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STATUS OF WOMEN

TO THE EDITOR OF *TRADITION*:

I want to congratulate the editor and staff of *TRADITION* for taking a courageous step in publishing the fine article by Saul Berman, "The Status of Women in Halakhic Judaism" [*TRADITION*, Fall 1973]. This thought-provoking essay is indicative of an openness that can be of significance in restoring credibility to halakhic Judaism and the Orthodox rabbinate.

Rabbi Berman calls for a "moratorium on apologetics." His call should indeed be heeded. He is quite aware of the difficulty in avoiding apologetics and the one significant lacunae in his essay is his own creation of a "straw man apologetic."

He brilliantly points out the fallacy of the oft-times repeated apologetic fallacy, i.e., that women were excused from time oriented *mitzvot* because the menstrual cycle made them intuitively aware of the demands of time and thus did not need the *mitzvot* to train them in this area.

How unfair, Berman suggests, is

this to men. Indeed an insult. Rabbi Berman then goes on to create a not dissimilar rationale for the whole corpus of halakhah regulating the status of women.

"Indeed the Torah modified the civil and religious demands it made upon Jewish women, to assure that no legal obligation could possibly interfere with the performance of that particular role . . .

"I believe that the primary category of *mitzvot* from which women were exempted were those which would either mandate or make urgently preferable, a communal appearance on their part" (Berman, page 4).

Is this not degrading to men in the same manner in which Saul Berman suggests the earlier rationale (of innate understanding of time) is an insult to the male.

Women in this suggestion of Rabbi Berman have a choice. They may either find fulfillment in their role as wife-homemaker or choose to find fulfillment in some other role. Men, if we follow this rationale, are not given the same choice. Men must don *Tefillin* and attend communal services. What a terrible put-down to men! Women have a

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choice, but men do not. How different is this rationale from the earlier one that Berman is unhappy with?

They are both subject to the same inequality with which the halakhah views women or men (sic).

Although Berman takes a brave stance in his paper, a stance even more heroic is needed. He must realize that in the development of halakhah women have not fared well in terms of equality. This does not mean to suggest that the halakhah can not make amends or is not flexible enough to change its attitude toward women. The halakhah is our sages' perception of the demands of Torah. These demands were subject to pressures that were other than Divine. To state that Torah or halakhah wanted women to be less equal than men would be presumptuous. To state, however, that our sages did not legislate in earlier times for this equality is to understand the dynamics of the halakhah and its yet to be realized development that can lead the law-abiding Jew to grasp at a life of sanctity and holiness.

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TO THE EDITOR OF *TRADITION*:

Near the beginning of his article "The Status of Women in Halakhic Judaism," Rabbi Saul Berman admonishes us to "call a moratorium on apologetics" (page 8), although he proceeds to acknowledge that "the distinguishing line between apologetics and explanation is ex-

ceedingly thin" and even subjective (page 10). The author makes no attempt to delineate the boundary between the two realms, and, upon reading the main body of the essay, one tends to wonder whether he has indeed adhered to his own moratorium.

Lexically, "apologetics" is usually defined as "argumentation in defense of a religious creed," and it tends to accept the truth of the faith axiomatically and to justify its tenets — without making an "objective" inquiry into the validity of the system. To the modern mind apologetics is indeed in all repute. I would suggest that it is not apologetics in itself that is intellectually objectionable, but rather the type of argumentation employed — the selective presentation of data and the purposeful manipulation of facts — that are offensive.

"The Status of Women in Halakhic Judaism" certainly contains some apologetic material, inasmuch as it endeavors to demonstrate the conceptual basis and the rationality of certain *halakhot* to the modern Jew and Jewess. The crucial issue is whether Rabbi Berman's analysis is well-reasoned and whether his conclusions are valid.

The middle section of the article seeks to elucidate the criterion that determines which *mitzvot* women are exempted from performing and reaches this conclusion:

"The primary category of *mitzvot* from which women were exempted were those which would either mandate or make urgently preferable a communal appearance on their part . . . which would constitute the greatest threat to the

proper performance of household responsibilities" (page 14).

