

# Communications

## ISRAEL AND HUMANITY

TO THE EDITOR:

In his review of *Israel and Humanity* (*Tradition*, 31:4, Summer 1997), Rabbi Gordon assumes that the book contains the views of Rav Eliyahu Benamozegh, one of the great rabbis of Italy in the 19th century. Undoubtedly this assumption is shared by most who chance upon the book. It is, however, incorrect.

Rav Eliyahu Benamozegh wrote only the introduction to *Israël et l'Humanité*. The rest was published in 1914, 14 years after his death, by Aimé Pallière, a Catholic but *not* a priest, who had learned from Rav Benamozegh about the *sheva misvot benei No'ah* (Pallière wrote about his "discovery" in the 1926 book *Sanctuaire Inconnu*, translated into English with the title *The Unknown Sanctuary*). At the death of Rav Benamozegh, the manuscript of *Israël et l'Humanité* consisted of about 1900 handwritten pages and was not ready for publication. In his introduction to the 1914 edition, Pallière admits that the manuscript was little more than a collection of notes and that he took the liberty of making cuts and revisions. The resulting book was Pallière's and not Rav Benamozegh's.

A second abridged French edition was published in 1961 by Emile Touati. *Israel and Humanity* is an English translation of this edition. An Italian translation was published in 1990 by Marietti under the title *Israele e l'umanità*. Thus, what amounted to no more than a collection of notes of Rav Benamozegh has been published in French, Italian, and English. Why? The Italian editor was honest enough to admit that his interest in Rav Benamozegh derived from his involvement in the Christian-Jewish dialogue. This may also explain why the book was published by the Paulist Press.

A careful reading of the book shows that the name of Rav Benamozegh, a traditional Rabbi, does not belong on the cover. One example will suffice:

On page 78 we read: "The most rigorous Jewish orthodoxy cannot fail to recognize the influence of the Egyptian mysteries on the lawgiver of the Hebrews. . . . Moses seized what was in the Egyptian religion the sole possession of a hieratic caste and transferred it to Israel, a nation entirely priestly. Circumcision, for example, . . . became the common

law of the Jews.” This unorthodox statement is contradicted by another paragraph on page 66: “We believe, however, that it would be more reasonable to maintain that inasmuch as monotheism was in Egypt the privilege of certain wise men only, its Jewish manifestations should not be regarded as an importation from that country.” Furthermore in *Em laMikra*, a work of Rabbi Benamozegh published during his lifetime, he writes that the theory that the Jews learned of circumcision from the Egyptians was introduced by Roman Emperor Julian II (the Apostate). In fact, says Rav Benamozegh, *hazal* teach us that the Egyptians learned about circumcision from Yosef.

In the 1960’s Mossad HaRav Kook published a Hebrew version *Israel ve-haEnoshut* in which they expurgated this as well as other statements that the editors realized could not possibly be the views of Rav Benamozegh. What is left includes many original teachings. The Hebrew publishers believed, apparently, that they were performing a service by presenting these views to the public. Nevertheless there is no way of knowing which of the views thus presented as being Rav Benamozegh’s are really his. Therefore the publishing of this work under the name of Rav Benamozegh is misleading.

Rav Eliyahu Benamozegh, throughout all his Hebrew and Italian writings, shows himself to be a staunch defender of the *Torah she-be’al-pe* against biblical critics, Darwin, and even S.D. Luzzatto, Rapaport and Zunz. In his commentary *Panim laTorah, Parshat Vayetse*, he writes: ולא יצא דבר מפינו אשר לא אשרוהו וקיימוהו חכמי ישראל הראשונים זכרם לחיי נצח.

I have little doubt that Rav Benamozegh would have never allowed *Israel and Humanity* to be published under his name.

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## INTERMARRIAGE AND CONVERSION

TO THE EDITOR:

Dana Evan Kaplan’s article, “Intermarriage and Conversion to Judaism in Early American Orthodoxy,” (*Tradition*, 31:4, Summer 1997) successfully describes the “contours of late eighteenth century American life.” The author attempts to portray a fledgling American Jewry which is ambivalent about observance to the faith on one hand (which is normatively difficult because of the absence of rabbinic leadership and guidance), and the “religious freedoms” (what Kaplan really means is

the freedom *not* to be religious) of the United States.

If we turn our attention from late 18th century to the first half of the 19th century, we are immediately drawn to the responsa of Rabbi Solomon Hirschell (b. 1761), who served as the Chief Rabbi of Britain from 1802 until his death in 1842. Hirschell (a great-grandson of Haham Zvi, and nephew to the *Noda biYehuda*) wrote the bulk of *teshuvot* to North American Jewry in the period of 1825-42 (the first "professional" rabbi, Abraham Rice, only arrived in the United States in July, 1840).

