

Arguments for the Sake of Heaven
Emerging Trends in Traditional Judaism



Jonathan Sacks
THE RABBI SACKS LEGACY



Jonathan Sacks

**ARGUMENTS FOR THE
SAKE OF HEAVEN**

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The Rabbi Sacks Legacy
Maggid Books

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To our grandparents

לעילוי נשמות

יונה בן ר' אריה לייב

שרה בת מרדכי

ר' אברהם אריה בן לוי

הניה אעטה בת זאב ברוך

מנחם מוניש בן יהודה

פראדל בת יהודה לייב

שלמה זאב בן שמואל יהודה

הענטשע רות בת אליעזר

זכרונם לברכה

We dedicate this book in your memories.

Each of you had a unique journey which has impacted and inspired us in different ways. Your commitments to and sacrifices for Israel, your families, Jewish continuity, and halacha continue to influence today.

Because each of you held fast to the mesorah, we are blessed to raise our children as frum Jews today. We hope and pray that we can follow in your footsteps and continue the legacy you have left for us.

Love,

Becky and Avi Katz and Family



Author's Original Dedication

For Elaine



The Rabbi Sacks Legacy perpetuates the timeless and universal wisdom of Rabbi Lord Jonathan Sacks as a teacher of Torah, a leader of leaders and a moral voice.

Explore the digital archive, containing much of Rabbi Sacks' writings, broadcasts and speeches, or support the Legacy's work, at www.rabbisacks.org, and follow The Rabbi Sacks Legacy on social media @RabbiSacks.

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Publisher's Preface

Rabbi Lord Jonathan Sacks *zt"l* possessed and shared profound learning, moral depth, and sheer eloquence, expressed in his many published works. These made him a leading religious figure not only within contemporary Judaism but among people of all faiths (or none). Each meeting and conversation became a *shiur*, a lesson in how to look at the world and how to experience our relationship with the Creator.

It is a great privilege for us, paraphrasing the talmudic adage, “to return the crown to its former glory” by presenting these new editions of Rabbi Sacks’ earliest publications. The earlier volumes were written by Rabbi Sacks as a professor of philosophy, as a thinker, rabbinic leader, and Principal of Jews’ College, and are truly masterworks of exposition of contemporary Jewish thought. The later volumes represent Rabbi Sacks’ thinking as he became Chief Rabbi, set out his perception of the challenges facing his community of Anglo-Jewry at that time, and articulated his vision for the path ahead. All of these works certainly stand on their own merit today and are as relevant now as they were when first written.

We wish to take this opportunity to express our appreciation to Becky and Avi Katz for their critical support of and partnership in this project. Becky and Avi are longtime communal leaders and supporters of Jewish education in North America and Israel, and on behalf of all of

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us at Koren, together with those who will cherish this new opportunity to be inspired by Rabbi Sacks' writings, thank you.

We wish to add our thanks to our colleagues at Koren who have worked on this series: Ita Olesker, Tani Bayer, Aryeh Grossman, and Rabbi Reuven Ziegler. The proofreading team included Debbie Ismail-off, Ruth Pepperman, Esther Shafier, and Nechama Unterman, and Marc Sherman updated the indexes of the volumes. We extend deep gratitude to our friends at The Rabbi Sacks Legacy for their continued partnership, together with Lady Elaine Sacks and the rest of the Sacks family for their continued support for our work.

May Rabbi Sacks' memory and Torah continue to be a blessing for future generations.

Matthew Miller
Koren Jerusalem

Preface

In *Pirkei Avot*, that classic tractate of rabbinic ethics, Akavya ben Mehalalel advises Jews to reflect constantly on three questions: Where have you come from? Where are you going? And before Whom will you eventually be accountable? The present book tries to do this from the vantage point of the Jewish people as a whole over the past two centuries.

