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HALAKHAH AS A GROUND FOR CREATING A SHARED SPIRITUAL LANGUAGE — A REJOINDER

Rabbi Hartman* has given us a strong case for the sharing of religious language with those who do not recognize Halakhah and pleads with us to open a dialogue with them as equal members of the Jewish people.[1] He recognizes the dangers inherent in such a move. The universe of dialogue is entered without preconditions and participants can be convinced to "cross the line." Rabbi Hartman feels it is nonetheless worthwhile, even imperative. He points to the Maimonidean tradition which demands such risks, and in an impressive marshalling of evidence, interspersed with learned references to an array of sources, he puts his case before us.

It is not my objective to be a spokesman for the isolationist school—although of late I am impressed that parochialism does protect its adherents from the loose morality of contemporary society more effectively than any other system that has been tried—but rather to evaluate and judge Rabbi Hartman's case on its own merits.

I

Let us begin with a practical point of view and analyze Rabbi Hartman's thesis on the basis of the economy of souls. Rabbi Hartman concedes that

> there are dangers in suggesting that religious education deal with issues that may weaken the student's loyalty to the halakhic tradition.

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> There are risks in encouraging intellectual openness in exposing the student to views and lifestyles which do not conform to or confirm his community's pattern of life (p. 31).

In any risk situation a determination must be made whether the risk is worth the objective. Thus the first consideration of the halakhic group, in practical and strategic terms, is to determine whether it wants to risk relinquishing its protective isolation for the sake of dialogue. In an attempt to find a shared spiritual language the committed may lose too many souls who will succumb to the allure of the non-halakhic world with its relaxed disciplines regarding "what is permitted and what is forbidden." The statistics of souls gained for Torah Judaism by groups which do conduct dialogues with the non-halakhic community are not impressive in relation to the numbers who fall away.

But Rabbi Hartman maintains that remaining in isolation has its dangers too. If we wait too long to dialogue, he claims, until we are sufficiently filled with *"lehem ubasar,"* i.e., "the knowledge of what is permitted and what is forbidden," then "we may find that when we are ready to speak there is no community willing to listen." Accordingly, he concludes:

> the choice before us is not between an educational philosophy that is certain of its results, and one that is filled with risks—but rather to which risks one chooses to be exposed (p. 32).

By "community" Rabbi Hartman must mean the greater non-halakhic community, for the halakhic community will always, by definition, be willing to listen to *"lehem ubasar,"* the authentic word of the Torah on "what is permitted and what is forbidden." The risk of waiting, then, does not apply to the halakhic community. Therefore the question of the economy of souls persists: is the high risk of losing members of the halakhic community worth the very dubious gain of dialogue with the non-halakhic community? Aristotle is said to have told his students that a philosopher should never go out into the rain to call in the multitude, for they will not listen to him and he will get wet!

But the loss of the non-halakhic community, Rabbi Hartman

may argue, is of religious concern to the halakhist. Every Jew is responsible for every other, non-halakhic as well as halakhic. In other words, the halakhic community is duty-bound to bring the non-halakhic community into the fold even if observant Jews are lost. However, in that case it is not dialogue in the sense envisioned by Rabbi Hartman, an openness and a *shared* spiritual language, but rather a missionary effort where one side seeks to persuade the other to change fundamental values and lifestyles. And that he condemns:

> Even among religious groups which express a deep concern and involvement with the larger Jewish community, one does not sense recognition of the spiritual values which may be inherent in behavior that is not grounded in Divine Revelation. Instead of communication and dialogue with other Jews, one witnesses the attempt to convince the others of the validity of halakhic categories of thought and pattern of behavior. They speak to others, but often do not listen (p. 33, n. 3a).

We must conclude, then, that the basis of Rabbi Hartman's urgency of dialogue with the non-halakhic community lies not in the religious imperative of "saving" it but in the value of dialogue itself. And his analysis of Maimonides' rationale of the commandments is an attempt to find a halakhic source for this value.

