

Politics of Exclusion in Judaism

Saul Lieberman and the Orthodox Part 1

Background

1. While it might have been possible to find an instructor in history from outside the Orthodox community, instructors in Talmud were much more difficult to locate. After all, where else but among the Orthodox did young men devote themselves to the study of rabbinic literature and rise to the level of experts, thus making them worth of training future rabbis?

It is therefore no surprise that the various non-Orthodox seminaries looked to the Orthodox. These institutions were willing to respect the Orthodox faculty member's religious autonomy; that is, they would not force them to violate their religious principles. The assumption of the directors of these seminaries – soon to be proven correct – was that there would be members of the Orthodox scholarly elite who, for financial or perhaps even idealistic reasons, would be willing to instruct students at their institutions (Shapiro, 1).

2. It has always been easy for the Orthodox public at large to ignore those who teach at non-Orthodox seminaries, even if these men are completely observant...yet it is not so easy for Orthodox scholars to ignore their work. On the one hand, they are regarded as having cast their lot with the non-Orthodox; on the other hand, their work is often valuable even to the most close-minded of the Orthodox. The problem, therefore, presents itself: How should Orthodox scholars relate to those who teach at non-Orthodox seminaries. This is obviously not an issue that concerns those Orthodox who pursue academic Jewish studies, but is indeed relevant to those who are involved in traditional Talmud study. For many of them, the issue is, to put it bluntly: Is one permitted to cite the Torah insights of those who are regarded as having left Orthodoxy.

R. Meir...took the kernel and discarded the shell i.e., he only took what was religiously acceptable [from Elisha ben Avuya / Acher]...Ibn Ezra...had no compunctions about citing Karaites. Earlier, R. Hai Gaon wished to enlist a Christian cleric's assistance in understanding the meaning of a biblical text, and rebuked the *dayan* [judge] R. Matzliah ben Albassek when he expressed his reluctance to be involved in such a request.

These luminaries were following the tradition, later formulated by Maimonides in his introduction to *Shemoneh Perakim*, to "accept the truth from wherever it comes." (Shapiro, 3)

4. To present a concrete illustration, R. Zechariah Frankel wrote a commentary, *Ahavat Tziyon*, on *Berakhot*, *Peah* and *Demai* of the Jerusalem Talmud. When a traditional Talmudist studies and writes about these tractates, how will he related to Frankel's commentary? While we do find some traditionalists who held a positive view of Frankel, most Talmudists who have heard of his commentary ignore it, regarding it as *pasul* [invalid] because of its authorship. Others use Frankel's work without ever mentioning his name or the name of his commentary. They might refer to an interpretation advanced by a *hakham ehad* [one wise person] or perhaps they simply incorporate the interpretation into their own work without any acknowledgement of their plagiarism.

In Rabbi Adin Steinsaltz' edition of JT *Peah* (Jerusalem, 1988), he came up with his own solution: Explanations are cited in the name of פ"ר [The Hebrew initials of Zechariah Frankel]. The letter ר standing for "Rabbi" is conspicuously omitted. Even more interesting is that in Steinsaltz' list of abbreviations there is no explanation given for פ"ר. In addition, there is no reference to *Ahavat Tziyon* in the long list of sources cited at the end of the book. In other words, "the intelligent will understand," [*hamevin yavin*] but the typical yeshiva student will not (Shapiro, 5).

5. A good example of [of subtle plagiarism] with regard to another book is the Bnei Brak 1977 edition of R. Aryeh Leib Heller's *Shev Shemateta* (called *Shev Shemateta ha-Shalom*, and containing novellae by R. Moses Sternbuch). In the introduction, written by Menahem Mendel Gerlitz, there is an essay on Heller's method of study. Virtually the entire essay has been lifted, word for word, from Rav Tzair's *Toledot ha-Poskim* (New York, 1947)...In 1998, Nosson Dovid Rabinowich published a book intended for Yeshiva Students, entitled *M. Mielziner's Talmudic Terminology*. On the title page it states that this book has been "adapted" by Rabinowich, yet anyone who examines Mielziner's *Introduction to the Talmud* (New York, 1967) will see that, with the exception of a few added notes, Rabinowich has reprinted the entire third part of Mielziner's book. Rabinowich never informs the reader than Moses Mielziner (1828-1903) was a Reform rabbi as well professor of Talmud at Hebrew Union College, where he also served as president from 1900-1903...I [Shapiro] too, have experienced something similar. Much of Daniel Stein's lengthy note, "Le-Asukei Shemateta Aliba de-Hilkheta," *Beit Yitzchak* 35 (2003), p. 692 n. 5, is taken without acknowledgement from my article "The Brisker Method Reconsidered," *Tradition* 31 (Spring, 1997), pp. 78-102. Stein even refers to an unpublished letter of R. Aharon Lichtenstein that I cited, without ever informing the reader of his source (Shapiro 5, n. 9).

