

זרמים  
Zeramim

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## A Letter from the Editors

Dear readers,

After completing our first year of publication—a fall issue, a winter issue and a spring issue (preceding a summer recess)—the editorial team of *Zeremim* is very proud to release the first issue of our second volume of our online journal of applied Jewish thought.

Our issue opens with ruminations on birth amidst adulthood: *halakhah* (Jewish law) deems the convert to Judaism “as a newborn child.” Martin S. Cohen reviews legal precedent and suggests an attitudinal approach towards reconciling the reality of full lives lived by converts prior to entering the Jewish faith against backdrop of rabbinically declared “newborn” status.

While the dicta of the sages heavily populate the Jewish oral tradition, Judith Hauptman demonstrates how the Talmud’s halakhic narratives often come to re-evaluate halakhic standards previously instated by earlier rabbinic authorities. Hauptman highlights how Yalta’s practices surrounding travel on festivals deviated from the prescription of the patriarchal rabbinate surrounding her and ultimately influenced the Talmud’s opinion on the *halakhah*.

The ways in which women have continually shaped Jewish society feature prominently in Raysh Weiss’ examination of Women’s League for Conservative Judaism. Approaching its centennial, Women’s League, as Weiss traces, has played several critical and overlooked roles in building Conservative Jewish institutions, communities, homes and leaders.

Despite certain feminist successes in liberal Jewish streams, an inequality of the sexes nonetheless persists in many spaces committed in principle to egalitarianism, and Talia Kaplan shares—based on survey results—research on how gender identities are reinforced, challenged, or overlooked in Jews’ donning of ritual attire. Kaplan examines how Jewish authorities’ and Jewish laypersons’ acceptance of Jewish law and conceptions of gender mold halakhic relationships with *kippot* (skullcaps), *tefillin* (phylacteries) and *tallitot* (prayer shawls).

At the edge of the prayer shawl, Dina R. Shargel gathers her musings on the *tallit*’s unique fringes—its *tzitzit*—and considers the visual and philological guises of the *tzitzit* as remarkably akin to a *tzitz* (a “bud”). The potential and fragility of the *tzitz* beckon the

wearer of the *tzitzit* to contemplate both human potential and the graveness of life's borders; *tzitzit* ought to compel the wearer to pursue sacred meaning despite the limitations imposed by nature.

The fear of death and the fear of harm may underlie why universal practices of contemporary *sheḥitah* (kosher "slaughter") have abandoned what Yonah Lavery-Yisraeli demonstrates to be one of the most vital laws in *sheḥitah* as practiced commonly until the 20<sup>th</sup> century. The jettisoning of the (halakhically necessary, according to all sources between the Babylonian Talmud and the *Shulḥan Arukh* and beyond) testing of the sharpness of one's knife (on one's self!) before each and every slaughter has likely prevented many of today's *shohatim* ("slaughterers") from sufficiently (halakhically) understanding the pain endured by animals during *sheḥitah*.

Focusing more broadly, the reader turns towards Jack Shechter's cogitations over the very acts of reading, studying and learning in traditional Jewish and modern parlances. Shechter proposes a framework through which the pursuit of contemporary values and academic knowledge, alongside Jewish textual study and rituals, complement each other's potential to offer "the faithful modernist" a life enriched by past and present.

New to this issue, *Zeramim* is proud to introduce the inaugural instalment of *Midrash Zeramim*, a section of our journal that, in each issue, examines Jewish text, thought, tradition or life from an artistic angle. Yavni Bar-Yam presents a triad of fictitious, anachronistic scripted dialogues between Socrates and King Solomon. In wittily juxtaposing the teachings that traditions have attributed to these two masters of wisdom, Bar-Yam offers the reader a hint of what the rabbis of Greco-Roman Palestine may have imagined when they heard Socratic teachings and when they read songs, proverbs and collections deemed Solomonic.

Whether you read these words privately, cite them in the academy, share them with your community, or send them to your butcher, we hope you enjoy this issue of *Zeramim*.

With gratitude,

Jonah Rank, Managing Editor & Designer

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~ | MIDRASH ZERAMIM | ~

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## THE CONVERT AS NEWBORN

*Martin S. Cohen*

In the course of my work as a senior editor for the ten-volume series of essays on Jewish prayer and thought being published over the last and coming few years by New Paradigm Matrix Publishing in New York under the Mesorah Matrix imprint, I had occasion to edit an essay by Rabbi Catharine Clark, a colleague who serves a congregation in western Ontario, in which she muses thoughtfully and movingly about the feelings the specific *nusah* of the *ha-mavdil* blessing (which serves as the anchor of the Havdalah ceremony at the end of Shabbat) stirs up in her when she contemplates it not solely as an observant Jewish woman and as a rabbi, but as someone who approaches them also as a *giyoret*, as someone originally not of the House of Israel who chose as an adult to embrace Jewishness and Judaism.<sup>1</sup> I won't rehearse her argument here, although I recommend the essay to all as a sensitive study in liturgical responsivity, but would like instead to expatiate upon the feelings in myself that that essay stirred up.

The notion that a convert to Judaism becomes a Jew in every meaningful sense of the word is both a commonplace assertion within the Jewish world today and also a basic principle in our classical sources relating to proselytes. The Torah itself sums up the concept pithily in just two words at Numbers 15:15: *kakhem ka-geir*

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<sup>1</sup> Catharine Clark, "Who Are We Separating from Whom: Havdalah and the (Multigenerational) Interfaith Family," in *Havdalah*, eds. David Birnbaum and Martin S. Cohen (New York: New Paradigm Matrix, 2016), pp. 149-160, available online at <http://www.mesoramatrix.com/havdalah/> (accessed on July 31, 2017). Rabbi Clark has specifically permitted me to write about her background in this essay.

("[the law] that applies to you shall apply also to the convert").<sup>2</sup> And that being the case, Rambam (Maimonides, 1135-1204, Spain and North Africa) sounds almost as though he is merely stating the obvious when he observes *en passant* at the end of the twentieth chapter of *Hilkhot Shabbat* in the *Mishneh Torah* that "a *geir tzedek* is (legally speaking) the same as a (born) Jew in every way."<sup>3</sup> Indeed, the term *geir tzedek* itself ("a righteous convert") is used in classical Jewish literature to distinguish such an individual from the other kind of *geir*—the *geir toshav* who, living in the Land of Israel (and, in a time of Jewish hegemony, not wanting to face execution) accepts the seven Noahide commandments upon him or herself.<sup>4</sup> Such a *geir* is specifically *not* like a born Jew in every (halakhic) way—in truth, such a person is hardly halakhically "like" a Jew at all—but the *geir tzedek* (that is, the proselyte who, acting out of principled conviction, chooses to embrace the faith of Israel and to jump through the

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<sup>2</sup> The text then goes on to state the principle even more unequivocally: "One *torah* and one law shall it be for you and for the *geir* who dwells in your midst" (Numbers 15:16). The word *geir*, which in the context of Scripture loosely references the stranger, *i.e.*, any non-Israelite, dwelling amidst the Israelite nation, came to reference proselytes specifically and is used that way throughout rabbinic literature and throughout this essay. *Cf.* the more narrowly construed passage at Exodus 12:49, where the same principle, using almost exactly the same language, is applied specifically to the laws governing the paschal offering.

<sup>3</sup> MT *Hilkhot Shabbat* 20:14 and *cf.* *Hilkhot Melakhim U-milhemoteihem* 8:10, where the author specifically references Numbers 15:16.

<sup>4</sup> *Cf.* MT *Hilkhot Melakhim U-milhemoteihem* 8:9 regarding the obligation to slay Gentiles under Jewish hegemony in the Land of Israel who decline to accept the Noahide commandments. Just recently, there have been efforts in some rabbinic circles, including the Israeli Chief Rabbinate, to revive the concept of *geir toshav* and to restore the status as a viable one for non-Jews eager to have a place within the greater House of Israel but without formally converting to Judaism; see, *e.g.*, Amichai Lau-Lavie's *Joy: A Proposal*, available at [http://amichai.me/wp-content/uploads/2017/06/Welcome\\_Book\\_2017.pdf](http://amichai.me/wp-content/uploads/2017/06/Welcome_Book_2017.pdf) (accessed on June 30, 2017), and particularly the chapter entitled "Ger Toshav: The Rabbinic Resident Alien" (pp. 17-22).

various ritual hoops required for formal conversion), *that* kind of *geir*, so Rambam, is henceforth to be indistinguishable from the born Jew in terms of the way he or she is treated or considered halakhically.

And it is precisely that principle of *kakhem ka-geir* that runs up against a different halakhic principle, the one that requires that the proselyte be considered “as a newborn child,” which latter notion is specifically *not* taken in a poetic or lyrical sense to denote spiritual rebirth as a newly-minted member of the House of Israel, but rather in a quasi-scientific way that treats the convert to Judaism as reborn in every meaningful way *other* than the historical...and thus without any family at all since he or she has been born, or rather re-born, into the world without any legally meaningful relation to anyone at all to whom that same person was related by blood or by marriage in his or her previous iteration as a non-Jew.<sup>5</sup>

This principle is repeated several times in the Talmud and was taken literally and seriously to an extent that will strike most moderns as somewhere between slightly absurd and seriously bizarre.

In Tractate Bekhorot, for example, we find two *amoraim*<sup>6</sup>, Rabbi Yohanan and Resh Lakish, debating whether a convert to Judaism does or doesn't have the ability to summon up the extra progenitorial power that makes a man's firstborn son his heir in a different way than his other offspring precisely because, upon converting, even his reproductive mojo is reset to zero “because he [upon converting] becomes as a newly born child.”<sup>7</sup> (Resh Lakish,

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<sup>5</sup> The rituals of conversion—emerging naked from the waters of the *mikveh*, followed for men by circumcision—are suggestive of rebirth in their own right.

<sup>6</sup> *Amoraim* (plural of *amora*), scholars of the rabbinic tradition in the period immediately following the compilation of the Mishnah, stand in contrast to *tannaim* (plural of *tanna*), the circle of scholars from among whose teachings the Mishnah was compiled circa 220 C.E..

<sup>7</sup> B. (=Babylonian Talmud) Bekhorot 47a. At Deuteronomy 21:17, the Torah specifically justifies the obligation of granting a double share of a deceased father's estate to his firstborn son by explaining that, “because such a one was [brought into being through the] first [flowering of his father's progenitorial] strength, [the perquisites

more formally Rabbi Shimon ben Lakish, supports this position, which is opposed by the more rational Rabbi Yoḥanan.) And this, the Talmud itself observes, was only part of a wider debate regarding an even odder question, or a possibly even odder one: whether the obligation to propagate, itself a Torah commandment, can be deemed to have been fulfilled retroactively, so to speak, by a male convert—the obligation to be fruitful and multiply was understood by at least some of the rabbis of classical times to devolve upon men only—by a male *geir* who became a father before completing his conversion to Judaism.<sup>8</sup> There too, Rabbi Yoḥanan reasonably notes that such an individual has fathered children and has thus fulfilled the commandment, whereas Resh Lakish, again referencing the notion that the convert is legally “like a newborn child,” deems such a man not to have fulfilled his obligations under the law merely because he became a father before his rebirth as a Jew.<sup>9</sup>

This principle surfaces as well in a discussion in Tractate Yevamot that focuses on the question of anterior siblinghood in the context of conversion. Rabbi Nahman, unwilling to look away from the fact that two men born of the same mother cannot rationally be understood other than as each other’s sibling, declares that the court cannot take testimony from them both in just the same way that the court cannot accept testimony from any two brothers.<sup>10</sup> Still, bowing slightly to the principle of converts being considered as though they

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that accrue to a firstborn son through] the law regarding primogeniture accrue [naturally] to him.”

<sup>8</sup> The rabbis understood the injunction issued by God to Adam and Eve ordering them to be fruitful and to multiply (Genesis 1:28, *cf.* the way this precise phrase is used similar with respect to the obligation of Noah’s descendants at Genesis 9:1 and 7) to constitute a Torah-commandment regarding the obligation to reproduce. *Cf.* the brief debate a M. (=Mishnah) Yevamot 7:6 regarding the crucial question of whether this commandment applies to all or solely to men, a debate taken up by later rabbis as recorded at B. Yevamot 65b. And *cf.* also the definitive statement by Rambam at MT Hilkhot Ishut 15:2: Men, but not women, are commanded to reproduce.

<sup>9</sup> This whole passage appears the other way ‘round, *i.e.*, with the argument about inheritance being brought to bear to buttress each rabbi’s opinion about the issue of reproduction at B. Yevamot 62a.

<sup>10</sup> B. Yevamot 22a.

were born anew through the process of conversion, Rabbi Naḥman considers that, should such a pair somehow manage actually to give testimony in court, it could *ex post facto* be considered valid. On the one hand, testimony given by two half-brothers with a common father who have both converted can be accepted *a priori*.<sup>11</sup> On the other hand, Amemar was of the opinion that the notion that converts are legally to be taken as newborns was powerful enough even to make it possible for half-brothers with a common mother to be permitted from the start to offer testimony in court.

In a truly fascinating discussion, also preserved in the Babylonian Talmud in Tractate Yevamot, *tannaim* are heard to discuss the fascinating question of why converts to Judaism suffer at all if they are truly in God's eyes as newborn babies who have obviously not sinned in their very brief pasts and who could therefore not have committed any sins to suffer *for*. One sage, Rabbi Ḥananiah, the son of Rabbi Shimon ben Gamliel, opines that it must have to do with their earlier dereliction of the seven so-called Noahide commandments that the Torah supposes to be the common obligation of all humankind and not merely the House of Israel.<sup>12</sup> Rabbi Yosei finds that theory to contradict the notion that converts are as newborns and so proposes a more practical reason to explain the suffering of proselytes: that, by virtue of being newcomers to the covenant that binds Israel and God, they simply do not possess the requisite knowledge to observe the law sufficiently punctiliously and so suffer because of the many technical errors in observance they

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<sup>11</sup> The idea seems to be rooted in the notion that the nature of the human reproductive process means that individuals can only be sure of their mothers' identities, not their fathers', and is surely not meant to be flattering to Gentiles or to their sexual mores. Cf. Rashi *ad locum*, s.v. *m'idin l'khat'hilah*.

<sup>12</sup> The oldest formulation of the seven commandments in this category is in the Tosefta, at T. Avodah Zarah 9:4, and all are based on Genesis 9:4-6. The commandments are to establish a legal code, not to curse God, not to worship idols, not to behave in a sexually immoral way, not to murder, not to steal, and not to eat the flesh of an animal's limb that has been torn from its body without the animal being slaughtered first. The specific question of which of these commandments was originally given to Adam and Eve is a matter of lively rabbinic debate.

naturally end up making as a result. A third *tanna*, Abba Hanan, finding it unlikely that God would punish people for the unavoidable ineptitude any newcomer would almost inevitably bring to the world of ritual observance, takes an attitudinal approach and suggests that converts to Judaism pay the price incurred by all who obey the commandments primarily because they are afraid of incurring God's wrath and not out of a sense of deep love for God and for God's law.<sup>13</sup> And, finally, a fourth voice is heard to suggest that converts who suffer are those who pointlessly delayed their formal conversion to Judaism.<sup>14</sup>

Other texts turn to more practical matters. If a convert is "as a newborn child," does that mean that a brother and sister who convert to Judaism may marry even despite the Torah's unequivocal prohibition of such a union precisely because, reborn as Jews, they are specifically *not* deemed to be each other's siblings any longer? Specifically, the debate concerns the rabbinic notion of "secondary degrees" of incest, relationships the rabbis added to the list of prohibited sexual partners that the Torah enumerates in Leviticus 18 and 20.<sup>15</sup> The discussion is set into a bit of a narrative: it happened one day that Rava once asked Rav Nahman about a Palestinian sage who had recently come east and who reported on a discussion back home relating specifically to question of whether those second-degree incest prohibitions apply to converts as well as to native-born Jews. But the report itself is more interesting than its narrative setting: the law, it seems, taking proselytes to be newly born at the moment of conversion, does not apply incest laws to converts at all, but the rabbis imposed such strictures on them anyway lest it be

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<sup>13</sup> The irony inherent in the notion that God punishes converts because their observance is prompted by the fear of punishment appears to go unnoticed in the talmudic text. Rashi specifically mentions the fear of hellfire, *cf.* his remark *ad locum*, *s.v.* *mi-yirah*.

<sup>14</sup> This last opinion seems so unlikely that the talmudic text pauses for a moment to cite an amoraic effort to justify it with reference to Ruth's alacrity in converting to Judaism and the apparent corollary notion that delay is, at least after the fact, thus a punishable offense.

<sup>15</sup> *Cf.* the debate recorded at B. Yevamot 21a regarding the question of whether these secondary degrees of incest were rabbinic accretions to the law or actual Torah laws hinted at, but not explicitly stated, in the Law itself.

perceived from the outside that people who embrace Judaism have chosen a religion that requires a lesser degree of holiness—by which term the text here means to denote refined sexual behavior—than the culture they have formally left required of them. And this notion became codified in law, as in Rambam’s unambiguous formulation:

A Gentile who converts to Judaism and a manumitted slave are considered as newborn children and any relatives they had before their conversion or while they were still enslaved are no longer considered in the category of family members. Therefore, even if all parties concerned convert to Judaism, the laws of incest do not apply to any of them. According to Torah law, therefore, it is permitted for a convert to marry his mother or his maternal half-sister, but the sages themselves forbade these unions lest converts [be prompted to] say, “We have abandoned a more stringent level of holiness for a more lenient one, for yesterday [i.e., before our conversion] such-a-one was forbidden to us but is now permitted.”<sup>16</sup> A male convert who has sexual relations with his Gentile mother or sister who has remained a Gentile is [therefore] contravening the general prohibition of having sexual relations with Gentile women [only].<sup>17</sup>

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<sup>16</sup> Note how Rambam has read the talmudic passage to imagine the rabbis worrying about converts to Judaism thinking this themselves, whereas the passage in the Talmud itself appears to feature the rabbis worrying about how this will look to outsiders.

<sup>17</sup> MT Hilkhot Issurei Bi-ah 14:11-12. Under the Noahide commandments, incestuous relations are forbidden to Gentiles. Therefore, if a Gentile family (or part of one) converts to Judaism, the rabbis were worried that the impression might be created that unions that were forbidden to those individuals before conversion (*i.e.*, because they involved intercourse with forbidden relatives) have now become permitted (*i.e.*, because converts are taken legally as newborns). If only one family member converts, then relations with still-Gentile relatives are forbidden under the general

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The halakhah is often at its most creative when it deals with situations in which two legitimate halakhic principles cannot be simultaneously affirmed, thus creating a situation in which one must give way to the other. Mostly, these have to do with obligations that devolve on individuals simultaneously but which cannot actually be *done* simultaneously. Of laws in this category, there is no end: which of the two benedictions that together constitute “Kiddush” on Friday evening should be recited first, whether to don the *t’fillah shel yad* first or the *t’fillah shel rosh*, what the correct way is to order the four blessings of the Havdalah ceremony, whether to eat the flesh of the paschal offering or the *matzah* or the *maror* first on Erev Pesach, how to organize the various blessings said upon entering a *sukkah* on the first night of the *hag* for a festive meal, etc. Other examples are weightier in terms of their import, yet here too there are surprises: the principle that the obligation to save a human life overrides the regulations relating to Sabbath rest will strike most moderns as fairly self-evident, the decision to permit those same Sabbath laws to be set aside so that the fixed sacrificial service in the Temple could unfold unimpeded on Shabbat slightly less so.<sup>18</sup>

And here we have an example that is, I think, clearly in its own category: since the principle of *kakhem ka-geir* (i.e., that precisely the same set of laws must apply to the convert *and* to the native-born Jewish soul) cannot be given the force of law if the law also maintains that a convert is *k’katan she-nolad* (i.e., to be legally considered as a newborn child, and therefore specifically *not* as a native-born Jew), one must always or sometimes override the other. That, ultimately, is what the tannaitic and talmudic sages cited above are really discussing: whether conversion should be deemed

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prohibition of Jewish-Gentile intercourse but apparently not under the laws that prohibit incestuous relations.

<sup>18</sup> The obligation to save a human life overrides the Sabbath law: MT Hilkhhot Shabbat 2:1, based on B. Shabbat 151b; the obligation to maintain the sacrificial ritual in the Temple overrides the laws of Shabbat: MT Hilkhhot Bi-at Ha-mikdash 4:9-10, based on the discussion at B. Yoma 50a.

permanently to eradicate any legal distinctions between Jews-by-birth and Jews-by-choice, or whether converts must exist, legally at least, in their own category because, unlike born Jews, they are considered to have no past, no relations, and no personal history.<sup>19</sup>

Nor is this an inconsequential matter related to laws of incest that few are tempted to break: the estate of a convert who dies without producing Jewish children is considered ownerless property which may legally be seized by anyone at all.<sup>20</sup> The reasoning behind such a rule should be obvious: there is a very well-worked-out pecking order in terms of who inherits the estate of an individual who dies intestate which is deemed to apply to every Jewish soul because, in Rambam's words, no matter how distant they may be, "there simply is no such thing as a Jew who has no relatives," but the convert to Judaism who has not produced a Jewish family and who has no personal history that reaches back to before the decision to convert actually *does* have no relatives and therefore exists fully outside that pecking order.<sup>21</sup> The convert who fails to marry and produce children is therefore imagined to exist, yes, as a Jew, but as one wholly without close or even distant family relations. It was this sense of the convert's totally alienation from his or her past that stuck most prominently in Rabbi Clark's craw as she unraveled her

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<sup>19</sup> Nor was the debate limited to talmudic times as demonstrated very ably by Rabbi Joel Rembaum in his 1998 responsum "Converts Mourning the Death of Close Relatives" for the Committee on Jewish Law Standards of the Rabbinical Assembly, accessed at [https://www.rabbinicalassembly.org/sites/default/files/public/halakhah/teshuvot/19912000/rembaum\\_convert.pdf](https://www.rabbinicalassembly.org/sites/default/files/public/halakhah/teshuvot/19912000/rembaum_convert.pdf) on July 8, 2017. The formal designation of the responsum is YD 374:5.1998.

<sup>20</sup> MT Hilkhot Zekhiyah U-mattanah 1:6, based on M. Bava Batra 3:3 and several talmudic passages, e.g., B. Gittin 39a and Bava Batra 52b and 53b.

<sup>21</sup> The pecking order is spelled out in detail by Rambam at MT Hilkhot Nahalot 1:1-13, based on the talmudic elaboration of M. Bava Batra 8. The comment *ein l'kha adam mi-yisrael she-ein lo yor'shin* ("there is no such thing as a Jewish individual who has no heirs") is at Hilkhot Nahalot 1:3. I had the opportunity to discuss these laws and their implications at length in my chapter on inheritance law in *The Observant Life: The Wisdom of Conservative Judaism for Contemporary Jews* (New York: Rabbinical Assembly, 2012), pp. 590-605.

own feelings about liturgical passages that praise God for creating the kind of ironclad boundary between Israel and the nations that are embodied in the legal passages cited above.

As a congregational rabbi approaching the fortieth anniversary of his ordination, I have supervised scores of conversions and participated in hundreds. Each of the men and women I have taught and tried to nurture along to a wholehearted conversion to Judaism and Jewishness left something behind. Some, of course, came from fully or at least largely secular backgrounds. Others had childhoods or adolescences that featured deep involvement in the spiritual lives of other faiths. Still others came with a deep sense of membership in an ethnic or tribal group. They were, obviously, all different people with different backgrounds and different experiences as children, adolescents, or adults. Some, in fact, were older people who had, not years or decades, but *scores* of years of involvement in a different faith or of engagement with a different ethnicity. Yet all were united by their willingness to seek shelter beneath the wide wings of the Shekhinah and to seek spiritual communion with God through the medium of Jewish observance and participation in Jewish life. And, no less profoundly, each had parents, most had siblings, some had children. None was *really* “as a newborn child” after conversion, nor—at least in my opinion—should they have been encouraged consider it virtuous or even reasonable to think of themselves that way.

The heritage of Jewish ideas bequeathed to us from antiquity needs always to be evaluated in terms of the ideas that serve as its foundational underpinnings and remolded to suit the ethical and moral standards of our own day. It is not only impractical and heartless to encourage converts to feel wholly disconnected from their parents or other Gentile relations, but actually counterproductive: which modern soul would ever hold in esteem a spiritual system that considers it virtuous for a pious person to abandon elderly parents or close relatives in need?

I close with a vignette. Many years ago, a woman I helped to convert to Judaism asked me if I would visit her mother in the hospital where she was recovering from a serious heart attack. I agreed, went, met the mother, and struck up a long, interesting, very satisfying relationship with an intelligent, witty, extremely insightful woman who appeared genuinely to enjoy talking with me about my

religion and hers, and who eventually developed a great fondness for my own father's best Jewish jokes. Years later, the mother died and the daughter, my congregant, asked if I would speak at her funeral. I was flattered to have been asked, but unsure how to respond. Eventually, after taking counsel with some older colleagues, I decided that I would deliver this lovely woman's eulogy, but only if it could be worked out how I might appear at the funeral without looking standoffish or unfriendly, let alone rude, by not participating in any non-Jewish rituals or prayers. This was accomplished easily—the minister was so delighted at being relieved of the responsibility to eulogize someone he barely knew that he agreed basically to every one of my suggestions—and the funeral unfolded in just the dignified way for which Mrs. C. would have wished. As we left the cemetery—the funeral was conducted at graveside—I helped my congregant morph from being the daughter of a deceased Anglican to seeing herself as a Jewish woman whose mother had passed away; she was fully in Jewish mode by the time we got to her home, her commitment to a traditional *shiva* and a full eleven months' worth of Kaddish not only embraced but subsequently honored.

For tradition to be vibrant and meaningful, it can never lead to deeds or stances that we ourselves consider immoral, cruel, or inconsonant with the values we claim to hold. In this case, holding tight to tradition would have required me to encourage my congregant to renounce what we both knew to constitute the natural filial obligation children do and should show to loving parents, an obligation even more acutely reasonable to shoulder in the case of a mother who strongly supported her daughter's decision to embrace Judaism as a Jew-by-choice.<sup>22</sup> To be truly faithful to tradition means being prepared to move on...and willingly to allow the heritage of traditional Judaism to morph forward, generation by generation, into an ever-finer iteration of its former self so that all who embrace it as their way of life will seem, not merely obedient, but also kind, virtuous, caring, and good.

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<sup>22</sup> This was Rabbi Rembaum's conclusion as well in the responsum referenced above and approved by the Committee on Jewish Law and Standards on June 10, 1998. Nonetheless, the vote was not unanimous, with eleven committee members in favor, five opposed, and one choosing to abstain.

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## WHY DID R. NAḤMAN PERMIT YALTA TO BE TRANSPORTED ON A PALANQUIN ON A FESTIVAL? A NEW READING OF BAVLI<sup>1</sup> BEṢAH 25B<sup>2</sup>

Judith Hauptman

When people are asked to name the constituent elements of the Talmud, they usually think of two—*halakhah* and *aggadah*, law and narrative.<sup>3</sup> A third strand, smaller than the other two, generally escapes notice. The texts that make up this third strand may be called halakhic anecdotes. They differ from *halakhah* in that they are not prescriptive but descriptive. A typical *sugya*, or unit of Talmudic discourse, opens with a statement of *halakhah*. After subjecting it to extensive give-and-take, the *sugya* continues, on occasion, with a short narrative that describes how an *amora*<sup>4</sup>—not the one who formulated the *halakhah* but one who lived at a later time—implemented the *halakhah*. If we compare the stated *halakhah* to its actual performance, we see that they often differ from each other in

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<sup>1</sup> Bavli (“Babylonian”), as shorthand for the Talmud Bavli (the “Babylonian Talmud”), contrasts with the shorthand of Yerushalmi (meaning “Jerusalemite”), referring to the Talmud Yerushalmi (the Talmud of the Land of Israel).

<sup>2</sup> This paper was originally presented by the author as “Applying the Findings of the Halakhic Anecdote Study to Three Bavli *Sugyot*” in Hebrew at the 17th World Congress of Jewish Studies, August 9, 2017, at the Hebrew University in Jerusalem. The author’s English translation here preserves the flavor of the original presentation.

<sup>3</sup> See recent volumes on this general topic: B. Wimpfheimer, *Narrating the Law, A Poetics of Talmudic Legal Stories* (University of Pennsylvania, 2011); M. Simon-Shoshan, *Stories of the Law: Narrative Discourse and the Construction of Authority in the Mishnah* (Oxford 2012).

<sup>4</sup> *Amoraim* (plural of *amora*) served as scholars of the rabbinic tradition in the period immediately following the compilation of the Mishnah.

small but significant ways. Upon reading hundreds of these halakhic anecdotes, I have reached the conclusion that they were included in the Talmud not to praise the piety of the *amora* who carried out the *halakhah*, but in order to say that implementing the *halakhah* outside the study hall demands adjustment of the *halakhah* to life circumstances.

In this article I will present one extended example of this phenomenon. The *sugya* to be analyzed deals with transport on a sedan chair on a festival. A traditional reading of the *sugya* suggests that its main point is to permit lifting the ban on sedan chair transport on a festival for those who serve the public, the prime example being teachers of Torah. I will argue that the main point of the *sugya* is to permit lifting the ban on sedan chair transport on a festival for women too.

The topic of sedan chair transport on a festival first appears in Tosefta<sup>5</sup> Beṣah 3:17:

אין יוצאין בכסא אחד האנשים ואחד הנשים ולא סומה במקלו ולא רועה  
בתרמילו.

ר' לעזר בי ר' שמעון או' אף אין מנהיגין את הבהמה במקל ביום טוב.  
One may not go out in a [sedan] chair [on a festival].  
[The same rule applies to] both men and women.  
Neither may a blind man go out with his staff, nor a  
shepherd with his pack.

R. Lezer the son of R. Shimon said: one may not even  
lead an animal with a staff on a festival.

The Tosefta paragraph states that one may not go out in a sedan chair on a festival, that is, in a chair resting on poles that several men carry. It is clear that the *halakhah* does not speak of the Sabbath, when carriage--i.e., transferring items from domain to domain—is forbidden, but rather of a festival, when carriage is permitted. It is true that the Houses of Hillel and Shammai dispute the issue of carriage on a festival in Mishnah Beṣah 1:5, with Beit Hillel permitting it and Beit Shammai prohibiting it. A review of Mishnah

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<sup>5</sup> The Tosefta is a collection that, broadly speaking, parallels the Mishnah (edited circa 200 C.E.). I have argued that many teachings of the Tosefta were compiled earlier than the Mishnah. See my *Rereading the Mishnah* (Tübingen: Mohr Siebeck, 2005).

and Tosefta Beṣah, however, shows that most paragraphs of these two tannaitic works make the assumption that carriage is permitted on a festival, in accord with the opinion of Beit Hillel.

Note that not just men but also women are warned not to go out in a sedan chair. Why did the author of this Tosefta rule find it necessary to mention women explicitly? Most halakhot of the Tosefta are addressed to both men and women and yet do not mention women explicitly. Why is this one different? I will return to this point below.

A question that arises is: if carriage is permitted on a festival, why is going out in a sedan chair prohibited? The Talmud does not present a clear answer to this question. One possible rationale is that on a festival a person should not perform even a permitted action “in the same manner in which it is performed on an ordinary day.”<sup>6</sup> Alternatively, carriage by means of a staff or poles is prohibited on a festival. But even without knowing why going out in a sedan chair is forbidden, we can still analyze the *sugyot* that deal with this issue. We read in Yerushalmi Beṣah 1:7:

מתני' ב"ש אומרים אין מוציאין לא את הקטן ולא את הלולב ולא את  
ספר תורה לר"ה וב"ה מתירין:  
גמ' . . .

רב חונה הורי לריש גלותא לצאת בכסא.

רב חסדא בעי לא כן תני אין יוצאין בכסא אחד אנשים ואחד נשים

אפילו תלמיד חכם אינו טועה בדבר הזה ורב חונה טעי!

רבי ירמיה הורי לבר גירנטי אסיא מיטענה בסדינא מיעול מבקרא

ביישיא בשובתא

מיישא בר בריה דרבי יהושע בן לוי מיטעון בסדינא מיעול מידרוש

בציבורא בשובתא

אמר ר' זריקן לרבי זעירה כד תיעול לדרומא את שאיל לה. אשתאלת

לרבי סימון. אמר לון ר' סימון בשם ר' יהושע בן לוי לא סוף דבר

שצורך לרבים בו אלא שמא יצרכו לו הרבים.