Maimonides sees rationality as the basis of all the commandments, and considers it a testament to the glory of God that his Torah is grounded in wisdom (*Guide* III, 31). Thus he establishes, according to Rabbi Hartman, "universal criteria for understanding Halakhah" and "a halakhic Jew can begin to communicate to others" (p. 19). In Maimonides' rejection of the school which holds that rationality diminishes the divinity of the commandments Rabbi Hartman finds the root of his opposition to the isolationist elements in the halakhic community. According to that school "*mitzvot must* isolate one congnitively from those who do not believe in Revelation" (p. 19).

The equation of the isolationist element of the halakhic community with the school which sees rationality as an inadequate and demeaning basis for the commandments is questionable. It imposes upon this school either a mysticism or an existentialism

for which there is no evidence. Both of these philosophies expound the uniqueness of the religious experience and its incommunicability, the school Maimonides refers to may have, however, accepted the commandments as open to rational explanation; but in and of themselves based upon an irrational Divine fiat.[2] Incommunicability is therefore not an issue.

More fundamentally, Rabbi Hartman's use of Maimonides needs clarification. If he means to invoke the *Guide* as a precedent for the legitimacy of rationality in Halakhah then he is spinning an elaborate web of irrelevancies to the modern sensibility. For the medieval mind, which accepted Aristotle's categories as the reality of nature and his syllogisms as philosophical truth, the *Guide* contains cogent arguments for rationality. For this reason Maimonides could, indeed, embrace philosophy as the ultimate of Divine worship and the very purpose of mankind.[3] To any medieval, the existence of God was easily proven by reason. Today, in the post-Hume-Kant era, rationality in respect of faith has lost its relevance. Philosophical truth does not include God anymore, and any spiritual language must use other criteria than philosophical truth to be acceptable. Moreover, even the preservation and improvement of society, which plays so great a role in the rationale of the commandments in the *Guide* (III, 25, 27) and suits the modern temperament, is exercised almost exclusively in a secular context and under non-religious auspices. One need only think of welfare, medicare and the voluntary agencies serving society as examples of this obvious fact. This aspect of common endeavor does not require a common *spiritual* language. Any language will do!

If, on the other hand, Rabbi Hartman does not use Maimonides as a halakhic precedent, but he uses the *Guide's* reasoning as an illustrative example of dialogic communication—i.e., though we cannot employ the same philosophical basis we may take Maimonides' attitude as a model for our own—then he is on surer ground philosophically but is nevertheless vulnerable to our first criticism of the economy of souls. In Maimonides' day, because of the identification of philosophical truth with Torah, a shared spiritual language with non-halakhic segments of Judaism, who,

in addition, were a minority, did not represent a great risk. Indeed, Maimonides welcomed dialogue even with non-Judaic peoples because of the confidence of this identification, as his words indicate:

> have been given with wisdom and understanding (*Guide* III, 31 emphasis added). Today the strategic odds may be quite different.

In addition to rationality, Rabbi Hartman proposes psychology as a basis for a common spiritual language. The specific frame of reference is idol worship. Under this rubric Rabbi Hartman includes a multitude of modern sins; indifference to immorality, hunger for power, arrogance, uncontrolled anger, etc. The common factor in all of these is the attractive or "seductive" element. Rabbi Hartman states:

> The translation of idolatry into behavior patterns and character traits is a mode of thought inherent to the spirit of normative Judaism.

This

> creates a realm of common categories which makes possible a fruitful discussion between believer and non-believer (p. 27).

Idol worship, in these terms, would become an example of halakhic and non-halakhic Jews sharing "a common teleology" even though the means of implementing it would differ (p. 21). Though Rabbi Hartman has moved from rationality to psychology in seeking common ground for a shared spiritual language, the need for a rational foundation, even for the negation of idol worship, is evident. This second proposal is, then, really but a variation of the first. It is nevertheless ironic that idol worship should be suggested as a category of discourse for the modern mind. For of all the reasons Maimonides gives for the commandments, those applying to idol worship are the least appealing to contemporary sensibilities. Can one have regard for the law prohibiting the wearing of linen and wool because at one time

in the ancient past such garments were part of an idol worshipping cult (*Guide* III, 37)? Or the law prohibiting mixing meat and milk because it was a pagan fertility rite (*ibid.* 48)? It is precisely arguments such as these that led Leo Strauss and Dr. Belkin to posit that Maimonides offers only a "reason" for each commandment but considers its "purpose," in the sense of teleology, irrational.[4] This calls into question the "common teleology" sought by Rabbi Hartman with respect to idol worship, at least according to Maimonides.

