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THE TRANSFORMATION OF CONTEMPORARY ORTHODOXY: ANOTHER VIEW

Seldom does an article evoke such discussion as Professor Haym Soloveitchik's "Rupture and Reconstruction: The Transformation of Contemporary Orthodoxy" (*Tradition*, 28:4, Summer 1994). As for myself, I find myself agreeing that Orthodoxy has changed in the postwar era, but also find myself describing these changes, and the connections between them, differently.

Indeed, I agree with Professor Soloveitchik that there has been a change in (a) Orthodox Jewish belief in the current generation and (b) the mode of Orthodox Jewish observance in the current generation. The difference, if any, between his position and mine, is in our respective description of these changes. A larger difference between our respective accounts concerns his closing, and more provocative, thesis that the latter compensates for the former: "Having lost the touch of His presence," he says (p. 103), "they seek now solace in the pressure of His yoke." Though the idea that changes in religious behavior can compensate for declining religious faith has a basis in Jewish thought, particularly in hasidic thought, I doubt its aptness to contemporary Orthodoxy.

Let's begin with the change in the mode of Orthodox Jewish belief. Professor Soloveitchik argues (100-103) that recently even the most Orthodox Jews have lost their traditional sense of the direct presence of God (and of other supernatural forces, such as demons) in daily life as a direct result of the influence of natural science. But I would argue that *haredi* Jews today are in general less fearful and more aggressive than a generation ago, primarily because of improved material standards—and, in particular, they are also less fearful of God. (This point was made to me by Professor Sidney Morgenbesser, to whom I am

I would like to thank Professors Sidney Morgenbesser and Shlomo Sternberg, as well as Professor Haym Soloveitchik, for reading and criticizing an earlier version of this article. This is not to imply that they would agree with everything in this version.

grateful.) Though they often view secularist Jews as “goyim,” in fact *haredi* Jews in Israel have much less to be afraid about than their ancestors had to be afraid about the real goyim. All this has little to do with science or “equations.” The Torah itself already predicts that the Jews would lose their faith as a result of prosperity. So with the *haredi* Jews in America vis a vis the Gentiles.

Professor Soloveitchik (p. 129, n. 103) cites the “silence” of Ashkenazi rabbis in the face of the media storm of contempt for Rabbi Yitzhak Peretz—who had suggested that a calamity involving the death of children was caused by Sabbath desecration—as a sign that the Ashkenazi rabbis had lost their robust faith in Providence. My own impression is that their silence can better be attributed to political sophistication, to knowledge of the effects of their words on nonbelievers.

Indeed, during the Gulf War, I was present at a rally in Kew Gardens Hills, Queens, convened to call forth the mercy of Heaven on the Land of Israel. The speaker, a *haredi* rabbi, advocated increasing the amount of water used to wash the hands ritually before meals as a method of defeating Saddam Hussein. “Hit him with a *toysfes*,” was another piece of advice. The audience, many of whom had professional degrees, nodded in agreement, with very few exceptions. And this in America!

In Bnai Brak, belief in the supernatural strikes me as on the rise. Barren couples routinely visit “holy places” in order to conceive. Singles visit graves as well as matchmakers to find their appointed mates. Sephardic kabbalists are taken very seriously, even among Jews who deride Sephardic rabbis as ignoramuses. The “Lithuanian” daily, *Yated Ne’man*, had to warn their readers against giving credence to soothsayers and wonderworkers who are not steeped in traditional Talmudic learning.

Even in medicine, belief in Western science among *haredi* circles is nowhere near as strong as Professor Soloveitchik implies. Patients have been “cured” of infectious hepatitis by having fifteen pigeons placed successively on their navel. The pigeons reportedly died, as I was told by eyewitnesses, after “drawing” the disease out of the patient’s body. (For a discussion of this practice, cf. “Pigeons as a remedy (*segulah*) for jaundice,” *New York State Journal of Medicine*, 92(5), May 1992, pp. 189-192.) Medicine is regarded there (correctly, by the way) as an art, rather than as a science. The Hazon Ish argued that “professors” (of medicine) know a little; “doctors” know nothing. As a result, *haredim* as a matter of religious obligation flock only to the top specialist in any field, paying any price. They regard the specialist not as a sage

