

Communications

NOTE ON THE FLOOD STORY

TO THE EDITOR:

Joel B. Wolowelsky, in his rather extensive “Note on the Flood Story in the Language of Men” (*Tradition* 42:3, Fall 2009), cites in all of one sentence my view of *dibbera torah ki-leshon benei adam* as I apply it to the Flood Story (“The Biblical Stories of Creation, Garden of Eden and the Flood: History or Metaphor?” *Tradition*, 33:2, Winter 1999). This appears in the second paragraph of the first page of his Note (p. 41). He then goes on to discuss different views of *le-shon benei adam*, including that of Ibn Kaspi, which he favors. Then, suddenly, on p. 47, long after the reader has forgotten Spero, his view of *dibbera Torah...*, and how he applies it to the Flood Story, we read the following:

In assuming that the Torah uses words and sentences for their descriptive content and that the literal meaning should be assumed unless it is untenable, Spero misses the point — that this is not the way everyday-people speak, *le-shon benei adam* includes literary allusions.

But, of course, it does! I could not agree more! That is precisely my thesis. Once the literal meaning, which is the primary function of language, is discounted, the Biblical reader must be alert to the possibility that the Torah may be speaking to us in *any one* of the myriad ways in which humans use language, including literary devices. If a point has been missed here I am afraid it is by Dr. Wolowelsky. Nowhere do I mention nor is there place in my thesis for “the way everyday people speak.” Actually this phrase is attributed to David Shatz in the first paragraph of Dr. Wolowelsky’s “Note.” Perhaps because of the long digression (p. 41-47), the author confused my view with that of David Shatz. So much for Spero.

Of greater interest is Dr. Wolowelsky’s highly original application of Ibn Kaspi’s view of *le-shon benei adam* which, according to Isadore Twersky, states the following:

Many scriptural statements...are seen as errors, superstitions, popular conceptions, folk-beliefs which reflect the assumptions or projections or behavior patterns of the people involved...The Torah expressed things as they were believed or perceived or practiced by the multitude and not as

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they were in actuality. The Torah does not endorse or validate these verses. It merely recorded them and a proper philosophical sensibility will recognize them (p. 42).

It is unfortunate that we are not given here any examples of those passages in Scripture that may be elucidated by Ibn Kaspi's view. Two that I can think of might be the incident where Jacob successfully places multi-stripped rods in front of the flock so that they may give birth to "streaked, speckled and spotted sheep" (Gen. 30:37-39). With Ibn Kaspi, we might say that the Torah here is not affirming a causal relationship between Jacob's action and the color of the newborn sheep, but simply passing on a folk-belief presumably held by Jacob. Similarly, Scripture's description of the victory of Joshua over the Amorite kings at Gibeon (*Joshua* 10:13) can be read as the description of an event as perceived by the multitude and as rendered in "the book of Yashar," but not as asserting that, in fact, "the sun stood still" (see commentary of Ralbag). Since, in these cases, a proper scientific sensibility does not permit the usual literal interpretation, one is induced to think of the view of Ibn Kaspi.

However, what is it about the biblical Flood Story that might induce us to see in it a "literary allusion"? More specifically, what impels Dr. Wolowelsky to state that this is a case where "the Torah has deliberately incorporated a pagan epic [the Babylonian myth called Epic of Gilgamesh] as part of its campaign against the pagan culture of the time" (p. 45)? For hundreds of generations, ordinary folk as well as the learned, found the main themes of the Flood Story to fit in well with the view of the early history of mankind as given in the first five and one-half chapters of the Torah. Of course, some readers may have found the mixture of the realistic (dimensions of the ark and how it was waterproofed) with the supernatural (the arrival of the animals and the logistics of their food and housing) somewhat incongruous. (Indeed, this is what induced the undersigned to see the Flood Story as metaphor.) Thus, even if the first generation of Torah readers, being familiar with the Babylonian myth, recognized certain similarities, they probably would have taken it as evidence that there really had been a catastrophic flood whose memory pagan culture had mythologized.

