departure from, the original meaning is to be found in another phrase about which there can be no ambiguity, the phrase *halakhah ve-ein morim ken*. It is the halakhah but we do not apply it. Thus in *Bezah* 28b we read that R. Nehemiah b. Joseph saw Raba stropping a knife on the Festival. He asked him whether he was sharpening it or merely cleaning it. Raba answered the former, but it was clear to R. Nehemiah that in fact it was the latter, but although such an act is permitted according to the halakhah "one does not teach it as practice" lest people might come to treat the real prohibitions of the Festival lightly (See Rashi *in loc.*). This law is codified by Maimonides (*Hilkhot Yom Tov* 4.9) and the *Shulkhan Arukh* (*Orakh Hayyim* 509.2).

On this basis, and in limited cases, the authorities from time to time have decided not to implement a halakhah where there are

compelling reasons, mostly in the interests of public policy, not to implement it. The interested reader can see an excellent example in the *Responsa Tashbetz* 2.5, where the possibility of annulling *kiddushin* is discussed and that the conclusion arrived at is that although halakhically it would be justified, it should not be implemented in practice. The *Shilte Gibborim to Alfasi* on the passage of *Baba Batra* quoted above discusses the matter fully.

PROBLEM OF EVIL

TO THE EDITOR OF *TRADITION*:

Rabbi Besdin's article "Reflections on the Agony and the Ecstasy" [Spring, 1971] cannot but open the entire Pandora's box of the problem of Providence.

St. Augustine in the *City of God* wrestled with this problem as it appeared to him within the context of his time. Christian Rome was sacked by pagan hordes, a triumph to paganism. How could God permit this? His approach to find meaning is similar to the methods used by our Rabbis of the Talmud.

The human being is never perfect. *Mipneh Hatoenu*, it is because we have sinned that things went wrong—a rationale close at hand. Man falls short of the mark set for him by God. Augustine found that man even being near perfect suffered from the cardinal sin of pride which man could hardly have been so much justifiably afflicted with had he been less perfect.

TRADITION: *A Journal of Orthodox Thought*

Our sages, among many reasons given, tell us, "that Jerusalem was destroyed because they desecrated the Sabbath" (Talmud *Sabbath* 119b), and, "because they rigidly enforced the laws of the Torah to the letter . . . and would not act beyond the limitations of the law" (Talmud *Baba Metziah* 30b). They also told us that, "there is no death without sin and no suffering without iniquity" (*Sabbath* 55a).

The essential question is, does the degree of sin committed warrant such terrible punishment. To this we have the reply, "God is here finely particular with those in his immediate surrounding" (*Ye-bamoth* 121a).

Why was this particular generation chosen for a holocaust. There probably were generations better and generations worse in terms of piety and impiety in terms of morality and immorality. We desire to see a relatedness between punishment and reward and what we believe are the causes for these. To the human observer of earthly affairs it appears at times as Bertrand Russel sees it in his *History of Western Philosophy*. The pious suffer more, and turn more pious only to suffer worse. According to our sages, *S'char Mitzvah B'hai Almo Lecka* (*Kiddushin* 39b), "reward is not necessarily given for *Mitzvot* in this world," however, that *Din Arbah Misoth Lo Batloh*, that in a providential manner capital punishment are operative in what presumably appears accidental death (*Sotah* 8b). The Mishnah states, "that Samson followed (the desire of) his eyes; therefore he had his eyes blinded" (*Sotah* 9b). Many

individual cases of earthly retribution for sins and remuneration for *Mitzvot* are enumerated in the same Mishnah. If however neither retribution nor remuneration seem justly dispensed in this world it is "because God brings suffering upon the righteous in this world so that they may inherit (debt-free) the world to come (infinitely more valuable)." "And God bestows benefits upon the wicked in this world in order to destroy them" (in the world to come, a far greater punishment) (*Kiddushin* 40b).

When we speak about suffering we have a tendency to speak about the unusual and the usual, about degrees in intensity and magnitude. What is a normal massacre of Jews and what is a shocking one beyond comfort? Were Chmelnitzky's pogroms acceptable and the European holocaust unacceptable? To William James the universe is unjust if a singly bug is thoughtlessly stepped upon and unnecessarily killed. To Maimonides the universe is good if it is mostly good (*Guide for the Perplexed* Part III Ch. XII). Thus an earthquake in Peru killing thousands is an acceptable catastrophe. The question is to whom? The philosopher in his armchair and pipe in his mouth or the victims? Can the goodness of the universe affecting millions of individuals be decided by majority count?