The idea for the book had its origin in an international symposium convened by Jews' College, London, in May 1989. The title of the gathering was *Traditional Alternatives: Orthodoxy and the Future of the Jewish People*. What lay behind it was an accumulating sense of rift and conflict throughout the Jewish world. I felt then, and still do, that Orthodoxy faces a considerable challenge of leadership in this situation. Our aim in the symposium was to bring into dialogue a whole series of Orthodox voices. For when there is no immediate solution to problems confronting the Jewish people, the most important religious imperative is to engage in what the sages called "argument for the sake of heaven." One of the themes of the present study is a plea for recovery of what I call "tradition as argument."

As I reflected on the controversies we were to confront, it became increasingly clear that they could not be understood without first setting them in context. I decided therefore to sketch the broad historical and

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sociological background against which they had arisen. What emerged was a study of modern Jewish identities, the conflicts among them, and the way these might be minimized if not immediately overcome.

The book was published in England prior to the symposium under the title *Traditional Alternatives*, and I was delighted when Arthur Kurzweil of Jason Aronson Inc. suggested the possibility of an American edition. The themes of the book are as much American as British, and I welcomed the chance of a wider discussion of its ideas. I have made some minor changes, and I hope that American readers will recognize some of the dilemmas faced by the fictional Anglo-Jewish family with which the book begins and ends.

Several debts of gratitude must be recorded: to Lord Jakobovits, the British Chief Rabbi, for his advice in planning the original symposium; to Mr. Stanley Kalms, then chairman of Jews' College, for the restless questioning that was the impetus of this and many other initiatives; to the staff of Jews' College for their support and stimulus; to Ezra Kahn and Marilyn Redstone for help in obtaining the books needed for the research; and to my secretary Adele Lew for deflecting the distractions while the book was being written.

Special thanks are due to Arthur Kurzweil for suggesting this edition and for his help and encouragement throughout. Above all I owe an incalculable debt to my wife Elaine, and our children, Joshua, Dina, and Gila. Without their patience and encouragement, neither this nor any other of my activities would have been possible.

The book touches on sensitive and controversial topics. I therefore end with the prayer of R. Nechuniah ben ha-Kaneh, one that was very much in mind as I was writing: "May it be Your will that I do not err in a matter of halakhah, declaring pure that which is impure, or impure that which is pure."

Jonathan Sacks
London
24 Shevat 5750
19 February 1990

Introduction

Since the early 1980s a series of tensions has been evident throughout the Jewish world.

One, the growing rift between Orthodoxy and Reform, particularly in America. Reuven Bulka, for example, has warned that “if present trends remain unchecked, the policies which prevail within Reform Judaism and the commensurate reactions which they will surely evoke within the Orthodox camp” may well “result in a cataclysmic split within the North American Jewish community.” This could eventuate in “the total renunciation of a significant number within the Jewish community by another group.” America’s Jews might become two distinct and noncommunicating peoples, differing on the most fundamental issues of who and what is a Jew. To some extent this has already occurred.

A second has been the parallel conflict between religious and secular groups in Israel. Some years ago President Chaim Herzog warned that the greatest danger facing the State of Israel was not external but internal, the clash of cultures between secularist Israelis and two kinds of religious Jews, the non- or anti-Zionist *charedim* and the “national religious” Gush Emunim. Tensions reached a height in the summer of 1986, when bus shelters carrying swimwear advertisements were burned by groups of *charedim*, and in retaliation a synagogue was

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set on fire, a yeshivah vandalized, and vehicles attacked by groups of militant secularists. Concern has been voiced on both sides of the divide, by secular analysts like A.B. Yehoshua, Amos Oz, Amnon Rubinstein, and Yehoshafat Harkabi, and by a range of religious thinkers, among them David Hartman, Shlomo Riskin, Yehudah Amital, and Nachum Rabinovitch.

The third has been the increasingly tense relationship between Israel and the diaspora since the 1982 Lebanon War. Prior to that, especially in the wake of the 1967 Six-Day War, Israel had been a primary focus of diaspora Jewish identity. Jews in the *golah* were internally divided between secular, ethnic, denominational, and Orthodox expressions of identity. They were united by their concern and support for and vicarious pride in the State of Israel. Recently, though, Israel's international isolation and the widespread criticism of her policies in Western media has made at least some sections of diaspora Jewry increasingly uncomfortable, sometimes publicly critical. Attitudes toward Israel – the government, if not the state – have become among the most contentious and divisive issues facing diaspora Jewry.

