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Review Essay
THE BOOK AND THE BOOK

This brief memoir delivers more than it promises. It is more than the story of a very bright Talmudic scholar from the Hungarian town of Sighet who became one of the brightest luminaries of Conservative Judaism's Jewish Theological Seminary. The paradoxes and contradictions of a young European Orthodox *illuy* who ended up as one of the leading spokesmen of the Seminary, only to break with it later over a religious issue, illuminates the very inconsistencies that are endemic within the Conservative movement: to affirm the inviolability of the tradition and yet to disregard it; to attempt to remain within the traditional lines of halakha and simultaneously to bow to the pressures of the contemporary world; to claim fealty to the classic halakhic process but to abandon Torah *she-be'al pe* as we know it.

Raised in an intensive Orthodox community, a child prodigy in Talmud, a survivor of the Holocaust, a student in the Brooklyn yeshiva headed by R. Yitzhak Hutner, a young man whose potential was evidently highly regarded by R. Aharon Kotler and the previous Satmar Rav, he abandoned all this to study under Prof. Saul Lieberman in the Seminary because, in his words, he could not accept the "forced" and "convoluted" interpretations of Talmud which were the hallmark of the traditional yeshivot, and because he found the yeshiva studies "intellectually stifling." In addition, he found the celebrated theological *ma'amarim* of Rav Hutner, overlaid as they were with mystical and emotional themes, to be "a distortion of the plain meaning of the texts . . . and I decided I was going to leave" (148).

Halivni sounds this theme at every turn, as if somehow he seeks to justify his virtual rebellion against the traditional manner of Talmud study. He would have us believe that already at age seven or eight he

The Book and the Sword: A Life of Learning in the Shadow of Destruction, by* DAVID WEISS HALIVNI *(Farrar Strauss & Giroux), 173 pp., plus Glossary; $21.00.

TRADITION 32:1 / © 1997 Rabbinical Council of America

was put off by the "forced" readings of classic texts, and that it was the yearning for less constraints in his studies that made him abandon Orthodoxy for the Conservative movement. Surely he does not mean to imply that those who taught him in Europe, or the great sages whose paths he crossed in America—Rav Kotler, Rav Hutner, the Rebbe of Satmar, about all of whom he writes with affection—utilized Talmudic methodology that was intellectually inadequate. So frequently does he use the terms "forced" and "convoluted" that one wonders if perhaps he protests too much: was there more to his switch than pure intellectual rebellion?

Much of this book is devoted to a description of the critical method as opposed to the traditional method of Talmud study. For yeshiva scholars, he says, "the sayings of the Talmud were taken for granted," and there is an assumption of "contiguity of knowledge" (p. 125)—that the late sages had an absolute knowledge of the statements of the early sages. But critical scholars like Halivni "question the authenticity of Talmudic sayings" and ask if the sayings "were really said by those to whom they are attributed, and in what form" (pp. 95-6; 147). If there is a difficulty in following the text, the critical method will not hesitate to dismantle and reassemble a text in order for it to yield its secrets.

Although Halivni claims that the critical method takes little on faith, he is not convincing as to why the critical method is more trustworthy. He himself admits that the rearranging of a text that was "mistransmitted or problematically arranged" is "highly intuitive." How a highly intuitive system can be considered more reliable than the traditional method, or how he can refer to his method as "objective" (p. 151), is never made clear. One gets the sense that he has forsaken the traditional form of interpretation for a critical method of interpretation which, upon examination, turns out to be quite subjective and no more "scientific" than the old system.

In fact, Halivini's studies must perforce rely on much speculation and conjecture. Terms like "best guess" and "most likely" are integral parts of his scholarly apparatus; he decides on antecedent texts on the basis of inference and logical deduction; and it is intuition—albeit a well-honed one—and not hard textual evidence which is the standard by which Talmudic authenticity is challenged or confirmed. That what he found forced and convoluted may have been a function of his own lack of depth does not seem to have occurred to Halivni.

