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# TRADITION

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## SYMPOSIUM: "RUPTURE AND RECONSTRUCTION" RECONSIDERED

### EDITOR'S INTRODUCTION

Jeffrey Saks

### CONTRIBUTORS

Nechama Goldman Barash  
Gedalyah Berger  
Atara Eis & Laurie Novick  
Adam Ferziger  
Elli Fischer  
Efrem Goldberg  
Michael J. Harris  
Lawrence A. Kobrin  
Daniel Korobkin  
Ilana Kurshan  
Elazar Muskin  
Yehoshua Pfeffer  
Sarah Rindner  
Chaim Saiman  
Rivka Press Schwartz  
Chaim Strauchler  
Heshey Zelcer

### SURVEY OF RECENT HALAKHIC LITERATURE

Validity of DNA Evidence for  
Halakhic Purposes (Part 1)

J. David Bleich

### SOURCES & RESOURCES

The Song of the Well  
Geula Twersky

### REVIEW ESSAY

Where Literary Analysis Leads to  
Fear of God  
Hayyim Angel

Symposium: “Rupture and Reconstruction” Reconsidered

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Editor’s Introduction	
<i>Jeffrey Saks</i>	1
A Rupture of Her Own	
<i>Nechama Goldman Barash</i>	5
Some Ironic Consequences of Text Culture	
<i>Gedalyah Berger</i>	12
Reconstruction in No Man’s Land	
<i>Atara Eis &amp; Laurie Novick</i>	19
From Ashkenaz to America—Via Brisk: Historical Models, Women’s Torah Study, and the Agency of Texts	
<i>Adam Ferziger</i>	29
Rupture, Reconstruction, and Sacred History	
<i>Elli Fischer</i>	37
The Center Must Hold	
<i>Efrem Goldberg</i>	46
Reflections From Across the Pond	
<i>Michael J. Harris</i>	53
Are Facebook and YouTube the New “Mimetic Community”?	
<i>Lawrence A. Kobrin</i>	60
Rupture, Reconstruction, and Social Orthodoxy	
<i>Daniel Korobkin</i>	64
A Chicken Soup for Every Parsha	
<i>Ilana Kurshan</i>	70
Off and On the Mimetic Derech	
<i>Elazar Muskin</i>	77
What Rupture?	
<i>Yehoshua Pfeffer</i>	82
Ruptured Gender Roles in a Text-Centered World	
<i>Sarah Rindner</i>	89
How Zionism is Reconstructing American Orthodoxy	
<i>Chaim Saiman</i>	92

Metrology and Mimesis	
<i>Rivka Press Schwartz</i>	101
Out of a Yoke's Crooked Timber, Faith Might Yet Be Reclaimed	
<i>Chaim Strauchler</i>	107
Reckoning With a Personal Reconstruction	
<i>Heshy Zelcer</i>	114
<b>Survey of Recent Halakhic Literature</b>	
<hr/>	
Validity of DNA Evidence for Halakhic Purposes (Part 1)	
<i>J. David Bleich</i>	120
<b>Sources &amp; Resources</b>	
<hr/>	
The Song of the Well	
<i>Geula Twersky</i>	173
<b>Review Essay</b>	
<hr/>	
Where Literary Analysis Leads to Fear of God	
<i>Creation: The Story of Beginnings by Jonathan Grossman</i>	
Reviewed by Hayyim Angel	181

The Editors of *TRADITION* express our gratitude to  
**AVRAHAM WEIN**  
 on the completion of his tenure as Editorial Assistant,  
 carried out with skill, wisdom, and dedication,  
 and wish him continued success as he embarks on his career of service  
 to Jewish life and learning

# “RUPTURE AND RECONSTRUCTION” RECONSIDERED: A SYMPOSIUM

## EDITOR’S INTRODUCTION

In the sixty-year history of *TRADITION*, few essays have had as sustained an impact as Professor Haym Soloveitchik’s “Rupture and Reconstruction: The Transformation of Contemporary Orthodoxy” (Summer 1994). Its arrival on the scene a quarter century ago introduced the terms “text-based authority” and “mimetic tradition” to the lexicon of Modern Orthodox Jewry, and the essay has served as a lens through which our religious community examines and understands itself these many years.

To mark the twenty-fifth anniversary of “Rupture and Reconstruction” we asked a variety of educators, rabbis, writers, and academics to share their reflections on the enduring messages of this essay. The result, in the following pages, is an appraisal, assessment, and reevaluation of the communal self-understanding wrought by Soloveitchik.

We asked our contributors to consider any or all of the following questions in crafting their responses:

- 1) No doubt the single largest societal change since the essay’s appearance in 1994 has been the digital revolution of the Internet, related technologies, and social media. (The essay appeared the same year as the first primitive full-text web search engines; it would be four years before anyone heard of Google.) Do the insights of “Rupture and Reconstruction” help us understand the manner in which technology has influenced contemporary religious practice, *pesak* halakha, and rabbinic authority? If the mimetic tradition gave way to a *text*-based tradition, what has occurred in the last twenty-five years when it gave way further still to *hypertext*-based halakhic communities?
- 2) The essay provided an explanation of how the nature of religious authority changed in the contemporary world, outlining the shift in authority from community rabbis to *rashei* yeshiva, and offered reasons for the ascendance of the doctrine of *Da’at* Torah (94–98). What is your assessment of this approach? From our remove of twenty-five years, how have these issues played themselves out in light of the essay’s insights?
- 3) The author admitted that among the topics “notably missing” is women’s education. “While the religious practice of both men and women had in the past been mimetic, their educational paths had diverged: male instruction had been predominantly textual, female



instruction predominantly mimetic. The disappearance of the traditional society and the full-scale emergence of the text culture could not fail then to impact on women's education" (109). Now, a quarter century further on, how do more recent developments in women's education intersect with the transformation depicted in "Rupture and Reconstruction"? Beyond the specific realm of women's education, how do those trends impact women's lives, especially regarding larger phenomena such as home-based vs. synagogue-based religiosity, relationships to *posekim* and *rashei yeshiva*, child-rearing as an activity never subject to textual rules, etc. Do women experience the "ruptures" differently than men? If yes, what are the causes of those differences? How have women's Torah education and evolving roles within Orthodox society accommodated (or failed to accommodate) for the transformations described in the essay?

- 4) Many Modern Orthodox Jews welcomed "Rupture and Reconstruction" because it was interpreted as criticizing the *humrot* that emerged from abandonment of the mimetic tradition in favor of texts. Large *shiurim* [measurements] served as a paradigmatic example of this development; the expanding definition of *kitni'ot* was another often-touted example. On a broader and more controversial scale, some observers pointed to a variety of practices of previous generations, including even mixed dancing, as phenomena validated in the mimetic society of American Orthodoxy now challenged by the new text-based culture. In light of more recent developments, how do you see the relationship of the various streams in contemporary Modern Orthodoxy to mimesis versus texts? Have you observed polemical uses of the essay's thesis?
- 5) How would you evaluate the article's position that, largely due to the impact of the scientific outlook on the contemporary world, a sense of the immanent divine presence has been largely lost, even among traditionalist or haredi Orthodoxy (98–103)? How does this assertion appear to you today, especially in light of a perceived rise in neo-Hasidism and spiritualism within the Orthodox community?
- 6) Beyond the issues outlined above, the essay includes many other fascinating topics and passages. Among them are: (a) The assertion that modern Jews' attitude to physicality differs from that of their predecessors (80–81). (b) A discussion of the nature of history books produced by the haredi world (84–85). (c) An exploration of why yeshiva education has become more central to Jewish identity (87–93). (d) An analysis of the differences between *Mishna Berura* and *Arukh ha-Shulhan* (notes 6 and 20). Aside from the famous central thesis, for which "Rupture and Reconstruction" is a true

classic, what are some of the essay's most enduring insights for you personally? How have they impacted your own understanding of your personal and communal religious identity?

As you will see in the following seventeen essays, not every one of the aforementioned points was directly addressed. It should not be surprising that the topics of women's education and role in Orthodoxy, along with our contemporary digital reality, received the most attention; clearly, these have been the ways in which our world has most significantly transformed since 1994.

Aside from these two areas of particular interest, the varied responses show how wide-ranging and stimulating the original essay remains. Respondents address the quest for God's presence, the nature of rabbinic authority, the originally overlooked move from mimesis to books as a source of leniency, Zionism and the State of Israel, and more—all naturally flowing from the essay itself. As might be expected when looking afresh at even the most classic of works from such distance, some authors now question or reevaluate certain aspects of Prof. Soloveitchik's thesis.

We are proud of the array of respondents who answered *TRADITION*'s call to contribute to this symposium. Readers will take note of the wide ideological spectrum represented (the typical disclaimer about the views of the authors only representing themselves applies). We deliberately solicited a few contributions from writers who do not identify with the larger Modern Orthodox camp (on both the right and the left), both for the quality of their writing and the integrity of their viewpoints, as well as to demonstrate the far-reaching relevance of "Rupture and Reconstruction" in the larger Jewish world. Additionally, we are pleased to present voices of certain younger authors, some of whom were not mature enough to read the essay when it was originally published, but who grew up in a religious community where its entrenched templates were omnipresent.

In the coming weeks we will be publishing additional related content and responses to this symposium at the newly relaunched TraditionOnline.org. At our website's open access archives you can find "Rupture and Reconstruction" itself. Re-reading it (or encountering it for the first time!) may make your perusal of these pages more profitable.

In ways similar to many of the writers in this symposium, and many of the essay's readers over the years, I vividly recall my first encounter, as a young adult, with "Rupture and Reconstruction." In my memory the experience is cataloged alongside T.S. Eliot's well-known lines from the end of his *Four Quartets*: "We shall not cease from exploration/ And the

## *TRADITION*

end of all our exploring/ Will be to arrive where we started/ And know the place for the first time.” Indeed, for very many then, and presumably as many today, the essay served as an explorer’s map of one’s own personal and communal religious autobiography, leading him or her back to a starting point of self-knowledge. That is why Professor Soloveitchik’s “Rupture and Reconstruction” is a classic and will remain so for generations to come.

*JEFFREY SAKS*

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## *A RUPTURE OF HER OWN*

Rereading Professor Haym Soloveitchik's essay took me back to its year of publication in 1994 and the familiarity with the reality he was describing. The transition from mimetic to text-based practice was nothing short of revolutionary. More observant Jews were studying Jewish texts than at any other time in Jewish history. The idea that we could find every answer in a text was astonishingly gratifying. To quote Soloveitchik, "For the text is now the guarantor of instruction, as the written word is both the source and the touchstone of religious authenticity" (94). Everyone and anyone could be partners in the tradition by opening a book and analyzing the written word. We could bring our acute, critical eye that was honed for reading literature, history, and political science and cast it towards texts of Torah, Talmud, Jewish philosophy and halakha. We could take our mimetic traditional practices and distill them through the lens of the text, upgrading them to something more profound, more engaged, more Godly. The questions were less about the "why" and more about the "how," "where," "what," and "when." It was the era of Halakhic Man. But in retrospect, it was also the beginning of the era of Halakhic Woman. For an observant woman in the '80s and '90s, this process opened up a world of text study, and thus a direct encounter with the core sources of halakha, previously unknown in the history of Jewish women.

The meteoric rise of day school education charted by Soloveitchik affected girls and boys equally since compulsory education laws mandated that all children be educated well into adolescence. In Modern Orthodoxy, this led to increasing demand for more educational opportunities in *limmudei kodesh*, parallel to the equal opportunities available in the secular academic environment. From the 1970s onward, the teaching of Talmud to women in traditional programs of study began, even if controversially. One of the concerns often heard from within the religious



## TRADITION

community was that women would not be content with one more layer of study. Just as women moved from nursing to medicine to surgery or from working as secretaries to paralegals to lawyers to judges and finally, Supreme Court justices, the rabbinic establishment recognized that learning and learned women might demand a similar trajectory, with rabbinic ordination at its apex. Despite the perceived threat and some outright opposition, women began studying a text that had previously been banned to them.

By the 1990s, the Era of Halakhic Woman was firmly underway. There was plenty of funding for women to study first Talmud and then halakha. Kollel-type programs with stipends were set up in New York and Jerusalem. Many of these programs, which recruited married women with children, arranged the study schedule around day care hours and school vacations. Women began completing courses of study that would allow them to work in the rabbinic courts as rabbinic pleaders after taking rigorous exams in Jewish divorce law. They began teaching Talmud in Orthodox high schools and post-high school seminaries, and finally, they began to answer halakhic questions, first in the myriad laws involving menstrual cycles and marital sexuality, previously only answerable by male rabbis, and then, on issues of Shabbat and Kashrut and more.

The slope became slippery indeed, when as feared, women (and men) began to explore the possibility of *semikha* for women. In fact, a small group of rabbis within the Orthodox establishment have begun ordaining women both in Israel and America; this is one of the most contentious issues facing Modern Orthodoxy today.

As a beneficiary of this revolution in Torah study, I wish to address my experience as a woman studying Torah texts over the last thirty years and how I have experienced the rupture and subsequent reconstruction in Jewish identity and practice in its wake. I was part of a small group of young women in the 1980s at Stern College interested in studying Talmud seriously. Although I had never studied Talmud as a text until 18, a feminist agenda and an intellectual challenge propelled me forward. If boys could do it, then so would I!

Gradually, in accordance with the principle of “*mitokh she-lo li-shmah, ba li-shmah*,” I began to recognize it as my personal spiritual heritage, fascinated by the simultaneous esotericism and yet, familiarity of the Talmud. It was fortunate that as I reached early adulthood, courses of study began opening up to provide women like myself with the ability to bridge the gap in their Talmud skills. After graduating from Stern College, I spent years studying Talmud at Matan before going on to study halakha in Nishmat’s Yoetzet Halakha program and then went back to Matan’s

Hilkhata program. The evolution of halakhic thought and application fascinated me spiritually and intellectually and gave rise to a longing to be part of the chain of transmission and education.

As I pored over the texts, I also began to recognize that the voices were of men talking about women but not represented by women. One early example comes to mind. We were studying the eighth chapter of *Sanhedrin*, specifically the topic of killing a would-be perpetrator to save him from a greater sin, such as murder or adultery, in effect taking justice into one's own hands and saving the victim. A third party is permitted to kill a man trying to rape a married woman since biblically adultery is a capital crime. However, he is not permitted to do so for an unmarried woman since sexual relations with her is not punishable by death. This was morally complicated for me. Rape is a heinous violent crime. That sexual violence against an unmarried virgin was not serious enough to warrant the same measure of extreme intervention as was warranted to save a married woman was incomprehensible. To further the incredulity, the Torah fines the rapist by obligating him to marry his victim and pay a fine to her father. It is often explained as being in the interest of the woman, so that she would not remain humiliated and abandoned. The (former) virgin was considered blameless and guaranteed the status and rights of a married woman and her father would receive monetary compensation, and after this, all is presumed well! This was difficult to reconcile as a young, modern woman new to Talmudic discourse. It called into question conflicts between tradition, text, interpretation, and morality. Our teacher, at the time a young and very serious Talmud scholar and congregational rabbi, seemed utterly surprised at how contentious a topic this was for the class of Stern students.

What was completely missing from the discussion of rape in rabbinic literature both there and elsewhere was women's actual experiences of such a violation. This absence of women's voices from the endless texts about women's bodies, signs of virginity, detailed discussions about menstrual flow, sexual permissibility, and breast development is jarring. Once uncovered from the shroud of traditional male-authored exegesis, many unsettling questions about female identity and agency emerge. And yet, it is also a window into a world that has direct impact on halakhic practice and Jewish ritual.

The challenge that came with learning text was seeing the words through a lens it had never been held up to—the lens of women's perceptions, thoughts, and considerations. Hand in hand with slowly gaining mastery over the language and skills necessary to study and understand Talmudic texts and codes of law, came the growing recognition that I was

## TRADITION

reading these texts differently than the men who were teaching me or my male counterparts who were studying the same thing. While most men are able to delve into the legal conversations in an impersonal way, my experience from the world of a women's beit midrash is that one cannot remain indifferent to statements that objectify women in a way that is no longer acceptable in modern society.

The initial rush which came with the privilege of Talmud study morphed into a life-long experience of ongoing connection. Studying Talmud allows me to access the most seminal Jewish text after the Torah. It connects me to my past and illuminates my present and future. There is a sense of awe in listening to the voices learning and interpreting the Torah as they have for thousands of years. No topic is too small or mundane and the many stories and narratives give insight into personal and theological struggles. It is an intellectual challenge and a spiritual anchor. Moving from the Talmud into the vast world of halakhic codification, I better understand how I am meant to live my life in a constant encounter with the divine. Torah study has a vibrancy and passion that invites connection through questioning and exploring and provides the guidelines and boundaries I need for this ongoing journey.

However, in my pursuit of knowledge and understanding, there is also a sense of alienation. I cannot ignore that the world of Talmud is a world of hierarchy. In that hierarchy men have more *mitzvot* and obligation in the private and public sphere, serve as witnesses and judges on rabbinic courts, acquire women in marriage, and have exclusive control over divorce, all of which translate into more stature and worth. This is best exemplified in a classic Talmudic discussion: if a man and woman are drowning and only one can be saved, the man takes precedence because his life is worth more as a result of his greater obligations to Torah and *mitzvot*.

Not surprisingly, I am most drawn to the texts that are the most challenging—and most directly relevant—for me. There is something ineluctably fascinating in reading about yourself through the eyes of another. Over and over again I return to the tractates of *Ketubot*, *Kiddushin*, and *Gittin* as well as the tractate of *Nidda*, circling the texts and re-immersing, searching for my voice in a sea of men's voices about women's bodies, women's experiences, and women's most intimate moments.

At times there was and continues to be, for me, a sense of disenchantment with, and disconnection from, a religious system that presents the gender divide with clarity and surety. Learning through texts, the conversation becomes opaque and less convincing. To illustrate, one of the major gender distinctions is women's exemption from positive time-bound

*mitzvot*. It is often presented definitively in Orthodoxy as the seminal proof that men and women are intended by God to fulfill different roles. I would go as far as to suggest that the foundation of gender separation rests greatly on this distinction. It is thus explained that there is no hierarchy that privileges men over women. It is simply the innate wisdom of the Torah that recognizes that men and women cannot be religiously fulfilled in the same way. This line of thinking synergizes with the explanation given for the blessing men say daily “Blessed are you God Who has not made me a woman.” Men are simply thanking God for the extra *mitzvot* bestowed on them as men; it is not meant to reflect a demeaning attitude towards women. However, a quick look at the original statement in Tractate *Menahot* (43b) suggests that the author of the blessing, Rabbi Meir, is in fact differentiating the elevated status of Jewish (literate) men from ignoramuses and women. If the blessing was for the privilege of having received a greater number of *mitzvot*, the blessing for not being an ignoramus would not be relevant since the ignoramus has the same number of *mitzvot* as all Jewish men! The explanation falls short again when the text reveals that Canaanite slaves and minors are in the same general category as women in terms of their obligation in *mitzvot*. Underaged males, of course, will graduate into full-fledged male members of Jewish society. Even before bar mitzva, they will be encouraged to lead parts of the service which do not require a prayer quorum. Canaanite slaves, if freed by their masters can choose to convert and will become “male” in terms of obligation and privilege. Women, however, will in some ways perpetually remain equivalent to children.

If men are obligated in prayer, and women, though obligated as well, are unable to be counted in the prayer quorum, there is a clear hierarchy that exists in the synagogue. This dissonance grows greater after studying the *baraita* in *Megilla* (23a): “All are called up to read the Torah, including women and minors. Women and minors are not called up due to congregational honor.”

The underpinning argument for partnership minyan is that congregational honor is in fact violated if women *cannot* have active participation in synagogue and be called up to the Torah. Partnership minyanim are staunchly non-egalitarian and pride themselves on having halakhic integrity. They require a *mehitza* divider between men and women. Ten men make up the *minyan*. Women are allowed only to lead the prayers that a minor male can lead. However, based on the passage in *Megilla* (and other later sources), women are called up for *aliyot* and read Torah. Participants are adamant that they reflect halakha in both their traditional and innovative applications of the text. The halakhic concept of congregational honor



has been reinterpreted for the present generation to reflect the original statement in *Megilla* without its qualifying condition – in deep conflict with halakhic interpretation and mimetic tradition that is more than two millennia old. Rabbinic authority has protested mightily, but partnership minyanim remain committed to their defined halakhic practice. This is a case where textual interpretation has challenged mimetic tradition in a way not described in Soloveitchik’s article. The partnership minyan model presents a counterexample to what Soloveitchik was observing. He wrote that “a tireless quest for absolute accuracy . . . is the hallmark of contemporary religiosity” (73), but he was talking about the move towards stringency. Here the “tireless quest” leads towards leniency. This shift has caused tremendous conflict within Orthodoxy, challenging models of leadership, halakhic authority, and source interpretation.

The sense of dissonance becomes more acute when women seek written proof that the codes of dress and behavior mandated by religious society are justified. Dress style has always been mimetic, based on society’s expectations and standards. In the Talmud, this is expressed in a series of short *sugyot* around the code called *dat yehudit* or Jewish practice which is concerned with the behavior and dress of (married) Jewish women in an attempt to prevent acculturation. Religious women today actually want to acculturate in their dress and are heavily influenced by fashion styles that largely fall far short of the modesty standards required by religious communities.

When my students unpack the sources and engage in text analysis on this topic, they are underwhelmed by how unrelatable and insufficient the sources seem. The Talmudic and post-Talmudic discussions on the topic are androcentric and are almost exclusively concerned with men’s obligation to focus on the spiritual and not lose focus due to a women’s partial bodily exposure during ritual practice. There are no fully parallel restrictions on men or is there any mention of female sexual arousal that occurs with the interaction between the genders.<sup>1</sup> While inevitable in modern Jewish institutions, text study on matters of dress, hair covering, and women’s singing voices can lead to a complete delegitimization of the topic. This is largely as a result of the absolute emphasis placed on the written word as the repository for finding truth. There has been a reframing of these issues, in part by women who talk about modest dress in terms of female empowerment and self-respect which injects a positive vocabulary into the discourse. However, this falls short of explaining why a certain skirt or sleeve length or skirts versus pants are the necessary criteria to mirror those important values. Text study struggles to meet the challenge of such pressure and when examined carefully, can fail to convince.

Soloveitchik wrote, “The world now experienced by religious Jews, indeed by all, is rule-oriented and in the broadest sense of the term, rational. Modern society is governed by regulations, mostly written and interpreted by experts accounting for their decision in an ostensibly reasoned fashion” (87). The fortress of halakha as a monolithic institution passed down from Sinai is at times eroded when text study brings to light the spectrum of interpretation and the various external influences that infiltrates rabbinic decision making. In a post-modern world, halakha can be perceived as a religious legal system that has no absolute truth associated with it. Young people fall betwixt and between both in their rejection of absolute truth and, simultaneously, a desire to have proven without a shadow of a doubt that God spoke to Moses at Sinai and dictated both the Written and Oral Laws as one. My own experience has been that in today’s source-based learning environment, the “touchstone of religious authenticity,” as it were, invites new challenges to the foundations of religious life. Often, rigorous text study, especially on women’s issues, but not only, can lead to disillusionment. The demystification of halakhic sources unmasks the fragility of the entire construct which at times can be shattering. There is a growing sense that in this generation the entire system of halakha is on trial! I spend many hours discussing and defending its integrity, value, and truth with students after teaching contemporary halakhic issues. For some, text study liberates, providing tools to grapple with and reconcile our tradition and lending context to the structure. This, however, does not always lead to stricter devotion. Often students feel at liberty, because of the learning, to pick and choose what speaks to them. For others, there remains an unsettling sense of the arbitrary, and meta-questions of faith and belief hover implacably in the background.

I believe that we are at a seminal time in Jewish history. The walls of the academy might be tilting forward and backward to regain equilibrium, but the inner core is solid and strong and will withstand. The challenge is to find more nuanced and authentic ways to teach the sources but simultaneously admit that not everything is text-based and the values and traditions that have been passed on through the generations are as much at the core of our Jewish identity and observance as the text itself.

<sup>1</sup> The yearbook *Tehumin* recently published a responsum by R. David Stav noting this imbalance and imposing laws of dress and conduct on men in parallel. This is a response to contemporary reality and women’s response to the imbalance of the halakha which affects only them. See David Stav and Avraham Stav, “Laws of Modesty for Men” [Hebrew], *Tehumin* 39 (2019) 208–220.

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## SOME IRONIC CONSEQUENCES OF TEXT CULTURE

With a grin and a dismissive wave of the hand, Rav Yehuda Amital *zt"l* began to walk away: “*Ah, ma ata rotze?! Lo nohagim kakha!*” During the early 1990s, at the same time that Professor Haym Soloveitchik was composing “Rupture and Reconstruction,” I was a wet-behind-the-ears, first-year yeshiva student learning *Mishna Berura*. Having come across a halakha that a *mezammen* must read *birkat ha-mazon* loud enough for all of those assembled to hear, at the very least until the end of the first blessing (183:28), I was rather shocked—at Yeshivat Har Etzion’s own Shabbat meals this was not always done! How could this be? Is the yeshiva itself not properly enforcing *shemirat mitzvot*? And so, naïve young student that I was, I respectfully approached the *rashei yeshiva* to inquire (or was it to protest?). While Rav Lichtenstein *zt"l* demurred that he had not reviewed the *sugya* recently, R. Amital left me with a memorable lesson about the old-school relationship between halakhic practice and book-learning, one which I later read about in detail in the pages of *TRADITION*—“Ah, what do you want?!” he said. “That’s not the way we do it!”

The cogency and accuracy of Soloveitchik’s central theses were evident from the essay’s instantaneous reception as a classic, and its significance endures twenty-five years later. My comments here will reflect on the relevance of “Rupture and Reconstruction” to three issues in contemporary Orthodoxy—halakha, *hashkafa*, and women’s education.

### *Halakha*

“Rupture and Reconstruction” opens as an effort to explain a shift toward greater *humra* in halakhic practice (64–65), a shift which Soloveitchik

argues was a function of the sweeping, comprehensive transformation of the root of the typical Orthodox Jew's practice from cultural self-evidence to text-based, self-conscious obedience. While the change appeared first among haredi Jews, "most of these developments swiftly manifested themselves among their co-religionists to their left. The time gap between developments in the haredi world and the emerging modern Orthodox one was some fifteen years, at most."

Twenty-five years later, at least when considering Modern Orthodoxy, while the fundamental forces grounding Jewish observance in texts rather than mimesis continue unabated, their link to the consequence of greater *humra* has not fully survived. In fact, those very same forces, together with the information-access revolution, have in some cases pushed in quite a different direction.

Soloveitchik describes at length (66–74) how whereas in centuries past the simple longstanding prevalence of a lenient behavior served as an automatic imprimatur, in recent generations this became insufficient, and Jews' fealty to texts began to compel finding justification in the written word – and, if such efforts failed, jettisoning the practice in favor of greater stringency. More broadly, however, beyond mere direct conflicts between clearly customary practice and halakhic sources, he writes (72):

There is currently a very strong tendency in both lay and rabbinic circles towards stringency (*humra*). . . . One confronts in Jewish law, as in any other legal system, a wide variety of differing positions on any given issue. If one seeks to do things properly (and these "things" are, after all, God's will), the only course is to attempt to comply simultaneously with as many opinions as possible. Otherwise one risks invalidation. Hence the policy of "maximum position compliance," so characteristic of contemporary jurisprudence, which in turn leads to yet further stringency. . . . Fundamentally, all of the above – stringency, "maximum position compliance," and the proliferation of complications and demands – simply reflect the essential change in the nature of religious performance that occurs in a text culture. Books cannot demonstrate conduct; they can only state its requirements. One then seeks to act in a way that meets those demands.

While this is a reasonable description of a possible theological/psychological cause-and-effect—and was compelling as an analysis of Orthodoxy in 1994—the relationship between text-based religiosity and *humra* is not a logical necessity, but an empirical description. One could easily construct the following, almost precisely opposite argument in 2019:



## TRADITION

There is currently a common tendency towards leniency (*kula*). . . . One confronts in Jewish law, as in any other legal system, a wide variety of differing positions on any given issue (and every one of these positions of great *posekim* is, after all, a legitimate reflection of God's will). If one seeks to do things properly, one may follow any of these opinions; insisting on the most stringent is unnecessary, and serves only to create greater hardship with no attendant sacred benefit. Hence the policy of "minimum position compliance," so characteristic of contemporary practice, which in turn leads to yet further leniency. . . . Fundamentally, all of the above – leniency, "minimum position compliance," and the lessening of complications and demands – simply reflect the essential change in the nature of religious performance that occurs in a text culture. Books cannot demonstrate conduct; they can only state its requirements. One then seeks to act in a way that meets those demands.

The two versions are of course not mutually exclusive, and can, alongside one another, accurately describe different segments of the observant community.

This particular flavor of being *mekel* was, by and large, unavailable to previous generations of Jews. The laxity of observance among mid-twentieth century Orthodox Jews (see p. 99) was grounded not in adherence to lenient positions but in casting off the yoke of commitment (at least of certain *mitzvot*). In a culture in which halakhic life is based on fealty to texts, and almost every text imaginable is available to almost everyone, even those truly committed to halakhic observance can act with a genuine feeling of piety as long as there is a text that supports their behavior. Moreover, the self-confidence to read and act upon such sources is often itself a function of the many years of schooling which are, as Soloveitchik explains at length, a central element of the text culture (87ff.). The ability to "find a *kula*" is magnified further when summaries of so many such texts are accessible in multiple languages.<sup>1</sup>

In more muted form, the focus on texts combined with their wide availability has also influenced the realm of more sophisticated halakhic discourse, and sometimes *pesak* halakha, as well. The authority accorded to *texts* historically really meant authority accorded to their *authors*. Considering responsa literature of the last several centuries, for example, the almost unrivaled clout of the *teshuvot* of *Noda be-Yehuda* and *Hatam Sofer* is born of a deep reverence for the greatness of Rav Landau and Rav Sofer themselves. As the generations passed and the *sefarim* of certain *gedolim* rose to earned prominence, they tended to dominate the subsequent discussion. In days gone by, with limited budget and shelf-space,

which halakhic works would a *talmid hakham* even own? Of course, the important volumes took precedence over the lesser—and when *piskei* halakha were made, it was these works that were consulted, and their authors' arguments which dominated the deliberations.

In the world of Bar-Ilan Responsa, Otzar HaHochma, and Hebrew-Books.org, however, where the shelf-space is infinite and no budget is needed, one increasingly finds references to books that were heretofore rather obscure. If a certain work has something different or interesting to say about the topic at hand, it will be quoted and considered, even if the *posek* who wrote it is not otherwise recognized as particularly authoritative as a general matter. To a limited degree, then, the shift to the authority of texts noted by Soloveitchik has begun to take still another subtle step, with *text per se* sometimes attaining a degree of authority even somewhat independent of its author.

### *Hashkafa*

Soloveitchik's essay focuses mostly on halakhic practice, with a briefer discussion at the end of a major shift in the fundamental nature of Orthodox Jews' *yirat shamayim* (98ff.). Though he briefly mentions modernity's ideological upheavals as well (70), there is room for some further elaboration of the described trend's consequences for matters of *hashkafa*.

While the same historical forces that disrupted the mimetic transmission of halakhic observance also wrought a "Rupture" in transmission regarding matters of Jewish belief and worldview large and small, in the latter case much less "Reconstruction" came in its wake. Unlike the turn to the rich halakhic literature, and the schools that teach it, as a new source of authority, responsibility for communicating and solidifying the basics of *Yiddishkeit* has remained mostly in the province of culture and community. Moreover, even to the degree that schools have in fact adopted this arena as part of their mission, they do not generally employ text learning as the means of fulfilling it. As we have for a couple of hundred years now, we face great challenges in rising to the occasion. Let us remember that Hafetz Hayyim's argument for instituting formal Torah schooling for girls, referenced by Soloveitchik (n. 6), was "in order that they might affirm the truth of our holy faith," because otherwise they will end up violating "every foundation of our religion."

Our observant communities are beset with a certain shallowness of *hashkafa*. Ever since Spinoza and, somewhat later, the Emancipation, there has of course been an attrition of Jews from *emunah* to *apikorsut* due to a host of intellectual and social stimuli, a process which has had its own

particular iterations in the twentieth and twenty-first centuries. And among those who retained their belief system, Jews have always run the gamut from the philosophical sophisticate to the *poshuter yid*. But now we have what appears to be a relatively new phenomenon: large numbers of Jews who are in fact *ma'aminim*, and are committed to being so (they are Orthodox, not simply orthoprax), but who lack an instinctive hashkafic clarity and deep-seatedness which were typical even of the relatively uneducated Jew of long ago. Because of the relative success of the text culture in constructing a new foundation for halakhic observance, we now have the rather odd situation of a community well-versed in halakha and committed to following it, yet often simultaneously uneasy and insecure about the hashkafic edifice upon which all of it rests.<sup>2</sup>

Sometimes, this absence of instinctiveness is reflected in questions people ask about matters that would have been considered the height of obviousness to our forebears. Early in my rabbinic career, I received a phone call from a congregant whose daughter was dating a non-Jewish man. With the sense that a marriage was likely in the offing, she was already contemplating various future negotiations. Her presenting question was whether, if and when a grandson is born, it would be proper to allow the father to baptize the child if, in exchange, he would agree to allow a circumcision as well. At one point in the conversation, she wondered why baptizing the baby is really such a big deal, given that “we don’t believe that the water is really holy anyway.” Now this particular woman was not really observant herself, but this relatively cavalier discussion of baptism – *baptism!* – with a member of an Orthodox shul was still shocking. I pointed out to her, rather bluntly, that our ancestors literally burned at the stake to avoid baptism. For her, though, this conversation was decades too late – she needed to have imbibed the sentiment at the age of five, not fifty.