who knows the laws of nature, but rather as an artisan blessed by God with certain skills. The brother-in-law of the Hazon Ish, Rabbi Yaakov Yisrael Kaniewsky, known as the Steipeler, used to send patients to America rather than to Israeli doctors, saying that in Israel the doctors are “bureaucrats” (*pekidim*) while in America they are merchants (*sokherim*): it is better to be treated by a merchant than a bureaucrat. The superior scientific knowledge in America apparently had little to do with it.

None of this means that Professor Soloveitchik is wrong in his intuition that the *direct* perception of God in daily life by *haredim* (what is called *yir'at shamayim* in plain language) has declined since 1950. I say, though, that the Fear of Heaven can decline even as magical belief intensifies: magic is just an alternative technology to be manipulated. More controversially, the Fear of Heaven and the sense of the presence of God can decline even as belief in our ability to “manipulate” the Almighty increases. I suggest that the “eclipse of God” occurs because of prosperity and feeling of powerfulness (*kohi ve-otzem yadi*) that has afflicted all post-war Jewry, which is predicted by the Torah, and which has been condemned by Jewish preachers from Moshe Rabbenu to R. Yehezkel Levenstein, the late *mashgiach* of the Ponevez Yeshiva. One should expect growing prosperity among the Sephardim to soon bring them to the same level of religious indifference as their Ashkenazic brethren.

Let's now address the change in the mode of Jewish observance. Professor Soloveitchik interprets what has happened as a shift from the “mimetic” tradition to a “text” oriented one. Orthodoxy (even Modern Orthodoxy, taking its cue from the *haredim*) no longer trusts its own customs and ceremonies, and needs to see everything in writing.

Now one can't deny that something has happened to Jewish practice. One used to do what one's parents did—eat, for example, a piece of matza at the seder, literally the size of an olive. Now, “texts” tell us that what our parents did is wrong—one should try to eat an entire hand matza by chewing it up in four minutes and consuming it in one swallow. (Two “*kezayit*” sized pieces, according to currently accepted practices: one for the mitzva of eating matza, and one to fulfill the practice of eating “bread” at a festival. The Mishna Berura has great difficulty in understanding why both practices could not be fulfilled with the same piece of matza. With the requirements of the Hazon Ish, however, the custom of eating two pieces of matza becomes a devastating onslaught on the alimentary canal.)

I might add another striking change in Jewish observance, the wearing of the *tefillin shel rosh* far back on the head, in such a way as to have no part of the *tefillin* sticking out over the hair line. This change has affected virtually all segments of the *haredim*, although I have seen photographs of major *hassidic rabbeim* in the past and present whose *tefillin* jut into the forehead, which leads me to believe that the practice in Poland was to interpret the law that the *tefillin* should be above the hairline in a much less stringent manner (a possibility of a more lenient interpretation of this law is mentioned but dismissed by the Mishna Berura in his *Bi'ur Halakha*).

Established practice is under attack even in Jerusalem. The centuries-old practice of regarding Gentile produce as exempt from the sabbatical laws is being eroded by strong winds from Bnei Brak. These same winds are attempting to erode also the consensus on such central matters as the conclusion of the sabbath day. The attack on our customs is being spearheaded by “*b'nei Torah*” loyal to the rulings of the Hazon Ish. But some of the most egregious examples of slighting what Professor Soloveitchik calls the “mimetic tradition” are popularly associated with Professor Soloveitchik’s own family.

Walk the streets of Jerusalem before the Festival of Sukkot and you’ll find “*b'nei Torah*” searching with microscopes to find what is popularly called “a Brisker lulav” (one which is totally “open,” i.e., whose leaves are separated, except for the two components of the middle leaf, which are joined together seamlessly, and which are exactly the same length, even under tenfold magnification. The slightest daylight between the components, even under magnification, needless to say, disqualifies the lulav.) I would estimate that the probability of finding a lulav like that is about 1 in 1,000. Common sense and the Gentile philosophical principle of “ought implies can” lead to the conclusion that the Creator could not have intended such a mitzva, particularly when we see that in the time of the Second Temple, Jews used to leave their lulavim at the Temple on the Sabbath eve for others to take the next day (Mishna Sukka 4:4). I have no idea whether the Brisker Rov, of blessed memory, looked for the type of lulav that today bears his name, but it is significant that the term “Brisker” is used in this regard.