דלמא: רבי ליעזר ור' אבא מרי ורבי מתניה הורי פיתא לארסקינס

בשובתא שמא יצרכו לו הרבים.

Mishnah: Beit Shammai says, “[On a festival] one may not take out a child, a lulav, or a Torah [from a private domain] to a public domain but Beit Hillel permit [one to do so]...”

<sup>6</sup> See, for instance, Tosefta Shabbat 13:17 and 14:4.

R. Ḥuna<sup>7</sup> instructed [*i.e.*, gave permission to] the exilarch to go out in a sedan chair [on a festival].

R. Ḥisda asked: do we not have a tannaitic teaching that says, “One may not go out in a sedan chair [on a festival], neither men nor women?!” Even a young scholar does not err regarding this rule but R. Ḥuna did!

R. Jeremiah instructed Bar Giranti, a physician, to be carried in a sheet to go and visit the sick on a *shubta*.

Meisha, the grandson of R. Joshua b. Levi, was carried in a sheet to go and teach in public on a *shubta*<sup>8</sup>.

Said R. Zeriḳan to R. Zeira, “When you travel to the South, ask him [about going out in a sedan chair on a *shubta*].” He [R. Zeira] asked R. Simon [this question]. He said to them in the name of R. Joshua b. Levi: not only [is it permitted] if the public needs him [now] but [it is permitted] even if the public may possibly need him [in the future].

Lemma: R. Liezer, R. Abba Mari and R. Matanya instructed [the bakers to bake] bread for Ursicinus on a *shubta* for perhaps the public may need him [in the future].

Unlike the Tosefta, which addresses the topic of going out in a sedan chair in Chapter 3, the Yerushalmi addresses this topic in Chapter 1, Mishnah 5. Beit Shammai holds that one is only permitted to transport a child from domain to domain on a festival, but Beit Hillel even permits transport of an adult. The passage goes on to relate that R. Ḥuna permitted the exilarch to go out in a sedan chair on a festival. R. Ḥisda cites a baraita<sup>9</sup> that prohibits such an action. He chides R. Ḥuna, saying that the [senior] scholar made a mistake that even a young scholar would not make. His sharp words provide

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<sup>7</sup> This is not R. Ḥuna of the Babylonian Talmud but R. Ḥuna (חונה) of the Land of Israel.

<sup>8</sup> See below for discussion of the meaning of *shubta*.

<sup>9</sup> A baraita, though not included in the Mishnah, comes from a tanna, a sage from the era of those whose teachings were compiled in the Mishnah.

evidence of the controversy surrounding the issue of festival transport. Two anecdotes report that people were in fact transported in a sheet on a *shubta*. In the first, R Jeremiah instructs a physician to go out in a sheet on a *shubta* in order to visit sick patients. The second reports that R. Joshua b. Levi's grandson was transported in a sheet on a *shubta* in order to give a public lecture. As these anecdotes suggest, the rules forbid an ordinary person from going out in a sedan chair on a *shubta* but permit one who serves the public to do so. R. Zeriqan requests of R. Ze'irah to ask R. Simon in the south if going out in a chair is permitted on a *shubta*. R. Simon responds, in the name of R Joshua b. Levi, that not only a person who currently serves the public, but even one who may serve the public in the future, is permitted to go out in a sedan chair on a *shubta*. The *sugya* ends with one more anecdote. Three *amoraim* permitted baking bread on a *shubta* for Ursicinus, a Roman officer, with the justification that the public may seek favors from him in the future.

To understand the anecdotes, we need to establish the meaning of the word "*shubta*." In other contexts it means "Sabbath," and that is how Qorban Ha'edah and P'nei Moshe, two eighteenth century commentators, interpret this word here. R. Eleazar Azikri,<sup>10</sup> a sixteenth century commentator, claims that the two anecdotes about transport in a sheet on a *shubta* refer to a town surrounded by a wall that locks all its gates on the Sabbath. In such circumstances transport on the Sabbath within the town walls is permitted because the entire town is considered to be one domain. The likely reason Azikri superimposed these unusual conditions on the three anecdotes is that, unlike the other commentators, he holds that transporting a person on the Sabbath, even if he serves the public, is forbidden.

I concur with R. Eleazar Azikri. I find it hard to imagine that permission was given to desecrate the Sabbath in order to bring a rabbi to give a public lecture. There is no hint whatsoever in the various anecdotes that the setting is a walled town. Moreover, this tractate and this chapter deal with festivals, on which carriage is

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<sup>10</sup> He is the author of a commentary on two tractates of the Yerushalmi—Berakhot and Beṣah—and is called, after a different composition of his, *Ba'al Sefer Haredim* ("the author of *Sefer Haredim* ['The Book of the Trembling Ones']").

permitted, and not with the Sabbath, on which it is forbidden. I therefore do not think that the word *shubta* in the Yerushalmi anecdotes means Sabbath. This word, in my opinion, means “festival day.” The root of *shubta*, *sh-b-t*, means to cease from labor. Labor is forbidden on festival days just as it is forbidden on the Sabbath, with the exception of preparing food, which is permitted on a festival. So *shubta* is an accurate descriptive term for a festival.<sup>11</sup> It follows that the physician and the scholar were transported not on the Sabbath but on a festival. As stated in the Tosefta, transporting a person in a sedan chair on a festival is prohibited, but if the person serves the public, assert the anecdotes, it is permitted.

I similarly hold that the last anecdote, in which Jewish bakers baked bread for a Roman officer on a *shubta*, did not take place on a Sabbath but on a festival. The standard interpretation of this report is that the bread was baked on a Sabbath because they, apparently the rabbis, thought that such a gesture would protect the Jewish community in the future, keep them in the good graces of the Roman officer. It is hard for me to accept that rabbis would permit such outright desecration of the Sabbath in a case in which “maybe they would need him in the future.” The Tosefta states elsewhere in this same tractate (Tosefta Beṣah 2:6) that one is permitted to bake on a festival for a Jew, but not for a non-Jew. If so, this Yerushalmi anecdote does not speak of baking for a non-Jew on the Sabbath, a serious violation, but of baking for a non-Jew on a festival, a far milder violation.

Interpreting *shubta* as a festival is not just logically necessary, as argued above, but can be supported by talmudic texts.

תנו רבנן, מעשה ברבי אלעאי שהלך להקביל פני רבי אליעזר רבו בלוד  
ברגל, אמר לו: 'אלעאי, אינך משובתי הרגל?'  
והאמר רבי יצחק: מניין שחייב אדם להקביל פני רבו ברגל, שנאמר  
מדוע את הולכת אליו היום לא חדש ולא שבת (מלכים ב' ד: כג), מכלל  
דבחדש ושבת מיחייב איניש לאקבולי אפי רביה.

A tannaitic teaching: It once happened that R Il'ai went to Lydda on a festival to greet his teacher R. Eliezer. He said to him, “Il'ai, are you not among those who cease [from travel] on a festival?”

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<sup>11</sup> In the Torah, Yom Kippur, a fast day, is called “*shabbat shabbaton*” (Leviticus 16:31).

But did not R Yizhaq say: from where do we learn that a student is obligated to greet his teacher on a festival, for it says, “Why are you going to [visit] him [the prophet Elisha] today? It is neither a new moon nor a Sabbath” (2 Kings 4:23), which implies that a student is obligated to greet his teacher on a new moon and a festival?!<sup>12</sup>

As stated above, the root *sh-b-t* means to refrain from labor. For R. Yizhaq to interpret the word “Shabbat” in the verse as “festival,” therefore, makes sense. Similarly, R. Eliezer employs the phrase *shov'tei haregel*, to refer to those who cease from labor on a festival, with the word *shov'tei*, from the same root as Sabbath, indicating cessation of labor. I am therefore claiming that, correspondingly, the word *shubta* in the three Yerushalmi anecdotes is likely to mean festival, not Sabbath.

In sum, the Yerushalmi *sugya* on the topic of transport on a festival shows that the ban was interpreted over time to apply to ordinary people only. Scholars and others who serve the public were permitted to be transported. It is important to note that the exceptions to the rule of forbidden transport on a festival are presented by anecdotes, not by prescriptive *halakhah*.

We can now turn to the Bavli, but we will keep the Tosefta and Yerushalmi in mind.

שחטה בשדה לא יביאנה במוט.  
 תנו רבנן: אין הסומא יוצא במקלו, ולא הרועה בתרמילו, ואין יוצאין  
 בכסא, אחד האיש ואחד האשה.  
 איני? והא שלח רבי יעקב בר אידי: זקן אחד היה בשכונתינו והיה יוצא  
 בגלודקי שלו, ובאו ושאלו את רבי יהושע בן לוי, ואמר אם רבים  
 צריכין לו מותר.  
 וסמכו רבותינו על דברי אחי שקיא, דאמר אנא אפיקתיה לרב הונא  
 מהיני לשילי ומשילי להיני.  
 ואמר רב נחמן בר יצחק: אנא אפיקתיה למר שמואל משמשא לטולא  
 ומטולא לשמשא.  
 התם כדאמר טעמא אם היו רבים צריכין לו מותר.

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<sup>12</sup> Bavli Sukkah 27b.

אמר לו רב נחמן לחמא בר אדא שליה ציון: כי סלקת להתם, אקיף וזיל  
אסולמא דצור, וזיל לגבי דרבי יעקב בר אידי, ובעי מיניה: כסא מה  
אתון ביה?

אדאזל להתם נח נפשיה דרבי יעקב בר אידי.

כי סליק, **אשכחיה** לרבי זריקא, אמר ליה: כסא מה אתון ביה?

אמר ליה: הכי אמר רבי אמי ובלבד שלא יכתף.

מאי ובלבד שלא יכתף?

אמר רב יוסף בריה דרבא: באלונקי.

איני? והא רב נחמן שרא לה לילתא למיפק אאלונקי!

שאני ילתא דבעיתא.

אמימר ומר זוטרא מכתפי להו בשבתא דרגלא משום ביעותתא, ואמרי

לה משום דוחקא דצבורא

[Mishnah Beṣah 3:3:] “If he slaughtered it [an animal] in a field, he may not bring it in [to town] on a pole.”

[Gemara:] A tannaitic teaching: [On a festival,] a blind man may not go out with his staff, nor a shepherd with his pack, nor may a person go out in a sedan chair, neither a man nor a woman.

Is that so?! But [did not] R. Ya’akov bar Idi send [to us in Babylonia saying], “There was an old man in our neighborhood who used to go out in his sedan chair [on a festival] and they came and asked R. Joshua b. Levi, and he said, if he serves a public need, it is permitted?!”

And [is it not so that] our rabbis relied on the words of Ahi Shaqia who said, “I transported R. Ḥuna from Hini to Shili and from Shili to Hini?!”

And [is it not so that] R. Naḥman bar Yizhaq said, “I transported Mar Sh’muel from sun to shade and from shade to sun?!”

The reason [for permitted transport in these three cases] is as was stated: if the [people who were transported] met a public need, it is permitted.

R. Naḥman said to Hama bar Ada, a messenger of Zion, “When you go up there [to the Land of Israel], go around to Sulama of Tyre and go to R. Ya’akov bar Idi and ask him, ‘What do you [hold] regarding [going out in] a chair [on a festival]?’”

By the time he left [for the Land of Israel], R. Ya'akov bar Idi had passed away.

When he arrived [there], he encountered R. Zeriqa and said to him, "What do you [hold] regarding a sedan chair?"

He said to him, "Thus said R. Ammi: so long as he does not carry it on his shoulders."

What does "so long as he does not carry it on his shoulders" mean?

Said R. Yosef the son of Rava: [not] on a palanquin [which is carried on the shoulders].

Is that so? But, behold, R. Naḥman permitted Yalta to go out on a palanquin [on a festival]!

The case of Yalta is an exception because she was afraid.

Amemar and Mar Zutra were carried on the shoulders on the Sabbath of the festival because of fear, or, some say, because of the pressing crowds.<sup>13</sup>

A discussion of transporting people on a festival appears in Bavli Beṣah Chapter 3, in conjunction with a Mishnah that forbids bringing a slaughtered animal from the field to town on a pole. The *sugya* opens with the same tannaitic teaching that we already saw in the Tosefta and Yerushalmi, *i.e.*, that neither man nor woman may go out in a sedan chair on a festival. Three halakhic anecdotes follow: in the first, a land-of-Israel *amora*, R. Ya'akov bar Idi, sends [a message] to Babylonia that R. Joshua b. Levi, his teacher, permitted an old man to go out on a festival in a *guludki*, a chair, because he served a public need. In the second Aḥi Shaqia relates that he transported R. Ḥuna from place to place on a festival, presumably in a chair. In the third, R. Naḥman bar Yizhaq, or more accurately R. Shemen b. Abba,<sup>14</sup> reports that he moved Sh'muel from sun to shade and from shade to sun, presumably from one domain to another, in a chair. In all of these cases the person transported was someone whom the public needed, in most cases to teach them Torah.

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<sup>13</sup> Bavli Beṣah 25b.

<sup>14</sup> The *amora* R. Naḥman bar Yizhaq lived too late to have done so. The mss. read R. Shemen bar Abba.

In the continuation of the *sugya*, R. Naḥman requests of Hama bar Ada, a messenger of Zion, when he is next in the Land of Israel, to ask R. Ya'akov bar Idi what is his opinion regarding going out in a chair on a festival. By the time Hama bar Ada leaves for the Land of Israel, R. Ya'akov bar Idi had died. Hama bar Ada instead asks R. Zeriqa his opinion regarding a chair. The *amora* answers in the name of R. Ammi, just not on the shoulders. This means that it is permitted to transport a person on a chair on a festival, just not on one's shoulders. R. Ammi does not explicitly limit permission for transport to someone who serves the public but that appears to be his intention. A different *amora* then explains that the prohibition against carrying a person on the shoulders means not to transport on a palanquin. According to the Babylonian Aramaic dictionary of M. Sokoloff, a palanquin is the same as a sedan chair. It is possible to place the poles that support a palanquin on one's shoulders and raise the palanquin high, or to extend one's arms downwards and hold the poles close to one's body, thereby keeping the palanquin low. The new rule is that transport on a festival in a chair is permitted so long as it is kept low.

The anonymous voice of the Talmud, *s'tam hatalmud*, asks: but didn't R. Naḥman permit Yalta to be carried on a palanquin on a festival, which means she was carried high, on the shoulders?! The *s'tam hatalmud* responds that Yalta is an exception to the rule because she was afraid. The *gemara* does not reveal what she was afraid of. Rashi (c. 1040-1105 C.E., northern France) (s.v. *d'ba'ita*) comments that she was afraid she would fall. His suggestion is hard to understand because he seems to be saying that the reason they hoisted her high is that she was afraid of falling if transported low.

The *sugya* ends with one more anecdote: on the *shabta* of the festival, Amemar and Mar Zutra, seventh generation *amoraim*, were carried on the shoulders, either because they were afraid or because of the pressing crowds.<sup>15</sup>

This passage is difficult. First, why did R. Naḥman request the messenger of Zion to ask R. Ya'akov bar Idi what he holds regarding going out in a chair on a festival? An earlier anecdote reported that R. Ya'akov bar Idi transmitted in the name of his

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<sup>15</sup> It is likely that avoiding crowds was also Yalta's reason for wanting to be transported on a palanquin on a festival.

teacher that permission to go out in a sedan chair on a festival is given to those who serve the public. It therefore stands to reason that R. Nahman already knew that *amora's* opinion on the matter. It also stands to reason that R. Nahman had heard that Sh'muel and R. Huna were, in fact, transported in a sedan chair on a festival. If so, what more did R. Nahman want to learn about this matter from R. Ya'akov bar Idi?

A second difficulty is that R. Nahman permitted Yalta, his wife,<sup>16</sup> to be transported on the shoulders on a festival, even though he was told by the messenger of Zion that carrying on the shoulders on a festival is forbidden. That is, even those who serve the public may not be carried on the shoulders. And yet R. Nahman permitted Yalta, who did not teach Torah in public, not only to be transported on a festival, but to be carried on the shoulders! Tosafot (a 12th-14th century collection of Western European Talmudic commentary) notes this difficulty and resolves it by saying that, since she was the daughter of an exilarch, she served the public.<sup>17</sup> But that is merely conjecture on their part.

A third difficulty is similar to one noted in the Yerushalmi *sugya*: how can we understand that two *amoraim*, Mar Zutra and Amemar, were carried on the shoulders on the Sabbath? True, they serve the public; however, that does not mean that one may desecrate the Sabbath for them.

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<sup>16</sup> Since the Talmud calls her Yalta, but does not use the word wife, there is a possibility that she is a female relative. Rashi says that Yalta is R. Nahman's wife (*s.v. Yalta*).

<sup>17</sup> See Tosafot, *s.v. shani Yalta d'ba'ita*.



Reconstruction of Roman litter; image courtesy of <http://www.vroma.org/~araia/litter.html> and VROMA: A Virtual Community for Teaching and Learning Classics as accessed at [www.vroma.org](http://www.vroma.org) on October 30, 2017.

Before I suggest solutions to these problems, let me provide some ancient Roman context. Sources indicate that the wives of Roman officers and of wealthy Romans were regularly transported on a palanquin, both on weekdays and on festivals, often with curtains drawn. These women of high social status were afraid of mixing with crowds. They may also have feared for their own safety. We can therefore assume that upper class Jewish women in the Land of Israel were also transported on chairs on a regular basis and that they similarly sought to avoid large crowds. Tosefta Beṣah 3:17's statement on chairs now makes more sense. The author of the *halakhah*, in a departure from his usual practice, mentions women explicitly because he knew that women of high social status, including the wives of rabbis, traveled on a palanquin on a regular basis. Even so, he forbade them from going out on a palanquin on a festival. He mentioned women so that it would be clear that the ban applied to them too, and not just to men. The *sugya* above from

Yerushalmi Beṣah 1:7, as it appears in the manuscripts, does not mention women at all. But Rabbenu Ḥananel (11<sup>th</sup> century, North Africa) and a number of medieval commentators have a version of the Yerushalmi which says that R. Ḥuna permitted not the exilarch, but the wife of the exilarch, to go out in a sedan chair on a festival.

Returning to Bavli Beṣah 25b and its difficulties: what did R. Naḥman seek to learn from R. Ya'akov bar Idi? In my opinion, the question he wanted to ask this *amora* was "Would you permit a woman to be transported on a chair on a festival?" Here is the logic that leads to this assertion: R. Naḥman already knew that R. Ya'akov bar Idi permitted those who served the public to go out in a sedan chair on a festival. Further, he also knew that Sh'muel and R. Ḥuna, two prominent Bavli sages, actually did go out in a sedan chair on a festival. If so, all that was left for R. Naḥman to ascertain was: Could the baraita's prohibition on sedan chairs be lifted not just for Torah scholars but for women too?<sup>18</sup> Moreover, after he received an answer from R. Zeriqa that carrying on the shoulders was prohibited—instead of stopping Yalta from being carried on the shoulders, or stopping her from being transported altogether, as we would have expected him to do—he permitted her to be carried on a palanquin on the shoulders. This decision, which flies in the face of the answer he received to his question, suggests that his goal, from the outset, was to get permission from the sage in the Land of Israel for Yalta to go out in a chair on a festival.

R. Naḥman's action is consistent with what I have found regarding halakhic anecdotes in general. The *amora* who carries out the *halakhah* feels free to adapt it to the circumstances of his own life. Why did R. Naḥman flagrantly violate a ban that he himself was informed of? Probably because Yalta's standard practice, like other women of high social status, was to be transported on a palanquin

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<sup>18</sup> It is true that the Yerushalmi *sugya* also includes a question by one *amora* of another as to his opinion of going out in a chair on a festival, and yet, as noted, there is no mention of women in the Yerushalmi. But there, too, there is a good reason for the question to be asked: two *amoraim* disagreed about whether or not one may go out in a sedan chair on a festival. R. Simon decided the matter in favor of R. Ḥuna, that transport in a sedan chair is permitted for public servants, and against R. Hisda.

on ordinary days. She would therefore want to be transported on the shoulders on a festival too.<sup>19</sup>

It is important to note that the resolution of the *s'tam hatalmud*, that R. Nahman permitted Yalta to be carried on a palanquin on a festival "because she was afraid," creates a precedent. Not only may serving the public justify a departure from the ban on transport, but even a personal predilection may do so. In the words of R. Aharon Halevi, a 13<sup>th</sup> century commentator, Yalta was permitted to be transported on a palanquin "even for her own pleasure." And similarly Amemar and Mar Zutra, according to the Talmud, were transported on the shoulders because of a personal preference—either they were afraid to mix with the crowd, or they were concerned that they would be pushed by the throngs.<sup>20</sup> In addition, R. Nahman himself did not offer any justification for his ruling. Apparently he saw no need to do so. Until his day, whoever wanted to go out in a sedan chair on a festival had to serve a public purpose. From the time of R. Nahman and on, one could justify transport on a palanquin either with a personal or public reason, or even no reason at all.

The last difficulty, how to understand that two *amoraim* were transported on a palanquin on a Sabbath, can be resolved in the same way as in the Yerushalmi. The term "*shabta d'rigla*" does not refer to the seventh day of the week but to the "Shabbat" of the festival, that is, to the festival day itself on which one refrains from work. I am thus suggesting that these two *amoraim* were transported on the shoulders not on a Sabbath but on a festival day.<sup>21</sup> If one understands the word "*shabta*" not as "Sabbath" but as "festival day," the difficulty is resolved.

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<sup>19</sup> R. Aharon Halevi, a 13<sup>th</sup> century commentator, already made a similar suggestion.

<sup>20</sup> It therefore seems likely that fear of mixing with the crowd was also true for Yalta, and not fear of falling, as suggested by Rashi.

<sup>21</sup> Rashi comments (*s.v. m'khat'fei leho*) that the *amoraim* were carried not from domain to domain but from the entrance of the study hall to their spot in the front. This is surely not what transport on a festival is referring to. I suspect Rashi interpreted in this manner because he understood the word "*shabta*" as Sabbath, and Sabbath transport from domain to domain is not allowed.

In summary, the *halakhah* that one is forbidden to go out in a sedan chair on a festival appears in the Tosefta, the Talmud Yerushalmi and the Talmud Bavli. This rule, however, did not conform to social realities. In both Talmuds, it changed over time. The Yerushalmi *sugya* permits sick or weak people to be carried in a sedan chair on a festival,<sup>22</sup> and also people who fulfill a public need, either who teach Torah or who practice medicine. The Bavli *sugya* agrees that those who serve a public purpose may go out in a sedan chair on a festival. It innovates that even one who has a personal reason for being transported in that manner may also be carried, even on the shoulders. Note that in both Talmuds the exceptions to the ban are presented by means of anecdotes that relate how one or another *amora* implemented the *halakhah*.

According to traditional commentators, the main points of the Bavli *sugya* are that on a festival and even on a Sabbath one who serves a public need, like teaching Torah, may be transported on a sedan chair, although the general public may not. The episode of Yalta and the palanquin, according to these commentators, is just one detail of the *sugya*.

In my opinion, the issue of women going out in a sedan chair on a festival is the central theme of the Bavli *sugya* for the following reasons: 1) A baraita opens the *sugya* and mentions women explicitly, stating that for them, just like for men, going out in a sedan chair on a festival is forbidden. 2) As argued above, a little later in the *sugya*, R. Nahman asks a Land of Israel *amora* what is his opinion about women going out in a sedan chair on a festival. 3) Even though the answer given to R. Nahman was a stringency—that a teacher of Torah may be carried on a festival but not on the shoulders—he went ahead and allowed Yalta not just to be transported on a festival, but even on the shoulders. In short, I am saying that what appears on the surface to be a *sugya* about sedan chairs on a festival for teachers of Torah is, in fact, a *sugya* about sedan chairs on a festival for women. It delineates a remarkable shift in *halakhah*, from not allowing women to be transported, and surely not on the shoulders, to permitting women to be transported, even on the shoulders!

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<sup>22</sup> In the section cited above, immediately preceding the discussion of public servants.

One last point: unlike the traditional commentators who condone transport of Torah teachers on the Sabbath, in my opinion the *sugya* does not permit sedan transport of anyone on the Sabbath: not women and not Torah teachers.

The reason I arrived at a different interpretation from traditional commentators is that I approached the halakhic anecdotes from the perspective that they often describe a deviation from perfect adherence to *halakhah*. Once one is open to that possibility, it becomes evident that the anecdote about Yalta is the key point of the *sugya*. Since upper class women were used to being transported on a palanquin on other days of the week, it was only logical to allow them to be transported in this manner on festivals too, days on which transport from domain to domain was permitted. That is the lesson of the *sugya*. Many other anecdotes in the Babylonian Talmud accomplish similar goals. They introduce adjustments to the rules as the rules are implemented and change becomes reasonable and necessary. The Talmud itself thus implies that when law meets life, rabbis may alter the law to accommodate it to life circumstances.

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## A LEAGUE OF THEIR OWN: THE UNTOLD STORY OF THE WOMEN'S LEAGUE FOR CONSERVATIVE JUDAISM

*Raysh Weiss*

The Women's League for Conservative Judaism—a group founded in 1918 by visionary Mathilde Roth Schechter with the purpose of improving the Jewish education of Jewish women and strengthening traditional Judaism both in the home and in the greater community—has left a quiet but ubiquitous mark on the Jewish Theological Seminary in Manhattan. Every day, JTS students and faculty gather to *daven* in the Women's League Seminary Sanctuary (WLSS). Every year, JTS erects its famous giant *sukkah* originally decorated by Women's League members. Names of Women's League leaders adorn many a plaque throughout the halls of the Seminary. The entire JTS community benefits from the Women's League Torah Fund Campaign (also known as the "Torah Scholarship Fund"), which, *inter alia*, has improved the JTS courtyard and the Seminary's library.<sup>1</sup> For decades, many Seminary students resided in the Mathilde Schechter Dormitory, the student housing established by the Women's League in 1976.<sup>2</sup> For the past century, the Women's League for Conservative Judaism has not only contributed generously to the Jewish Theological Seminary in Manhattan, but also, through its individual

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<sup>1</sup> *75 Years of Visions and Volunteerism*, pp. 70-71. The Torah Fund continues to be Women's League's major fundraising project, having contributed \$99 million. Phone interview with Judi Kenter, July 28, 2017.

<sup>2</sup> Women's League also completely refurbished the Seminary's Goldsmith Hall dormitory.

regional groups, has quietly served as the backbone of local Jewish communities across North America and beyond.<sup>3</sup>

In light of Women's League's significant support of and impact upon American Conservative Jewish life, it is most perplexing why there does not yet exist a comprehensive institutional history of this organization.<sup>4</sup> Even in many mainstream historical and sociological overviews of Conservative Judaism, Women's League is largely ignored.<sup>5</sup> This paper will provide an overview of the organization's history, mission, accomplishments, challenges, and shifting identity, while considering how and why such a central group could be so generally neglected.

The genesis of Women's League is best understood within the context of other emerging Jewish women's groups during the early chapters of Jewish settlement in the United States. Before Women's League was founded, the National Council of Jewish Women, the National Federation of Temple Sisterhoods, and Hadassah were already establishing the groundwork for Jewish American women's involvement in their local congregations and national community.<sup>6</sup> Because Jewish

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<sup>3</sup> Women's League has also supported Jewish life and learning abroad, especially in Israel.

<sup>4</sup> For the purpose of this paper, I consulted a number of Women's League papers and pamphlets, which are not publicly accessible but offer brief sketches and surveys of Women's League history. Most of these pamphlets read more like institutional hagiographies than critical and/or complete histories. Such pamphlets include *75 Years of Vision and Volunteerism* (1992), *The Sixth Decade: 1968-78* (1978), and *They Dared to Dream: A History of National Women's League, 1918-68* (1967).

<sup>5</sup> For example, while Marshall Sklare's sociological study *Conservative Judaism: An American Religious Movement* (New York: Irvington Publishers, 1983) offers passing mention of women's involvement in the movement, Women's League is never formally mentioned. Michael R. Cohen mentions Women's League in passing in *The Birth of Conservative Judaism: Solomon Schechter's Disciples and the Creation of an American Religious Movement* (New York: Columbia University Press, 2012), pp. 91-93, 95, and 125-126.

<sup>6</sup> In the early years, there was a great deal of overlap between the active leadership of Women's League and Hadassah, including such

women were excluded from their synagogues' boards of trustees until well into the 1950s, they found the need to seek other avenues that would enable them to establish a power base from which they could address their specific needs, and pursue their collective dreams of strengthened Jewish identity and empowerment.<sup>7</sup> Indeed, leadership cultivation and organizational training represent the cornerstone of Women's League's monumental contributions to North American synagogue life. One of the great continuing successes of Women's League is its comprehensive leadership and public-speaking trainings throughout the organization.

The original goals of the Women's League responded to the exigencies of their day. At a time when the bulk of Jewish American women were either children of immigrants or themselves immigrants, and suffered from a profound lack of Jewish and/or Hebrew literacy, the Women's League, made up largely of an elite group of educated Jewish women—many of them the wives of the leaders of the United Synagogue, or of some of its most outstanding scholars—saw as their mission the education of these women so that they could protect, preserve, and defend Jewish values and lifestyle at home.<sup>8</sup> Spearheaded by the likes of

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figures as Carrie Davidson, Mathilde Schechter, and Henrietta Szold.

<sup>7</sup> Beginning in the mid-1950s, certain sisterhood women were allowed to join their congregations' boards. Today, some sisterhood women sit only *ex officio* on their synagogue boards. But as Jack Wertheimer notes, while women had made great strides in occupying Conservative synagogues' administrative roles, even by the 1970s, few women won their synagogues elections for highest board positions. See Jack Wertheimer (ed.), *The American Synagogue: A Sanctuary Transformed*, (Cambridgeshire, England: Cambridge University Press, 1987), p. 137.

<sup>8</sup> Interview with Women's League Education Director Lisa Kogen, Monday, March 17, 2014. Examples of such erudite leadership included Matilde Schechter's successor, fellow Rebbetzin Fanny Hoffman, who hosted a weekly radio Jewish educational program on New York's WEAF-WIN radio station (*75 Years of Vision and Volunteerism*, p. 18). Racie Adler, spouse of JTS president Cyrus Adler, was the original chair of the radio program. See Lisa Kogen's article in *CJ Magazine*, "Hand in Glove," accessed at <http://www.cjvoices.org/article/hand-in-glove/> on October 19, 2017.

Mathilde Schechter, the original organizer of Women's League and spouse of Solomon Schechter, the top tier of Women's League leadership were the primary educators. Indeed, in its early years, Women's League worked closely with United Synagogue to spread and strengthen Jewish education across the United States and represented a vital arsenal of the United Synagogue.

The creation of a Jewishly-aware woman was no small task. The early leaders of Women's League traveled far and wide to coach Jewish American women throughout the country in a myriad of practical matters, including how to maintain kosher kitchens, create Jewish educational opportunities for children, and properly celebrate the various Jewish holidays. One of the Women's League's best-known printed contributions to the education of mainstream Conservative Jewry was its publication of Deborah Melamed's *The Three Pillars: Thought, Worship and Practice for the Jewish Woman* (New York: Women's League and United Synagogue of America, 1927) which enumerated basic principles of Jewish observance and belief for the Jewish American woman of that day.

Indeed, a major part of the Women's League's work was the publication of such educational material for its membership. For nearly 80 years, the organization independently maintained a quarterly magazine, *Outlook*; and, at its peak, Women's League sent out mailings to its entire membership multiple times each month.<sup>9</sup> Women's League was also responsible for the publication of the first-ever English language educational Jewish children's series, *K'tonton* (introduced in 1935).<sup>10</sup>

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<sup>9</sup> According to Lisa Kogen, Women's League consisted of nearly 200,000 members at its zenith. Women's League began publishing *Outlook* in September 1930 (*75 Years of Vision and Volunteerism*, p. 61).

<sup>10</sup> Other earlier landmark Women's League publications include an eponymously authored review of the holidays, *The Jewish Home Beautiful, Written by Betty D. Greenberg and Althea O. Silverman* (New York: Women's League of the United Synagogue of America, 1941); Rabbi Jacob Kohn, *Modern Problems of Jewish Parents; a Study in Parental Attitudes* (New York City: Women's League of the United Synagogue of America, 1932), dealing with childrearing in light of both contemporaneous psychology and traditional values; and, another children's book, Sadie Rose Weilerstein, *The Singing Way: Poems for Jewish Children* (New York: Women's League, 1946). Such expanded publication, combined with national programming, such as Women's League Shabbat, helped create a sense of national unity

The Women's League (along with the National Federation of Temple Sisterhoods) also advocated for the establishment of synagogue libraries and synagogue gift shops. Both of these additions to congregational life would serve educational purposes each in its own way. Achieving and spreading Jewish literacy through modern Jewish America was a prime goal and value of the Women's League, and congregational libraries represented one essential step in realizing that vision.<sup>11</sup> In addition to their extensive publishing of Jewish educational materials for a broad audience, the Women's League compiled a "canon" of essential Jewish texts that would color the character and values of the Movement. Indeed, the very process of determining what selections should be including in a sample congregational library helped solidify Conservative Jewish identity in America.