One consequence of this ideological insecurity has been still another reinforcement of the significance of halakhic texts, as a tendency has developed in Modern Orthodoxy for halakha to dominate the discussion of matters which in the past may have been addressed more on the basis of *Yiddishkeit* more broadly conceived. On the conservative side, arguments beyond halakha are often a rudimentary (sometimes reasonable, but rudimentary still) call to tradition, authority, or slippery slopes, rather than a sophisticated, thoughtful hashkafic analysis. Among the more liberal, it is common to encounter the sentiment that a person – including (perhaps especially!) one of communal prominence and authority – has no right to oppose a practice emphatically if it is not proscribed as a matter of halakhic technicality, as to do so unfairly encroaches on each Jew’s autonomy. As a

result, the hermeneutics of halakha serve as the playing field for most of the substantive discussion and intellectual engagement. Communal discourse thus frequently gives the impression that in Judaism only the halakha can actually make serious, specific demands of us, as only in halakha can we have true confidence, grounded as it is in the chapter-and-verse of texts.<sup>3</sup>

### *Women's Education*

To a significant degree, the relationship between advancements in women's Torah education and Soloveitchik's central thesis is rather obvious. This is so with regard to both the necessity and the desire for such education. When the home no longer provides a viable foundation, education becomes necessary (see the abovementioned comment of Hafetz Hayyim), and when texts are the sacred source of halakhic observance, which so suffuses life, the desire to have access to those roots naturally arises.

Such is the case with regard to the major changes in schooling for girls in the twentieth century. However, the shift from mimetic to text-based observance does not bear primary responsibility for the development, in the last forty years or so, of advanced study of *Gemara* and halakha by women.

With all of its emphasis on the dramatic transformation of recent centuries, "Rupture and Reconstruction" of course recognizes that halakhic texts had always been of great import:

Has not traditional Jewish society always been regulated by the normative written word, the Halakha? Have not scholars, for well over a millennium, pored over the Talmud and its codes to provide Jews with guidance in their daily round of observances? Is not Jewish religiosity proudly legalistic and isn't exegesis its classic mode of expression? Was not "their portable homeland," their indwelling in sacred texts, what sustained the Jewish people throughout its long exile?

The answer is, of course, yes. However, . . . [halakha] constitutes a way of life. And a way of life is not learned but rather absorbed. Its transmission is mimetic, imbibed from parents and friends . . . (65–66)

In other words, the text-based reconstruction of Jewish life involved the *relationship between* Jews' everyday halakhic observance and the upshot of scholars' serious study of halakhic texts. That study itself had obviously always been present—albeit often limited to a small elite—and of profound, abiding significance.

The contemporary blossoming of serious *Gemara* study among women is connected not so much with the fact that texts now motivate



*shemirat ha-mitzvot* as with a deep desire to access the type of *talmud* Torah that was always recognized as the pinnacle of engagement with the *devar* Hashem.<sup>4</sup> “[T]he purpose of study (*lernen*) was not information, nor even knowledge, but a life-long exposure to the sacred texts and an ongoing dialogue with them. *Lernen* was seen both as an intellectual endeavor and as an act of devotion; its process *was* its purpose” (83). Explanations for the increased interest in such learning among Modern Orthodox women of recent generations, and the emergence of more opportunities to engage in the serious study of *Gemara*, *rishonim*, and *posekim*, lie not so much in the trends Soloveitchik identified and explored in his historic essay, but elsewhere in the maelstrom of modernity.

<sup>1</sup> The focus here is not on the significant and variegated errors in halakha that this methodology can engender, but simply on recognizing that the phenomenon appears to be an outgrowth of the forces which a quarter-century ago generally had the opposite effect. The weakening of adherence to *minhag* is a related development. Here too, when text is central, and the texts themselves express that their demand is of lesser gravity, some feel less bound to follow them. When observance was mimetic, in a certain ironic sense it was the broad binding power of *minhag* – communal custom – that motivated the observance of halakha itself.

<sup>2</sup> Cf. Soloveitchik’s comments regarding Tevye (101). While he was speaking of intimacy with God, the same can be said, *mutatis mutandis*, regarding fundamental religious beliefs and attitudes.

<sup>3</sup> One notable exception to this is the powerful influence of Zionism in the Modern Orthodox community. Those making *aliya*, and those passionately supporting Israel from afar, do so not because they believe that we follow Ramban’s position that the halakha requires it, but because they grew up with a profound sense of its significance. Unfortunately, though, there are signs that this mimetic tradition too may be weakening in the youngest generations of today.

<sup>4</sup> See R. Lichtenstein’s reflections in his lecture at the launch of Ma’ayanot High School, [www.thelehrhaus.com/commentary/women-talmud-study-and-avodat-hashem](http://www.thelehrhaus.com/commentary/women-talmud-study-and-avodat-hashem).

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## ***RECONSTRUCTION IN NO MAN'S LAND***

**A** recent article in *Haaretz* describes a new “trend” in women’s halakhic observance:

Growing numbers of observant women have been abbreviating niddah in recent years. Sisters and sisters-in-law, female friends and acquaintances – all are spreading the news by word of mouth.... The trend of forgoing the seven “clean days” is reflected also in confessions by women on Facebook and has spread from the bastion of the liberal followers of Orthodoxy in Jerusalem to the religious periphery, and even has fans in the more conservative settlements. Has the great niddah revolt begun?<sup>1</sup>

More than a hundred years after the founding of Bais Yaakov and forty years after Rabbi Joseph B. Soloveitchik inaugurated Talmud study for women at Stern College, a reporter describes observant women making halakhic decisions, without any reference to halakhic texts or text culture. In their stead, we find a social brand of mimesis, fueled by the Internet, spreading a course of action which, in this case, is alarmingly at odds with normative halakha.

While our experiences as Yoatzot Halacha indicate that talk of “revolt” is thankfully overstated, the process of halakhic decision-making the article describes is true of a substantial portion of our community. This phenomenon is not entirely new, and not exclusive to the laws of *nidda*. As Professor Haym Soloveitchik pointed out in his “Rupture and Reconstruction,” mimesis as a driving halakhic force has a long history. Indeed, socially determined practice might be said to have dominated American Orthodoxy through the sixties and later, the period Soloveitchik describes.

Decades ago, Rav Ovadia Yosef lamented women's tendency to turn to the unlearned women of their communities, particularly for *nidda* questions, in lieu of rabbis.<sup>2</sup> Centuries earlier, Maharil (Responsa 199) placed his confidence in women's mimetic transmission of halakhic practice. The Mishna (*Ketubot* 7:6) itself granted halakhic standing to *dat yehudit*, the normative conduct of Jewish women.

What is new is the extent to which social mimesis persists in today's conditions, when there are more halakhic texts than ever and women have greater access to them.<sup>3</sup> While text study has had a positive impact on women's understanding of halakha and sense of agency when observing it, we see many women crowdsourcing significant halakhic decisions, sometimes, as above, to detrimental effect. This observation has led us to revisit the applicability of Soloveitchik's initial assertions in "Rupture and Reconstruction" to the lives of women, both a few generations ago and today.

### *Women's Rupture and Reconstruction*

In the first note of "Rupture and Reconstruction," Soloveitchik writes that, "in one sense, much of this essay is simply an elaboration of an insight [Hafetz Hayyim] expressed in his ruling on women's education." Hafetz Hayyim's insight was that the weakening of mimetic tradition leaves women—who presided over that mimetic tradition while lacking direct access to text study—at sea, and texts could serve as their lifesavers. His attempt to use texts to fill a ruptured mimetic space was a conscious effort to rekindle women's spiritual connection and commitment to Torah through study, primarily of Jewish thought and *musar*.<sup>4</sup>

Soloveitchik's contention about the general community is wider-reaching. To Hafetz Hayyim's insight that displacement and acculturation have dulled the force of mimetic tradition from parents or elders and broadened the role of texts, he adds that the resulting dominance of halakha manuals has upended the time-tested balance of textual and mimetic traditions, spawning an approach to halakha that is more textual, but also more focused on the halakhic bottom line than on the Talmudic intricacies and nuances of foundational texts.

Given, however, that women's text study since the founding of Bais Yaakov has not often included halakhic texts other than summary works, does Soloveitchik's argument accurately characterize Jewish women's halakhic decision-making?

A typical religiously observant man of a few generations ago would have had some access to textual foundations on which to reconstruct

practice where mimesis had lost its footing. Indeed, familiarity with the textual tradition of oral Torah might predispose him to privilege text over custom.

At the same time, a typical woman would still have been caught in halakhic no-man's-land. Without the education to contextualize or fully assimilate the new halakhic instructions she encountered, she would likely have been less inclined than her male counterparts to see halakha manuals as a resolution to the difficulties resulting from her acculturation. While her participation in American society might have called some aspects of her traditional practice into question, direct or indirect exposure to halakhic texts that challenge her practice might have been her first inkling of a gap between halakhic text and tradition.

How, then, would a woman address the tension between what she had always taken for granted and the texts that challenged those assumptions? Enter social mimesis: She would mimic her friends. The halakhic standing of the outcome would depend on who her friends were.

Social mimesis has been and remains a dominant force in women's personal decision-making about halakha, and was never supplanted by the textual revolution Soloveitchik describes.

### *Social Mimesis in the Late Twentieth Century*

Based on conversations with women who came of age in the second half of the twentieth century—the period Soloveitchik identifies as the turning point for mimetic rupture—our impression is that then, too, many women's halakhic questions were resolved via social mimesis, by schmoozing on a park bench, in the school parking lot, or on the phone, and not through how-to books. A woman would be more likely than a man to care about fitting in with and being accepted by her neighbors, and therefore more ready to consult them. This sensitivity to others' practice would even hold true in the private realm.

For example: Tova, a young bride, is scheduled to immerse on the second night of Pesach, when she will be at her parents' home. She needs to figure out how to arrange it discreetly, when to prepare, and what actually happens at the *mikve* when arriving in the middle of a two-day yom tov, with the added pressure of getting back in time for the seder. In the 1970s, unless she was a member of the vanguard of women's textual learning, there were no detailed books accessible to her. Odds are she was not asking her mother about her *mikve* night. What, then, was the basis of how she decided what to do? It is possible that she would have sought out her rabbi or rebbetzin for guidance, but it's equally likely that she

would turn to her friend Chana when she would bump into her on the supermarket check-out line, and follow what she would say, regardless of whether it was halakhically accurate.

In the 1980s, with the rise of halakhic how-to books, women of the era had a new option for answering questions. Rav Shimon Eider's two-volume *Halachos of Niddah*, for example, arrived on the scene in 1981. Did Tova use it? If she were inclined toward learning (and more women were than just ten years earlier), she might have. It might have also helped her formulate a question to her rabbi in a way that would make her concerns more clear. But she might still just as easily have asked Chana. As sensitive and comprehensive as R. Eider's book is, it by no means supplanted the women's halakha whisper network.

Even as these books multiplied in the Nineties, the whisper network retained its power. When a question did end up at the rabbi's doorstep, it would often be prefaced by, "I heard that..." or, "My friend said...." Older women frequently tell us, "I never asked a rabbi a question. I was just stringent. Where were yoatzot halacha when I needed you?" It seems that women often gave up on acquiring halakhic knowledge, especially regarding the laws of *nidda*, beyond what their network of friends could provide.

### *On the Social Network*

More recently, both social mimesis and textual authority have migrated to the Internet's social network. As Soloveitchik notes (87), halakhic discourse tends to privilege the prevalent modes of discourse in a given society. Our prevalent mode of discourse is the Internet chat. Social media have been a boon to social mimesis, as evidenced by the proliferation of Facebook groups for religiously observant women to discuss their lives, with anywhere from 1,000 to 32,000 members, including: "FrumGirl-Problems," "Jewish Women Talk About Anything," "Jewish Women Talk About Everything" and "Jewish Women Talk RESPECTFULLY About Anything." Men have groups, too, but their names, "Halacha Yomis," for example, often point to a narrower purview.

What happens in these women's groups? Here's an example, a composite of fragments of real conversations, taking some creative license:

**Tova:** OMG supposed to go to mikve the second night and we're at my Mom's. Plus we're ttc [trying to conceive] so don't want to miss it.

**Chana:** My kalla teacher told me never to miss mikve. So I did this last year. Sooo embarrassing!

**Rebecca:** I would ask your LOR [local Orthodox rabbi], but see [here](#).<sup>5</sup>

**Ilana:** This is so hard. Maybe you should think about what your priorities are...

**Aliza:** I spoke to a nidda posek and he told me I could go during the day.

**Faygie:** My husband says he learned that you can basically never go during the day.

This, too, is mimesis, not far off from what once happened on the park bench. Some women quote, or misquote, their rabbis. Some women cite their husbands. Others refer to a text, in this case an online web-resource. Note some salient points:

One, the porous nature of these discussion groups allows for a wide range of participants from every shade of Orthodoxy. The virtual community is a new type of Jewish street (or neighborhood).

Two, everyone is an expert, and no *gadol* holds the reins. Rav Aharon Lichtenstein wrote that an ideological community could have halakhic force, but he emphasized that is only when a *gadol ba-Torah* serves as a guiding light for that community.<sup>6</sup> Over the Internet, the community is a loosely bound group of women with shared interests, dipping in and out of text tradition, with no consistent corrective to personal opinion. This erosion of local rabbinic authority, which Soloveitchik describes (94), is one of the reasons that the assumption of halakhic authority by women has been such a communal flash point. There is a sense that the way halakha “has always been done” is under assault on multiple fronts.

Three, on intimate matters like this, nearly no one mentions what her mother did as authoritative, though women might do so when chatting online about *kashering* countertops.<sup>7</sup> Anonymous online conversations or “closed groups” facilitate conversations about matters that previous generations did not readily discuss.

Four, a woman’s husband may be part of her halakhic decision-making, and when he is, he is more likely than she to be informed by text study. But a woman will just as often handle matters without involving him, whether or not that includes consulting a rabbi.

Five, texts cited are online. If a text is not available online, it is effectively out of the discussion. Textual sources are now accessed quickly through scrolling or soundbite, and less often read with the care that proper comprehension demands.

Finally, online halakhic texts are sometimes treated as no more authoritative than the opinions of Facebook “friends,” so citing them does not decisively conclude a conversation. When everything seems up for question within a given chat, it becomes difficult to take anything as final.

Where printed text leaves room for a finite number of footnotes or questions, so that a discussion's terms can be closed, Internet hypertexts allow for an endless amount of branching off and questioning. Consequently, text interpretation is crowdsourced in the same manner as the rest of the discussion.

Aside from discussion groups, women seek out Q&A sites, videos, and podcasts online, with mixed results. Q&A sites occupy a middle ground between text and mimesis because they are interactive. For that very reason, though, even when they are authored by a rabbi, they can lead to misunderstanding among others who read them. It takes a trained halakhic eye to identify what specific details have shaped a response and which analogies and applications of a ruling are legitimate. Videos range from the text-oriented, "Daily Halacha: Covering Your Head," to the mimetic, "How to Tie Your Tichel." Their presenters cultivate a feeling of familiarity and trust, so that viewers give them credence without questioning their credentials.

### *Podcasts and Physicality*

Unlike the halakhic instruction manual, which tends to be strict, the podcast feeds a culture of halakhic leniency. The most popular podcasts are conversational and free-wheeling, giving listeners the feeling that they are part of a social discussion, not on the receiving end of a textual discourse. Ideas that one might communicate orally but never write down formally are now captured—and broadcast. Seemingly intimate conversations, lightly edited, reach the public. No one need wait for difficulties to arise before learning of the most lenient opinions; the claim is that those opinions should be accessible to all, and the podcast's tone may convey that it has recovered the ideal ruling after years of unjustifiably stringent suppression. Where Soloveitchik discusses "the impetus to *humra*" as "strong and widespread" (n. 22), spurred by texts, here we find the opposite, as *kulot* spread mimetically.

Podcasts' characteristic lack of caution finds an eager audience in our era, when an idealized role of women as nurturers has given way to a life of prioritizing the self—and self-care, with an emphasis on the physical. Women's externals command as much focus now as ever. Even in yeshivish communities, vendors peddle fashionably modest dress through Instagram influencers or blogs. Congenial slogans (e.g., "be attractive, not attracting"), often disseminated via podcast, dominate discussion.

This trend is particularly prominent with regard to marital intimacy. Twenty-five years ago, Soloveitchik marked the end of a thousand years

of asceticism dominating Jewish practice (81). Today, in almost all segments of Orthodoxy, asceticism is often cavalierly dismissed as a misunderstanding of Jewish tradition. Our Sages' dictum (*Hagiga* 11b) that one should not discuss these matters in a group greater than three has fallen by the wayside as a natural, and sometimes prurient, desire to discuss these issues has found its *bekhshev*. At least two popular online podcasts for an Orthodox audience are dedicated to the subject. Couples listen to podcasts on the most intimate topics, given by people to whom they would never address other halakhic questions.

### *Across Communities*

Lest one think only the more liberal elements of Orthodoxy, which generally seek to maximize religious autonomy, take part in these trends, we should note that, in our experience, a wide range of Orthodox women participate in social mimesis, even if they ultimately consult a halakhic authority. This phenomenon is not restricted to questions concerning *nidda*.

Women who identify as yeshivish but consume and partake in social media swap names of “*nidda* rabbis.” Along the way, they also share reports of halakhic rulings. Although they still eventually turn to halakhic authorities, what they see online may lead them to shift toward different authorities from those they normally consult, including women. This is especially true for *nidda* questions, even if a woman's main rabbi may not sanction such a choice.

While women from centrist and liberal communities make up the majority of those turning to Yoatzot Halacha, women on the right of the ideological spectrum increasingly seek out their halakhic advice. Yoatzot Halacha have been very successful, helping tens of thousands of women per year from all sectors of the community.<sup>8</sup> Because Yoatzot are female, make themselves approachable, and do not issue halakhic rulings, the experience of approaching one for counsel can fall somewhere between the experience of asking a rabbi a question and that of consulting a friend. The advantages to this arrangement are great: a woman feels comfortable revealing all relevant information and taking as much time as she needs to understand the halakha well.

At the same time, a Yoetzet Halacha's friendly tone and lack of rabbinic authority can make it difficult for women to distinguish between the halakhic standing of what she has learned from the Yoetzet Halacha and what she hears from other women. A Yoetzet Halacha's emphasis on making halakha understandable often demystifies it. Ironically, this sometimes makes it harder for women to appreciate her erudition.



*Recalibrating*

Where Soloveitchik laments the replacement of traditional mimesis by text, we lament that textual insight has not done more to deepen the shallows of social media or to impact on women's halakhic interactions. Like many of our fellow educators, we feel strongly that deeper textual engagement leads women to deeper *emuna* and stronger observance. But we wonder how different most women's halakhic decision-making is now from what it was when women's education was more exclusively mimetic.

At the moment, women's engagement with the textual tradition is both flourishing and stalled. Both women and men lead busy lives and struggle to set time for study. But women, without the same obligation to learn Torah, and often without the same opportunities, more readily prioritize other activities over consistent Torah study. Although many communities host a long-running women's shiur of one sort or another, women's engagement in text culture usually does not go beyond that, even for graduates of the most prestigious Torah institutions. When women do learn texts, they typically do not focus on halakha. This results in increased likelihood of consulting the whisper network for halakhic questions, as opposed to turning to texts or local authorities. When a woman does approach a rabbi with a question, her chances of asking it effectively may be diminished by her lack of textual knowledge, especially in more sensitive areas of halakha, where it can be more difficult for a rabbi to probe the issue thoroughly.

Today, texts are more open to women, but women's halakhic discussion still takes place largely within a mimetic framework. By nature, the resulting discussions focus more on navigating real-life dilemmas than on understanding halakhic concepts. Scholars might call these discussions *balebatish* (overly simple and practical) and others might deride them as "fluff."

Women are caught in this rupture. Too often, women's halakhic concerns, practical orientation, or emotional investment are dismissed by those who would teach them Torah.

In order to reconstruct, we need to develop a broader approach to Halakha study—one that adjusts to a world in which the Internet is a powerful social force and that integrates text and mimesis as befits the wide-ranging nature of women's lives. Female scholars who convey a mix of inspiration and Torah coaching are popular because they hit a sweet spot between the two. They talk to students the way an idealized mother or big sister would if she had more erudition and a greater spiritual aura.

Their warm, colloquial, and non-hierarchical tone appeals to women and men alike.

Still, the level of expertise required in order to educate effectively about halakha requires more than just a sisterly style, especially if we wish to combat phenomena like women abandoning the clean days.<sup>9</sup> Frequently, women call a Yoetzet Halacha with one concern, and through a detailed, personal conversation drawing on the Yoetzet's halakhic knowledge, practical savvy, and spiritual, psychological, and medical sensitivity, the callers arrive at more fundamental halakhic questions, ones they would not have thought to ask before speaking with the Yoetzet. Learning halakha textually builds the halakhic awareness that is necessary to conduct that kind of conversation. When Yoatzot Halacha teach the laws of *nidda* in a way that combines text with a woman's perspective, students often reflect, "My mom is in awe of how I'm learning this."

The mimetic tradition among women has been resilient, and women's adoption of the textual tradition is incomplete. Our response should be to develop and support initiatives that take a holistic approach to women's lives and that use mimetic tools like the Internet to build textual knowledge and enhance halakhic observance.<sup>10</sup> We hope that initiatives of this sort, coupled with expanded opportunities for women's formal text study, will propel women to bring textual knowledge to bear in their halakhic conversations, and to repair the rupture between life and text.<sup>11</sup>

<sup>1</sup> Tamar Rotem, "Rabbis Send Healthy Women to Get Painful Fertility Treatments – and Doctors Go Along With It," *Haaretz* (March 23, 2019).

<sup>2</sup> *Yabi'a Omer*, Section 4, *Yoreh De'ah* 13, "It is appropriate to warn women not to rely on the advice of the elderly women who make decisions based on the thoughts of their hearts, for women's wisdom is only with the spindle."

<sup>3</sup> Within the distinction he draws between the intellectual and mimetic traditions, Soloveitchik identifies two categories of text: classic literature and modern how-to works (68). We note that there are also, broadly speaking, two categories of mimesis: parent-child and social. Analysis of rupture should take each sub-category into account.

<sup>4</sup> *Likutei Halakhot, Sota* 21.

<sup>5</sup> The woman might direct her friend to an online resource that discussed postponing *mikve* on seder night, such as: [www.yoatzot.org/questions-and-answers/1678](http://www.yoatzot.org/questions-and-answers/1678)

<sup>6</sup> R. Aharon Lichtenstein, "Legitimization of Modernity: Classical and Contemporary," in *Leaves of Faith*, vol. 2 (Ktav, 2004), 289-290.

<sup>7</sup> This is not necessarily new. There is a significant halakhic narrative according to which mothers need to be wary of what example their actions give, with no presumption that mothers and daughters would converse about all subjects. See, for example, *Nidda* 67b.

## TRADITION

<sup>8</sup> Because many communications with Yoatzot Halacha are anonymous, and women turning to Yoatzot Halacha are not required to identify their affiliation, precise community-based statistics are unavailable.

<sup>9</sup> For example, after publication of the *Haaretz* article, the official Yoatzot Halacha website posted the following and shared it on Facebook, as a corrective to misinformation in the article: [www.yoatzot.org/blog/halachic-infertility-a-response](http://www.yoatzot.org/blog/halachic-infertility-a-response)

<sup>10</sup> Yoatzot.org, for example, receives upwards of 1.5 million visits per year. Deracheha.org's audience is steadily growing.

<sup>11</sup> We thank Prof. Soloveitchik, with whom we had the privilege to study, and all those who have read or otherwise helped us with this piece, including: our husbands, R. Rafi Eis and R. Dr. Moti Novick; R. Assaf Bednarsh, Yoetzet Halacha Shayna Goldberg, Mrs. Tova Rhein, R. Menachem Schrader, R. Meir and Mrs. Anne Sendor, R. Da'vid Sperling, as well as the many women with whom we have been blessed to talk Torah over the years.

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## *FROM ASHKENAZ TO AMERICA—VIA BRISK: HISTORICAL MODELS, WOMEN’S TORAH STUDY, AND THE AGENCY OF TEXTS*

What grabbed my attention when I re-read “Rupture and Reconstruction” was less the incisive dichotomy between mimetic and text-based religious authority that earned its celebrity, than the bold decision to introduce it in an analysis of contemporary American Orthodoxy. In the following I will highlight both the profundity and challenges of this strategy, employing the revolution in women’s Torah study—a topic that appears in one of the essay’s key sources—as the central example.

The core tension between lived religion and the written book is already prominent in the pathbreaking writings on medieval Ashkenaz of Professor Jacob Katz, and even more so of his leading protégé in the history of halakha, Professor Haym Soloveitchik himself. Each of them advanced related conceptualizations that, in retrospect, nourished the 1994 essay. In Katz’s monumental *The Shabbes Goy*, for example, he introduced the term “ritual instinct” to describe the deeply-rooted mimetic behavior that impacted the Tosafists’ efforts to ground accepted local practice in Talmudic arguments.<sup>1</sup> Similarly, Soloveitchik’s examinations of medieval martyrdom, moneylending, and the production, consumption, and trade of wine all explore complex navigations between time-honored and hallowed religious behavior imbibed by committed Jews in their familiar environments and the formal legal canon.

A striking and profound element in the 1994 *TRADITION* essay, then, is Soloveitchik’s fruitful effort to draw on his perceptions from earlier historical eras and geographical regions in order to decipher trends that he himself was living through. This was audacious on three levels. While thoughtful essayists, novelists, pundits, and clergy all weigh in

regularly on current issues, universities train scholars to be experts in specific areas, and most historians focus on a given time period and region. Their classroom teaching may encompass a wider spectrum, but especially in published matter they tend to draw far narrower boundaries. No doubt, some of the master figures of prior generations engaged broad time spans and land expanses. These were mainly overarching histories of the Jewish people that were academically unfashionable during the late twentieth century, although lately they have been enjoying a degree of renaissance. In its time, Soloveitchik's composition was far more intrepid, for he penned a scholarly article that asked a clearly-formulated research question—how to account for the new predilection of American Orthodoxy toward strictness?—and framed a rigorous thesis that builds on basic distinctions that he developed regarding a prior setting.<sup>2</sup>

The unique enterprise of Soloveitchik's academic wade into fresh territory was also reflected in the fact that at the time, study of contemporary American Judaism—including Orthodoxy, was dominated by social scientists and their quantitative and qualitative tool chest. The notion that an intellectual historian whose preeminent asset was his ability to decode and contextualize antiquated religious writings could proffer a compelling perspective on the present-day scene challenged this virtual hegemony.

Finally, unlike the case with his scholarly studies of medieval Jewry, the name-recognition of the author cannot be easily detached from the subject matter. Here was a prolific progeny of a leading Lithuanian rabbinical dynasty—one that was associated with particular meticulousness regarding the letter of the law,<sup>3</sup> whose family name was also synonymous with the twentieth century invigoration of American Orthodoxy, examining what happened in the course of the transition from Brisk to Brooklyn. The decision to publish the essay in *TRADITION* signposted the author's desire to go beyond the ivory tower and impact the public that cared most viscerally about the topic at hand.

The justification for Soloveitchik taking this step is the product itself, which is founded on the author's vast erudition, his ability to fix his penetrating disposition on a personally familiar environment while maintaining a reasonable critical distance, and the rigorous command that he demonstrated of the primary and secondary material relevant to twentieth century Judaism. Essentially, he adapted his academic acumen, characterized among others by the vast and diverse sources from which he culls, to a related but vastly different environment. As my late colleague Elliot Horowitz noted cogently in a 2005 review of Soloveitchik's monograph on wine in medieval Ashkenaz, "Its complexity stems from the fact that it combines economic and agricultural history with the history of

halakhah, and even throws in, for good measure, some homespun anthropological theorizing.”<sup>4</sup> Soloveitchik opened a methodological path and advanced a standard for those trained as historians to approach the contemporary environment with the instruments of their craft and produce beneficial insights. He also stepped into the role of public intellectual, with his professional and personal pedigree adding to his words a unique level of authority among their core readership.

Along with illustrating the value of its analytical approach and profound voice within American Orthodox discourse, “Rupture and Reconstruction” also provides evidence for some of the pitfalls to the application of even the most reflective understandings when they are derived from different times and circumstances. The issue of women studying Torah, which makes a cameo appearance in the essay, but does so in the context of the author’s articulation of his central thesis, illustrates the complexity of this endeavor.

As the munificent footnotes of “Rupture and Reconstruction” acknowledge, the “champion” of the narrative is Hafetz Hayyim, Rabbi Yisrael Meir ha-Kohen Kagan (1839-1933). Not necessarily because his strict *Mishna Berura* became the canonical legal code of twentieth century Ashkenazic Orthodox Judaism. Long before the destruction of European Jewry and the consequent rise of North America to Diaspora center stage, the venerable Lithuanian sage pointed to the waning impact of the traditional home and community. If contemporary Jews were to maintain their allegiance to accepted practice, this had to be predicated on studying key texts and accepting their authority. This was stated in the context of his encouraging approach toward women’s Torah study, which bypassed both textual and mimetic precedent, and has been called upon as support for the parallel pioneering efforts of Sarah Schenirer and the Bais Yaakov movement to educate Orthodox women that began immediately after World War I.<sup>5</sup> As Soloveitchik shared in his prolific footnotes:

...the transformations that were then set in train by the advent of modernity were first sensed by the Hafetz Hayyim. *Indeed, in one sense, much of this essay is simply an elaboration of an insight he expressed in his ruling on women’s education* [my emphasis] (102, preface to notes).

When asked to rule on the permissibility of Torah instruction for women, [Hafetz Hayyim] replied that, in the past, the traditional home had provided women with the requisite religious background; now, however, the home had lost its capacity for effective transmission, and text instruction was not only permissible, but necessary. What is remarkable is not

that he perceived the erosion of the mimetic society . . . but rather that he sensed at this early a date, the necessity of a textual substitute (106, n. 6).

While he identified this as a crucial source, Soloveitchik did not elaborate on the specific significance for women, although he noted, “The disappearance of the traditional society and the full-scale emergence of the text culture could not fail then to impact on women’s education... I hope to address both subjects in the future.” Unfortunately, to date he has not done so.<sup>6</sup> Others have pointed to the implications of “Rupture and Reconstruction” in passing,<sup>7</sup> or cited the essay in their advocacy for expanding Orthodox women’s active religious involvement.<sup>8</sup>

Poignantly, one prominent recent source offered the theme of the mimetic versus the text as support for limitations on women’s roles. In 2017, a collective halakhic response signed by seven prominent American Orthodox rabbis, six of them affiliated with Yeshiva University, forbade women from serving as synagogue clergy. Responding to a query from the Orthodox Union (OU), key support for the prohibition was put forward based on the concept of *masora*, handed-down tradition: “[I]t must be assumed . . . that normative practice reflects a baseline truth that must be grappled with when innovations are suggested. Great caution must be employed before altering *mesorat yisra’el*.”<sup>9</sup> The footnote to these sentences comments, “Dr. Haym Soloveitchik has written extensively on the strength of ‘*minhag*’—common practice—as a determining factor in halakhic inquiry.” The irony is that in his studies of both medieval Ashkenaz and contemporary Judaism, “common practice” is mostly more lenient than the plain understanding of formal legal writings, and therefore begs exegetical justification.<sup>10</sup> Here, by contrast, the authors of the responsum drafted Soloveitchik as precedent for banning a behavior even if compelling textual backing existed. In this case, it is the mimetic-like that was sanctified within a new text to protect the stricter tradition from the broader interpretative possibilities of the canonic written word.<sup>11</sup>

The OU ruling’s utilization of Soloveitchik’s theme highlights that his theory explains communal deviations to both sides of the spectrum. “Rupture and Reconstruction” may have produced an extraordinarily thoughtful and incisive narrative specific to the “move to the right” in halakhic practice that emerged in concert with the mass Orthodox migration from Eastern European Jewish surroundings (and its catastrophic ultimate demise) to North America. However, by no means does the ascendancy of text necessitate stricter rulings. On the contrary, texts have agency that go beyond the intentions of their authors and disseminators. Once in the hands of those capable of decoding them, the potential for diverse

conclusions, including revolutionary interpretations, looms large. Of this possibility the contemporary environment, and especially discussions surrounding women's roles in Orthodoxy, are outstanding examples.

If texts are open to manifold potentials, then the crucial question is who is capable or permitted to interpret them? In the case of Orthodox women, it was the luminary of "Rupture and Reconstruction"—Hafetz Hayyim—that seemingly inadvertently set the stage for the current halakhic controversies within Modern Orthodoxy. By attesting to the critical role of women's Torah study in strengthening religious commitment—even if he penned a relatively short list of permitted books—he gave his imprimatur to the first stage in the opening of the central repository for Jewish religious law and theology to a population for whom until then it had been inaccessible. Inevitably, the literature's exposure to fresh "eyes" would lead to novel perspectives. This was especially so after the next stage in this revolution, when Talmud was included in the rubric of women's Torah study, at least in American Modern Orthodox and subsequently in certain Israeli National Religious circles. Indeed, the turning point toward this second phase should likely be dated to the legendary Stern College Talmud program inaugural lecture by R. Joseph B. Soloveitchik in 1977, which—as recently told by the former chairman of Jewish studies at Stern—was initiated by his son Haym, then-dean of the Bernard Revel Graduate School of Yeshiva University.<sup>12</sup>

The considerable textual support for advanced women's Torah study bolstered the decision by institutions that identify as Orthodox to train and grant a women's version of ordination. The practical inculcation of their graduates in Orthodox congregations, precipitated the drafting by the OU respondents of *masora*, a mimetic-like concept—along with supportive interpretations of additional legal sources—as the basis for their prohibition on female clergy. In like manner, the original instructor of the Stern Talmud class expressed public ambivalence in 2015 about the ongoing propriety of such study.<sup>13</sup> This same trope received sharp expression by one of the signatories on the OU ruling as far back as 2003 in an essay titled "On the Matter of Masorah." Dismissing a responsa penned by a renowned Talmud professor/rabbi that permits women to chant the Torah in congregations where there is a collective desire for them to do so, he averred: "...the fact that some 'scholar,' not particularly known for his strength in psak, published a paper in which he was prepared to permit a centuries honored prohibition universally accepted by *Klal Yisroel*, would itself seem to indicate that the author of the paper probably belonged to that group of individuals who are *gas libam be-hora'ah* (who scoff arrogantly at authentic teaching)."<sup>14</sup>



An upshot of the current discussion, then, is that the same statement of Hafetz Hayyim that Soloveitchik described as the harbinger for reconfiguring the balance of power between mimetic and text authority is also a starting point for the textual revolution that has empowered Orthodox feminists seeking to advance the role of women in the leadership and ritual spheres. The leniencies that have been gleaned buttress the religious legitimacy of their claims for involvement in areas from which they were excluded in the past.

