

Politics of Exclusion in Judaism

Saul Lieberman and the Orthodox Part 4

There are a number of interesting anecdotes that also illustrate the negative view towards Lieberman in some parts of the Orthodox world. For example, R. Nathan Kamenetsky reports that his father, R. Jacob Kamenetsky, was once speaking to Lieberman at a wedding, and R. Aaron Kotler commented to him that "it is forbidden to look at the face of an evil one." However, Kamenetsky ignored him and continued speaking to Lieberman. While there is no doubt that Kotler had strongly negative views of Lieberman, the following must also be noted: In 1954 the Immigration and Naturalization Service request the names of three institutions that accepted credits from Beth Medrash Govoha in Lakewood. Kotler turned to Lieberman for help in this matter. As one who always treated the yeshivot with the greatest respect, despite their lack of reciprocity, Lieberman followed up on Kotler's request and the Seminary agreed to accept the credits, which undoubtedly assisted the yeshiva in recruiting students from outside the United States (Shapiro 35-36).

Others in the Orthodox world, although personally friendly with Lieberman and benefiting from his knowledge, were reluctant to openly acknowledge this in their writings, no doubt fearful of how this would be viewed in their communities. Thus, even though the Rabbis state that by citing someone's insights in his name one "brings deliverance into the world," Lieberman was thought to be an exception to this rule. For example, R. Shemaya Grunbaum, a Satmar hasid, published a letter from Lieberman in one of his books, but instead of citing Lieberman by name, the letter writer is identified as "hakham ehad." However, Lieberman's identity is only slightly veiled, since Grunbaum did not delete the letter's reference to Ha-Yerushairni ki-Feshuto...

I am aware of several other instances of "anonymous" citation of Lieberman's work. In 1955 R. Menahem M. Kasher published volume 16 of his *Torah Shelemah*, and on p. 234 he notes that a certain reference was called to his attention by ר"ש ליברמן. When the second edition of Kasher's *Ha-Rambam ve-ha-Mekhilta de-Rashbi* was published in 1980, an entire section from *Torah Shelemah*, vol. 16, was reprinted (pp. 126-127). Lieberman's name was dropped and *hakham ehad* inserted in its place. Obviously, by 1980 Kasher felt that it was no longer "religiously correct" to mention that Lieberman had assisted him. In *Hiddushei Rabbenu David on Pesachim*, portions of a letter from an anonymous – חכם מובהק אחד are quoted, and this is none other than Lieberman (Shapiro 36-37).

A friend recently visited an institute for study of the Jerusalem Talmud established by the Gerer hasidim in Arad, Israel. These Hasidim have pioneered a *daf yomi* cycle for the Jerusalem Talmud and are publishing a new commentary, *Or Simbah*, on this Talmud. My friend asked if they use *Ha-Yerushalmi ki-Feshuto* and *Tosefta kiFeshutah*, and they showed him that they have these on their desks and mentioned that they even use his other writings. Conforming to the pattern we've come to expect, they also told him that they would never quote an interpretation in Lieberman's name, but write things like "it is possible to say." This is because, as they explained to my friend, "We want people to use our Yerushalmi." In other words, if they quoted directly from Lieberman, as opposed

to just using his interpretations without acknowledgment, their volumes would not be acceptable in the haredi world (Shapiro 38).

There is no doubt that most Orthodox scholars who do not cite Lieberman's insights by name are simply afraid of the reaction they will encounter in right-wing circles. But the calculation of others may be simpler in that they regard Lieberman as religiously deficient. Therefore, although they are willing to learn from him, they will not mention him by name. One might think that people who feel this way would simply choose not to use Lieberman's books, as indeed most haredim do not. However, one can actually find rabbinic precedent for those who use his works without acknowledgment. Tosafot records an opinion that although R. Meir cited the insights of his teacher, Elisha ben Aviyah, he did not reveal their source, for his teacher had left the religious fold. Thus, no matter how negatively one views Lieberman, this source can be used to justify benefiting from his writings without acknowledgment (Shapiro 39).

Another precedent for using Lieberman's writings but not citing him by name—and this can be used even by those who respect him—is found in Maimonides' introduction to *Shemonah Perakim*. In explaining why he adopted insights from Gentile philosophers, Maimonides famously states, "Accept the truth from whoever says it." Yet immediately following this, Maimonides also says that he does not mention these philosophers by name, since doing so "might make the passage offensive to someone without experience and make him think that it has an evil inner meaning of which he is not aware. Consequently, I saw fit to omit the author's name, since my goal is to be useful to the reader." This gives Orthodox writers carte blanche to omit any specific acknowledgment of the sources they are using, as long as there is a possibility that certain readers will find them objectionable (Shapiro 40).

Maimonides alerts the reader to his *modus operandi*, to prevent one from thinking that he is offering only original insights. Others have not always been so careful. One fascinating example was noted by Yoel Katan, who discovered that the famed R. Elijah Dessler, in one of his Elul *mussar* lectures given at the Ponovezh yeshiva, incorporated (sometimes almost word for word) passages from Dale Carnegie's *How to Win Friends and Influence People*. While some might regard this as an unfortunate act of plagiarism on Dessler's part, Katan finds justification for omitting Carnegie as the source based on the text of Maimonides cited above. Dessler thought it important to expose the students to what Carnegie had written, but knowing that mentioning Carnegie by name would have engendered controversy in the close-minded atmosphere of Ponovezh, he had no choice but to present the ideas as his own. These were his "skillful means," to use the Buddhist expression (Shapiro 40-41).