We speak about reward and punishment for a nation over a period of thousands of years, historic justice. How are suffering generations comforted thousands of years before Israel became re-established especially since humanly this fruit of suffering should have been

Communications

ripe long ago if the two are at all inter-related. What meaning has the holocaust to those who were slaughtered even if, for argument's sake, resulted in Israel's establishment. Are humans only grist on a gigantic cosmic mill for the benefit of others they don't even know. And on what principle is the choice of being grist and being a beneficiary based? We speak glibly about cataclysms, universal and cosmic events "redemptive implications." The physical or numerical magnitude of the question in point matters very little if we are concerned about principles of justice. Whether one man is killed unnecessarily or millions, in this respect it makes little difference if human life is sacred. Only communism can justify the sacrifice of millions of humans on the altar of the revolution because individual life to them is insignificant. To them certain concessions and imperfections have to be accepted as we travel on the revolutionary road toward the millennium.

Beautiful terms and well chosen phrases have a tendency to give replies to questions a certain air of respectability and acceptability. Logically they merely constitute in many cases a restatement of the original question without bringing us any closer to a solution.

The Catholic church taught that the people of Israel was condemned to eternal exile because of its rejection of Christianity. The establishment of Israel exploded this myth. Hence the Vatican's adamant refusal to officially recognize Israel. In the light of this doctrine honest Catholics must now ask

themselves whether the establishment of Israel does not unmistakably indicate that God accepts his people, yet is now rewarding them for remaining stubbornly loyal to Him.

The Maharal of Prague, dealing extensively with Israel's suffering in exile in several of his works, warns against Messianic conclusions, interpretations and predications. Whenever history was in zenith such pronouncements abounded with dire and disastrous consequences. Bar Kochbah fitted the description but failed fulfilling the promise. Other periods were turbulent and beyond endurance and eschatologically tempting. Hopes arose only to be dashed on the treacherous rocks of relentless reality. There are those in every age who like to see in events of their time the final judgment. Others are quite wary of such pre-occupation. Is every advantage to the State of Israel to be interpreted as Divine approval and every disadvantage a rejection? If we follow the aforementioned Catholic reasoning then previous generations were unworthy of Israel and we are the generation worthy of it. *Mipneh Chatoenu* is a justification of God's judgment sending Israel into exile. The Talmud does not, however, unlike the Catholics consider Israel's stay in exile purely punitive and negative. "God exiled Israel among the nations of the world so that proselytes would join them" (*Pesachim* 87b). This makes Israel's stay in *Galut* a mission, a potent argument against those claiming that Jews are racist or a closed society to the exclusion of the rest

TRADITION: *A Journal of Orthodox Thought*

of the world.

We know that suffering is considered beneficial for Israel as salt for the meat. A Hassidic Rabbi cryptically remarked "*Farzaltz nisht Ribonoh Shel Olom*, God, don't spoil by oversalting." Instead of strengthening belief the incredible suffering of the Jews often has made belief difficult. Theology groping for meaning in what seems to elude it either considers this *Hester Panim*, God deliberately making himself appear absent, a form of punishment, or a further test. Those emerging with unshakeable faith after such a faith destroying occurrence as the holocaust are the finest distillation of the super pious. We are a generation of Jobs. Some the actual physical and spiritual Jobs, some just spiritual Jobs. (See Maimonides, *Guide for the Perplexed*, Part III Chap. XXIII and Chap. XXIV on Job and his Friends and the Object of Trials.) What is faith in this case, an explanation? A rationalization? Defiance of reason? A logic of the heart? A suspension of the mind to save the soul? A way to save our sanity?

The prime villain in this macabre shocking drama was Germany. Today it enjoys, except for geographical division, unprecedented prosperity and success. Its victims both Jews and non-Jew alike are not as fortunate.

It should be noted that the problem of suffering is symbolized in Job, an individual, and not in a people or nation. In the individual the problem is presented in high relief and in its most graphic and concentrated form. We are dealing

with the one and same who is the performer of the deeds, the same who is deserving of reward for them or punishment. Job alone is responsible to God and God to him. The problem of justice and suffering could hardly have been stated more poignantly. Job's value as a human being is not linked to that of a nation.