To be sure, Soloveitchik was well aware that texts have lives of their own, and he did not simply focus on their power onto themselves. He noted, among others, the emergence of *da'at* Torah within the Eastern European Orthodox milieu, which—reminiscent of hasidic rebbes—centralized and elevated the interpretations and opinions of certain figures above familial and local rabbinic authority. As such, the strict perceptions by *gedolim* like Hazon Ish, Rabbi Avraham Yeshayahu Karelitz (1878–1953), enabled the texts to achieve the preeminence to redefine norms. Yet the main impact of *da'at* Torah, as Soloveitchik indicated (126, n. 87), was less on halakhic observance than on providing a mandate for obedience in the political and cultural realms. Indeed, *da'at* Torah also weakens the value of the textual canon by predicating the *gadol's* authority on his unique intuition more than his Talmudic acumen.<sup>15</sup>

Even if *da'at* Torah played a part in the haredi turn to strictness, did it also influence the so-called “move to the right” within big chunks of Modern Orthodoxy, which Soloveitchik saw as connected to the overall haredi trend (65)? Perhaps, but the clearer impact is the emergence of highly-educated Modern Orthodox men and women that gained far greater levels of fluency with the texts of the Talmud and codes—from the 1970s onwards often during their “gap years” in Israeli yeshivot and seminaries. Henceforth, they more likely looked to the literary halakhic canon as the primary basis for proper observance. Yet the reverse is no less the case. The same power of knowledge that demonstrated to some members of these generations that arose in the late twentieth century that they should adopt stricter standards of religious behavior, initiated the process by which some of those who were sensitive to gender imbalance found legitimation for alternatives to accepted practice within the corpus of rabbinic texts.

For this historian, who invests considerable scholarly efforts exploring contemporary Orthodoxy, “Rupture and Reconstruction” is a groundbreaking, inspirational, and at times daunting work. It substantiates the value of historical tools for gaining unique insight into the present. Specifically, it testifies that expertise in other periods and environments

enables an observer of currents to “think out of the box” in ways that produce original and astute perspectives. It also encourages academicians who care deeply about contemporary issues to contribute their critical thinking to current discussion. In retrospect, though, it outlines some of the challenges to achieving these tasks as well. In order to draw from the past to perceive the present, one must aim toward maximum proficiency in respect to all subject matter. In this regard, Haym Soloveitchik set a remarkably high bar. At the same time, one must be entirely cognizant of the fact that together with valuable parallels, history is fickle and never completely repeats or duplicates itself. Learning from the past is, thus, primarily a comparative exercise aimed ultimately at discerning the unique qualities of the present. In the case of American Orthodoxy, the medieval Ashkenazic models of tension between mimetic and text-based authority offer a valuable paradigm that sharpens appreciation for more recent trends. But unlike the examples from earlier times in which the text was seen primarily as an obstacle to practical flexibility, the contemporary emergence of high-level women’s Torah study illustrates two disparate possibilities. The text can certainly serve as a powerful force for conservatism and strictness. At other times, roles reverse, and it is the mimetic tradition that is drafted to combat the bold and novel conclusions of those peering at the pages through less entrenched lenses.<sup>16</sup>

<sup>1</sup> Jacob Katz, *The Shabbos Goy: A Study in Halakhic Flexibility* (Jewish Publication Society, 1989), 215.

<sup>2</sup> Conversely, an outstanding medievalist acknowledged “Rupture and Reconstruction” as the inspiration for his analysis of an earlier phenomenon. See Judah Galinsky, “On Popular Halakhic Literature and the Jewish Reading Audience in Fourteenth-Century Spain,” *Jewish Quarterly Review* 98:3 (Summer 2008), 305–327.

<sup>3</sup> See Haym Soloveitchik, “Clarifications and Reply,” *The Torah U-Madda Journal* 7 (1997), 142–143.

<sup>4</sup> Elliott Horowitz, “Tosaphists and Taboo: A Review of Haym Soloveitchik’s ‘Yeinam,’” *AJS Review* 29:2 (November 2005), 355–360.

<sup>5</sup> Hafetz Hayyim’s comments were not made in direct relation to Bais Ya’akov, but were presented in subsequent years by its supporters as the crucial sanction. See Leslie Ginsparg Klein, “Sarah Schenirer and Innovative Change: The Myths and Facts,” *TheLehrhaus.com* (August 14, 2017).

<sup>6</sup> Seven years earlier, in 1987, he spoke at an Orthodox educational conference panel on women’s Talmud study. There he assumed the permissibility of the practice and asserted that curricula for Orthodox women must include serious Talmud study, both because “Gemorah study...engages the mind limitlessly,” and “when a Jew has no access to the ‘language’ of the Talmud, he/she will be deaf to the basic expressions of traditional Judaism.” The second argument dovetails Hafetz Hayyim’s line

of reasoning. Soloveitchik, however, did not discuss the influence of women's Torah study on Orthodox Judaism. See Jack Bieler, "A Convention Colloquium on Teaching Talmud to Women," *Ten Da'at* 2:2 (Winter 1988), 19–20.

<sup>7</sup> Aryeh A. Frimer and Dov Frimer, "Partnership Minyanim," at *Tradition – Text and Texture* (May 23, 2010), <http://text.rcarabbis.org>; Tamar Ross, "Modern Orthodoxy and the Challenge of Feminism," *Studies in Contemporary Jewry* 16 (2000), 15; Joel B. Wolowelsky, "Women and Prayer: Review Essay," *Shofar* 30:4 (2012), 150.

<sup>8</sup> Laurie Novick, "Women and Halacha: Why is it Important for Women to Engage Directly with Halachic Texts?" *The Israel Koschitzky Virtual Beit Midrash* (no date), [www.etzion.org.il/en/women-and-halacha-why-it-important-women-engage-directly-halachic-texts](http://www.etzion.org.il/en/women-and-halacha-why-it-important-women-engage-directly-halachic-texts).

<sup>9</sup> The OU ruling was signed by Rabbis Daniel Feldman, Yaakov Neuburger, Michael Rosensweig, Ezra Schwartz, Hershel Schachter, Gedalia Dov Schwartz, and Benjamin Yudin and is available at [www.ou.org/assets/Responses-of-Rabbinic-Panel.pdf](http://www.ou.org/assets/Responses-of-Rabbinic-Panel.pdf). The citation is from page 2.

<sup>10</sup> Sometimes the mimetic is stricter, but such behavior can more easily be explained as due to excessive (innocent, or perhaps, ignorant) piety than the opposite. As Soloveitchik himself noted (66), "An augmented tradition is one thing, a diminished one another."

<sup>11</sup> For examinations of the ruling from perspectives specific to Judaism as well as through comparative religion, see: Adam S. Ferziger, "Sanctuary for the Specialist: Gender and the Reconceptualization of the American Orthodox Rabbinate," *Jewish Social Studies* 23: 3 (2018), 1–37; *idem*, "Female Clergy in Male Space: The Sacralization of the Orthodox Rabbinate," *The Journal of Religion* 98:4 (October 2018), 490–516.

<sup>12</sup> Saul Berman, "Forty Years Later: The Rav's Opening Shiur at the Stern College for Women Beit Midrash," *TheLehrhaus.com* (October 9, 2017).

<sup>13</sup> Mordechai Willig, "Trampled Laws," *The TorahWeb.org* (2015).

<sup>14</sup> Herschel Schachter, "On the Matter of Masorah," *The TorahWeb.org* (2003).

<sup>15</sup> See Gershon C. Bacon, *The Politics of Tradition* (Magnes, 1996), 47–69. See Soloveitchik's reference to a prior Hebrew rendering by Bacon of his approach in his note just cited.

<sup>16</sup> I am grateful to Judy Baumel-Schwartz, Zev Eleff, Ari A. Ferziger, Naomi Ferziger, Judah Galinsky, Alan Jotkowitz, and Moshe Rosman for their thoughtful readings of earlier drafts and valuable suggestions.

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## *RUPTURE, RECONSTRUCTION, AND SACRED HISTORY*

Professor Haym Soloveitchik’s “Rupture and Reconstruction” appeared when I was an eighteen-year-old student in an Israeli yeshiva, and I had read it by the end of my first semester at Yeshiva College in 1996. It became an integral part of the lens through which I viewed contemporary Orthodoxy, as it did for many of my generation. Even as my thoughts about the essay have changed over the past quarter century, I still employ its categories when I consider contemporary and historical shifts within the world of halakha.

The essay was influential for my generation not only because its ideas were compelling and because it was the first exposure, for many of us, to academic Jewish studies, but also because we were its subjects, not just its audience. We saw ourselves in Soloveitchik’s description of how much Orthodoxy had changed.

1994 was near the apex of the “flipping out” phenomenon. Gap year yeshivot and seminaries had become *de rigueur* for Modern Orthodox high school graduates, but cellular phones and the Internet had not yet arrived on the scene to dilute the immersive experience of being far from home, under the influence of teachers with very different lifestyles and resonant critiques of our parents and their habits. So, of course, we did see ourselves as very different from our parents and grandparents. For those who did not undergo stark personal transformations, Soloveitchik’s article nevertheless held up a mirror, allowing us to contextualize, understand, and even critique ourselves.

We had gone off to Israel, discovered a world of Torah that seemed so different from the one we grew up with, and implemented changes based on the books we studied, even if they went against familiar practice. Then, a leading historian and scion of a family we had learned to venerate wrote an article telling us that our generation was unique, at the vanguard of a sea change in the history of halakha. Even if we disagreed with some of the conclusions, we loved the idea that we were noticed for being different.

Our reception of “Rupture and Reconstruction” was shaped by our self-perception. We were eager to believe it. However, in every story of discontinuity, there are strong continuities—*plus ça change!*—just as turbulent transformations might be masked by an illusion of everything staying the same. Every historian chooses when and whether to emphasize continuity or discontinuity, and the choice is inevitably influenced by various factors. The same factors shape audience reception of a work or theory. I mention this here not as a critique of “Rupture and Reconstruction”—it has the same limitations of every work of history—but because I think the discontinuities Soloveitchik described resonated so powerfully because we became aware of them precisely at the moment we were most enamored with our differences from our parents.

My present attitude is shaped by two tendencies: to note continuities in the halakhic religious world, and to view “revolutions,” in keeping with larger historiographic trends, as the highest and most visible, but neither the first nor the last, in a continuum of peaks and valleys. As I will argue here, many aspects of mimetic tradition remain, and elements of text-centeredness have their origins deep in the past. The shift from one to the other that Soloveitchik chronicles is neither the beginning nor the end of the story, which anyway does not proceed linearly from one to the other. Moreover, the turn to text was but one of several responses, even within the Lithuanian-inflected Orthodox world, to the historical upheavals that culminated in the mid-twentieth century with the Holocaust and the founding of the State of Israel. “Rupture and Reconstruction” describes a particular set of responses at a particular moment in the history of halakha—but these were not the only responses, the moment is passing, and the shift was never as singular as we eagerly believed.

Yet “Rupture and Reconstruction” continues to influence my thinking. I have come to view the larger pattern that Soloveitchik describes, namely, the experience of loss and disconnection from a sacred past and the attempt to compensate for it through self-conscious, cognitive effort, as an important heuristic for understanding the motives for some of the most creative projects in halakhic history.

Imagine a Shabbat meal where one guest asks to borrow a ring to place in her teeth so she can wash for bread, and another gulps down the *mayim aharonim* water placed before him at the end of the meal. Anyone familiar with halakhic routine would see the absurdity, not because they read instructional manuals on halakhic ablutions, but because they have so internalized the rote performance of these rituals that the incongruity registers immediately. That is, the basic infrastructure of mimetic tradition remains largely intact.

Humans are creatures of habit, and routines that develop in childhood—the religious ebb and flow of yeshiva and college experiences notwithstanding—tend to endure. Deviations, like those Soloveitchik describe, tend to be microevolutionary, not Cambrian explosions. Moreover, it is very hard, even for those attracted to “maximum [or minimum] position compliance,” (72) to replace all the habits of a lifetime. Many habits remain unexplored and undetected by practitioners.

Consider the first two words of *kaddish*. Famously, *Mishna Berura* rules that they should be pronounced “*yisgadel ve-yiskadesh*,” not “*yisgadal ve-yiskadash*” as it was traditionally pronounced (56:2). In an article that appeared the same year as “Rupture and Reconstruction,” Chaim Cohen notes that the former pronunciation is common in Lithuanian yeshiva communities and proceeds to trace its fascinating history.<sup>1</sup> Though my sample size is limited, it seems that the traditional pronunciation remains predominant in Modern Orthodox communities—indeed, everywhere except those Lithuanian yeshiva communities—not because *kaddish-zogers* have studied and rejected the *Mishna Berura*’s ruling, but reflexively. Among those who say “*yisgadel ve-yiskadesh*,” some have overcome habit through book learning, but for many this pronunciation has itself become mimetic. There is no other way to explain the confused hybrid forms, “*yisgadal ve-yiskadesh*” and “*yisgadel ve-yiskadash*,” that are all too common. The displacement of mimesis with book learning produces new habits that the next generation can follow mimetically.

In some cases, “Rupture and Reconstruction” may have been a self-negating prophecy, forestalling the very trends it describes by calling attention to them. Practitioners became aware of choosing between text-based and mimetic behavior and may have then self-consciously chosen the latter. They used the heirloom goblet knowing full well that it cannot contain the minimal requisite quantity for *kiddush* according to Hazon Ish.

This, I think, produced yet another type of reaction: where practitioners had no mimetic tradition, they imagined one. Of course, conscious choice of an imagined mimetic tradition is not a mimetic tradition, as there is no way to recover an un-self-conscious mimetic tradition. But it is also not a text-centered form of practice. It is something else—a mimicry of mimetic tradition.

Whatever one thinks of *shlisel balla*, pilgrimage to Meron on *Lag ba-Omer* and Uman on Rosh ha-Shana, or the recitation of *Parashat ha-Man*, they are neither mimetic traditions nor manifestations of text-based culture, and they have simply exploded in recent decades. There are clearly

identarian and Romanticist strains in contemporary Orthodoxy, nostalgia for a glorious, more authentic-seeming but ultimately inaccessible and therefore imagined past. These are, in my view, attempts to recreate the forgotten landscapes that we imagine our ancestors inhabiting. If this description is reminiscent of early nineteenth-century European cultural trends, it should be no surprise, as those trends parallel the broader rise in identity politics and populist movements to restore imaginary and glorious pasts.<sup>2</sup>

These trends have become more visible in the years since the essay's appearance, but they were present at the time of its publication. The Lubavitcher Rebbe, Meir Kahane, and Shlomo Carlebach, all of whom died in the early 1990s, each in his own way created successful movements in large part by trading in nostalgia, identity politics, and an aura of authenticity, even if these movements reached new levels of success after the founders' deaths.

Soloveitchik (103) limits his analysis to non-Hasidic, European Orthodoxy, but by the late twentieth century, divisions that had been geographic in Europe were subject to self-selection. The pews of *Litvish* yeshivot had plenty of students of Hungarian extraction. This, in the first place, implies selection bias; those who sought solace for the lost "touch of [God's] presence" in the "pressure of His yoke" (103) gravitated toward Lithuanian yeshivot, but there were other sources of solace: the study of mysticism or history, in the unfolding romance of Zionism and its various strains, and Hasidism. By the time Soloveitchik's essay was published, Hasidism (or "neo-Hasidism") had already begun to penetrate the Lithuanian yeshiva world—at Sh'or Yeshuv and in the figure of Rabbi Moshe Wolfson at Torah Vodaath, for examples. The mimetic-textual axis along which Soloveitchik plots his analysis highlights a significant reaction to "rupture" but does not account for a variety of other reactions. Indeed, perhaps the turn to text is itself one of many attempts to recapture the authentic.

And yet, "Rupture and Reconstruction" remains the seminal description of an important reaction, providing a lens through which I have come to view how the creators of the most monumental halakhic works conceived of their projects. The tosefta of Tractate *Eduyot* (1:1) begins:

When the Sages entered the vineyard at Yavne, they said: There will be a time when a person will seek out a Torah matter and not find it, from the words of the scribes and not find it.... They said: Let us begin with Hillel and Shammai. Hillel says...

This passage is set in the aftermath of the destruction of the Second Temple. The practical application of much of Torah law was rendered dead-letter upon the destruction of the Temple, and this produced fear that all of Torah might be forgotten. To ensure that the Torah would not be lost, they began recording statements of the Sages, beginning with Hillel and Shammai. This effort to record and preserve the law became a very different type of project and produced the Tannaitic corpus, the most foundational texts of the Oral Law. The story told by the tosefta is one of loss and fear of discontinuity leading to an effort to record and organize.

The Sages of the Talmud (*Temura* 16a) tell a similar story about the death of Moses: “Three thousand halakhot were forgotten during the period of mourning for Moses.” His successors, Joshua and Samuel, were unable to divine what had been forgotten. The death of Moses is a metonym for the loss of direct access to the Almighty, the transition to an era of greater distance between Israel and God. Nevertheless, reports Rabbi Abahu: “Otniel ben Kenaz restored them through his sharpness (*pilpulo*).” Soloveitchik describes the lost experience of “God’s palpable presence and direct, natural involvement in daily life” (101), reflected in Tevye the dairyman’s frank conversations with God. If this constitutes a loss of God’s palpable presence, then the death of Moses and the loss of direct and unambiguous responses from God, are the very archetypes of the sort of loss that Soloveitchik describes. Rabbi Abahu, reflecting on this loss, indicates the way forward: restoration through cognitive effort—*pilpul*. The dynamic of rupture and reconstruction is present at the very beginning of halakha’s sacred history.

Maimonides, in his introduction to *Mishne Torah*, likewise uses the experience of loss to explain why he understood the reorganization of the entire Oral Law:

In this age, with afflictions mightily intensified, the pressure of the hour weighing heavily upon everybody, when the wisdom of our wise did perish (Isaiah 29:14) and the prudence of our prudent was hid...only a select few comprehend the subject matter... Therefore, have I, Moses son of Maimon, of Spain, girded up my loins and...made a comprehensive study of all those books and minded myself to construct out of all these compilations a clear summary on the subject of that which is forbidden or permitted, defiled or clean along with the other laws of the Torah...in harmony with the law which is defined out of all these existing compilations and commentaries from the days of our Holy Master till now.<sup>3</sup>



## TRADITION

Maimonides explicitly invokes “our Holy Master”—Rabbi Judah the Nasi—as the last to have undertaken a similar project. Earlier in the same introduction, Maimonides describes the project and the impetus for it in similar terms:

But why did our Holy Master act thus, and did not leave the matter as it was heretofore? Because he observed that the number of students continued to decrease, whereas the volume of oppression continued to increase with renewed strength; that the Roman Empire continued to spread out its boundaries in the world and conquer, whereas Israel continued to drift aimlessly and follow extremes, he, therefore, compiled one book, a handy volume for all, so that they may study it even in haste and not forget it.

Maimonides explicitly frames his project in relation to Rabbi Judah’s compilation of the Mishna (or frames Rabbi Judah’s Mishna as a prefiguration of the *Mishne Torah*) and claims both works as attempts to overcome loss and forgetting by meticulously collecting and organizing the entirety of the Oral Law.

The very same themes are invoked in the mid-16<sup>th</sup> century by Rabbi Joseph Karo, in his introduction to *Bet Yosef*:

...as the years went by, we have been emptied from one vessel into another, and we have endured in exile...in our sins, “the wisdom of our wise did perish” (Isaiah 29:14) has been fulfilled in us.... The Torah has not become like two Torahs, but like innumerable Torahs.... Therefore, I... Joseph Karo...have girded up my loins to remove stones from the path.

As monumental a project as it was, *Bet Yosef*, as a comprehensive halakhic compendium, represents but one of myriad currents and movements in a century that witnessed the emergence of Safed Kabbalah, an unprecedented flurry of Jewish historiography, and the emergence in Poland of a new style of learning—*pilpul*—among the rabbinic elite. The case has been made that each of these developments somehow represented a response to expulsion, migration, and other world-shaping upheavals of the late-fifteenth and early-sixteenth centuries. By the mid-sixteenth century, Jews indeed felt like they were standing on the other side of a chasm that separated them from the Jewish past. They experienced discontinuity, and they responded with an astonishing burst of creativity.

Thus, the Mishna, *Mishne Torah*, and *Bet Yosef*, among the most significant and complete restatements of halakha, are all self-justified by narratives of loss and recovery, and we have seen that the encyclopedic

impulse does not preclude the manifestation of other reactionary impulses, be they complementary or competing.

To conclude, I would like to propose a reading, based on Soloveitchik's insights, of certain problematic elements of a key moment in the sacred history of halakha: the "pact" described in the Book of Nehemia.

The eighth chapter of the Book of Nehemia describes how Ezra read the Torah aloud to the reconstituted community in Judea, and how that community responded to his reading. The episode culminates with the community's pact "to follow the Teaching of God, given through Moses the servant of God, and to observe carefully all the commandments of the Lord our Master, His rules and laws" (10:30), but it begins when the people learn from Ezra's public reading on the first day of the seventh month that it is a holy day (8:9-10). The sense of this passage is that they were entirely unfamiliar with the holiday we know as *Rosh ha-Shana*. After rejoicing on the newly rediscovered holiday, the people go back to Ezra to hear more:

They found written in the Torah that the Lord had commanded Moses that the Israelites must dwell in booths during the festival of the seventh month, and that they must announce and proclaim throughout all their towns and Jerusalem as follows, "Go out to the mountains and bring leafy branches of olive trees, oil trees, myrtles, palms and [other] leafy trees to make booths, as it is written." So the people went out and brought them, and made themselves booths on their roofs, in their courtyards, in the courtyards of the House of God, in the square of the Water Gate and in the square of the Ephraim Gate. The whole community that returned from the captivity made booths and dwelt in the booths – the Israelites had not done so from the days of Joshua son of Nun to that day – and there was very great rejoicing (8:14-16).

The description of the celebration of *Sukkot* is perplexing. It lists five types of plant from which the people made booths "as it is written"; two of these plants, palms and "leafy trees," are listed in Leviticus 23:40 among the familiar four species taken on the holiday of *Sukkot*. It seems unlikely that this overlap between plants used for the "four species" and plants used to build *sukkot* is coincidental. Moreover, tradition identifies "leafy trees" with "myrtles," yet these are listed as distinct plants in Nehemia.<sup>4</sup>

Traditional sources find various ways to square the problems raised by these verses with traditional observance, but a look at the episode as a

whole, in its context, suggests another, admittedly speculative, interpretation. Here and throughout these chapters of *Nehemia*, it is strongly emphasized that the Israelites did “as it written.” In “Rupture and Reconstruction,” Soloveitchik wrote:

This reconstruction of practice is further complicated by the ingrained limitations of language. Words are good for description, even better for analysis, but pathetically inadequate for teaching how to do something. (Try learning, for example, how to tie shoe laces from written instructions.) One learns best by being shown, that is to say, mimetically (72).

Until Ezra read it to them, the people were unfamiliar with the texts and practices of Leviticus 23. They “found it written” that they are commanded to celebrate a festival of booths. Hearing these verses for the first time, having no tradition to associate with it, they assumed that the list of species in 23:40 and the commandment to dwell in *sukkot* in 23:42 were part of the same precept.<sup>5</sup> Moreover, Ezra’s audience had no tradition for identifying the species of 23:40, so in their eagerness to fulfill the words of the Torah, they ended up with different interpretations and more than four species with which to build their *sukkot*.<sup>6</sup>

That is, they were trying to learn to tie their shoes, as it were, from the written instructions of the Torah. They stumbled and fell because they tied the laces together. But that condition did not last forever. They learned eventually how to tie their shoes.

This application of Soloveitchik’s heuristic both expands and undercuts his central thesis. On one hand, it becomes a useful lens for looking at other norm-generating episodes in Jewish history.<sup>7</sup> On the other hand, “reconstruction” is a temporary process. Experiencing loss and forgetting can be a powerful impulse that drives some of the greatest creativity that our tradition has ever known. Perhaps we can cautiously hope for the same in our generation—for Haym Soloveitchik’s essay to enter our sacred history and justify the impetus for new avenues of creativity.

<sup>1</sup> Chaim Cohen, “*Yitgadel Ve-Yitkadesh: A Study in the Growth of a New Tradition of Pronunciation*” [Hebrew], *Mesorot* 8 (1994), 59–69.

<sup>2</sup> It is not coincidental that Soloveitchik begins (prefatory footnote, 104) with his teacher Jacob Katz’s distinction between traditional and Orthodox societies and elaborates it with respect to the difference between textual and mimetic societies. Indeed, Katz’s presence pervades “Rupture and Reconstruction.” My observations have been shaped by an emerging revision of Katz’s rubric. See, especially: Maoz Kahana, “How

Did Hatam Sofer Wish to Trump Spinoza? Text, Hermeneutics, and Romanticism in the Writings of R. Moses Sofer" [Hebrew], *Tarbiz* 79:3 (2011), 557–585.

<sup>3</sup> Simon Glazer translation (1927; courtesy of Sefaria.org).

<sup>4</sup> *Leviticus Rabba* 30:15 raises this problem and does not offer any answer. The Talmud (*Sukka* 12a) likewise asks, “the ‘leafy tree’ is the myrtle”! Rav Hisda answers: “Wild myrtle for the *sukka*; ‘leafy trees’ for the [mitzva of] *lulav*.” That is, the five types of plant listed in Nehemia are a composite of two lists: some were gathered for construction of the *sukka*, and some for the taking of the four species. Malbim and *Metzudat David* on Nehemia 8:15 give different explanations for the absence of the *etrog* and *aravot* from the Nehemia passage.

<sup>5</sup> This is how Samaritans and Karaites interpret these verses, lending credence to the suggestion that, absent any tradition of interpretation, this reading is plausible. See: Michael Fishbane, *Biblical Interpretation in Ancient Israel* (Oxford, 1985), 109–112; Jacob Milgrom, “Booths According to Leviticus XXIII and Nehemiah VIII,” *Lasset uns Brucken bauen...* (Cambridge, 1998), 81–85. Rabbinic literature may retain a vestige of the linking of Leviticus 23:40 and Leviticus 23:42 in the view of Rabbi Yehuda, who maintains that only the four species can be used as the roof of the *sukka*. See: *Sifre* 17:10–11; *Sukka* 36b–37a (and *Tosafot ad loc.*, s.v. “*ve-hevi’u*”).

<sup>6</sup> *Leviticus Rabba* 30:15 emphasizes that it is impossible to identify the four species based solely on the Leviticus text.

<sup>7</sup> As Professor Soloveitchik indeed does. See: Haym Soloveitchik, “Three Themes in the ‘Sefer Hasidim’,” *AJS Review* 1 (1976), 311–357. His description of “yoke-seeking, norm-intoxicated Pietists” (319) witnessing the “decline and fall of Ashkenaz” (350) as Tosafist “creativity” replaced the earlier “assimilative” learning (345) clearly shares genetic material with “Rupture and Reconstruction,” and his tangential comments on contemporary Orthodoxy (335, 357) invite further comparison and contrast to his later essay.

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## THE CENTER MUST HOLD

THE reaction it elicited when first published, and the frequency with which it has been referenced in the twenty-five years since, demonstrates the significance of Professor Haym Soloveitchik's article, "Rupture and Reconstruction: The Transformation of Contemporary Orthodoxy." The article set out to identify the underlying phenomena responsible for what he called the "swing to the right," following the rupture in tradition caused by the Holocaust. Soloveitchik writes:

And then a dramatic shift occurs. A theoretical position that had been around for close to two centuries suddenly begins in the 1950s to assume practical significance and within a decade becomes authoritative. From then on, traditional conduct, no matter how venerable, how elementary, or how closely remembered, yields to the demands of theoretical knowledge. Established practice can no longer hold its own against the demands of the written word.

Significantly, this loss by the home of its standing as religious authenticator has taken place not simply among the modern orthodox, but first, indeed foremost, among the *haredim*, and in their innermost recess—the home. The zealously sheltered hearth of the *haredi* world can no longer validate religious practice. The authenticity of tradition is now in question in the ultra-orthodox world itself (69).

Soloveitchik attributes the move to greater stringency in religious observance to the shift from a religious lifestyle crafted through cultivating practices imbibed in our homes from parents and friends, to one resulting from rigorous text study and analysis, including a concern for "maximum position compliance."

In the twenty-five years since it was first published, the move to the right that Soloveitchik described has become even more extreme in segments of the Orthodox community. But interestingly, many of those changes, both in halakhic practice as well as in community standards, are neither based on a return to the mimetic tradition of old, nor the result of the newfound emphasis on textual analysis that he describes.

For example, historically, *posekim* communicated halakhic positions through responsa that included sources, analysis, and argumentation to defend their conclusions. In the last few decades, however, halakhic positions, often stringent ones, have been transmitted by some of the most prominent *gedolei ha-dor* through one-word rulings—*mutar* or *asur*—communicated orally or published in the growing genre of halachic compendiums, with almost invariably titled something like: “*Everything and Anything*” *ke-Hilkhatah*. Such one-word, unexplained rulings often lack nuance and context and obviously don’t lend themselves to examination and analysis.

In a private conversation, one world-class authority on medical halakha shared with me his frustration that just a generation ago he would bring complex issues to *posekim* who would expend great time and energy seeking to understand the intricate details of the question. They would then render rulings with a focus on being understood, explaining not only their conclusion, but as importantly, how it was arrived at. More recently, he bemoaned, he poses the complex issues of our time and receives one-word responses or at most one sentence rulings without a willingness to entertain an effort to examine the process that led to said conclusion.

This relatively new trend leaves students of halakha worse off and at a loss, deprived of the possibility to analyze, examine or consider the arguments behind the *pesak*. And yet, perhaps that is exactly why this trend has emerged. In a general world that promotes and celebrates independent thinking, rigorous scientific examination, the rejection of centralized and established authority, this segment of the Orthodox community has crafted a culture of acceptance without challenge, that promotes following without seeking or needing to understand, that is more concerned with blind compliance than eye-opening questioning and comprehension. That community is made up of individuals admirably engaged in rigorously learning halakha at the highest levels, but when it comes to halakhic practice, collectively yields to the absolute rulings of the *gedolim* without challenge or even curiosity.

Those who consult this genre of halakhic writing and follow the positions referenced therein do so without regard for what their parents or grandparents did or with a concern for the process that drove that particular conclusion. Such a superficial transmission of halakha is neither part of our rich tradition, nor the result of textual analysis. It seems to reflect a society predisposed towards stringency.

A communal policy example is the new radical practices regarding the inclusion of women in publications including media and invitations. While many point a finger at magazine and newspaper publishers, clearly

this standard is expected and demanded by a community they are seeking to serve. The magazines may fail to include pictures, but it is private individuals who are sending invitations to their lifecycle events using only the husbands' names. These practices have grown so extreme, they sometimes defy logic. My wife attended a separate-seating affair that I did not attend altogether, and yet her place card said Mrs. Efrem Goldberg.

It is hard to know whether these changes were initiated from the top-down or the bottom-up, but either way the leadership of the communities that have adopted these practices have not objected to them or called for changing them, itself an implicit endorsement. These extreme, and in my opinion distorted definitions of modesty are neither rooted in anything seen in parents' or grandparents' homes, nor supported by halakhic sources, even minority ones. Yet, that has not stopped them from becoming mainstream practice within a significant segment of Torah society. This too is an expression of the continued move to the right, also likely developed as a reaction to a changing world around us as opposed to the factors Soloveitchik described. Living in a time of extreme immodesty has created a community of modesty extremism. Living in a society that celebrates feminism has led to a censoring of the feminine form in pictures and in names.

Twenty-five years after "Rupture and Reconstruction" there is clearly something driving a continued move to the right that is beyond merely an emphasis on textual study or a commitment to comply with the maximum number of opinions including what were once dismissed as minority positions. We are not discovering new positions to be strict about, and our textual study has not yielded newer *humrot*, and yet there is a continued "swing to the right."

Simultaneous to this continued swing to the right in one segment of the Orthodox community, over the last twenty-five years, there also seems to be a shift within a segment of the Orthodox community to the left, defined in this context as lenient and permissive observances and practices that were not traditionally part of accepted practice within the halakhic community. This move is spurred on not by rigorous textual study, but by a different monumental change in the last two and a half decades.

If the proliferation of *sefarim* and the access to rigorous study brought about a shift to the right and towards stringency, the ubiquity of the Internet and the impact of technology on navigating Torah sources have in some ways created the inverse effect.

Until relatively recently, engaging Torah sources led one on a journey towards a halakhic destination. Today, one can start with the destination and, using search engines or crowdsourcing, chart a path to get there. If the emphasis on textual study introduced a standard of complying with

strict minority opinions, the Internet and technology enable one to find obscure minority opinions to support being lenient or permissive.