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The book offers delightful insight into Prof. Halivni's personality, and is filled with frank and engaging confessions. He is "given to panic" (p. 135), but to this day, the study of Talmud gives him a sense of security; he finds himself prone to envy (p. 95); he is a repository of anxieties (p. 127), and the slightest provocation can trigger an inordinate fear of major diseases and of death (p. 123); he is extremely meek, eager to please, and will not taunt or insult (p. 131); after a lecture, eager to hear reactions from his listeners, he asks individuals if they could hear him, or "if the loudspeaker was functioning properly" (p. 30). His many fears, however, are primarily physical. "Intellectually, I am considered bold, ready to defy convention with little inner contrition" (p. 136). He did not adopt the more popular comparative method of study—viewing Jewish studies from the aspect of secular studies—because, having experienced the Holocaust, "being outside the Jewish experience apparently frightens me . . . stepping out of the Jewish world conjures up an association that is painful and traumatizing" (p. 139).

Nor is Halivni averse to some adroit name-dropping. We are informed that he was offered teaching positions in Israeli universities; that the late Rabbi Belkin asked him to join the faculty of Yeshiva University as a young man (p. 91); that despite the doubts of his teachers, he "could have been a successful pulpit rabbi"; that the *New York Times* once interviewed him (p. 126); that even though he is not Israeli, he at one time was awarded the Bialik prize, "which is given only to Israelis."

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The historical highlight of the book is Halivni's resignation from the Seminary faculty in 1983 over the issue of women's ordination. Halivni's eloquent letter to the JTS faculty opposing such ordination is extremely moving. He puts his finger on the nub of the problem when he writes that to change halakha in the face of modern attacks upon it is to reduce halakha to folklore (p. 110). He is fearful of the precedent that "whenever halakha and modernity collide, halakha yields." The ordination of women is "a violation of halakha, which to me is sufficient ground for rejecting it." Halakha is the "sole vehicle for a Jew's getting close to God" and should not be tampered with.

The letter is worth careful examination:

> . . . I am cognizant of the enormous pressure exerted upon us from different quarters . . . . But a religious Jew, when faced with a confrontation

between sociology and religion, must choose religion. This is the meaning of *kabbalat ol mitzvot*; even if it is uncomfortable, even if it is being attacked and ridiculed, and even if you have doubts about its ethical correctness . . . . As in the acceptance of *kabbalat ol malchut shamayim*, one does not abandon faith in God every time one has a doubt—every time one has a question . . . It is easy to have faith when . . . one is secure in the knowledge that He is caring for him . . . .

. . . I have found no tangible evidence [that the Rabbis consciously changed a law for either ethical or moral reasons] . . . . That would have impugned the ethical or moral integrity of their predecessors. It would have implied that they imagined themselves to be superior to their teachers and to their teachers' teachers . . . . Such a thought . . . runs counter to their notion of the sanctity of tradition, which in order to be grounded in revelation—the ultimate religious authority—had to assume that the closer one gets to the time and source of revelation, the more reliable and authoritative is its teaching.

. . . The truly religious Jew is awe-stricken both by the mystery of God and by the mitzvot . . . . He dares not tamper with the mitzvot for he humbly acknowledges that he knows not their secret . . . . Without tradition he would not have found his way to God . . . .

I cannot participate in a debate on a religious issue where the traditional decision-making process is not honored . . . . Even to strengthen tradition one must proceed traditionally . . . (pp. 110-114).

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It is tempting to speculate how Prof. Halivni would answer the obvious questions raised by this letter. For example, how would he reconcile his eloquent defense of the tradition with his critical method of Talmud study, in which he "questions the authenticity of Talmudic sayings"? He makes an effort to do so, but it is hardly convincing. He states that though it flies in the face of the accepted tradition, he can reassemble Talmudic texts based on his reason because he has "greater confidence in our sense of reason than in what we consider moral." He does not address the contradictory statement in his letter: "the closer one gets to the time and source of revelation, the more reliable and authoritative is its teaching."