This too took on a religious dimension when, in the immediate aftermath of Israel's 1988 general election, greatly increased support for religious parties made it seem likely that the Law of Return would be amended to recognize only halakhic conversions to Judaism. Orthodox opinion was divided on the tactical wisdom of insisting on the amendment, which in any case would have had only a marginal impact on Israeli society. Its immediate effect would have been on the diaspora, for it would have implied a formal delegitimation by the Israeli government of the Reform and Conservative rabbinate. The protests, especially in America where these movements constitute a majority of synagogue affiliations, were instant and vociferous.

None of these tensions has as yet proved fatally divisive. They flare sporadically and then die down in a subsiding murmur of diplomacy and reassurance. But for none is a substantive resolution in sight. And there is a disturbing sense of impending crisis, as if they were mere preludes to a volcanic eruption that will shake the Jewish world and irretrievably change its contours.

ORTHODOXY RESURGENT

At the heart of all of them has been the revival of Orthodoxy. As late as the 1960s, Orthodoxy had been seen by some observers to be on the brink of eclipse. In 1967, the French sociologist Georges Friedmann published a book entitled *The End of the Jewish People?* in which he diagnosed world Jewry as poised between an assimilating diaspora and a secular Israel. The prediction began to prove itself false almost as soon as it had been uttered. Since then, the renaissance of traditional Judaism has been astonishing, evident in the proliferation of Jewish day schools and yeshivot, their success in resisting the forces of secularization and acculturation, and the high birth rates of Orthodox families.

This, though, has taken place against the backdrop of a still deepening secularization of Jewry as a whole, in both Israel and the diaspora. In the diaspora this is relatively easy to monitor. It takes the form of an overall continuing decline in religious observance and synagogue affiliation and an increase in the number of those who receive no Jewish education. It can be measured in terms of low birth rates and high rates of intermarriage.

In Israel the markers are less clear-cut. In several respects the religious factor has become more prominent in Israeli society in recent years. The *charedi* community has grown through its own birth rates. There have been highly publicized cases of *chozrim bi-teshuvah*, alienated Jews returning to their religious heritage. In the political arena, religious groups have adopted a higher profile. In terms of national culture, religious motifs have been increasingly prominent, as against the aggressive secularism of the early years of the state. Nonetheless, as Daniel Elazar has observed, "The rise of a generation of nontraditional Jews whose links with Judaism are tenuous in the extreme has increased the gap between the religious quarter of the population and the other three-quarters."

So the paradox of an Orthodox revival on the one hand and the progressive secularization of Jewry on the other has brought confrontation and conflict. But not only between Orthodoxy and others. The same high levels of tension are palpable within Orthodoxy itself. There have been fierce antagonisms and a growing sense of distance between *charedi* and *dati*, the so-called traditionalist and moderate or centrist

Orthodox. The two major forms of the latter – Modern Orthodoxy in America and Religious Zionism in Israel – have been undergoing a period of demoralization and decline. A cluster of associated attitudes has been in eclipse: the “synthesis” between Judaism and secular culture; a degree of tolerance and pragmatic cooperation between Orthodox and non-Orthodox groups; a positive religious attitude toward the State of Israel; and a tendency toward political moderation and a concern for world opinion. In their place has come an identification of religious authenticity with extremist positions.

Nor is the *charedi* world itself unitary and united. There have been angry, even violent, confrontations between different groups of *chasidim*, divided in their attitudes toward the State of Israel. There has even been a revival of the eighteenth-century hostility between the *chasidim* and their opponents, the *mitnagdim*. This led, in the last Israeli general election and before, to division within the ranks of the major *charedi* political organization, Agudah. One past president of the Rabbinical Council of America, Rabbi Louis Bernstein, has argued that Orthodoxy’s greatest contemporary weakness is its fragmentation. “Minute differences metastasize into insurmountable obstacles. These differences, viewed in retrospect, are almost comical, but they open wide and painful wounds in their contemporary context.”