There is no indication here that the Torah wished us to "take note of the pagan Flood Story." On the contrary, as Dr. Wolowelsky reminds us, the background differences between the two stories are so vast: *who* sent the flood, *why* was it sent, *for what reason* were these individuals and these animals enabled to survive, that the intention is clearly to tell a completely different story, one to which "taking note of a pagan epic" is entirely

foreign. Indeed, according to Yehezkel Kaufmann, “the early legends of Genesis embody the great achievement of Israelite religion...in place of myth Israelite religion conceived the historic drama of human rebellion and sin” (*The Religion of Israel*, Greenberg abridgement, U. of Chicago, 1960, p. 295). Moreover, what decisively renders the Flood Story inappropriate as a candidate for Ibn Kaspi’s view of *le-shon benei adam* is that to be a candidate the verse in question must allow for the interpretation that what is being described are the “beliefs of the people involved.” Thus, in our examples proffered above, it would be Jacob and the book of Yashar. However, the entire Biblical Flood Story is told by the Torah itself in the same direct first-person style it tells of the Creation and the Giving of the Torah. Therefore, there is really no need, no room, nor any positive indication that at this point the Torah wishes the reader to take note of some Babylonian myth.

As to the similarities between the two stories, the solution may lie in a better understanding of the nature of that *nevu’a* which is *al pi ha-Shem be-yad moshe*. See my article “Torat Moshe/Torat Hashem” in *BDD* 13 (August 2003, pp. 23-28).

SHUBERT SPERO
Jerusalem, Israel

JOEL B. WOLOWELSKY REPLIES:

Prof. Spero is absolutely correct that it was I and not he who used the phrase “the way everyday-people speak” as an informal substitute for *leshon benei adam*. But it was indeed he who suggested that when a literal reading of the Flood Story seemed to be untenable, one should read the story as metaphor. It was this either/or choice that I questioned, suggesting a third –and, I think, better— alternative. For Prof. Spero, “it must be presumed that if ‘the Torah speaks in the language of men,’ it, in the first instance, employs that language in its most direct and effective form for conveying information and providing practical instruction; i.e., it utilizes words and sentences for their descriptive content which we call literal meaning” (p. 5). I argued for a broader understanding of *leshon benei adam*, one that was better suited, I felt, for understanding the biblical Flood Story.

Prof. Spero indicates that the really interesting questions are, “What is it about the biblical Flood Story that might induce us to see in it a ‘literary allusion’? More specifically, what impels Dr. Wolowelsky to state that this is a case where ‘the Torah has deliberately incorporated a

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pagan epic (the Babylonian myth called Epic of Gilgamesh) as part of its campaign against the pagan culture of the time?” After all, he points out, this is something that “For hundreds of generations, ordinary folk as well as the learned” had not done.

Of course, the reason that hundreds of generations had not taken this approach is simple. We certainly knew that in the early biblical period the Torah and our religious leaders were engaged in a campaign against the competing pagan ethics. But until recently, we had no access to their pagan myths and did not know that our ancestors had access to them before and after the time of the giving of the Torah. Once we know the cultural context in which the biblical Flood Story was originally heard, we are pushed to understand it in a particular way.

Let me try yet another example to illustrate this. If a few thousand years from now some Israeli researcher reads that an important twentieth-century *rosh yeshiva* once came to the convention of some American rabbinic group and left immediately when he saw that turkey was being served, he might assume that the rabbi had a severe allergy to turkey meat, or perhaps that he did not want to be seen as discarding the minority halakhic position that turkey meat was not kosher. However, suppose the researcher realizes that the date of the convention coincided with an American holiday called Thanksgiving. Suppose further that he had discovered holiday recipes from the period that showed that turkey was a popular food in family celebrations of Thanksgiving. Knowing that rabbinic authorities regularly protested celebrating non-Jewish holidays, he might assume that the rabbi walked out in protest of the rabbinic position adopted by other *gedolei Torah* that there was nothing wrong with celebrating Thanksgiving. This interpretation might be wrong. It might just have been a matter of allergies, but I would think that interpretation to be less appealing. Maybe the Torah was really oblivious to the pagan myths that were pervasive in the culture of the times. Perhaps. But the similarities are just so striking that it seems more logical to suggest that the differences are what is important, and that the differences cannot be made to shine without casting light on the similarities.