As we might expect from having read Kaplan's article, the most vexing problems reflected in the *teshuvot* are those of nonconformity. In its greatest manifestation this meant questions of nonconformity and its concomitant problems, particularly topics of personal status, marriage and divorce, *mamserut*, etc. Many of Hirschell's surviving responsa are collected in the *Solomon Hirschell Letter Book*, in the manuscript section of the Jewish Theological Seminary of New York, MS #3619. This Letter Book, in Hirschell's own clear handwriting, was his personal record of correspondence. It contains 269 folios in English, Hebrew, and Yiddish.

There we find the same questions which Kaplan points out were being asked in the late 18th century are continuing over 50 years later! The story she relates (p. 41) of the death of a circumcised male child whose mother was not Jewish, but was buried in the synagogue cemetery in Atlanta on the authority of a shul board, vote repeats itself almost exactly at the fledgling Cong. B'nai Jeshurun of New York in 1838 (see: B'nai Jeshurun Minutes, July 22, 1838, pp. 456-57). Apparently the interment of the non-Jewish child (albeit in a different section of the cemetery) was reported to Hirschell *ex post facto*. His response is interesting because it has nothing to do with burial rights (which, by the time he was asked the question in this case were no longer the practical issue). On the contrary, it seems to be a general discussion on the status of a child born to a non-Jewish woman.

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### "... WHO HAS NOT MADE ME A WOMAN"

TO THE EDITOR:

In his response to the letters by Serkin, Epstein, and Kohl (*Tradition* 31:3, Spring '97), Emanuel Feldman uses the expression *aval ein nohagin kein* ("but this is not the accepted practice") to justify a conserva-

tive approach to currently unusual but technically permitted ritual practices on the part of women. Rabbi Feldman ignores the fact that much of what is considered acceptable today in the Orthodox world (such as women's education, informal but often crucial leadership roles, and many other phenomena) fell under the category of *aval ein nohagin kein* as recently as a generation or two ago. There is tremendous room within halakhic parameters to expand the role of women in Judaism, if women will take the initiative to do so. When the halakhic community changes its behavior, halakhic decisors will follow them. As Rabbi Feldman noted, "the accepted practice of the halakhic community contains such a power and force . . . that it even overrides and supersedes solid legal sources." We need more women like Serkin, Epstein, and Kohl to lead the way. If they and women like them do not take the initiative, the rabbinic establishment is certainly not going to make (halakhically permitted if currently unusual) changes of its own accord.

MENACHEM KELLNER  
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EMANUEL FELDMAN RESPONDS:

Prof. Kellner has every right to encourage women to express their feelings about anything they like. But most striking is his unquestioning acceptance of the current feminist notion that halakha discriminates against women. He even echoes the rhetoric of victimized minorities, urging women (twice) to "take the initiative" so that the "rabbinic establishment" will make the desired changes.

This storm-the-barricades language is quintessentially *au courant*, but out of place in a discussion of halakha and out of character for an insightful scholar like Kellner. Surely he knows that a) the limited role of women in the public religious sphere is due both to the different roles and functions that God assigns to men and women, and to considerations of *tzeniut*—and not to what feminists like to label the rabbinic intransigence of an oppressive patriarchal society; b) the classic halakhic process transcends political activism and external pressure; c) halakhic decisions are not driven by the subjective whims of its decisors who can bend halakha to their own wishes.

Halakha is, after all, a sacred religious and legal system, operating by its own objective criteria. Through halakha, God's will is implemented in daily life, and through it the Jew creates an intimacy with his or her Creator.

Certainly, decisors take into account the community with whom they are dealing, but it is their reading of halakha and not the habits of the community that is the determinant. And although they are subjective human beings, this is tempered by a lifetime of disciplined study, profound intuition into the Torah and halakha, a deep understanding of the nature of *klal Yisrael* and its historic mission, genuine personal piety, rigorous intellectual honesty, and decades of accumulated wisdom and experience. (See the Introduction to R. Moshe Feinstein's responsa, *Iggerot Moshe*, for the qualifications of halakhic decisors.) Would anyone suggest that the decisions of world class halakhic scholars like R. Moshe Feinstein, R. Aharon Kotler, or R. Yosef B. Soloveitchik, zt"l, were the result of external pressures? In the fifties, for example, *mehitsot* in American Orthodox synagogues were all but passé. These decisors refused to allow deviationist practices that were already being justified halakhically—we were being told that there was tremendous room within halakhic parameters for mixed seating in Orthodox synagogues—and they thereby restored halakhic integrity to the Orthodox community.

Concerning *ein nohagin kein*: it is similar to *nohagin kein*, or *minhag*. Just as *minhag*, established communal usage and practice, possesses great authority, so also does communal refraining from certain practices carry great authority. For example, although she is not obligated, it may be technically permitted for a woman to wear *tefillin* during worship, but this is not the accepted practice. And since this is not the accepted practice, women who care about the integrity of the halakhic process do not don *tefillin* in public worship. Thus, *ein nohagin kein* is more than a device “to justify a conservative approach” (“don't do this because it is simply not done”). When a decisor says *ein nohagin kein*, this is a red line that halakhic Jews do not cross.