The moment peoplehood or nationhood are introduced the problem becomes compounded because we are not dealing any more with a physical and not always with an ideological and spiritual continuum. The guilt or merit of a nation is assumed. Ethically this assumption may be questionable. Those who are guilty may not live anymore. Those who deserved to be rewarded may be long gone. Of practical reasons the assumption of political nationhood and responsibility have to be made.

Many apparent imperfections in this, the best world of all possible worlds, are accepted by us because of their regularity, inevitability or simply because they are repeated. If to begin with an occurrence is an error, a repetition of it hardly makes it less so. Auschwitz was unthinkable and unprecedented. Now it is thinkable. (It set the clock of civilization back by 3,000 years and destroyed the belief in the sanctity of human life.) Would God forbid another Auschwitz be more acceptable?

Certainly Auschwitz presents a terrible dilemma. On the one hand the most grotesque mockery of the most tragic event in Jewish history is to justify it. To do this we make evil in its vilest form a necessity.

Communications

Human freedom is also a necessity but it takes place within the order that God created and within the sphere of choice set for it. If within it there is no Divine plan then this is the complete absence of God which is unthinkable. If within it we have retained human freedom and autonomy but are nevertheless acting out God's preconceived plan, which does not preclude choice (a problem differently approached by Maimonides and Gersonides), then we are just wondering why an all merciful God should conceive such a plan.

On the other hand, any attempt to assuage the mind should be commended. We believe that the universe is rational and makes sense. To us who believe in God it cannot be otherwise unless God as we believe him to be and as He is are different, according to Maimonides a distinct possibility. The human mind is ever in search for meaning psychologically and philosophically. God can live with the holocaust; can we? A theology is needed. The Jewish people's response, its loyalty and faith in the face of the absurd is one of the greatest miracles of all ages perhaps. But one would like to see a better epitaph to the holocaust than Rabbi Yanai's statement, "It is not in our power to explain either the propensity of the wicked or the afflictions of the righteous" (*Avot* 4:15).

(Rabbi) Israel Bornstein
Norfolk, Virginia

RABBINIC EDUCATION

TO THE EDITOR OF *TRADITION*:

Eliezer Berkovits (Fall, 1971) is again to be commended for attempting to smash *frum* idols; this time the varieties of higher Yeshiva education. I must, however, take serious issue with his proposed model; not so much for what it includes, as for what it leaves out.

I remain incredulous at the notion that a revised Talmud program, integrated with some modernized Bible, Jewish history, and philosophy, will yield the kind of person who will be able to deal with the crisis of the hour: what Dr. Berkovits aptly characterizes as "boring . . . religious services, . . . religious sham," and a ". . . tragic decline in contents, value, and vitality."

The crisis is actually two-fold, and a more careful analysis of it might have yielded Dr. Berkovits a different kind of Yeshiva. On the one hand there is indeed the almost complete absence of genuine spirituality in the "Establishment" Orthodox synagogue, characterized by the maudlin, mechanical mumbling of the worshippers, which, I lie to startled *baalei teshuva*, is apparently conversation with the Almighty. Few graduates of the old *s'micha* programs, and less from Dr. Berkovits' streamlined one, will have the psycho-spiritual know-how with which to infuse such congregants with the skills they need to really deal with G-d. This is a highly sensitive, mysticism-associated undertaking, and training for it just isn't found in either curriculum.

TRADITION: *A Journal of Orthodox Thought*

The other dimension of the crisis is our young people, who, if we haven't lost them, comprise the synagogue of tomorrow. I mean especially the thousands upon thousands of Jewish hippies, communedwellers, Jesus people, Hare-Krishna-types, yin/yang eaters, Havura *haverim*, and freaks of one sort or another who are aeons ahead of their home Rabbi in the development of their personal spiritual sensibilities, and to whom the guy in the pulpit is utterly incapable of speaking. Again, I do not see how a solid understanding of the *Moreh* or the Kuzari is going to help.

Dr. Berkovits' model, in short, does not provide the *laboratory* whence a man capable of existentially experienced and intellectually responsible G-d-talk can emerge. Skeletal models for such "laboratories," let it be noted, already exist in the halakhic community, and find roots in the Besht's Yeshiva, and in those of the Holy Ari, and Rashbi before him. These Yeshivot, which see *Hassidut* and Kabbalah as integral parts of their curriculum, provide, in addition, *mashp'rim*—*Roshei Yeshiva* who specialize in dealing specifically with a student's soul, in addition to his head.

Surely some of all this is lacking in Dr. Berkovits' proposed School.