I am reminded of a classic tale of the Dubno Maggid, who was once walking in the forest and saw tree after tree with an arrow in the center of a target. He then discovered the boy with the bow in his hand and asked if he was the one who had shot all these accurate arrows. The boy responded in the affirmative. The Maggid asked how he managed to always hit the center of the target to which the boy responded, “It is really quite simple. First, I shoot the arrow, then I draw the target.”

There is a segment even within the halakhic community which shoots the arrow of leniency and permissiveness first and only then draw a halakhic target around it to show a bullseye. Otzar HaHochma and the Bar-Ilan Responsa Project, remarkable searchable databases of thousands of Torah books, enable even relative novices to access and discover positions who never entered mainstream or normative halakhic practice, but who conveniently espouse exactly the position that conforms to the lifestyle one wants to live.

In Israel, a recent poll of the Religious Zionist community conducted by the Miskar Institute, on behalf of the Barkai Center for Practical Rabbinics, found that while more than 90% of respondents have a rabbi or want one, less than half consult rabbis on halakhic questions. Instead, the majority reported, they turn to the cynically named “Rabbi Google” for answers.

Moreover, and perhaps even more dangerous, the Internet serves to democratize halakha. It gives all an equal voice and undermines the system of *mesora* and halakhic authority. Social media in general, and several apps and platforms in particular, enable crowdsourcing to develop and defend positions in halakha without the input and authority of a bona fide and qualified *posek* who has both a knowledge of halakha and a training in ruling on it. The Talmud (*Sanhedrin* 99b) cautions us in the strongest terms not to be “*megale panim ba-Torah*,” understood by many as guiding us not to be presumptuous by arrogantly and inappropriately voicing an opinion about Torah when the gravity of the issue exceeds our stature.

Elsewhere, the Talmud (*Shabbat* 119b) states, “Rabbi Yitzchak said, Jerusalem was destroyed only because the small and the great were made equal.” The Internet has allowed many to equate the opinions of the most insignificant with the truly great. While in many respects giving voice to the lesser-known figures can be a positive societal development, that is simply not the case about halakha and *hashkafa*. In these areas, equating the great and the small results in *hurban* – erosion and destruction.



## TRADITION

Is there a relationship between the shift to the right in one segment of the Orthodox community and the simultaneous shift to the left among another? We seem caught in a vicious cycle among the extremes in which one community responds to the attitude of leniency and permissiveness in another by becoming narrower and more stringent in both halakhic positions and communal standards. The left demands understanding and exploring before willingness to accept and observe while the right blindly follows *gedolim*, exchanging the mimetic model of what was seen in our homes for emulating and imitating stringencies (some of which were never intended for “mass consumption”; others invented from whole cloth). One community, threatened by the permissiveness in society in general, and that attitude penetrating into religious life, has used stringency to retreat, insulate, and intensify. The other community sees a philosophy of retreat as itself a form of surrender and feels emboldened to expand the boundaries of leniency, and trying to push the very border of orthodoxy to be as broad and inclusive as possible.

One community is defending from, or responding to, radical permissiveness by becoming stricter, while the other is rejecting what it perceives as unnecessary stringency by defending leniency and permissiveness. While both employ sources to defend their positions, neither seem to arrive at them from the phenomenon Soloveitchik described of either mimetic tradition or textual analysis.

Though the center is regularly being redefined by the shifting left and right, it is an increasingly important segment of the Torah community. The center must be differentiated by its vigilant commitment to halakha in a non-reactionary, non-defensive, and unapologetic fashion. Our centrist community must offer moderation, not extremism; inspiration, not fear; prioritizing commitment and service, not comfort and convenience; passion, not apathy; confidence and conviction, not flexibility and flimsiness. Our fidelity to rigorous halakhic practice must be unequivocal, while our community standards should reflect the pursuit of holiness with balance, fairness, and truth.

Adopting either universally strict positions or promoting inauthentically arrived-at lenient ones are corruptions of the halakhic system. Both minimize the critical role of the *posek*, thereby minimizing his ability to show nuance and flexibility in issuing rulings.

Rav Aharon Lichtenstein expressed the unique role of a *posek* brilliantly when he testified before a Knesset committee on the Jewish view of abortion:

These are areas where, on the one hand, the halakhic details are not clearly fleshed out in the Talmud and Rishonim, and, on the other hand,

the personal circumstances are often complex and perplexing. In such areas there is room and, in my opinion, an obligation for a measure of flexibility. A sensitive *posek* recognizes both the gravity of the personal situation and the seriousness of the halakhic factors. In one case, therefore, he may tend to view the points of contention in one way, while in a second case exhibiting slightly different details, he may tilt the decision on these points in the other direction. He may reach a different kind of equilibrium in assessing the views of his predecessors, sometimes allowing far-reaching positions to carry great weight, while in other cases ignoring them completely. He might stretch the halakhic limits of leniency where serious domestic tragedy looms, or hold firm to the strict interpretation of the law when, as he reads the situation, the pressure for leniency stems from frivolous attitudes and reflects a debased moral compass. This approach is neither evasive nor discriminatory. The flexibility arises from a recognition that halakhic rulings are not, and should not be, the output of human microcomputers, but of thinking human beings; a recognition that these rulings must be applied to concrete situations with a bold effort to achieve the optimal moral and halakhic balance among the various factors. Thus, it is the case that halakhic rulings have more of the character of general directives than specific decisive rulings, within set limits, of course, and when the *posek* is not absolutely convinced respecting the point at issue. However, as we noted above, this application of *pesak* must be the outcome of serious deliberation—in the broadest sense of the term—by committed and observant men of Torah who are, on the one hand, sensitive to both the human and halakhic aspects, and, on the other hand, possess the stature and ability to confront the halakhic problems.<sup>1</sup>

A community driven by stringency will be inflexible, while a community whose halakhic authority is the Internet will be overly pliable and malleable. Those who live in between are positioned best to be true to the halachic process which R. Lichtenstein described, one that both relies on a competent *posek* and empowers him to use a responsible measure of flexibility.

While the advent of the Internet and the explosion of technology have brought challenges, they also present unprecedented opportunities. Several platforms for communication have increased the ease and access to seeking answers on matters of halakha, and have expedited and accelerated the time necessary to answer. Sensitive and potentially embarrassing questions that people previously might have avoided asking can now be submitted using systems that protect anonymity. Websites and apps host thousands of shiurim from speakers around the world on every topic in

## TRADITION

Torah and halakha. Social media and WhatsApp groups have emerged that enable and promote study of halakha and provide Torah inspiration.

In the last twenty-five years, many of the phenomena Prof. Soloveitchik identified have continued, but arguably for a different reason. In many ways the world is a radically different place a generation since his essay was first published. Nevertheless, “Rupture and Reconstruction” continues to provide a framework and vocabulary to address those changes.

While Soloveitchik sought to objectively describe a phenomenon without issuing a moral judgment of it, one couldn’t help but sense his frustration, disappointment, and concern with the “swing to the right.” Twenty-five years later, it is worth considering, which should we fear more today, a swing to the right or to the left? Which poses the greater threat to our centrist values and ideals, a world that lauds stringency and restrictiveness or that celebrates leniency and permissiveness? Which is more frustrating and disappointing, the segment of the community that seeks to narrow definitions of orthodoxy or those that continuously broaden them?

Twenty-five years after examining the swing to the right, it is the pivot of some towards the left that concerns me for what will be wrought a generation from now. When considering the pull in both directions it seems clear to me that holding the center is more important than ever.

<sup>1</sup> Aharon Lichtenstein, “Abortion: A Halakhic Perspective,” *Tradition* 25:4 (1991), 11; reprinted in: *Leaves of Faith*, vol. 2 (Ktav, 2004).

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## REFLECTIONS FROM ACROSS THE POND

As readers of “Rupture and Reconstruction” are aware, Professor Haym Soloveitchik’s landmark essay touches on a considerable number of intellectual disciplines including halakha, theology, philosophy, and sociology. In response to the richness of Soloveitchik’s article, my various observations in this essay similarly range across different fields, but as I have no formal training in sociology, my remarks in that area are somewhat impressionistic. Additionally, at several points I focus particularly on the Orthodox community of the United Kingdom in order to add a UK perspective to this international discussion. (Soloveitchik clearly intends to include UK Orthodoxy in the purview of his essay, as the couple of references to “England” indicate. I refer to the United Kingdom as a whole in this discussion because although England indeed contains the great majority of the UK Orthodox population, significant, if relatively small, Orthodox communities exist in Scotland, Wales, and Northern Ireland.)

I first address an issue that, while it does not loom large in “Rupture and Reconstruction,” features at the beginning of the essay, and the importance of which makes it worthy of comment. Soloveitchik observes that Modern Orthodoxy is “more strongly Zionist than ever” whereas the haredi sector “remains strongly anti-Zionist” (64). There seems to me to have been a shift here in the UK (and quite possibly far more widely) in the past quarter-century, consisting in a notable softening of mainstream haredi attitudes towards the State of Israel. One indication is the willingness of many haredi rabbis to recite a formal prayer on Shabbat morning referring explicitly to “*medinat Yisrael*” without feeling the need to adopt the mealy-mouthed locution of “*ahinu yoshevei Eretz Yisroel*” (“our brethren dwelling in the *Land* of Israel”) popular in the past. A further symptom is the way in which the celebration of Yom ha-Atzma’ut seems less a focus of haredi-Modern Orthodox tension than in the past (though major differences certainly remain between haredi and Modern Orthodox shuls regarding how, and indeed whether, *Yom ha-Atzma’ut* is celebrated and whether any changes are made to the daily

*tefilla*). As a small example, my yeshiva high school-aged son returned home from his school—which includes both haredi and Modern Orthodox staff and students—this past *Yom ha-Atzma'ut* having enjoyed a well-attended celebratory *shaharit* including *hallel*, a special breakfast, and dancing. In my time as a student in the very same institution, I well remember that the school closed for *Yom ha-Atzma'ut* one year because of tensions surrounding its proposed celebration. A third signal is the rarity with which one hears any real anti-Zionist rhetoric, at least in the UK, from within the mainstream haredi community (as opposed to criticism of particular Israeli government policies). It should be conceded that the shift seems to be more a matter of a softening attitude than of ideological development: one has the impression that if one were to pin down a thoughtful haredi interlocutor and insist on hearing his assessment of the religious significance of the State itself (as opposed, of course, to “*Eretz Yisroel*”), one would receive a neutral or negative appraisal.

The reasons for this partial rapprochement regarding *medinat Yisrael* and Zionism are not entirely clear but a number of factors may be at play. Orthodox fears of a rampantly secular Israel hostile to Jewish tradition have not materialized. Despite huge tensions regarding haredi military enlistment and the continued existence of avowedly secular kibbutzim and other non-religious communities, Orthodoxy is flourishing in an Israel which is quantitatively and qualitatively the undisputed global center of Torah study and scholarship. From the increasing availability of kosher eateries in Tel Aviv to the presence of haredi units in the IDF to the stickers in buses reminding us “*mi-penei sevak takum*” (the biblical command to stand for the elderly), Orthodox people across a wide range of ideological stripes feel instantly more at home in Israel than anywhere else. A further factor strengthening the concern for and identification with the State of Israel of all Orthodox (and of course many other) Jews outside extreme anti-Zionist haredi factions may be the ongoing security issues faced by Israel and the impact of terrorist attacks, Hamas, Hezbollah, and Iran. As reported by Israel Army Radio and the *Jerusalem Post*, thousands of haredi Israelis attended *Yom ha-Zikaron* events in Jerusalem and Bnei Brak earlier this year.<sup>1</sup> A third element may be simply the rootedness that Israel now enjoys in the Jewish world in its eighth decade and as the largest global Jewish population center. Israel is not only a firm and longstanding reality but the critical center of the Jewish world, rendering ideological disapproval of Zionism something of an irrelevance.

I turn next to consider, in light of some of the insights of “Rupture and Reconstruction,” the impact of the internet and related technologies on contemporary religious practice and *pesak* halakha. As pointed out by

Rabbi Daniel Sperber, the fact that a *pesak* can nowadays receive instantaneous global exposure militates in favour of caution and conservatism since a *posek* has to justify his position not merely in his own locale but potentially to anyone in the world who wishes to challenge it.<sup>2</sup> Moreover, in place of the cassette-tape and telephone-facilitated Torah learning discussed in Soloveitchik's article (92–93), one can of course nowadays, with ease and without payment, hear and often even view on the internet halakha *shiurim* delivered by rashei yeshiva the world over, something which may lead to more exacting standards or *humrot* and a further shift away from mimetic home-based halakhic practice. In terms of further reinforcing the influence of traditional texts, the Internet and other technological advancements since the publication of “Rupture and Reconstruction” have massively facilitated the spread and accessibility of *daf yomi* studies (discussed by Soloveitchik on 92), bringing many more Orthodox Jews to greater familiarity with the rabbinic text par excellence and its commentaries.

What Soloveitchik refers to as “the new ubiquity of Torah study” (92) has been evident in the UK too and has gathered pace with the aid of technologies that have become widespread since the mid-1990s. *Daf yomi* seems far more widely studied than a generation ago both in actual shiurim and through internet-based resources. Weekly *divrei* Torah on *parashat ha-shavu'a* purveyed by means of the new technologies are very popular, as are high-level textual learning programs for young people returning from periods of study in Israeli yeshivot and seminaries. A further salient example, this time cross-communal, is the extraordinary success, growth, and global export from the UK of Limmud Conferences since the mid-1990s.

Our hyper-connected world is, however, something of a double-edged sword. On the other side of the ledger, it should be noted, the internet and related technologies can generate pressure in a “leftward” direction precisely because Jewish communities are “hyper-aware” of what other communities are doing. This is particularly noticeable in the crucial area of women's involvement in Orthodox ritual, a field in which there have of course been very significant developments in the past quarter-century. Women's *megilla* readings in Orthodox communities worldwide, for example, have undoubtedly been strengthened by the fact that this is now a global phenomenon, with groups in Israel, North America, the UK, and elsewhere fully aware of each other's existence and activities through the Internet and sometimes using the same Internet-based learning aids. Partnership *minyanim* may be a more controversial development, but they have similarly been assisted by instant global communication—and are, of course, too recent a phenomenon in Orthodoxy to be based on mimesis. In the realm of religious doctrine and belief, things can cut both ways. On

the one hand, the new technologies allow instant and extensive access to innovative recent thinking. As Chaim Waxman notes, websites such as TheTorah.com exemplify “more open theological discussion.”<sup>3</sup> On the other hand, there is an abundance of websites, blogs, email discussion lists and Facebook groups pulling in an opposite, conservative direction.

There is an interesting recent trend which I believe is, to an extent, similarly the product of technology-driven hyper-awareness, one which has been particularly pronounced (though little discussed) in the mainstream UK Orthodox community. I refer to the increasing reference by synagogue organizations and the wider community to both pulpit rabbis and rebbetzins as spiritual leaders. Sometimes even haredi *shuls*’ websites trumpet their successes under the leadership of “Our Rabbi and Rebbetzin.” Why this shift has not been perceived as threatening in more “right-wing” quarters is itself deserving of analysis. One suspects that the development may be in part an implicit response to the fraught issue of women Orthodox rabbis—an attempt to signal advancement for Orthodox women’s leadership in a “strictly kosher” manner. The relevant point in the context of this discussion is that the pressure to demonstrate progress in this direction is in significant measure generated by the technology-facilitated transparency of developments in women’s public spiritual leadership in the global Modern Orthodox community.

Some of the broader insights of “Rupture and Reconstruction” resonate across both the spatial divide of the Atlantic and the temporal gap of a quarter of a century. Soloveitchik’s discussion of increasing confidence in Jewish cultural distinctiveness (78) strikes a chord in the context of UK Orthodoxy. To adopt his illuminating example focusing on first names (n. 39), there is a marked generational shift in Modern Orthodox circles here, the ubiquitous Michael, Jonathan, Rachel, and Judith of my (middle-aged) generation more often than not being superseded in our children’s generation by Yoni, Amitai, Shira, and Yael—reflecting also, of course, a proud and open adoption of names popular in religious circles in Israel. Similarly reflecting a heightened minority-culture self-confidence, yeshivish and hasidic dress are much more apparent in the public square than a generation ago, and where they are underplayed, it is often a reflection of physical security concerns rather than a perceived need to conform to any cultural norm.

A further clear cross-Atlantic parallel is the way in which Jewish tradition is transmitted to the next generation. The replacement of the mimesis of home and street by the instruction and religious apprenticeship of the school, as Soloveitchik puts it (91), is marked in the UK as well, and has continued apace since the publication of “Rupture and Reconstruction.”

The Jewish day school population in the UK has vastly increased, mirroring the developments in the USA, albeit on a far smaller scale. In 2016, the UK-based Institute for Jewish Policy Research reported a near-doubling of the number of Jewish children in Jewish schools since the mid-1990s, rising from 16,700 to more than 30,000, while the number of Jewish schools more than doubled, from 62 to 139, during the same period. In January 2019, a further report by the Institute and the Board of Deputies of British Jews recorded that the number of Jewish children in Jewish day schools had been “climbing consistently” over several decades and that there were now almost seven times as many Jewish children in Jewish schools as there were 60 years ago.

I turn finally to philosophical and theological issues. I found Soloveitchik’s discussion of asceticism (80–81, and in the substantial and informative footnotes to those pages) of particular interest. He refers to “the gradual disappearance of the ascetic ideal that had held sway over Jewish spirituality for close to a millennium.” This may be contrasted with his father Rabbi Joseph B. Soloveitchik’s position which portrays much more of a continuity of Jewish anti-asceticism through the ages. Whereas for Prof. Soloveitchik, “[t]he legitimacy of physical instinct is the end product of Orthodoxy’s encounter with modernity that began in the nineteenth century,” and prior to that, “distrust of the body was widespread, if not universal,” his father insists, regarding “the condemnation of natural drives or the deadening of the senses and the repression of the exercise of the natural faculties of man” that “[n]othing of that sort was ever preached by Judaism. On the contrary, it displayed full confidence in the inner worth of the naturalness of man.”<sup>4</sup> Prof. Soloveitchik refers to “the slow but fundamental infiltration of the this-worldly orientation of the surrounding [modern] society,” whereas R. Soloveitchik views a this-worldly orientation as integral to the religious *Weltanschauung* of halakhic man, famously championing such an approach over the other-worldly focus of *homo religiosus*. Of course, father and son are fully entitled to offer competing assessments of attitudes to ascetism in the history of Jewish thought. And despite their differences, there may be an important congruence here: R. Soloveitchik’s this-worldly focus and anti-asceticism may well be a key component of his *Modern* Orthodoxy, an appropriate and liveable Jewish theology for precisely the contemporary this-worldly and anti-ascetic environment that Prof. Soloveitchik describes.<sup>5</sup>

Regarding the essay’s celebrated thesis that a sense of the immanent divine presence has today been largely lost, even among traditionalist or haredi Orthodoxy, I wonder about Soloveitchik’s example in his final endnote (n. 103), referring to Israeli Minister of the Interior Rabbi



Yitzhak Peretz's remark in 1986 that the seventeen children and five adults killed when a train collided with their school bus died because of instances of public desecration of Shabbat in Petah Tikva. I am unconvinced that Ashkenazi haredi silence regarding R. Peretz's comments had to do with no longer experiencing individual divine providence as a simple reality. I believe that it had more to do with the realization, even by many who may have accepted R. Peretz's position, that deep offense would be caused by highlighting his remarks.<sup>6</sup> More optimistically, perhaps the Ashkenazi haredi reticence stemmed from appreciation of the vast and complex nature of the problem of evil and the knowledge that classic rabbinic literature encompasses many and sometimes mutually incompatible approaches to it, by no means limited to a straightforward linkage between sin and punishment.

Beyond the specific instance of R. Peretz, one wonders about the accuracy of Soloveitchik's diagnosis. In the daily discourse of the traditionalist Orthodox world one hears constant references to "*hashgaha peratit*" and to "*bashert*" occurrences, often about mundane matters. Doubtless these locutions are not always sincere, but surely sometimes (and, one hopes, mostly) they are, reflecting a genuine sense of God's presence as a "simple reality." Even if they are not, they suggest (as perhaps does the *de rigueur* response, in many Orthodox circles, of "*Baruch Hashem*" to inquiries after personal welfare) that a culture of aspiration towards acknowledging God's daily, natural presence is alive and well.

"Having lost the touch of His presence, they seek now solace in the pressure of His yoke" (103). The famous final sentence of "Rupture and Reconstruction" has remained with me since I first encountered it twenty-five years ago. Rav Kook writes:

Who knows the depth of my pain, and who can gauge it . . . I am imprisoned in many straits, in various boundaries, while my spirit yearns for exalted expanses. My soul thirsts for God . . . a large faith in God, without any hindrances, whether natural, logical, based in etiquette, or moral, is the joy of my life. Whatever is limited is profane by comparison with the supreme holiness that I seek. I am lovesick. How difficult for me is learning, how difficult for me is adapting to details . . .<sup>7</sup>

Perhaps, then, Soloveitchik's stark conclusion to "Rupture and Reconstruction" captures not so much a spiritual failing of our particular generation as a perennial challenge of a way of life with halakha at its center: to strive that God's laws not obscure His presence but lead us to it.<sup>8</sup>

<sup>1</sup> Rossella Tercatin, “Thousands of Ultra-Orthodox Israelis Attend Memorial Day Events,” *Jerusalem Post* (May 8, 2019) <https://www.jpost.com/Israel-News/Thousands-of-ultra-Orthodox-Israelis-attend-Memorial-Day-events-589110>.

<sup>2</sup> Daniel Sperber, “Paralysis in Contemporary Halakha?,” *TRADITION* 36:3 (2002), 10.

<sup>3</sup> Chaim I. Waxman, *Social Change and Halakhic Evolution in American Orthodoxy* (The Littman Library of Jewish Civilization, 2017), 149.

<sup>4</sup> Joseph B. Soloveitchik, *Family Redeemed: Essays on Family Relationships* (Ktav, 2000), 75–76. See also, e.g., *And From There You Shall Seek* (Ktav/Toras Horav Foundation, 2008), 111: “The Torah has never forbidden man the pleasures of this world, nor does it demand asceticism and self-torture.”

<sup>5</sup> For a much more extensive discussion of R. Soloveitchik on these issues, see Daniel Rynhold and Michael J. Harris, *Nietzsche, Soloveitchik, and Contemporary Jewish Philosophy* (Cambridge University Press, 2018), ch.3.

<sup>6</sup> Hillel Goldberg makes a similar point in his “Responding to ‘Rupture and Reconstruction’,” *Tradition* 31:2 (1997), 33; as does Mark Steiner in the same issue of *TRADITION* in his “The Transformation of Contemporary Orthodoxy: Another View,” 42.

<sup>7</sup> Abraham Isaac Kook, *Eight Compendia*, 3:222 (author’s translation).

<sup>8</sup> My thanks to Ben Davis, Ian Gamse, and R. Gideon Sylvester for their most perceptive comments on earlier drafts of this essay.

Mr. Kobrin, an attorney in New York, served as the first Managing Editor of *TRADITION*. His recollections of that period were summarized in the recent *Lehrhaus* tribute to Rabbi Lamm, *TRADITION*'s founding editor.

## ARE FACEBOOK AND YOUTUBE THE NEW “MIMETIC COMMUNITY”?

**T**he classic maxim that “one who benefits from a miracle does not himself recognize the miraculous event” (*Nidda* 31a) applies in more ways than we might imagine. Thus, one who lives through what history will eventually term a revolution may not appreciate its impact as it unfolds. We speak of the Industrial Revolution to summarize vast changes in human behavior and social and economic organization, but those living at the time could hardly have appreciated it. To a certain degree even we who live in the world created by the Industrial Revolution cannot fully fathom the changes it wrought.

The same is true of the Information or Digital Revolution in which we now find ourselves. The computer, combined with the ubiquity of the Internet and its associated media, has brought vast change to human organization and societal norms in both secular and religious realms. It is in light of this recognition that one can consider the present-day impact of Professor Haym Soloveitchik's important essay, “Rupture and Reconstruction.” Since the essay was published and disseminated in 1994 just as the Information Revolution was underway and years before its impact was fully felt in the world of Torah and religious observance, some of its cultural assumptions must be revisited.

In this revisiting, I assume that at the time “Rupture and Reconstruction” was published (1) books were the principal source of what was termed “text information”; (2) while a large collection of religious tracts and instructional books were available, a limited number of texts were considered “authoritative”; (3) many would resort to such texts in preference to a more traditional person-to-person *pesak*; and (4) there was scant trace of the type of community which supported what Soloveitchik ingeniously termed “mimetic.” By the time of this article's publication, however, each of these assumptions has been upended, at least to some extent, by the Digital Revolution, inviting revision of Soloveitchik's thesis.

To put this analysis into chronological context: “Rupture and Reconstruction” was published in 1994. At that time, the creator of Facebook, Mark Zuckerberg was still in elementary school, a whole decade away from creating the broadest vehicle of social media. The very first hand-held or pocket computers appeared on the market in 1994 but did not become widespread for some years. Finally, the smartphone, which expands to the fullest individual use of the Internet and social media, did not appear until 2007, thirteen years after Soloveitchik penned his essay.

As to the cultural assumptions of “Rupture and Reconstruction,” we look first to physical books themselves. As a result of the Internet, the need for and reliance upon physical books, both in research and recreation, has been reduced. Anyone with a connection to the Internet can access millions of pages of text—the virtual collected wisdom of human civilization—without owning a single book. More broadly, factual information itself is now sought primarily via the Internet. Everyone is glued to his phone or her hand-held computer.<sup>1</sup> Everyone is an expert as quickly as a source in Wikipedia or Google can be accessed.

The Jewish world has not escaped the impact of these developments. Where books and texts were once supreme, and acquiring and owning them was a mark of dedication to Jewish intellectual values, the combined power of vehicles such as HebrewBooks.org, Sefaria, and Wikipedia in English, Hebrew, or Yiddish (as well as the parallel site WikiYeshiva), to say nothing of digitalized databases such as the Bar Ilan Responsa Project, has given anyone with a computer the resources of a vast library. Indeed, most of us possess in our pockets ready access to more Jewish texts than any yeshiva held in its library at any point in pre-digital history. True, the purchase and holding of print books is still considered a value, but the ability of scholars and *posekim* to know the location of resources pales when compared with the computer’s ability to seek cognate and similar terms and to ferret out any source. It has been suggested that if not for Shabbat restrictions, books might soon disappear even in traditional religious homes. As a result, a consensus of which texts should be considered authoritative has been severely reduced.

In addition, the Internet has brought with it social media. It has provided a platform for the sharing of communication by “communities” of like-minded individuals in the religious world, including the Jewish world.

The essay notes the disappearance of family and community from which imitation might be derived. Social media, combined with illustrative aggregating sources such as YouTube, creates digital mimetic communities of interest not possible before. This provides a substitute for the

geographic proximity that marked the age of tradition and mimesis. Today, if one wants to learn how to properly put on *tefillin*, tie *tzizit* knots, or *kasher* a chicken, social media and vehicles such as YouTube are on tap to provide what a parent, *bobbe*, *zeide*, or a whole community might have done a century ago.

What does this mean for “Rupture and Reconstruction”? Today, numerous Internet newsletters, blogs, and sites are directed at the haredi community. A vast amount of online Torah material is directed to the Modern Orthodox community, such as YUTorah.org, WebYeshiva.org, and the Virtual Beit Midrash of Yeshivat Har Etzion.

At the same time, the Internet has changed the dynamic of *pesak* halakha, whether by a rabbi or yeshiva leader. In traditional settings, most religious decisions were conveyed individually by a rabbi who knew or met face to face with the questioner. The answer might properly be fashioned to take into account the spiritual place where the questioner was then in, as well as his or her religious observance or understanding. Today, numerous websites publish answers to anonymous queries, which are then broadcast to the world on an anonymous basis. *Pesak* has become anonymous, both in terms of the questioner and the responder.<sup>2</sup> Even more damaging, “everyone” is now a *posek* since anyone can access the huge trove of information—some accurate, some not—which appears on the Web, often somewhat cynically referred to with mock reverence as “Rav Google.”

Soloveitchik’s essay was written in a specific cultural context. Libraries of books would be used to compose commonly accepted and agreed texts that would be the principal source of halakhic information and guidance. A community setting which formed the basis of mimetic society would no longer exist. Those assumptions are no longer valid.

If one is to give proper consideration to the impact of the Digital Revolution on the culture described in the original essay, consideration would need to be given to a different impact of social media and the Internet in general, which may not be salutary in the long run.

As a result of the Digital Revolution, we may yet see a return to the mimetic, except of a different kind. The community is not the family, extended family, and neighborhood, but rather an online community.

The Internet and social media create a different kind of openness which “Rupture and Reconstruction” does not discuss for the simple reason that they did not exist at the time. New media is accessible (immediately and anonymously) to anyone regardless of gender, background, or level of observance. One cannot surmise the effect of the availability of such extensive religious instruction and information on audiences beyond

the limited traditional community. The popularity of television and video series like *Srugim*, *Shtisel*, and *Soon by You* brings religious lifestyle to the attention and knowledge of large numbers of Jews (and non-Jews) outside of the observant community. In the past 200 years, the observant community has basically sequestered itself intellectually and socially from vast segments of the larger Jewish community. The open availability of so much information, not based in books and not needing personal appearance or interview, will influence those outside traditional communities.

In short, we may need a new edition of “Rupture and Reconstruction,” taking into account digital imitation and mimesis and the broad availability of whatever text material we may have or may yet produce. Has social media created a new digital “mimetic society”? I hope Soloveitchik is ready to undertake the task of searching for an answer.

<sup>1</sup> For a charming but trenchant summary of this tendency and the reaction by many, see the posthumously published essay of Oliver Sacks, “The Machine Stops,” *The New Yorker* (February 8, 2019).

<sup>2</sup> This should not be taken as a criticism of circumstances in which anonymity may actually encourage resort to knowledgeable resources. The practice of *yo’atzot halakha* to provide answers on very personal and intimate questions on an anonymous basis may promote halachic observance and inquiry to the knowledgeable.

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## *RUPTURE, RECONSTRUCTION, AND SOCIAL ORTHODOXY*

**H**aym Soloveitchik's "Rupture and Reconstruction" provided a panoramic view of the evolution of Orthodox Jewry in North America. The quarter-century since that landmark essay affords us an even broader retrospective. This time lag allows us to see that Soloveitchik was describing a dynamic process that was still in flux during its writing, and which continues to evolve to this very day. Accordingly, if we were to continue his project by taking into account how we as a Jewish community have continued to change since its writing, we would need a sequel to "Rupture and Reconstruction" to describe the stage that follows "reconstruction."

In his conclusion, Soloveitchik notes perhaps the most significant and alarming change in North American Jewry in the fifty or so years surveyed in the essay. The change is not only a product of the transition from mimetic Torah transmission to text-based Torah transmission. That shift certainly created a distancing between Jewry and the Torah as a living organism that imbued our ancestors' Jewish life with a feeling of "the touch of His presence." It is also a product of what Soloveitchik calls a world of "modern science, which had reduced nature to an 'irreversible series of equations,' to an immutable nexus of cause and effect, which suffices on its own to explain the workings of the world" (102).

The result of this new technological reality is to no longer feel God in the way that Tevye the Dairyman had felt an immanent and anthropomorphic God, to the point where he could open a conversation with Him at any given moment. Today, lamented Soloveitchik, "God as a *daily, natural* force is no longer present to a significant degree in any sector of modern Jewry, even the most religious."

If only he knew how Godless society would become. But of course, he wrote his essay before the Internet. On social media, every belief that was once sacrosanct is cynically questioned, every socio-religious structure deconstructed with casual dismissal. God has been discarded, and

religion in general is regarded as “delusional,” to quote best-selling author Yuval Noah Harari.<sup>1</sup>

The “reconstruction” to which Soloveitchik refers was a noble effort to repair the rupture. But in the face of new social realities, it simply was not enough to withstand further erosion.

The natural sequel to “Rupture and Reconstruction” is the landmark essay in *Commentary* by Jay Lefkowitz, “The Rise of Social Orthodoxy.”<sup>2</sup> In this painfully honest account, Lefkowitz confesses to being fully observant but agnostic about theology in general and belief in God specifically. He represents not only himself but a large swath of Modern Orthodox Jews who look, speak, and *daven* the very same way as a “believer.” He labels this new brand of Orthodox Jew as “Socially Orthodox.”

Lefkowitz observes that many of his ilk favor religious behavior and community as the most important component of their Judaism while making belief in any set of religious dogma or doctrine secondary, at best. Mordecai Kaplan believed that there was a progression for American Jews that was a recipe for success: First, belong to a community. “Belonging precedes behaving precedes believing,” wrote Kaplan, even though he would later largely deemphasize and devalue the role of belief altogether, focusing principally on community and only secondarily on God.

Lefkowitz argues that Kaplan was only mistaken in thinking that “belonging” *preceded* “behaving,” when in reality it is the reverse: Common rituals cause a community to coalesce. But as to the argument that ritual precedes *belief*, Lefkowitz completely neutralizes the second clause in the phrase *na’ase ve-nishma*, “We will do and we will listen” (Exodus 24:7). In his scheme one can easily put into practice a set of rituals without necessarily having worked out a theology. Essentially, he posits that *na’ase ve-nishma* has today come to mean simply “*na’ase*” alone. The new generation has indefinitely shelved the “*nishma*,” our set of beliefs and understanding of God.

This phenomenon is simply an extension of what Soloveitchik was referring to in describing twentieth-century Judaism as “irrevocably separated from the spirituality of its fathers.” In 1994, this meant that while Orthodox Jews fully believed in God, they did not feel or experience God as palpably and immanently as did their *bobes* and *zeides* in the Old Country. But today, the ethereal and detached belief of twenty-five years ago has dissolved to the point where for some it is socially acceptable to no longer associate God with religious practice. One can be fully *frum*, that is, “orthoprax” in one’s behavior, while not at all “orthodox” in one’s beliefs.