Nor can he fail to note the contradiction between his plaint that

"whenever the halakha and modernity collide, halakha yields," and the fact that in his own critical method, whenever the traditional Talmudic text and his reason collide, the text yields.

And Halivni surely has not forgotten that elsewhere he has claimed that Talmudic Sages (the School of Hillel in *Pesahim* 8:8) consciously altered or suppressed texts they did not agree with—and yet he writes here that he "has found no tangible evidence that the Rabbis consciously changed a law for ethical or moral reasons." (See *Tradition* 22:4, Winter 1987, for this writer's detailed critique of Halivni's method, and the subsequent issues of *Tradition* for responses by Halivni and others.)

Surely he is troubled that his rearranging of Talmudic texts might suggest that he considers himself "superior to his teachers or his teacher's teachers," who accepted those texts and worked with them as they were. Halivini would be the last to suggest that his perception of Talmudic analysis is more profound than that of Rav Aharon Kotler. Nor does he seem to appreciate the rigorous intellectual discipline involved in the Talmudic discourses which he cavalierly dismisses as "forced." Further, his mind is subtle enough to ask how it is possible for him simultaneously to "embrace both the divine and the maculate nature of the Scriptures" (p. 136) ("maculate" meaning "spotty, not pure," according to Webster).

Most importantly, the perceptive Halivni surely realizes that there is little difference between his own questioning of the authenticity of Talmudic statements and his colleagues' questioning of the halakhic process which is based on that Talmud. There is, after all, no halakha without the Talmud. One evolves from the other. Halivni is exquisitely aware of all these issues and devotes some space to them. But though he addresses the questions, he cannot answer them satisfactorily.

All this goes to the heart of the Conservative movement's ambivalence: to offer obeisance to a halakhic process while simultaneously turning one's back on its handmaiden, the Talmud. But the fact is that there can be no critical method applied to Talmud that is not *ipso facto* a critical method applied to the halakhic process. Can the Seminary be faulted for using Halivni's own "critical method" on the halakha? (Surely their argument that women's ordination is not a halakhic matter is a disingenuous equivocation, not to be taken seriously; more than all else it reveals the inner conflict within the movement.)

Halivni himself is not above an occasional disingenuous flourish. For example, on one key issue—his formulation of how halakhic changes

take place—he is particularly fuzzy. Such changes, he writes, "*are not done consciously*" (Halivni's italics). "They came about imperceptibly, unnoticed, the result of a gradual process . . . . The changes were integrated into community life long before they . . . received legal sanction" (p. 112). He is not clear how changes can become part of the halakhic community without the awareness of halakhic authorities. He seems to be suggesting that it is acceptable to change halakha as long as the *posekim* (somewhere in the *beit midrash* counterpart of the ivory tower?) are not conscious of what is taking place. This tortuous attempt to have one's halakhic cake and eat it is but another of the slippery logical slopes from which Halivini is not always able to extricate himself.

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It is not our purpose here to divine which is the true Weiss-Halivni. His marriage to the Conservative movement brought with it a dowry of contradictions, inconsistencies, and unanswered dilemmas with which Halivni has had to live. There is little point in holding his feet to the fire and insisting on a reconciliation of all the question marks that that marriage engendered. He himself likes to cite (p. 114) the delicious *bon mot* of Prof. Ernst Simon: "It is my personal tragedy that the people I *daven* with, I cannot talk to, and the people I talk to, I cannot *daven* with." (To which Halivni adds: "However, when the chips are down, I will always side with the people I *daven* with, for I can live without talking. I cannot live without *davening.*")

Despite the numerous questions raised by this volume, one closes it with the sense that what emerged in his classic letter to the Seminary faculty was very close to the inner Halivni. Finally, when the chips were down, Dovid Weiss, the naive young *illuy* from the village of Sighet, prevailed over Dr. David Weiss Halivni, the sophisticated professor of religion at Columbia University. This is why this little memoir is ultimately gripping: not only did the book triumph over the sword, but the Book triumphed over the book.