Hillel Goldberg tells the following interesting story: After the 1966 fire in the Seminary library, he and a friend organized hundreds of Yeshiva University students to help save the books. However, there were a number of YU students who were not sure if it was proper to help the Seminary in this way. Goldberg and his friend were unable to reach R. Joseph B. Soloveitchik and therefore turned to Dr. Samuel Belkin, the president of YU. Belkin advised them to ask Lieberman whether there was an obligation for the YU students to assist in the rescue effort. When Lieberman replied in the

affirmative, Belkin accepted his ruling. Announcements of Lieberman's decision, and Belkin's acceptance of it, were then posted around the YU dorms.

This led to considerable consternation among the Yeshiva administration, and to denials that Dr. Belkin had said that which, in fact, he had told us. In the middle of the night, officials at the YU public relations department were aroused from slumber by dorm officials, lest, they feared, the *New York Times* be informed that Dr. Belkin had accepted a *psak* from Prof. Lieberman of JTS. Further, as the night wore on, it became clear that the status of me and my friend at Yeshiva was in jeopardy, for, in the eyes of the administration, we had besmirched YU (Shapiro 43).

The relationship of Soloveitchik and Lieberman was not simply personal and familial. In the mid-1950s, in an effort to create a baseline halakhic standard for American Jewry, the two of them met secretly, while the leadership of the Rabbinical Council of America and the Rabbinical Assembly did likewise. What resulted was a plan to create national *beit din* recognized by both groups as having exclusive authority in matters of Jewish family law. The members of the *beit din* would be selected by Soloveitchik and Lieberman, and these *dayanim* would choose their successors. It was also agreed that Lieberman and Soloveitchik would revise Lieberman's Ketubah to meet with Soloveitchik's approval.

It is important to stress, precisely because so much false information has been circulated concerning this proposed *beit din*, that it was in no way designed to be a *joint beit din*. Rather, all members of the *beit din* were to have been Orthodox, and Soloveitchik and the RCA would not have agreed to anything less. The model was to have been the Chief Rabbinate of Israel, whose authority on issues of marriage and divorce is recognized even by the non-Orthodox. This information was shared with me by Rabbi David Hollander, who as president of the RCA during the negotiations—as well as a supporter of the proposed *beit din*—was actively involved in all the details.

Hollander's version of events is confirmed by the late Rabbi Wolfe Kelman, who was the Rabbinical Assembly's executive vice president during this time and also actively involved in the negotiations. Kelman reported that "three prominent Orthodox rabbinic luminaries were approached and did not reject the possibility of serving on such a Bet Din, if and when established." He further wrote:

In reconsidering what led to the failure of this plan, I have come to the conclusion that the major factor was the unwillingness of the Orthodox to disavow their right-wing resistance to any kind of cooperation with the Conservative[s] and the unwillingness of the Conservative leadership to disavow their own liberal colleagues who might have been unwilling to accept the projected jurisdiction of a Bet Din which consisted *entirely of European-trained Talmudic prodigies*. (Emphasis original)

Similarly, Rabbi Aaron Blumenthal, in a June 22, 1955, letter to Lieberman, wrote as follows:

Members of the R.A. are extremely sensitive about the charge made against us by our Orthodox colleagues, that none of us is competent to serve as a member of a Bet

Din. If we agree to the proposal that no one affiliated with the R.A. or the faculty [of JTS] may sit on this Bet Din, there are a sufficient number of extremely influential members of the R.A. who will oppose in principle such an arrangement to doom the proposal at the Convention. . . . On the other hand, the R.C.A. will not accept any regular member of the R.A., no matter how qualified he may be, on the Bet Din. . . . Our Orthodox colleagues anticipate calling to this Bet Din men of such prestige and stature that the announcement of their names and of their willingness to serve would immediately confer upon this Bet Din the kind of standing and recognition in the American community which no one will be able to deny. . . . [I]t is inevitable that Orthodox Rabbis from all over the country, perhaps all over the world, will direct questions to them on all kinds of matters. . . . They will have no love for Conservative Judaism. They probably will share the prejudices against us which characterize the Orthodox movement in this country. They would delight in "putting us in our places." Unless some such veto power is devised, I have some great fears about what they may do. On the other hand, the R.C.A. would not agree to veto power by the R.A.

It is thus clear that the Orthodox side never had any thought of establishing a joint beit din, consisting of both Orthodox and Conservative *dayanim*.

Incredibly, although Soloveitchik—a very strong opponent of Conservative Judaism—had given every indication of supporting the plan despite all of its potential problems, the Halacha Commission of the RCA, of which Soloveitchik was not a voting member, rejected it by a tally of eleven to six. Lurking in the background, and what helped bring about the negative vote, was the fact that the leading American *roshei yeshivot*, including R. Moses Feinstein, had just issued a ban against any participation by rabbinic organizations and their lay affiliates with non-Orthodox rabbinic or lay groups. Members of the Halacha Commission realized that approval of the *beit din* so soon after the proclamation of the ban would have created the appearance that Soloveitchik was publicly snubbing the *roshei yeshivot*. Therefore they decided, as Rabbi Emanuel Rackman put it, "to rescue Dr. Soloveitchik from his understandably embarrassing situation." In addition to this, the Rabbinical Assembly was not prepared to commit itself to discipline members who flouted the *beit din's* authority, and this was regarded as a *sine qua non* by many of those on the Halacha Commission (Shapiro 44-46)

References

Shapiro, Marc B. [Saul Lieberman and the Orthodox](#). Scranton: University of Scranton Press. 2006