## TRADITION

Lefkowitz doesn't lament his social orthodoxy. Quite the contrary, he feels that the key to Jewish continuity and passing Judaism to the next generation is through religious practice alone. "We behave as Jews so we can belong as Jews. Some of us may even come to believe. The key, however, is that we live Jewish lives so we will not be disconnected, and we will never be alone."

In truth, I have taken a similar approach with members of my own congregation. Noting the social orthodoxy phenomenon in my own community, I have publicly stated that I have deep empathy for the difficult maneuvering that is required to live an Orthodox life while harboring basic questions of faith. My message to my congregants is that even if you are not sure what you believe, your home is here, at an Orthodox synagogue and in an Orthodox community. Your social and religious commitment increases the chances that you and your children will become closer to God, and that your family line will remain Jewish.

But suggesting that social orthodoxy is an acceptable end unto to itself is something different entirely. Some congregants come to shul on Shabbat and do not utter one word of prayer. The "JFK-ers,"—the "Just for Kiddush" attendees—are quite content being part of the Orthodox social scene without subscribing to a theistic Judaism. Because it has become such a socially acceptable phenomenon, we've reached the point in many communities where there is no longer any cognitive dissonance, no angst or disquietude. Being Orthodox can mean observance devoid of God, and for some, that's just fine.

Soloveitchik likely did not foresee this new phenomenon when he wrote "Rupture and Reconstruction." In 1994, the *kiruv* movement was still in its heyday. Organizations like Aish HaTorah were appealing to university-aged young adults who were still searching for a sense of meaning and spirituality in the transcendent and other-worldly. Today, that type of *kiruv* has largely vanished, and the *kiruv* organizations of old have either shuttered their windows or changed their business models entirely. Today's *kiruv* is largely "inreach" to the children of Orthodox Jews who have become disenchanted with the social orthodoxy of their parents. The socially orthodox generation may find comfort in ritual devoid of belief, but that recipe does not seem to be working with many of their children.

A related trend not identified in "Rupture and Reconstruction" is contemporary reaction to the universalistic social justice trends. As we become more of a global community, the exceptionalism of Judaism and the moral absolutism of the Torah noticeably run up against basic moral axioms of today's pluralistic society. This creates further cognitive dissonance between our generation's view of what is right and good and what

the Torah teaches about right and good. The fluidity of gender and homosexuality, to cite just two examples, have driven many of our youngsters away from doctrinal Judaism, even if they are still practicing (social) Orthodox Jews. They are having a more difficult time reconciling their liberal and tolerant views of all human behavior with the stern God of Leviticus who places moral judgment on certain acts.

So where is this all headed? Is the prognosis that we are destined to continue our theistic unraveling as a religious community? Will the “rupture” that resulted in “reconstruction” which has resulted in the agnosticism of today continue to erode Orthodoxy?

Yes and no. We are more distracted than ever before by all the technological background noise, and that means that it has become increasingly more difficult to focus on the larger issues of life, including man’s purpose in the larger context of existence, and his relationship with the Mover of all of creation. Many of our children will continue to drop off the grid of Orthodoxy as a result. But there are always counter-trends and counter-cultures within society. While everyone else is moving away from God, there will always be those who cling to Him ever more tightly. Unfortunately, it’s become more difficult to identify those counter-culturalists within the Modern Orthodox community.

We have greater levels of Jewish literacy among our children than in years past, but that literacy has been limited to *Tanakh*, Torah *she-be’al pe* (Mishna, Midrash, and Talmud), and halakha. Educators in our day school and yeshiva systems have long lamented the dearth of theology that is passed on to our children. *Mahshevet Yisrael*, basic issues of faith and the philosophy of Judaism, have been largely ignored. Most of our students are lacking any working understanding of Maimonides’ Thirteen Principles of Faith or the many theological discussions about God, creation, and the Jewish people that have taken place in our classical Torah literature over centuries.

While there have been encouraging signs, especially among the youngest generation of teachers, many Jewish educators are the heirs of the previous generation who did not feel it sufficiently important to systematically pass on doctrinal teachings. It is very difficult to teach something that one does not properly grasp, especially when it comes to esoteric issues of faith.

But it is encouraging to witness a new generation of educators who are producing new written curricula, both in Israel and in North America, that are starting to place more emphasis upon faith teachings.<sup>3</sup> It means that even an educator who may not feel sufficiently grounded in theological issues can still take this packaged curriculum and impart it to his or her

students. Heads of schools are slowly taking the courageous steps of restructuring the “sacred cows” of Jewish education, such as Talmud study for boys, and are investing significant time in the school day for talks that revolve around Hashem. I am not so naïve as to suggest such talks are enough to ameliorate the problems I have described, and I leave the specifics to the talented and innovative educators in the field. I do believe, however, that such moves are necessary to stem the rising cynicism and agnosticism.

Adult education in our shuls and community centers has also moved away from the “basics” of Jewish belief and moved toward the more controversial and titillating subjects that will attract more people to classes. It is the responsibility of pulpit rabbis who lead congregations to revisit the basic theological issues harbored in Judaism, and to make “Hashem” a greater part of our everyday vocabulary and education.

Perhaps a lesson from history is a way to telegraph my thinking on these matters. An earlier period of severe “rupture” took place in the first century CE with the destruction of the Second Temple. There were two rabbinic leaders who felt a responsibility to “reconstruct” amidst the rupture. One was Rabban Gamliel the Elder, who was the *nasi* (president). The other was Rabban Yohanan ben Zakai, who was a preeminent disciple of Hillel, and who dedicated himself to his disciples. Rabban Gamliel approached the project of reconstruction through the institution of new *takkanot* (ordinances), communal proclamations, and *seyagim* (fences).<sup>4</sup> Rabban Yohanan ben Zakai’s approach was to attempt to retain the memory of the Temple in the hearts of the people as much as possible (*Rosh ha-Shana* 4:1–3). He also felt it necessary to impart Jewish values to his students (*Avot* 2:8–9). Rabban Yohanan was not focused as much on the halakhic preservation of Judaism, but rather on the memory of a generation and a world lost. He left the halakhic remedies up to his *Nasi* colleague but felt that faith issues and the preservation of the morals and ethics of the previous generation were the key to preserving Judaism for future generations. Or, to use Soloveitchik’s language, he used the mimesis of the previous generation as the means to reconstruction. Both rabbis were engaged in vital projects of continuity. But when it came to recording which of the two sages was responsible for continuing Judaism, credit goes to Rabban Yohanan ben Zakai as being the one who “received the tradition from Hillel and Shamai,” and who successfully passed that tradition onto his students.

Merely continuing the halakhic system of Orthodox practice is insufficient to preserve our *masora*. The ethos and faith of our ancestors must accompany all that we implement religiously if it is going to have any lasting power.

The advent of social orthodoxy has provided us the next chapter of “Rupture and Reconstruction.” It is up to our generation to stem the tide of further erosion. I am hopeful that if we properly identify why we are currently living in the chapter of “Rupture, Reconstruction, and the Loss of Faith,” and if we take the proper steps to prevent further erosion, the next chapter might well be “Restoration.”

<sup>1</sup> Yuval Noah Harari, *Homo Deus: A Brief History of Tomorrow* (Harper Perennial, 2016), 304, *et al.*

<sup>2</sup> Jay P. Lefkowitz, “The Rise of Social Orthodoxy: A Personal Account,” *Commentary* (April 2014).

<sup>3</sup> See, for example, the work undertaken by Dr. Yoel Finkelman at ATID in Jerusalem: [www.atid.org/journal/my](http://www.atid.org/journal/my).

<sup>4</sup> See, for example, *Sanhedrin* 11b.

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## A CHICKEN SOUP FOR EVERY PARSHA

As a child I rarely helped my mother in the kitchen because I was always too busy reading. My bedroom was at the top of the staircase and my mother used to holler up, “Ilana, time to set the table,” or “Ilana, I need you to peel the potatoes.” My response was invariably the same. “I’m in the middle of the chapter, one minute.” But one chapter led to another, one book to another—and generally it was one of my siblings who ended up completing my chores in my stead. Somehow I managed to leave home with hardly any basic kitchen or household skills, and to my chagrin, I can’t say all that much has changed with marriage and motherhood.

For as long as I can remember, I have tried to avoid any tasks that can’t be completed while reading. I never properly learned how to thread a needle or drive a car, because I was always holed up in my room with a book. Alice Shalvi writes in her memoir that as a child she was such a good reader that her teachers would make her read aloud during sewing class, and as a result she never learned how to sew. I can relate. One of the only jobs I could be counted on as a child was to bring up the right chicken soup from the basement freezer. My mother made chicken soup only twice a year, and then froze it in weekly batches which she labeled by *parsha*. Each week I relished the blast of cold air as I stood before the open freezer sorting through plastic containers labeled “*Beshallah*,” “*Yitro*,” “*Mishpatim*,” until I emerged upstairs triumphantly bearing the batch for *Bo*.

I tend to think that I grew up with very little mimetic tradition, and that all my learning as a child was text-based. But now, as an adult, I can appreciate how much I subconsciously imbibed from my parents even with my head in a book. My parents’ way of practicing Judaism defined for me what was comfortable, familiar, and natural, and set the standards for what I would regard as normative religious observance for the rest of my life. Our family kept Shabbat and kashrut. We walked to shul every Shabbat, drove twenty minutes to the nearest kosher butcher to buy our meat, and checked all food items for a *hekhsher* before adding them to our

supermarket cart. As a child I would have said we observed halakha strictly and fully; it is only as an adult that I came to recognize the inconsistencies in our practice.

In my hometown there was no *eruv* for many years, but we nonetheless carried books and snacks to shul, and those who travelled from farther away brought umbrellas when it rained. I did not know there was any problem with opening an umbrella on Shabbat, let alone carrying one to a shul outside an *eruv*, until a friend with a sense of humor in the egalitarian minyan at Harvard ordered a custom-made umbrella with the words “This is not an *Ohel*” printed on the fabric. My parents also turned on lights on Shabbat, in keeping with a Conservative Movement *teshuva*. I never questioned why it was all right to flick on a light switch whereas the television and dishwasher were clearly “*muktze*.” In school we davened once a day, in the mornings; even though we were taught that Jews are supposed to daven three times a day, we never broke for *minha*. Physicists use the term “stable equilibrium” to refer to the state that a system always returns to, even after small disturbances. A ball may roll around the sides of a bowl, but it will always return to its stable equilibrium point at the bottom of the bowl. The religious practices of my childhood defined my stable equilibrium—to this day, my commitment to *shaharit* is more unwavering than my commitment to any other *tefilla*.

The religious practices of my childhood home also defined my stable equilibrium with regard to feminism and egalitarianism. I grew up in a Conservative shul in which men and women participated equally in all parts of the service. As a child I did not sit with my father in shul, but that was only because he was the rabbi so he sat on the *bima*. We children sat in the shade of our mother’s various wide-brimmed hats, playing with race cars underneath the pews while nibbling away at Cheerios packed in plastic bags to keep us quiet. There was no question that we would sit through all of shul even years before we learned to read or daven, and though we weren’t following the service, we quickly absorbed its rhythms—we knew when the ark would be opened, when it would be time to kiss the *sefer* Torah, and when we could run up to sing *Adon Olam* next to Abba.

In our shul women read from the Torah and wore *tallitot*, and so for me these practices have always felt completely natural. They are traditional, to my mind, in the sense that they are the traditions I grew up experiencing firsthand. I continue to feel most comfortable in more egalitarian *minyanim* because this is the prayer environment that seems most normative to me. I have davened in partnership *minyanim* in which men lead *devarim she-biKdusha* and women *leyn* and lead the other parts of

the service, and I find this distinction distracting as well—to my mind, prayer is about people vis-à-vis God, not about men and women. In some ways I would find it easier to concentrate on my davening in a fully Orthodox shul in which women are essentially invisible behind a *mehitza*, because at least there the focus is on men vis-à-vis God rather than on gender dynamics.

My husband Daniel, who grew up in an Orthodox shul, has a different stable equilibrium. He often tells me that he agrees with me intellectually that women and men should have equal roles in shul—he just cannot bring himself to daven in a synagogue without a *mehitza*. I tell him, in response, that I know I should daven *minha* before I pick up the kids, but often I just can't bring myself to take a break. We are too comfortable, each of us, in our stable equilibrium.

In the shul where I grew up, it wasn't just my father who was the communal leader. My mother taught classes and ran a learner's minyan in parallel to the main service until her own professional commitments left her too busy to take on so much volunteer work in shul. I grew up thinking that women could do everything men could do, both in the wider secular world and in the synagogue sanctuary. My mother raised four children and then, at age 35, earned her PhD and launched a meteoric career at UJA-Federation. We used to joke that my father saved the Jews in our town on Long Island, while mother saved the Jewish world.

Given this egalitarian milieu, perhaps it comes as no surprise that I did not grow up hearing the blessing *she-lo asani isha*. In my father's shul, and in Camp Ramah where I spent my summers, and at the Harvard Hillel egalitarian minyan where I davened as a college student, both men and women said *she-asani be-tzalmo*, thanking God for making us in His image. These days I rarely get to shul in time to hear *birkot ha-shahar*, but not long ago, I was at minyan early on a Thursday morning for my nephew's bar mitzva. It was an Orthodox shul and I stood behind the *mehitza* with my three daughters, who were happily amusing themselves with a keychain while I davened. I heard the *sheliach tzibbur* say "*she-lo asani isha*" and I nearly burst out laughing at the absurdity of it. I wanted to holler out, "*She-asani isha!*" Thank God for making me a woman! My religious life has been so deeply enriched by roles that I would not have been able to take on had I been a man. My most spiritual experiences of all time were pregnancy and childbirth. In carrying human life inside me, I felt closest to God as creator. I davened with the most *kavvana* when I was pregnant, conscious of how much was beyond my control even as it was taking place just millimeters beneath the surface of my skin. The experience of bringing life into the world has been my Holy of Holies—it has been my

most profound experience of intimacy with God, and I am so grateful for having had this privilege.

Part of what I found most meaningful about pregnancy is the way in which time became my ally. With every passing day that nothing went wrong—please God, may nothing go wrong, I prayed constantly—I was one day closer to having a new child. Even when I was doing nothing at all, the baby was growing inside me. I found that when I was pregnant, I was less bothered when I had to wait in a long line at the supermarket or the doctor's office, because I knew that even while I was waiting, so much was progressing—like a taxi driver racking up the meter while stuck at a red light. This was true, too, of my experience of *daf yomi*. When I learn a page of Talmud a day, time becomes my ally. With every passing day, I am guaranteed that I will have learned one more page. As someone who likes to feel productive, I have found that both pregnancy and *daf yomi* shaped my relationship to time in ways that I hope to carry over even to those periods in my life when I am not bearing children or studying Talmud. I feel so fortunate to be a woman and to have had both experiences.

Perhaps it is because my experiences of being a Jewish woman have been so positive that I feel no anger when I encounter what some regard as the Talmud's misogyny. Most of the women in the Talmud are identified in relation to their husbands or fathers; very few have independent identities. The Talmud's women seem to spend most of their time sorting lentils, traveling from their husband's home to their father's home, and gossiping with other women by the moonlight—and when they talk to the rabbis, it is often in querulous, hectoring tones. These dependent, disgruntled shrews are hardly suitable role models for girls and women studying Talmud today. And yet when I read about the women of the Talmud, I do not take offense. I regard them as historical curiosities rather than infuriating provocations, because their experiences are so far removed from my own. The women of the Talmud seem like extinct creatures, not like victims of the same patriarchal society that has oppressed me. I have never felt oppressed, and so I don't identify with these women in their oppression. Rather, when I encounter Talmudic women—many of them nameless and voiceless—I feel so grateful for how far human history has come. *Barukh she-asani isha* in the twenty-first century, and not in the first!

People often ask me how my religious practice has changed since I started learning *daf yomi*. I think they expect me to say that I'm so much more *frum* now that I've learned scores of Talmudic pages about *muktze* and *dinei ta'arovet*. But the truth is that my observance has not changed very much at all. Yes, in front of my children, I try to cover up my



inconsistencies. I don't want them to see me failing to conform to every letter of the law, because I'd like them to have a different mimetic model when it comes to these lapses. But when it comes to my own practice, it is hard to believe that they are truly lapses.

I suppose one way in which I've become more *frum* since I began studying *daf yomi* is that I've stopped reading secular literature in shul. I have always brought books with me to shul to keep me busy in between *aliyot* and during the repetition of the *musaf amida* (and yes, I confess, occasionally at other times too). Whereas I used to read novels in shul, now I only learn *daf yomi*. It makes sense to me to learn in shul because I think of learning as an act of devotion not unlike prayer, much the way Prof. Soloveitchik describes the role of learning in the traditional world: "The purpose of study (*lernen*) was not information, nor even knowledge, but lifelong exposure to the sacred texts and an ongoing dialogue with them. *Lernen* was seen both as an intellectual endeavor and an act of devotion; its process *was* its purpose" (83). I could not describe my attitude toward *daf yomi* more aptly.

That said, I do think my *daf yomi* study has had a practical impact on my life, even if not primarily in terms of my religious observance. Above all, my study of Talmud has taught me to be a better parent. I have known, for a while, that I am a much better parent in public. When I am home alone with my children, I am often quick to anger and slow to forgive. When my son spills his water for the second time during dinner, I tend to grow exasperated and yell at him instead of helping him find a better place for his cup. But when we're in the playground, playing alongside other children and their parents, and my kids spray water from the fountain on each other, I merely exchange eye-rolling glances with other parents and let the kids work it out. Somehow the knowledge that I am being watched enables me to hold myself in check, to restrain my frustration and anger, and to judge my kids favorably.

Not long ago I came to a story in *Masekhet Berakhot* (28a) about Rabban Yohanan ben Zakkai's deathbed blessing to his disciples. He told them, "May it be God's will that your fear of heaven be as great as your fear of flesh-and-blood human beings." His disciples were taken aback. "*Ad kan?* Is that all?" Their master responded, "If only it were so. Know that when a person transgresses, he says, 'May no man see me.'"

Rabban Yohanan ben Zakkai knew that it is often much easier to act properly in public. When we do something wrong, we are much more likely to hope that no one else witnessed our act than to worry about what God observed. But as we learn in *Hagiga* (16a), "Anyone who commits a sin in secret—it is as if he is bumping against the legs of the

divine presence.” The rabbis quote a verse from Isaiah: “The heavens are my seat, and the earth is my footstool” (66:1). *Hazal* imagine God sitting on a divine throne up in heaven with legs dangling down to earth. Any time we sin when we are alone, we are in fact bumping up against God’s feet. These sources remind me that while it is all too easy to sin when alone, it is in fact when we are by ourselves with no one else around that we have the greatest potential for intimacy with God.

There is much talk these days of helicopter parenting, but after learning the story about Rabban Yohanan ben Zakkai on his deathbed, I have found it more instructive to think not of parents who hover, but of those who hover over us as parents. I’ll admit it’s hard to imagine the legs of the divine presence dangling down into my living room—I suppose this is the *yirat shamayim* that Prof. Soloveitchik writes about experiencing as a child in shul during *ne’ila* on Yom Kippur, and now, as an adult, encountering no longer. But I do find it helpful to imagine that a friend or neighbor has stopped by and is sitting beside me as I feed my kids dinner or read them bedtime stories. And so I’ll sit there reading *Goodnight Moon*, following along as my daughter points to the pictures, but all the while I am thinking of the little old lady who sits there watching. Just when I’m about to lose my temper, she rocks back and forth and whispers hush.

It is often at bedtime that I try to share my love of learning with my children. I *leyn* at least one *aliya* from the *parsha* to them every night, trying to get through all seven by Shabbat. Before they fall asleep I *leyn* to them the three paragraphs of the *shema* and sing the full *Anim Zemirot*, hoping that this will train them to recognize *ta’amei ha-mikra* and to lead the congregation in prayer. During the day, while we are waiting for the bus or sitting in the dentist’s waiting room, I take advantage of the down time to teach them verses from the Torah or sayings from *Pirkei Avot* that I’d like them to internalize. No *pasuk* is too mundane, and I have a preference for those that can be metrically scanned and therefore easily set to music: “*Oto ve-et beno lo tishhatu be-yom ehad*,” I once sang repeatedly to my toddler, who then belted it out on the Jerusalem light rail to the dismay of our fellow passengers. I thought they would kill us both.

When we are in shul, I struggle to find the right balance between focusing on my own davening (thereby trying to model a serious davening practice) and keeping the kids occupied and engaged (look at the Torah go up, up in the air!). I *leyn* regularly and always bring one child up to the *amud* with me, usually one of my daughters – she stands on a chair next to me and I let her hold the *yad* between *aliyot*, so that she will

## TRADITION

also grow up feeling *ki karov elayikh ha-davar me'od*. My children come with me to shul, but they also often go with their father to an all-male minyan at the Kotel at dawn. I wish my children watched me daven in the morning, but I never open a siddur until they are at preschool; I daven outside the schoolyard after dropping off the last of the four. I'm not sure if they know I daven in the mornings, and this gives me pause. I am conscious that what we model and expose our children to when they are young and impressionable will define their standard equilibrium, and I feel the yoke of this responsibility in much the same way I feel *ol malkhut shamayim*.

And yet even as I'm constantly trying to model for my kids, I'm aware of how much of my own learning remains text-based rather than mimetic. My idea of preparing for Pesach is attending as many shiurim and reading as many new *haggadot* as possible so that I have insights to share at the *seder*—my sister-in-law does all the cooking, as I couldn't cook for Pesach to save my life. Sometimes I get creative in the kitchen, but if so, it's generally to make a parsha-themed cake like a *sullam Ya'akov* made of licorice strands with marshmallow angels that don't quite stick to the cake, since I've never been good at icing. I am still the girl who was always too busy reading to pick up any practical life skills, except that I can't call myself a girl anymore. I'm a woman, and I'm living at what is arguably the most exciting time to be a woman in Jewish history. As a twenty-first century Jewish woman, I hope I will succeed in merging the mimetic and the textual—modelling for my children a commitment to engaging seriously with Jewish texts. My daughters will probably not inherit any recipes from me, but I would like to imagine that one day, at least one of my daughters or granddaughters will be excited to inherit my volumes of Talmud, covered with all my handwritten notes. Today's commentary is tomorrow's text. Perhaps, if I should merit to be so lucky, she will read through my marginalia and scribble her own.

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## OFF AND ON THE *MIMETIC DEREKH*

I vividly remember reading Professor Haym Soloveitchik's "Rupture and Reconstruction: The Transformation of Contemporary Orthodoxy" when it first appeared twenty-five years ago. As a young rabbi, I was captivated by each example Professor Soloveitchik adduced to demonstrate that the "mimetic tradition," in which students often learned from example, had been replaced with a "text-based authority."

When I read the essay, however, I had no idea how foretelling and relevant it would be a quarter of a century later. At the time, it resonated with many in our community because of the popular focus on new *humrot*, results of the "text-based authority." The cynical comment was that stringencies were proliferating at such speed that we were all members in a "*Humra* of the Week Club."

In retrospect, I realize that the emphasis on *humra* had two damaging outcomes. The boundaries between halakha proper and *humra* became obscured, to a point where people confused the two. Halakhic observance was negatively impacted, particularly for younger segments of the Modern Orthodox community.

The following incident occurred about the same time that "Rupture and Reconstruction" appeared and demonstrates how seriously halakha and *humra* had become confused. I was teaching a class on "Responsa Literature and Hilkhot Shabbat," when a member challenged a fundamental principle in the laws of Sabbath observance, "Rabbi, I think you should rethink your position. This isn't halakha. This is just a *humra*." At that time, I found it difficult to present any halakhic matter without being challenged to prove I was not teaching "just *humrot*."

The same occurred when kosher organizations announced that insecticides were no longer effective, requiring the cleaning and inspecting of vegetables and fruits to be free from insects. Until this very day people complain, "When I was growing up no one checked fruit and vegetables; since when did fruits and vegetables become *treif*?" The sense that halakha had been "taken hostage" by those who were interested in stricter observance was part and parcel of our lives, and Soloveitchik correctly

associated this development with our move from “mimetic tradition” to “text-based authority.”

There was a second response as well. Not long after “Rupture and Reconstruction” appeared, a prominent rabbi confided to me in a prophetic tone, “We have arrived at the ‘tipping point’—one more *humra* and we’re going to overwhelm the *ba’alebatim*—the entire halakhic edifice is going to implode!” Twenty-five years later, we are seeing the realization of that rabbi’s gloomy prediction.

The warning signs were already discernable in Soloveitchik’s 1959 personal account of his travels to Israel to celebrate the High Holidays in a Bnei Brak haredi yeshiva. He describes how powerful and intense the prayers were:

...certainly far more powerful than anything I had previously experienced. And yet there was something missing, something that I had experienced before, something, perhaps, I had taken for granted... I grew up in a Jewishly non-observant community and prayed in a synagogue where most of the older congregants neither observed Shabbat nor even ate Kosher. They all hailed from Eastern Europe... Most of their religious observance, however, had been washed away in the sea-change, and the little left had further eroded in the ‘new country.’ Indeed, the only time the synagogue was ever full was during the High Holidays. Even then the service was hardly edifying. Most didn’t know what they were saying, and bored, wandered in and out. Yet, at the closing service of Yom Kippur, the *Ne’ila*, the synagogue was filled, and a hush set in upon the crowd. The tension was palpable, and tears were shed. What had been instilled in these people in their earliest childhood, and which they never quite shook off, was that every person was judged on Yom Kippur... These people did not cry from religiosity but from self-interest, from an instinctive fear for their lives...What was absent among the thronged students in Bnei Brak and in other contemporary services – and, lest I be thought to be exempting myself from this assessment, absent in my own religious life too – was that primal fear of Divine judgment, simple and direct (98–99).

Today, we are not just missing tears at *ne’ila*; we are missing people, too. In my own community, I have witnessed numerous young people leave Torah observance. From discussions with colleagues across the country and in Israel, the same situation is being duplicated in their communities. The problem is so concerning that we have given it a name: “going off the *derekh*,” or in shorthand, OTD. The 2017 Nishma Research Profile of American Modern Orthodox Jews concluded that

there were several factors leading to the abandonment of religious observance.<sup>1</sup> Among these, particularly for men, is the issue of extensive focus on halakhic minutiae and a lack of spirituality.

Although the study indicated that this last issue is a concern only for 10% of respondents, in my rabbinic work, I have often found this to be the core of the problem. Recently at a wedding, a young man told me that he brought *tefillin* along, because he knew many of those men present would not have put on *tefillin* that morning. With pride, he informed me that at the late afternoon reception he had encouraged nine young men to lay *tefillin* and recite *shema*. At first, I shared his sense of accomplishment and was delighted to hear that he was so successful. When I looked around, however, I realized that many of those he encouraged were not young men raised in non-observant homes and communities, who had never been exposed to this *mitzva*; rather they were graduates of yeshiva high schools and some had even attended yeshivot in Israel.

Unfortunately, this story is not an isolated experience. At that same wedding, a prominent professor of Jewish education recounted that she hears such stories all the time, in all segments of the Orthodox Jewish community. She noted that today our problem is not that our kids have been exposed to the difficulty of being religious. That was yesteryear, when one honestly had to sacrifice to be a Shabbat observer or to eat kosher. She recalled Rabbi Moshe Feinstein's heartbroken observation that so many European immigrants lost their children to Torah observance because the younger generation heard nothing except their parents' Yiddish complaint that it was "difficult to be an observant Jew." Clearly, this is no longer our reality, this professor suggested. (It is true that, today, many find living an Orthodox life to be *financially* challenging, often attributed to tuition costs—as Nishma's study finds. Still, that is not a difficulty in observance itself, but in providing Jewish education for their children.) Today, the professor continued, the challenge is that we are blessed with a very good life and we still complain. She noted that one often hears people bemoan a "three-day Yom Tov" or grumble something like, "Can you believe it? I have to attend way too many *semahot* this month." She concluded, "Our kids haven't been inspired to perform *mitzvot*. They are being taught the details of observance but not its underlining beauty and consequently abandon a Torah life."

With this realization, we can understand that many of our youth, who were never exposed to hasidut in the past, have become interested in neo-hasidut. Our youth perceive something missing in their lives, and they believe the contemporary iteration of this spiritualist movement will provide them the inspiration that they seek. They view the teachers and

leaders of this movement as the personification of a “mimetic tradition,” who can transform their lives much more than any “text-based authority” which they encountered in yeshiva. Of course, neo-hasidut is often rooted in text, as well; still, it advocates for meaningful “big picture” Torah learning over focus on halakhic minutia. In an interview that took place in 2014 with one of the most popular leaders of the neo-hasidic movement, Rabbi Moshe Weinberger, founding rabbi of Congregation Aish Kodesh in Woodmere, New York, and the past Mashpia at Yeshiva University, addressed why he felt the movement attracts Modern Orthodox Jews.

I find that people have heard thousands of sermons proving how one *pasuk* and another can [be reconciled] and explaining whether or not we can eat from disposable tin pans without *toiveling* them. These are all very important issues. I’m not, God forbid, making light of any of these things. Every detail of halachah is significant. However, there was a feeling that the broader picture of all of these details was not coming together. How do they coalesce? How do they come together to bring me to a greater, more effusive and more intense relationship with *HaKadosh Baruch Hu*? As Rav Avraham Yitzchak HaCohen Kook wrote many times, the last generation, before Mashiach comes, will no longer be satisfied with just the details, with just the trees. They will want to be able to see the forest. And whether it’s the teachings of *Chassidus*, or the teachings of the Ramchal or the Vilna Gaon, when a Jew gets a peek at the breathtaking panoramic view of what it means to be a Jew, he’s very excited and he wants to have a part of it (*Jewish Action*, Winter 2014).

Twenty-five years after Soloveitchik wrote “Rupture and Reconstruction,” we must assess how to proceed in educating our communities in our schools, synagogues, and homes. There has been an unprecedented and inspiring growth in Torah observance. Although this is laudable, rabbis must focus not only on teaching the letter of the law, they must also instill the spirit of the halakha by preserving all that was positive in the mimetic approach. This starts with teachers and rabbis modeling an emotional commitment to Judaism and observance. Students must see it in the classroom and hear it from the pulpit. As Dr. Jay Goldmintz writes regarding the state of Orthodox belief today, “We need to be proactive and intentional in educating our children about passion and connection.”<sup>2</sup> Our children will then appreciate the beauty of a life of *mitzva* observance.

Time will tell what the next quarter century has in store for us, but Professor Soloveitchik’s essay will continue to reverberate, as it has proven

prophetic during the twenty-five years since it first appeared in the pages of this journal.

<sup>1</sup> Available at [www.nishmaresearch.com/social-research.html](http://www.nishmaresearch.com/social-research.html)

<sup>2</sup> Jay Goldmintz, “The State of Orthodox Belief,” *Jewish Action* (Summer 2019), 68.



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## WHAT RUPTURE?

**T**he enduring relevance of Professor Haym Soloveitchik's "Rupture and Reconstruction" lies in its deep resonance with the reader's own intuition. Many readers knew before encountering the essay that their Judaism was somehow different from that of yesteryear, yet they encountered difficulty in articulating (those who tried) the distinction. This was until Soloveitchik came and did so on their—and our—behalf, explaining how the Jewish dynamic has indeed shifted. Like much great writing, reading "Rupture and Reconstruction" causes us to experience a sense of rapport at the meeting point between our own intuition and its elegant expression.

However, reading Soloveitchik also causes many readers, myself included, some discomfort. Rupture? Reconstruction? Really? Minus technological advances, I would hazard that a nineteenth-century Jew from Bialystok and a yeshiva student from Slobodka would feel quite at home in Monsey and Lakewood, respectively. The latter might raise an eyebrow at changes in halakhic minutiae such as those noted by Soloveitchik—sitting or standing for *havdala*, the quantity of matza we consume on seder night, or the omission of certain *piyutim* that time has not been kind to—but these changes do not amount to rupture.

Rupture suggests something torn apart abruptly. Relationships can be ruptured by tragedy and pipes by overly high water pressure. We generally do not employ the word for something done in a controlled, intentional manner, certainly not when the relevant act involves an ongoing historical process. For this reason, as I will try to explain below, the word rupture is misplaced in describing the trends that Soloveitchik discerns.

That is of course not to say that there was no change. Change there surely was, and significantly so. Identifying the underlying cause of this change will help in understanding why rupture seems to be an inappropriate term, and why the same change is today experiencing something of a recession.

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Post-war yeshiva society deviated from traditional societies of pre-war years in one highly significant way—at which both the Jew from Bialystok and the yeshiva student from Slobodka would rub their eyes in disbelief. This is the exponential growth of the yeshiva world itself, and specifically that of the *kollel* institution. It is important to realize that this was the engine that induced the change in halakhic praxis identified by Soloveitchik. And while a small, mirror experience took place in the US, the engine itself ought to have “Made in Israel” stamped on it in big, red letters.