6. ...there is no question that until his move to the Seminary [i.e. JTS], Lieberman was firmly ensconced in Orthodox society and recognized as a future *gadol be-Yisrael*...During this time [before leaving for America] we know he enjoyed a very close relationship with R. Abraham Isaac Kook, and the two of them often studied together. We also find that R. Ben Zion Uziel, the Sephardic Chief Rabbi of the Land of Israel, addressed him in an extremely

complimentary fashion...R. Haayyim Ozer Grodzinski also referred to him in a very positive way, and his cousin, R. Abraham Karelitz (the *Hazon Ish*), wrote to him, discussing some textual points of the Tosefta while also criticizing the academic study of Talmud for its focus on philology and history. In another letter...he acknowledges the correctness of a Talmudic point made by Lieberman (Shapiro, 6-7).

7. The period when Lieberman came to the Seminary was one of increased battles between Orthodox and Conservatives, as both were competing for the loyalty of a large segment of the American Jewish community. The Conservative rabbinate had recently begun to assert its independence in the areas of halakhic decision making, most vividly in the 1935 approval of R. Louis Epstein's proposal to end the agunah problem [at the time of marriage the husband could appoint his wife as his agent, so that if necessary she could later write the *get* herself under the supervision of a *beit din* – Shapiro n. 40], a proposal rejected by the Orthodox rabbinate with particular vehemence. R. Joseph Konvitz, president of Agudat ha-Rabbanim of the United States and Canada, spoke for his colleagues when he declared: "The Students from Schechter's Seminary have absolutely no connection to the rabbinate and halakhic decision making." Agudat ha-Rabbanim went so far as to proclaim that anyone who made use of Epstein's proposal, including the bride, the groom, and even the witnesses, was to be placed in *herem*. This proclamation was signed by hundreds of American rabbis, including such renowned figures as Bernard Revel, Moses Soloveitchik, and Zev Gold. As to what led the Conservatives to think they could involve themselves in such an important halakhic area, an editorial in *Ha-Pardes* [April 1936] answers as follows:

We must confess and say "we are guilty"! There are found among us rabbis who respect them, who come together with them to be *mesader kiddushin*, [wedding officiants] or at other gatherings. There are those of us who enter their synagogues...there are those of us who educated our children in their seminary, and this is what brought about their *chutzpah* to establish themselves as rabbis, to rule in halkhot of *gittin* and *kiddushin* [divorce and marriage].

In fact, *Ha-Pardes* itself seems to have been "guilty" in this regard as well, for in 1931 it actually published a Torah note by Louis Finkelstein, despite the fact that he had taught in the Seminary since 1924 and was president of the Rabbinical Assembly from 1828-1930.

The following is another example of this "guilt": After Epstein published his first pamphlet detailing his solution to the agunah problem, he sent it to Orthodox rabbis around the world soliciting their reactions. While rabbis in Europe who responded were unaware of Epstein's denominational affiliation, this was not the case for R. Samuel Gerstenfeld, R. Jacob Kantrovitz, and R. Joseph Elijah Henkin. Yet all of these men, each one a notable figure in American Orthodoxy, replied to Epstein in terms reserved for colleagues [e.g. *Ha-*

Rav ha-Gaon or *Moreinu ha-Rav*]. Seeing himself referred to in this fashion, Epstein would obviously be justified in assuming that he was regarded as an equal member of their rabbinic confraternity. (Shapiro 12-13 and note 46)

8. In truth, the "guilt" of which *Ha-Pardes* spoke is completely understandable, for when the dealing with the first half of the twentieth century, "the designation 'Conservative or 'Orthodox' Jew does not denote fundamental differences" among much of the American Jewish laity, congregations, and even among many of the rabbis. Indeed, it was precisely the Epstein proposal that awakened the Orthodox rabbinate to the possibility that the Conservatives would begin to make far-reaching halakhic decisions independently, something they had refrained from doing until then. This explains why the Conservative movement came to be regarded as a real danger only in the 1930's. Until then, one would often be hard-pressed to distinguish between the two movements, since in many Orthodox synagogues (i.e., synagogues which were part of the Orthodox Union) men and women sat together and most members of Orthodox synagogues had the exact same religious make-up as members of Conservative synagogues (i.e., synagogues which were part of the United Synagogue) (Shapiro 14-15).

9. The tension between the two movements was increased by the fact that many talented members of the Orthodox community were choosing to attend the Seminary to receive ordination rather than RIETS or another yeshiva, and there were no appreciable gains in the other direction. In fact, in a survey of applicants to the JTS Rabbinical School covering the years 1946-1957, it was revealed that sixty percent came from Orthodox homes and thirty percent were graduates of Yeshiva College. There is every reason to think that the numbers were not much different in the previous decade. Because the Conservatives defined themselves as faithfully following tradition, the Orthodox regarded them as a real threat, and thus more dangerous than the Reform. Indeed, most observers at the time believed that Orthodox was on the way out while Conservatism was the wave of the future.

As such, it can be imagined what a shock it was for the Orthodox when in 1940 the internationally renowned Jerusalem *illui* [prodigy/genius], Saul Lieberman, accepted an invitation to join the Seminary faculty...this was a great coup for the Seminary, and with both [Louis] Ginzberg and Lieberman on the faculty, the Seminary became the world center of academic Talmudic scholarship.

References

Shapiro, Marc B. *Saul Lieberman and the Orthodox*. Scranton: University of Scranton Press. 2006