While the impact of the establishment of synagogue gift shops (now often called "Judaica shops") on Jewish education and identity may not, at first glance, be apparent, the effect of these shops was quite significant, in that the gifts that they featured included some of the earliest products from the Jewish *yishuv* in pre-State Palestine, and functioned as symbols of both social mobility and Jewish identity and pride. Ritual items, including educational printed material, became standard gifts for milestone lifecycle events and were both aspirational and inspirational in their cultivation of a new, modern, informed Jewish American identity and lifestyle.<sup>12</sup>

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throughout Conservative synagogue life in America and establish a certain degree of "conformity." See Wertheimer, p. 127.

<sup>11</sup> See discussion of the importance of a synagogue library and gift shop in Sarah Kussy, *Handbook and Guide for Jewish Women's Organizations* (New York, NY: The National Women's League of the United Synagogue of America, 1947), pp. 22-24. The appendix of the handbook includes a complete list of bibliographic recommendations for the creation of a Jewish library, prominently featuring the works of the early greats of the Conservative movement, such as the landmark writings of Louis Ginzberg, Mordecai Kaplan, Alexander Marx, Morris Adler and Louis Finkelstein. *Ibid.*, pp. 98-105.

<sup>12</sup> The dream of expressing Jewish identity through visible affluence and upward mobility was strongly echoed in a variety of WWII-era Women's League publications. Consider, for example, the following fantasy of affluence prescribed in *The Jewish Home Beautiful*:

The very definition of Jewish-American identity has transformed quite dramatically over the course of Women's League's century of existence. Whereas Women League enjoyed a vigorous and influential beginning in the post-WWI era, and continued to flourish as American Jewry spread out to the suburbs, changes in society that have expanded the horizons of women beyond the home and the classroom have negatively impacted the group's overall activity and membership. While in its earlier days, the Women's League provided a vital social apparatus that allowed stay-at-home mothers to come together at meetings to work on meaningful community projects, both the social needs and the schedules of contemporary Jewish American women have changed dramatically.<sup>13</sup> Today's Jewish American women have more complicated schedules and less time, and rarely can attend daytime meetings. Even evening meetings pose certain challenges: the majority of young

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The Table should be very gay and colorful; set for a Purim Seudah, a dinner for eight people, service plates, silver, glassware, etc. The color scheme might be gold and red or blue—a gold cloth, red roses for the centerpiece, red or blue candles and red or blue glassware, goblets and wine cups. A small doll richly dressed as Queen Esther may be perched on a tiny throne in the center of the flowers. If a glass horse is available, a figure dressed in purple as Mordecai should be sitting on the horse which is led by another figure dressed as the villainous Haman. The group is place to one side of the centerpiece. On the other side is propped an illustrated Megillah partly unrolled. If desired a huge platter containing a goose or other fowl of papier mache or clay may be placed on the table with a carving set nearby. At each setting is a gragor or noisemaker, a paper cap and mask, and a small dish of nuts... (P. 71).

<sup>13</sup> In its first decades of existence, the Women's League's publications very much reflected the identities, mentalities, and roles of Jewish American women of that era. Accordingly, their pamphlets and books placed special emphasis on domestic concerns within a traditional Jewish framework.

contemporary American Jewish women are working; those with children return home from work drained and often must tend to their children and families. Women's League for Conservative Judaism's Director of Education Lisa Kogen explains that even the best programming still will often fail to attract these younger working women.<sup>14</sup> In addition, overall Jewish literacy has markedly improved throughout the last several decades, thus eliminating one of the major purposes of the Women's League programming. Hence, due to the changes in the lifestyles, social needs, and schedules of this new generation of Jewish American women, the bulk of Women's League's current active membership consists of women in their 50s and 60s.<sup>15</sup>

The expanding rights and rapidly improving lot of women in Conservative Judaism also, paradoxically, created certain tensions for the Women's League internationally. While the investiture of female cantors and ordination of female rabbis in the Conservative Movement opened new vistas for many Jewish women, these developments created a certain degree of friction between Women's League leadership and the emerging younger, increasingly-educated, trained female clergy. Older members of the Women's League report that female rabbis in particular tend to distance themselves from Women's League for fear of being associated with so-called Kiddush ladies (a pejorative stereotype of Women's League leadership that has developed over the years.). More generally, certain younger leaders and congregations have come to question the need for gender-segregated groups in their communities, and are thus less supportive of Women's League's activities. It should be noted, however, that the Women's League has always supported the advancement of women in Conservative Judaism, and already in 1972 provided the first forum for *Ezrat Nashim* (a highly learned, group of Jewish feminists from the New York *Havurah*) to advocate on behalf of Conservative Jewish women's rights when the Rabbinical Assembly did not permit them to speak at its convention.

An additional challenge that the Women's League faces is a longer-running logistical complication concerning fundraising within synagogues. Earlier in its institutional history, Women's League

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<sup>14</sup> Interview with Lisa Kogen, March 17, 2014.

<sup>15</sup> It should be noted, however, that longtime Women's League leader Judi Kenter reported attendance by women in their 30s and 40s as well, at the 2017 Women's League national convention. Phone interview with Judi Kenter, July 28, 2017.

sisterhoods were the major fundraising arms of synagogues and would raise money for a variety of congregational needs, such as Hebrew schools, scholarships, and building renovations. Today, Women's League continues to fundraise, but mostly for internal purposes.<sup>16</sup> The Women's League international office reports nearly daily phone calls concerning the contested ownership of funds. Certain synagogues even prohibit their sisterhoods from fundraising at all, and if they do, all of their money must go directly to the synagogue's finances, even if the sisterhoods maintain separate bank accounts.<sup>17</sup>

Within the last decade, Women's League has experienced several structural changes and introduced new programming to respond to the shifting needs and identities of American Conservative Jewry. In order to streamline their operations, Women's League has consolidated their many international branches into 13 regions. Beginning in July 2014, Women's League's theretofore biannual convention shifted to a triennial model. Likewise, as of July 2014, the presidential tenure for Women's League presidents changed from two consecutive terms to one three-year term. Also, just a few years ago, in an effort to alleviate the work load of the international office in New York City and in response to a flagging budget and membership, Women's League's magazine *Outlook* merged with the journals of United Synagogue and the Federation of Jewish Men's Clubs to create *CJ Voices* magazine. Notably, under the "About Us" section of the print edition of the *CJ* magazine (phased out in late 2015 before migrating to an online magazine), there was no mention of the publication's origins in Women's League.<sup>18</sup>

In the recent years, Women's League has developed an increasingly global vision, expanding its focus and reach as an international organization. Whereas the earlier Women's League leadership was heavily concentrated in the metropolitan New York area, the last 15 years have seen more geographic diversity among its leadership. This increasing geographic diversity in Women's League

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<sup>16</sup> However, Women's League continues to contribute generously to the Seminary.

<sup>17</sup> Interview with Lisa Kogen, March 17, 2014.

<sup>18</sup> Women's League has also demonstrated a continued commitment to collaborating with such allied groups as the Federation of Jewish Men's Clubs and, some 18 years ago, sold its building at 48 East 74<sup>th</sup> St. and move to an office space in the same building as the FJMC office, close to the Seminary.

leadership is due, in part, to Women's League's decision nearly two decades ago to host its annual international convention in a different city each year instead of continuing to host the annual convention each year at the Concord in New York.<sup>19</sup> In addition to sisterhoods in Canada and Mexico, Women's League leadership has acknowledged the importance of looking broadly at global trends and issues as they pertain the Jewish woman. Part of this shift to a more global model and outlook has included a more expansive emphasis on issues-based education, as evidenced from such programs as, at the 2017 international convention in Detroit, the "Taking Action on Women's Health" panel, which featured representatives from JWI (Jewish Women International) and Planned Parenthood and presented *halakhic* perspectives on the subject matter.

Women's League programming and recently emerging initiatives also reflect the changing landscape of American Jewish life. Women's League current president Margie Miller explains, "We are here to meet people where they are. We want to help people live Jewishly, even if they don't walk into our building. Our goal is inclusion. Inclusion not just in words, but in action."<sup>20</sup> Women's League fully endorses the acceptance of and respect for same-sex marriage in the Jewish community, and their *Mishpacha* initiative provides materials to bolster awareness and to help strengthen this sense of inclusion within the Conservative Jewish community. The Women's League New Jewish Family initiative acknowledges the rapidly changing face of the Jewish family, which includes LGBTQ Jews, as well as a steady increase in singles, and the steep decrease in formal synagogue affiliation. As longtime Women's League leader Judi Kenter notes, "even if people won't join a synagogue, they want community, some kind of family."<sup>21</sup> Additionally, the Women's League has expanded their "Orpah's List," an annual book club recommendation program started in 2005, which provides a study guide for a selected book by a Jewish female author, to include a list specially for children. 2014's selection was Elisabeth Kushner's *The Purim Superhero* (Minneapolis: Kar-Ben, 2013), which prominently features a protagonist with two fathers.

Another salient organizational shift has been in the nature of Women's League's adult education and community activism. Earlier

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<sup>19</sup> The move to shift around annual conventions in different cities resembles Hadassah's convention model.

<sup>20</sup> Phone interview with Margie Miller, August 10, 2017.

<sup>21</sup> Phone interview with Judi Kenter, July 28, 2017.

decades of Women's League programming relied heavily upon fairly formulaic and declamatory Women's League written-out scripts (not only for international Women's League Shabbatot, but for educational programming generally and, especially, for the highly performative "holiday pageants" featured at each biennial convention). With the change from the 20<sup>th</sup> to the 21<sup>st</sup> century, Women's League has revamped its adult education curricula to be more issues-based and to accommodate a diversity of modes of learning.<sup>22</sup> Providing meaningful, rigorous educational opportunities for Jewish women remains part of the core mission of Women's League, who continue to partner regularly with the Jewish Theological Seminary to offer special Women's League Seminary classes, with their renowned faculty, for Sisterhood women.<sup>23</sup> Additionally, under the direction of Lisa Kogen, Women's League has expanded its *chesed* outreach focus to the greater community, with every cycle helping the broader community, Jewish and non-Jewish alike, in the city where it hosts its international convention.<sup>24</sup> In reaching out to the

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<sup>22</sup> The Women's League's Day of Study is an example of the new model, in which different kinds of texts are presented for study and discussion. Originally, upon instituting the international Day of Study, the Women's League introduced a five-year cycle to explore one of the five *megillot* each year; in following years such topics as *Psalms*, environmentalism, and the observance of *mitzvot* have been topics of focus.

<sup>23</sup> The impact of the educational programming indeed propels Women's League's leadership. Longtime Women's League leader Elaine Schanzer reflects:

I never stop learning. There is so much to learn about Judaism. The more I learn, the more I love it. I love how stimulating and intellectually engaging it [Womean's League educational programming] is. Women's League has given me a love of learning and made me seek out new ideas constantly. (Phone interview with Elaine Schanzer, August 21, 2017.)

<sup>24</sup> The past four conventions have included such community *chesed* projects including gathering supplies and fundraising for a center for female domestic abuse victims in Philadelphia, knitting hats, gloves and scarves for homeless people in Detroit, the very

larger community, Women's League is demonstrating its understanding of adapting to meet the needs of contemporary times and expanding Jewish identities.

Technology is also playing a major role in the development and future of the Women's League. In order to expand its reach, both nationally and globally, and to accommodate constituents' demanding schedules, the Women's League has experimented with more online learning opportunities. While Women's League has disproportionate representation in certain regions, such as in the Northeast corridor of the United States, online learning opportunities enable more remote regions to access Women's League content and appreciate their mission. The 2017 national convention marked the first time Women's League live-streamed programming from a convention.<sup>25</sup>

Looking ahead, Women's League anticipates major changes in both its communication and programming with the incoming president. The two most recent presidents, Carol Simon of Tampa, FL, and the newly-installed Women's League president, Margie Miller of Long Island, represent a younger generation and are more media savvy than their predecessors.<sup>26</sup> Among the priorities of Women's League, as it plans ahead, are to provide opportunities for professional networking with a Jewish emphasis and to create a welcoming space for the steadily increasing singles demographic within North American Jewry.<sup>27</sup> Although Women's League has outlived its original goals of providing a social space for Jewish women, encouraging Jewish literacy, and

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successful "book for Baltimore" program, in which Women's League raised over \$40,000 and partnered with the Baltimore public school system to give every Baltimore public school student in pre-K and 3<sup>rd</sup> grade a book, and a project to support families of hospitalized veterans in West Los Angeles.

<sup>25</sup> Phone interview with Judi Kenter, July 28, 2017.

<sup>26</sup> Margie Miller took office as Women's League International President in the summer of 2017.

<sup>27</sup> Lisa Kogen elaborates upon this sociological trend, encouraging the Jewish community to respond accordingly in her piece, "Two-by-Two?" – which appeared in *CJ Magazine* (Winter 2013-2014, p. 45), accessed at <http://www.cjvoices.org/article/two-by-two/> on October 19, 2017.

enhancing domestic observance, it hopes to continue, albeit in an attenuated form, by adjusting its goals and expanding its vision.<sup>28</sup>

Ironically, at a time when Women's League members unquestioningly accepted the roles externally imposed on them as homemakers diligently working "behind the scenes" to create a positive Jewish home-life, their institutional presence as a "quiet but ubiquitous" force in Conservative Jewish life was strongest. Perhaps it is due to the Women's League's quiet acceptance of its role as unheralded "assistant" in the various efforts of Conservative Judaism that the men writing the earlier histories of the movement felt justified in glossing over their significant contributions while emphasizing the work and accomplishments of their male counterparts instead. Today Women's League understands and embraces the evolving role and identity of the Jewish woman, but, in so doing, its relevance as an institution becomes increasingly ambiguous and ill-defined. Nevertheless, however one evaluates the different contributions and perceptions of Women's League, it is clear that the organization's historical development has paralleled the sociological shifts in the ever-changing identity of Jewish women, and, as such, Women's League has been and continues to be reflective of its times.<sup>29</sup>

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<sup>28</sup> With increased gender equality and socialization in both the workplace and in American's leisure life, the demand for gender-exclusive spaces appears to have lessened significantly. Moreover, with expanding understanding of gender and sex, some congregants do not identify with the gender binaries upheld by Women's League and the Federation of Jewish Men's Club.

<sup>29</sup> The author would like to gratefully acknowledge Judi Kenter, Lisa Kogen, Margie Miller, and Elaine Schanzer for their generous time and help sharing their experiences and insights from their extensive Women's League involvement and leadership. In particular, I would like to thank Lisa Kogen for allowing me access to a treasure of historic Women's League archives in researching this history.

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## IDENTITY AND EMBODIED PRACTICE: GENDER AND JEWISH RITUAL OBJECTS

Talia Kaplan

### Foreword

*Shaking my hand firmly with genuine warmth, Rabbi Gerber asked, “Why aren’t you wearing your tallit, Talia?” Despite seeming straightforward, the question was a loaded one. Even though Jewish women have not traditionally worn the prayer shawl, the egalitarian service in my Conservative synagogue allows males and females to pray wearing a tallit. I was over halfway done with my high school career at this point and had been supporting Women of the Wall, an organization that fights for a woman’s right to wear a tallit and read from the Torah at the Western Wall, a religious site in Israel controlled by ultra-Orthodox Jews. I felt so connected to the cause that I wrote a piece that had been posted on Women of the Wall’s blog. So why wasn’t I connected to wearing my own tallit?*

*The rabbi’s question at first made me feel like a hypocrite. To my family and friends, I was the young feminist, the one who spoke out for equality in all situations, especially when women’s rights were concerned. How could I speak out for the rights of women at the Western Wall when I was fortunate enough to be part of such an open community yet did not seize the opportunity to wear my own tallit? In an attempt to reconcile these nagging questions, I reassured myself that I didn’t feel the spiritual pull to wear my tallit because of what I was used to; my mother and many other congregants did not wear the prayer shawl, still a newer*

*practice for women. I decided that I would begin to wear the tallit that I had been given at my bat mitzva not only to physically support Women of the Wall's mission, but also to show younger girls at my synagogue that women can wear tallit.*

– August 2013

Like many female members of egalitarian Jewish communities, I stopped wearing a *tallit* soon after my *bat mitzva*. I paid little attention to the decision until my feminist, cisgender male rabbi invited me to think critically about the ways in which I engaged with Jewish ritual. At first, I re-adopted the practice of wearing a *kippah* and *tallit* to align my actions with my values and to set an example for younger girls, but this practice later took on great personal, spiritual, and religious meaning. Laying *tefillin* also became a part of my practice during my first year of college. While I now better understand my personal connection to the *mitzvot* of donning *tallit* and *tefillin*, I continue to think about the ways in which communal standards regarding gender and ritual objects affect individual experience.

Looking back, many aspects of my exchange with Rabbi Gerber stand out. First, it took a male rabbi's encouragement for me to adopt these practices. This distinction should not belittle all that Rabbi Gerber's guidance means to me; he has been one of my greatest mentors, and my journey would not be the same without his support. However, it remains salient that, at the time, I had very few female role models in religious Jewish spaces. Today, I am grateful to be friends with a number of intelligent, feminist Jewish women and to have Jewish role models of all gender identities, but that has not always been the case. Second, I understood at the time that religious objects communicated messages about social dynamics; not seeing other people who looked like me wearing *tallit* influenced my (lack of) practice, and the desire to send a message of solidarity to other female Jews and of encouragement to younger girls motivated me to wear *tallit*.

While literature about gender and *halakha* exists, much of it focuses on analyzing Jewish texts or constructing a feminist understanding of Judaism. Some people have written articles about gender and Jewish ritual objects, and Talia Nudell recently wrote a

master's thesis about *tallit* in Conservative/Masorti Judaism.<sup>1</sup> All of these pieces enhanced my understanding but did not fully answer the questions that most fascinated me: When women and gender non-conforming individuals wear *tallit*, *tefillin*, and/or *kippot*—objects traditionally worn by cisgender men—do these objects become degendered, or do non-male individuals end up performing as male? How do perceptions of gender and community norms affect the ritual experience of the individual wearing the object(s)?

## Method and Survey Questions

Wanting to study the sociological aspects of these practices, I realized it would be helpful to collect new data. I created a survey and sought out participation from individuals of diverse ages, gender identities, sexual orientations, and Jewish backgrounds. The only prerequisites for participation were identifying as Jewish and having feelings or opinions about *tallit*, *tefillin*, and/or *kippot*. While this would not allow me to make any conclusive statements about a particular group<sup>2</sup> (nor was that my intent), it provided substantial insights on the questions I hoped to explore, among others. The survey asked questions gauging individuals' relationship to *tallit*, *tefillin*, and *kippot* and their beliefs about who can and should wear

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<sup>1</sup> Talia R. Nudell, "Does This Tallit Make Me Look Like a Feminist? Gender, Performance, and Ritual Garments in Contemporary Conservative/Masorti Judaism" (University of Oregon, 2016), accessed at [https://scholarsbank.uoregon.edu/xmlui/bitstream/handle/1794/20713/Nudell\\_oregon\\_0171N\\_11706.pdf?sequence=1](https://scholarsbank.uoregon.edu/xmlui/bitstream/handle/1794/20713/Nudell_oregon_0171N_11706.pdf?sequence=1) on October 28, 2017.

<sup>2</sup> The pool was self-selecting, and most individuals knew me personally; there was a disproportionate number of responses from people affiliated with the Reconstructionist movement, the Conservative movement, and egalitarian communities, and, specifically, from millennials.

these objects.<sup>3</sup> Participants also reported their gender and Jewish identity.<sup>4</sup>

I have synthesized responses and present this analysis to help Jewish communities think critically about future engagement with these practices. The research is broken down into the following topics: motivations for wearing ritual objects, what messages these objects convey, perspectives on obligation, queer Jews, and degendering ritual objects.

### **Intention: Motivations for Wearing Ritual Objects**

*Tallit* and *tefillin* have a textual basis in Judaism, and covering one's head is a longstanding custom.<sup>5</sup> For individuals who wear *tallit*, *tefillin*, and/or *kippot*, however, many additional factors influence their practice.<sup>6</sup>

Some people who filled out the survey wear these objects because they feel committed to halakhic and/or communal norms. Of those who attributed their choice to wear these items to *halakha*, most, if not all, belong to a more traditional community. Given this demographic group, it's important to note that some Jews might not explicitly consider intent when observing *halakha*. The Babylonian Talmud famously debates whether or not intentionality must underlie the performance of Jewish ritual.<sup>7</sup> However, while some of the individuals surveyed might not think about obligation in terms of intent, it makes sense to do so in this paper for the purpose of distinguishing among different motivations behind the same practice.

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<sup>3</sup> For survey questions, see the Appendix of this article.

<sup>4</sup> Survey respondents are described in this paper as they identified at the time of the survey, Fall 2016. No ages, gender, etc. have been adjusted for current publication.

<sup>5</sup> For one Masorti responsum on the history of wearing kippot, see Rabbi David Frankel of the Va'ad Halakhah, "The Wearing of a Kippah by Men and Women" (Jerusalem, Israel: 1995), as accessed at [http://www.responsafortoday.com/engsums/6\\_3.htm](http://www.responsafortoday.com/engsums/6_3.htm) on October 28, 2017.

<sup>6</sup> Some participants cited more than one of these additional factors.

<sup>7</sup> See Berakhot 13a and Rosh Hashana 28a-b.

It is worth noting a few demographic aspects of the respondents who discussed *halakha* as the driving force of their practice: People of all gender identities identified *halakha* as a motivating factor. Every woman who shared this sentiment belonged to a non-Orthodox, egalitarian community at the time of the survey. While women and men spoke of halakhic obligation, only men spoke of being obligated by their community.

For some, community influence came in the form of “tradition” rather than specific policies or rules. For others, the composition of the community is what matters. A 20-year-old who identifies as genderqueer and nondenominational (but whom others often read as male) wrote that they feel most comfortable wearing a *kippah* “in communities where non-male presenting people are also wearing it.” For this person, the choice to wear a *kippah* relates to how the community will or won’t read gender into the practice.

For others, community (or lack thereof) resulted in *not* wearing certain objects. One 20-year-old cisgender male habitually wears a *kippah* and *tallit* in services but does *not* lay *tefillin* because he usually does not attend morning prayers (and does “not have much of a prayer practice outside of communal prayer”). One cisgender female, 29 years old and a first-year student at the Jewish Theological Seminary (JTS) at the time of the survey, said that, growing up, she was “taught that only ‘obnoxious,’ ‘aggressive feminist women’ wore them,” and her mother still has a “negative” and “vocal” reaction to the idea of her wearing *tallit* and *tefillin*. At the time of the survey, this woman was not in the practice of wearing *tallit*, or *tefillin*, despite attending a rabbinical school that requires students of all gender identities to develop these practices.

Some people wear ritual items to visibly express their Jewish identity. Many survey participants who wear a *kippah* and/or *tzitzit* daily do so for observance/halakhic reasons, yet some of those individuals specified that these practices also serve as an intentional way of marking oneself publicly as a Jew. A 20-year-old cisgender man who identifies as traditional egalitarian and wears a *kippah* all the time wrote, “If it’s safe, *kippot* are a nice outward symbol of a community/civilization/people.”<sup>8</sup>

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<sup>8</sup> Concerns about safety came up in a few other responses as well.

This physical expression, however, has been gendered as male. Even though some women (albeit a minority) wear a *kippah* and/or *tzitzit* virtually all the time, these objects have a particularly masculine connotation in public, given their historical background: As Blu Greenberg writes, men performed *mitzvot* in the public sphere, and “women function[ed] primarily as ‘inside persons.’”<sup>9</sup> While the public/private dichotomy has become less prominent in egalitarian communities over time, this gendered perception still persists. In a 2014 article for *New Voices*, List College student Amram Altzman writes, “The fact that *tefillin* and *tzitzit* are masculine and public, of course, is linked; they have to do with the appearance of the observant Jew in the public sphere, and of course appearance in the public sphere is deeply gendered.”<sup>10</sup> In the same article, Avigayil Halpern, a cisgender female who wears *tzitzit* all the time, says, “I’ve been asked several times if I wear *tzitzit* because I wished I was a boy.”<sup>11</sup> Halpern prefaces this statement by explaining that, for her, *tzitzit* had to do with following *halakha*, and even though her action challenges a gender binary, she does not wear *tzitzit* as a means of expressing her relationship to gender. However, the assumptions people make about Halpern support Greenberg and Altzman’s assertions about the gendered nature of Jewish identity in the public sphere.

It should be noted that a good number of the people who wear ritual objects to express Jewish identity are, in fact, female. One 20-year-old cisgender woman who identifies as postdenominational but grew up in an Orthodox day school shared that, between fifth and eighth grades, she wore a *kippah* “during prayer and Torah studies...[as] a way to physically express [her] Jewish identity that extended beyond covering [her] knees and shoulders.” The fact that this individual did not want just her clothing to signal her Jewishness suggests that she wanted to be seen as a Jew, and not specifically as a Jewish woman. Perhaps the central role that gender

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<sup>9</sup> Blu Greenberg, *On Women and Judaism: A View from Tradition* (Philadelphia: The Jewish Publication Society of America), p. 84.

<sup>10</sup> Amram Altzman, “Two Egal Jews Talk About Gender and Ritual,” in *New Voices: The National Jewish Student Magazine* (Nov 17, 2014), accessed at <http://newvoices.org/2014/11/17/two-egal-jews-talk-about-gender-and-ritual/> on October 28, 2017.

<sup>11</sup> *Ibid.*.

plays in mediating one's relationship to Judaism in the Orthodox world shaped her experience. One cisgender female rabbi, who identifies as a Conservative/Egalitarian Jew, wears a *tallit*, *tefillin*, and *kippah* because she "believe[s] it is the 'Jewish uniform' for an adult Jew." Another cisgender female rabbi, a 33-year-old who identifies as postdenominational/Reconstructionist and works at a Conservative synagogue, "started wearing a *kippah* all the time as an adult, largely to combat [her] internalized anti-Semitism." She "challenged [herself] to be fully 'out' at all times, and to handle any responses (or perceived responses) to that." Wearing a *kippah* served as a means of articulating her Jewish identity to the world and to herself. This rabbi's mention of "perceived responses" illustrates how complicated it can be to unpack the ways in which others influence one's relationship to ritual objects. Not only do explicit responses potentially inform her understanding of how she exists in the world as a *kippah*-wearing woman, but subtle messages and societal norms could also influence her experience and identity.

Another graduate of the Reconstructionist Rabbinical College, a 60-year-old cisgender woman, wrote that she wears *kippot* when "it is important for those around [her], either as a model or as a sign of respect for the community customs." This idea of modeling behavior came up in numerous responses. One 20-year-old cisgender man said he wears a *tallit*, *tefillin*, and *kippot* "mostly to teach campers and set a good example for them at camp." This relates to the previously mentioned role of community in cultivating religious practices.

Others wear ritual objects to send a message to themselves, not the broader community. People gave a number of ways in which *tallit*, *tefillin*, and/or *kippot* influence action: A few people said these items put them in the right mood/mindset to pray, and one or two participants even called them the Jewish "uniform" for prayer. Others said it helps them to be present and focus. For some, religious objects send messages both to oneself *and* to others. A 27-year-old, cisgender, male rabbinical student wrote, "[wearing a *kippah*] encourages me to behave in line with my values (for example, I am more likely to give money to a homeless person if I am visibly wearing a *kippah*)." By using the adverb "visibly," he indicates that others' perceptions influence how he relates to wearing a *kippah*; the *kippah* serves as a reminder to him to act in line with his values not

just because it might remind him of religion and/or God, but also because, as someone wearing a physical marker of Jewish identity, he represents that religious community in the public sphere.

Relationship to God, relationship to prayer, and respect—perhaps overlapping motifs—showed up in a number of responses. Relationship to God came up most frequently in explanations of wearing *kippot*; some talked about the reminder that God is above them, while others mentioned humility. For some, these objects connected them to prayer by helping them focus; for others, these objects helped them connect to prayer itself and/or to God. Some people, mainly when writing about *tallit*, discussed the feeling of being wrapped in a prayer and/or feeling God’s presence. One 21-year-old cisgender man wrote that his relationship to these objects depends on how he feels about daily prayer practice, which he says changes. For this individual, experience wearing these objects directly relates to ritual. Also, the idea of respect appeared in many different forms: respect for God, respect for community norms, and the vague but often utilized phrase “out of respect.”

While gender intersects with other (previously described) factors, some people mentioned it as a stand-alone motivation (or lack thereof) for wearing these objects. One 22-year-old cisgender woman wrote, “I like the gender-bending aspect of wearing a *kippah*, especially within the context of more traditional communities.” For others, ritual objects serve as a means of affirming gender identity. For example, a 34-year-old transgender male rabbi wrote, “[*tallit*, *tefillin*, and *kippah*] work with my gender and make me feel whole.” One 21-year-old cisgender woman, who identifies as Conservative/Reconstructionist but does not wear *tallit*, *tefillin*, or *kippah*, wrote, “I grew up with the idea that these were male objects.” This suggests that perceptions of these ritual objects as incompatible with her gender identity might have influenced her decision not to wear them.

## A Comparative Look at Tallit, Tefillin, and Kippot

In addition to the *minhag/halakha* distinction between *kippot* and *tallit/tefillin*, respectively,<sup>12</sup> other differences among the objects influence why individuals might wear some but not all of these objects. In her graduate thesis focusing on these objects within the Conservative movement, Talia Nudell writes, “Although many women in Conservative communities in the United States wear *tallitot* on a regular basis, it is unusual for these women to wear *tefillin*. This discrepancy is noteworthy because both these objects fall into similar theological and ritual categories.”<sup>13</sup> However, the *mitzva* of wearing *tefillin* has an especially “gendered history” as male.<sup>14</sup>

Survey respondents and scholars have pointed to differences between *tallit* and *tefillin* that relate to this discrepancy. First, *tallitot* can be customized easily. They come in different fabrics, designs, and sizes.<sup>15</sup> *Tefillin*, on the other hand, are essentially uniform in color, style, and material.<sup>16</sup> Second, a *tallit* resembles a scarf or shawl,

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<sup>12</sup> E.g., some *halakhic* unmarried Jews don’t wear *tallit*. Some *halakhic* female Jews who, because they follow *halakha*, wear *tallit* and *tefillin*, do not wear *kippot* (a traditionally male *minhag*), and don other head coverings instead.

<sup>13</sup> Nudell, p. 6.

<sup>14</sup> Rabbi Ethan Tucker, “Gender and Tefillin: Possibilities and Consequences” accessed at [https://mechonhadar.s3.amazonaws.com/mh\\_torah\\_source\\_sheets/CJLVGenderandTefillin.pdf?response-content-disposition=attachment%3B%20filename%3D%22CJLVGenderandTefillin.pdf%22&response-content-type=application%2Foctet-stream&AWSAccessKeyId=AKIAI3R4CRQOAUJ2ZIVA&Expires=1509333918&Signature=D6SxJUhOI3hVMeTaCIjr72hCNIM%3D](https://mechonhadar.s3.amazonaws.com/mh_torah_source_sheets/CJLVGenderandTefillin.pdf?response-content-disposition=attachment%3B%20filename%3D%22CJLVGenderandTefillin.pdf%22&response-content-type=application%2Foctet-stream&AWSAccessKeyId=AKIAI3R4CRQOAUJ2ZIVA&Expires=1509333918&Signature=D6SxJUhOI3hVMeTaCIjr72hCNIM%3D) on October 28, 2017 (New York, NY: Center for Jewish Law and Values at Mechon Hadar 2014), p. 10.

<sup>15</sup> Nudell, pp. 20-21.

<sup>16</sup> Though some non-leather tefillin exist, commonly used by individuals who object to using animal products. It should be noted that non-leather tefillin is currently not accepted in *halakhic* terms. E.g., see: Rabbi Adam Frank, “Non-leather tefillin” at *Be the Change You Want to See In the World* (May 25, 2016) accessed at

both feminine articles of clothing. One 19-year-old cisgender female survey participant, who called *tallit* the most “gender fluid” of the items, wrote both about the resemblance to a shawl and how *tallit* “can have gorgeous designs, which the other items don’t necessarily allow.” Additionally, laying *tefillin* is a highly embodied practice.<sup>17</sup> Not only does this make it a more intimate ritual, but also it requires more instruction. Many non-male-identifying individuals are never taught how to wrap *tefillin*.