Rabbi Simcha Elberg, an American rabbi and scholar, writing at the end of 1964 described the city of Bnei Brak as *olam ha-humrot*, “a world of strictures.” Reflecting on his recent visit to the city, he wrote that

The Bnei Brak ideal embodies a great revolution in the entire gamut of religious life. Bnei Brak searches for stringencies rather than for leniencies. The rest of the world, even the observant, generally searches for leniencies. [...] Not so in Bnei Brak! A kollel student living under the spiritual influence of the Hazon Ish [...] will search for the opinion that prohibits, the stringency. He does not search for and does not rely on the lenient opinion, but rather on those who are stringent. Bnei Brak embodies a totally separate world, a world of the highest ideal of Torah elevation. In the presence of the purity of the ideal, all must bow their heads.<sup>1</sup>

The *kollel* model he references, of which a limited edition was later established in the US, empowered the shift in halakhic mindset that Elberg is so deeply stricken by. The swiftness of the change reflects the remarkable growth of the model, which is justifiably described by the former Slonimer Rebbe as a miracle and wonder:

The matter of the *kollel* students, who have the merit of their Torah being their vocation, is also among the wonders of the generation that is very difficult to understand with common sense—how so revolutionary a change came suddenly to pass, thanks to Hashem, which continues to prosper especially in the past ten to fifteen years, in which the majority of *avrechim* stay in the tent of Torah, and this is the trend for their entire lives. A person born into this generation cannot correctly evaluate the greatness of the wonder. Only those who knew previous generation stand in amazement, astonished at the wondrous vision that is being realized before our eyes.<sup>2</sup>

A “learners’ society,” to use the expression coined by Israeli sociologist Menachem Friedman, serves to isolate its members from the walks of life the average citizen experiences. In turn, and not by chance, this isolation influences the internal dynamic of the study hall and its halakhic mindset. In an article entitled “The Secluded Torah World,” Eliyahu Levi writes of how “Yeshiva study is by definition detached from the real world, for the very goal of the bet midrash is to create an alternative reality from that on the outside.”<sup>3</sup> The detachment of the yeshiva study hall from the “real world” is its inherent strength; it molds a human archetype that lives a different reality, speaks a different language, and is beholden to different value and ethical systems than those “on the outside.”

In contrast, the community rabbi, while thoroughly engrossed in Torah study, breathes the same air and shares the same life experiences as his congregants. His halakhic mindset, the spirit in which he infuses the word of God into everyday human life, is attuned to the reality of this experience. In the newly formed yeshiva community, the student breathes the “pure air” of the bet midrash and experiences its isolated reality, without the stimulus of meeting people with different values and convictions. As opposed to the former, the latter’s halakha, that of thousands of high-level students engaged in textual scrutiny, will naturally tend to the textual, ascetic, and strict.

Thus while Soloveitchik’s frame of reference is American yeshiva culture, it seems that the American experience was to a large degree an export from Israel, where it developed under Hazon Ish and his disciples. It was specifically in Israel that the halakhic ascendance of *Mishna Berura* was established. In the United States, Rabbi Yosef Eliyahu Henkin ruled that *Arukh ha-Shulhan* is the more definitive and authoritative decisor of halakha.<sup>4</sup> Rabbi Moshe Feinstein, whose great halakhic opus followed the classic tradition of leading European rabbis, is reported to have agreed. Not so Hazon Ish. It was also in Bnei Brak that the new model of total rabbinic leadership, as noted by Soloveitchik, became entrenched; and it was there that rulings of the Vilna Gaon became ubiquitous custom, overruling previous tradition. The new halakhic phenomenon, characterized by Soloveitchik as a shift from a mimetic tradition to a textual one, was a predominantly Israeli novelty.

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How did the new model come about? Like every major sociological shift, the establishment of the *kollel* model cannot be attributed to any single factor. Several should be mentioned, most notably the urgent need to reestablish the decimated institutions of Torah study. Coupled with this

was the social imperative to isolate from general Israeli society and (the great success of) secular Zionism, and the arrangement whereby deferral from compulsory army service (considered a dire threat to religious observance and to haredi identity) was made contingent on full-time Torah study.

Though far-reaching, and not without numerous unintended consequences,<sup>5</sup> the measure was deemed essential in order to rehabilitate the past.<sup>6</sup> Moreover, it was intended as a temporary measure, to be reassessed at a later time.<sup>7</sup> Looking to the present, it is clear that the process continues to unfold and develop, switching direction in keeping with changing circumstances.

Haredi-yeshiva society in Israel is today undergoing a trend of increasing integration into broader Israeli society. This involves a slow and challenging process, encompassing such areas as workforce participation, higher education, high school education (which is key to better success rates at high-level integration), and even participation in the IDF.<sup>8</sup> It remains in its early stages, and questions over how to facilitate deeper integration while preserving core community values loom heavily over the various elements of the project. Communities and institutions for so-called “working haredim” (among a range of other names) are gaining traction, even as questions of religiosity and identity remain to be answered.<sup>9</sup>

In the haredi yeshiva bet midrash, a parallel restlessness is starting to show. Young Torah scholars of today, even those fully immersed in their studies, are more involved in the ways of the world than those of yesteryear. The atmosphere in which they grow is far removed from the ideological wars of the mid-to-late twentieth century. Internet has transformed the hermetic isolation of their parents’ generation to a “soft isolation” permeated by significant elements of popular culture (even among the staunch, few remain unexposed to the wildly popular *Shtisel* TV series). They also tend to think about their future more than was common in the past, whether in terms of making a living or in terms of self-fulfillment; some even invest in learning rudimentary English and mathematics. Many are involved in Torah occupations that they can do “on the side” (such as writing and editing or selling *arba minim*), while others assist their wives in their professions.<sup>10</sup> And by and large, notwithstanding lingering tensions and the vociferous opposition of extremist groups new and old, most feel a strong identification with the State of Israel.

The all-important question, voiced inside and outside of the bet midrash, is simply, “How is our Torah study relevant for life outside the study hall?” To once again cite Levi, who ultimately left his yeshiva

studies for academic horizons, “My attempts to apply Torah knowhow in the harsh reality of the world outside the study hall, to make it relevant and contemporary, came to naught.”<sup>11</sup> The quest for contemporaneity is among the foremost causes of fresh energies leading the yeshiva world in uncharted directions. *Kollelim* and study programs have been established for study of Tanakh, an area hitherto unexplored in haredi study halls; a haredi journal for the study of Tanakh was even recently established.<sup>12</sup> Young Torah students flock to external *shiurim* given by a range of rabbis, disciples of such original thinkers as Rabbi Leib Minsberg and Rabbi Yitzchak Shlomo Zilberman, who engage in reflective thought and translate yeshiva codes into a modern Hebrew resonant with Israeli culture. Some (albeit fewer) go so far as to study under religious Zionist rabbis, including such colorful figures as Rabbi Yisrael Ariel (of Yitzhar, a popular destination for haredi pilgrims). External study programs that merge Torah thought with policy issues including economics, nationalism, and political theory have also become commonplace.<sup>13</sup>

The embourgeoisement that Soloveitchik mentions, referring to America, is taking place today in Israel—the typical *avrekh* might even own a car, a rare phenomenon twenty years back—but with altogether different effects. While Soloveitchik believes that American embourgeoisement led to a process of halakhic textualization, in Israel the opposite is the case: closer encounters with the worldly are leading Torah scholars to question how their Torah is relevant for the world, and to search for layers of meaning previously lost in the endless sea of Talmudic text.

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The first step toward healing Soloveitchik’s rupture is to redefine it—not as a rupture but as a dynamic progression. Many Jews continue to live a life deeply infused with tradition, notwithstanding the growth of the yeshiva world. While our mindset vis-à-vis the study and practice of halakha has shifted, this has occurred as part of a dynamic essential for the preservation of the Jewish People and its core values in ever-changing circumstances. This was surely the impetus of Hazon Ish when he founded the “learners’ society” to rehabilitate the decimated Torah world. It was indeed a novelty, but one finely attuned to the needs of the hour.

We should not anticipate a return to the transmission of tradition as things were in yesteryear (or as we might like to think they were). The next phase is not the abandonment of textuality, but rather its realization—not as arbitrary and untraditional strictures, but as philosophical and practical principles that infuse everyday life with Jewish meaning.

Narrowing the gulf that separates between the bet midrash and the “real world” is the very healing we await; but we should also realize that absent the initial gulf—absent the isolated development of yeshiva society—we would not be able to reap the advantages of the final reconciliation.

Let us not rupture and reconstruct, but rather let us continue to write the next chapter in a coherent serial forever transmitting, sometimes more smoothly and sometimes less, from chapter to chapter. The current chapter includes moving parts of tremendous consequence, far beyond the intricacies of halakhic minutiae alone. They relate to the big questions of what Jewish living looks like in today’s world, of the Jewish approach to engaging modernity, of how we experience the encounter with God, and of how to define Jewish morality and ethics in times of deep moral confusion. Haredi rabbinic figures are beginning to address these issues for the first time, responding to growing demand on the haredi and non-haredi street.<sup>14</sup> The yeshiva itself is forging fresh paths to new horizons.

As we participate in the formidable task writing the serial’s next chapter, we can only hope and pray that our contribution will meet the same *siyata di-shemaya* and success as those initiated by our forebearers.

<sup>1</sup> Simcha Elberg, “*Yerushalayim Shel Ma’ala ve-shel Mata*” [Hebrew], *Diglenu* (Kislev-Tevet 5725).

<sup>2</sup> Shalom Noach Berezovsky, *Diglenu* (Nissan 5743 [1983]).

<sup>3</sup> Eliyahu Levi, “The Secluded Torah World,” *Tzarich Iyun* (November 2018), <https://iyun.org.il/en/sedersheni/the-secluded-torah-world>.

<sup>4</sup> Yehuda H. Henkin, *She’elot ve-Teshuvot Benei Banim* [Hebrew], (1992)2:8.

<sup>5</sup> For some of the challenges of the *kollel* system today, see Yaakov Botchkovsky, “Kollel For its Own Sake,” *Tzarich Iyun* (Tamuz 5779) [Hebrew] (<https://iyun.org.il/article/avreichim>), and the response articles published alongside.

<sup>6</sup> See Yehoshua Pfeffer, “Toward a Conservative Chareidi-ism,” *Hakirah* 23 (2017), 17–42.

<sup>7</sup> The temporary nature of the system whereby virtually all men spend many years in *kollel* study and working outside of Torah professions is generally shunned is often noted in the name of Hazon Ish; I have heard first-hand testimony of similar statements made by Rabbi Elazar Menachem Shach. See, for instance, Dov Lipman, “A Leading Haredi Rabbi’s Revealing Words,” *The Jewish Press* (December 3, 2015, citing from Rabbi Yehoshua Eichenstein, a leading rosh yeshiva in Israel): “The Holocaust came and there was a destruction of Torah. The Chazon Ish said, ‘Now we have to establish the world of Torah anew. The Torah world was destroyed, the Torah world has to be rebuilt anew. But in order to rebuild the Torah world anew, all have to sit and learn after their weddings.’ . . . Now, is someone going to try to tell me that that was not a temporary decree? If the generations before that time did not do this and the Chazon Ish said, ‘Because of the Holocaust we must do this.’ I want

to know based on defining the words – what is this? This is not a temporary decree? Now the Torah leaders have to decide – that temporary decree of the Chazon Ish, when does it end? Is it over or if it's not over, when will it be over?"

<sup>8</sup> See, for instance, the Taub Center's *State of the Nation Report 2017* on haredi integration in the workforce, available at; for the IDF, see Yonatan Branski, "Integrating without Changing: Military Service as a Catalyst for Haredi Integration in Israeli Society," *JISS* (October 31, 2017; <https://jiss.org.il/en/haredi-integration>).

<sup>9</sup> See Pfeffer, above note 9.

<sup>10</sup> For one aspect of male intervention in women's breadwinning role, see Leah Fishoff, "Let Them Choose," *Tzarich Iyun* (February 2019).

<sup>11</sup> Ibid., above note 5.

<sup>12</sup> Following the famous words of Rashbam (Genesis 37:2), the journal is entitled *Peshatot ha-Mithadeshot*.

<sup>13</sup> Examples are study programs hosted by the Van Leer Institute, the Tikvah Fund, the Shacharit Institute, the Hartman Institute, among others.

<sup>14</sup> An good example of this is Rabbi Asher Weiss, who is frequently consulted in a halakhic capacity by hospitals, by the army, by the police force, and by other government institutions.

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## ***RUPTURED GENDER ROLES IN A TEXT-CENTERED WORLD***

**I**n returning to “Rupture and Reconstruction” more than a decade after my first encounter with it as a college student, I find myself appreciating entirely new dimensions of the essay. While an undergraduate at Stern College, I had the good fortune to study the history of halakha with Professor Haym Soloveitchik. It was easily one of the best courses I have ever taken in any educational setting. By that time the essay had taken on mythological proportions, and Soloveitchik was not generally inclined to discuss it too much with his students, reminding us that he was a historian and not a contemporary sociologist. With apologies to my professor, it now seems to me that the essay’s deep historical observations raise important questions about at least one subsequent sociological development: the rise of women’s Torah learning and religious leadership more broadly. Indeed, Soloveitchik himself anticipates the relevance of this topic in the essay’s first footnote. Yet perhaps the absent discussion of women’s learning in “Rupture and Reconstruction” also points to a deeper difficulty. Whereas in a mimetic world, the Jewish woman had a clear and essential role in the perpetuation of Jewish tradition, in our contemporary world, some of this certainty is lacking. Women’s scholarship has hardly compensated for this void, and there is a sense in which the modern Jewish woman is caught between two divergent modes of being.

“Rupture and Reconstruction” famously maps the transition from a traditional form of Judaism passed down through direct example to an often more punctilious observance mediated by texts and educational institutions. We still live in the latter religious climate that Soloveitchik identifies in his essay. One subsequent development is that many of the Modern Orthodox individuals who turned to the right along the lines that Soloveitchik describes have since fully crossed over to the Haredi camp. Others have created a kind of Modern Orthodox-Haredi fusion that may not have existed in the same form when the essay was first written. At the same time, left-wing Orthodoxy or “Open Orthodoxy” has



also gained a following. It is unclear how Open Orthodoxy's emphasis on inclusion and political activism maps onto Soloveitchik's divide between mimetic and text-based Judaism.

Because this spirit of progressivism continues to make inroads into parts of the Orthodox community, we are continually confronted with questions regarding the role of women within Orthodoxy. In nearly every subset of the Orthodox world, each in its own way, women's formal learning is now ubiquitous. Most of the time it is not the rigorous Talmud study that Orthodox feminists might have imagined. One might even argue that some higher-level efforts in this arena have plateaued. But it does seem that across the Orthodox world more and more classes are offered for women, Passover programs feature popular female speakers, and the pages of Jewish magazines and newspapers are filled with writing by, if not always images of, intelligent, well-spoken women who are conversant in their faith. This dynamic seems in part to reflect the text-based Jewish culture in which we live. A hunger for Jewish learning brings women outside of their home. A practical halakha class by a local rebbetzin or an inspiring article on Chabad.org may in some ways evoke or even self-consciously recall the mimetic world of yore, but in truth, these modes also reflect a textual universe in which authority stems from outside the domestic realm rather than within it. As Soloveitchik discusses in the essay, there is a way in which a turn to texts over traditional transmission in the halakhic sphere presents a potential move toward democratization of Torah learning more broadly. This may efface traditional distinctions for women and men even as those distinctions may take on greater significance due to the content of the texts in question being taken more seriously.

In that sense, the turn to texts may not inevitably disrupt traditional gender roles in the Orthodox community. Such roles are perhaps accentuated by greater familiarity with and fealty to halakhic texts and norms, especially on a surface level (hair coverings and the like). Yet one of the unspoken assumptions of "Rupture and Reconstruction" is that a mimetic tradition is also one that has been historically mediated by women as much as men. Call it the "housewife's religious intuition" (66). It is in the Jewish home, ground zero for mimetic transmission, that the Jewish woman shined brightest. Inherent in this division, between the home and the yeshiva, between a sense of "intimacy" with God and an awareness of His "yoke," to paraphrase the famous last line of the essay, is a kind of complementarity. The authority of texts was certainly present in a mimetic world, but it was tempered by the more grassroots transmission of Jewish life represented by the home. While many women now follow a

male lead in carving out Torah learning opportunities in our modern climate, in a mimetic world they purveyed the tradition in a way that was specifically female. While Soloveitchik makes a compelling case for the historical supersession of one way of life for another, I wonder if what we are also seeing, beneath the surface, is the disruption of a delicate balance between men and women that had been cultivated over centuries.

While women continue to make strides in the world of Jewish learning, in both the elite and popular realms, at the moment the prospect of a serious female halakhic authority remains distant. Whether the question of external communal expectations or internal female motivation is responsible for this is another question, but ascribing responsibility or blame does not change the present reality. I often wonder if this new standard for Jewish greatness, along the contours that Soloveitchik outlines in describing our text- and yeshiva-centered modern religious culture, necessarily downplays the contributions of women who continue to nurture the physical and spiritual needs of their families and neighbors in the way that their foremothers did. And if the standards for the ideal religious woman change, could it be long before the reality on the ground also shifts? Is it likely that their male partners will fill in the void? Or, more likely, that some of these needs will simply go unfulfilled? It's instructive to see the language Soloveitchik uses when contrasting pre-war Jewish society with postwar. When looking to the past, he invokes "parents and friends," "men and women," who perpetuate Jewish life and identity in the domestic sphere, on the street, in synagogues and schools. As the locus moves toward formal institutions of Jewish learning, the gender balance is inevitably disrupted. The Orthodox feminist response was an attempt to correct this bias, rather than return to an irretrievable past. However, contemporary left-wing efforts to aggressively place women in roles of religious authority only seem to dilute the standards to which everyone subscribes. It is not always clear how certain strides toward "progress" for women might also have unintended, or even reverse effects.

Counterintuitively, as the world becomes more female-friendly, and takes most Orthodox communities along with it, those who advocate most stridently for "change" continue to hold women to a traditionally male standard. Appreciating the profound gifts that women have brought, and continue to bring, to the Jewish home and the broader community is one potential casualty of our new text-centric religious culture. The modern religious woman, more so than her male counterpart, remains suspended between the two worlds outlined in "Rupture and Reconstruction," which in their extreme forms are each unhealthy in their own way. In this position, she may also form something of a bridge that could enable a synthesis of the two.

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## HOW ZIONISM IS RECONSTRUCTING AMERICAN ORTHODOXY

Professor Haym Soloveitchik's magisterial article, "Rupture and Reconstruction" is usually remembered for documenting Orthodoxy's shift to the right, exemplified by the increased size and attention to the *shiurim* of *matza* required at the seder. The article became a watershed because it confirmed that, notwithstanding the claims of simply adhering to tradition, the *humrot* introduced first into haredi and then Modern Orthodox practice in the latter half of the twentieth century were indeed of recent vintage. That this thesis was presented by a member of the family associated with these shifts, and one who bears the name of one of its most important progenitors, underscored the cultural significance of the article's publication.<sup>1</sup>

"Rupture and Reconstruction," however, is about far more than *humrot*. For Soloveitchik, the real shift centers on a re-orientation of what it means to be religious. Prior to the "rupture" described in the article, Judaism was not an identity one wore, but a description of what one was. Halakha always shaped the contours of Jewish life, but it was life as embedded and modeled in the home and community (a "mimetic culture") that structured the framework of existence. Modernity, argues Soloveitchik, made us wealthier and more comfortable with consumer culture, and presents an intellectual climate where even the devout experience God less viscerally than our forefathers. How then, does one connect to the divine? In Soloveitchik's telling, through increased attention to the technical halakhic parameters of everyday religious activities. Recitation of *berakhot* on common foods, or wearing *tallit katan*, transitioned from familial and familiar associations of "what Jews do," into overtly "religious acts" defined by punctilious adherence to the textual tradition reflected in the *Magen Avraham*, *Mishna Berura*, or any of the newly emerging halakhic works exemplified by a two-volume treatise on *sefirat ha-omer*.<sup>2</sup> The core of Soloveitchik's thesis might be rephrased as: "From

the day Europe was destroyed, God can only be found within in the four cubits of halakha.”<sup>3</sup>

In many ways the interceding years have yielded additional evidence of this trend. Glatt kosher meat, once the province of a pious few, has become the standard—as non-glatt meat is virtually unobtainable in the American kosher marketplace. More recently, concerns over the presence of bugs in vegetables, fruits, and even water, offers an easy update of Soloveitchik’s narrative regarding the *shiurim*. As a family friend who entered observance in the post-war South once noted to me, “When I was younger, the vegetables were kosher and we worried about the meat. Now the meat is kosher and they tell me to worry about the vegetables!”

Despite Orthodoxy’s near-inevitable nostalgia for times past, there is little doubt that baseline observance and halakhic knowledge has increased dramatically. The Orthodoxy of parking a car two blocks away from shul on Shabbat to walk the last tenth of a mile no longer exists. *Daf yomi* is a pervasive part of the Orthodox infrastructure and terms such as *le-khaTehila* and *be-di’aved*, *de-oraita* and *de-rabbanan* are within the functional vocabulary of many Orthodox Jews.

And yet, my sense is that the movement Soloveitchik described has largely plateaued. Now in its third generation, the reconstructed American Orthodoxy has created its own mimetic culture shaped by homes, yeshiva day schools, shuls, youth groups and summer camps, all buttressed by Orthodox entertainment and popular media. *Halav Yisra’el*, widespread *sha’atnez* checking, and using a mirror to adjust the placement of tefillin—all unknown to earlier swaths of American Orthodoxy—are now reflexively transmitted via communal practice.

Nevertheless, at least to my eyes, these no longer reflect the central locus of religious striving and identity.

### *Reconstructing Orthodoxy*

While the process of “*humra*-tization” may have slowed, the existential question raised in “Rupture and Reconstruction” remains. In a world where the experience of God is inevitably mediated by technology and comfort, where observant Jews easily enter and exit mass society, and where partners at white-shoe law firms can wear black hats on Shabbat or even for a weekday *minha*, what defines Orthodox Jewry? How is its religious devotion channeled and expressed?

There is more than one answer to this question,<sup>4</sup> but one of the most dramatic shifts is how within segments of the Orthodox community, religious intensity has transitioned from private acts of halakhic scrupulosity

to the public identification with the State of Israel and affirmation of its religiously redemptive character.

Religious Zionism has long been a central plank of Modern Orthodoxy. But writing the early 1990s, Soloveitchik pointed to the Holocaust—rather than either Israeli statehood of 1948 or the Six-Day War of 1967—as the twentieth-century events with the greatest impact on Orthodox religiosity of preceding generations. Likewise, “Rupture and Reconstruction” generally hews to an older framework which contrasts Zionism with Orthodoxy—rather than the more contemporary account where the two are closely entwined (78-81).

My understanding of what has changed is as follows: Two generations ago, even amongst its adherents, Zionism was viewed an *experiment within Judaism*. Some of the Orthodox supported it, others were outright hostile, and the rest engaged with varying degrees of caution and ambivalence. Today, *Israel has come to define Judaism* even—or especially—for Orthodoxy, which increasingly views the State of Israel as its spiritual center and normative core.

To be sure, these shifts correspond to significant social and demographic changes within Israeli society itself<sup>5</sup> and are further enabled by structural, familial, and technological developments that draw American and Israeli communities closer together. In this essay, I leave analyzing the Israeli side of the equation to others and focus on how the halakha-centric identity of American Orthodoxy has transitioned into one where affiliation with the religion, culture and wellbeing of Israel plays an increasingly dominant role.

“Rupture and Reconstruction” is a thoroughly researched article supported by over 100 analytical footnotes. Nevertheless, Soloveitchik concludes his introduction stating, “[a]s all these facts are familiar to my readers, the value of my interpretation depends entirely on the degree of persuasive correspondence that they find between my characterizations and their own experiences” (65). What is true of the original applies, *kal va-homer*, to this short reflection. Though long on anecdote and short on data, my hope is that these remarks ring true enough to offer a first step towards understanding the shifting religious dynamics of our community.

### *Expanding Orthodox Zionism*

At the outset of “Rupture and Reconstruction,” Soloveitchik notes the relatively stable division between the religious Zionism of Modern Orthodoxy and “the haredi camp” which “remains strongly anti-Zionist

[or] at the very least, emotionally distant and unidentified with the Zionist enterprise” (64). Over the past two generations, these once-clear lines have eroded as the right-wing Modern Orthodoxy has merged with the more worldly quadrants of the Yeshiva world. While this group draws much of its religious language and imagery from classical haredi culture, its members are often professionals who work comfortably in secular environments and are at ease in bourgeoisie society. *Mishpacha* and *Vogue* are delivered to the same address. For our purposes, the most interesting result of this convergence is how this community can support conflicting approaches to Zionism that only a few decades ago seemed unbridgeable. A “Modern Yeshivish” community can feature events with uniformed IDF officers and the anti-Zionist rebbe of Toldos Aharon on the very same Shabbat.<sup>6</sup>

The impact of this convergence reverberates beyond “Modern Yeshivish” circles. For as the centrality of Israel has migrated from the once “modern” segments of Orthodoxy to its more traditionalist spheres, Orthodox Jews of all stripes have become increasingly comfortable framing their religious identities via reference to Israel.

### *National Affiliation*

To take one example, a generation ago, when a promising American student in an *hesder* yeshiva consulted his rebbe about the choice between spending the college years at Yeshiva University or entering army service followed by university studies in Israel, he was typically guided to pursue the former course. This inevitably decreased the chance the young man would build his life in Israel. But owing to the religious pitfalls presented by army service, and the assumption that even *Bar-Ilan* could not hold a candle to YU as a *mekom* Torah, the tradeoff was deemed acceptable.

Today, service in the IDF is increasingly seen as religiously strengthening, rather than a religiously dangerous—if civically necessary—undertaking.<sup>7</sup> More and more, even top American students choose to enter military service following a year or two in Israeli yeshivot (including non-*hesder* programs that cater only to American boys) and then make their way in Israeli society. Moreover, even a largely secular Israeli university such as IDC in Herzliya is now seen as a legitimate landing pad for young Modern Orthodox students. In the past, Orthodox communities were at best ambivalent about a young adult pursuing army service or secular college in Israel. Today, shuls routinely commend them for casting their lot with the Jewish people.

### *Cultural Affiliation*

Perhaps more surprising is the growing Orthodox appreciation of Israeli culture. The Israeli song *Halleluyah* won the Eurovision contest in 1979. Though hardly the product of Orthodoxy, the Hebrew song is undeniably Jewish and revolves around the central refrain from *Tehillim*. There is little sense, however, that American Orthodoxy identified with this accomplishment or saw much of themselves in this song. Though political Zionism may have been cheered on from the sidelines, for much of Orthodoxy, the culture of secular Israel was much more of a “they,” than an “us.” Contrast with Neta Barzilai’s winning entry to the 2018 Eurovision, *Toy*. The song is largely in English and—to put it delicately—presents a far less Jewish message than *Halleluyah*. Yet by 2018, the American Orthodox blogosphere proudly reported on Israel’s (“our”) victory in the Eurovision. Notwithstanding the obvious halakhic qualms many have with listening to this song or embracing its flamboyant songstress, since winning Eurovision was good for Israel, it is good for the Jews.

Past generations of Orthodox American Jews took pride in the success and accomplishments of other American Jews, whether Orthodox or not. Everyone knew which cultural icons, business titans, and intellectuals were Jewish even in the era when names were commonly Anglicized, such that watching film or TV was inevitably accompanied by arguments over which actors were members of the tribe. Today, American Orthodoxy is interested in culturally significant non-Orthodox Jews to the extent they support Israel. If they do, their non-observance, while never condoned, can be effectively excused. But if they are indifferent (and certainly, if hostile) to Israel, then neither their cultural Judaism nor ritual observance lays claims to the hearts and minds of most Orthodox Jews.

Now consider the opposite case. The cultural and professional icons of early-state Israel were rarely on Orthodoxy’s radar screen, particularly in its more traditional settings. Today lectures about “Start-Up Nation” are regularly features of the shul circuit and even secular Israeli tech entrepreneurs are held out as exemplars of inspirational *Jewish* success.<sup>8</sup> Israeli military leaders, once the living embodiment the scorned *kohi ve-otzem yadi* ethos of Zionism, are celebrated as representing Jewish strategic and technological ingenuity.<sup>9</sup>

### *Religious Affiliation*

The centrality of Israel for American Orthodoxy also penetrates its religious identity. “Rupture and Reconstruction” was published shortly after the Rav’s death and within a few years of the passing of R. Moshe Feinstein

and R. Yaakov Kamenetsky. In their lifetimes, American Orthodoxy had little need to look eastward for rabbinic guidance or inspiration, and, other than for a select few, Rav Kook was an unknown entity in the United States. Today, whether one sits at the liberal end of Modern Orthodoxy or the opposite pole of the haredi world, Torah, and Jewish authenticity, increasingly flow forth from Zion. While there are many differences in the worldviews of R. Zalman Nechamia Goldberg, R. Yehuda Henkin, R. Chaim Kanievsky, R. Mosheh Lichtenstein, R. Yosef Tzvi Rimon, R. Shlomo Riskin, R. Daniel Sperber, and R. Asher Weiss (to name a wide cross-section), each has an American constituency that looks to leadership in Israel for rabbinic guidance.

Nor is the Israel-centrism limited to halakhic expertise. Two generations ago it would have been inconceivable for the most important Modern Orthodox publishing house to be located just outside Baqa and not in Brooklyn. Yet Koren Publishers, owned and largely staffed by American *olim*, has become the custodian of Modern Orthodoxy's canonical literature. Koren not only publishes many of the Rav's posthumous works, but also reissued the two volumes that formed the foundations of intellectually engaged Modern Orthodoxy of the past generation—R. Norman Lamm's *Torah U'Madda*, and the collection of essays which appeared as *Judaism's Encounter with Other Cultures* (edited by R. Jacob J. Schacter).

Even Yeshiva University, long the polestar of Ameri-centric Orthodoxy, is increasingly gazing eastward. In 2017, R. Dr. Ari Berman (himself an *oleh* who earned his PhD in Israel) delivered his inaugural address as YU's newest president. While the majority of the speech hewed to themes traditionally associated with YU (though notably lacking any reference to the "Torah *u-Madda*" motto), in discussing Israel, R. Berman broke new ground. "Israel," he explained, is "now an economic powerhouse and major resource specifically in areas of innovation."<sup>10</sup> Not content to see Israel only as an object of *tefilla* and recipient of *tzedaka*, R. Berman celebrated YU's STEM-centric affiliations with Israeli universities, touting how YU students were poised to obtain "high-level internships in the start-up and hi-tech industries in Israel." Once upon a time, Israeli Torah centers turned to American communal institutions for economic support. Today Modern Orthodoxy's pre-eminent Torah center looks to Israel to provide for the economic success of its graduates.

### *Political Affiliation*

Finally, as Orthodoxy has grown in size and influence, it has developed a political voice distinct from (and often at odds with) the organizations



that dominated Jewish political engagement for most of the twentieth century. Much of this surrounds pro-Israel activism, as what were once synagogue brotherhoods and men's clubs have transitioned into Israel Action Committees. Further, the percentage of AIPAC's Orthodox attendees seems to grow ever year. The year "Rupture and Reconstruction" was published, it was difficult to gather a minyan for *minha* at AIPAC, by contrast, videos posted on social media from the past few conferences show hundreds attending *shaharit* services. Whether online or on campus, being pro-Israel is part of the Orthodox brand, and a clear marker of communal affiliation.

There is no doubt that Israel faces considerable security and diplomatic challenges. But this has been the case since the state's creation, and today Israel has fewer existential fears than in decades past. The emergence of Orthodoxy as the vanguard of Israel activism seems less correlated with an assessment of Israel's security concerns *per se*, and more about how American Orthodoxy conceives of its own mission and priorities.

In many ways, the difference between these two paths for Orthodoxy harken back to the century-old fissures between religious Zionism—centered on national affiliation with *Am Yisrael* living in *Eretz Yisrael*—and more classical expressions of *frumkeit* that stressed personal piety and halakhic scrupulosity. In a similar vein, R. Mosheh Lichtenstein recently contrasted his own theology, which, based on that of the Rav, his grandfather, focused on the existential relationship between the individual and God, and the approach of one of his co-*rashei* Yeshiva at Har Etzion which places greater emphasis on the redemptive relationship between God, the land, and the nation.

While few of the enumerated shifts conflict with halakha (indeed, many complement observance), to the extent Soloveitchik saw undertaking *humrot* as a new expression of religiosity, communal passions seem to have gravitated elsewhere. Intentional or not, celebration of Israel's (post?) secular military, cultural, and economic prowess cannot but cast strict halakhic compliance as less of a defining marker of Jewishness, especially when measured against Orthodoxy's traditional reticence of all things Israeli for exactly these reasons. Likewise, the shift in the relative appreciation for army service and "real life" in Israel over time spent in YU's bet midrash, reflects a subtle attitudinal change in the relative value of these activities.

Finally, engaging the political sphere not only displaces resources and attention from religious practice to political activism, but also shapes the image Orthodoxy presents to itself and the larger world. In service of shared political objectives, contemporary Orthodoxy is more willing to

overlook the halakhic chasm between it and non-Orthodoxy, as well as the theological chasm between Jews and their non-Jewish allies—Christian Zionists foremost amongst them. Though none of these factors impacts Orthodox observance *per se*, the ability to downplay, overlook, mitigate, and side-step these differences points to a delicate re-ordering within the hierarchy of Orthodoxy's values.

### *A Modest Note of Caution*

Taken together, these changes signal a return to nationalist and political themes emphasized in Tanakh and long favored by religious Zionists. But whereas from the 1920s and even through the 1980s, many within Orthodoxy saw Zionism as an experiment within Judaism, as the State and its culture mature, there is little doubt that the center of the Jewish future is located in Israel.

Nevertheless, even positive developments entail tradeoffs, and there is some danger of American Orthodoxy subcontracting its religious passions and identity to a place it may love but in which it does not live. Though our eyes turn towards Zion in prayer, Israeli Orthodoxy is nourished by a mass Jewish culture, along with ideas and realities that are not replicable in the diaspora. Religious life, however, cannot be lived vicariously. Taken too far, the laudable centrality of Israel can lead American Orthodoxy—and Modern Orthodoxy in particular—to become overly reliant on a religious culture it will never fully understand and inevitably distort.

For those who embark on *aliya*'s leap of faith, our community offers nothing but praise. But for those who stay back, our communal *avoda* cannot merely be derivative of what happens in Israel. Israel should remain important. But if we believe God placed us here for a reason, we have a responsibility to employ the challenges and opportunities of *galut* to forge our own existential connection to Him.