Prof. Spero and I are in agreement that a proper scientific sensibility does not permit a literal interpretation of the Flood Story. He suggests that the whole story is a metaphor. To me, all those dates and genealogies don't have the quality of metaphors, and they are surely not to be read literally. It seems more probable—to me at least—that they should be read with an understanding of the cultural context in which they were written, against the backdrop of the “everyday way” the story of a historical

cataclysmic world event had been transmitted, but with the pagan connotations removed. These dramatic changes become obvious to us only once we have the pagan myths in front of us, yet they were surely obvious to our ancestors who first heard them. I certainly concur with Yehezkel Kaufmann's observation that the early sections of Genesis embody a great achievement of replacing a pagan world-view with one that was spectacularly different. As Kaufmann notes three pages before, these sections "contain an ancient non-Israelite substratum." Using them was part of the strategy employed in effecting the transformation of world-views.

I am glad that Prof. Spero called attention to his *BDD* article because, in the end, it seems that our positions are not that far apart. He writes there concerning the biblical stories of the Creation and the Flood:

They were undoubtedly part of the culture of the time, but not in the form in which they appear in the Torah.... [The] Divine Will directing Moshe's writing hand works with these raw materials to select, add, and delete, modify and amend in words which best express the Divine teachings relative to the conceptual level of the times... [The] Torah wishes to convey its unique teachings in terms of the concepts and vocabulary of the times. This is in accordance with the principle that "the Torah speaks in the language of human beings." Hence, the prophetic writing process deliberately starts out using known and familiar elements.

Prof. Spero mentions Prof. David Shatz's article at the beginning of his letter. Let me then cite and echo Shatz's comments in his reply to a letter written by R. Spero (*Tradition*, 42:2, Summer 2009): Rabbi Spero's original, challenging, bold, and stimulating essays and books have enriched Orthodox thought for over half a century. As a long-time admirer, I too welcome the opportunity to thank him for his rich and rewarding body of work.

THE PRIESTLY BLESSING

TO THE EDITOR:

Dr. Ben Zion Katz's, "Note On the Introduction of the Priestly Blessing" (*Tradition*, 42:2, Summer 2009), awoke an old speculation of mine, occasioned likewise by the linguistic oddity of that introduction. As Dr. Katz

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noted, the priests are a tribe, not a nation, and are not habitually referred to as “*am*.” In the Biblical text, “*am kadosh*” is a synonym for “*am segulah*” and refers, always, to the Jewish people (Devarim 7:6, 14:2, 14:21, 26:19, 28:9). Almost all the uses of the plural “*kedoshim*” are also directed to all of Israel, as in the archetypal lead of *parashat Kedoshim*, “Speak to the whole Israelite community and say to them, ‘*kedoshim tihyu*’ – You shall be Holy, for I the Lord your God am holy” (Vayikra 19:2).