While Judaism offers textual basis for wearing *tallit* and *tefillin* and communal customs to explain head coverings, these are just a few of the many reasons why people might choose to don these ritual objects. The plurality of motivating factors for donning none, some, or all three of these objects highlights the power of societal dynamics in shaping ritual practice.

### **Expression: Messages Conveyed by Wearing Ritual Objects**

As briefly touched upon in the previous section, wearing ritual objects sends messages, whether intentional or not. The highly gendered history of these objects shapes what they communicate. When asked to share reflections on and/or perceptions of men wearing *kippot*, *tallit*, and/or *tefillin*, people of different ages and denominational affiliations had, for the most part, similar responses. Most people, when reflecting on men, said these objects signaled a high level of observance and/or faith. Some people also talked about the public nature of observance. When reflecting on women wearing these objects, however, many people said they perceived women to be making a statement about values around gender and religion as opposed to religion alone. Some even acknowledged that they knew that women wearing these objects did not always intend to do so. However, in a world in which most people still associate these objects with cisgender males, any non-male presenting individual seems to be making a gender-related statement when wearing them.

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[http://adamfrank.typepad.com/adam\\_frank/2016/05/nonleather-tefillin.html](http://adamfrank.typepad.com/adam_frank/2016/05/nonleather-tefillin.html) on October 26, 2017.

<sup>17</sup> Tucker, p. 10.

Furthermore, multiple respondents said that they assumed the woman wearing these objects were rabbis. One 20-year-old cisgender woman responded that she often reads “women wearing *kippot*...as Conservative or Reform rabbis, despite the fact that I’m neither and I wear one sometimes!” Even a female rabbi wrote, “Sadly, I do assume that women who wear a *kippah* all the time, or who wear *tefillin*, are probably rabbis.” Furthermore, some people perceive women who lay *tefillin* to be making a stronger political statement than those wearing *tallit*.<sup>18</sup> These gender-based assumptions, among others, influence how people of all gender identities relate to wearing ritual objects. For instance, another female rabbi responded, “I wish my decisions about these things could be made without any awareness of what others see when they see a middle-aged woman put on these garments. But they can’t!”

### **Obligation: A Closer Look**

When asked who “should be allowed” to wear each of these items and who “must” wear each of these items, every survey participant gave some variation of one of the following answers as a response, even though the question was open-ended: (1) Every adult Jew should be allowed to wear these items, and every adult Jew must wear these items. (2) Every adult Jew should be allowed to wear these items, and male Jews must wear these items. (3) Every adult Jew should be allowed to wear these items, and no one must wear these items.<sup>19</sup> Different people’s responses seemed to correspond to their understanding of *halakha*:

- (1) Those who fall into the first category subscribe to a system of *halakha* that applies to all adult Jews equally, regardless of gender identity.
- (2) Those who fall into the second category believe that men have an obligation while women and

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<sup>18</sup> Nudell, p. 36.

<sup>19</sup> The absence of responses claiming that only males should be allowed can be attributed to the denominational makeup of the survey pool.

gender non-conforming individuals have a choice. This aligns with an understanding of tradition in which only men are bound by positive time-bound *mitzvot*, like *tallit* and *tefillin*. Out of 62 respondents, only four people subscribed to this belief. Out of the four, three were college students (one cisgender female, Conservative; one cisgender male, Conservative; one cisgender male, Modern Orthodox). The fourth was an adult cisgender male who serves as president of a Conservative synagogue, and his belief corresponded with the synagogue policy at the time, reflecting how role in community can shape relationship to ritual.

- (3) In this group, most participants were either uncomfortable with the idea of requiring someone to take on a religious practice and/or did not view *halakha* as binding.

Within all three groups, two motifs appeared frequently: intention when wearing objects and discomfort with gendered expectations.

Many of the respondents who thought that anyone can wear these objects qualified that this should be the case only if those individuals have the right intentions. What those intentions should be, however, differed from response to response. Some people did not clarify what they meant by “right intentions.” Also, the subjective nature of intentionality resulted in contradictory responses. For example, two respondents agreed that they did not like people donning these objects for show, but one made an exception for solidarity events like civil rights marches (what he called “*avodat hashem* [‘serving God’] in a broad sense”), while the other wrote, “[it bothers me] when people, men or women, wear them as political statements. It’s difficult for me when people put on a *tallit* at a rally for a photo op. It’s a holy ritual object and, I feel, belongs only in that context.” Many people (probably including the first respondent), however, would argue that the *tallit* is functioning as a holy ritual object at a protest. Discrepancies over intentionality would pose problems if intentionality were a litmus test. What the

subject of intentionality *can* offer is a reminder that, in considering questions of access to ritual objects, we should not lose sight of why one might want to wear the object in the first place. In fact, one participant believes that intention gives these objects their meaning. She wrote that, without intentionality, “[the objects] just become a hat, a shawl, and some leather straps.” While religious purpose does shape meaning, many other dynamics also imbue these objects with meaning,<sup>20</sup> as evidenced by the plurality of reasons why people do or do not wear them.

The discussion about gendered expectations brings us back to the discussion of community norms and standards. Many survey participants articulated discomfort, frustration, and/or anger about the distinction that communities often make between who can and who must wear certain ritual objects. While the Rabbinical Assembly, an international association of Conservative rabbis, issued a *teshuva* in 2014 saying, “Women and men are equally obligated to observe the *mitzvot*, with the exception of those that are determined by sexual anatomy,” most Conservative communities have not implemented this *teshuva*; many Conservative and other egalitarian communities obligate men to wear a *tallit*, *tefillin*, and *kippot* and just encourage women (and non-gender conforming individuals, though not all communities take these members into account when crafting language).<sup>21</sup> For example, United Synagogue Youth (USY), the Conservative movement’s youth group, wrote in its attendance guide for the 2016 international convention:

An important *mitzva* or practice associated with daily Jewish living is wearing a *kippah* (at least during meals and *t’fillot*, prayers), and wearing *tallit* and *t’fillin* at *shaharit* (morning) services. All male participants at the convention are required to bring

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<sup>20</sup> In *Inventing Jewish Ritual* (Philadelphia: Jewish Publication Society of America 2007), Vanessa Ochs writes that objects can develop new ritual meaning when “created, borrowed, or transformed” (p. 89).

<sup>21</sup> Rabbi Pamela Barmash, “Women and Mitzvot,” accessed at <https://www.rabbinicalassembly.org/sites/default/files/public/halakhah/teshuvot/2011-2020/womenandhiyyuvfinal.pdf> on October 20, 2017 (Rabbinical Assembly: 2014).

and use these items. All female participants are encouraged to bring and use these items, as well.

Similarly, Camp Ramah in the Poconos, a Conservative movement overnight camp, writes on its packing list: "Boys: 10 *kipot* and bobby pins/clips. Tallit + Tefillin are required for post Bar Mitzvah boys. Girls: Those girls who have chosen to wear a Tallit, Tefillin or Kippah are encouraged to bring them."<sup>22</sup>

Both inside and outside of the Conservative movement, Jews have taken note and reacted strongly to the gap between egalitarian ideals and community policies. This can be seen in the frequency with which survey participants addressed this dynamic:

I was taught in a so-called egalitarian community that only men must do these things, and that women "don't have to" but that doesn't really seem "equal," does it? I think everyone should be held to the same responsibilities.

– 23-year-old cisgender man, Conservative

My biggest issue is in the Conservative movement, which considers egalitarianism as one of its foundational values, women very often do not wear a *tallit/kippah/tefillin*. For the men it is required, for the women it is optional. I've never been given a good answer as to why that is aside from tradition...I continue wearing these objects because if it is required for men, it is required for me. And because I want to take part in the beautiful opportunity we have to connect with G-d through material objects as well as spiritually, emotionally, etc..

– 22-year-old cisgender woman, Conservative

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<sup>22</sup> See Camp Ramah in the Poconos' packing list, "Suggested Clothing List for Full Season Campers" as accessed at <http://ramahpoconos.org/wp/wp-content/uploads/2012/12/ramah-overnight-clothing-list.pdf> on October 1, 2017.

Drives me crazy that Conservative movement is “egalitarian,” yet in Conservative shuls, the *kippah* patrol jumps out to make sure men cover their heads but not women.

– 27-year old cisgender man, egalitarian/progressive

I hate that the rule at the camp I work at [a Ramah camp] is that men are required and women are “encouraged.”

– 22-year-old cisgender man,  
nondenominational/postdenominational/traditional

I don’t feel comfortable with only men being obligated. It undermines the equilibrium you establish when allowing women in the club only if they elect to.

– 19-year-old cisgender woman, traditional egalitarian

While a few survey participants said that only men must wear these objects but women can, none of them explicitly articulated a desire to see this formalized in policy. Many people, however, expressed strong opposition to the divide between ideology and practice in certain Conservative communities.

While textual arguments could be (and have been) made about why people of all gender identities can be equally obligated, this paper will continue to take a more sociological approach, focusing on how such standards influence individuals’ relationships to *tallit* and *tefillin*. The aforementioned policy/practice divide in many “egalitarian” communities, henceforth referred to as the status quo, perpetuates the message that *tallit* and *tefillin* are gendered. How could these objects not be when the rules around their use have to do solely with gender identity? In the Conservative movement, men and women have equal rights, but they do not have equal responsibilities. What message does it send to young women if they are merely “encouraged” while their male peers are “required?” For some, exemption from certain *mitzvot* conveys the message that women are inferior. Whether or not communities that practice the status quo hold this view, their members might believe it based on communal norms.

This particular discussion is not about whether, in an ideal community, everyone would be obligated to use *tefillin* and *tallit*, especially given the complicated nature of obligation and embodied *halakha*. However, if we accept the premise of egalitarian Judaism, then individuals' relationship to religion should be equal regardless of gender identity. If an egalitarian community enforces *halakha*, that community should do so among all members. This has particular importance in the context of a religion in which rights and responsibilities relate; many see obligation and status as closely connected. For example, Rabbi Pamela Barmash of the Rabbinical Assembly quotes the Babylonian Talmud, specifically *Kiddushin*, in her *teshuva*: "Greater is the one who is commanded (to observe a *mitzva*) and does (it) than the one who is not commanded yet does."<sup>23</sup> Even if women have access to these *mitzvot*, they "are considered as lesser" so long as the status quo prevails.<sup>24</sup> It should be noted that Rabbi Jeremy Kalmanofsky, who authored an abstention, believes that Rabbi Barmash misinterpreted the line from *Kiddushin*. Rabbi Kalmanofsky argues that "greater" refers to the worth one derives from doing the practice rather than one's religious value.<sup>25</sup>

However, from previous discussion of survey responses, we see how communal policies affect individual relations to and perceptions of ritual objects. Average synagogue members, especially teenagers first taking on these *mitzvot*, likely do not have a knowledge level similar to that of Rabbis Barmash and Kalmanofsky and therefore would not understand that men being obligated and women being encouraged arguably does not have to do with their religious worth. Implementing the *teshuva* could send a different message by putting "into effect the principle that women are created in equal status with men."<sup>26</sup> Requiring all physically able Jewish adults to observe *halakha* related to *tallit* and *tefillin* aligns more with

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<sup>23</sup> Barmash, p. 3.

<sup>24</sup> *Ibid.*

<sup>25</sup> Rabbi Jeremy Kalmanofsky, "An Egalitarian Abstention," accessed at <https://www.rabbinicalassembly.org/sites/default/files/assets/public/halakhah/teshuvot/2011-2020/kalmanofsky-dissent-barmash.pdf> on October 31, 2017.

<sup>26</sup> Barmash, *ibid.*

egalitarian values and could send a very different message than the one being sent now.<sup>27</sup>

Not only does making certain *mitzvot* optional for women but required for men prevent Jewish communities from actualizing egalitarian values, but it also discourages young women from taking on these practices. It might seem to some as though encouraging women to take on these practices and offering role models would be enough. However, while some think that more women would wear *tefillin* and *tallit* (and even *kippot*) if they had female role models, multiple females' responses suggested this is not necessarily the case. One 19-year-old cisgender female said she does not wear a *kippah* even though her mother wears one, and she does not know why. A 21-year-old cisgender female wrote:

I don't wear a *kippah* because it was never presented as an option to me growing up. I guess theoretically it was always an option—I remember at religious school one of my rabbis would hand *kippot* out to both boys and girls—but at a certain point wearing a *kippah* became a thing that mostly boys and men did. There were a handful of women at my synagogue who wore *kippot*, and all the women rabbis wore them, but it definitely wasn't the norm for female congregants.

Even though these women saw some females (perhaps even their role models) wearing these objects, they did not perceive wearing ritual objects to be a widespread, normative practice among women. The aforementioned 21-year-old cisgender female also wrote that, “communal norms are really powerful...if girls saw the majority of the women in their communities wearing *tallit*, *kippot*, and *tefillin*, it would start to seem normal to them.”<sup>28</sup> Young female Jews need role models, but, in order to undo years of gendered associations with these objects, the number of role models needs to be increased, and the community's policies should send a message that makes young women inclined to wear ritual objects. Institutional policy can lead to

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<sup>27</sup> See quotes from survey earlier in this section.

<sup>28</sup> Emphasis mine.

a shift in institutional culture/norms, subsequently influencing members' attitudes and behavior.

## **Beyond the Gender Binary**

Language in Judaism that dichotomizes gender puts people who are not "male" or "female" in a bind. Not only does the status quo have negative implications for females, it also disenfranchises gender non-conforming individuals. Even the language of the 2014 *teshuva*, which speaks about "women and men," essentially erases non-gender conforming members of the Jewish community. For egalitarianism to be truly realized in Jewish spaces, policies must apply not to "men and women," but to "Jews of *all* gender identities." One 36-year-old cisgender male Conservative rabbi acknowledges this, writing, "if one believes in equality for men and women, and that ALL are obligated to take on the rights AND responsibilities of Judaism, then this would apply to gender non-conforming individuals as well."

Historically, feminist causes in the Jewish community have paved the way for LGBTQ+ inclusion. In *Balancing on the Mechitza*, Rachel Biale, the author of *Women and Jewish Law*, writes that the "great strides" that have been made in the Jewish community "with the issue of homosexuality... would not have been possible... without the foundational work of feminism, which continues to undergird today's conception of gender identity."<sup>29</sup> One survey participant, a 22-year-old genderqueer/trans/non-gender conforming Renewal Jew expressed their gratitude for "the women before [them who] put in the work" for "traditionally-male things" to be reclaimed. Considering the history of gender in the Jewish community and how struggles are linked, these developments should not be minimized. Yet when it comes to ritual objects, it is not enough to start with equality for men and women and later get to gender non-conforming and trans members of the community. Reshaping understandings of gender requires a comprehensive

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<sup>29</sup> Rachel Biale, "Beyond the Binary Bubble: Addressing Transgender Issues in the Jewish Community" in Noach Dzmura (ed.) *Balancing on the Mechitza: Transgender in the Jewish Community* (Berkeley, California: North Atlantic Books 2010), p. 213.

reevaluation of the relationship between gender and Judaism, not just a leveling of the gendered playing field. This includes and affects Jews of all genders.

## Reconsidering Gender

A reformulation of gender dynamics in Judaism necessitates coming to an understanding about what (if any) role gender should play. The survey responses conveyed an overwhelming desire to degender *tallitot*, *tefillin*, and/or *kippot*. For some, this stemmed from beliefs about to whom *halakha* applies. A 26-year-old cisgender male JTS rabbinical student wrote, "I want all of these things to be degendered because I believe all adult Jews should wear them." A 19-year-old cisgender female wrote, "I think the standard [for wearing these objects] should be observance [not gender]; if you live an observant lifestyle, you should lay *tefillin*, etc." Others shared the end goal of degendering these objects but seemed motivated by a broader opposition to gendered practice. A 29-year-old non-gender-conforming rabbi wrote, "I like when gender non-conforming individuals see *kippah/tallit/tefillin* as objects that engender religious responsibility and not mere masculinity." A 22-year old cisgender woman replied, "I wish I had been taught from a younger age not to ascribe these things based on gender." All of these individuals agreed, however, that gender should not be tied to any of these objects. One person, a 20-year-old cisgender woman, even articulated how the current gendered nature of these objects detracts from their ritual value, writing, "Seeing them through only a gendered lens diminishes their spiritual and religious significance."

For other people, though, especially some of the Jews who do not fit into the gender binary, these objects have been a helpful means of expressing gender identity. For the 34-year-old transgender male rabbi who wrote that these items "work with [his] gender," his journey back into Jewish tradition, including wearing *tefillin*, paralleled his gender journey. Also, a 21-year-old cisgender, queer male wrote:

Gender is also created through performing (or not performing) these rituals, and for some people, that

can be equally empowering and affirming of the way that they see themselves as Jews and gendered beings. I'm not entirely sure how to reconcile that point—especially when, in my ideal Jewish community, everyone would have access to, and be expected to perform, these rituals to the extent that they feel comfortable doing so.

While it might be difficult to reconcile the desires of those who wish to degender these objects and those for whom the gendered nature of these objects has been beneficial, it could be possible to degender these objects while preserving/creating other avenues for expressing gender identity in Jewish spaces. This could allow individuals to still articulate their gender identity in Jewish spaces while democratizing access to important ritual. Let us consider how and why this might be done while acknowledging that a larger debate—one about whether to eliminate the notion of gender or to allow for a multiplication of gender identity that would be more inclusive to non-binary individuals—still exists.

Since Jewish head coverings have to do almost exclusively with custom and vary by denomination and location, I will focus on *tallit* and *tefillin*, consistent for all Jews who follow *halakha*. So long as individuals associate *tallit* and *tefillin* with men, these practices remain less accessible to anyone not cisgender and male, regardless of whether or not the community “encourages” or “requires” others to wear *tallit and tefillin*. Degendering these ritual objects would create more inclusive, dynamic, and empowered egalitarian Jewish communities. Changing long-held associations will take time and effort, but, given (1) that actually performing these rituals is not contingent upon any physical aspect of gender and (2) that Jews’ relation to these practices has always been informed by contemporary understandings of gender, I am optimistic that it could be done.<sup>30</sup> To bring about this change, communities would have to reformulate policies so that *all* are either “encouraged” or “required,” and subsequently must make a concerted effort to use gender-neutral language when talking about these rituals. With time,

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<sup>30</sup> Elizabeth Shanks Alexander, *Gender and Timebound Commandments in Judaism* (New York: Cambridge University Press 2013).

future generations will no longer perceive these objects as gendered. Rabbi Ethan Tucker writes, “Those who grow up with mothers who put on *tefillin* at home and with girls who do so at school will no longer feel the gendered associations in the same way that their ancestors might have.”<sup>31</sup> This hopefully applies to non-gender conforming Jews as well.

The other and perhaps most important component is education. Many of the survey participants who intentionally cultivated a practice of wearing *tallit* and *tefillin* had thought more deeply about the practices than those who grew up obligated to wear them. Democratizing this practice poses the risk of making it become “just what Jews do.” While this can happen with any aspect of religion, I emphasize it in this case given survey responses such as, “Men take [performing these *mitzvot*] for granted.” It is my hope that intentionality can change this dynamic in the future. In fact, pairing degendering these objects with education provides the opportunity to help people of all gender identities, including cisgender men, to connect to ritual in a deep and intentional way. A Conservative, cisgender male rabbi wrote, “When I have had the privilege of teaching someone about these objects—through conversion or just someone rediscovering *minyan*—it has been very rewarding and meaningful, for them and for me.” Another participant, a 22-year-old cisgender male, said he wanted to learn more about how other people connect to these *mitzvot*. Education could play a crucial role in transforming how Jewish communities relate to *tallit* and *tefillin*.

Degendering *tallit* and *tefillin* can create a more inclusive Jewish community and enhance the ritual meaning of these objects. As Rabbi Jonah Rank wrote after reflecting on the symbolism of Jewish objects, what matters most “is that the symbol’s meaning is ultimately fulfilled.”<sup>32</sup> Let us build a world in which Jews of all identities feel empowered to fulfill the meaning of *mitzvot*, especially those, like *tallit* and *tefillin*, which remind Jews of their obligations—to God’s commandments, to each other, and to building a more just world.<sup>33</sup>

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<sup>31</sup> Tucker, p. 12.

<sup>32</sup> Jonah Rank, “The Fashion Statements of *Tefillin* and *Tzitzit*: Symbols of Jewish Identity, Expression, Consciousness and Action,” in *Amud: Columbia/Barnard Undergraduate Journal of Torah* 1:1 (2011), p. 21.

<sup>33</sup> *Ibid.*, pp. 19-21.

לא עליך המלאכה לגמור, ולא אתה בן חורין לבטל ממנה  
-רבי טרפון, פרקי אבות ב: כא

*You are not obligated to finish the task, but neither are  
you free to desist from it.*

*– Rabbi Tarfon, Ethics of our Fathers, 2:21*

## Appendix: Survey Questions

### Section I:

1. Which (if any) of the following have you worn before (check all that apply)? Kippah, tallit, tefillin, none of the above
2. Which (if any) of the following do you wear at this point in your life (check all that apply)? Kippah, tallit, tefillin, none of the above
3. If you have worn/currently wear a kippah, tallit, and/or tefillin, please elaborate on when you wear/have worn each. (If you haven't, just write n/a.)
4. Please elaborate on why you do or do not wear a kippah, tallit, and/or tefillin.
5. Who do you think should be allowed to wear a kippah? Tallit? Tefillin?
6. Who do you think must wear a kippah? Tallit? Tefillin?

### Section II:

1. Please share your reflections on/perceptions of men wearing kippot, tallit, and/or tefillin.
2. Please share your reflections on/perceptions of women wearing kippot, tallit, and/or tefillin.
3. Please share your reflections on/perceptions of gender non-conforming individuals wearing kippot, tallit, and/or tefillin.

### Section III:<sup>34</sup>

1. Gender identity: bigender, cisgender male, cisgender woman, genderqueer, trans, transgender man (female to male), transgender woman (male to female), gender non-conforming individual, other
2. Sexual orientation: asexual, bisexual, gay, lesbian, pansexual, queer, straight, other<sup>35</sup>
3. Jewish identity: Conservative, cultural Jew, egalitarian, just Jewish, Modern Orthodox, nondenominational, Orthodox,

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<sup>34</sup> All questions in this section allow for selection of more than one answer.

<sup>35</sup> Optional question.

- postdenominational, Reconstructionist, Reform, Renewal,  
traditional, traditional egalitarian, other
4. I am a feminist. (Yes/no question)

Section IV:

1. Please share any other thoughts you have about gender; kippot, tallit, and tefillin; and/or the relationship between gender and these objects.
2. Would you be interested in discussing this further? (Yes/no/maybe question)

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## **TZITZ, TZITZIT AND THE BUDDING PLANT**

*Dina R. Shargel*

What is the connection between the *tzitzit* (צִיצִית), the fringes with knots that adorn the four corners of the tallit, and the word *tzitz* (צִיץ), whose primary meaning is “blossom” or “flower?”<sup>1</sup> *Tzitz* (צִיץ) is a palindrome, with the letter *yod* flanked by a letter *tzadi* on either side. The letters seem to form a picture of a blossom that is small and encased.<sup>2</sup>

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<sup>1</sup> Francis Brown, S. R. Driver and Charles A. Briggs, *A Hebrew and English Lexicon of the Old Testament* (Boston, MA: Houghton, Mifflin and Company 1906) p. 847; Ludwig Koehler and Walter Baumgartner, *A Hebrew and Aramaic Lexicon of the Old Testament* (Leiden: Brill 2002), pp. 1023-24.

Two meanings of *tzitz* that will not be addressed in this paper occur only once each in the Bible: In Song of Songs 2:9, where it is in verb form and the sense seems to be “peeking out,” and in II Chronicles 20:16, where it seems to be the name of a place.

<sup>2</sup> Coincidentally, the English word “bud,” when written in lower-case letters, is likewise formed by a single letter (u) framed by look-alike letters (b and d). Here, too, visual form seems to reflect meaning. However, the same cannot be said for the *tzitzit* in Paleo-Hebrew letters; there, the *yod* is larger than the *tzadi*.

It is well-known among gardeners that many plants produce twinned buds that are affixed at the same point on the stem:<sup>3</sup>



Buds. © Copyright by <http://iStock.com/XIFotos>.<sup>4</sup>

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<sup>3</sup> The configuration is known as the “opposite-bud” pattern. See Faust, Joan Lee. “Can’t I. D. a Plant? Check Bud Arrangement” in *The New York Times*, in the NY Region/Gardening section of March 28, 1999.

<sup>4</sup> Rights to reproduce image for this article secured by the author.

The pattern reveals an unmistakable affinity with the configuration of the *tzitzit*, whose smooth strands are interrupted by a series of knot pairs:



White *tallit* edges with visible *tzitziyot* (plural of *tzitzit*). Photo by author. © Copyright by Dina Shargel.

The only appearance of *tzitzit* in the Torah is in Numbers 15:38-39, where it is commonly translated as “fringe.”<sup>5</sup> I will be working on the assumption that *tzitz* and *tzitzit* are intimately interrelated, based on the strong visual and philological

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<sup>5</sup> The only other occurrence of *tzitzit* in the rest of the Bible is in Ezekiel 8:3, where it means “a lock of the hair.” One other verse in the Torah, Deuteronomy 22:12, speaks of the commandment to wear fringes. However, there a different noun is used: גדילים (*gedilim*, “twisted threads”). See Brown *et al.*, p. 152..

resemblances between the fringes at the edges of the ritual garment and buds in the natural world.

Two modern scholars, Baruch Levine and the late Jacob Milgrom, have acknowledged an association between *tzitzit* and *tzitz*, citing evidence from ancient Near Eastern cultures outside of Israel and various biblical texts containing the word *tzitz*. Neither scholar is concerned primarily with *tzitz* as a phenomenon of nature (though they both touch on the idea). Rather, each of them is interested in the relationship of *tzitz* to holiness, especially in its association with the domain of the ancient Israelite priesthood. Explaining the way each of the scholars shows that inclination will be my first order of business.

Next, as I will demonstrate, the connection of *tzitzit* to buds may run deeper when understood in tandem with poetic passages from later books of the Bible, where the bud often symbolizes either human anxieties about death or confidence in a future under God's protective presence. After exploring selections from Isaiah, Job and Psalms, I will conclude by turning the spotlight on Numbers 15:37-41, the passage on *tzitzit*, in its liturgical context as the concluding paragraph of the Shema. My goal is to reveal how an awareness of the bud design of the *tzitzit*, coupled with echoes of some of the Priestly and poetic biblical passages that feature the *tzitz*, can enhance and enrich the experience of the liturgical recitation of the Shema for the Jewish worshipper.

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Let us begin with a look at Milgrom and Levine. In the *JPS Commentary on Numbers*, Milgrom explores the origin of *tzitzit* in the cultures of the ancient Near East and its evolution in Israelite practice. He explains that in polytheistic societies, *tzitzit* were worn not by commoners but by kings and priests. He argues that the tassels set the elite apart from others and designated them as holy. Milgrom's contention is that the Bible revolutionized the use of this ritual garb by assigning it not just to members of the elite, but to any individual. Thus, for Milgrom,

the *tsitsit* are the epitome of the democratic thrust within Judaism, which equalizes not by leveling but by elevating. All of Israel is enjoined to become a nation of priests. In antiquity, the *tsitsit* (and the hem) were the insignia of authority, high breeding and nobility... *Tsitsit* are not restricted to Israel's leaders, be they kings, rabbis or scholars. It is the uniform of all Israel.<sup>6</sup>

Milgrom's chief argument is that the Bible transformed the *tzitzit* into a symbol of holiness that is not dependent on a priesthood. *Inter alia*, he offers a possible origin for *tzitzit* from the world of plants:

That *tsitsit* are an extension of the hem is profusely illustrated in ancient Near Eastern art. In one picture, a pendant *tsitsit* is clearly evident, taking the form of a flower head or tassel.<sup>7</sup>

What interests Milgrom mainly is the idea of a tassel.<sup>8</sup> For him, the resemblance of *tzitzit* to a bud is just one of several possibilities for its origin, and not inherently significant. When discussing the high

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<sup>6</sup> See *JPS Commentary on Numbers* (Philadelphia: 1990), Excursus 38, p. 414. Milgrom also notes the significance of another shared element in the "uniforms" of the high priest and the ordinary Israelite: the פתיל תכלת (*petil tekhelet*, "the cord of blue").

<sup>7</sup> *Op. cit.*, p. 411.

<sup>8</sup> Milgrom offers a number of competing suggestions for the origin of *tzitzit*:

The *tsitsit* resemble a lock of hair... the Targums and the Septuagint render "edges, hems..." Possibly *tsitsit*... should be rendered "ornament, something to look at"—from the verb *hetsits*, "peek, glimpse," or from *tsits*, "ornament, frontlet," mentioned in Exodus 28:36. The Septuagint renders it... "fringe." (*Op. cit.*, p. 127, in his comment on Numbers 15:38-39.)

priest's golden frontlet (Leviticus 8:9), which is also called a *tzitz*, Milgrom does make more of its connection to buds.<sup>9</sup> Yet his chief interest in the *tzitz* in that context is not its etymology, but its inscription with the words קֹדֶשׁ לַיהוָה (*kodesh ladonai*, "holy to Adonai."). Once upon a time, the high priest, wearing the holy words, afforded the people to access holiness by proxy.<sup>10</sup> Later, as

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<sup>9</sup> Milgrom explains the high Priestly *tzitz* as follows:

This word means "flower, blossom" (Num 17:23, Isa 28:1, 40:6-8, Ps 103:5, Job 14:2). Akkadian *sissatu* "flower ornament" passed into Egyptian... It is possible that the plate was called *sis* because of its floral decoration, which it (once) had (Josephus, *Antiquities* 3, 172-78), and that it continued to be called by this name even after the decoration had disappeared. (*Anchor Bible, Leviticus 1-16* [NY: 1991] pp. 511-12.)

Nevertheless, in Leviticus 8:9, Milgrom renders the word *tzitz* as "plate." Other scholars also associate the high priest's headpiece with a bud or flower. For example, Nahum Sarna writes:

In biblical texts, the *tsits* is used in parallelism with *'atarah*, "a crown," and is either identical with or associated with the *nezer*, "a diadem," or the ornamental headband, which was emblematic of royalty and aristocracy. The diadem is well known from Egyptian paintings. Its outstanding feature is the lotus flower, a symbol of nascent life (*JPS Commentary on Exodus* [Philadelphia: 1991], p. 183.)

<sup>10</sup> Milgrom assigns the Numbers passage to a later date than the sections of the Torah describing the high priestly garb. (*Anchor Bible, Leviticus 1-16*, p. 512). See Israel Knohl, *The Sanctuary of Silence* (Winona Lake, 2007), for a full discussion of P divided into two strata: an earlier one (PT=Priestly Torah), which was focused only on the priesthood; and a later one (HS=Holiness School), which extended certain key priestly elements into the popular realm. On *tzitzit*, Knohl states:

Milgrom explains, the people were able to become holy independently, with the *tzitzit* upon their garments as a reminder that they were thus empowered.

In contrast to Milgrom, Baruch Levine links both the high priest's *tzitz* and the *tzitzit* of Numbers to a common origin:

Hebrew *šišit* appears to represent the feminine of *šiš*, an ornamental floral design used in fashioning the frontlet worn by the high priest (Exod 28:36, 39:30, Lev 8:9). The basic sense is botanical, for *šiš* is synonymous with *perah* 'blossom' (Num 17:23; and cf. Isa 28:1, 40:5-8, Pss 72:16, 103:15).<sup>11</sup>

Levine associates both items of ritual garb with the bud, but does not explicate the significance of the relationship. Of all the passages he cites in parentheses, he comments only on Numbers 17:23, another Priestly passage from the Torah that features the word *tzitz*. It describes an apparent miracle involving Aaron's staff in the aftermath of Korah's rebellion:

ויוצא פרה ויצץ ציץ ויגמל שקדים  
It gave forth sprouts/produced blossoms  
(*vayyatzetz tzitz*)/bore almonds.<sup>12</sup>

The piece of cut wood that blossoms and bears fruit symbolizes the re-establishment of the power and legitimacy of the Aaronide priesthood. While this does not advance our argument about *tzitz* and *tzitzit*, Levine's comment on the literary style of the verse bears scrutiny. He characterizes it:

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HS expresses the extension of the domain of holiness beyond the narrow confines of the Temple and the priesthood through the fringes law...Just as in the headpiece, the gold frontlet (ציץ)...designates the anointed priest as 'holy to God' (קדש לה')... so too the fringes (ציצית)... testify to Israel's mission to be consecrated unto their God. (*Ibid.*, p. 186.)