<sup>1</sup> Indeed, among the most notable lacunae in “Rupture and Reconstruction” is the lack of attention to the author's own family in instigating the shift from memetic to textual conceptions of halakha. While Hafetz Hayyim, Hazon Ish, Bnei Brak, Borough Park, and the Lakewood Yeshiva are presented as important nodes in this story, loudly absent are figures such as R. Hayyim and R. Velvel Soloveichik, or locations such as the town of Brisk. Likewise, the Yeshiva of Volozhin is discussed mainly in the context of its early years under the influence of the Gra and R. Hayyim of Volozhin, while little is said of its later years when R. Hayyim Soloveitchik and his students who

popularized the “*Brisker Derekh*” flourished. The author’s father, the Rav, is only referenced once in a passing footnote (n. 98, via citation to *Al ha-Teshuva*), such that neither *Halakhic Man* nor any of the Rav’s Talmudic or philosophical lectures are taken as evidence of either the cause or effect of the transitions detailed in the essay. Reticence towards discussing one’s family in public is understandable. But whether one focuses on the haredi or modern variants of Orthodoxy, it is hard to explain the impact of the centralization of religious authority in *yeshivot* and their heads, the “enshrinement of texts as the sole source of authenticity,” the shift between “religion as received and practiced” and religion “as found (or implied) in the theoretical literature,” “the policy of maximum position compliance,” or how Torah study became “essential for the Jewish identity of the individual” without recourse to these central figures of the Brisker dynasty.

<sup>2</sup> See n. 8, discussing the 630-page work on *sefirat ha-omer*, a topic that “rarely, if ever, rated more than a hundred lines in the traditional literature.”

<sup>3</sup> Cf. *Berakhot* 8a which states that “Since the day the Temple was destroyed God has nothing in this world, save the four cubits of halakha.”

<sup>4</sup> Another response is how the neo-halakhicism described by Soloveitchik has been eclipsed by neo-hasidism. See for example discussions in the forthcoming volume on *Contemporary Uses and Forms of Hasidut* (Urim, 2019).

<sup>5</sup> See, for example the data and analysis in Camil Fuchs and Shmuel Rosner, *#Israeli Judaism: A Portrait of a Cultural Revolution* (Jewish People Policy Institute, 2018).

<sup>6</sup> Such an occurrence took place in November 2009 in one of the large synagogues in the Five Towns; see Meyer Fertig, “Toldos Avrohom Yitzchok Rebbe draws blog spotlight to Lawrence,” *The Jewish Star* (November 3, 2009).

<sup>7</sup> By way of example, a recent induction of hesder students into the IDF’s Golani brigade was marked by a siyum on a tractate of Gemara along with singing and dancing typical of religious celebrations.

<sup>8</sup> Maayan David, “Over the Moon,” *Mishpacha* (June 5, 2013) and Michal Ish-Shalom, “Ships in the Night,” *Mishpacha* (July 1, 2015).

<sup>9</sup> See for example, the very positive assessment of army service in *Mishpacha* magazine by one of the leading English-speaking writers of the haredi world, Yonasan Roseblum, “A Professional Army for Israel,” *Mishpacha* (June 27, 2012): “To an ever-growing extent, the most important soldiers in today’s IDF are not in the elite combat units, but those in technical and intelligence units. As *Start-Up Nation* describes, much of the impetus for Israel’s astounding high-tech success and innovation has its roots in the years of regular army service.” See also Aharon Granot, “8200 Secrets,” *Mishpacha* (August 12, 2015), which extolls the virtues of the IDF’s 8200 intelligence unit.

<sup>10</sup> *Investiture Speech of R. Dr. Ari Berman*, Yeshiva University (September 10, 2017), available at [www.yu.edu/tomorrow/speech](http://www.yu.edu/tomorrow/speech).

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## OF METROLOGY AND MIMESIS

There are texts so central, so seminal to their disciplines that they are revisited and retaught to successive generations of scholars, mined over and over for new insights and new interpretations. Even after the revisionists have had their turn, after legions of young graduate students have sharpened their analytical claws by scratching at the lacunae in the argument or elisions in the analysis, the texts stand, and, under scholarly scrutiny, continue to yield new insights.

In the history of science, the academic field in which I was trained, Thomas Kuhn's *The Structure of Scientific Revolutions* is such a text. Everyone, it seems, has had a go of it over the past five decades—one scholar wrote an analysis of the twenty-one different, and inconsistent, ways Kuhn uses the word “paradigm” in the text<sup>1</sup>—and yet it remains a foundational work that graduate students read and scholars engage. (And of all of the canonical texts in the history of science literature, it is the one with which non-specialists are most likely to be familiar.)

Professor Haym Soloveitchik's “Rupture and Reconstruction: The Transformation of Contemporary Orthodoxy” plays that role for students and practitioners of contemporary Modern Orthodoxy. Its importance to those seeking to understand the American Orthodox community was evident when it was first released in 1994, when it garnered enormous attention among serious Modern Orthodox thinkers (or anyone seeking to be seen as one). And its significance as a work of history and sociology of our religious community has endured, despite both the passage of time and the many critiques of its analysis.

I trace the arc of my own intellectual and religious evolution in the varied responses that this text has evoked in me, and continues to evoke, as I have re-encountered it over the decades. As I write this, I have to laugh at myself—what a strange relationship to have with one long and idiosyncratic paper that melds personal narrative with academic analysis. But so it is.

## TRADITION

I first read “Rupture and Reconstruction” as an eighteen-year-old student in Beth Jacob of Jerusalem, an elite haredi women’s seminary. My parents’ home was and is haredi by institutional affiliations, intellectual and open. My mother had read the essay and, recognizing its importance as a commentary on and critique of the American Orthodox world, sent it to me in Jerusalem. In the days before scanning and emailing, this meant painstakingly photocopying its 60-odd pages and airmailing them to my dormitory. I read the essay, and circulated it among like-minded friends. (At one point, a teacher of ours denounced a pernicious and harmful work circulating among the student body, whose ideas were dangerous. I listened apprehensively, expecting at any point to be fingered as the disseminator of heresies. It turned out that she was referring to some quack diet book that was making the rounds.)

That year, I was privileged to spend time with the late Rabbi Nachman Bulman and his wife, Rebbetzin Shaindel Bulman. Rabbi Bulman, a man not easily characterized in a sentence, ranged widely across the Orthodox world in his learning, teaching, and institution-building. Over a Shabbat meal in his apartment in Maalot Dafna, R. Bulman shared his thoughts about “Rupture and Reconstruction”: “He’s 90% right,” he said. “And he’s 100% wrong.”

That characterization, of an analysis that captured the lyrics, but missed the tune, of haredi life, resonated with me, with the way I read the article as a (very) young adult ensconced, even if at its left-er edge, in the American haredi world. While Soloveitchik’s analysis of the mimetic and text-based traditions was novel and powerful, his description of the contemporary haredi world as substituting law-book scrupulosity for lack of genuine religious feeling did not accord with lived experience. Around me I saw people serving Hashem with commitment, devotion, and *yirat shamayim*; the tendency towards halakhic stringency came from a desire to best fulfill the will of God, rather than as a poor attempt to fill the void left by lack of viscerally-felt religious experience.

It was decades later, after having read works like Shulamith Soloveitchik Meiselman’s *The Soloveitchik Heritage: A Daughter’s Memoir* and Rabbi Abraham Joshua Heschel’s “The Eastern European Era in Jewish History,”<sup>2</sup> that I began to grasp what Soloveitchik had seen from the back among the old European Jews of his father’s shul and the profound, shattering rupture that attended the old world’s destruction. I felt a glimmer of understanding of what had been lost with that world; heard a faint echo of the “thick culture” of Eastern European Jewish life; realized what yeshivish Brooklyn in the 1990s could never approximate, let alone replace. There is, I know still, deep religious devotion and intense feeling

behind the quest to find the ideal way to observe God's Law. Doubtless as a result of my upbringing and my family connections—not in the tribal sense, that I am loyal to my people, but because my sense evidence disproves it—I have no patience for the lazy Modern Orthodox bashing of haredim and their *humrot*. (And that is even before we consider whether the Modern Orthodox world is well-positioned to throw halakhic observance stones. “A *humra*,” a teacher in that same haredi seminary once not-entirely-inaccurately observed to us, “is just a *siman* in the *Shulhan Arukh* I haven't heard of yet.”) But I have a greater grasp now than I did then about what that rich, textured, immersive Jewish world was like, and how far from it all of us, haredi and Modern Orthodox alike, are.

My second encounter with “Rupture and Reconstruction” came as a graduate student in her twenties studying the history of science. My life had not taken me along the paths expected—I was neither a physicist nor was I any longer living in the haredi world. (I did not yet, however, identify as Modern Orthodox. “The land was ours,” Robert Frost wrote, “before we were the land's.../ Possessing what we still were unpossessed by/ Possessed by what we now no more possessed.”) Unconnected to my doctoral research, I wrote a short paper on the intersection of historical metrology (the study of measurement systems, their development and dissemination) and halakha. In contemporary terms, the question we ask about halakhic measurement units is just how big they are: Is an *amma* 18 inches? 20? 22? To an historical metrologist, a more interesting question is: how does someone in one place convey what his *amma*, or his *revi'it*, is, to someone living in another place, if each uses a different measurement system, and neither knows the other's?

In the course of my research, I came to think that one of the stories that serves as an evocative referent for Soloveitchik's entire argument—the refusal of Hafetz Hayyim's grandson to use Hafetz Hayyim's *kiddush* cup, for fear that it did not hold enough wine (see n. 11)—was not actually a story about the evolution of halakhic practice from the mimetic to the text-based at all. It was, instead, a story about the transition from specific local measurement systems to standardized systems that could travel across time and space. In the first case, I can only know what my local *revi'it* is. The second case allows multiple *revi'it* measurements to exist in the same place at the same time. (To an academic with an analytical hammer, I suppose, everything is a nail. Years removed from the academy I still see the history of science and technology everywhere.) I might not easily be able to compare your description of a *revi'it* in your imperial units to my description in my imperial units, but once we were both using the metric or other standardized system, it was easy enough to compare

the two, and to decide, out of an abundance of caution, profound awe of God, or both, to use the larger one. Perhaps Soloveitchik, too, was seeing everything as a nail, refracting all change in Orthodox practice through the lens of his alliterative analysis, when other explanations, other historical lenses, might serve as well, or better, to account for particular phenomena.

I am now in my 40s, an educator, a non-academic researcher, a once-and-perhaps-future rebbetzin. I am ideologically part of the Modern Orthodox wing of the Modern Orthodox community.<sup>3</sup> I now read “Rupture and Reconstruction”—I teach parts of it to my students, telling them that every thinking American Modern Orthodox person has to have read and engaged with it—both as a trenchant critique of our community, and as a primary text about the time in which it was written, with obvious, even glaring, blind spots.

Most striking to me now is Soloveitchik’s delineation of the shift in the locus of rabbinic authority from the pulpit or the community to the study hall. I have taught, for the last decade and a half, in two different, large, co-ed Modern Orthodox high schools. The majority of our students attend secular colleges; they learn Talmud in co-ed classes; they will be challenged, externally and internally, by the egalitarian moral universe of college campuses; they have largely assimilated those egalitarian values themselves when it comes to homosexuality and, to a lesser extent, feminism. The senior *rashei yeshiva* who stand as the halakhic decisors for our community are inhabiting a vastly different social, cultural, intellectual, and moral world. I do not know how long such a disconnect between a community and its leadership is sustainable, or what “not sustainable” in this context even means. Does it mean that some people leave Orthodoxy? Stay Orthodox in body but not in mind?

This, rather than some more general lack of commitment or half-heartedness, was actually what Jay Lefkowitz described in his essay on Social Orthodoxy. Lefkowitz’s “article that launched a thousand sermons” is often read as a critique of people who practice Orthodoxy (more or less) without religious seriousness or thought. But he is very clearly discussing a different group—those who find Orthodoxy meaningful as a community and way of life, but cannot accept its teachings about gender and sexuality, egalitarianism, modern scholarship. The former read is flattering to the sermonizers. The latter is a profound communal challenge.<sup>4</sup>

Will the Social Orthodox seek out other sources of halakhic decisions, in the United States or more likely in Israel? Do their own halakhic deciding using the Internet? Stay very passionate about these issues until they have a couple of kids, are swamped by the demands of the everyday, and life pressures kick in, quieting their critiques? Further, I have no idea

whether there are more people in this camp, or in the increasingly-pulled-to-the-right camp that Soloveitchik portrays. His descriptive sociology is powerful and enlightening, but this conversation dearly needs social science data.

And most glaring is Soloveitchik's (acknowledged) failure to describe these countervailing forces pulling Orthodoxy to the left—not the forces of halakhic laxity and can't-really-be-bothered-ism, but the principled forces of ideological egalitarianism. These forces push back against the movement of halakhic authority into the *bet midrash*, as they challenge the entire edifice of rabbinic authority in our community.

At the time that he wrote, the push for full integration of LGBT Orthodox Jews into the Orthodox community was not yet a movement to be reckoned with, but women's push for greater inclusion, voice, authority, and participation in Orthodoxy was well underway, and he entirely failed to address or account for it. "Not his topic," I suppose one might aver, but missing such an important phenomenon compromises the broader analytical framework. Is this thing that he says is happening actually the thing that is happening? Is it one thing that is happening among a number of equally-powerful opposing things (a far weaker claim than the one Soloveitchik makes), or is Orthodox feminism itself another manifestation of a (different) attempt to reconstruct after the rupture? Soloveitchik's failure to engage with the lived experience of Orthodox women, for whom the mimetic tradition is idealized and participation in the text-based tradition is largely—at the decision-making level, entirely—foreclosed, both undermines the breadth of his argument and reveals the blinders that obscure his vision. That a leading Orthodox academic writing in the pages of a leading Orthodox publication could produce and publish what purported to be an analysis of the development of postwar Orthodoxy without ever considering that it neglected the experience of half of American Orthodox Jews illustrates the extent to which the men who shape our communal discourse blithely used "Jews" to mean "Jewish men." I wish I thought this would be different today. Unfortunately, I do not.

In its scope, the range of issues it touches on, the common cultural memes it generates, the frame it provides for thinking about our community and its development, "Rupture and Reconstruction" is a work of signal importance for our community. Its descriptions continue to resonate and its framing continues to be generative a quarter of a century after its publication. That does not surprise. What does, perhaps, is the extent to which it has accompanied me from BJJ to SAR, from Brooklyn and Jerusalem to Riverdale and Washington Heights, from bought-in *kollel* wife to Orthodox feminist—having something to say to me all the while.



## TRADITION

<sup>1</sup> Margaret Masterman, “The Nature of a Paradigm,” in Lakatos and Musgrave, *Criticism and the Growth of Knowledge* (Cambridge University Press, 1970), 59–89.

<sup>2</sup> Abraham Joshua Heschel, “The Eastern European Era in Jewish History,” in Deborah Dash Moore, ed., *East European Jews in Two Worlds: Studies from the YIVO Annual* (Northwestern University Press, 1990), 1–21. This paper, originally delivered as a talk at YIVO on January 5, 1945, chills in its discussion of Eastern European Jewry in the present tense at a time that those communities had already been eradicated.

<sup>3</sup> In his 2000 exploratory presidential campaign, the late Democratic Sen. Paul Wellstone of Minnesota, by some measures the most liberal member of the Senate during his tenure, joked, “I represent the Democratic wing of the Democratic Party.”

<sup>4</sup> Jay P. Lefkowitz, “The Rise of Social Orthodoxy: A Personal Account,” *Commentary* (April 2014).

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## OUT OF A YOKE'S CROOKED TIMBER, FAITH MIGHT YET BE RECLAIMED

Professor Haym Soloveitchik's "Rupture and Reconstruction" concludes by poetically summarizing its core lament: "Having lost the touch of His presence, they seek now solace in the pressure of His yoke" (103). This tactile image evokes a similar metaphor, used to describe faith. The author's father, Rabbi Joseph B. Soloveitchik, spoke personally in the pages of *TRADITION*, "The laws of Shabbat, for instance were passed on to me by my father; they are part of *musar avikha*. The Shabbat as a living entity, as a queen, was revealed to me by my mother; it is part of *torat imekha*... I learnt from her [my mother] the most important things in life—to feel the presence of the Almighty and the gentle pressure of His hand resting on my frail shoulder."<sup>1</sup> "Rupture and Reconstruction" argues that text-culture lacks an aspect of faith – the pressure of God's hand—that was present amidst mimetic communities of the past; and, in mourning this lost divine touch, the article cannot but tempt its readers to ask, "How might this, the touch of God's presence, be restored?"

It is not the historian's task to answer such a question. The historian describes what is and what was. The historian tells us a story by which we might understand what we are by knowing what we were. No essay more effectively achieves the historian's ideals for our Orthodox Jewish community than "Rupture and Reconstruction." It depicts a religious tradition in transition, asserting that contemporary Orthodox Jewish practice has undergone a profound change during the author's lifetime. Where observance of Jewish law was once transmitted organically through family tradition as much as by rabbinic texts, it has now become disconnected from lived-practice and is instead derived primarily from the written word.

The "Rupture and Reconstruction" story hints to an interesting possibility: A new synthetic, yet legitimate, mimetic culture might emerge. Although the article does not commit to such a possibility, the title does. "Reconstruction" is a word filled with connotation. It is the word used in American history for the long and fraught process of reconciling North

and South after the Civil War. It evokes the words of Jeremiah (1:10)—“To root out, and to pull down, and to destroy, and to throw down, to construct, and to plant.” Even as Jeremiah foresees an imminent exile, he sets the stage for national rebirth. In explaining the extent of the Orthodox community’s rupture, Soloveitchik invites us to imagine it reconstructed.

Perhaps, a new mimesis is taking place as stable (admittedly text culture) communities regenerate upon new soil. Mothers might once again create a lived experience through which their children learn osmotically how to be a Jew.<sup>2</sup> With a significant degree of peace and prosperity in most places where Jews now live, an organic Jewish culture is emerging. Yet, the author’s lament is not simply for a medium by which Judaism passes from generation to generation. He mourns a specific type of faith. Stable Jewish families may not be enough to recreate that lost divine touch.

Scholarship on modern secularism since the publication of “Rupture and Reconstruction” mirrors the essay’s contention that faith’s character has changed. However, it evokes a larger reality that extends far beyond Judaism. In his seminal work, “A Secular Age,” Charles Taylor presents a dire picture of modern faith, considering the character of intellectual and social secularizing transformations over the last five hundred years. In doing so, Taylor presents a new understanding of secularity, not in terms of the falling away of belief in God or the receding of religion from the public square. Taylor emphasizes, instead, the transition from a society in which it was virtually impossible to challenge belief in God to one in which belief is one of multiple, contested options. He opposes what he calls “subtraction accounts,” which explain the rise of secularism in terms of the assertion of innate aspects of the human character. He argues instead for the need to pay careful attention to changing conditions of belief and the construction of new images for the relationship between self and society. Taylor charts the transition from an enchanted world, in which God and spiritual forces pervaded a person’s environment and directly influenced its structuring and self-definition, to the disenchanted world of individual minds and bounded selves. For Taylor, the process of disenchantment can be seen as an impoverishing loss of sensibility (not the shedding of irrational feelings).<sup>3</sup>

The enchanted world that Taylor describes parallels the Yom Kippur prayers of Soloveitchik’s youth:

What had been instilled in these people in their earliest childhood, and which they never quite shook off was that every person was judged on Yom Kippur, and, as the sun was setting, the final decision was being rendered (in the words of the famous prayer) “who for life, who for

death, / who for tranquility, who for unrest.” These people did not cry from religiosity but from self-interest, from an instinctive fear for their lives. What was absent [among the next generation] was that primal fear of Divine judgment, simple and direct (99).

Regeneration of mimetic processes will not reconstruct this “primal fear.” Soloveitchik observes that “the perception of God as a daily natural force is no longer present to a significant degree in any sector of modern Jewry, even the most religious.... Individual Providence, though passionately believed as a theological principle, is no longer experienced as a simple reality” (102). This “perception of God as a daily natural force” is lost in the ruins, not simply of the Holocaust, but of the blinding energy of the Enlightenment and the secular headwinds that blow against modern faith.

Soloveitchik sensed some of what Taylor later argued about the bounded self. Taylor juxtaposes what he terms the buffered-self with the pre-modern porous-self. The porous-self interacts seamlessly with its surrounding culture and environment (without self-consciousness). By contrast, the buffered-self experiences a more fragile, often evanescent faith, subject to doubt. Taylor views the poetic exertions of the Romantics as attempts to recapture this earlier innocent faith. However, Taylor argues, Wordsworth and Rilke failed in these efforts, because they drew on an ontology that was highly undetermined. One simply cannot force back into existence the experience of individual providence as a simple reality.

In describing the choices demanded of those who sought to convert text knowledge into action, Soloveitchik uses the metaphor of a performance artist to paint an ontology similar to that which Taylor described of the Romantics:

For most, both the natives of the emergent text culture and its naturalized citizens alike, the vision of perfect accord between precept and practice beckons to a brave new world. And, as ideas are dynamic and consequential, that vision beckons also to an expanding world of unprecedented consistency. The eager agenda of the religious community has, understandably, now become the translation of the ever increasing knowledge of the Divine norm into the practice of Divine service... This gives rise to a performative spirituality, not unlike the arts, with all its unabating tension... Performance demands choice, insistent and continuous. Whatever the decisions, their implementation is then beset by the haunting disparity between vision and realization, reach and grasp (73).<sup>4</sup>

Both Taylor and Soloveitchik are right to note the evolving character of faith. However, they fail to acknowledge sufficiently that such evolution has always and will always take place. Religious transmission requires a certain nostalgia for the greater faith of earlier generations. The Talmud expresses this idea of generational decline, “If the early generations are characterized as sons of angels, we are the sons of men; and if the early generations are characterized as the sons of men, we are akin to donkeys” (*Shabbat* 112b). Despite this decline, we find containers for God’s presence in every generation. The story of “Rupture and Reconstruction” is not a new one. The destruction of the First Temple precipitated the innovative reconstructions by the Men of the Great Assembly. The Second Temple’s destruction forced R. Yehuda ha-Nasi to reconstruct through the writing of the Mishna. Hasidic doctrines are likewise reconstructions in response to generational ruptures.<sup>5</sup>

What can be done today to address faith’s rupture? How might we allow God’s touch to rest upon frail shoulders?

Taylor predicts a future for faith, “Our age is very far from settling into a comfortable unbelief.” He explains the cause for this discomfort, “The secular age is schizophrenic, or better, deeply cross-pressured” (727). These pressures come from the failure to live exclusively within an immanent frame. Something in us looks for more in life. Taylor writes, “The whole culture experiences cross pressures, between the draw of the narratives of closed immanence on one side, and the sense of their inadequacy on the other” (595). Taylor diagnoses the limitation of the secular age. He describes secular belief as a shutting out, “The door is barred against further discovery” (769). He envisions that in the secular “waste land... young people will begin again to explore beyond the boundaries” (770).

Taylor’s prophecy has not yet come true. If anything, polls tell us that trends point even further against faith’s favor.<sup>6</sup>

In both a Jewish and general context, Soloveitchik’s depiction of text-culture presents a path forward. The surprising success of Orthodoxy during the last half-century might teach the world something regarding faith. While bemoaning the loss of simple faith, text-based Judaism has achieved remarkable success. The yoke, as it were, continues to pull the plow of Jewish continuity. The 2013 Pew Study of Jewish Americans tells a story of Orthodox Jewry ascendant, with large families and a growing rate of retention. This is particularly impressive in light of declining rates of affiliation among most other Jewish and non-Jewish religious groups.

Soloveitchik describes how text culture plays an essential role in that success:

In contemporary society, Jewish identity is not inevitable. It is not a matter of course, but of choice: a conscious preference of the enclave over the host society. For such a choice to be made, a sense of particularity and belonging must be instilled by education (93).

While requiring education, lasting commitment to a particular identity requires something more. As in all areas of life, a person gets out what they put in. Halakha (and the text culture that surrounds it) provides real demands in a society that offers few such opportunities for personal sacrifice. Such demands allow the individual to “put in.” Nassim Nicholas Taleb argues that religion is manifested not by belief but by the investment and commitment a person or community is prepared to risk for it.<sup>7</sup> Yet, if true religion is commitment, true faith might yet sprout forth from commitment’s sweat-drenched fields.

“Make for me a sanctuary and I [God] will dwell among you” (Exodus 25:8). If the people build a structure, God might deign to dwell within it. This structure can be a literal building. This structure can be a way of life. This structure can be mimetic; the structure can be text-based. The structure has taken many forms in the long history of our people, but it has always taken a form through which the divine touch might be experienced.

Faith requires a frame, or yoke, upon which it can grow. Sacrifice, prayer, text-study, and Shabbat observance are ritual frames that allow a person to devote oneself to God. Once established, those frames can become receptacles for an individual and a community’s experience of the divine.

The Tabernacle and the sacrificial order establish templates for all future efforts to feel God’s touch. This is true not just because animal sacrifice was the first formal form of divine service. The Tabernacle is particularly useful as a religious frame, because it was so fraught. A series of *midrashim* depict the tension upon the Tabernacle’s inauguration. Rashi constructs from them a story about Moshe and Aaron, struggling to connect ritual action to divine presence. The people could not lift the boards that composed the Tabernacle. The people were critical after the first seven days of the consecration process. Aaron did not want to serve. After Aaron did serve, he blamed himself for the temporary failure to achieve the experience of God’s presence.<sup>8</sup>

The abiding tension in these stories is the possibility of building a Tabernacle and yet not experiencing God’s touch. The religious seeker must appreciate that in any relationship, both parties must be willing to connect. Human efforts to experience God are no different. We require God’s grace if we are to merit a divine touch.

## TRADITION

Rabbi Yehuda Amital was fond of the idiomatic Hebrew expression, *en patentim*—there are no automatic shortcuts—within the religious endeavor. No steps can be taken to guarantee righteousness. No magic formulas might be spoken to bring forth the divine presence. We ultimately answer to God. God does not answer to us.

Still, certain scaffolding is the necessary, if not sufficient, condition for religious connection. These structures can be sacrifices, prayer, Torah study, or other concrete efforts, but they must each in their own way call forward human effort. We must give of ourselves in a meaningful way if we are to be the receptacles for divine favor. In this respect too, there are no magical short cuts.

Because of the necessity of meaningful human effort, the dichotomy between text culture and mimetic culture in tracing the divine touch must be questioned. Moments of transcendence can take place anywhere, so long as the scaffolding of sincere religious striving is well staged. In my life, experiences of God's touch have often taken place around, if not in, the bet midrash. While the intellectual scrapes and scars of fighting the battle of Torah have often precluded such feelings, it is in moments walking to and from places of Torah text study that I have on occasion been graced with momentary sparks of special awareness. Late evenings walking between the bet midrash and my dorm room at Yeshivat Har Etzion and time spent in an empty field during an afternoon break at Morasha Kollel have afforded me cherished touches of the divine.

In an environment of intense spiritual striving, our efforts to experience the divine might be rewarded in evanescent moments of returned love. If we carry our yokes in earnest, we too might feel God's hand upon our frail shoulder.

<sup>1</sup> Joseph Soloveitchik, "A Tribute to the Rebbetzin of Talne," *Tradition* 17:2 (1978), 76–77.

<sup>2</sup> In analyzing text culture, the essay itself embodies that culture. The essay is a text, and a great text at that. In evoking a lost mimetic tradition, it questions the authenticity of a lived religious reality; it too is part of an ongoing textual re-evaluation. In exposing the synthetic character of a community's sanitized "history," it exposes the seams in what was a seamless self-narrative.

<sup>3</sup> Charles Taylor, *A Secular Age* (Harvard University Press, 2007). While disputing Taylor's theory of secularization, Peter L. Berger acknowledges that a loss of religious certainty has taken hold as a result of "Religious Pluralism." The necessity of "deciding upon faith" parallels Soloveitchik's argument about the loss of mimesis. By contrast, Berger sees this positively, "It is better for social conditions to encourage us

to decide upon faith than for us to live amid circumstances that “give” us faith, making our religious identity akin to our hair color or our particular allergies rather than a fully personal quality that arises from our free assent” (*First Things*, April 2016).

<sup>4</sup> By way of contrast, the Jewish community has faced modernity as a minority in both Christian and secular cultures. Therefore, when Taylor sees the modern person alone in his buffered self apart from nature and society, Soloveitchik sees a religious community, which sees separation as essential to its survival. The text culture endeavors to counteract influences emerging from a threatening non-Jewish environment. Adherence to law becomes a spiritual method for differentiation that was simpler in a more segregated past (81). This underscores a key difference regarding the meaning of the word “secular.” Secular is often used by Jews to refer to that which exists outside the community, as a synonym for “non-Jewish.” The word “secular” can also describe the “non-enchanted” to which Taylor devotes his book.

<sup>5</sup> As one well-known hasidic story of generational loss concludes, “When Israel of Rizhyn needed intervention from heaven, he sat in his chair with his head in his hands and said, ‘*Ribono Shel Olam*, Master of the Universe, I no longer know how to light the fire, nor how to say the prayer, I can’t even find our way to that place, but I can tell the story and that must enough.’ And it was.” Elie Wiesel, *The Gates of the Forest* (Schocken, 1966), prologue.

<sup>6</sup> “The number of Americans who do not identify with any religion continues to grow at a rapid pace. One-fifth of the US public—and a third of adults under 30—are religiously unaffiliated today, the highest percentages ever in Pew Research Center polling. [From 2007-2012], the unaffiliated increased from just over 15% to just under 20% of all US adults. Their ranks now include more than 13 million self-described atheists and agnostics (nearly 6% of the US public), as well as nearly 33 million people who say they have no particular religious affiliation (14%)”; “‘Nones’ on the Rise,” *Pew Research Center: Religion & Public Life* (October 9, 2012), [www.pewforum.org/2012/10/09/nones-on-the-rise](http://www.pewforum.org/2012/10/09/nones-on-the-rise)

<sup>7</sup> Nassim Nicholas Taleb, *Skin in the Game: Hidden Assymetries in Daily Life* (Random House, 2018), 207.

<sup>8</sup> See the *midrashim* cited by Rashi to Exodus 39:33, Leviticus 9:7 and 9:23.



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## RECKONING WITH A PERSONAL RECONSTRUCTION

**I**n my mind I am in my childhood home: my father, a hasid of Ger, and me, *pe'ot* protruding from behind my ears, wearing a shiny satin *bekeshe* with a thick black *gartl*. Was my subsequent estrangement from my hasidic roots reflective of Professor Haym Soloveitchik's "Rupture"? Was my religious transformation an example of his "Reconstruction"?

I do not intend to analyze, in this essay, whether Soloveitchik's thesis is true today, or whether it was even valid when he wrote it twenty-five years ago. My intent is merely to present some of my experiences and thoughts, from my childhood home, from yeshiva and beyond. Perhaps it will illuminate Soloveitchik's thesis and shed light on some of his thoughts.

### *Zionism and Secular Education as Markers of Modern Orthodoxy*

*A generation ago, two things primarily separated modern Orthodoxy from, what was then called, "ultra-Orthodoxy" or "the Right." First, the attitude to Western culture, that is, secular education; second, the relation to political nationalism, i.e., Zionism and the state of Israel. Little, however, has changed in these areas... And the haredi camp remains strongly anti-Zionist, at the very least, emotionally distant and unidentified with the Zionist enterprise (64).*

My first awakening to the reality of a Jewish State came in the form of a broadcast in the mid-1950s from the Yiddish radio station, WEVD. Shloimeh ben Yisrael was broadcasting the news in his elegant Yiddish and my young ears picked up the phrase, "*der Yidishe medine*," the Jewish State. Excitedly, I ran over to ask my mother, "Did *mashiah* come?" Over the years I realized what a source of pride the State of Israel was for my Holocaust-surviving parents. Once, when visiting my parents, I remember the excitement in my father's voice: "Did you hear how many airplanes the Jews shot down today?"

I daven in two shuls, one a bit more haredi than the other. Both recite a *mi she-berakh* on Shabbat—in a hasidic *havara*—for the Israel Defense Forces. Today, the majority of haredim are proud of the State of Israel and concerned for its welfare. These are not flag-waving, *Yom ha-Atzma'ut* *hallel*-singing Zionists, but rather what I refer to elsewhere (*Hakirah* 19) as Practical Haredim: They send their children to Israel to study for a year or two, and they visit the land regularly for family celebrations and to rejuvenate by breathing the air of Jewish sovereignty. These Practical Haredim send their children to colleges and universities where they receive undergraduate and advanced degrees in law, accounting, marketing, management, medicine, therapy, and more.

Another example of the acceptance and celebration of the State of Israel by the haredi community is the Zionist iconographic images seen in their music videos. The starkest example is Lipa Schmeltzer's video, "Mizrach," which is dedicated to "Netzach Yehudah of the Nachal Charedi division." Lipa is seen wearing a shirt emblazoned with "I Love Israel" and dancing with IDF soldiers. Other haredi entertainers who show Zionist images in their music videos include: Yaakov Shwekey, "We Are a Miracle"; Beri Weber, "Yachad"; Mordechai Shapiro, "Schar Mitzvah"; and Simcha Leiner's tribute to Ari Fuld, *Hy"d*. To be sure, there are haredi performers such as Benny Friedman in whose music videos I have yet to notice any Zionist images.

Soloveitchik paints a "haredi camp" with too wide a brush. Practical Haredim existed at the time of the article's publishing and their numbers continue to grow. They are an important part of the reconstruction, as they engage with Israel and the secular world. In Lawrence, Hancock Park, Beit Shemesh, and Golders Green, it is often difficult to differentiate whether someone is Modern Orthodox or haredi. A sociological blurring of this type requires a common identity. The rupture of traditional communities certainly played a part in the movement across the barricades of past inter-communal conflicts. Yet, a shared language and practice of halakha enabled by common texts has likewise been essential to this process of coming together.