My speculation to address this question began by noting that the introduction to the Priestly Blessing takes the form of an opening that leads to the blessing, with a complicated, almost parenthetical infix. It starts with, “*Barkhenu va-brakhah ha-meshuleshet ba-Torah*” – “Bless us with the tripartite blessing which appears in the Torah,” and then continues directly with the last words of the introduction, “*ka-amur: yeva-rekhekha...*” – “as it says: May the Lord bless...” The other language – “which was written by Moses, [and] which was delivered through the mouth of Aaron and his sons, Priests, Your holy people” – is strictly for identification and embellishment. This form, an opening and continuation with a long embellishing infix is not unusual in the liturgy. Take for example the beginning of *yishtabah*: “*Yishtabah shimkha la-ad malkenu, ha-el ha-melekh ha-gadol ve-ha-kadosh ba-shamayim u-va-arets.*” Many do indeed mistranslate this, assuming that the meaning is simply that God is great and holy in heaven and on earth, but it is plain to me that the superior translation recognizes that the point is that God should be praised on heaven and on earth (“*yishtabah shimkha la-ad malkenu ba-shamayim uva-a-retz*”) while the rest of the text is an ancillary embellishment of the subject, *malkenu*.

My speculation, then, is that we may have confused the point of the resumption of the opening thought. Instead of the above reading, parse the text as follows: “*Barkhenu va-brakhah ha-meshuleshet ba-Torah*” – “Bless us with the tripartite blessing which appears in the Torah” / (which was written by Moses [and] which was delivered through the mouth of Aaron and his sons, Priest) / “[Bless us], Your holy people, as it says...” This would make the point that it is God blessing us – His holy people – and not the priests, a point otherwise derived from the Biblical text “*va-ani avarkhem*” (Bemidbar 6:27).

I would be satisfied that this is a proper reading, were it not for the mishna in *Yoma* 4:2, for that mishna attests that in the very circles from which this old liturgy comes, the *kobanim* were in fact being referred to as “*am kedoshkha*.” I know of no alternative version of that mishna that would call its usage into question, and the Biblical data pales beside this

plain, unambiguous Tannaitic reference. Thus Dr. Katz and I probably both need to admit that ours are interesting speculations, ultimately trumped by Tannaitic usage.

AVRAM ISRAEL REISNER
Baltimore, MD

TRANSFORMING IDENTITY

TO THE EDITOR:

In extensive sectors of our religious community, it is common to regard many things as “obviously true.” This affects how people read halakhic texts: assuming that the way we see things today is how religious Jews always saw things, we decide what earlier sources must have – or could not have – meant. When we began work on what ultimately became our book, *Transforming Identity*, we too were quite sure that the current way of understanding *giyyur* was “obviously true.” But we decided to adopt the methodological ideal of “suspending judgment,” to do our best to read the sources carefully without assuming ahead of time what they must be (or could not be) saying. That is why our book is replete with quotes from hundreds of sources, most of which were never available to readers of English – and many of which are never studied, even by most rabbis. We didn’t want anybody to agree with us because “we said so.” We wanted to encourage our readers to go back to the sources, to open books they may have overlooked, to consider how interesting and how variegated are the voices of halakhic authorities over the ages – and to appreciate that what seems “self evident” today is but a small segment of the full arc of halakhic approaches that exist in the texts. To succeed in understanding the meaning of *giyyur* implicit in halakhic texts, we followed the discussion as it unfolded from rabbinic times to the present. Our project was to write a chapter in the intellectual and cultural history of halakha, to enable the readers to follow the course of the “river of halakha” on this matter, without any pre-judgment as to what “must have been”.

In contrast, Brody and Kadosh (B&K) defend what they take to be the correct religious view of *giyyur*. They do not derive this view from the texts themselves, but come to the sources pre-programmed. Our book, assuming as it does an open horizon of halakhic interpretation, goes against the grain of their orientation. Their “review” of our book is basically a confession of their total devotion to a specific dogmatic view.

B&K read halakha backwards: from what appears to them currently as self-evident they infer what earlier sources must have – or could not have – meant. Their writing is replete with assumed premises that prevent them from reading the sources “from within.” Current issues are so loud in their ears that they cannot listen to the voice of the texts – nor to our own explanation of what we were doing. Let us give some examples.