Sincerely,
(Rabbi) Joseph A. Polak
Director, Hillel Foundation
Boston University,
Boston, Mass.

RABBI BERKOVITS REPLIES:

I am grateful to Rabbi Polak for his criticism. It enables me to express my thoughts on the points he raises, which do have a bearing on the subject of my article.

Rabbi Polak missed the most important aspect of my article. I do not consider the curriculum the decisive factor in my model. Decisive is the educational philosophy, which is its foundation and from which the curriculum follows of necessity. The educational philosophy I propose is life—and reality-oriented. It is formulated in the light of the actual historic situation in which the Jew and the Jewish people find themselves today.

Rabbi Polak writes as if Talmud, T'nach, Jewish philosophy, in integration with general contemporary methodology and scholarship, had nothing to offer. According to him our only hope is mysticism and Hasidism. I do not agree with him. I believe, I know, there is unfathomed intellectual and spiritual riches in Talmud, Halakhah and especially Aggadah, in *Tnach*, which when lifted into the light of the day speaks with conquering significance to the present situation. These studies in the contemporary Yeshivot are spiritually barren because they are exclusively text-oriented, completely separated from any real life situation. The key to the unlocking of all that riches today is the kind of integrated educational philosophy that is searching for meaning and the truth out of the need of our contemporary bewilderment.

The task of any educational sys-

Communications

tem is not to produce masters, but people who in the actual life situation can go their own way, confront unexpected problems, find the necessary resources, and have the ability to make use of them. I believe that given the educational philosophy I propose, on the basis of sound scholarship, the graduates of the kind of school I suggest should be able to do that, each one according to his own gifts. In the course of time, and as a result of their honest struggle with the problems they encounter, some would become masters. A master has to make himself.

Rabbi Polak suggests mysticism and Hasidism as a panacea for all our ills. Not only do I not agree with him; I consider such an opinion outright dangerous. First of all, Judaism is the religion and way of life of a people; mystics and Hasidim are groups and sects. There never was, nor will there ever be a Jewish people of mystics. In other words, it must be possible for Judaism to become eminently meaningful for a *people* without Hasidism or mysticism. Otherwise, Judaism would not deserve to be taken seriously.

Secondly, mysticism without sound scholarship, without intellectual penetration; yes, without intellectual awareness of the philosophical and theological work on Judaism, that has been going on since the days of Mishna and Midrash, medieval Jewish philosophy to our own times, of necessity degenerates into intellectual dilettantism and romanticist *Schwaermerei*. There have, of course, been some giants of Hasidism and mysticism,

great creative personalities who did not need all that. But again, such giants just happen; they are not trained, not even in the "laboratory" of a Besht's Yeshiva. In which Yeshiva did the Ari Hakadosh become the Ari Hakadosh?

This takes us to what Rabbi Polak calls the other dimension of the crisis—our young people. Again, I believe that he overvalues the lasting significance of "the development of the personal spiritual sensibilities" of the Jewish hippies, commune-dwellers, Jesus freaks, etc., etc. . . . My readings on the subject and personal contacts show that a great deal of it is justified rebellion against the establishment, but nothing more than rebellion. Much of it is just surrendering of responsibility, be it even out of an understandable sense of existential despair. Often one finds also a deep hunger "to hear the word of God." But unfortunately, far too many of the young people, engulfed by the spiritual and moral crisis of the hour, ask for quick and easy solutions and find Hasidim and quasi-mystics who are only too eager to provide them with such solutions. More often than not the "solutions" are only escapes from the hard-to-bear tensions of a trying situation. Some take LSD; others take Jesus; others again, mysticism—thus throwing flimsy bridges across the abyss. Hasidism, mysticism are important resources that should be made use of. As a panacea, at the heart of the darkness of the day, they are spiritual quackery.

TRADITION: *A Journal of Orthodox Thought*

CONVERSIONS

TO THE EDITOR OF *TRADITION*:

Rabbi J. David Bleich (Spring 1971 issue) rejects some of the ingenious solutions proposed by leading Rabbis to mitigate the harsh, rigid and severe interpretations of Talmudic laws in connection with proselytisation. With deference to his standing and obvious vast learning, how does he interpret the Talmudic dictum *Kocha d'Hetera Adif*? Does it not instruct religious leaders to find ways to mitigate the unhappy lot of the oppressed and rejected?