### *Humrot as a Tool of Commerce*

*There is currently a very strong tendency in both lay and rabbinic circles towards stringency (humra)... It is one thing to fine-tune an existing practice on the basis of "newly" read books; it is wholly another to construct practice anew on the exclusive basis of books (72).*

In our home we went to extremes on Pesach to avoid any possibility of consuming *hametz*. For example, we did not use Domino sugar on Pesach; we used only Jewish brands. After opening the Jewish brand of sugar, however, we discovered the original Domino packaging beneath it. I could only conclude that this *humra* was a mere pretext to sell sugar at a higher price.

As time passed, I saw similar cases. Jewish businessmen would introduce new food products that were “more kosher” (and usually more expensive) than those they sought to replace. I remember seeing a short-lived sign hung up by a clueless baker, “We use only *hadash*.”

*Ta'anit* (9a) homiletically reinterprets the verse *aser te-aser*, meaning, “You shall surely tithe” (Deut. 14:16), to read, *aser bishevil she-titasher*, “tithe so that you will become rich.” R. Ben-Zion Halberstam (the second Rebbe of Bobov) is purported to have taken this homiletic reading a step further. Lamenting an attempt by a food producer to denigrate the kashrut of his competitor’s product, R. Halberstam declared that the new producer was reading the word *aser*, “tithe,” as if it were spelled *alef, samekh, resh*. Prohibit (your competitor’s product) to become rich.

Recently, we witnessed other *humrot* created by commerce. For example, to compete with a dominant Orthodox English newspaper, newer ones adopted a policy of not showing pictures of women—no matter how properly dressed, and even if she might be the Secretary of State. When questioned about this policy some responded in economic terms: If they omit pictures of women, they are able to distribute their newspaper to more Jewish homes. This *humra*, like a self-fulfilling prophesy, became *de rigueur*. It was heartening, however, that girls and women do appear in all the above-mentioned music videos, even in the ones by the artist who does not include Zionist iconographic images.

Even more heartbreaking was the decision of a prominent publisher of Jewish books to not publish *sefarim* authored by, or with commentary of, Rabbi Soloveitchik, *zt”l*, lest it offend an extreme segment of the haredi community who resent the Rav’s embrace of Zionism and secular education.

In all the above it was neither the home nor the yeshiva that dictated the new “*humrot*” but, rather, the economic imperative: to maximize returns for shareholders. While commerce may not be the main source for new *humrot* it certainly contributes toward this trend.

### *Difference Between Hasidic and Yeshivish Communities*

Several times throughout “Rupture and Reconstruction” (87, 94, 97, 98, 110n20), Soloveitchik writes that what is true for the yeshivish community

may or may not be true for the hasidic community. It is important to note that in addition to the obvious differences between these two camps, there is also a major structural difference: hasidim attempt to create a self-contained community. They have their own shuls, schools, slaughterhouses, kosher establishments, *mikva'ot*, etc. This allows them to institute *takkanot* which apply to everyone in their community and it helps prevent some of the crises facing other segments of Orthodox Jewry: the (impossibly) high cost of tuition for Jewish day schools, and the inability of some parents to get their children into decent schools. Not all parents are rich and not all children are above average. This problem affects both Modern Orthodoxy and the yeshivish world—but not the hasidic communities; they take care of their own. The flipside, of course, is that members of a hasidic community who feel stifled by its rules and codes, have very few options short of leaving their world, which may result in the loss of their spouse and children.

I am reminded of an incident that purportedly took place in the Ger community in Israel. At one point the price of a *spodek* (the tall *shtreimels* worn by hasidim of Ger) spiked. The Rebbe of Ger promptly announced that if the price of a *spodek* does not come down he himself will wear a regular black hat and he will instruct his hasidim to do the same. Immediately the price of a *spodek* reverted to its original price.

Text's role in Soloveitchik's reconstruction story depends upon a degree of autonomy that does not exist in hasidic circles. Communal norms and commands retain more of their pre-rupture relevance, although ideas have a way of getting through even these walls.

### *Lack of Yirat Shamayim*

*Upon reflection, I realized... there was no fear in the thronged student body... Over the subsequent thirty-five years, I have passed the High Holidays generally in the United States or Israel, and occasionally in England, attending services in haredi and non-haredi communities alike. I have yet to find that fear present, to any significant degree, among the native born in either circle. The ten-day period between Rosh ha-Shanah and Yom Kippur are now Holy Days, but they are not Yamim Noraim—Days of Awe or, more accurately, Days of Dread—as they have been traditionally called (98–99).*

Soloveitchik notes that even among the most *frum* communities there is a lessening of *yirat shamayim*, fear of God. He attributes this, in part, to Jews today having a better understanding of causality in nature and thus being less inclined to attribute such events to God.

I believe there is another reason for the lessening of *yirat shamayim*: we are more educated about our religion. Let me give an example. Imagine an illiterate Jew who enters a synagogue on the eve of Yom Kippur. Everyone is dressed in white, the *aron kodesh* is open and the *hazzan* is singing *Kol Nidrei* in his sweetest, most solemn voice. The illiterate Jew imagines a deep mystical moment between the Jewish people and their Creator. Now imagine a religiously educated Jew witnessing the same scene, hearing the same *Kol Nidrei*, and wondering, “What is so special about annulling my vows?”

Soloveitchik writes, “We teach a child, for example, that crime does not pay. Were this in fact so, theodicy would be no problem” (85). I wonder what effect the Holocaust has had on Jewish religious consciousness. In theory, the religious problem presented by the Holocaust—why do bad things happen to good people?—applies equally to the case of a baby born with an incurable disease, who suffers every day of its life. But, the two cases are very different. Most people are not forced to focus on the troubles of such a baby. The Holocaust, however, was such an overwhelming event that it cannot be hidden from Jewish consciousness. Does the memory of the unjustness of the Holocaust cause Jews today to wonder if there really is a correlation between the quality of their Rosh ha-Shana and Yom Kippur prayers, and what befalls them in the coming year?

### *My Rupture and Reconstruction*

At a very young age I already knew that I would leave my hasidic garb behind once I left my parents’ home. I realized this one morning as I sat in bed, sick with the measles—drawing a boy’s face. When I looked at the finished picture, I realized that the boy I had drawn was wearing a small yarmulke and had no *pe’ot* behind his ears.

What caused my rupture from the warm hasidut I experienced at home? There are several factors and I am at a loss to understand which are primary, which secondary, and which are mere rationalization. For one, the yeshiva I attended as a child was nominally hasidic but its students, my friends, were not. We were the first generation born after the War, and our yeshiva was a melting pot for all kinds of students whose parents were struggling to stay out of poverty.

I remember a Thanksgiving holiday when my father brought me with him to the sweatshop where he worked. There was a long row of tables, with mostly hasidic men on either side bending over their sewing machines, making caps or hats. I did not want this type of labor to be my fate and I resolved to go to college. I imagined my hasidic garb as a hindrance to this goal.

I soon learned that Hasidism dates back, not to Sinai, but to the 1700s. If so, I reasoned, it is not an integral part of classical Judaism and thus expendable. This was my rupture from the tradition of my parents' home.

How did I finally reconstruct my Jewish soul? Throughout my life I experienced different aspects of different types of Jewish communities. I admired the joyful camaraderie in hasidic circles. I respected the *lishmah* learning of the yeshivish world. I loved the tunes sung at Young Israel shuls. I longed for the word-for-word melodic prayers in the synagogues of my Syrian neighbors. I admired Yeshiva University's synthesis of religious studies and secular education, and above all, I became infatuated with the writings and thought of Soloveitchik's esteemed father, *zt"l*. I am not a part of any of these communities but I did Reconstruct myself as an observant Jew who tries to synthesize, with mixed success, the best from each of these disparate Jewish communities. My rupture opened all these communities and experiences to me. Freedom and a culture of individual choice allowed me to choose the best of each to reassemble my Jewish identity.

My father's main passion was to study Torah, to "be *mehaddesh*," and to publish. These I try to emulate. I live to study, research, and write. I spent two five-year periods investigating two topics and the result was the publication of two *sefarim*. In turn, I was invited to join a scholarly group which studies together each Shabbat. *Hakirah* was a byproduct of this group.

Do I have any regrets about leaving my hasidic community? Of course. When I get together with hasidic family members I feel like an outsider, like I betrayed them. Will I revert to the hasidic life of my youth? No. Am I happy with the way I turned out? I guess so, but there are holes in my heart that will never be filled. I will never sing the song my father sang as he traveled with his friends to the rebbe for *yontif*. I will never sing the song of Ger.

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## ***RUPTURE AND RECONSTRUCTION: A SEPHARDIC RESPONSE***

Professor Haym Soloveitchik's "Rupture and Reconstruction" was at once familiar and alien to me. The contemporary Orthodox Ashkenazic world which he described with its "swing to the right," and "the new controlling role that texts...play in contemporary religious life" over the once predominant mimetically-based behaviors was evident. But as an American Sephardic Jew, this was also a world that I did not feel a part of nor one in which I truly belonged. The Sephardic world evolved in different ways. It had not relinquished its mimetic traditions to the degree that Soloveitchik had illustrated with the Ashkenazic community. The rupture of which he spoke was not as profound amongst Sephardic Jews and we also did not share the historic catalysts of Enlightenment and Holocaust which he identified as generating and influencing the rupture he was describing. For us, it was more of a tremor—if anything. There was reverberation, upheaval, change, yes—but not rupture. In the twentieth century Sephardim were developing from a different history and towards a different future than the Ashkenazim. Still, we were no longer isolated. The last century brought the Sephardic and Ashkenazic Jews face to face, living side by side, and they influenced one another.

I am a Sephardic Jew, born in Los Angeles in the mid-seventies. As such, much of my world was and remains different from what Soloveitchik described. But his essay helped me understand *why* it was different.

*Editor's Note: The central feature of Professor Haym Soloveitchik's "Rupture and Reconstruction" (TRADITION, Summer 1994) was its focus on trends in Ashkenazic Orthodoxy of the twentieth century. Given Soloveitchik's areas of scholarly focus, and the community he was describing, it could hardly have been otherwise. Our recent symposium on the twenty-fifth anniversary of the essay neglected to offer other perspectives on the issues from a less "Ashkenormative" angle. We are pleased to offer a corrective with this reflection by the Senior Rabbi of the Spanish and Portuguese Sephardi Community of the United Kingdom.*

## TRADITION

He prompted me to apply, as he had, the respective lenses of mimetic and textual authorities to the contemporary Orthodox Sephardic societies—minorities within a minority—in which I was at home.

The term “Sephardic” today stands for many rich and varied cultures and backgrounds. In the vernacular it has been reduced to refer to anyone who isn’t Ashkenazic. In its proper sense it refers to Jews whose ancestry resided in the Iberian Peninsula. In its more generic meaning it refers to Jews who come from a wide geographical range including but not limited to: Western Europe, the Middle East, and North Africa. The Sephardic perspective that I represent in this particular response may not cover all those, but I believe that it represents significant and fundamental aspects of most of them.

My personal connections lie within two distinct Sephardic communities: That of the Eastern Sephardim (particularly the Syrian Jews of New York) and that of the Western Sephardim (particularly the Spanish and Portuguese Jews of England). I write from both perspectives. Nuances of difference, both mimetic and textually based, certainly manifested differently in both the American Eastern Sephardic communities and the British Western Sephardic community. However, there is much that the both have in common in this regard that is not shared amongst our Ashkenazic brethren.

As I mentioned, Soloveitchik attributed the great rupture of religious life in the European Ashkenazic world to two fundamental factors: the effects of the Enlightenment on European Jewry and its aftermath, and the Holocaust:

In the cities there was the added struggle with secularism, all the more acute as the ground there had been eroded over the previous half century by a growing movement of Enlightenment. The defections, especially in urban areas, were massive; traditional life was severely shaken, though not shattered. How much of this life would have emerged unaltered from the emergent movements of modernity in Eastern Europe, we shall never know, as the Holocaust, among other things, wrote *finis* to a culture (70).

Enlightenment and Holocaust, the two predominant casts that forged contemporary Ashkenazic Jewry, were far less impactful upon Sephardic Jews of all varieties. For most of the Jews in the East, the cultural shifts of Enlightenment and the horrors of the Holocaust did not reach them. In the West, Spanish and Portuguese Jews had been quite accustomed to enlightened thought since the twelfth century in Andalusia, and they



continued to be regularly engaged in secular life and thought which continued with their emigrations to Amsterdam and England. Enlightenment was therefore less of a shock to their system.<sup>1</sup> The Holocaust did not reach the British Isles and thus the Jews of England were able to continue their mimetic traditions with no serious interruptions and did not experience the severing of such traditions as their fellow Jews did on the European continent. These catalysts did not cause rupture to Eastern and Anglo-Western Sephardim and it was evident in their mimetic practices and religious life.

When I was growing up there were many examples amongst Sephardim of mimetic tradition that were unaffected by stringencies that might have been influenced from textual sources. One such example is the *kippa*. Although *Shulhan Arukh* rules that one must not walk more than four *amot* without a head covering the Sephardim did not take that to mean that one must wear a *kippa* at all times. Even the most devout Sephardic laymen in my family and community did not wear a *kippa* outside of synagogue if they were not studying, praying, or eating. In fact, if what one was eating was not a sit-down meal, a sleeve, napkin, or someone else's hand was regularly used to cover one's head for the recital of the pre-blessing in order to keep the law that obligates a head covering when saying God's name.<sup>2</sup> Indeed, a generation earlier, even many of the rabbis who worked in or owned businesses often did not wear their *kippot* to work. In contrast, in typical Ashkenazic Orthodox communities not wearing a *kippa* was tantamount to being irreligious. Another example is that every Sephardic family I knew spoke between washing hands and eating bread,<sup>3</sup> an act that even among the lesser-observant Ashkenazic households is known to be prohibited by Jewish law. The Sephardim that I knew largely lit the Hanukka candles not by a window or doorway as prescribed by the legal codes, but on a table inside the house.<sup>4</sup> These practices among others were essentially identical in both Eastern and Western Sephardic communities. These were also not behaviors that the

<sup>1</sup> Clearly, the broader culture of the Middle Ages was still a religious one; modernity moved away from that. We should differentiate between a fifteenth-century Sephardi encountering Al Ghazali from his late-eighteenth-century Ashkenazi counterpart encountering Kant. Each community was exposed to "outside" ideas in different ways, and each found its own path to modernity. Generally speaking, Sephardim did not have to exit a ghetto (physical or intellectual) in order to encounter modernity, and this "softened the blow."

<sup>2</sup> On *kippa* see *Orah Hayyim* 2:6; 91:3–4.

<sup>3</sup> This was the usual practice in Rabbi Ovadia Yosef's own home; see *Orhot Maran* 12:8.

<sup>4</sup> See *Torat ha-Mo'adim*, Hanukka 3:4.

rabbis urged us to change as a part of their usual encouragement towards greater observance and piety. The rabbis' reticence testifies to the strength of the mimetic culture amongst the Sephardim.

Because the majority of Eastern Sephardim did not experience the severing of tradition caused by the Holocaust, which wiped out entire Jewish communities in Europe, we brought our traditions with us when we emigrated from our home countries. We were still practicing this way of life in America and in enclaves in which the confidence and identity was markedly robust like in the Syrian community of Brooklyn or the three-hundred year old Spanish and Portuguese community in London, there was no reason to question it or recognize it as an element of laxity or impiety. The unselfconscious way of life that Soloveitchik described regarding the older European societies that had dissipated (70) was still manifest amongst the Sephardim.

We were not immune, however, to the rupture and reconstruction that was taking place amongst our Ashkenazic brethren. We were not reconstructing ourselves with textual analysis and accuracy, but we now lived in close proximity to Ashkenazic communities in Israel, America, and Britain, and we began to feel self-conscious and awkward that we were not undergoing similar processes. This self-consciousness was not entirely self-imposed. Our mimetically based traditional practices were often seen by our Ashkenazic neighbors to be a result of ignorance, a lack of piety, or both.

Enlightenment, as a major factor of this change is in itself a more complex phenomenon. And its complexity manifested among the Sephardim as well. In general, the Enlightenment, or *Haskala*, as it was known in its Jewish form, that shed a startling light upon European Jewry did so at different times and in different ways. Eastern Europe responded differently than Western Europe. The Sephardic Jews of the West in Amsterdam and England did not respond quite like their Ashkenazic neighbors. And the *Haskala* did not reach anywhere near its full intensity, and therefore did not significantly disrupt the religious life and thought of the Eastern Jews.<sup>5</sup>

It is also difficult to consider the effects of the Enlightenment upon the Western Sephardim in places like Italy, Amsterdam, and England as contributing to a rupture. The Western Sephardim were quite used to being involved in the secular world so that the Enlightenment was less shocking to them. For example, the Sephardim of England in the early

<sup>5</sup> See Marc D. Angel, *Voices in Exile* (Ktav Publishing, 1991); Zvi Zohar, *Rabbinic Creativity in the Modern Middle East* (Bloomsbury, 2013).

eighteenth century, many of whom were conversos or descendants of conversos were accustomed to engaging in secular society and thought. The *Hakham*, or chief rabbi, of the community at the time was David Nieto (1654–1728), who was a polymath and respected physician.<sup>6</sup> He was a graduate of the esteemed University of Padua and as *Hakham* he held discourse with the Archbishop of Canterbury and co-religionists of his time. He was also a strong proponent of Newtonian science.<sup>7</sup> The *Hakham* himself was an enlightened scholar as were many of his Western Sephardic contemporaries in Amsterdam and Italy. Enlightenment was a tremor, not a rupture for Western Sephardim. Neither the Reform movement nor, in an opposite vein, Hasidism emerged from amongst the Western Sephardic Jews. Writings such as those of the Italian born Rabbi Moshe Haim Luzzatto (1707-1746) bore great sensitivity to the changes in religious climate due to enlightened thought. He endeavored to write systematic treatments of Jewish thought and philosophy for the layman in the form of his *Derekh Hashem* (authored in Amsterdam) as well as three morality plays, in vogue at the time, in order to infuse religious values into the hearts of the intellectual community.

The same cannot be said, however, for the Eastern Sephardim of that time or after. While there was some influence of European culture, predominantly French, in the Ottoman Empire, the impact did not pervasively penetrate or challenge the religious establishment.<sup>8</sup> The shockwaves of *Haskala* simply did not hit the Orient as it so definitively did in the West, and so there was no impetus to adjust their intellectual systems or their approach to Torah study and instruction. This did allow for the perpetuation of a prominent thread of superstition that ran throughout society in the Eastern communities,<sup>9</sup> which Soloveitchik highlighted as a

<sup>6</sup> Heinrich Graetz writes concerning Jewish life in the sixteenth and seventeenth centuries: “[There was] hardly a person commanding respect who could worthily represent Judaism... Few rabbis occupied themselves with any branch of study beyond the Talmud, or entered on a new path in this study. The exceptions can be counted. Rabbi David Nieto, of London was a man of culture. He was a physician, understood mathematics, was sufficiently able to defend Judaism against calumnies...and wrote much that was reasonable”; *History of the Jews* (JPS, 1895), vol. 5, 200.

<sup>7</sup> David B. Ruderman, *Jewish Enlightenment in an English Key* (Princeton University Press, 2000), 185–188. My thanks to R. Shalom Morris for bringing this volume to my attention.

<sup>8</sup> Angel, *Voices in Exile*, 159.

<sup>9</sup> An element identified as a key contrasting detail between “enlightened” Western and “unenlightened” Eastern Sephardim by Rabbi Shemtob Gaguine, Ecclesiastical Head of the Spanish and Portuguese community in England during the 1930s and ‘40s. For example, see his *Keter Shem Tob*, vol. 1, 576.

hallmark of the mimetic way of life that had been prevalent in the old communities of Eastern Europe (75–76).

The absence of *Haskala* in the Eastern communities left deep and penetrating consequences in the twentieth century, when the aftermath of the “rupture and reconstruction” of the Ashkenazic world would meet with, and impinge upon, the unaffected and, as a result, vulnerable and underdeveloped Eastern Sephardic Jews upon their arrival in the West.

Meanwhile, as the Western Sephardic Jewish community of England carried on, its lack of religious rupture was a double-edged sword. By the 1970s the openness and comfort of their condition also contributed in no small part to the loss of many of its families through intermarriage. Membership was waning, children of past members were either not joining synagogues or were not even halakhically Jewish. If not for an influx of Iraqi Jewish immigrants and refugees along with other Eastern Jewish families during the fifties, sixties, and seventies due to the hostility in Arab lands at the establishment of the State of Israel and then the Six-Day War, the community might well have collapsed. There was a relaxing of standards for these new Eastern Jews. Amongst the Spanish and Portuguese there was a time when no individual who was not a descendant of that community would be allowed membership. Such luxuries, however, could no longer be afforded. There were nonetheless demands that the newly arrived Eastern Jews relinquish their own traditions and take on all the customs and practices of the Spanish and Portuguese congregation. And so the community continued virtually uninterrupted in their customs and ways—albeit with a new constituent cohort.

In Israel, however, there was now greater upheaval for the Sephardic Jews. Those who had lived in Israel before the establishment of the State, as well as those who arrived from Arab lands afterwards due to persecution because of the existence of the State, were subject to prejudice, ridicule, and disrespect by both the secular Ashkenazim who founded the State and the Ashkenazic Orthodox religious leaders who began to rebuild and establish—indeed to “reconstruct”—academies of Torah study and religious institutions. The Sephardic Jews from the Middle East and North Africa, having not gone through the Enlightenment, were misunderstood by the Ashkenazim and sadly seen as unsophisticated, uneducated, unworldly, and uncouth. Their Torah scholarship was not recognized as significant and their customs and ways were seen as foreign and not recognizably Jewish. This stigma introduced a profound sense of shame and self-consciousness among Sephardic Jews.

Contemporaneously, in America, both the Ashkenazic and Sephardic immigrants were challenged with finding their way in a new and unfamiliar country. However, the Ashkenazim with their European background came with the advantage of a familiarity with Western culture unlike the Jews who arrived from the Middle East and North Africa. As a result, the Eastern Jews who arrived on American shores had a greater learning curve in their attempts to align religious life with Western practices. Additionally, the new proximity and intermingling with their Ashkenazic brethren in the New World eventually led to Sephardic self-consciousness and a gradual shift in Sephardic communities towards a more “Ashkenaziesque” way of religious life, which was, as Soloveitchik writes, swinging to the right and “well on its way to being, if it had not already become, the dominant mode of religiosity” (74).

This mainly occurred when it came to religious education and schooling. The textual authority was stressed in the Jewish day schools and yeshivot which were predominantly established and led by Ashkenazim. The sheer outnumbering of Ashkenazim to Sephardim meant that a great majority of all religious schools and institutions were built and led by Ashkenazic rabbis and lay leaders. An education in line with Sephardic tradition was virtually unavailable outside the mimetic reserve that was the Sephardic home and synagogue. Even the handful of institutions and day schools that had been established, while governed by Sephardic lay leaders as trustees, were not predominantly led by Sephardic educators and mentors.<sup>10</sup> This fact held true for the vast majority of yeshivot and schools in America and Israel. By the 1970s Ashkenazic hegemony over Torah education and Jewish life was the dominant paradigm of the Orthodox world.

The Western Sephardim of England, however, carried on in their usual fashion. They were neither self-conscious nor troubled by the developing trend towards the religious right that was occurring around them. One reason for this was that the Spanish and Portuguese Jewish community saw themselves as the aristocracy of Anglo Jewry. They had already undergone an acculturation two centuries earlier, and since that time had not been significantly challenged. The fact that others were becoming more stringently religious or that practice was changing around them did not affect them because their practice had always differed from the Ashkenazim. In this rare case, as contrasted with the other Sephardic communities of the contemporary world, they, not the Ashkenazim, were

<sup>10</sup> At this time Sephardic students were not largely encouraged by their own communities to become educators or rabbis which meant that there were few Sephardim who could fill the teaching positions.

the “establishment” and founders of Anglo Jewry. They had no qualms regarding their own way and practice. Yet, while they might not have felt self-conscious about their own practice, there was a growing sentiment amongst the Orthodox Jews outside the Spanish and Portuguese community who saw the Spanish and Portuguese as bordering on Masorti/Conservative Judaism or “Orthodox-Lite” rather than strictly observant.

The Sephardic world was drawn towards a new center of gravity and overwhelmingly succumbed to the neo-Ashkenazic world that Soloveitchik describes. Still, in this shift towards textual authority and concomitant stringency, emerged a response from within the Sephardic world that answered the textual foundations of the Ashkenazim but did not follow the stringency that it seemed to necessitate. During the 1980s, Rabbi Ovadia Yosef, Sephardic Chief Rabbi of Israel, answered the textually based move towards stringency with a call towards leniency using textual authority as his basis.<sup>11</sup> In fact, there are few *posekim* who have so comprehensively and thoroughly used written sources to such an extent in the substance of their legal rulings. Yet, his approach was not accuracy towards stringency, but rather diversity of textual sources for leniency. He drew on an older principle that he identified as being particularly espoused as a central value and aspect of Sephardic halakhic tradition emphasizing the pragmatic and human-centric: the legal value of finding leniency in the law— *koha de-hetera adif*.<sup>12</sup> R. Ovadia’s encyclopedic knowledge of texts and deep understanding of the dynamics of Jewish law afforded him the ability to do so.

In the Orthodox world of stringent textual focus, R. Ovadia provided access to practical law that was adorned with a markedly lenient tenor through a meaningful, text-based framework. He also provided, for so many Sephardic Jews worldwide, a renewal of pride and confidence in their uniqueness and integrity of their halakhic traditions in the face of their Ashkenazic brethren. Yet, his approach did affect the mimetic aspects of Sephardic life. Customs of many Sephardic Jews gave way in the light of the authority of R. Ovadia’s vast halakhic rulings to a more uniform,

<sup>11</sup> For example see *Yabi’a Omer*, vol. 2, paragraph 11. Later in that responsum he records his basis: “I will say without hesitation, that [regarding] one who rules stringently to others (in laws that have been treated leniently by the *Shulhan Arukh*), it is bad enough that they have proclaimed what is permitted to be prohibited, but he [with such an approach] will also end up saying that what is prohibited is permitted.”

<sup>12</sup> See *Berakhot* 60a. Maimonides wrote unequivocally in this tenor: “We have explained that it is fitting to permit to all people everything which is possible to permit, and we must not burden them”; *Iggeret ha-Rambam* (Mossad HaRav Kook, 1994), 393.

textual accuracy and many Sephardic Jews abandoned traditional practices that their families had been accustomed to for generations in adherence of his rulings.<sup>13</sup> It is not an exaggeration to say that there was no force which exerted as much influence over pan-Sephardic practice as that of R. Ovadia Yosef. Yet, while the revolution of R. Ovadia and his leadership added much to the pride and self-confidence of Sephardic Jewry worldwide, it did not block the strong effects of the shifting and overwhelming influence of the Ashkenazic reconstruction of contemporary Orthodoxy from permeating the Sephardic world.

In our own day, the Orthodox world continues to “swing to the right” and still greater emphasis is placed on textual authority, accuracy, and uniform practice. There are many Sephardic Jews who have completely embraced the new milieu established by the Ashkenazic world and, having been fully educated in Ashkenazic yeshivot and schools, many Sephardim in America, Israel, and Europe have come to know the Ashkenazic way as the only way. We have espoused their norms of dress and their mode of religious thought and practice. The traditional way of Sephardic Orthodox life is becoming something of an endangered species. The reverberations of the Ashkenazic rupture are now strongly radiating throughout many Sephardic communities.

To be sure, in the Sephardic world, mimetic tradition is still practiced, although it has been diluted, and this is evident in the diversity of customs across individual sub-communities. There is, for example, nothing like the Artscroll siddur in Sephardic liturgy. Ashkenazic practice was uniform enough that from 1984, when the Artscroll siddur was first published, it became a mainstay in Ashkenazic synagogues around the world. By contrast, the recent Sephardic Artscroll siddur, published only in 2019, struggles to incorporate all the different customs and nuances that still exist amongst the Sephardic communities whose members descend from the Middle East and North Africa (they did not even attempt to incorporate the customs and liturgy of the Western Sephardim into the siddur).<sup>14</sup>

<sup>13</sup> R. Ovadia believed that in Israel uniformity of practice under the rulings of Rabbi Yosef Karo (1488–1575), author of the *Shulhan Arukh*, should be considered binding as he deemed R. Karo as the *Mara De’atra*—the accepted rabbinic authority of the region. For a thorough treatment of R. Yosef’s approach to the rulings of R. Yosef Karo see Binyamin Lau, *Mi-Maran ad Maran: The Halachic Philosophy of Rav Ovadia Yosef* [Hebrew] (Yediot Aharonoth Books, 2005), esp. 248–254, and the review by Jeffrey Saks in *TRADITION* 40:2 (2007), 96–101.

<sup>14</sup> The best attempt at integrating all Sephardic customs into one siddur that I have seen is the edition by Koren Publishers (2012), edited and annotated by Rabbi Hanan Benayahu.



## TRADITION

It is possible that if we are to preserve mimetic tradition at all in Orthodox Judaism it might be worth taking a closer look at the Sephardim.

The Sephardic world has had its own experiences with rupture and reconstruction. Maimonides saw the dismantling of the great yeshivot of Spain and the tradition that he grew up with in early twelfth-century Cordova all but erased. Six hundred years later David Nieto found himself at the helm of a congregation of Spanish and Portuguese conversos—a whole Jewish community driven underground and all but nullified by the Inquisition and Spanish expulsion of 1492. In response he composed among other works *Match Dan*, a dialectic following the form of R. Yehuda HaLevi's *Kuzari* which sought to establish the validity, authority, and nature of rabbinic law and oral tradition in Judaism. The approach of these rabbis and many Sephardim like them was not to move away from mimetic tradition and focus on textual accuracy and authority, but rather to teach principles. Their approach focused predominantly on *why* we do what we do and *how* to think, rather than *what* we do. They believed in reconstructing frameworks as precursors to practice.

Today text and information reign supreme in all sectors of society. Google brings practically any information we wish to our fingertips. We have a surplus of data and text. What we do not readily have is *context*. Sephardim maintained the context of mimetic tradition and way of life—which, as Soloveitchik wrote, “is not learned but absorbed...imbibed from parents and friends, and patterned on conduct regularly observed in home and street, synagogue and school” (70). Sephardim traditionally sought to reconstruct that context of a lived tradition through teaching principles.

Today we are witnessing a rupture of society at large. So many of the paradigms, systems, standards, and frameworks that the world had been accustomed to for centuries have either been deconstructed or are being seriously questioned. In such a world, where do custom, heritage, culture, and identity find a place—if we are to assume they have a place at all.? It can no longer be in mimetic tradition alone. Nor is it in the textual study of information. To rely on either exclusively in today's world would be to succumb to living in the extremes, much in the manner that contemporary society at large is being pulled—be it in politics, social groups, or religion. The center is being erased everywhere. And, as Rabbi Efreim Goldberg points out in *TRADITION*'s symposium, “the center must hold.”<sup>15</sup> Yet, never before has the center been so truly difficult to hold. For the center to hold, we must teach principles. We must offer *systems* of thought

<sup>15</sup> *TRADITION* 51:4 (2019), 46–52.



that can be used as a multifaceted, sophisticated lens through which we can assess and evaluate our responses to a world that is developing and changing at lightning speed and increasingly deconstructing into data points waiting to be valued. This approach is not new, and is one that has been used by Sephardim such as Maimonides,<sup>16</sup> Nieto, and Luzzatto<sup>17</sup> in a conscious attempt to deal with breakdowns that they identified in Jewish society which bore similarities to the one we address now.<sup>18</sup>

The Jewish people are no longer living in their respective ethnic silos. The world at large is rapidly globalizing and comprehensively redefining itself, and our people are not immune to this. In this milieu it is not simply a question of retention of heritage regarding various unique approaches to religious life, but a question of how, in the great interconnections and interactions of populations of which we are a part, will the various Jewish cultures and communities bring their unique aspect of heritage and cultural knowledge and experience to the Jewish table and offer it as a contribution to the great tapestry that is being woven from the myriad threads of Jewish experiences throughout two millennia of diaspora. Principles do not focus on information per se, but rather provide tools for valuing information. The Sephardic communities had and have a unique framework for viewing Jewish life. I believe it is a core responsibility of Jewish leaders today to teach these principles much in the fashion that the Sephardic rabbis I've mentioned did, as we face the aftermath of rupture and an uncertain future.<sup>19</sup>

<sup>16</sup> "In my major work which is called *Mishne Torah* ... I also listed all the religious and legal roots... I wished to have all this established on religious principles"; *Iggerot ha-Rambam*, 72–73. "It is more precious in my eyes to teach a fundamental principle of the religion than any other thing I will teach"; *Mishna with Commentary of Rambam* (Mossad HaRav Kook, 1995 [8<sup>th</sup> edition]), 53, vol. 1.

<sup>17</sup> Introduction to *Derekh Hashem*; *Iggerot Pithei Hokhma va-Da'at*, #1–2 (Friedlander Publishing, 1989), 361–362.

<sup>18</sup> I address this in greater depth in "How Best to Respond to Theological and Philosophical Misconceptions About Judaism in the 21st Century Based on Three Principle Historical Examples" (MA Thesis, London School of Jewish Studies, 2016), available at [www.sephardi.org.uk/wp-content/uploads/2020/02/Dissertation\\_MA\\_JD\\_.pdf](http://www.sephardi.org.uk/wp-content/uploads/2020/02/Dissertation_MA_JD_.pdf)

<sup>19</sup> I am grateful to Rabbi Dr. Abraham Levy OBE, Emeritus Spiritual Head of the Spanish and Portuguese Congregations of the UK, Rabbi Dr. Raphael Zarum, Dean of the London School of Jewish Studies, Rabbi Harold Sutton, Rosh Yeshiva of Magen David Yeshiva of Brooklyn, NY, and Mrs. Lauren Grunsfeld for their comments and insights on this essay.