As every student of halakha knows, a prominent characteristic of halakha is its “double standard”: *le-khat'hilla* and *be-diavad*. *Le-khat'hilla* defines the halakhic ideal, while *be-diavad* defines the irreducible core of the matter. This duality is very prominent in the realm of *giyyur*. Many rules and guidelines that characterize an ideal *giyyur* do not apply when a situation is characterized as *be-diavad*. In our book we state repeatedly that we seek to explicate not the ideal but the core meaning of *giyyur*, by analyzing what each *posek* defines as the minimum requirements needed to effect a valid *giyyur*. Whatever elements the *posek* leaves out of that definition – however noble and worthy they may seem to us – are, in his view, in the realm of *le-khat'hilla*. It is a logical fallacy to assume that a text discussing *be-diavad* requires anything beyond what it states.

But this is precisely what B&K do over and over again. Thus they claim that *kabbalat mitsvot* is a core *be-diavad* requirement for Hazal – although the Talmud does state explicitly what the minimum requirements for a valid *giyyur* are, and *kabbalat mitsvot* is not included. B&K claim this also with regard to the many Rishonim who don't include *kabbalat ha-mitsvot* in the very specific *be-diavad* requirements they do enumerate. B&K's misreading of *Hilkhot Issurei Biah* 13:17 is typical. Rambam explicitly states that (*be-diavad*) if a *giyyur* consisted of circumcision followed by immersion in the presence of three laymen – that is enough for the *giyyur* to be valid. B&K are unable to read this at face value and feel compelled to attribute to Rambam a requirement he could have stated as a *be-diavad* requirement – but didn't: *kabbalat ha-mitsvot*.

Another assumed premise stated outright by B&K relates to the meaning of the terms *hoda'at mitsvot* and *kabbalat ha-mitsvot*. B&K define these meanings (p. 84-85) and then read the texts through the prism of that definition. This blinds them to the possibility that different *poskim* may use the same terms, but interpret them differently. In contrast, we do not assume any *a priori* meaning of these terms, but always do our best to infer the meaning from each *posek*'s usage. This enables us to recognize that there exist multiple meanings of the term *kabbalat ha-mitsvot* in halakhic sources – meanings that we present and discuss in part III of *Transforming Identity* (pp. 221-251).

Since B&K have such a clear and certain premise about the nature of *giyyur*, they are unable to appreciate a major metaphor the sources use to characterize *giyyur* – “Entering under the Wings of The *Shekhina*.” Though they are aware that this “possibly defines the geirut process” and that it “carries with it theological connotations,” they immediately jump to the determination (p. 92) that “the phrase entering under the wings of the *Shekhina* conveys a sense that conversion involves a commitment to religious praxis (similar to ‘the yoke of heaven’).” Given B&K’s pre-programmed certainty about the nature of *giyyur*, they seem to have been forced to this arbitrary link of “Entering under the Wings of the *Shekhina*” and entering into a yoke. In contrast, while we too recognized the centrality of this metaphor, we did not pre-determine what it means. Rather, we set about examining the metaphor’s usage, paying special attention to *Ruth* – the source of this usage in the context of *giyyur*. This close reading enabled us to appreciate the following:

In biblical parlance, “wings” can refer both to parts of a body and to parts of a garment. Both meanings can be relevant in this case: God can be seen as a mighty eagle protecting the Israelites under His wings (cf. Psalms 91:4) or as a powerful male figure taking the people of Israel under the wings of His garment as His bride. Indeed, the second meaning is found in the book of Ruth itself, when Ruth asks Boaz to “spread the wings of thy garment over thy handmaid” i.e., to take her under his husbandly protection. According to the book of Ruth, when a stranger joins the Jewish people, she becomes a member of the Israelite people who are God’s bride, and therefore comes under His husbandly protection. (*Transforming Identity*, p. 123)

Only someone with a totally preconceived attitude could identify the above with entering a yoke.