At first glance, this explanation is reminiscent of the views of the classical halakhists (e.g., R. David Abudarham) who also stress the potential impingement of some *mitzvot* upon household duties. The novelty of Rabbi Berman's approach is his contention that *communal participation* is the crux of the matter. But, does this theory fit the facts?

Among the seven *mitzvot* from which the Talmud exempts women explicitly, the author distinguishes between the three cases where the exemption is unequivocal—*sukkah*, *lulav*, and *shofar* — and the four instances where the exclusion is disputed — *shema*, *tefillin* (head and arm), and *tzitzit*. *Sukkah*, *lulav*, and *shofar* — asserts Rabbi Berman — "were of necessity performed outside of the home, in the latter two instances, preferably at the central sanctuary" (page 16). Now, this statement is accurate with regard to *sukkah* only in a trivial and superficial sense: to be sure, the *sukkah* is physically located outside the home. The Halakhah, however, prescribes that the *sukkah* is to *become a home* for the duration of the festival — *taishvu k'ain taduru*. In fact, the *amora* Abbaye reasons that this very principle would have obligated women in the *mitzvah* — were it not for a special exemption ("*hilchata*," see *Sukkah* 28b).

Nor does Rabbi Berman's proposition regarding communal appearance fare well in the cases of *lulav* and *shofar*. Surely the author realizes that the performance of these

two *mitzvot* is perfectly valid within the home. The sources that are adduced in his note 55 merely indicate that (1) in the *Mikdash* the obligation of taking the *lulav* lasts seven days Biblically — as opposed to one day outside (there is a Rabbinic duty on the other days) — and (2) in the *Mikdash* silver trumpets were blown in addition to the *shofar*. This association along with the historical fact that these two *mitzvot* were "of necessity (?) performed outside the home" constitute a rather flimsy basis for the unanimous exemption of women. (Ironically, most observant Jewesses manage to perform these voluntary *mitzvot* — in spite of their association with the synagogue!)

Rabbi Berman admits that *shema*, *tefillin*, and *tzitzit* "can adequately be fulfilled at one's own home," but he argues that "their very association with communal worship would create . . . a powerful religious preference for their performance within the context of communal presence." This explanation *sounds* plausible, but, as the author acknowledges in note 56, the *mitzvot* of *simcha* (on festivals), *kiddush*, and *birchat hamazon* present problems. But there is one glaring weakness that Rabbi Berman neglects to mention — even in a footnote: If the mere association with communal worship suffices to exempt women from *shema*, *tefillin*, and *tzitzit*, how are we to explain the fact that women are clearly required to engage in *tefilla* (*Mishna Berakhot* 3:3 and Codes) — where performance in the synagogue is clearly preferred (i.e., for men)!

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The task of developing a comprehensive principle to explain the exemptions for women is not an easy one. The Mishnaic formulation that speaks of "positive *mitzvot* effected by time" does not explain all the phenomena, as Rabbi Berman correctly points out. In lieu of a cogent and consistent explanation, I submit that it would be both more intellectually honest — and even more effective in the long run — for us to admit that we do not comprehend the rationale for aspects of the Halakhah, instead of haranguing against apologetics and then presenting conceptual constructs — however attractive — that do not fit the halakhic facts.

Yitzhak Frank
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THE TEMPLE MOUNT

TO THE EDITOR OF *TRADITION*:

In the Spring-Summer 1973 issue of *TRADITION*, Rabbi J. David Bleich touches upon the basic question of entrance unto the Temple Mount while reviewing the specific topic of guard duty there. The sources quoted do not do justice to the contemporary response to the liberation of the *Har Habayit*. Permit me to briefly refer to these new developments, excluded by Rabbi Bleich.