<sup>11</sup> Baruch A. Levine, *The Anchor Bible, Numbers 1-20* (NY:1993), p. 400.

<sup>12</sup> *Op. cit.*, p. 80. The translation is Levine's.

...[a] proverbial cliché, something unusual in priestly narrative... Partial elements of this rare cliché are expressed in Isa 18:5, 40:5-8, Ps 103:15, and Job 14:9. The textual distribution of the components of the cliché reveals the links existing between priestly writings and the proverbial repertoire of biblical prophecy and wisdom.<sup>13</sup>

Levine's suggestion that other Priestly sources might be linked to the biblical genres of prophecy and wisdom is tantalizing. It raises anew the possibility that the passage on *tzitzit*, itself a Priestly text, could be related somehow to other poetic biblical texts. Once again, it compels us to ask what buds have to teach us about *tzitzit*.

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To explore that question, let us delve into selections of poetry from Isaiah (Prophets) and Psalms and Job (wisdom literature) that use *tzitz* imagery. There, significantly, blossoms serve as metaphors to express anxiety about human mortality. Yet this does not prevent some of the poets from attaining a stance of assurance or even confidence.

Isaiah 40 associates *tzitz* with the fleeting duration of human life:

כל בשר חציר וכל חסדו כצייץ השדה יבש חציר נבל צייץ כי רוח ה'  
נשבה בו אכן חציר העם

All flesh is grass; all its goodness like flowers (*tzitz*) of the field. Grass withers, flowers (*tzitz*) fade when the breath of Adonai blows on them. Indeed, the human being is but grass.<sup>14</sup>

Psalm 103 expresses the same idea with a slight variation:

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<sup>13</sup> *Ibid.*.

<sup>14</sup> Isaiah 40:6-7.

אנוש כחציר ימיו כצִיץ השדה כן יצִיץ כי רוח עברה בו ואיננו ולא  
יכירנו עוד מקומו

The human being's days are like those of grass,  
blooming (*yatzitz*) like a flower (*tzitz*) of the field. A  
wind passes by and it is no more; its own place no  
longer knows it.<sup>15</sup>

Both passages posit that like plants, human beings are fragile and temporal. Both texts compare human life to grass or buds that bloom quickly and quickly wither. Once we die, it is as if we never had existed at all. Yet each passage takes a measure of comfort in its own way. For Deutero-Isaiah:

יבש חציר נבל צִיץ ודבר א-להינו יקום לעולם  
Grass withers, flowers (*tzitz*) fade, but the word of  
our God is always fulfilled.<sup>16</sup>

The prophet highlights the contrast between the effect of time on human beings and on the Divine. Human beings are finite, while God is not. Deutero-Isaiah suggests a pact between us and God that outlasts our short lives, that is eternal. The Psalmist goes further, suggesting that though the righteous cannot escape dying, they are able to extend God's beneficence through their progeny. For the psalmist, "for all eternity" can be understood as the legacy to future generations.

In Job, however, when the protagonist contemplates human life in relation to plants, there is no consolation in the temporality of the *tzitz*:

אדם... כצִיץ יצא וימל ויברח כצל ולא יעמוד  
The human being... blossoms like a flower (*tzitz*) and  
witheres, vanishes like a shadow and does not  
endure.<sup>17</sup>

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<sup>15</sup> Psalm 103:15-16.

<sup>16</sup> Isaiah 40:8.

<sup>17</sup> Job 14:1-2.

Indeed, Job goes on to suggest that plants are more fortunate than people:

כי יש לעץ תקוה אם יכרת ועוד יחליף וינקתו לא תהדל. אם יזקין  
בארץ שרשו ובעפר ימות גזעו מריח מים יפרח ועשה קציר כמו נטע  
וגבר ימות ויחלש ויגוע אדם ואיו

There is a future for a tree; if it is cut down, it will renew itself. Its shoots will not cease. If its roots are old in the earth and its stump dies in the ground, at the scent of water it will bud and produce branches like a sapling. But mortals languish and die; the human being expires; where is he?<sup>18</sup>

Trees that appear to be dead are sometimes dormant and can be revived. For human beings, by contrast, death is permanent and irreversible. In contrast to Isaiah 40 and Psalm 103, Job develops the *tzitz* image into an unrelentingly harsh depiction of both the quality and quantity of life. For Job, there is no consoling reference to God's eternity or Divine promises that redound to future generations. Here the use of *tzitz* exposes a bitter irony, that human beings are like flowers that are nipped in the bud, as it were, while trees can endure indefinitely.<sup>19</sup>

Psalm 90 is another poem that speaks of human frailty and finitude in terms of budding and withering:

בבקר יצייץ וחלף לערב ימולל ויבש  
At daybreak (grass) buds (*yatzitz*) anew; by dusk, it  
wITHERS and dries up. (Ps 90:5b-6.)

In contrast to Job, who protests the inability of human beings to rise above withering and death, the author of Psalm 90 expresses anxiety over the brevity of human existence and human failings, which often incur God's anger. The psalmist wonders whether it is possible, given the circumstances, to find meaning and joy in living. The tone

<sup>18</sup> Job 14:7-10.

<sup>19</sup> Some people observe the custom of burying a loved one in his or her beloved tallit, after first invalidating it for ritual use by cutting off part of one of the fringes. For sources, see Isaac Klein, *A Guide to Jewish Ritual Practice* (New York: 1979), p. 277.

of the answer, while not resoundingly happy, is optimistic. The poet continues by appealing to God for help in using the time allotted, as limited as that might be, wisely. People cannot live forever, but they are capable of cultivating an appreciation for life's preciousness. The psalm ends on a hopeful and forward-looking note, asking God for the opportunity to start afresh each morning.<sup>20,21</sup>

Now let us turn our attention to Psalm 92:

בפרח רשעים כמו עשב ויציצו כל פעלי און להשמדם עדי עד

Though the wicked sprout like grass, though all evildoers blossom (*vayyatiztu*), it is only that they may be destroyed forever.<sup>22</sup>

Once again, we encounter plants springing up and then dying just as quickly. Yet this time, only the wicked are compared to doomed blossoms. To represent that those faithful to God deserve Divine protection, the poet offers a new image: mature plants, strong and healthy and secure. Note that the verb to describe their blossoming is

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<sup>20</sup> According to Adele Berlin and Marc Zvi Brettler, in the Bible, morning is "the time that God answers prayers." For sources, see Adele Berlin and Marc Zvi Brettler (eds.), *The Jewish Study Bible, 2nd edition* (New York: 2014), p. 1371. Morning is also the time the rabbis designated for donning the *tzitzit* (as per, e.g., *Shulhan Arukh, Oraḥ Hayyim* 18:3).

<sup>21</sup> Psalm 90 is read in its entirety on Shabbat and the festivals during *pesukei d'zimra* (the preliminary part of the morning service). Selections from it are also included in *yizkor* (memorial) liturgy for Yom Kippur, when life-death connections are felt most keenly, and again at the end of each of our joyous festivals (Sukkot, Pesah and Shavuot). Just as Shabbat marks time from week to week, the festivals, originally tied to agricultural events, mark each season. Remembering the dead helps their survivors to maintain connections with them, even as they go on with communal, life-affirming celebrations. At the same time, *yizkor* inspires dread and awe in the face of our own finality. It is striking that both *yizkor* and the Jewish funeral service end with the *El Malei Rahamim* prayer; in asking God to give the deceased eternal rest, it invokes גן עדן (the Garden of Eden), an image associated with living, fertile plants.

<sup>22</sup> Psalm 92:8.

*yifrah/yafrihu*, verb forms that refer to flowering, the next stage in plant development beyond budding:

צדיק כתמר יפרח כארז בלבנון ישגה. שתולים בבית ה' בהצרות א-  
להינו יפריחו

The righteous bloom (*yifrah*) like a date-palm. They thrive like a cedar in Lebanon, planted in the house of Adonai; they flourish (*yafrihu*) in the courts of our God.<sup>23</sup>

God's righteous are like glorious trees. Instead of being snuffed out prematurely, they have passed the budding stage into full blossom; they stand strong and tall. For Job, people are compared unfavorably to plants because only the latter can defy death. The author of Psalm 92 sees things differently; trees grown to maturity prompt a sense of confidence, stability and serenity for those whose faith is strong. Moreover:

עוד ינבון בשיבה דשנים ורעננים יהיו  
In old age they still produce fruit; they are full of sap  
and freshness.<sup>24</sup>

The Psalm concludes with the image of a plant that, like Aaron's staff, had progressed from budding to flowering to fruiting. After many years, it continues to produce. The depiction is heartening, precisely because the same may be possible for human beings. To look ahead to one's later years as a time of prospective new growth and development depends on nurturing the bud, sustaining faith and trust in God.

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Now at last we turn to Numbers 15:37-41, the Torah's passage on *tzitzit*, and consider its honored place in Jewish liturgy, at the end of

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<sup>23</sup> *Ibid.*, vv. 13-14.

<sup>24</sup> *Ibid.*, v. 15.

the Shema. It offers instruction to the *tzitzit*-wearer on how to make use of the ritual object:

וְהָיָה לָכֵן לְצִיצִית וּרְאִיתֶם אֹתוֹ וּזְכַרְתֶּם אֶת כָּל מִצְוֹת ה' וַעֲשִׂיתֶם אֹתָם  
That shall be your fringe (*tzitzit*); look at it and recall  
all the mitzvot of Adonai and carry them out.<sup>25</sup>

The direction to gaze at the *tzitzit* may have been intended to call attention to its bud-like design. The rabbis, who mandated the liturgical recitation of the passage from Numbers, would have assumed that educated members of their communities would also be familiar with the entire contents of the Bible. The worshipper, looking at the shape of the fragile bud and uttering the word *tzitzit* repeatedly (three times in five verses), would have heard echoes of the other passages containing the word *tzitzit*.

Thinking of the more depressing verses in Isaiah, Psalms and Job, a worshipper might be tempted to succumb to despair. Some may feel comforted by contemplating God's eternity, and others by Divine promises to future generations. Alternatively, some might feel encouraged and heartened to think of the blossom that, like the plant in Psalm 92, continues to thrive and grow. We are like buds in many ways, and—as Job notes—sometimes they even have advantages over us. Yet unlike buds, we have agency and the ability to cultivate a relationship with God.

The Shema's passage on *tzitzit* is a homily of sorts, offering guidance on channeling our spiritual energies, shifting us away from preoccupation with the self and morbid thoughts to right action, toward which we can strive in this lifetime.

As Milgrom and Levine have pointed out, the *tzitzit* calls to mind other priestly texts in the Torah. Perhaps the ancient liturgical setting of Numbers 15:37-41 prompted worshippers to make the association that Milgrom did with the holy *tzitzit* of the high priest, upon whom the people once depended in order to reach God. In that context, the passage on *tzitzit* would have been—and remains—empowering, granting all worshippers direct and immediate access to God and to holiness.

Below is the full text of the *tzitzit* passage, Numbers 15:37-41:

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<sup>25</sup> Numbers 15:39.

Adonai said to Moses as follows: Speak to the Israelite people and instruct them to make for themselves fringes on the corners of their garments throughout the ages; let them attach a cord of blue to the fringe at each corner. That shall be your fringe; look at it and recall all the commandments of Adonai and observe them, so that you do not follow your heart and eyes in your lustful urge. Thus, you shall be reminded to observe all My commandments and to be holy to your God. I Adonai am your God, who brought you out of the land of Egypt to be your God: I, Adonai your God.<sup>26</sup>

Here's my own reading of the passage, overlaid with the multiple biblical associations of the *tzitzit*:

To all members of the people Israel: Wear *tzitzit* at the edges of your garments, and notice the bud design. Look at the *tzitzit* and remember your obligation to live a holy life, with whatever time you have on earth. Be aware that time is necessarily limited, but do not let that awareness paralyze you from taking action. Fulfill your responsibilities in a manner that reflects both holiness and an appreciation of your freedom. It is your sacred mission and privilege to do so.

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*Rabbi Dina R. Shargel received her B. A. in music from Brandeis University in 1982 and settled contentedly into a life as a suburban music teacher. In response to the dread of her fortieth birthday looming on the*

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<sup>26</sup> Translation adapted from Harry Orlinsky (ed.), *New Jewish Publication Society of America Tanakh* (Philadelphia: Jewish Publication Society of America 1985).

*horizon, she immersed herself in the study of Torah and began taking on a series of spiritual challenges, one of the first of which was to wear a tallit each morning. By 2006, she had earned an M. A. in Bible and rabbinic ordination from the Jewish Theological Seminary, and has been serving ever since as Ritual Director at Temple Israel Center in White Plains, NY.*



## A SNAG IN THE TRADITION OF CHECKING KNIVES

Yonah Lavery-Yisraeli

### A Mystery

Cochin is a harbour city in Southwestern India that has hosted a Jewish community for centuries. In 1949, this community was well-connected to the outside world, and was itself internally diverse, weaving together (or in some cases attempting to keep separate) many strains of Jewish tradition and background.<sup>1</sup> Nevertheless, in that year, a Cochini Jew named Ruby Daniel was astonished by the practices of Israeli *shohatim* (kosher slaughterers):

I had to go every Thursday to Kiryat Shemonah and stand there with hundreds of people waiting to buy chicken. I hate the smell of the chicken and the place where they clean it, and I hate all the *shohetim* [sic] there too. They had three or four knives, but I never saw them examining the knife as a *shohet* should. My grandfather used to sharpen the knife and put it on his tongue to find out if there is any flaw.<sup>2</sup>

Daniel describes the experience of a geographic immigrant, but so too is the experience of the immigrant from rabbinic literature to modern practice; for every codification of Jewish law from Rambam (Maimonides, 1135–1204, Spain and North Africa) to the *Simlah Hadashah* (by R. Alexander Sender Schorr, early 18<sup>th</sup> Century, in Ukraine)<sup>3</sup> requires 24 checks of the knife for every animal killed,

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<sup>1</sup> Ruby Daniel and Barbara C. Johnson, *Ruby of Cochin: an Indian Jewish woman remembers* (Philadelphia: JPS 1995), p. 13.

<sup>2</sup> Daniel *et al.*, p. 110.

<sup>3</sup> Rambam, *Mishneh Torah*, Hilkhoth Shehitah 1:18; *Simlah Hadashah*, 19:7.

12 on flesh and 12 on a fingernail, in order to detect flaws on the blade (*pegimoth*, i.e. small serrations). Today it is usual to check only on a nail, but even such a check is largely waived in a factory setting. Since Daniel's encounter at Kiryat Shemonah, the transformation has become nearly total; few today have had the sort of life experience that would lead them to be surprised at the status quo. What accounts for this change, which has transpired almost entirely outside the world of textual legal reasoning?

### Checking Knives in Rabbinic Literature

The Babylonian Talmud describes a variety of acceptable ways of checking a knife, which by the sixth generation of *Amoraim*,<sup>4</sup> more or less coalesced into one multi-faceted method of checking:

במערבא בדקי לה בשימשא בנהרדעא בדקו לה במיא רב ששת בדק לה  
בריש לישניה רב אחא בר יעקב בדק לה בחוט השערה בסורא אמרי  
בישרא אכלה בישרא לבדקה אמר רב פפא צריכא בדיקה אבישרא  
ואטופרא <ואתלתא רוחתא> ... רבינא ורב אחא בריה דרבא הוו יתבי  
קמיה דרב אשי אייתו סכין לקמיה דרב אשי לבדקה אמר ליה לרב אחא  
בריה דרבא בידקא בדקה אטופרא ואבישרא ואתלתא רוחתא אמר ליה  
יישר

In the West, they would check it [the knife] in sunlight; in Nehardea, they checked it in water. Rav Shesheth checked it with the tip of his tongue. Rav Aha bar Yaakov checked it with a strand of hair. In Sura they say, "It eats flesh, so check it on flesh." Rav Papa said, "It needs checking on flesh, on nail, and in three directions." ... Ravina and Rav Aha the son of Rava were sitting before Rav Ashi. They brought a knife to Rav Ashi to check. He told Rav Aha the son of Rava, "Check it." He checked it on nail and on flesh and in three directions. He said to him, "Well done."<sup>5</sup>

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<sup>4</sup> Talmudic scholars of the Gemara stratum, i.e. approximately 200-500 CE.

<sup>5</sup> BT Hulin 17b.

This discussion, however, seems to be relatively vague. One explanation for the vagueness might be that, as a general matter, writers don't provide details for commonplace activities—unless they are concerned that future readers won't understand. Thus, perhaps, these *Amoraim*, who experienced animal slaughter as the skilled but ordinary activity of householders, no more thought to explain what they meant by “checking in sunlight” than we would think to explain that writing “by hand” involves pen and paper. Additionally, Amoraic teachings were transmitted face-to-face, bolstered by tone and gesture and pre-existing emotional and cultural connection between a living student and a teacher.<sup>6</sup> Rav Ashi's interaction with Ravina and Rav Aha illustrates how tactile and immediate teaching often was. So it is not surprising that the detail conveyed in our text is not of the elaborate nature typical of post-Medieval rabbinics.

Alternatively, one must also consider this: broad language may well indicate broad requirements. As a parallel case, Talmudic and Medieval descriptions of how letters ought to be written for ritual documents are minimal, focusing on legibility. Paleographic evidence shows that the halakhic language was broad, not for esoteric reasons, but because it accommodated a wide variety of writing styles. As standard scripts emerged over time, halakhic language to describe these scripts became increasingly specific.<sup>7</sup> The

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<sup>6</sup> I discuss this further in “An Oral Torah,” published in *Conversations*, issue 26, Autumn 2016/5777.

<sup>7</sup> Standardisation down to the last minutiae of letters is so recent a phenomenon that I have had the opportunity to observe a great diversity in Torah scroll scripts first-hand in the course of my work in *soferuth* STAM (ritual calligraphy). Conversations with expert scribes at Machon Ot, a non-profit *soferuth* institution based in Jerusalem, have confirmed that as recently as 100 years ago, German scribes were writing in a style that today would be described unhesitatingly as Sephardi. This was contemporaneous with a variety of other styles in Europe alone. Manuals such as Salomo Ganzfried's *Qeseth HaSofer* (c. 1831, c. 1871) had been long-published, but evidently were not regarded as authoritative. For an introduction to script diversity in previous time periods, see Jerusálmí, Mark F. “Paleography of Four Modern Hebrew Scrolls: Analysis of Their Script in View of Earlier Writings” (Master's thesis

same relationship between language and action is likely to be at work in *shehitah* (kosher slaughter) literature, too. It is not necessary to imagine that an arcane sun-checking procedure lies hidden behind the laconic directive to look at the knife in sunlight; perhaps it really does just mean to check it in sunlight.<sup>8</sup> Our text already indicates awareness of a broad variety of techniques, which it records without censure, establishing some tolerance of variety. We can also see that the sages of the Talmud are perfectly capable of using rich, close description when they think it is called for: for instance, in defining where a knife may be placed on the animal's body (*i.e. meqom shehitah*).<sup>9</sup>

What aroused the curiosity of Medieval commentators such as Rashba (Barcelona, 1235–1310) and Ramban (Nahmanides, Catalonia, 1194–1270) – among others – on the subject is ultimately a separate point: On the following *daf* (page), the Talmud discusses that flaws must be of a certain size before we consider them troubling, and that that size is *hagirath tsiporen* (large enough to snag a fingernail).<sup>10</sup> If so, why check knives against anything but a fingernail? Ramban resolves the problem in the following way:

ו"ל דאמוראי נינהו דלמאן דאמר אבישרא ואטופרא וחוט השערה  
 ושמש' ומיא אפי' פגימה קטנה שבקטנות שאין הצפורן חוגר בה פוסלת  
 It seems to me that there is disagreement among the  
 Amoraim, and that one who would say to check on  
 both flesh and nail, a strand of hair, sunlight, and  
 water, would also say that the very smallest flaw is  
 problematic, even if it would be insufficient to snag  
 a fingernail.<sup>11</sup>

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submitted to the Jewish Theological Seminary - University of Jewish Studies of Budapest: 2016).

<sup>8</sup> For a parallel in checking things by sunlight, see this term in Talmudic literature regarding *hilkhoth nidah*, e.g. BT Nidah 25b, where the common-sense, practical reasons for this approach are even more apparent.

<sup>9</sup> BT Hulin 18b-19b.

<sup>10</sup> BT Hulin 17b.

<sup>11</sup> *Hidushei HaRamban* to BT Hulin 17b, *s.v. Wekhol pegimothan*.

Is Ramban saying that the non-nail checks are more precise methods of detection? This would be strange. I checked many knives using my best approximation of early Amoraic methods. Since this approximation may not be exact, the results should be taken with a grain of salt; however, neither must we fall back on the comforting refrain אין אנו בקיין (*ein anu beqiyin*, “we have no expertise [nowadays]”),<sup>12</sup> which too often permits us to clap our hands over our ears when history is speaking.

Although a detailed tabulation of the results of my experiment can be checked in the Appendix of this article, in brief, some non-nail checks were shown to be less exacting, namely, examinations *via* flesh, tongue, and water. Others were found to be of equal precision, such as examinations *via* hair and sunlight. These results have been partially confirmed by modern Sefaradi and Yemenite *shohatim*, who agree that flesh is less sensitive than nail.<sup>13</sup> Returning to Ramban with this information, it is apparent that he is not contrasting what is felt by a fingernail to what is felt by flesh, but rather is contrasting what will *catch* a fingernail to what is *felt* by flesh: *hagirah*, snagging, is a minimal measurement that applies only to fingernails. A person feeling a knife on their tongue or dragging it carefully across their skin is given no minimal boundary by halakhah: In this vulnerable state, every sensation from the blade is felt as significant.

This window to the significance of feeling and endangerment allows us to view the problem which Ramban leaves unarticulated: Why would Rav Ashi and the later *Amoraim*, who require checking on flesh, simultaneously require checking on the fingernail? Only two possibilities exist: that one method is more precise than the other, or that they are approximately the same. So why should anything other than the best check be mandated? If our concern is only the size of a potential flaw, there should never have

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<sup>12</sup> Catchphrase of the Rema (Moses Isserles of Poland; d. 1572) in his commentary throughout the Shulhan Arukh and Hilkhoth Shehitah in particular; invoked ever since in various Ashkenazi texts.

<sup>13</sup> Yitzhaq ben Nisim Ratzabi, *Or HaHalakhah: Osef Minhagei Qehilath Qodesh Teiman al Shulhan Arukh Yoreh Deah* (Jerusalem: Or HaHalakhah 2012), 18:2; R. Yaaqov Peretz, *Sikumim leShulhan Arukh Yoreh Deah* (2009), *Siman* 18.

been a reason to prescribe both flesh and nail, as one or the other would have always been superfluous.

We must conclude that Jewish law came to require both flesh and nail for reasons other than simple size detection. Indeed, this is clear in a number of places in our *sugiyah*, most tellingly the saying of the people of Sura: “since it cuts flesh, check it on flesh.” Tosafoth<sup>14</sup> expand:

אבישרא משום ושט ואטופרא משום קנה

On flesh because of the esophagus, and on nail  
because of the trachea.<sup>15</sup>

The parallel, clear to those familiar with animal and human physiology, perhaps requires some clarification for a modern audience: the esophagus, like flesh, is soft, whereas the trachea is made of stiff cartilage, and so is more like a fingernail. Rashi (France, 1028-1105) calls checking on flesh *iqar bediqathah* (“the critical part of its [the knife’s] check”), even as he describes flesh and nail as co-determinative of what constitutes a flaw.<sup>16</sup> This is an eloquent tension. Both Tosafoth and Rashi are reading the Surian proverb, and the later Amoraic flesh-and-nail method which they understand as implementing it, as mandating checks which cultivate an awareness in *shohatim* of the ways in which their bodies correspond to the bodies of the animals they are slaughtering.

## Explaining Modern Knife-Checking

When and through what halakhic mechanism did things change? Many *shohatim* do not receive any explanation about why, contrary to what is indicated in their textbook,<sup>17</sup> they are expected to

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<sup>14</sup> 12<sup>th</sup> Century Talmudic commentators in France and, later, Germany.

<sup>15</sup> Tosafoth to BT Hulin 17b, *s.v. Avisra weatufra*.

<sup>16</sup> Rashi to BT Hulin 17b, *s.v. Bisra Akhelah*.

<sup>17</sup> *Simlah Hadashah* for Ashkenazim; *Shulhan Arukh* with commentaries for Sefaradim.

check only on nail, and not on flesh. This seems to be especially true among Ashkenazim.<sup>18</sup>

On the other hand, some teachers and books do feel the need to provide an explanation, perhaps especially in cases where a break with previous practice is comparatively recent. R. Yaaqov Peretz, head of the yeshivah "Midrash Sefaradi" in Jerusalem, wrote the following in the notes to his *shehitah* students in 2009:

אבל בזמנינו אין מרגישים אלא בצפורן... בדיקת הצפורן עדיפה ומספיקה מכל בדיקות אחרות.

In our days, we don't feel any [flaws] except through the fingernail. Checking with the fingernail is preferable and is more satisfactory than any other way of checking.<sup>19</sup>

*Or Hahalakhah*, a modern collection of Yemenite customs arranged as commentary on the Shulhan Arukh, offers a similar explanation:

כשמוליכים ומביאים הסכין עליה [האצבע] אין מרגישים פגם בזמנינו. כמו כן כולם אינם נוהגים עכשיו לבדוק אלא בציפורן, כיון שהבשר אין מרגישים, ואין קפידא באיזו אצבע יבדוק, אלא יבחר באצבע שמרגיש שיש לו בה יותר חוש המישוש.

When bringing the knife back and forth on it [the finger], no flaw is found in our days. So they have no custom now of checking on anything but the nail, since the flesh is not sensitive. There is no reason to be particular about which finger is chosen; rather, one should choose the finger felt to be the most sensitive.<sup>20</sup>

It is noteworthy that *Or Hahalakhah* preserves a level of instructional detail that enables the reader to understand the practice of checking on flesh, and perhaps practice it, even as the text shrugs off its necessity. This may be because, contrary to what is indicated

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<sup>18</sup> Conversations with Ashkenazi *shohatim* variously trained at RIETS and privately with Ashkenazi teachers in Jerusalem.

<sup>19</sup> Peretz, *ibid.*.

<sup>20</sup> Ratzabi, *ibid.*.

here, the authors were aware that checking on flesh is in fact practiced in non-industrial contexts by individual *shohatim* in a variety of non-Ashkenazi communities.<sup>21</sup>

An Ashkenazi explanation does exist. *Mateh Asher*, a Hungarian commentary on *Simlah Hadashah* written in the late 1920s by Rabbi Asher Anshel Greenwald, uses similar arguments to those we have already seen:

וראיתי האידינא מעולם לא ראינו מי שבודק בבישרא כי אין אדם מרגיש  
בו כל עיקר כו' ואפשר לתת טעם למנהג ישראל אפי"מ"ש למעלה ובס"ב  
שאין לך פגימה שאינה נרגשת לבקי בדיקת הציפורן ובדיקת הציפורן  
סגי לך

I notice that these days, we have never seen anybody check on their flesh, because people cannot feel with their flesh anything significant etc.. It is possible to explain Jewish custom according to what was written above in *Siman* ["Clause"] 2: that there is no such thing as a *pegimah* which cannot be felt with the fingernail to one who is expert in checking with the fingernail.<sup>22</sup>

Yet such a comment is odd for many reasons. Not least of these is the claim that "we" have never seen such a thing when he himself had previously written that checking on flesh is practiced in Poland by respectable people.<sup>23</sup> While we can certainly forgive *Mateh Asher* for not comparing custom and condition between Jewish communities in Hungary and, say, India, his failure to explain or even directly acknowledge the difference he knew existed between different Ashkenazi communities is certainly curious.

Another question, familiar to us from our examination of Rishonim, is why *halakhah* should ever have required checking on flesh if that check is in all ways inferior to checking on the fingernail.

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<sup>21</sup> For a similar treatment, see the lecture "*Bedikath HaSakin*" of R. Ben Zion Hokhimah (uploaded by *Kashruth HaMa'akhalim* to <https://youtu.be/uhBU6wiiodQ> on November 2, 2016, accessed on October 27, 2017), where the lecturer states both that people do not check on flesh, and that they check on flesh in a variety of ways.

<sup>22</sup> *Mateh Asher* 18:7:15.

<sup>23</sup> *Ibid.* 18:3:7.

The Sephardi and Yemenite sources quoted above gesture at a gap between the current reality and previous practice with phrases like “In our times,” but do not attempt to describe the nature of such a gap. *Mateh Asher* does address what the difference might be, but without reference to any source in the Talmud or subsequent rabbinic literature; rather, he speculates that the original fingernail check was done against the flat of the nail, and thus was far less effective than a check using the edge of the nail, which he asserts is the modern method. No evidence is brought to support his hypothesis, which raises serious questions. Does he believe that Polish *shohatim* are still using the old, inferior nail-checking method, and so must make up for it with the skin-check? And how is it that what he supposes to be Talmudic methodology can be overridden, given how he earlier berated those who would abandon physical checking in favour of visual inspection:

זה ודאי פשוט דחלילה לסמוך על בדיקת הראיה לבד בלי בדיקת  
הצפורן... שעובר על דברי חז"ל דמצרכי צפורן דוקא

It is quite clear that it should be far from us to rely on visual inspection alone, without checking on the fingernail... since that transgresses the words of the Sages, who specifically mandated the fingernail.<sup>24</sup>

Of course, the Sages to whom he refers also mandated checking on flesh, and while flesh was a recommended way of checking a blade by itself, the fingernail method is only mentioned as part of a process that includes flesh. Additionally, checking by visual inspection alone is, in fact, a Talmudic method, unlike checking by nail alone.

*Mateh Asher* is a little more in his element when he suggests an alternate explanation: that the knives themselves may have changed from coarse metals to מבחר הברזל שקוראים שטאהל (“the choicest of iron, which is called ‘steel’”),<sup>25</sup> resulting in a smoothness past the threshold that flesh can reliably inspect. This is a theory well-worth examining. Indeed, we find that the new steel knife was a major pivot for tensions between Hasidic and Mitnagedic communities; Hasidic leadership decreed that all knives for *shehitah* should be

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<sup>24</sup> *Ibid.* 18:3:7.

<sup>25</sup> *Ibid.* 18:14.

made of polished steel, and in response, bans against them were issued in Brodi, Lvov, Slotsk, and Minsk, among others.<sup>26</sup> Mitnagedic rabbinic leadership was vague in describing why it objected so strongly to the new Hasidic requirement, referring only to a change in *minhag avotheinu* ("our ancestral custom").<sup>27</sup> This lack of specificity, paired with a clear communication of anxiety, is interesting and unusual. Disruption of traditional methods of checking the knives may have been in their minds, but if so, they did not articulate or differentiate this from generalised concern.

However, the history of steel production is hardly a simple subject. In fact, steel was being produced in India even during antiquity, a phenomenon that, in the Middle Ages, was observed by Europeans who were unable to replicate the process.<sup>28</sup> Malabar, in which Cochin is situated, was one place where steel was manufactured.<sup>29</sup> Aside from this, the establishment in 1907 of India's Tata Iron and Steel Co. placed India ahead of many developed nations that did not yet have their own domestic steel industry.<sup>30</sup>

Mr. Victor Abraham, who grew up in Mumbai during the 1940s, told me that he often observed his father, who did *shehitah* for himself and for his neighbours, checking his knife. He showed me how his father would check the blade on his thumb, and also on his fingernail.

VA: I remember it very clearly, you know, because I was bringing him the chickens. I would grab them by the feet.

Me: Can you say something about the knife itself?

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<sup>26</sup> Dov Eliakh, *Sefer HaGaon: LeToledoth Hayav uVeirur Mishnatho shel Moreinu HaGaon R. Eliyahu MiVilna ZTZQL* (Jerusalem: Mekhon Moreseth HaYshivoh, 2001), p. 925.

<sup>27</sup> *Ibid.*

<sup>28</sup> Madeleine Durrand-Charre, *Microstructure of Steels and Cast Irons*, trans. James H. Davidson (Paris: Ed. SIRPE, 2003) p. 20.

<sup>29</sup> A. K. Bag, *History of Technology in India* (New Delhi: Indian National Science Academy, 2001) p. 463.

<sup>30</sup> Claude Markovits (ed.), *A History of Modern India, 1480 - 1950* (London: Anthem Press, 2004), p. 439.