His contribution opens with the well-known quotation from Yalkut Shimoni on Yitro 28 — “I am the One Who drew Yitro nigh and did not repulse him. You, also, when one comes before you to be converted *For the Sake of Heaven* draw him near and repulse him not.” But, apparently, he does not follow its instruction. His interpretation of *L'shem shamayim* differs from Hillel the Elder and R. Hiyya in *Shabbat* 31a and *Menachot* 44a respectively.

I venture to suggest with respect that he had penned his article in the main essay before he read the judgment of the virile Rabbi Shelomo Goren, formerly Chief Chaplain of the Israeli Defence Forces and now Chief Rabbi of Tel-Aviv, in the case of the conversion of Helen Seidman which was applauded by Chief Rabbi I. J. Unterman, Head of the Rabbinate in Israel. Rabbi Bleich makes the common error of quoting Talmudic sources to illustrate a previously held view-

point. He quotes widely commentators of recent centuries whose decisions and judgments are based on the principle of survival. The *Rishonim* and *Achronim* of *Golah* were concerned to preserve the identity of Jewry in the Dispersion. Their conclusions were necessarily severe. But we are living in times of a resurgent Jewish State and *Halakhah L'Ma-aseh* when vital issues relating to thousands of our people, returning home after 1900 years of Diaspora life and exile, are seeking a new life in the land of their fathers.

His quotation from *Shabbat* 31a gives only one case — where the convert asked to be proselytised “on condition that you appoint me High Priest.” He fails to quote the other cases, viz. where the Gentile declared “Convert me on condition that you teach me the Written Law — for I believe in the Written Law and not in the Oral Law: and the centurion who said: “Convert me on condition that you teach me Torah — *al regel ahat* — literally, “on one foot” — but perhaps, “regulum,” “one rule.” All these conditions were contrary to the Law, yet Hillel received them!

The quotation from *Menachot* 44a where a Gentile woman in love with one of his students requested R. Hiyya “Instruct them (his *Bet Din*) to convert me!” was not in accord with Rabbinic practice, yet R. Hiyya saw that ultimately it was *L'Shem Shamayim* — to G-d's glory — and he accepted her.

Chief Rabbi Goren and his colleagues base their attitude to *Gerut* on the statement in the Jerusalem Talmud, “though their mind be not

Communications

'in G-d's Name' we do not reject them. They should be encouraged even though they would convert for love — be it a man for a woman or a woman for a man." *Mesichta Gerim* declares: "Beloved is the Land of Israel which prepared Gerim." This means, Israel enjoys a special facility in the matter of conversion; for those who live there have their roots in the peoplehood of Israel, and in Jewish Law and Faith. Whereas, in the lands of the Diaspora, converts are unreliable because when love wanes, religious attachment wanes.

It was a Babylonian Rabbi — R. Chelbo — who said: "Converts are like a plague to Israel."

Israel is fighting on three fronts — on its borders; in the field of diplomacy, economics and politics; and on the religious front. It must win all these battles if it is to emerge a strong nation. Its rabbis must fight even as its soldiers and ministers. In the new State new problems arise daily especially in the field of religion which must be tackled by men of action and decision; this is not a time for academic exercises.

(Rabbi) Isaac Chait, M.A.
Communal Rabbi of the
United Sheffield Hebrew
Congregation, England

TO THE EDITOR OF *TRADITION*:

I just noticed in the Spring 1971 issue of *TRADITION* that J. David Bleich states "that it would be most enlightening to know who are the authorities that Rabbi Goren followed in converting Helen Seidman

since her husband was a Kohen. This very question is discussed by Rabbi David Hoffman in his *Melamed le'Hoil'il*, Even ha'Ezer, no. 8, and he concludes that it is permissible to convert the woman under such circumstances.

(Rabbi) Aaron Rothkoff
Jerusalem, Israel

RABBI BLEICH REPLIES:

I read and react to Rabbi Chait's comments with feelings of pain, bewilderment and resignation; pain, because I studiously strove to analyze the problem in an objective and dispassionate manner as distinct from the charged emotional attitude with which this issue is so often treated — yet reader Chait, instead of countering in a similar vein, chooses to engage in *ad hominem* argumentation; bewilderment at how to continue an exchange of views since Rabbi Chait's comments betray the fact that he simply does not grasp the halakhic questions involved; and resignation, because there is really nothing which can be said if all such discussions are derisively dismissed in advance as mere "academic exercises." Judaism has always taught that "actions and decisions" in all areas of human life must necessarily be predicated upon study and understanding of Torah — an academic exercise *par excellence*. We are explicitly instructed not to counsel actions or issue decisions without accompanying analysis and explanation: "It should not enter your mind to say 'I shall teach them a section of Torah or a ha-

TRADITION: *A Journal of Orthodox Thought*

lakhah twice or thrice . . . but I shall not trouble myself to cause them to understand that reasons of the matter and its explanation . . .” (Rashi, Exodus 2:1).