Shmuel Hacohen Weingarten, in *Tora Sh'B'al Peh XI*, 1969, sets out the various approaches of several authorities to the problem of defining the 500 square cubit precinct of the Temple Mount. With the

present-day *Haram* measuring, on the average, 300 by 480 meters, it is obvious that large sections of the compound are altogether outside the prohibition. In addition, he offers a unique *heter* for entrance: to prove *ba'alut* on the Mount (see pgs. 182-185). Rabbi Zolti is taken to task as well as the Chief Rabbinate's pronouncement of an *issur* of entrance to the *Har Habayit*.

Another article providing a halakhic basis for the permission of general entrance under certain conditions can be found in *Tora U'Mada*, No. 1, 1971 by Menachem Ben-Yashar. Rabbi David Chelouche, Netanya's Chief Rabbi, is also of the opinion that entrance is feasible today as detailed in his *Bnei Ami*, 1969. In *HaAretz* of September 21, 1967, Rabbi Sh'ar Yashuv Cohen outlines the basis for entrance in accordance with historical evidence that such entrance was common practice until halted by later Arab rulers of Jerusalem.

The problem is admittedly complex. However, it is to be expected that Rabbi Bleich impartially relate to the issue. Perhaps *TRADITION* will devote space to a more extensive article on the subject.

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DEATH INSTINCT

TO THE EDITOR OF *TRADITION*:

Andy Solomon's article, "Eros-Thanasos: a Modification of Freudian Instinct Theory in the Light of Torah Teachings" (Fall 1973), re-

quires some comment. It is very tempting for novice students of Freud to search for any similarities that might be shared by the theorizations of the latter and the maxims of our sages. Yet this is an extremely dangerous occupation. In such an endeavor, we must tread carefully lest we misinterpret superficial similarities as being evidences of actual anticipations or precursive concepts.

I agree with Mr. Solomon that Freud was not the first to deal with life or death instincts. Indeed, as he states, the Bible, Zohar and Talmud do speak of a life and of a death *drive* or inclination. However, I also feel that the author pushes the point in asserting Biblical or Talmudic "lodgings" for the concept of Thanatos.

If I understand Mr. Solomon correctly, he seems to maintain that Thanatos *qua* "death instinct" is similar to an interpretation of R. Meir's belief that grants death value — death is good in that it "provides the missing link . . . in the cycle of existence . . . death . . . is not the end of life, but a part of the cycle of eternity. It is God's implement for change and rebirth. Without it, man would have no incentive for productive work" (p. 96).

There is something singularly mistaken about the implications of such an analogy or, perhaps, with my inferences from it. Freud's view of Thanatos, or the death instinct, was an entirely pessimistic conception and to it he relegated only dysfunctional characteristics. Perhaps, our memories will be immediately freshened if we refer to the death

instinct by the mechanism which Freud felt most personified it viz., the repetition compulsion (not to be confused with neurotic symptom of the same name), the instinct of an organism to constantly desire to return to its original state. This instinct includes man's essential aggressiveness and the tendency to destroy the Other. Moreover, it represents the fatal evolution toward stagnant inertia.

Now, in Freud's view, the above is a portrait of an instinct which is the antithesis of constructiveness or of "an incentive for productive work." Thanatos, in itself, would tend to draw man away from productivity and away from a recognition that what differentiates life and death is largely dependent on what we make of our lives. Unlike Eros, the energy of Thanatos cannot even be sublimated — only true libido can be sublimated.

Finally, there is an obvious distinction that must be made between the hypothetical construct of a death instinct inherent in every personality which operates on its own power, on the one hand, and an observable phenomenon such as death, on the other hand. We might occasionally play Heidegger and "look back from death," but that is not equivalent to looking at the world or acting in it, motivated by the moribund desires of Thanatos. The latter can be, at least, a mode of existence; the former is simply not-life.