VA: It was just ordinary, you know, steel... We didn't have "a" rabbi, we had *hakhamim*; they would look at the knives, before holidays and things. Also once a week someone would come by to sharpen the knives, which cost only a few pennies. And of course it would be examined before and after it was used, too.<sup>31</sup>

The pairing of "steel" with "ordinary" is notable, since it undermines a hypothesis that steel manufacture must be not only present, but commonplace, in order to disrupt the practice of checking on flesh. All this information discourages the hypothesis that changes in knife metals were directly causative of changes in method of checking.

### Checking Knives and Sympathetic Imagination

I learnt the laws of *shehitah* from R. Eiran Davies in Sweden, 2014-2016; R. Davies himself learnt at Midrash Sefaradi in Jerusalem in 2009. I remember that once, when we were learning the proper placement of the knife on the throat, I gestured to my own throat with my hand. This prompted R. Davies to burst into nervous laughter, after which he sternly forbade me from doing such a thing again. R. Davies drank a Swedish beer by the name of "Falcon," and when he wanted to refer to a throat, the poor falcon on the can would serve as a substitute, sometimes dying many times in one evening.

When I asked him about his aversion to using the human body as a point of reference, he said that he learnt at Midrash Sefaradi that it was strictly forbidden to gesture to oneself as if to the animal. In addition, he mentioned that Rav Peretz threatened to kick out anyone caught touching the blade to anything other than their fingernails. After consultation with other *shohatim*, it seems plain that

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<sup>31</sup> Interview with Victor Abraham, Beth Jacob Synagogue, Hamilton, Ontario. January 5<sup>th</sup>, 2016.

this reflects a broad if not unanimous element of the education of *shohatim* in our times. It has no root in traditional Jewish texts.

Proponents of this custom see the same thing that Rashi and Tosafot see when looking at the previously quoted *sugiya* at *Hulin* 17b: that to gesture to oneself with the knife, let alone to touch the blade to living tissue, demands an awareness of some correspondence between human and animal bodies. It is a controlled provocation of what Dr. Liz Warman and other thinkers have termed “sympathetic imagination.”<sup>32</sup> Specifically, it aims to allow *shohatim* to feel something of what the animal would feel, which in turn enables them to prevent the tearing of the animal’s throat, an event which would render the animal inedible as a *neveilah*.<sup>33</sup>

A desire to dim this sympathetic imagination is certainly congruous with the industrialisation of slaughter, a phenomenon which in our times has come together with a “de-animalisation” of an ever-increasing meat supply, meaning that the packaged product bears little resemblance to the original animal.<sup>34</sup> The job of *shohatim*, too, has been de-animalised. Whereas classically *shohatim* would take an animal to the place where it would be killed (*hagbahah*), lie it down (*harbatsah*) or take it in their hands (*tefisah*), kill it (*shehitah*), and then inspect both knife and carcass, in modern settings, *shohatim* stand by a conveyer belt, slicing the necks of hundreds of animals, pausing only to check the knife between batches, instead of between acts of slaughter—notwithstanding that, according to Rambam’s standard, such infrequency would constitute *pesha* (negligence).<sup>35</sup> Thus is strict disconnection enforced between human and animal. This disconnection has been described as psychologically protective

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<sup>32</sup> Dr. Warman has not yet used this term in published work but makes excellent use of it when teaching Greek philosophy. For one such published usage of “sympathetic imagination” in relation to non-human animals, see, for example, Martha C. Nussbaum, *Frontiers of Justice: Disability, Nationality, Species Membership* (Cambridge: Harvard 2009) p. 355 (and ch. 6 generally).

<sup>33</sup> Carrion: a category of animal that is prohibited for consumption under halakhah, because it has died by a means other than kosher *shehitah* (e.g. disease, old age, or any sort of non-*shehitah* injury).

<sup>34</sup> Noille Vialles, *Animal to Edible* (Cambridge: Cambridge University Press, 1994), p. 72.

<sup>35</sup> Rambam, *Hilkhoth Shehitah* 1:21.

of the human, in view of the contradicting stresses resulting from the circumstances of, on the one hand, being raised in a culture in which animals are typically cast as companions rather than food, and, on the other, slaughter proceeding on a scale exponentially greater than at any other time in human history.<sup>36</sup>

This hypothesis accords with the descriptions given by the Indian Jews cited in this paper, where slaughter took place on a small scale near the homes of the *shohatim* themselves. In the case of 1940s Mumbai, Abraham says that chickens would actually be killed in the kitchen itself, “near where we washed the dishes.”<sup>37</sup> By contrast, many Ashkenazi communities felt pressed into *shehitah* in a specialised slaughterhouse setting<sup>38</sup> by the late 1920s, as attested by *Match Asher*:

ועתה נהגו שוחטים להקל... ובפרט בעיירות גדולות שהזמן בהול תמיד  
כמו בערב יוה"כ ומקילין עוד יותר ששוחטים עופות של הרבה שליחים  
ואין בודקין הסכין יש שהגבילו בזמן כגון עשרה מינוטען יש פוחתין יש  
מוספין ויש אומרים שתלוי במנין עד כמה לשחוט ולזיל כ' או ל' או מ'.

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<sup>36</sup> Vialles, *ibid.*.

<sup>37</sup> Interview with Victor Abraham, Beth Jacob Synagogue, Hamilton, Ontario. January 7<sup>th</sup>, 2016. Abraham’s family lived in a tenement building and had two rooms: one more open—a work room used for cooking, washing, killing, laundry, and other tasks—and a second used for entertaining guests and where the whole family would sleep. Ash from the fireplace was saved and kept nearby for *kisui hadam* (covering blood, required for the slaughter of fowl and wild animals). Since refrigerators were extremely rare, the building’s kitchens, including Abraham’s, were the site of almost constant labour. Bathrooms were shared by the whole floor. An apartment on the third floor served as the synagogue. These details shared with me by Abraham are significant, as they show that slaughter took place in a way that was both private, in the sense that it was located in the home, and public, in the sense that it was an unconcealed event witnessed informally by family and visiting traffic from the community, as well as formally on select occasions by Mumbai’s *hakhamim*.

<sup>38</sup> Industrialised slaughter had already been well-established in Europe for decades; see Alain Drouard, and Derek J Oddy (eds.), *The Food Industries of Europe in the Nineteenth and Twentieth Centuries* (London and New York: Routledge 2016).

Nowadays *shohatim* are customarily lenient... especially in big cities where things are always as busy as on the day before Yom Kipur. And they are even more lenient in that they slaughter the chickens of many customers without checking the knife. Some define what constitutes [sufficiently rushed] time, for example, 10 minutes, with some subtracting and some adding. And others say that [what constitutes rushing] depends on the number of what is to be slaughtered, and set it as 20 or 30 or 40.<sup>39</sup>

Here, when *Mateh Asher* speaks of leniency, he means regarding any check on the knife at all: *shohatim* may check before the first animal (presumably – although the text is not explicit even as to such a first check), and not check again until many others (20, 30, 40) have been slaughtered, even if they are spread out among a number of customers. Although it seems from his words that many *shohatim* had adopted this explanation for leniency, in technical halakhic terms, such a rationale is extraordinary. Why is the demand for *shohatim* to slaughter 20, 30, or 40 animals in a go considered coercive, while the demand of all formal rabbinic literature to check before and, after each individual act of slaughter, is considered optional? *Mateh Asher* himself acknowledges that the busy schedules of *shohatim* are halakhically irrelevant:

אבל באמת לא המנין ולא הזמן גרמא לחובת הבדיקה

But the truth is that neither number nor time is the basis for the obligation to check [the knife, and so altering them does not alter the obligation].<sup>40</sup>

Perhaps some light can be shed on the matter by asking how Ashkenazi *shohatim* found themselves serving so many customers – in other words, how trained *shohatim* became so rare. The most obvious culprit is the introduction of extra-halakhic criteria for becoming a *shohet*. While in the Talmud, it is clear that no

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<sup>39</sup> *Mateh Asher* 18:12:41.

<sup>40</sup> *Ibid.*.

extraordinary piety or personal quality of any sort is required to become a *shohet*,<sup>41</sup> *Simlah Hadashah* introduces character requirements: one must have an attitude of reverence and act “properly” (מתוקנים דרכיו). One must be literate, and have the ability to parse some meaning out of a given text by Rashi.<sup>42</sup> One must under no circumstances be a woman. Although this requirement is acknowledged by *Simlah Hadashah* to be non-halakhic, he nonetheless underscores that it is absolutely mandatory.<sup>43</sup>

Perhaps most significant of all is the introduction of certification, handed down by other *shohatim*. For this certification, it is of utmost importance to study recent summaries of *hilkhoth shehitah* and handbooks; *Simlah Hadashah* decries those who rely on classical rabbinic literature.<sup>44</sup> We see the fruits of such an educational theory with *Mateh Asher*, who appears to be unable to locate his questions and their possible answers in Talmud and Rishonim. The roots of this situation can be traced as far back as the Rema, who explains that in Ashkenazi communities, rabbis no longer demand access to the knives of *shohatim*:

והאידנא נהגו למנות אנשים ידועים על השחיטה והבדיקה, ולהם מחלו  
חכמים כבודם

Our custom nowadays is to appoint known men to do both *shehitah* and inspection, and the sages waive their right [to inspect].<sup>45</sup>

A clear contrast is apparent with Mr. Abraham’s description of the *hakhamim* of Mumbai, who would check the knives of *shohatim* in their city and its surrounding small towns multiple times a year. It appears that not long after the knives of *shohatim* became exempt from rabbinic inspection, discourse of the *shohatim*, too, became exempt, accountable only to their own methodology and considerations. So it is that we eventually find that many of the rules of *shehitah* are waived to enable factory production, even though we do not find that, the need for increased production is ever proffered

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<sup>41</sup> BT *Hulin*, chapter 1; Mishnah *Nidah* 8:2.

<sup>42</sup> *Simlah Hadashah* 1:6.

<sup>43</sup> *Simlah Hadashah* 1:13.

<sup>44</sup> *Simlah Hadashah* 1:10.

<sup>45</sup> Rema, *Yoreh Deah* 18:17.

as an excuse for changing the *halakhah* in respect of, for example, the writing of *mezuzoth* or *sifrei Torah*.

## Conclusion

That Jewish practice shifts, even radically, is not surprising, but the usual state of things. In the words of George Eliot, “The native spirit of our tradition [is] not to stand still, but to use records as a seed and draw out the compressed virtues of law and prophecy.”<sup>46</sup> However, the lack of robust rabbinic comment on such a change is strange indeed; and in the case of the practices of *shohatim*, what we see instead is a break with tradition that does not even try to justify or imagine itself as the natural seedling of past wisdom, growing in the earth of new circumstance. Such a breach is a serious matter: *minhag avotheinu Torah hi*,<sup>47</sup> the custom of our ancestors is [considered as weighty as] Torah. This is particularly so when the custom in question, like checking knives on some sort of flesh, and all the more so checking knives after the act of slaughter, is both Talmudic in origin, and a practice that quickly reached universal acceptance by Rabbinic Jewish communities in all their diversity.

It is impossible to consider this lack of compliance itself to constitute the founding of a new custom. Instructive here are the words of R. Moshe Feinstein (United States, 1895-1986) in his responsum on the case of a person from a Hasidic family who wished to pray in the original Ashkenazi *nusah* (liturgical tradition), rather than the *nusah* invented by Hasidic leaders in Enlightenment-era Europe, called *nusah Sephard*:

ונמצא שאין להחשיב שינוי מנהג מה שהתחלת להתפלל נוסח אשכנזי אף שאביך ועוד ב' וג' דורות התחילו להתפלל בנוסח החדש שהרי אדרבה הם שינו מנהג אבתיהם ורבתינו אדירי עולם חכמי צרפת ואשכנז.

One finds that it is not considered a change of *minhag* that you have begun to pray in the Ashkenazi *nusah*, even though your father and the

<sup>46</sup> George Eliot, *Daniel Deronda* (Edinburgh and London: William Blackwood and Sons, 1884) p. 400.

<sup>47</sup> Tosafoth to BT Menuhoth 20b, s.v. *Wayifsal*.

previous two or three generations began to pray in the new *nusah* [i.e. *nusah Sephard*]. In fact, the opposite is true; they were the ones that changed the minhag of their ancestors and the greatest among our rabbis, the sages of France and Germany.<sup>48</sup>

This is all the more so in our case, where the prescribed practice is not only, as mentioned above, both more ancient and universal in its spread, but also—where no halakhic reasons have been referenced aside from the increased demands for meat in the age of industrialisation—a break in established custom. Unlike early Hasidim, modern slaughterhouse protocols are hardly inspired by pietistic aspirations. Rather, it is clear that the noncompliance with custom is due to a single cause: the impossibility of profitability in an industrial slaughterhouse where the *shohatim* would pause for mindful reflection before and after the death of every animal. The seismic shift in the human-animal relationship is itself a reaction to financial considerations in current levels of meat consumption and the apparatus that sustains it.

Nor can we say that the Jewish community has assented to this break with tradition. Indeed, we have hardly even witnessed how modern slaughterhouses operate, and the changes in the role of *shohatim* there have occurred not only largely off the rabbinic record but increasingly out of sight of Jewish communities. This is due to the physical properties of modern *shehitah*, which takes place in a few rural, closed locations. Such isolation shields contemporary practice from the scrutiny of traditional ideal. Temple Grandin, renowned expert on animal behaviour and professor of animal science at Colorado State University, describes precisely this effect in response to the violations of Jewish law<sup>49</sup> she witnessed at kosher slaughterhouses:

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<sup>48</sup> Feinstein, R. Moshe. *Igeroth Moshe, Orah Hayim* 2:24

<sup>49</sup> These include the unnecessary infliction of injuries to animals, i.e. a transgression of the prohibition on *tsaar baalei hayim* (animal cruelty), to the point of causing damage to their legs, which is a potential cause of *neveiluth*, as well as the forgoing of *harbatsah*, despite its permissibility according to the regulations of the US Department of Agriculture, in favour of a faster and therefore more profitable procedure.

A technological society also creates affluence, which tends to put distance between the consumer and the process used to make the product. Most Orthodox Jews in the United States have not witnessed slaughter operations. This is especially true of the younger generation... If Jewish consumers were made aware of how their sacred ritual has been corrupted in some plants, they would demand a stop to it.<sup>50</sup>

A *minhag* broken in secret cannot be considered a *minhag* remade, because the transgression does not occur in any kind of dialogue with the wider community. In the case of *shehitah*, the situation is even graver, as it appears that the more the observant Jewish public could discover, the more they would find grounds to object. Grandin points to two related reasons why Jewish law and/or custom is violated by kosher slaughterhouses: first, to increase profitability, and, second, because slaughterhouses are often designed for the general (non-kosher) meat industry, with individual plants switching to and from the kosher market with the desire to make “only minimal modifications.”<sup>51</sup> Needless to say, the pursuit of profit does not constitute legitimate grounds to abandon any *minhag*.

Additionally, secrecy surrounding slaughter is itself in explicit tension with rabbinic directives:

אמר רב הונא האי טבחא דלא סר סכינא קמי חכם משמתינן ליה ורבא  
אמר מעברינן ליה ומכרזינן אבשריה דטרפה היא ולא פליגי כאן  
בשנמצאת סכינו יפה כאן בשלא נמצאת סכינו יפה רבינא אמר היכא  
דלא נמצאת סכינו יפה ממסמס ליה בפרתא דאפיל לגוי נמי לא מזדבן  
Rav Huna said: If any slaughterer refuses to show  
his knife to a sage, they excommunicate him. And  
Rava said: They banish him and announce that his  
meat was treif. These statements do not contradict  
each other; the former is speaking of a case in which  
the knife was found to be satisfactory, and the latter

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<sup>50</sup> Temple Grandin, “Problems With Kosher Slaughter” in *International Journal for the Study of Animal Problems* (1980), 1(6).

<sup>51</sup> *Ibid.*.

is speaking of a case in which the knife was found to be unsatisfactory. Ravina said: In a case where his knife was found to be unsatisfactory, the meat is to be smeared with dung, so that it may not even be sold to a Gentile.<sup>52</sup>

It is crucial to note that the *shohet* in question is excommunicated in the best-case scenario, *i.e.* where nothing was actually found to be amiss. Although beyond the scope of this paper to explore fully, a factory that only reveals its ordinary operation conditions to an undercover worker is disturbingly similar to the *shohet* who conceals his knife.

Under these conditions, it is unsurprising that that the knives of *shohatim* are directed almost exclusively at animals. The sympathetic imagination triggered by testing the knife on any part of one's own body is now eliminated, although questions of sympathetic imagination are among the most urgent of our time. The act of bracketing slaughter with turning the knife to oneself has become contextually radical, and seems more disturbing the more invasive the touch. As an example, we recall the desire to expel students checking knives on the flesh of their fingers, a desire that inverts the traditional demand to do precisely that. I recall, too, R. Shalom Haramati, a Yemenite rabbi and *shohet*, who reacted somewhat explosively to questions about checking knives on tongues. He verified that this was indeed the custom in Yemen, but asked for it not to be mentioned again, describing it as *mesukan*, "dangerous."<sup>53</sup> Such a description is hardly unreasonable—yet perhaps it is precisely this physical and mental vulnerability that makes it required practice.

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<sup>52</sup> BT Hulin 18b; see also Rambam, Hilkhoth Shehitah 1:26.

<sup>53</sup> Conversation between R. Shalom Haramati and R. Hillel Hayyim Lavery-Yisraeli, Old City, Jerusalem, June 2015; shortly thereafter relayed to me by R. Lavery-Yisraeli.

## Appendix

I tested the following methods of checking knives listed in *M. Hulin*:

1. fingernail;
2. flesh of finger;
3. tongue;
4. sunlight;
5. water;
6. hair.

These were tested on the following materials:

1. a knife specifically made for *shehitah* (i.e., a *halaf*), sharpened and polished to maximum smoothness;
2. a serrated kitchen knife;
3. a smooth kitchen knife sharpened and polished, thereafter given one dent (*pegimah*) sufficiently large to snag a fingernail, and one too small to do this, but large enough to be detected by a fingernail.

To elaborate on how precisely I tested these methods of checking:

1. The fingernail was dragged along the edge and sides of the blade both forwards and backwards, according to the current convention of *shohatim*, which is the same as the wording of Rambam and the Shulhan Arukh.
2. The same was done with the flesh of the finger.
3. Licking the blade did not produce any useful result whatsoever. However, pressing the tongue firmly to the blade was found to be a good method for detecting flaws. When the tongue is pressed to smooth material, nothing much is felt. When it is pressed to an area of the blade that contains a flaw, the compressed tissue of the tongue “pops” into the available space, producing a distinct and immediately noticeable physical sensation, similar to feeling the catch of a lock in a hand that is turning a key.

4. A visual inspection of the blade was conducted in sunlight.
5. The blade was put under a steady stream of poured water; the water was then checked for patterns of disturbance indicating irregularity in the surface of the blade.
6. A strand of hair was looped around the blade and carefully dragged back and forth along the edge.

Here are the results:

	<b>Smooth vs. Serrated</b>	<b>Fingernail-snagging</b>	<b>Almost-fingernail-snagging</b>
<b>Fingernail</b>	difference clearly perceived	easily perceived	easily perceived
<b>Flesh</b>	difference clearly perceived	perceived	not perceived
<b>Tongue</b>	difference clearly perceived	easily perceived	not perceived
<b>Sunlight</b>	difference clearly perceived	easily perceived	perceived
<b>Water</b>	difference clearly perceived	perceived	not perceived
<b>Hair</b>	difference clearly perceived	perceived	perceived

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## THE FAITHFUL MODERNIST AND THE SYNTHESIS BETWEEN TRADITION AND MODERNITY

Jack Shechter

### The Music in Jewish Learning

A favorite book of mine, one that has remained fixed in my mind, is Samuel Heilman's *People of the Book*. Dr. Heilman is a professor of sociology at Queens College in New York and a Modern Orthodox Jew.<sup>1</sup>

He describes a study he undertook of the various *Chevra Shas* (Talmud study circles) in the New York area. These consist of interested laypeople who gather weekly to study and carefully examine the classic rabbinic texts and commentaries composed in Palestine and Babylonia some 1,500 years ago and earlier. The texts are entirely in Hebrew and Aramaic, but translated and discussed in English. Dr. Heilman wanted to discern the pattern and main characteristics of these learning enclaves, and what motivated the participants to be so deeply involved in what the contemporary Jew could justifiably consider arcane subject matter— compiled long ago and for another milieu.

Heilman himself attended one of these study circles for a full year. A novice in this kind of study, he attended the circle faithfully, listened intently to the proceedings and, as he himself said, had difficulty understanding the material. He had little background in Talmud, and his Hebrew/Aramaic was not strong. Yet he was diligent and persistent. When asked why he attended in this way, he responded, "I come here for the music."<sup>2</sup>

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<sup>1</sup> Heilman, Samuel. *The People of the Book: Drama, Fellowship and Religion* (Chicago: University of Chicago Press 1983).

<sup>2</sup> *Ibid.*, pp. 68-71. See Heilman's depiction of chanting and singing in the process of Talmudic study.

What I am discussing here is what I think Professor Heilman meant by “the music” of Jewish learning, which might yield some insight into the nature of study in the traditional Jewish mindset. I then describe the modern mode of study, how it differs from the traditional one—and what an affirming combination of the two modes produces: among other things, a faithful modernist.

## **The Role of Texts for Community**

Let’s first examine the difference between “reading” a Jewish text, as moderns understand the word “reading,” and “learning” (*lernen*, as the Yiddish has it) Jewish texts, the latter terminology used by traditional Jews.<sup>3</sup>

Reading is essentially a solitary activity. We sit alone as we read. We pause often, think to ourselves, mark up the book, take notes, go back and re-read a passage. It’s usually quiet in our study or the library. We’re enveloped in ourselves and in the people and ideas in the volume being examined.

Traditional Jewish reading is not reading in the modern sense. It’s quite different. It’s learning; it’s studying in a social context. Witness the Yeshiva. Here Jewish learning takes place in a hall amid a cacophony of voices. This is the *Beit Midrash* (the study hall). Here students study either in pairs or threesomes, reading out loud and talking animatedly back and forth. One who enters is immediately engulfed by the chatter and conversation of the learners.

I remember this experience vividly from my own school days at the Orthodox Yeshiva Chaim Berlin I attended through high school, from my college years at Yeshiva University, and from observing my son Reuven studying this way in the Yeshiva University *Beit Midrash* he attended for five years en route to receiving rabbinic ordination.

The atmosphere is nothing like that of the silent home study or library carrel or the staid classroom we’re accustomed to. Reading in

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<sup>3</sup> The analysis of the difference between “reading” and “learning” is found in general form in Barry Holtz’s introduction to his *Back to the Sources: Reading the Classic Jewish Texts* (New York: Summit Books 1984). For detailed description of traditional “learning,” or *lernen*, see Heilman’s first chapter, *ibid.*, “Looking into ‘Lernen’: An Introduction into the Talmud Study Circle.”

the Yeshiva takes place amid an incessant din. It's reading in talk; it's reading by discussion; indeed, it's not reading at all—it's studying, it's learning, it's *lernen*.

What, then, is happening here? The study experience is not a solitary activity during which the person reflects on the text. Rather, *it's a way of communal communication. The Jew studies in order to become part of the Jewish people and to connect to its value system. Study here is a ritual act of the community.* This is what Professor Heilman meant when he talked about “the music” of the *Chevra Shas*. It was a learning environment that provided what he called “sentimental education.”<sup>4</sup> This was a way for the Jew to connect to the Jewish community of the past as his own, and to gain access to the values of his tradition as embedded in that community—and to live out those values by the very act of study.

I'm thinking of a furniture salesman I know. He works hard all day, comes home, has dinner, and announces to his household, “I'm going to the *Beit Midrash* to learn.” He's really not all that interested in the subject of the accoutrements of the ancient *Beit Hamikdash* (temple), or the consequences to the owner of an ox who gored his neighbor's cow, or about a soon-to-be married virgin receiving 200 *zuzim* (Jewish coins used in Roman Palestine) or a non-virgin 100 *zuzim* as stipulated in the *ketubah* document.

When he studies Talmud this way, through discussion he is catapulted back into the Talmudic world; time and place are erased and the student is back in the academies of Sura and Pumbedita in Babylonia 1,500 years ago. Here the learner joins in the discussions, voices his opinions, is refuted or defended by Ravina and Rav Ashi and the other great teachers and masters of other ages. This is the way the traditional student of today seeks to place himself vertically, as it were, within the Jewish tradition, continuing it into the present.

This kind of learning connects the student to the rich emotional world embedded in the classic texts. These are not just books on or off a shelf. They live in the context of hours of human give-and-take, of challenge and enlightenment in the framework of community. The texts here are interactive—in the way the reading is lively dialogue, in the way students speak in their *hevruta* (study circle) in which they debate and ponder the texts aloud.

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<sup>4</sup> Heilman, *ibid.*, pp. 67 and 97f..

## The Role of Texts for Religious Experience

The classic texts of Judaism play yet another role in the life of the Jew: they point to the central religious facet of the Jewish enterprise. This is another basic reason why the traditional Jew studies his texts with such passion. He wants to know what God expects of him, how and why he ought to live as a diligent, faithful Jew. And so, the texts appear everywhere in his ritual life . . .

a) *In the prayerbook* . . . which abounds with material taken from the Bible, Talmud, medieval Jewish poetry, the Zohar, even from the theology of Maimonides; for example, the *Yigdal* hymn which contains the 13 principles of the Jewish faith, and the *Adon Olam* purported to be authored by the medieval Hebrew poet Solomon Ibn Gabirol, affirming the oneness of God.<sup>5</sup>

b) *In the Torah readings* . . . on the Shabbat and holy days, which have as their constant companions sections of the Pentateuch and Prophets. The biblical Song of Songs is chanted on Passover, the book of Ruth on Shavuot, Ecclesiastes on Sukkot, Esther on Purim, Lamentations on Tisha B'av. A rabbinic literary work, the Haggadah, is used on Passover, and on Hanukah medieval liturgical poems are read. The texts are always there—throughout the year and throughout the life cycle—in the rituals of birth, Bar and Bat Mitzvah, marriage and death.

c) *In the home rituals* . . . where, for example, the *kiddush* chanted over wine on Friday evening is essentially composed of quotations from Genesis 2:1-3.

d) *The role of the master teacher* tells about the religious context of traditional Jewish learning. It is no coincidence that the overseer of the *Beit Midrash* is called *mashgiakh rukhani*—"spiritual supervisor." This teacher is someone who guides the learner through the often difficult textual materials. He helps unravel thorny issues, prods the students to think for themselves, shows them a *derekh in lernen*—a

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<sup>5</sup> The author of the *Adon Olam* has not been definitely established. Joseph Hertz in his *The Authorized Daily Prayerbook* (1946), p. 7, and Jonathan Sacks in his *The Koren Siddur* (Jerusalem: Koren 2009), p. 577, both cite the attribution of the poem by some to Ibn Gabirol.

methodology of study—and encourages interaction among his charges. The master here has a special kind of authority. It's an authority based on his personal piety, on his reputation for diligence, and especially on Torah-wisdom; it is based on his mastery of the biblical and rabbinic literary corpus, or on a profound grasp of a particular facet of this corpus. Indeed, Jews venerate the learned teacher, which continues the long tradition of respecting the instruction, the insights, and the legal judgments of the sages of old.

*To summarize:* The traditional mode of Jewish study is for the purpose of strengthening community (both “vertically,” *i.e.*, community of the past, and “horizontally,” *i.e.*, community of the present), and to re-experience the religious life and value system of those who preceded in time those who study.<sup>6</sup>

## **The Modern Mode of Study and Its Impact on the Traditional Mode**

Up to this point, we've explored the traditional mode of Jewish study and learning. A core of Jews these days, as they delve into Jewish texts, remain fixed in that tradition. However, most Jewish students today do not remain so fixed. Most are highly educated in the secular methods of study; they've been reared in an educational system where study is much more like “reading”—alone at home or in a library, or in a university classroom that is usually a silent place where the instructor holds forth. This modern educational modality differs significantly from the traditional way...

a) *One different way is study for historical information...*

Biblical, rabbinic, liturgical and other Jewish literature has been and continues to be used as important sources of data about past history. They have been mined for knowledge about the language and literature, the life and religion, the culture and institutions of various early civilizations. To cite but a few examples:

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<sup>6</sup> It should be noted that this paper does not attempt to identify how or when what is depicted here as the “traditionalist” model of study developed other than to say that this is the model associated with Ashkenazic study practice as of the eve of World War II.

- Biblical archaeology has shone much light on ancient Canaanite and Egyptian religion and culture.
- Plumbing the treasures of rabbinic literature, the great Talmudic scholar Professor Saul Lieberman has uncovered much about the Hellenistic world during the first three centuries of the Common Era. Thus, for example, *Kohelet Rabbah* 11:1 records a Gentile judge being credited with the just acquittal of a Jew. The Rabbis record the pagan emphasis on the value of hard work, a value Jews needed to emulate. Semi-proselytes were held by the Rabbis in high esteem. Even the better people of heathendom were viewed as good and honest.<sup>7</sup>
- Study of biblical times has shed much light on nascent Christianity—what Jesus and the apostles, all of whom were Jews, imbibed from their Jewish roots.
- Jewish scholars, such as the eminent historian Salo Baron in his monumental study of the Jewish experience, have documented the great era of Islamic literary and cultural life during the Middle Ages. This flourishing period was shown to have impacted the Jewish Spanish “Golden Age,” which produced a bevy of prominent Jewish poets, literary and philosophical figures such as Judah Halevi, author of the famous *Kuzari*.<sup>8</sup>

Moreover, those who study the history of Judaism via its literature in these ways need not necessarily be, nor, in fact, were and are practicing Jews. Indeed, they may not even be Jewish. Witness, for example, the seminal German Bible scholar Julius

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<sup>7</sup> Lieberman, Saul. *Greek in Jewish Palestine* (New York: Jewish Theological Seminary 1942), pp. 76-77.

<sup>8</sup> Baron, Salo. *A Social and Religious History of the Jews*, vol. 7, ch. 32 (New York: Columbia University Press 1967).

Wellhausen,<sup>9</sup> who helped reveal the actual complexity of the Pentateuch; William Foxwell Albright, the prominent archaeologist whose work has illumined many ancient biblical places and their characteristics based on his studies of the ancient Near East; Paul Lapp, my teacher of biblical history at the Pittsburgh Theological Seminary, who followed in Albright's footsteps; John Bright, whose *History of Israel* has anchored the period of the Patriarchs in concrete history;<sup>10</sup> and George Foote Moore, whose volumes on Judaism during the classical rabbinic period are themselves classics.<sup>11</sup> These scholars have opened up new and revealing vistas, and have deeply affected the ways in which a modern religious Jew studies, prodding him and her to look anew at many of the basic suppositions of traditional Jewish life and thought.

b) *Another differing way is the focus on objective data . . .* The critically oriented Jewish scholar approaches the texts with an objective, critical eye, through a lens that sees things as they are, not as he wants the materials to be. Indeed, in this perspective, the Bible and rabbinical literature—all of Jewish literature for that matter—must be examined with critical care. For example, modern Bible scholars have discerned multiple strata in the biblical materials—not heretofore observed. Lawrence Boadt has succinctly summarized the essential character of the modern approach to study of the Pentateuch in this way:

Drawing on the history of how the various strata came to be, the modern Bible student now could discover four different authors and their literary styles, and he could picture clearly the different times and places from which each source came. This analysis shows the development in which the early

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<sup>9</sup> Wellhausen's well-known hostility to Judaism ought not to morph into denial of his seminal contribution to unraveling the various sources of the Pentateuch.

<sup>10</sup> See Albright's *From the Stone Age to Christianity* (Baltimore: Johns Hopkins Press 1957), Lapp's *Biblical Archaeology and History* (New York: World Publishing Company 1969), and Bright's *A History of Israel* (Philadelphia: Westminster Press 1981).

<sup>11</sup> See G. F. Moore's three-volume *Judaism: In the First Centuries of the Christian Era* (Cambridge: Harvard University Press 1954).

and mostly oral traditions of Israel were gradually written down and preserved in four documents, and then combined to make one Pentateuch. This is the famous documentary thesis known as JEDP (letters for each of the four sources) and accepted by the vast majority of modern students of scripture.<sup>12</sup>

I would include among these critically oriented scholars in our time: Nahum Sarna, Mark Smith, Jon Levenson, Ziony Zevit, Benjamin Sommer, Michael Fishbane, and some dozen others whose work is contained in the collection found in the *Judaic Perspectives on Ancient Israel*. Their trenchant analytic writings in the world of biblical scholarship accept the documentary hypothesis as a given.<sup>13</sup>

In contrast to this perspective on the Pentateuch, the fundamentalist students of the Bible refuse to see these five books as they are, but rather as they want them to be, that is, that they are *in their entirety* the product of Moses at Mount Sinai, the work of this *single author* during *one specific time* in history. They do this by employing creative rabbinic exegesis and midrashic imagination, making scriptural texts to mean what they want them to mean.