In the *haredi* mind, the term “Brisker” is often used to denote a stringency that has no basis in previous practice, even as a minority opinion, but can arise even from a novel interpretation. Thus, to cite one of many possible examples, it is said that the Brisker Rov (Rabbi Y. Z. Soloveitchik) argued that there is no way to tithe fruit juice, a ruling which would create grave difficulties for kashrut supervision. This rul-

ing has no basis, it goes without saying, in practice; but it doesn't even have a basis in a well-established (even minority) opinion. (It is an impeccable deduction from two well-established Talmudic principles: that fruit juice, other than wine and olive oil, has no halakhic status; and that what issues from the forbidden is forbidden.) I have heard that the Hazon Ish reacted to this "*Brisker humra*" by saying that it is *a priori* impossible that God would allow there to be a foodstuff which could not even in principle be tithed.

There is no question, then, that "something" has happened. But I see this "something" differently than does Professor Soloveitchik. The mimetic tradition of which he speaks is none other than the vestige of the kehilla traditions of Ashkenazic Jewry. Though in principle, kehilla tradition was answerable to the texts of Judaism (Bible, Talmud, rishonim), in practice the "plain meaning" of these texts was superseded by practice and the belief that there was an interpretation of the texts according to which the texts licensed contemporary practice. Professor Soloveitchik's justly famed research into the history of halakhic decision making in the Middle Ages gives many vivid examples of this. People did what their parents did, but they also did what the rabbi of their kehilla told them was the authentic tradition of their kehilla, i.e., what their parents should have been doing. The local rabbinic authority also defended the kehilla traditions against disparagement by others. My father-in-law, of blessed memory, was born into the kehilla of Holeschau, Moravia, a kehilla with an unbroken existence at least to the time of the Maharil. The "Shakh" was buried right there in the graveyard. The practices of the kehilla did not need the ratification of the Brisker Rov (whether named Diskin or Soloveitchik) or, for that matter, the Minchas Hinukh. The hasidic kehilla, of course, was differently structured, and wasn't called a kehilla, but the source of the legitimacy was the local spiritual leadership (here the *rebbe*).

But the kehilla structure in Europe was destroyed by a process begun during the First World War—and in many places even before that—and finished off by Hitler, *yimah shemo*. The only kehilla left in the world is that of Jerusalem, which retains to this very day its own traditions, defended by its own rabbis. Not only were the kehillot destroyed, but their members emigrated from one place to another. Where immigrants from one location landed up in one place, the "mimetic" tradition could continue without the kehilla, as it did in New York City. But this vestigial kehilla tradition was inherently unstable. The most obvious sign of this, of course, was the rampant assimilation that took place in America, including New York: the defection from Orthodoxy altogether.

er. But Professor Soloveitchik's story is the unpredicted opposite trend, which occurred after World War II: the defection from the "mimetic" tradition towards what was for the most part a more stringent Orthodoxy than before. Let me tell my version of the story:

Immigrants, often the victims of persecution, ended up thrown into one another's lap, particularly with the arrivals from Europe after the holocaust. Emigres of different kehillot had to confront customs of one another. This confrontation itself can weaken the hold of one particular route in Judaism—not merely knowing about, but witnessing the different and conflicting customs, ceremonies, and laws.

Worse, the old authority figures—parents and rabbis—were often seen—already before World War II—as having "sold out" to America or to the secularists (in Israel). My grandmother was shocked and astounded at being told by a prominent Lithuanian rabbi, a truly eminent Torah scholar, that the sausages he had recently taken under his supervision, should not be eaten "by you."