For this reason, Prof. Kellner's exhortations to women to “take the initiative” are puzzling. Today, *ein nohagin* that women wear *tefillin*, or *ein nohagin* that women are *shohtim* (*shohtot?*). Are women now to take the initiative and begin wearing *tefillin*, or engage in *shebita*, so that the *ein nohagin kein* of today will become the *nohagin kein* of tomorrow?

The sanctity of a *minhag*—or *non-minhag*—is based on the belief that *klal Yisrael* develops customs and practices that emanate from a God-fearing community. A holy people that thirsts for contact with God and His Torah develops practices that enhance that relationship, and refrains from practices that hinder it. Example: when the details of a certain practice elude Hillel, he declares that we should observe what the people are doing, for “if they are not prophets they are the sons of prophets” (*Pesachim* 66a). Jews may not arbitrarily create new *min-*

*hagim*, or change established *minhagim*. *Minhag* is something that flows naturally from the wellsprings of historic Israel without external, artificially induced, stimuli. And the famous *teshuvot* of the Rashba (562) and the Rosh (55:10) point out that *minhag*, while powerful, cannot transform a stringent usage into a lenient one. All this requires fuller treatment; suffice it to say that *minhag* and non-*minhag* are formidable halakhic precepts. They are not changed by “taking initiatives.”

Kellner correctly states that an *ein nohagin kein* of one generation can become a *nohagin kein* several generations later, as in the case of formalized women’s schooling. But such changes, when they do take place, are not the result of agitation in the streets. In the case of women’s education, for example, the agenda was set by the halakhic decisors.

Sarah Schenirer is often presented as a pioneering feminist who took the initiative of formalizing women’s education, thus forcing the hand of the rabbis. This is revisionist history. The fact is that the Bais Yaakov women’s school system had the approval, at its very outset, of luminaries like the *Hafets Hayyim*, the Gerrer Rebbe, the Belzer Rebbe, and R. Chaim Ozer Grodzenski of Vilna. They were all concerned with the twin threats of a Jewish home no longer able to provide Jewish learning for its daughters, and a seductive outside environment that threatened to invade the Jewish home. Under such conditions, said the *Hafets Hayyim* in his *Piskei Halakha (Likutei Halakhot, Sota 20b)*, intensive schooling for women must be instituted, and he and other leading sages set the criteria for such schooling. Far from forcing their hands, Sarah Schenirer—though she was a courageous pioneer—faithfully followed the halakhic *posekim* of her time.

The real issue, however, is not the nature of *minhag* but the nature of halakha. If halakha is a tool with which to implement our own will, then taking the initiative is appropriate. But if halakhah is a God-centered system designed to implement God’s will and bring us closer to His ways, then it is obvious that calls for “initiatives” and pressure are incongruous.

## THE SHAME BORNE IN SILENCE

TO THE EDITOR:

I read with interest the review of Rabbi Abraham Twersky’s book on spousal abuse, *The Shame Borne in Silence*, by Joel B. Wolowelsky (*Tradition*, 32:1, Fall 1997). I would like to inform your readers about a statewide project that responds to the challenges posed by Rabbi Wolowelsky.

## TRADITION

Project S.A.R.A.H. (Stop Abusive Relationships At Home) is a program of the New Jersey Jewish Women's Consortium on Domestic Violence. We operate throughout the state and have succeeded in obtaining a state grant to help abused Jewish women. Our work includes shelter training, sensitizing social workers and volunteers of secular shelters to the needs of the Jewish (specifically orthodox) woman. Representatives from the shelters attend daylong seminars where they are provided with "Kosher Kits" for observant women and they are educated in basic Judaism.

To better target our community, New Jersey rabbis attend seminars on domestic violence where they are educated about the crisis in our communities and trained to deal with it. Rabbis throughout the state indicated their recognition of this growing crisis by attending awareness seminars with *Gedolei Torah* and social workers offering crucial insight and information. Furthermore, these initial seminars are followed up by "stage two" seminars with more in-depth study of real life cases.

In addition, *mikve* attendants throughout the state have been trained to recognize the signs of abuse and are able to refer to local resources for assistance. Jewish family services in every county have clinicians trained to handle cases of domestic violence. Recognizing the very crisis that Rabbi Wolowelsky describes, the Young Israel Council of Rabbis ran an entire program on Domestic Violence at their 1997 Annual Rabbinic Conference in conjunction with Project SARAH and Shalom Task Force.

The crisis is real, the response has begun. We hope that with further education and training of our young men and women, this horrible plague will be stamped out of our communities.

To receive further information or arrange for community presentations, please call Project SARAH at (973) 777-7638.

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