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<sup>12</sup> Lawrence Boadt, *Reading the Old Testament* (New York: Paulist Press 1984), p. 94.

<sup>13</sup> A selection of the works of these scholars:

- Nahum Sarna. *Exploring Exodus: The Heritage of Biblical Israel* (New York: Schocken Books 1986);
- Mark Smith. *The Memoirs of God* (Minneapolis: Fortress Press 2004);
- Jon Levenson. *Sinai and Zion: An Entry into the Jewish Bible* (San Francisco: Harper 1985);
- Ziony Zevit. *The Religions of Ancient Israel* (London: Continuum 2001);
- Benjamin Sommer. *The Bodies of God and the World of Ancient Israel* (Cambridge University Press 2011);
- Michael Fishbane. *Sacred Attunement: A Jewish Theology* (University of Chicago Press 2010);
- Jacob Neusner and Baruch A. Levine (eds.), *Judaic Perspectives on Ancient Israel* (Philadelphia: Fortress Press 1987).

The elements described here constitute the modern approach to scripture and rabbinic literature: the unearthing of historical information, the new view of the complexity of biblical writings, the consequences of the external contexts in which Jews have lived, the emphasis on objectivity. These do, indeed, render the modern approach different from the traditional study of texts by the pious Jew of the past, and the pious today in many quarters. For, as we have seen, in addition to the latter's study as a way to link to community, the traditional learner has another basic motive in mind as he approaches the texts: how does the God of Israel, the *Ribono Shel Olam*, the Master of the universe, want me to live? For him these texts communicate ultimate truth—truth about God, about the world, about what God wants of His people. Questions about historical reliability, about outside cultural, political and economic influences, about technical accuracy, are basically irrelevant to his overriding religious objectives. However, for the adherent of the modern approach to study, these objective factors remain quite relevant and unavoidably compelling.

*To summarize:* The modern mode of study is more objective than the traditional mode generally and specifically with regard to scripture. It seeks to see the Jewish experience and its literature in the context of the larger societies in which these have functioned, revealing in the process a good deal about the culture, religion and institutions of the non-Jewish world, and via these, in significant measure, of the Jewish world as well.

## **Can the Twain Meet?**

Here, then, we have two apparently conflicting objectives in the study of Judaic texts—that of the traditional and modern, what I have called “learning” and “reading.” The question now is: Can the two modes of exploration be seen as in unity with each other so that they, in fact, can strengthen rather than weaken each other? Indeed, can they be seen as in harmony rather than conflict, or must they remain in permanent tension?

A fascinating story about Yosef Yerushalmi, the late professor of Jewish history at Columbia University (a classmate of mine in the Rabbinical School at the Jewish Theological Seminary) appeared in

the *New York Jewish Week*. The story reveals the unresolved tension between Yerushalmi's modern mode of historical studies that focuses on the objective facts of the Jewish experience versus the traditional view of Jewish history as influenced by the hand of Providence. After his passing, a heretofore unpublished and unknown novel that Yerushalmi wrote was published in *The New Yorker* magazine.<sup>14</sup> It concerned a character simply called Ravitch who is a scholar of Jewish history with a restless spirit who yearns for peace of mind. The article goes on to tell about Yerushalmi's book, *Zakhor*, which was about the tension between Jewish memory and Jewish history—and more broadly between the ancient, spiritual and religious life versus the modern, secular and academic one.

"Many Jews today are in search of a past," Yerushalmi wrote, "but they do not want the past that is offered by the historian."<sup>15</sup>

Yerushalmi, who taught at Harvard and Columbia, was never quite sure he wanted the history he had to offer either. He was religiously observant in his youth and later ordained at the Jewish Theological Seminary, but then abandoned the life of the pulpit for one of the professor's podium. The dilemma he faced was similar to Ravitch's: Should he embrace the emotional pull of faith, or should he dismiss it and risk finding only comfort in the facts?

"I think his life conflict was unresolved," Ophra, Yerushalmi's wife, said of the Ravitch character. And how about her husband, Yosef? Was the conflict unresolved too? "Perhaps," she ventured: "Like everyone, we all carry unresolved conflicts within us."<sup>16</sup>

And then there is Professor James Kugel, the long-time professor of Hebrew literature at Harvard University, and later at Bar Ilan University and a practicing Orthodox Jew. A highly creative and prominent scholar of biblical literature, Kugel in his *How to Read the Bible* describes both the traditional and modern modes of scriptural study, notes their fundamental differences, indicates that neither can be considered invalid and ignored, yet makes no effort to integrate the two in a way they might amplify and reinforce each other. To the contrary, he asserts in the closing pages of his book:

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<sup>14</sup> Yosef Yerushalmi, "Gilgul," *New Yorker* magazine, August 4, 2011.

<sup>15</sup> Yosef Yerushalmi, *Zakhor: Jewish History and Jewish Memory* (Seattle and London: University of Washington Press 1983), p. 97.

<sup>16</sup> *New York Jewish Week*, August 2011.

“My own view is that modern biblical scholarship and traditional Judaism are, and must always be, completely irreconcilable.”<sup>17</sup>

A faithful modernist cannot and need not accept the unresolved tension between the traditional and modern modes of study as exemplified by Professor Yerushalmi, nor can he accept the two modes as irreconcilable, as indicated by Professor Kugel. He agrees with Benjamin Sommer, Professor of Bible at the Jewish Theological Seminary, who equates Kugel’s view on the irreconcilability of traditional Judaism and biblical scholarship to sticking one’s head in the sand:

An honest response (to critical biblical findings which challenge traditional faith) cannot be to pretend that the challenge does not exist. Nor can a Jewish response be to bifurcate, so that one has a Jewish soul and a secular mind, coexisting uneasily in a single body but not communicating with each other. A Jew is commanded to serve God with *all* one’s mind, with *all* one’s soul, with *all* one is. A Jew whose intellect believes that biblical criticism makes valid claims, but whose religious self pretends otherwise...is rendering God service that is fragmented and defective.”<sup>18</sup>

Both Professors Yerushalmi and Kugel represent those immersed in modern historical and biblical scholarly endeavor, yet are also persons of religious commitment rooted in the tradition. They see conflict between the two realms, but leave it unresolved. By way of contrast, here I search for an affirming relationship between the two realms. I believe that the two can not only be seen as in harmony with each other, but can and do strengthen one another. This hopefully will lead us to a unified modality embodied in what I have been calling the faithful modernist.

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<sup>17</sup> James Kugel, *How to Read the Bible: A Guide to Scripture Then and Now* (New York: Free Press, 2007), p. 681.

<sup>18</sup> Benjamin Sommer, “Two Introductions to Scripture: James Kugel and the Possibility of Biblical Theology” in *Jewish Quarterly Review*, Vol. 100, No. 1 (Winter 2010), p. 174.

## **What Does the Modern Study Approach Contribute to Harmony With the Traditional Approach?**

*First, faith and basic traditional affirmations are often enhanced by modern critical thinking.* When, for example, a contemporary bible researcher detects multiple strata in the texts of the Pentateuch that reveal the hands of different writers and different eras in biblical life, we cannot conclude that the Pentateuchal texts are the product of a single hand and their provenance in but one period of time and clime. However, for the faithful modernist, what these researches do show is that *the Divine speaks to humanity in all eras of Jewish life and to the many faithful in their own period and place who are attuned to God's will.* Indeed, genuine faith and basic traditional affirmations about the Divine role in human life are thereby enhanced rather than diminished.<sup>19</sup>

This is what is meant by the notion that the God of Israel is the God of history. The faithful modernist sees God as having manifested His presence and revealed His will not only in early biblical times, but in the prophetic era as well—in His communication with the great prophets, Isaiah, Jeremiah and Ezekiel, Amos, Hosea and Micah. Yet more: His presence and will were manifest when, earlier, God guided His people during the Exodus from Egypt—and into the Promised Land, when He went into exile with Israel in Babylonia, when He led His people back to

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<sup>19</sup> Jeffrey Tigay in his foreword to Nahum Sarna's *Studies in Biblical Interpretation* (JPS, 2000), p. XII, writes this about Sarna's attitude about modern biblical criticism and its religious implications:

*"In its general outlines," Sarna has written, "the non-unitary origin of the Pentateuch has survived as one of the finalities of biblical scholarship."* Nor does Sarna see this as a problem for religious faith. *God can work through four documents as effectively as through one, unfolding His revelation in successive stages as well as in a single moment of time.* He notes further that even the most traditional Jew must admit that this happened in the second division of the Bible, the Prophets, which developed over several centuries.

the land in the Persian era, when He girded the strength of the Maccabees during the revolt against the Syrian Greeks, when He was with His people during the traumatic period of Roman oppression... and on and on through the vicissitudes of the Jewish experience down through the centuries—including our own when His spiritual presence is seen to be in the midst of the people, teaching, sustaining and inspiring them as they delve into a vast literature—past and present.

Indeed, the tenacity of the Jew in the face of constant hostility, his survival, and the triumph of his spirit have their source in the faith that God guides and redeems. *The texts of the Jewish people explored by the modern scholar tell us that experience with the God of Israel in Mosaic times was but a crucial beginning.*

In this and similar ways, modern critical thinkers will not be put off or cavalierly dismissed in the name of tradition. Faith is not allowed to be jettisoned by blindness to the findings of the critical mind, which is one of God's marvelous endowments on His human children. Abraham Ibn Ezra (1089-1167) was a prominent Spanish Jewish Bible commentator during the Middle Ages. His work occupies the standard editions of the Hebrew Bible. A guiding principle he employs in interpreting scripture was that the human intellect is a *Malakh Hashem*, "an angel sent by God" and he further emphasizes that "he who believes in something that contradicts the *sekhel* [that is, common sense, reason, logic] abuses the finest gift God has given him."<sup>20</sup> Ibn Ezra echoed his famous Muslim predecessor, theologian and jurist, Abu Hamid al-Ghazali (1058-1111), who emphasized that *lo bara Hashem b'riah yoter nikhbedet min hasekhel*, "God has created nothing more distinguished than reason" (translated from the Arabic into Hebrew by Rabbi Avraham ibn Hasdai [ca. 1230 CE], an enthusiastic scholarly partisan of Moses Maimonides who was a champion of rational thought in the pursuit of religious studies). So, too, Thomas Aquinas (1224-1274), the preeminent spokesman of the Catholic tradition, who saw reason in harmony with faith. Indeed, reason, Aquinas emphasized, was a

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<sup>20</sup> See Ibn Ezra's introduction to his commentary on Genesis, where he surveys four different approaches to Bible commentary. In the third approach he also says, "The Torah was not given to the unintelligent; the intellect must be the intermediary between man and God."

divine gift highly to be cherished, for it buttresses religious faith rather than undermines it. (Aquinas' notion of a Prime Mover/Causeless Cause demonstrated his reasoned thinking about the existence of God.)<sup>21</sup>

And so, to turn again to the issue of the critical method of biblical studies, note the following example, amongst many others, of the consequence of such study.

When the book of Leviticus ordains in great detail the content and methodology of the sacrificial system to be employed in the Temple,<sup>22</sup> it is clearly depicting the mode of worship of the Israelites after having settled in the Promised Land. Indeed, the Temple built by King Solomon (ca. 920 BCE) began its service well over 300 years after the period of Moses (ca. 1300 BCE). Yet, the Bible in Leviticus asserts that the various specific details about the sacrificial system were ordained by Moses himself, which was, as noted, centuries before the Temple was in existence and the Israelite settlement in the land. Such a claim is in religious fundamentalist circles justified by a faith assertion, to wit: Moses could depict specific rules and regulations via prophecy, in this case meaning the capacity to predict detailed events and regulations centuries into the future.<sup>23</sup>

A faithful modernist, wedded as he or she is to rational thinking, avoids such a claim as a matter of principle, which clearly is at odds with common sense, with reason, with logic. Rather, he embraces the views of Ibn Ezra, al-Ghazali, Maimonides and Thomas Aquinas, who do not allow statements of scripture to contradict

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<sup>21</sup> Thomas Aquinas, *Summa Theologica*, "Question 2: The Existence of God, Article 2: Whether it can be demonstrated that God exists."

<sup>22</sup> See, for example, Leviticus 5, chapter 9.

<sup>23</sup> The final twelve verses of the book of Deuteronomy, unlike the body of the book that is covered in autobiographical style, speak of Moses in the third person, *i.e.*, what occurred to and about him after he died. This indicates that these verses were not written by Moses. In fact, on Deuteronomy 34:1 Ibn Ezra explicitly says, "In my opinion, Joshua wrote from this verse on, for once Moses ascended the summit of Pisgah, when he died, he wrote no more." He then adds cryptically, "Or he wrote prophetically about himself." About this Ibn Ezra says, "If you understand the deep meaning of the twelve verses...you will recognize the truth." See Nahum Sarna on this in his *Studies in Biblical Interpretation*, p. 152.

God's finest gift to man—his critical mind. *What the Faithful Modernist does do in this representative instance is something strongly affirmative religiously.* What Moses did was to hear the Transcendent bid him to establish a basic principle of faith, "You shall love the Lord your God with all your heart and soul and might (Deuteronomy 6:5)—*ul'ovdo*, and "*worship* the Lord with all your heart and soul" (Deuteronomy 11:13). This basic principle—the obligation to worship, to thank and praise and beseech, to express dependence on a Power-not-human, on the One and only God of the universe—was to be implemented by the later stated leaders-priests of Israel. They were to employ the category of the sacrificial system, which was the prevailing mode of worship in their own time and clime. And further, this principle of recognizing the monotheistic God was to be implemented by the religious leaders of subsequent generations when the sacrificial system no longer obtained, again in accordance with the altered ways of worship in those later times. And so forth into modern times.

Such has been the pattern throughout Jewish religious history. Indeed, the social and economic, political and religious conditions inevitably change in the course of life's flow. *But, as a faithful modernist sees it, the core principles established in the Mosaic period do not.* For it was in that seminal period launched, he contends, at Sinai, that the obligatory principle of worship of the One God of Israel was established, along with the other fundamental principles of the faith. What subsequent generations have done—and continue to do—was to adapt the principles then planted and do so in accordance with their own conditions in order to make the teachings relevant to the needs of those generations. Indeed, these subsequent adaptations were seen as *implicit* in the teachings of the Mosaic period.

Abraham Geiger has articulated this perspective in this way:

The history of Judaism is wonderfully unique in that it spans a period extending from remote antiquity down to the immediate present. It is, therefore, not mere curiosity which acts as a spur to its study, not merely the desire to eavesdrop on the mystery of the origins of Judaism, but at least equally *the desire to detect the extent to which all of its later development was essentially already inherent in the growth and flowering*

*process of the original seeds.* These beginnings are elusive...but without the revelation which only study of them affords, one can never succeed in gaining the proper insight into Judaism's subsequent history which lies more fully recorded before him.<sup>24</sup>

And later, Jonathan Sacks reinforced this perspective in striking modern terms, to wit:

In the earliest stages of an embryo, when a fetus is still no more than a small bundle of cells, already it contains the genome, the long string of DNA, from which the child and eventually the adult will emerge. The genetic structure that will shape the person it becomes is there from the beginning. So it is with Judaism. Bible, Mishna, Talmud and Aggada, even what a senior disciple is destined to teach in the presence of his master, was already stated to Moses at Sinai.<sup>25</sup>

*The faithful modernist does not need a literalist reading of scripture to establish for him abiding religious affirmation.*

A practical result of this approach emerges: highly educated contemporary Jews who are "religious" by inclination yet have been profoundly influenced by modern/secular ways of learning, and are irrevocably committed to these ways, are persuaded to connect to the traditional fold. Why? Because, again, traditional religious affirmation and modern critical research have been found to be of one mind: *God's pervasive presence in the world and in the ongoing life of His people – and acceptance of His principal requirements on the part of that people.* The two realms are positively connected rather than being viewed at odds with each other.

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<sup>24</sup> Geiger in Michael Meyer, *Ideas of Jewish History* (Wayne State University Press: Detroit 1974), p. 169.

<sup>25</sup> Jonathan Sacks (ed.), *Koren Sacks Rosh Hashanah Mahzor*, p. xii. For a similar perspective, see *The Tanya* by Shneur Zalman of Ladi, chapter 2, p. 169f..

A second contribution of modern critical thinkers to harmony with (living) tradition: the historical data they have unearthed provides new understanding of the phenomenon of adaptation and change that have contributed to Jewish sturdiness and survival through the ages. Certain currently accepted—and rejected—beliefs and practices have, in fact, been molded and remolded as a result of the impact of new findings and perspectives developed in different periods of time and in various locales in the world. Thus historical studies reveal the adaptive nature of Judaism, its patterns of thought and action understood as responses to changing environmental conditions. Absent such ability to change and adapt to new times and climes, the Jewish enterprise would have become fossilized.

A personal experience might serve as an illustration of that which is contrary to this phenomenon. While serving as a Rabbi in Pittsburgh, I once visited my alma mater, the Jewish Theological Seminary in New York, and was invited to a gathering of seminary faculty and their wives at the home of Rabbi David Weiss-Halivni—a leading scholar of rabbinics and another seminary classmate of mine. They wanted to hear about the various initiatives at my synagogue in Pittsburgh they had heard about, and I was eager to hear their take on some of the religious issues of the day.

The five faculty wives present were the following: a Ph.D. in library science; a prominent landscape artist; an editor of children's books; a Ph.D. in psychology; and a Ph.D. in biology.

I asked the group what they thought about women serving in the rabbinate, being counted to a *minyan* along with the men, receiving an *aliya* at services.

All five women were adamantly opposed, citing the traditional ban on these matters. When I pointed out that they, along with many women doctors and lawyers and college professors are active in the "outside" world, meet and work with professional men and women all the time, they each responded: the religious public domain is different. When I asked why it was different, their response was that the religious realm has a different set of criteria on these matters.

These truly accomplished professional women have not integrated their general and religious public domains—a puzzling

dichotomy between the secular and religious ways of thinking and acting.<sup>26</sup>

Of course, these women, along with their traditional male counterparts, have not had the last word on these matters insofar as the faithful modernist is concerned. The latter points to the fundamental principle long since established in scripture: “And God created man in His image, in the image of God He created him; *male and female* He created them” (Genesis 1:27). As such, both have equal status in God’s eyes and, therefore, as a matter of principle, equal status in human eyes, both personally and in community. Hence, the *Zeitgeist* of the 20<sup>th</sup> and 21<sup>st</sup> centuries, in contrast to that of the preceding centuries, has rightly led to the realization that the place of women in general and in the religious realm in particular has changed. The faithful modernist thus applies the biblical principle of human equality to women along with men in the public domain, let alone the personal one. Indeed, he views such as clearly implicit in scripture’s sacred dictum.

*Third, modern studies in comparative religion have revealed striking similarities in sacred phenomena to that of the traditional notion.* Examples of this are sacred places considered to be of supreme importance due to experiences with the deity, mountains considered to be the abode of the deity, the view that one’s own country is at the center of the earth, and law codes such as the Babylonian Code of Hammurabi (ca. 1880 BCE) which preceded in time the biblical codes and which have striking parallels to them.

In my book *The Land of Israel: Its Theological Dimensions*, I detail an aspect of this phenomenon. In a report titled “Their Gods Resided There,” published in the *Los Angeles Times*, we’re told that more than 20 Inca sites on mountaintops in the Peruvian Andes were discovered during a four-year period by Johan Reinhard, an American anthropologist and mountain climber. The Incas who labored up these mountains, some higher than 20,000 feet, *were worshipping the gods that they believed dwelled in and on those mountains and who communicated with them.*

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<sup>26</sup> For one such analysis of this phenomenon, see Yael Israel-Cohen, *Between Feminism and Orthodox Judaism: Resistance, Identity and Religious Change in Israel* (Brill, 2012).

At least 50 such mountaintops with Inca ruins, remains and artifacts indicative of active worship of the gods were found on peaks from southern Peru to central Chile. Reinhard documented this mountain deity worship on the famous Machu Picchu. Other archaeologists report that there are Kenyans who still practice tribal religion and revere Mount Kenya as the home of their god.<sup>27</sup>

To be sure, the content and implications of what occurred on these mountains (about the notion of one's country's centrality, about the non-Israelite codes) are significantly different than the parallel biblical phenomena. Indeed, the extra-biblical notions have been refashioned in accordance with Israelite principles. However, the phenomena in which the contents are embedded are often strikingly similar.

For the traditionalist this perspective opens up new vistas that soften ethnocentricity and invites a more inclusive approach. It offers place for others to share in the enterprise of religious development by suggesting that multiple ideational and ritual possibilities abound in the realm of religion. It induces such religionists to be open to the possibility that others—both within and without the Jewish fold—are in possession of compelling new knowledge and, more importantly, are equally affirmers of basic religious principle. When this perspective enters into the religious mindset of the traditionalists, the door of mutuality is jarred open so that “readers” and “learners” can see a way to value their different modes of study and a path found to appreciate the validity of other perceptions of the religious condition.

*Fourth, contemporary critical research into the mystical strain in Judaism – the Kabbalah, Hassidism and its heretofore neglected literature – has revealed a great deal of spiritual and psychological value, which many modern religionists can and have embraced.* Thus, for example, Gershom Scholem, known as the founder of the modern study of Kabbalah, has elucidated a category of Jewish thought, prayer and ritual practice that pursues insights into what many view as God's nature, good and evil, and humanity's role in the cosmos. Further, the writings of Arthur Green on Hassidism, the scholarly work of Daniel

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<sup>27</sup> Jack Shechter, *The Land of Israel: It's Theological Dimensions* (Lanham, MD: University Press of America, 2010), pp. 180-181. The report referenced is in *The Los Angeles Times* (April 5, 1984), p. 8.

Matt with his new translation of and commentary on the classic Zohar have opened up fresh and enriching vistas for today's student and has, thus, contributed much to strengthening the contemporary religious enterprise.<sup>28</sup>

*Fifth, the modern study of biblical, rabbinic and subsequent Jewish literature presents another distinct result: its vast array of study aids, translations, commentaries, dictionaries, encyclopedias, critical editions of texts, histories, comparative religion studies et al. constitute a veritable treasure trove for all who wish to gain entry into the magnificent Jewish world of community and spirituality.*

*Finally, and especially significant, it is here where the modernist and traditionalist meet in harmony on the basics of the religious enterprise. When the faithful modernist internalizes and acts in the spirit of those two words, that is, he or she is truly "faithful" and authentically "modern," and the two elements are integrated in his or her outlook on the religious enterprise of our time...when this occurs, he or she does not cavalierly negate the inner religious quest so evident in the traditional texts of the faith. To the contrary, he or she uses the critical, historical and other elements of modern study to elucidate the richness and personal relevance of the classic Jewish texts. He or she brings to bear the techniques and fruits of contemporary scholarship to illumine the depth and spiritual significance of this literature for the contemporary seeker.*

Historian Yosef Yerushalmi has unearthed a fascinating document that illustrates what a modern critical scholar can and does contribute to the traditional religious perspective on the character of the Jewish enterprise through the corridors of history. Yerushalmi himself does not say so, but his now storied document demonstrates, I believe, that historical data illumines traditional religiosity.

In the dark year of 1942, Yerushalmi tells us, a book was published in fascist Rome by a German Jesuit scholar, Peter Browe,

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<sup>28</sup> See Gershom Scholem's *Origins of the Kabbalah* (English translation by Allan Arkush) (Jewish Publication Society and Princeton University Press, 1987) and his *Major Trends in Jewish Mysticism* (New York: Schocken Books, 1946); Daniel Matt (and Nathan Wolski and Joel Hecker)'s *The Zohar: Pritzker Edition* (Stanford: Stanford University Press, 2004-2017), and Arthur Green's *Tormented Master: A Life of Rabbi Nahman of Brazlav* (New York: Schocken Books, 1979).

titled *The Mission to the Jews in the Middle Ages and the Popes*. The last chapter deals with the manifest failure of the Christian mission to achieve its total goal. Some Jews had been converted everywhere, in Spain many, but medieval Jewry as a whole had not succumbed. This chapter, which Browe called "The Reasons for the Meager Success of the Mission to the Jews," is divided into three parts. The first is "The Reasons from the Christian Side" – namely, what was there in the Christian approach that precluded greater success? The second is "The Reasons from the Jewish Side" – to wit, what was there about the Jews that enabled them to resist?

At this point, Browe's hitherto consistent empiricism leaves him stranded. Having exhausted all the "reasons" he could find, Browe felt that the phenomenon was not fully comprehensible. And so, the last part of his chapter is entitled "The Reasons from God's Side." *Perhaps, in the end, God Himself did not want Judaism to be obliterated.* In conclusion Browe wrote:

This entire history of the Jewish people, its life and wandering throughout the centuries, the preservation of its race and peoplehood amid innumerable struggles and persecutions, cannot be explained out of purely political and sociological considerations...Only out of faith can we in some way understand the solution....<sup>29</sup>

In the same vein, historian Heinrich Graetz, long before Yerushalmi, wrote this:

What prevented this ever-wandering people from degenerating into brutish vagrants or a vagabond horde of gypsies? The answer: during its desolate history of 1800 years in the diaspora, the Jewish people carried with it the Ark of the Covenant, which placed an ideal striving in its heart and transfigured the badge of shame on its garment with an apostolic radiance designed to educate the nations to the knowledge of God and

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<sup>29</sup> Yerushalmi, *Zakhor*, pp. 90-91.

morality...Such a people for whom the present meant nothing and the future everything *which seemed to exist by virtue of its hope, is for that very reason as eternal as hope itself.*<sup>30</sup>

## Conclusion

And so, we now come full circle. For the faithful modernist, a combination between the two modes of study—“reading” and “learning”—is his *modus operandi*. He embraces the traditional purpose of study that seeks religious guidance and affirmations. At the same time, he pursues the modern method and purpose of study that unearths striking and pertinent new data, values objectivity, and searches for spiritual meaning and affirmation. Both are indispensable and, combined, they can and do produce an amplified and enriched “music of Jewish learning” of compelling and enduring value for all Jews who delve into the textual stuff of Judaism.

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<sup>30</sup> Graetz in *The Ideas of Jewish History*, edited by Michael Meyer. New York: Behrman House, 1974, p. 231. See Meyer’s introduction about this passage by Graetz in this volume, p. 218.



*Informed*

*Inquisitive*

*Imagining*



## SO AND SO: A PHILOSOPHICAL PAS DE DEUX IN THREE ROUNDS

Yavni Bar-Yam

King Solomon, a symbol of worldly as well as holy wisdom, is reputed to have written three books in the Biblical canon, each in a different life stage: *Song of Songs* as a young man, *Proverbs* in middle age and *Ecclesiastes* as an old man. King Solomon's life narrative is told in *Kings 1*. Socrates of Athens, the great Hellenic philosopher, does not have any surviving works of his own, but three contemporaries wrote about him: most famously Plato, in multiple dialogues, but also Xenophon in his memoirs, and Aristophanes, who satirized Socrates in his comedy *The Clouds*.

In this piece, I have imagined that three encounters between these two intellectual giants were driving incidents in the unfolding of each of their lives and the development of their philosophies. I have captured these encounters in a series of three pieces that merge the structure and language of the aforementioned texts of the Bible and of Classical Greece.

In contemporary thought, Rabbi Bradley Artson's brand of process theology, as elucidated in his *God of Becoming and Relationships* (Woodstock, VT: Jewish Lights, 2013) is a close representation of what Socrates and Solomon discover together in my fantasy. Rabbi Artson's name or notion of God as "lure," an impulse that non-coercively guides people in every decision we make, is akin to the "sign," "voice," "divinity," or "oracle" of which Socrates is reported to have spoken in, for example, Plato's *Apology* and Xenophon's *Memoirs*, and which is rendered in this piece as "divinity" and "daimon." The journey this piece finds in the philosophical legends of Socrates and Solomon also resonates with some of the ways Rabbi Artson lays out the reasoning for his theology—routes of logic colliding with paradox in conceptions of the divine, and of personal struggle in coping with the world as it is.

I am grateful to Prof. Tom Gerety for the initial context and guidance in crafting this piece, and to the editors of *Zeramik* for their insights and improvements.

**Part I:**

**The King and the Cloudgazer**

*after Song of Songs and Aristophanes' The Clouds*

~•\*•~

Dramatis Personæ:

SHE

HE

KING SOLOMON

SOCRATES, in his thinkery

STUDENTS, of Socrates

DAUGHTERS OF JERUSALEM, the chorus

~•\*•~

SHE

Where is my beloved?

I awoke in my bed, sick with love.

I called for him, but he did not come.

I asked for him, but he did not answer.

Where is my beloved, finest of men,

Where does he pasture his sheep,

O you daughters of Jerusalem?

CHORUS

What does he look like;

How is he so fine, as you have told us many times,

O loveliest of maidens,

What does he look like,

That we may help you to search for him?

SHE

My beloved is like a deer,

Like a glorious stag of the mountain,

So does my love bound across hills,

Leap over mountains.

SHE (cont.)

Like an apple tree among the trees of the forest,  
So is my love among the other men.

CHORUS

Yes, but how does this help us to find him?  
What does he look like, your love?

SHE

His legs are the trunks of cedars.  
His arms are the boughs of pomegranate trees.  
His face is a gilded shield,  
And his arms enwrap me as a banner.  
Like an apple tree among the trees of the forest,  
So is my love among the other men.  
I delight to sit in his shade.

CHORUS

We must ask a different question.  
Where did he go, your love?

SHE

He shepherds the lilies,  
So do all the young women love him.  
So does my love bound across hills,  
Leap over mountains.  
He is in a bed of spices,  
A mound of myrrh and frankincense.

CHORUS

This is no help, we must ask more directly.  
O beautiful of women,  
WHO IS YOUR BELOVED?

SHE

This is my lover; this is my friend.  
This is my king.

CHORUS

Aha! The king!  
We know where he is.  
King Solomon, just risen to the throne, rides out in his chariot.  
We will take you to your love,  
O most beautiful of maidens.  
See, where he rides, the king.  
His chariot is of the cedar of Lebanon  
And the cushions are dyed violet.  
He eats the grapes of his vineyard.  
He is surrounded by his guard of warriors,  
And he is surrounded by our love, we daughters of Jerusalem.

KING SOLOMON

I am bound for Athens, and then for Gibeon,  
In Athens to acquire gold and silver, riches from trade,  
So I can make a whole house, instead of just this chariot.  
And the famed ships of Athens for my fleet,  
So that I may defeat my enemies by sea.  
And I will make allegiances with that land,  
By marrying its princesses.  
Foreign concubines keep a man young,  
So I will live a long life.  
And to help me acquire all those things,  
I have heard of a man named Socrates,  
Who teaches conniving and deception.  
I will ask him to help me get these sundry treasures from the  
Athenians.  
But what gift shall I give him,  
So he will want to help me?

CHORUS

Call King Solomon!

KING SOLOMON

Yes?  
O! The daughters of Jerusalem!

CHORUS

Here he is!

SHE

That is not my beloved.  
That is not my friend.  
That is not my king.

KING SOLOMON

What say you, o you loveliest of the maidens?  
That I am not the king?  
Do you think Adoniyahu should be king instead?  
Because he is my elder? Know you  
That the throne was promised me by David, my father.  
It was promised to my mother and to me.  
Any who doubt me I must have executed.

SHE

No, I seek my beloved,  
The most pleasant among all the men.  
I awoke in my bed, sick with love,  
But I could not find him.  
I went out to walk in the city at night,  
But he was not where I looked.  
I asked the guards on the city wall where he was,  
But he was not to be found.

KING SOLOMON

Hmm, this man of yours, who is he?  
O you darkest of fruit,  
O you loveliest of blossoms in a lovely flower bed.

CHORUS

King Solomon has been known to graze among some lilies himself.

SHE

He is like a lion of the mountains,  
His eyes are as doves, and his mouth is as honey.  
His face shines as the sun,

SHE (cont.)

And his hair is curled, and black as a raven.

HE

Come on, sheep ...  
My beloved is as ...

SHE

The voice of my beloved!  
Here he comes!