THE UNDERLYING QUESTIONS

These conflicts, painful in themselves, may nonetheless be a sign of the intense vitality of the contemporary debate about the Jewish identity and destiny. As such, though, they call for serious and sustained reflection rather than sloganizing, confrontation, and mutual delegitimation.

And they point beyond their immediate causes to deeper questions about Jewish continuity and responsibility. Does the growth of the *charedi* community and the relative decline of other groups point to a need for all Jews to reconsider their survival strategies? Is the diaspora destined to self-destruct through assimilation, intermarriage, and a failure to create its own future generations? Does Jewish survival in an open society require a self-imposed segregation from non-Jewish associations and culture? “Modern” Orthodoxy, since the days of Samson Raphael Hirsch, has assumed that a secular-Jewish

synthesis is possible. In the late twentieth century, is this intellectually plausible? Is it pragmatically wise? Does not all secularization threaten the disintegration of Jewish loyalties and the stability of Jewish families? These questions have implications for the future development of Orthodoxy.

Are the social processes at work in Israel and the diaspora likely to generate a general return to tradition or an increasing polarization between a secularizing majority and an intensely religious minority? Can there be dialogue across the divide? Does Orthodoxy carry the responsibility for the religious fate of all Jews, or must it focus on its own survival? These questions have implications for the relationship between Orthodoxy and non-Orthodox Jews.

What is or should be the relationship between Judaism and the development of Israeli society? Should religious groups be represented by parties in the political process? Should they be involved, apolitically, in shaping education, collective sentiment, and national culture? Are the key religious issues “religious” – safeguarding Shabbat, standards of modesty, and the dignity of the dead – or are they social and economic too? Is Israel a place in which Jews can live among Jews or is it the context of a Torah society with specific approaches to social justice, compassion, and minority rights? What is the relationship between the State of Israel and the messianic process? These questions concern the relationship between Orthodoxy and Zionism.

What, too, is the relationship between the Jewish people and humanity as a whole in the wake of the Holocaust and the rising international tide of anti-Zionism? Jewish concerns have turned markedly inward in the last two decades, from universalism to particularism, from “example” to survival. Is concern for world opinion part of Israel’s ethical imperative, or is it instead a failure of moral courage? How far should Jews in the diaspora be involved in the moral and social issues of their wider society? Is this a religious duty or a form of assimilation? What are the contemporary implications of the command of *kiddush ha-Shem*, to “sanctify God’s name” through conduct that inspires admiration? These questions concern the relationship between Judaism and its wider environment.

THE COVENANTAL CONVERSATION

Currently there is no available consensus on these dilemmas for which different groups and individuals offer different answers. This fact is not significant in itself. Of greater importance is how we approach the conflict of judgment and evaluation.

The classic Jewish response was to seek guidance from the sources, from the canonical texts of revelation and interpretation, the biblical and rabbinic literature. Nor was this an individual and subjective process. It involved finding a teacher, one who was versed and immersed in the tradition and could give an authoritative judgment that carried the weight of many centuries of rabbinic deliberation.

But there was not always a definitive answer. Maimonides distinguished between *halakhah le-Moshe mi-Sinai*, “a law transmitted [orally] from Moses at Sinai,” and the wider ambit of the Oral Law. The former represented judgments and imperatives on which there was no recorded argument in the tradition. The rest of the Oral Law comprised matters on which there *was* argument. That is one of the great characteristics of the rabbinic tradition. The classic sources of rabbinic thought – Mishnah, Gemara, and Midrash – are essentially collections of arguments. Few religious literatures have so celebrated dialogue, debate, and dialectic. The very process of argument was a central feature of the religious life.

There is a reason for this, and it goes to the heart of Jewish spirituality. Judaism begins with and is constituted by a covenant. And a covenant is a binding relationship which, however unequal the parties, respects the integrity of each. Throughout the biblical period, the mode through which the Divine will was known was *revelation*. But throughout the rabbinic period, it was *interpretation*. Through interpretation the sages applied Torah to their time. And because the entire covenantal community – the congregation of Israel – was involved in this process, argument was of its essence.