A fourth major premise stated by B&K as guiding their interpretation of the texts was this: “In general, unified theories of halakha are superior to fractured theories.” (p. 91) This simplistic prescriptive assumption is at deep variance with what emerges from an unbiased reading of almost all halakhic sources, namely, the phenomenon of *mahloket* as central to halakhic discourse (For a recent work on this matter, see A. Sagi, *The Open Canon*, London: Continuum, 2007). It leads B&K to seemingly desperate harmonization when texts seem to conflict. Not surprisingly, such harmonization inevitably concurs with their own prior assumptions about the nature of *giyyur*.

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Their characterization (p. 90) of chapter 268 in *Shulhan Arukh, Yoreh De'ah* as “seamless” is a prime example of this – totally disregarding both the clear problems in the text itself and the recognition of the severity of these problems by great rabbis such as R. Meir Posner and R. Shlomo Zalman Lipschitz (See *Transforming Identity* pp. 200-217). B&K’s rigid *a priori* assumptions deafen them to an independent reading of the texts themselves; they prefer deconstruction of the texts over respectful listening to the sources as they are.

A central contention of B&K is that our “consistent misreading of sources undermines the basic value of the work itself” (p. 96). They devote many pages of convoluted argumentation to “prove” this – arguments that mostly consist of special pleading or forced *pilpul*. A clear example is their claim that we misread *Bet Meir*. They state that R. Posner suggests the possibility of *giyyur* without *kabbalat ha-mitsvot* only as a *hava amina*. This is absolutely wrong. Rather, R. Posner does the following: Trying to clarify whether a certain woman had possibly fulfilled the minimum (*be-diavad*) requirements for *giyyur*, he analyzes the various positions on this matter. He declares that there are two different irreconcilable positions in the Rishonim. The first is that of Rambam, who holds that (*be-diavad*) *giyyur* is valid by immersion before a *bet din* alone, without *kabbalat ha-mitsvot* (*le-ha-Rambam, nir'eh barur de-kabbalat ha-mitsvot libud eino po'el geirut klal, ve-ein tsarikh ela le-khat'hila ... u-le-da'ato de-ha'ikkar akh be-tevilah taliyah* (*Responsa Bet Meir* p. 72). R. Posner states that the woman in question is not a *giyyoret* on this view, since while she did immerse, it was without a *bet din*. He then defines a totally different second position – that he attributes inter alia to *Tosafot* and the *Tur* – according to which a *giyyur* can be valid (*be-diavad*) if a person performs *kabbalat ha-mitsvot* in the presence of a court, and later immerses alone. He defines this *kabbalat ha-mitsvot* as a commitment by the *ger* to the court that s/he will immerse for *giyyur* (*le-shittat ha-Tosafot ve-ha-Tur ve-ha-Shulhan Arukh, ikkar kabbalat ha-mitsvot havi be-ma she-mekabbla aleha be-beit din litbol le-shem geirut* (*Bet Meir*, op.cit.)). He then concludes that the available testimony does not enable him to rule out the possibility that such a commitment to immerse may have been made by the woman under consideration. Therefore, she may indeed be a Jew, according to this second position.

Unaware of the eternal truths about “unified theories of halakha” held by B&K, R. Posner never attempts to reconcile these two positions, but feels that under the circumstances he must take each into consideration. Furthermore, in contradiction to what B&K attribute to R. Posner, he

never declares the woman's *giyyur* invalid; to the contrary, he says that she requires a *get* from the Jew from whom she received *kiddushin*. This completely mistaken reading is typical for B&K's convoluted scholarship, forced by their original biases to labor in service of predetermined conclusions.

At this point, we have already gone well beyond the number of words kindly allotted to us by the *Tradition*. We conclude with an invitation to the readers of *Tradition*: we hope that you are now more inclined to read *Transforming Identity*, to read the original texts, and to decide for yourself where you agree with us and where you don't – and why. Halakha is exciting, open ended, full of a wide variety of rich and deeply meaningful alternatives – all within Torah! Join the conversation!