Thanatos is to constantly return to previous states of being, i.e., death or, in achieving it, destruction. Mr. Solomon appears to be aware of this. However, the impli-

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cations are that we are always to be victims of our past. The death instinct, as such, is not at all compatible with the dynamic and teleological movement of Jewish history, on the collective level, or Jewish personality, on the individual level. It would be worth Mr. Solomon's while to explicate or identify the *yetzer harah*, perhaps, in terms of Thanatos, as it is written, "The Rabbis taught that the Satan, the Angel of Death and the Evil Impulse are one" (*Baba Batra* 16a). In that light, there might be credence to a comparison between Thanatos, *qua* instinct, and actual death. However, Thanatos would then have to be able to represent, at least occasionally, a constructive — albeit sinful — force as there are those who believe that without the Evil Impulse man would feel no satisfaction in his labor and no joy in his Torah. "Without it there would be no progeny and no increase. It is needed in the world as much as rain, but it can be subdued and made subject to deeds of purity" (*Medrash Ha-Neelam*, i, 138a). Freud, unfortunately, granted no constructive characteristics to this instinct.

To modify and alterate the death instinct in order to fit it into rabbinic psychology would be to no longer deal specifically with Freudian Thanatos. To warp Jewish thought, on the other hand, to make it adaptable would be to defeat the purpose of the inquiry. While I am certainly not accusing Mr. Solomon of doing either, some further work needs to be done before one can assert any likeness between Thanatos and any concept to be

found in rabbinic sources.

Moshe HaLevi Spero
Cleveland, Ohio

TO THE EDITOR OF *TRADITION*:

In your Fall 1973 issue Andy Solomon says, at the very outset of his article, that "it seems particularly unfortunate that Freudian psychology, or psychoanalysis has been vehemently rejected by the religious community."

I am confused as to the purpose of this article. Is it an attempt to give Freud's ideas respectability by showing how close they come to Judaistic teachings, or to give Judaistic ideas respectability by showing them to be a kind of a reflection of Freud's thinking?

In either case it is not a worthwhile endeavor, especially for Judaists, because it gives Sigmund Freud a respectability he no longer has either in clinical or motivational psychology and which he never had as a philosopher.

Freud considered religion in general as a universal neurosis of mankind, and Judaism in particular, as a sort of "a fossil." He made snide remarks about Jews being the Chosen People and wanted them to give up considering themselves as such. He spoke against the Jewish practices of circumcision and *tzedakah*. Freud found it so irksome to learn the wedding *berochot* that he seriously considered converting to Roman Catholicism to obviate this. Also, he tried to stop his wife from observing the Jewish fast days.

Freud had an unconscious desire not to be a Jew. Yes, Freud did have a few good things to say about Judaism. He liked its intense interest in matters intellectual and the intellectual energy which it generated. He also like Judaism's freeing of thought from the dogmas of the Church and the Church's premium on blind faith. He also admired Jewish family life.

Freud's formulation of the life and death instincts had nothing to do with Judaism, and did not in any way stem from Judaistic sources. He knew no Hebrew, could not identify Hebrew letters, and had not read *Tanach* even in translation. On the other hand, Freud had had a training in Greek, in which language he once kept a diary, and in Greek philosophy. He considered Gomperz's "Greek Thinkers" amongst the ten "good books" which influenced his "knowledge of life and philosophy."

Having explored some of Freud's background I find the following difficulties with Mr. Solomon's thesis:

1. Andy Solomon equates the commandment "to subdue (the earth)" with Thanatos. This interpretation is just the opposite of the intent of this passage. The commandment means that we should have mastery over the earth to utilize it for purpose of giving and enhancing life. As Rabbi Akiba pointed out (*Tanhuma Tazria* 5) God expects us to improve upon nature; thus, when we turn rock, ore, into iron and steel, and thence into buildings, we are not destroying but improving and creating.

2. Andy Solomon sees the *Yetzer Harah* as the source of psychic

energy, libido, and when unchecked by the *Yetzer Hatov*, "to be evil." Yes, in Judaism the *Yetzer Harah* encompasses both sex and aggression. But Judaism sees the sexual side as a source of good because without it there would be no families, no homes, and men would not engage in profitable and productive enterprises. Yet without it the world would come to an end (*Yoma* 69b). *Yetzer Harah* has been identified with angel of death. However, the righteous are under the rule of *Yetzer Hatov*; and the antidote for the *Yetzer Harah* is *Torah*.