In revelation, there is no room for argument. There are true prophets and there are false prophets, but there is neither dialogue nor consensus between them. But in interpretation, there is always room for argument. An application of the sources to the unfolding challenges of history is rarely unchallengeable. There are ways of reading the classic texts differently. There are ways of characterizing the present situation

differently. In the covenantal situation, process may be more important than product. The fact that the entire community of sages is engaged in dialogue with Israel's destiny is itself the ongoing activity called Torah.

To be sure, there were large areas in which the sages insisted on normative rulings. Roughly speaking these make up the entire territory known as *halakhah*, Jewish law, and for the most part they were arrived at through consensus and the rule that "one must follow the majority." But there were equally large areas in which no consensus was sought and in which the argument was allowed to continue open-endedly. These were the domain of, in its broadest sense, *aggadah*: the literature in which the sages explored Jewish values, attitudes, and ideals.

By and large, the issues which have confronted Jews in modernity have been questions of *aggadah*. How shall a Jew live in an open society? How is Jewish identity to be combined with participation in a secular state and its culture? How, in this environment, is a Jew to be educated? Against the backdrop of nineteenth-century emancipation and nationalism, how was the Jewish destiny to be continued? If it meant Jewish nationalism and a return to the land of Israel, how was this to be reconciled with traditional Jewish quietism and a patient waiting for Providence? Where is the State of Israel to be located on the Jewish map of history between exile and redemption? What is the contemporary meaning of *galut*: exile or dispersion?

These are not questions to which a definitive answer can be reached through the classic sources of Jewish tradition. Nor are they the kinds of questions on which we would expect a normative consensus. Yet they fatefully shape the lives Jews lead and the relations that exist among them. Supremely, they are the covenantal questions of the last two centuries, for they raise in the most acute form the question of which route the covenantal people should take through history in response to the mandate of Sinai.

Yet the traditional response of interpretation and argument has broken down. So long as Jews were held together by *halakhah*, there could be disagreement on matters of *aggadah*. Jews were a people, said Saadia Gaon, by virtue of their laws. Those laws constituted Jews as a community, and on that foundation there could be individual differences on larger issues. But the most momentous fact of modernity is

that Jews have ceased to be a people held together by halakhah. Today they are linked, if at all, by more tenuous bonds: a common vigilance toward antisemitism, a sense of shared history and ethnicity, concern for the State of Israel, and a feeling of collective responsibility for the safety and welfare of other Jews.

Whether Jewish peoplehood can survive on so slender a base is an open question. Certainly there is room to doubt whether Jews can chart a common future if they lack a shared language with which to discuss that future. In such a situation there is an overwhelming need to recover as far as possible the tradition of interpretation and argument, in which the covenantal community engages in dialogue on its historical vocation.

The sages called this process *machloket le-shem shamayim*, argument for the sake of heaven. The phrase roughly meant Torah is truth. But at times we must uncover that truth through serious exploration of the Torah's words. This is a collective rather than an individual process, and it calls for a critical listening to a multiplicity of voices. In this way argument, rather than being confrontational and divisive, becomes part of the texture of community and its ongoing covenantal conversation.

ARGUMENT FOR THE SAKE OF HEAVEN

In illustrating what they meant by an “argument for the sake of heaven,” the sages contrasted the arguments between Hillel and Shammai, which exemplified it, with the arguments of Korach and his followers, which did not. The difference between them is worth restating in an age in which Jewish argument has often degenerated into controversy and from there to mutual hostility and delegitimation.

R. Menachem Meiri explains the distinction thus. There is a difference between argument for the sake of truth and argument for the sake of victory. Hillel and Shammai argued out of a desire to discover the truth. Korach argued with Moses out of a desire to win a personal victory. Whoever argues for the sake of truth wins a kind of immortality: his words are destined to endure. Whoever argues for the sake of victory merits a kind of oblivion: his words are not destined to endure.