AVI SAGI AND ZVI ZOHAR

MICHAEL J. BROYDE AND SHMUEL KADOSH RESPOND:

Professors Sagi and Zohar begin their rejoinder to our review of their book with an *ad hominem* attack on our intellectual honesty. They accuse us of dogmatically reading sources with a “pre-programmed agenda,” while they approach the texts with an “open horizon of halakhic interpretation.” We confess that they are partially correct. As students of Jewish law we adhere to basic principles of legal interpretation, namely, considering the interpretative history of the text, or precedent. Reliance on precedent forms the bedrock of any legal system. It is not born out of a blind devotion to authority but rather out of a healthy respect for the generations of scholars studying the same text.

A thousand years of interpreting *Yevamot* and *Demai* by generations of scholars did not uncover the interpretation that forms the intellectual basis for Sagi and Zohar's work – namely that these two sources conflict with one another. Sagi and Zohar claim that these *sugyot* contain two different approaches to conversion, one with *kabbalat ha-mitsvot* and one without. The radical interpretative revolution they suggest was not born out of a newly discovered manuscript with a variant reading or some other significant insight. Rather, what has changed is the advent of secular Jewish identity. We suspect that this change, more than anything, is what compels Sagi and Zohar to ignore a thousand years of interpretative history in reading these texts. Their dual-*sugya* hypothesis has not been suggested in the past thousand years, because, simply put: *it is a poor reading of the Talmudic texts*. Zohar and Sagi seem to have the real agenda here, which is to manipulate the classical Jewish sources to fit the needs of Israeli society.

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Tellingly, although our criticism of the dual-*sugya* hypothesis forms the core of our critique of Sagi and Zohar's work, they do not even bother to reply to our critique - perhaps because after all the huffing and puffing about our motives, they too understand that no regular studier of the Talmud would agree with their view.

To repeat what we noted in the review: Sagi and Zohar claim that the Talmud and certain *Rishonim*, in stating the "minimum" requirements for conversion, exclude *kabbalat ha-mitsvot* and therefore, *kabbalat mitsvot* is not required *bi'dieved*. This is wrong. The Talmud clearly articulates a need for *kabbalat mitsvot* in both *Demai* and *Yevamot* 47-48, the two central texts for conversion. Once that requirement for *kabbalat mitsvot* is articulated, it does not need to be repeated each and every time the conversion process is explored. On the contrary, only when a text explicitly waives a requirement do we assume it is not necessary. In fact, Sagi and Zohar suffer from a fundamental misapprehension about how to determine when texts conflict. When one source says "the sky is blue" and the other states that "there are birds in the sky" - the texts are complimentary, not conflicting. Only when both source cannot simultaneously be true - such as when one source says the sky is blue, while the other says it is red - do the sources conflict. So too with *geirut*: when *Demai* and *Yevamot* 47-48 explicitly require *kabbalat mitsvot*, while *Yevamot* 46 does not mention it, we assume that the texts complement each other, and do not conflict.

A close reading of Rambam illustrates this point. In 13:4 of *Hilkhot Issurei Bi'ah*, Maimonides writes: "So too in every generation, when a gentile wishes to enter the Covenant and seek shelter under the wings of the *Shekhina*, and he accepts upon himself the yoke of Torah, he needs circumcision, immersion, and the bringing of a sacrifice." In halakha 17 of the chapter, he writes, "A convert whose motives were not investigated or was not informed of the commandments, but was circumcised and immersed in the presence of three laymen, is a proselyte." His failure to repeat the requirement for *kabbalat mitsvot* in 17 does not indicate its waiver. When Maimonides wished to waive a requirement he articulated before, like "informing the convert of the commandments," he does so explicitly. Despite this, as we note in our review, a handful of authorities have contemplated that Rambam is waiving *kabbalat mitsvot be-di'ieved* based on Rambam's defense of Samson and Salomon in 13:14, although they do so in the context of disagreeing with Rambam on this matter, and holding that normative Jewish law does not follow him.