For the benefit of the reader I will attempt to clarify the points raised by Rabbi Chait one by one.

1. It is simply not true that I have rejected the “ingenious solutions proposed by leading Rabbinis.” I indicate neither acceptance nor rejection of any opinion cited; rather the goal before me was an analysis of the problems involved. My article is lacking in the interjection of my own opinions to the point of fault.

2. Lofty and noble as “finding ways to mitigate the unhappy lot of the oppressed and rejected” may be this goal has absolutely no connection with the purely pedagogic principle of *kocha d’hetera adif*. The phrase as bandied about may have certain heuristic value to some; but, as reader Chait should know, the term does not denote a canon of halakhic determination and is totally irrelevant to the matter at hand.

3. Nowhere do I attempt to offer my own interpretation of the phrase “For the sake of Heaven.” The acts of Hillel and R. Hiyya are cited together with an explication of the halakhic principles derived therefrom by *Tosafot* and other authorities.

4. I deeply resent and vehemently deny the charge of intellectual dishonesty inherent in the allegation that I quote “Talmudic sources to illustrate a previously held viewpoint.” I take particular exception to this remark because it

is my invariable practice, both in writing and in the classroom, to present conflicting opinions as clearly, as accurately and as objectively as possible, especially so with regard to the views of those with whom I disagree most strongly.

I would have passed over this point in silence if not for the concluding sentence of Rabbi Chait’s paragraph. I am repulsed by the allegation that *Rishonim* and *Achronim* distorted halakhah and engaged in sophistry in order to reach preconceived conclusions and am not at all mollified by having been placed in such illustrious company. Anyone at all familiar with halakhic literature knows that the *masa u’matan* of halakhah was always conducted in the spirit of *yikov hadin et ha-har*.

5. Rabbi Chait asserts that Hillel acted in violation of the Law in accepting certain converts, implying thereby that we are also free to violate the laws concerning conversion. Neither the implication nor the assertion is credible. Is it not incongruous that no less a personage than Hillel should have violated the Law and that, moreover the Gemara should approvingly cite such violation? For an explanation of the cases cited one need look no further than Rashi’s comments *ad locum*, to which I refer the reader.

6. The quotation from *Menachot* 44a far from not being in “accord with Rabbinic practice” is the basis of the principle of *sofo le-shem shamayim* as indicated in my article.

7. Rabbi Goren’s position is

cited and analyzed in my article.

One final comment: Rabbi Chait draws a parallel between the diplomatic, military and religious fronts. The past years have taught us that in the diplomatic and military spheres the quick, facile solutions offer no real security. It is time that we recognized that in matters of religious practice as well the hasty, easy answer may also prove devoid of lasting value.

While Rabbi Rothkoff's comment is certainly appreciated, the responsum to which our attention is drawn is cited in some detail in footnote 17 of my article and is again referred to in footnote 51. Rabbi Hoffmann does not contend that marriage between a *kohen* and a proselyte is permissible; he merely indicates that this infraction is less severe than transgression involving cohabitation with a non-Jewess and hence constitutes the lesser of two evils. An additional factor contributing to Rabbi Hoffmann's rul-

ing was the consideration that the circumstances surrounding the case brought to his attention were such that rejection of the applicant would have evoked feelings of anti-Semitism among the non-Jewish populace. Similarly, in another case, Rabbi Judah Leib Zirelson, *Ma'arkhei Lev*, no. 72, sanctioned conversion and subsequent marriage of the convert to a *kohen* because of fear that denial of the request would have led to a pogrom. [Despite the gravity of the situation, this latter ruling was severely censured by Rabbi Hillel Posek in a pamphlet entitled *Ga'alei ha-Kehunah*.]

The statement attributed to Rabbi Goren — and again I emphasize, as I did in the original article, that journalistic accounts are notoriously inaccurate — conveys the distinct impression that the anonymous authorities cited rule that such marriages are normatively permissible and not merely countenanced in certain circumstances as constituting the lesser of two evils.