II

Let us now examine the terms "shared spiritual language" and their implications when considered as an objective of the halakhic community. According to the Maimonidean assumption of the identification of philosophical truth and Torah there could be a shared spiritual language with any man of intelligence. The truth upon which the discourse would be based is identical, and the terms of the language that would be used refer to the same concepts. In Maimonides' mind there could not be a "secular" truth apart from a religious one. But today, as mentioned, the truths of religion and philosophy or science lie in vastly different realms and the meaning of their respective terms are as far apart. A halakhic person can share a common language with his non-halakhic counterpart, but not a common *spiritual* language. The halakhic person, for example, will love his neighbor because God has commanded it. There is a spiritual motivation and context for the entire concept and practice of this commandment. The non-halakhic person will subscribe to the concept and practice loving his neighbor for a variety of secular reasons: the good of society, a commitment to love of humanity, or a very utilitarian or Hobbesian self-interest. Both the halakhic and non-halakhic are sincere in expressing their love of their neighbors, but their motivations are different: one is spiritual, the other secular.

Even if we will restrict ourselves to those of the non-halakhic community who love their neighbor in a Buberian dialogic sense,

and hence will loosely qualify as practicing love in a spiritual context, the grounds for halakhic and non-halakhic love are nevertheless different. A dialogic love of another person must be human or it cannot be dialogic, while a halakhic love must retain something of God in it even if it diminishes the dialogue to the extent that it cannot be overwhelming as it should be. The contextual "spirit" is different and so must the spiritual language be different.

The differences of concept and spiritual context are not merely mental abstractions which do not enter the practical realm. Each concept has logical consequences which may be drawn from it as it is applied to life. When love of one's neighbor is based upon the good of society, then, as soon as the neighbor ceases to be a boon and becomes a burden to society, the love may also cease. Or take dialogic love. By definition it has no limits; it is spontaneous and can extend to anyone no matter what his moral status may be. Thus one may love a lecher or a convicted killer. The Halakhah will not allow that. Not only is one enjoined to cease loving an immoral person, but, according to some, one is bidden to hate him! (*T.B. Pesahim* 113b).

One final question remains: are non-halakhic Jews to remain outside forever? Is not this question by itself the best argument for Rabbi Hartman's case of dialogue? One may offer a possible reply which will also explain the reluctance to enter the dialogue so passionately advocated by Rabbi Hartman. Every member of the halakhic community believes that the Messiah will imminently come, as is stated in Maimonides' thirteen principles, and Elijah, who will precede him, will conciliate all differences (*Eduyot* 8:7). It is this immediacy of the advent of the Messiah which gives rise to the unwillingness of the halakhic community to risk dialogue, with all the dangers and imperfections, now, when soon all peoples will be united in a God-given harmony and will speak a true common *spiritual* language. As the prophet states:

> Year, then will I change unto the people a pure language, that they may call on the name of the Lord, to serve him with one accord (Tsephania 3:9).

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NOTES

1. *TRADITION,* Summer, 1976, Volume 16, No. 1.

2. Cf. Moses Mendelsohn's *Jerusalem,* Trans. Alfred Jospe, (New York: Schocken, 1969, pp. 89ff.).

3. *Guide,* III, 25, 27. See also Isidore Twersky, "Some Non-halakhic Aspects of the *Mishneh Torah," Jewish Medieval and Renaissance Studies,* (Cambridge: Harvard U. Press, 1967, pp. 95-118).

4. Leo Strauss, "Preface," *The Jewish Expression,* (New York: Bantam Books, 1970, p. 374); Samuel Belkin, *The Philosophy of Purpose,* (New York: Yeshiva University, 1958, p. 14).