Freud ranted against "love thy neighbor." But on the other hand, Alfred Adler, the first to be kicked out of Freud's circle, claimed that *not* to love one's neighbor is characteristic of maladjustment. To Adler the ideally normal individual has an ideal amount of "social interest," while the neurotic is more concerned with self-esteem. "Social interest" manifests itself in friendliness, empathy, co-operation. He asserted that "Love thy neighbor" is the one guiding thought which embraces all religions, the desire to create their worth and find their sense of importance in their contributions to the welfare of others.

3. Andy Solomon suggests that "the good inclination may be seen as super-ego or perhaps ego." Not necessarily so. The super-ego was made up of the "ego ideal," the introjected value system of the parents, especially of the father. Freud himself said that this is culturally conditioned. The values of one's parents, or of the culture in which one was brought up, would include

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those which would not be manifestations of the *Yetzer Hatov*, if the former were criminals or Nazis.

Judaism's opposites are to be found in Deuteronomy 30:19: "I (God) have set before you life and death, the blessing and the curse;" and in *Yeshia* 45:7, "I (God) form the light and create darkness; I make peace and create evil." While Freud's thinking somewhat parallels these passages there is a major difference, because Deuteronomy 30:19, commands: "Choose life, so that you and your seed may live."

Freud was a hard determinist: we are all the victims of the aimless or cyclic workings of Eros (sex) and Thanatos (aggression). But the Torah says that this is not so. We can influence their workings and that decision to do so is ours. The Torah in Deuteronomy 30:16-20, says that we can assure the continuance of life and the incidental triumph of Eros, by loving and obeying God and His commandments.

There are religions such as Hinduism, Buddhism, and some forms of Christianity, which have emphasized a Freudian *death* wish. But Judaism has always emphasized and highly valued the *life* wish. In addition to the commandment to "choose life" the Rabbis have said, "*Better* is one hour of repentance and good deeds in *this world* than *the whole life of the World to Come*" (*Avot* 4:22).

If Andy Solomon desires to acquire a wholesome system of psychotherapy, I suggest that he study Alfred Adler, Viktor E. Frankl, and Abraham Maslow — all of whom considered religion especially of the

Jewish kind as psychoprophylactic.
Nathan Grossman
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CORRECTION

TO THE EDITOR OF *TRADITION*:

It may be bad form to carp about omissions and errata in the printing of one's work (after all, who cares?). Yet several readers have complained that the presence of such interfered with their understanding of my article "The Sphinx as Leader" (Spring 1974), impelling me to supply the corrections.

Footnote #7 should read:

Bereshit-Rabba 34:19. For subsequent discussion, see Dov Frimer in *TRADITION* 12.1, pp. 29-33. Zohar (Numbers, p. 127), however, denigrates Samson's suicide.

Footnote #13 should begin:

The well-known Structuralism of Lévi-Strauss should be kept suggestively in the background. It should be noted, though, that Structuralism yields a functional theory of incest, rather than a metaphysic. For a survey of anthropological views on incest, see Dr. Herbert Maisch: *Incest* (Library of Sexual Behaviour, London, 1972). A popular exposition can be found in Anthony Burgess' essay "If Oedipus Had read his Lévi Strauss" . . . etc.

On page 71 (6 lines up): The words transliterated are 'az and *ari*, not *at* and *ari*.

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TRADITION: *A Journal of Orthodox Thought*

REQUEST

TO THE EDITOR OF *TRADITION*:

I am preparing a book on the American rabbi since 1945 and which is to be published by Holt, Rinehart & Winston. Essentially it will be a social portrait of the rabbi.

I would appreciate hearing from rabbis and others who have unpublished memoirs, diaries, journals, etc. and who would be willing to allow me to use them in my study. Naturally, all such materials will be promptly returned.

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