We are perplexed by Sagi and Zohar's critique of our definition of *hoda'ah* and *kabbala*. These are fairly simple and unambiguous terms that

are easily understood. Absent strong evidence to the contrary, we think that when a *Rishon* says ‘informing’ he does not mean ‘accepting.’ This is certainly true for Rambam, who is noted for the legal precision with which he wrote the *Mishneh Torah*. When your best argument is that an easily defined and widely understood term does not really mean what it seems to mean, you bear a burden of proof that Professors Zohar and Sagi have not met.

Just as Sagi and Zohar do not respond to our observation that their read of the Talmudic sources is wrong, they also did not focus on the multiple instances where we contend that they flagrantly misread texts. Instead, they choose to focus on one source, namely the *Bet Meir*. Despite their vocal protests, we maintain that Sagi and Zohar simply misunderstand the *Bet Meir*’s opinion.

In Responsa 12, the *Bet Meir* is asked by R. Shlomo Lipschitz (author of the *Hemdat Shlomo*) about the status of a potential convert. The woman in question was first converted by women who took her to the *mikveh* and informed her of the commandments. Subsequent to this “conversion,” she married a Jewish man. When R. Lipschitz discovered this, he was very upset, but ultimately spoke to the woman to determine whether she was a sincere candidate for conversion. Before R. Lipschitz could convert her, she left again, and when she returned, she was now married to a different husband! R. Lipschitz wanted to know whether any of these actions constituted a legitimate conversion, such that she would be considered Jewish and her marriages binding.

After a lengthy discussion, the *Bet Meir* conjectures that R. Lipschitz’s discussion with the woman constituted a *kabbalat ha-mitsvot*, “since she certainly accepted to immerse, and there was probably a discussion of some commandments.” (p. 72b) This was based on the *Bet Meir*’s view that a commitment to perform the rituals of conversion *and* a commitment to perform some commandments suffices for *kabbalat ha-mitsvot*. (p. 72b) *Bet Meir* states directly: “According to the *Tosafot*, *Tur* and *Shulhan Arukh*, who hold that the central obligation is *kabbalat ha-mitsvot*... it is clear that they do not require acceptance of all the commandments. Rather an acceptance of some of the commandments is called *kabbalat ha-mitsvot*.” Thus, *Bet Meir* concludes that according to the Rambam, who requires immersion before a Bet Din, neither “conversion” was valid. However, according to the normative law of the *Shulhan Arukh* “from her second husband, I am inclined to be stringent [and require a *get*] because if there was a *kabbalat mitsvot* before three, then according to *Tosafot* and the *Shulhan Arukh*, even if she immersed alone,

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the conversion is valid.” (p. 73a) It is clear that the only reason the *Bet Meir* ascribes any possible legitimacy to the conversion is because there might have been a *kabbalat mitsvot*. We do not see how this in any way validates the *Yevamot* paradigm. We are confident that this read of the *Bet Meir* is correct, and that Sagi and Zohar’s is wrong. As the *Bet Meir* is not easily accessible, we have posted a copy of this responsa on the *Tradition* blog, “Text and Texture” so that people can read the *teshuvah* themselves.

Conclusion

We do not criticize Sagi and Zohar for advancing a read of the Talmudic sources inconsistent with the view of contemporary *poskim*; indeed we recognize that the vitality of Jewish law is preserved by such novel insights (*biddushim*) and in the last issue of *Tradition* one of us presented such an analysis about a different topic. However, the success of such original readings truly depends on the ability of the proponents of such novel theories to show that their read is consistent with the binding Talmudic sources. Professors Sagi and Zohar have failed at that task. Therefore, while their book is certainly an interesting academic discourse, its practical utility in the contemporary halakhic discourse on conversion is severely limited.