The two kinds of argument are readily distinguishable. The one focuses firmly on the subject itself and avails itself of reason, inference, and the resources of tradition. The participants know themselves to be

engaged – even as they disagree – in a collaborative rather than confrontational enterprise. To lose the argument is as enlightening as to win it, for truth is the outcome, and truth transcends the person who first uttered it. It is said of R. Nachum ha-Amsoni that when he found a counter-example to his theory of biblical interpretation, he retracted his life's work with the words: "Just as I received a reward for the exposition, so I will receive a reward for the retraction." There can be no more inspiring example of the primacy of truth over subjectivity. To be defeated by the truth is to experience the one defeat that is also a victory. This is argument for the sake of heaven.

The other kind of argument fails to focus on the subject, for the subject of the controversy is not, so to speak, its agenda. It is marked by rhetoric and abuse. It frequently becomes *ad hominem*. Its aim is to defeat the opponent. Therefore its ends are served as well by attacking the person holding the contrary position as by attacking the position itself. The Korach rebellion – the rabbinic paradigm of argument not for the sake of heaven – is, from one point of view, an obscure narrative. Read the text carefully, and one finds not one but several different and incompatible positions being advanced. From another point of view, though, the rebellion is all too lucid. It aimed not at truth but at victory. Crucial to its strategy was a delegitimation of Moses. In such an argument, victory for either side is defeat for both. Had Korach won, the religion of revelation would have been defeated by the politics of power. Moses won, but only at the cost, uniquely, of invoking a miracle and his opponents were destroyed, and of provoking the subsequent reaction of the people: "You have killed the people of the Lord." In this kind of confrontation there is no benign outcome. One can only aim at minimizing the tragedy.

THE HISTORY OF JEWISH IDENTITY

My aim in the present study is therefore twofold: to explore the "arguments for the sake of heaven" that currently divide the Orthodox world, and to defend the endangered etiquette of "argument for the sake of heaven" itself. The concept does not imply a pluralism that sees all interpretations as legitimate and all truth as relative. The argument between Hillel and Shammai was in fact decided in favor of Hillel. But it does

imply a willingness to engage in reasoned dialogue with views with which one disagrees. It stands alongside another monumental rabbinic conviction, that “scholars increase peace in the world.” Through intellectual conflict comes resolution and, eventually, reconciliation. These are values that need restating in a fragmented Jewish world.

But that task cannot itself be done without also examining the wider issues that led to the collapse of halakhah as the unifying framework of Jewish existence as a whole, and the intractable conflicts to which this has led in the present. Orthodoxy itself needs to be understood in the context of Jewish peoplehood in its widest sense. And that too I have tried to do. The present volume, then, sets the background of current intra-Jewish debates while suggesting how these might be conducted less divisively in the future. It is offered as a personal perspective, from the vantage point of one who sees halakhah as the constitution of the Jewish people and the only viable framework for Jewish unity. It is, too, an informal presentation. I have tried to avoid loading the text with footnotes and academic digressions. Some of the issues touched on are explored in a more scholarly way in my forthcoming books, *Tradition in an Untraditional Age* and *One People? – Tradition, Modernity and Jewish Unity*.

The central questions that currently divide the Jewish world flow from the clash of a series of very different perceptions of what it is to be a Jew. Those perceptions cannot be fully understood without a clear sense of their history. How did it come about that the relatively unified idea of Judaism and Jewish identity that existed prior to the eighteenth century broke apart in modern times? That is the issue explored under the heading “Past.” In “Present” I examine the current state of Jewish identity and the several unexpected developments that have taken place in Jewish consciousness since the 1960s. In “Future” I consider how the currently tense relationship between Orthodoxy and the rest of the Jewish world *might* develop, and how I believe it *should*. The sections headed “Prologue” and “Epilogue” bring the argument from a global perspective to its impact on a single imaginary Anglo-Jewish family.

This then is my attempt to set the scene for the tense and intense drama of Judaism’s contemporary dialogue between its commanding past and its as yet uncharted future.