Professor Soloveitchik makes no distinction between the historical processes in the U.S. and those in Israel, and my story will follow his in this respect also: Rabbis in Israel (except for the traditional Eda Haredit of the Jerusalem kehillah) were also perceived, at least by *haredi* circles, as having acquiesced in the rampant violation of the sabbatical laws out of spiritual and ideological weakness. More: after the State of Israel was proclaimed, rabbis became mere functionaries of the State. Rabbi Goren was perceived by all in the *haredi* community as having arrived at his position of Chief Rabbi by a lenient decision which Golda Meir needed. If the rabbis "sold out," what can we expect of *baalebatim*? If a father makes compromises with his Judaism, then his children will naturally question whether he can be relied on in any respect, as for example, in standing for kiddush rather than sitting.

Disruption and (perceived) sellouts all led, in my interpretation, to a breakdown of the "mimetic" tradition, which I call the unstable vestige of what had once been the kehillah tradition. Seriously "frum" Jews could no longer rely on the traditional sources of authority. They resorted to two strategies: seeking out uncorrupted sources of "*Yiddishkeit*" (as *roshei yeshiva* or other charismatic figures like the Hazon Ish), and a strategy of trying to behave in such a way as not to run afoul of any halakhic opinion whatever ("*yoytzei zein alle shites*"). In some cases, the *roshei yeshiva* themselves adopted the latter strategy. The Shearit Yisrael *hekhsher* (founded by Degel Hatorah circles), in an egregious example of self-aggrandizement, trumpeted their policy of adhering to "every possible *humra*" (a policy as logically absurd as morally wrong,

and in any case, one which earlier generations would have found unintelligible, for if *gedolei Torah* are, as advertised, at the forefront of this *hekhsher*, why not have “every possible *kula*”?). The head of a famous *haredi* girls’ seminary in Bnei Brak writes explicitly in a book on *hashkafa* for the girls that although in the past, one could rely on the traditions of one’s *kehilla* and rabbis, today, after Hitler, one can rely only on the [uncorrupted] “*gedolei Torah*.” The much touted concept of *Da’as Torah* also stems from this idea: no text can be interpreted by one not immersed in the spirit of that text. In the language of philosophy, every “knowing that” presupposes “knowing how.” Only the uncorrupted *gedolim*, not rabbis, and certainly not one’s own parents, can be trusted to interpret Judaism consistently with the spirit of Torah—according to this world view.

The handbooks of halakha, of which Professor Soloveitchik speaks, are not the crux of the matter. These books exist because a growing number of Orthodox Jews do not want to violate God’s laws in any detail and are educated enough to know that Jewish law is not a simple matter. They simply care. At the same time, they cannot trust the traditional sources of the law, so they trust their lives to texts which record the uncorrupted sources, of which I speak. (They cannot rely on the testimony of what *berakha* was made on strawberries on the Lower East Side or Boston when they question if any *berakha* was made!)

There is another explanation for the handbooks of halakha which Professor Soloveitchik is aware of, but for some reason dismisses: modern life, and modern prosperity, throws halakhic Jews up against problems which are entirely new to the halakhic corpus. Professor Soloveitchik questions the objective need for a handbook on *berakhot*. But we live in a fast-food generation. We eat all sorts of snacks between—and instead of—meals. We therefore have to make decisions, if we want to be truly observant, concerning what blessing to make on many foods. It’s not enough to be told to make a *berakha* on the *ikkar* and not on the *tafel*, as the Mishna tells us—we need what amounts to *Da’as Torah* to apply this rule to new situations. The handbooks help in this regard, though, as the philosopher Ludwig Wittgenstein was fond of pointing out, the problem cannot finally be solved, once skeptical doubts are raised.

The change of which Professor Soloveitchik speaks, from the “mimetic” to the “textual,” is thus better described as a change from the (vestigial) “*kehilla* tradition” to the “*gedolim*” as the source of authority in Judaism. That these changes are not the same can be seen as follows: The Hazon Ish often stood up for the very mimetic tradition he is sup-

posed to have destroyed, or which was destroyed in his name, according to Professor Soloveitchik. One of the fundamental practices in the Diaspora, of course, or in pre-modern Eretz Yisrael, was the use of a Gentile to circumvent the Law: the Passover laws, or, as we have seen, the sabbatical year laws. The Zionists, including Religious Zionists, introduced the concept of “*avoda Ivrit*” (Hebrew, i.e., Zionist, labor) as a holy commandment of the “revival” of the Jewish people. Rabbis susceptible to these arguments introduced this idea into halakha—and permitted the use of various subterfuges (milking into rice on the Sabbath, for example) to avoid resorting to Arab labor. The Hazon Ish condemned this practice, not only because it went against the texts, but mainly because it constituted a sell-out of the tradition to strange gods. He had no problem, on the other hand, with the *Shabbes goy* of Bnei Brak lighting a Bet Midrash to allow the public learning of Torah. Here the Hazon Ish could rely on sanctified practice. He condemned the fiction of selling the entire Land of Israel to an Arab, yet upheld the selling of millions of dollars of hametz to the same Arab, constructing a brilliant interpretation so to construe the texts of Judaism as to prohibit the one and permit the other.

Let me summarize my own description of how Orthodox Jewish practice has changed recently. There has been a change: a change in the locus of authority. The traditional kehilla was no more, its potential leaders perceived as having sold out to the New World or to Zionism. What was left, a tradition without any religious legitimizing authority, was fragile and inherently unstable, susceptible to massive defections to the left and to the right. Most, of course, left the fold. Those truly interested in fulfilling God’s Will had no choice but to turn to what they considered to be the uncorrupted saving remnant, those talmidei hakhamim they began to call “gedolim.” In a world of technological change, universal literacy (in Orthodox circles, of course), and new options, halakhic handbooks began to be written to inform the “*b’nei Torah*” what these *gedolim* say about the new issues, and also to combat foreign sources of corruption.

Thus, to bring another example, an entire handbook was written to confirm that one was to continue to keep the Second Day of Yom Tov in Israel so long as one’s father-in-law continued his “*kest*” (support) and there was no chance that one might leave Har Nof or Ezras Torah in Jerusalem and return to America. This opinion, offered despite the “undermining” of the Second Day Yom Tov by “Zionist” rabbis who found the idea of keeping two days Yom Tov an affront to Eretz Yisrael (itself an idea utterly foreign to earlier greats such as R.

Yisrael Mi-Shklov, who recorded with approval the existence of special synagogues in Safed for Jewish pilgrims), was based not on a “text” but on the unwritten *Da’as Torah* of *gedolim* such as Rav Eliashiv. My nephew, consequently, who has been studying for the past ten years in a yeshiva called, appropriately, “Brisk,” not only keeps the Second Day, but celebrates it publicly with hundreds of other *olim* from America who also inhabit the Ezras Torah quarter.

Let us, finally, examine the question whether the recent change in Jewish faith, however described, explains the change in Jewish observance, again however described. Namely, is there any evidence that the intensification of Jewish observance which Professor Soloveitchik calls the transition from a “mimetic” to a “text” society is a result of a crisis of faith? Such a claim raises important issues in the philosophy of science.

Generally speaking, the model for explanation in the natural sciences was set forth by the contemporary philosopher, Carl Hempel. According to this “Humean” model, explanation of a phenomenon is its subsumption under a universal law, or at least a statistical regularity. Of course, historians do not generally conform to Hempel’s standard, and it is a standing debate whether they should even aspire to. Instead, historians give intuitive explanations based on empathy, which is what Professor Soloveitchik seems to be giving us here. The main shortcoming of this method is the danger of projecting one’s own responses on the data. This danger is especially great in history, where both the historian and his or her readers may be personally engaged.

In any case, my own intuitions, it should be clear, differ from those of Professor Soloveitchik. I feel no compulsion to believe that because changes in belief and observance have occurred one must be the explanation of the other. I suggest that both events may be regarded as long-term effects of the same cause: the destruction of the Ashkenazic kehilla. This set in motion processes which changed both the nature of religious belief and the nature of religious authority. Historical inquiry into these processes might well give insight into, if not explanation of, the state of Orthodoxy today.