KING SOLOMON

Why, yes, I see him.  
Aha!  
I have the perfect plan.  
I know who would love to have the loveliest of men.  
This Socrates, I have heard,  
Has a school for men whose eyes are as doves  
And whose mouths are as honey.  
I must bring this man to Socrates!  
In his thinkery, in Athens.  
Then he will help me get the gold, the ships, the concubines.  
It is anyway a good idea to have a subject under Socrates' wing;  
This boy will prove useful if he learns there.  
I understand the manufacturing of quills and down is very  
profitable.  
And Socrates' arts of talking and persuasion could be useful  
In consolidating my kingship and continuing my father's line.  
All this will I do and then I will go to Gibeon for sacrifices, as  
planned.  
Everything works perfectly!

HE

My beloved has teeth like ... like sheep,  
Just washed, and not one of them missing or lost.  
And her eyes are like ... like sheep.  
The white part, that is.  
The white parts of her eyes.  
Her hair is like ... well, goats

HE (cont.)

When they run down Mount Gilead.  
Her arms are to me as ... the fleece of sheep,  
Enwrapping me.

KING SOLOMON

He could really use Socrates' help with rhetoric anyway.

HE

Her breasts are as two young ... ewes.  
And, sheep, don't tell her I said this, but ...  
Her brow is kind of like an open pomegranate.

SHE

My beloved!

HE

O dear!  
I did not see you there, my love!

SHE

You are the deer!  
I am sick with love.  
Come and taste the pomegranate.  
I have kept it just for you.

KING SOLOMON

Young man, you are coming with us  
On a mission to Athens.  
You will be enrolled in the famed thinkery of Socrates.

HE

But I know nothing of thinking. I'm a shepherd!

KING SOLOMON

Nevertheless, you are coming with me.  
Didn't you hear that I am now king?

SHE

I will follow after my love.

CHORUS

We will accompany  
And follow King Solomon to Athens, and Socrates.  
Do you see how we have to travel by foot,  
All the way to Athens, from Jerusalem?  
That is because of you, the public.  
You fail to amply support comedy.  
We could not afford ships nor chariots.  
So we must rely on our poor hips to carry lots.  
This walk to Athens is the longest;  
Indeed you spectators surely wrong us.  
And shame on you for giving us not our due.  
For on this long road we have nothing better to do,  
Than waggle our fingers at you  
And sneer at your ignorance.  
For who has given you more lovely verse?  
And who devised for you a better plot?  
And who has been with words more kindly terse?  
And who, in parody, more villains caught?  
Than we, to whom you show but scorn;  
You reward us not for our labors,  
You return not our gifts or our favors.  
If you appreciated us, you would invest  
More money, esteem, and all the rest!  
We only plagiarize from the best.  
Come now, no one knows better the Muses than we.  
No one provides better entertainment for ye.  
Would you rather see the work of some tragic poet?  
And end the celebration in tears, and covered in blood?  
You will not leave our assembly so messy.  
Yes, would you rather see some woman go mad, and kill, kill, kill  
Her children, her lover, her father, her mother and then  
For an encore, herself, or perhaps a lucky spectator, one of you?  
Or see us lovely women laugh and dance and flirt, flirt, flirt  
With kings, and fools, and all of you?  
And walk, walk, walk. Don't forget that, please.

CHORUS (cont.)

Walk, walk, walk, walk, walk.

Well here we are, finally in Athens.

Haww-haww-haww-haww

Exhausted, without even any refreshments to greet us,

Thanks to your frugality.

But here is our King again!

KING SOLOMON

Is this the thinkery of Socrates?

STUDENT

That? That is a door.

KING SOLOMON

Yes, but, well, where are you?

STUDENT

Alas! My poor mind cannot hold up to that level of inquiry,

For if I were to ask my feet where they are, they must respond,

“We are on the floor of the lesson room,”

But if I were to ask my head, it must say,

“Outside, in the air.”

You ask questions that are too difficult, cruel stranger.

I am only in my first year of study here.

You must ask my colleague, who is an advanced student.

STUDENT 2

How can I help you?

KING SOLOMON

Is this where Socrates teaches?

STUDENT 2

How can I help you?

KING SOLOMON

Um, by telling me if this is where Socrates teaches.

STUDENT 2

Why should he teach outside, when he has this building for his thinkery?

KING SOLOMON

Who is that descending in a basket?

STUDENT 2

That is a man.

KING SOLOMON

What man?

STUDENT 2

The one descending in a basket.

KING SOLOMON

What is his name?

STUDENT 2

Baskets don't have names besides "basket."

KING SOLOMON

What is the name of the man in the basket?

STUDENT

That is Socrates himself.

KING SOLOMON

Socrates! What are you doing?

SOCRATES

I was observing the clouds,  
But I found something much more interesting to observe.

CHORUS

Another man eyeing us?  
But no! His gaze is on—

SOCRATES

That fine youth – who is he?

SHE

This is my beloved, and this is my friend.  
Like perfumed oil is the pure fame while his name is uttered,  
Without flaw is my beloved;  
He is perfect and whole.  
His face is handsome and red.  
His voice is milk,  
And his lips are honey.  
Better than wine are the kisses of his mouth.

SOCRATES

I have heard definition enough.  
Fair youth, do you come to be thinkerized?

HE

No, I'm a shepherd.

SOCRATES

Perfect!  
Thinkerers ponder clouds, and are not clouds the same as sheep?

HE

Then I will come here to learn about sheep.

SOCRATES

But it won't be cheap. You, who called me down,  
You look rich enough. Who are you?

KING SOLOMON

I am Solomon, son of David, king of Israel.

SOCRATES

Indeed?

KING SOLOMON

Well, um, at this point I guess mostly in name.

KING SOLOMON (cont.)

I just started.

SOCRATES

And did you come to enroll yourself as well, in this my thinkery?

KING SOLOMON

No, I just want some advice from you,  
Of how and where best to get certain things here in Athens.  
As king of Israel, and as I am giving you this fine youth,  
I would like to get fine silver and gold  
And myrrh, and, well, what grows here?

SOCRATES

Olives?

KING SOLOMON

We already have those.

SOCRATES

People?

KING SOLOMON

Perfect!  
I shall wed me to the princesses of this land for allegiance.

SOCRATES

My advice to you, hearken to me:  
Do not be concerned with things material.  
They are evil.

KING SOLOMON

Why are you taking my golden crown off my head  
And putting it in that box over there?

SOCRATES

You're very welcome for that gift.

KING SOLOMON

You didn't give me anything. You took it away from me.

SOCRATES

You slander me with lies, and I'll prove it you.

Is not sadness the lack of happiness and happiness the lack of sadness?

KING SOLOMON

Yes.

SOCRATES

And is not darkness the lack of light and lightness the lack of dark?

KING SOLOMON

Yes.

SOCRATES

And satedness the lack of hunger and hunger the lack of satedness?

KING SOLOMON

Yes.

SOCRATES

Then everything is the lack of something else?

KING SOLOMON

Apparently so, I never thought –

SOCRATES

Obviously not. Don't worry, that's what I'm here for.  
So then the lack of a crown is something?

KING SOLOMON

Yes

SOCRATES

And the lack of that something is a crown?

KING SOLOMON

Yes.

SOCRATES

Then I have given you that something, though you hardly deserve it.  
Again I say, you're welcome.

KING SOLOMON

Why thank you. How can I repay you?

SOCRATES

By taking my lack of hair.  
Never mind, just take my advice.

KING SOLOMON

Gladly. That is why I came.

SOCRATES

Is it not true that the soul is good and the body is bad?  
Yes, of course it's true.  
So you shouldn't give the body anything it wants:  
Not this fine cape with three silver clasps;  
Not this belt studded with sapphires.

KING SOLOMON

I think if I take too much more of your advice  
I should end up revealing too much of that part of me that you say is  
bad.

SOCRATES

As the body tends to these trappings of fools,  
The soul tends toward knowledge.  
That is the only good pursuit.

KING SOLOMON

Ah.  
So knowledge is better than riches?

SOCRATES

Correct.

Don't desire possessions; desire instead  
Prudence, wisdom, clarity of thought.

KING SOLOMON

Where are you taking my chariot?  
My chariot of the cedar of Lebanon?

SOCRATES

Does this chariot help you get places faster?

KING SOLOMON

Yes, of course.

SOCRATES

Evil.

The longer it takes you to get somewhere,  
The more time you have for contemplation along the way.

KING SOLOMON

But how will I ride into battle?

SOCRATES

O, you don't want to do that, do you?

KING SOLOMON

Don't I?

SOCRATES

Better to contemplate.  
Look up at the clouds.

KING SOLOMON

I see them, yes.

SOCRATES

No, really look at them. Deeply.  
This clasp is harder to undo than I thought it would be.

KING SOLOMON

Mm, yes, I see.

Why do you take my sword?

SOCRATES

Another petty bauble desired by the body, not the soul.

KING SOLOMON

But it's for defending myself.

SOCRATES

Horrors! Why would you want to do that?

KING SOLOMON

So that if someone tries to kill me—

There are many who would try to wrest from me my kingship!—

I can survive.

SOCRATES

Horrors! Extend your life?

Make your soul be longer trapped in that evil body of yours?

You want that?

That is a desire of the body, not the soul.

KING SOLOMON

Ah.

So knowledge is better than long life?

SOCRATES

Correct.

Don't desire life; desire instead

Prudence, wisdom, clarity of thought.

KING SOLOMON

Thank you.

Now, about those Athenian warships...

SOCRATES

Don't be silly.

SOCRATES (cont.)

Worship is better,  
To my new vaporous gods of the sky, that is:  
To contemplation.

KING SOLOMON

Yes, but,  
I still want those ships,  
And I still want my chariot back,  
So that I may defeat my enemies on land and at sea.

SOCRATES

You want to sail and ride in war against your friends?

KING SOLOMON

No, I say my enemies.

SOCRATES

You would do your enemies a favor, give them a gift?

KING SOLOMON

No, I say I want to go into war against them and take their lives.

SOCRATES

But they are one and the same.  
You would give them the gift  
Of freeing their souls from their bodies.  
What kindness! What generosity!  
You cannot kill their souls, of course –  
Certainly not with warships and chariots.  
Rather, you kill their bodies,  
And their souls will be supremely happy.

KING SOLOMON

You are right. I cannot argue with that reasoning.  
I do not want to be kinder to my enemies  
Than to my own people or my allies.  
Where are you leading my manservants and warrior-guards?

SOCRATES

You do not need them, if you don't go to war  
And if you don't have anything you need buckled on.  
Rather philosophize than go to war to give your enemies a gift.

KING SOLOMON

Ah!  
So knowledge is better than the lives of my enemies?

SOCRATES

Correct.  
Don't desire others' death; desire instead  
Prudence, wisdom, clarity of thought.

KING SOLOMON

Thank you for your advice, Socrates.  
I now know that knowledge is better than all things.

SOCRATES

So would you like to enroll in my thinkery?

KING SOLOMON

I don't think I could afford tuition at this point,  
With what I have on me.  
And anyway, I do need to get to my kingly duties in Israel.  
I will tell you, though,  
I was going to pray for long life, riches and the lives of my enemies.  
But now I know that knowledge is better than all these,  
And I will pray for that instead.  
Now come, we must go,  
I need to make sacrifices in Gibeon.

CHORUS

Here we go.  
We hardly got a chance to rest,  
And already making the long trek back to Jerusalem.

SHE

But what of my love?

SHE (cont.)

Where is my beloved?

I must wait here for my beloved to return,

That I may rest in his garden, and eat of his fruit.

I warn you, O you daughters of Jerusalem,

If you raise, or if you rouse

Love until it is desirous!

**Part II:**

**The Judge and the Gadfly**

*after Proverbs, Ecclesiastes, and Plato's Dialogues*

*Simmias:* Plato, I heard Socrates has returned from his travels overseas.

*Plato:* Yes, I have heard the same, and am going right now to meet him. Would you like to accompany me?

*Simmias:* You know that I ever take any opportunity to meet with that great master. But, tell me, for I have never heard, how is it that Socrates went on this journey?

*Plato:* This will I gladly tell you, for I was with him when he decided to go on this travel. An acquaintance of Socrates' from some previous engagement invited our master to visit him in his home, far away, to the east. The man is king of a foreign land. And I think them a marvelous fortunate state to be ruled by a philosopher-king such as he.

*Simmias:* Yes? And is he really so thoughtful a man?

*Plato:* He is no equal to our own Socrates, but I know he is as willing, sometimes, to learn and receive conversation from our philosopher as I am.

*Simmias:* And I know that you do love him well. Pray tell me what took place.

*Plato:* I will relate it as I recall it:

We were walking to the marketplace, Socrates and I, as well as two others, Crito and Chaerephon. We were approached by a messenger coming from where we intended. The lovely boy was wearing the most fantastical livery, of oriental cut, with a square tunic hung with tassels of a light blue dye, the likes of which I had not seen. He said he had come expressly searching for one Socrates, whom he said he

believed himself to have found. At which Socrates began to question him, saying:

*Socrates:* And is a name for an object a description thereof in the absolute, or in the relative sense? That is to say, is a name useful to identify an object alone or only when the object is already known?

*Plato:* The boy, somewhat bewildered, replied with a description he had been given of Socrates, which made me wonder whether Homer were writing from Hades, so perfect and eloquent was it in the portrait of its subject. The boy proceeded to inform us that his lord, Solomon son of David and mighty king of Israel, would like to receive Socrates as a guest in his royal home in Jerusalem.

*Simmias:* I have heard of Solomon, son of David. In truth, he is so renowned for his wisdom that his name has even reached my ear.

*Plato:* Indeed, mine as well. And Socrates said that he knew him, too, because back in the days when Socrates had his thinkery, this man, newly risen to the throne of Israel, came to ask Socrates questions.

*Simmias:* I am not surprised to hear this.

*Plato:* So it was settled and Socrates went to visit with this king, accompanied by Crito and Chaerephon. I unfortunately, as you know, have had much business to take care of in Athens, lately, so I could not go with them. They return today, except that Crito was called back to Athens early, and with speed. I had the good fortune of speaking with him. He told me of the meeting between Socrates and King Solomon.

*Simmias:* Please tell me what they said.

*Plato:* I will tell you their conversation as was transmitted to me:

*Solomon:* I invited you to come to visit me, Socrates, because from the gift of God I have become renowned for my knowledge; kings and princes come from all lands to hear from me my wisdom. I wanted to

invite you in particular, as it was you who originally brought me to seek knowledge.

*Socrates:* I had heard tell of your supreme gift of wisdom and discernment. I am glad I came to visit you; I would like to learn from you.

*Solomon:* I think that I am the one to learn. You have already taught me much.

*Socrates:* It is not in my nature to teach, Solomon.

*Solomon:* But it is in my nature to acquire knowledge, whether or not you are otherwise a teacher.

*Socrates:* I am not sure I understand what you mean; may I ask you some questions about what you have said?

*Solomon:* Of course.

*Socrates:* You said I have taught you even though I am not a teacher. Is that correct?

*Solomon:* You said you were no teacher, not I.

*Socrates:* And do you take me for a teacher then?

*Solomon:* Yes.

*Socrates:* Let me ask you then, the cobbler, what is his art?

*Solomon:* Shoemaking.

*Socrates:* And what is his knowledge?

*Solomon:* Of how to make shoes, clothes for the feet of others.

*Socrates:* And the shipbuilder, what is his art?

*Solomon:* His art is building ships, vessels to carry others on the sea.

*Socrates:* And his knowledge?

*Solomon:* His knowledge, one would say, is the knowledge of how to build ships.

*Socrates:* Then, would you say, that every person with a trade has a corresponding art and corresponding body of knowledge, of which he is master?

*Solomon:* It would appear.

*Socrates:* And is the teacher a man with a trade?

*Solomon:* Surely he is.

*Socrates:* Then what may be said to be his particular art?

*Solomon:* By analogy, it should be teaching, imparting knowledge to others.

*Socrates:* Then, what may be his special knowledge?

*Solomon:* Of teaching, imparting knowledge.

*Socrates:* And what knowledge is it that he imparts?

*Solomon:* What do you mean?

*Socrates:* I mean, is the knowledge he imparts knowledge that he has, or that he does not have?

*Solomon:* That he has, of course.

*Socrates:* And we said that the knowledge he has is that of teaching. So he imparts knowledge of teaching? And one receives from the teacher knowledge of teaching?

*Solomon:* I suppose it must be so.

*Socrates:* And let me ask you this, when a cobbler makes shoes, and gives them to someone else, does the other become himself a cobbler?

*Solomon:* No.

*Socrates:* Nor does he gain whatever necessary to become a cobbler?

*Solomon:* No.

*Socrates:* And similarly with the ship-maker, a receiver of the ship does not become himself a shipbuilder, does he?

*Solomon:* No.

*Socrates:* Then the person who is taught by the teacher, does he himself become a teacher, by analogy?

*Solomon:* No.

*Socrates:* Then he does not gain the knowledge of teaching?

*Solomon:* He must not.

*Socrates:* Why then, this is impossible. Did we not say that must be what one gains from a teacher?

*Solomon:* Indeed, this is impossible. How can this be? Can teaching really be so futile an occupation for man to be called to under the sun?

*Socrates:* And do you say that you are a teacher?

*Solomon:* I am a king. Now to avoid being called a teacher, I will say that the wisdom I give out is in the form of justice.

*Socrates:* And what form of wisdom is that?

*Solomon:* Justice is wisdom in a court of law.

*Socrates:* I asked you not where it is found, but what it is.

*Solomon:* Justice is wisdom that decides between cases, which is the right and which is the wrong.

*Socrates:* Right for what and wrong for what?

*Solomon:* What do you mean? Surely a wise man who fears God may discern between the right and the wrong.

*Socrates:* Well, does not a cobbler decide between cases of leather, and decide which is right for a sandal and which is wrong? Is that the kind of right and wrong of which you speak?

*Solomon:* No. I understand your meaning. As the skillful cobbler picks the right tweed for the sole, the wise judge picks the right deed for the soul.

*Socrates:* So you discern which person and what action is righteous?

*Solomon:* Exactly. The judgement of the just discriminates between righteous and sinful.

*Socrates:* I am glad. If you can judge between cases, which is righteous, which is sinful, surely you can tell me in general what is righteousness.

*Solomon:* The righteous man is like gold, rare and glowing in the light.

*Socrates:* This does not clarify to my mind what is righteousness.

*Solomon:* The righteous man walks in the way of God, who is the judge of all.

*Socrates:* Which comes first, the judgement or the righteousness?

*Solomon:* What do you mean? Have we not said they are the same?

*Socrates:* I mean, does a judge finding justice in an act make the act righteous? Or was the act righteous before the judgement?

*Solomon:* The act was righteous before the judgement.

*Socrates:* Then the righteousness of the act causes the judge to find it righteous, not the other way around?

*Solomon:* That is how I see it.

*Socrates:* And I am sure you see it rightly, as you are the great discerner of Israel. Then answer me this: is a god a judge?

*Solomon:* God is the ultimate judge from whom all wisdom is derived. For He sees all, and His justice is sharp and accurate.

*Socrates:* Then, as this god is a judge, he favors those who are already righteous.

*Solomon:* Exactly so. The good man finds favor in the eyes of the Lord; the bad man God will deny.

*Socrates:* Then what you said earlier, that the righteous walk in the path of the gods, does not further describe what is righteous. For it is the righteousness that causes the favor of the godly judge. And I am still left asking what is the quality that makes something righteous, to the end that the gods will favor it?

*Solomon:* You are right. We have not found an answer. Can righteousness not be known? Is pursuit of virtue truly pursuit of wind?

*Socrates:* Surely, as the wise king, you may find the answer. If a subject came to you and asked: I do not want to incur the wrath and punishments of your justice, how shall I behave? You would answer him: you must behave righteously. Am I correct?

*Solomon:* Yes. That is what I would say. For the wicked man shall be overtaken by his wickedness, and the sinner shall have his sin redoubled upon him.

*Socrates:* Suppose he then asked you, how is it to behave righteously? How exactly should I act? How would you answer him?

*Solomon:* I would respond as follows:

My son, do not fall in with the wicked if they tempt you, and say:

Come join us, and set an ambush to shed innocent blood.

Rather, honor God, and show your devotion to Him.

Do not delay to do service to God or to your fellow.

Do not hasten to wrong him or deny God.

Take my advice; listen to your elders.

Love and enjoy your first wife;

Do not rush to embrace forbidden women.

Be not arrogant, and let not pride mar your face.

Calmness and moderation in drinking and eating will benefit the virtuous.

*Socrates:* Now suppose the man asks you: Is that all I need to do to be righteous and avoid reproach? Or are there other things a righteous man does?

*Solomon:* Of course there are other things, too. The wisdom of the righteous is broad, and replete with water is the riverbed of his intelligence.

*Socrates:* Then you still have not answered the question. You gave examples of what is righteous, not an explanation of what is righteousness, which is what I asked of you. How does a righteous man always act, and what act is always righteous?

*Solomon:* A righteous man does not sin.

*Socrates:* Notice that I did not ask you what a righteous man does not do, but what he does. However, I will take your meaning to be that

to be righteous, a man need only avoid sin, and any sin is a negation to righteousness. Is that your meaning?

*Solomon:* Indeed, Socrates.

*Socrates:* Now I must ask you, what does it mean to sin? And do not tell me: a sinner does not perform righteous acts. For then we will have progressed not at all.

*Solomon:* To sin is to transgress against what God has commanded. And so I could have said a righteous man fears and obeys God.

*Socrates:* Did we not say that the righteous is what the divine favors, not that what the divine favors is the righteous?

*Solomon:* Yes, but that was only God's capacity as a judge. God is also a lawmaker.

*Socrates:* To return to the questioning citizen, suppose he now asks you how he is to know what God wants him to do. How would you answer?

*Solomon:* It is all written down. That is the law of the Pentateuch. The life that follows that law is lengthened. The righteous man lives by Torah.

*Socrates:* It has everything that is virtue, or is it as you told me before, with many examples of virtue, but there may be other virtuous acts? No new case may arise, unanswered in the written law?

*Solomon:* I had thought so, surely. But can it really be that there is no progress in time, to bring new problems? Is all constant? No, for new questions come and God answers them.

*Socrates:* And so any decision in his life, with which the nervous citizen can be faced, the book will tell him which choice is virtuous and which is sinful?

*Solomon:* Yes.

*Socrates:* And why do people do evil?

*Solomon:* A fool does not heed his father's advice; he goes the path of the wicked.

To tell lies, to incite a quarrel, to shed innocent blood.

*Socrates:* Yes, but do not all people do what they think will bring them advantage?

*Solomon:* Yes.

*Socrates:* And does not the god of whom you spoke tell the wicked man that he does evil?

*Solomon:* Yes, through the law.

*Socrates:* And will the wicked man be punished for breaking the law?

*Solomon:* Yes. For whoever sets a trap for the innocent will himself be trapped.

The evil man will be hounded by his sins.

And whoever does wrong will not escape his shame.

The wicked will be filled with wrong.

*Socrates:* So it benefits man to do right and not to do evil?

*Solomon:* Yes. The righteous man will prosper in his virtue,

While the sinner's evil will bring him no benefit.

The name of the good will be for glory,

While the name of the sinner will be reviled with spite.

*Socrates:* Then I don't understand how everything you said may be true all at once. Your statements deny each other.

*Solomon:* Yes. And I see that all must be absurdity.

*Socrates:* For why would any man do evil, if it is to his advantage to do the opposite, to do right? Since you said that doing good brings advantage and man does that which brings to him advantage.

*Solomon:* It is all in vain! Though one seeks understanding, it will elude him.

But I return, and see all the suffering under the sun. And I try to study and learn of the conduct on this Earth. For why should man act against his Lord? And why should he bring suffering and pain and destruction to himself?

And I saw that this is absurdity.

But I saw that it is because they do not know they do evil, that they stray from the path of the righteous.

*Socrates:* But you told me that what is righteous and what is sinful is clarified in the book of laws.

*Solomon:* The wicked man does not understand the laws. He is as a wild animal. He rushes to do evil and does not know it will be his downfall.

*Socrates:* That is why they do evil? Because they lack understanding?

*Solomon:* Yes. It is the wise who hear the advice of their elders and fear God.

Fools are blind and know not which way is right.

The sinner knows not what will destroy him.

A thoughtful man will learn to walk rightly in the way of the just.

To be a good man is to learn wisdom,

To grasp discernment of judgement,

To fill oneself with knowledge and directness of thought.

Wisdom is as a fair maiden and pure,

Calling out to all the men in the street.

It is good to hear her voice, and to follow her.

She calls out to them, and she says:

O men, I beckon you follow me,

For I walk as a companion to the Lord;

Listen to me, and learn intelligence,

Hearken to me, and learn judgement.

All my words are truth,  
All my lessons virtue,  
And not one word I speak is crooked or corrupting.  
I face away from evil, destructive ways,  
And I lead only toward goodness and prudence.  
I, Wisdom, will teach you what is right and what is wrong.  
My counsel is the counsel of God.  
And all who follow me and embrace me know righteousness.  
I, Wisdom, am virtue.

*Socrates:* Ah. This is new. He is righteous who is knowledgeable enough to know what is right. I believe you. Wisdom is virtue. You are indeed a wise man.

*Solomon:* You say this is new? But it has already been known forever. What you call novel is actually ancient and there is nothing new under the sun.

*Socrates:* I have another question to put to you: Is the divine lawmaker of whom you spoke good?

*Solomon:* Of course. He made "good."

*Socrates:* And is he all parts of good or just some?

*Solomon:* Do not question God, for he is your Creator.

*Socrates:* And tell me something else: do good rulers speak well enough to stir a people and convince them?

*Solomon:* Certainly. The words of the wise move nations. I have given my share of speeches and public prayers.

*Socrates:* And in so speaking effectively and convincingly a good ruler is able to convey what laws his subjects should obey? And the better a ruler, the clearer he is able to convey those laws?

*Solomon:* Certainly.

*Socrates:* And is the god and divine lawmaker of whom you speak a ruler?

*Solomon:* Yes.

*Socrates:* Then by your previous statement, he should be a good ruler.

*Solomon:* Superlatively so.

*Socrates:* He is the greatest ruler?

*Solomon:* Of course.

*Socrates:* Then he should be perfect in his clarity of explaining his laws?

*Solomon:* Yes. He is.

*Socrates:* But, then, this contradicts what we agreed on earlier, for why should anyone not understand his laws? And why should any fool be a sinner?

*Solomon:* No! then we do not know what is justice. We sought understanding of righteousness, and behold! This too is vanity. Knowledge is deceptive, and what one thinks one knows, one actually knows to be false.

*Socrates:* So must not these gods be multiple, for everything you said to be true? The lawmaker cannot be the same as the judge, and neither may be the same as the ruler. Are there not many divinities, rather than one inconsistent deity?

*Solomon:* What? I grow tempted to explore that possibility, and to follow all the twisted, incorrigible ways men and women walk under the sun, to find which may be right. For to seek knowledge is to chase wind, and thence is man driven in his pursuit of wisdom, who calls as an attractive, deceiving woman to him in the streets.

*Socrates:* And how may the gods bring justice to the Earth? For you said that was their portion.

*Solomon:* God punishes man for his folly, and the sinner will suffer for his sin.

*Socrates:* So the fate of all the righteous is a happy one, and every sinner has an unhappy life?

*Solomon:* No! For I have seen a vanity on this earth, that the righteous man is paid back as a sinner, and a sinful man is paid back as one righteous. All this is vanity; there is no sense to life under the sun.

*Socrates:* I am still not clear. How do the gods bring justice to the earth?

*Solomon:* They – no – God tells us the laws, how to behave. But no, that was where we began and it is impossible. All is vain!

*Socrates:* Ah, you say the gods tell us how to behave. How else could it be? You must be right; there is no other way, than that they must tell us in every case what is right. I must start listening for that voice of divinity. For while we are searching for a true understanding of righteousness, we must know how to behave, and knowledge of virtue is still a search, to which none have provided me the answer.

*Solomon:* And I returned, and saw that for all my wisdom, I know nothing of the ways of God and virtue. And I must go and try all things to see which is the best way for man to act under the sun.

*Socrates:* Yes, I must myself take my leave of you, for I never like to be too long away from the great polis of Athens, and I intend to wait for that voice there. You have convinced me that I will hear from a divine voice, and I will go seek it. Good bye, King Solomon. Thank you.

*Solomon:* Fare you well indeed, for all will return to their source. And cycle back again. All is vanity!

**Part III:**

**The Gatherer and the Philosopher**

*after Ecclesiastes and Xenophon's Memoirs*

While Socrates was known to be a man loyal to the polis and a fervent defender of Athens, militarily as well as rhetorically, politically, religiously, morally and any other way that he could, he did have contact with foreigners. One such was the king of the land of Israel, Solomon, son of David, as he was called. I heard of a visit Socrates took to see that king in his land. That encounter has previously been recorded by others and need not be repeated here. Another meeting between the two took place while Socrates was imprisoned, at the end of his life. I was unfortunate enough to be myself abroad at the time, but I was told exactly how it happened from a reliable source. It may well be that this event has been recorded too, but it is an excellent example for how he was an example to all who met him to be godly and pure in all the ways the judges of Athens account him as not being. I hold it so highly in the canon of tales about Socrates that I include it here, in my writing.

When Solomon came to visit, Socrates accepted him graciously in his cell. Solomon had been told of Socrates' trial and sentencing and expressed his sympathy and confusion thus:

You are a man who pursued with zeal to understand the happenings of the soul of man. What is truth? you asked, and what is virtue? And as much as you sought, in your way, you did not find. This is vanity and frustration. And you live in a city with no king to rule over it. All its princes rule together, and all but its slaves are princes. And I know, too, that the heart of a crowd will be moved by any wind, and the larger the number of souls, the weaker the stability. For a tall stack of bricks is easily knocked this way or that, but one brick alone will not lean and cannot fall far from its base. And they took you, a scholar, these multitudinous rulers of the city, and they convicted you of leading the children of the city astray into the pursuit of knowledge, and they have jailed you to kill you. And I know that the pursuit of knowledge is a vanity and a pursuit of wind. He who seeks wisdom will be feared and not respected for his thought and he who seeks to give knowledge will be repaid with spite. And yet you accept your fate patiently and solidly continue in your ways. And you follow them, and make it your choice to die.

How can you know that what you are doing is right? For man knows not what is right and what is wrong. And though you have sought, with wisdom, to find the meaning of virtue and the understanding of righteousness, no answer is to be found. I have tried, with all the wisdom under the sun, and all such pursuits are vanity and frustration of the spirit. So how can you proceed with conviction?

Socrates answered simply, as he answered all who knew him, that his divinity had not allowed him any other course.

Solomon asked with awe: there is a divinity who speaks to you?

It always gives me pleasure to recall the humbleness of Socrates and his personal modesty presents itself whenever those who knew him recount to each other our remembrances of him. In this case, he replied: Of course, King Solomon, and it was you who found for me that divinity, or I should say, taught me to listen to it.

At this Solomon was surprised and said: But you must have proved me wrong. You proved everything I said to be inconsistent. I tried to explain to you what are virtue and justice and righteousness, and you asked me to define them and showed me that I had no understanding of them. Fools are blind, but even the wise cannot see God's righteousness.

Then Socrates: Yes, we cannot fully grasp it, but we must act as is right. And my daimon, my divinity warns me from the wrong things to do. You told me that the gods are the instructors in what is righteous and what is sinful. You were right in that. And the gods talk to me. And I always listen to them, so my life has been pure and unblemished by any sin. So I can die secure in the knowledge that I will be remembered always as having done nothing wrong in my life.

And Solomon grew irritable, and, pacing, continued: And because knowledge of wisdom was beyond me, I turned my attention from study to enjoyment, and I tried all the pleasures of existence. I tempted my body with wine, and tried to find joy therein. I accumulated wealth, the treasures of nations and the property of kings, more than all who were before me under the sun. And I knew that all this, too, was vanity. And so was I drawn to women of foreign lands. I built myself palaces only for my wives and concubines. I accumulated more than all who came before me. And this was a great vanity. For he who has wealth and property, they

will not sate him. And he who has nothing hungers not more than he who has accumulated all that a man could desire. And as the pauper thirsts and starves, so the wealthy one will not be satisfied, though he has much to be coveted. This is a vanity I witnessed under the sun. And when I tried to seek knowledge, I knew that it was a rotten labor for man to be called to under the sun. For though the wise man seeks wisdom, he will not find it. And some other man will come after him and show him to be wrong. And I hated all my labor that I labored under the sun, for it was all in vain, and no one may know its true meaning. And the mind will not be satisfied.

And so I thought to satisfy my body, and I did not deny it of any pleasure nor turn it away from anything it desired, to find what is best for the sons of men to do with the time given them under the sun. For is it not good that man eat and drink and find pleasure in his life under the sun?

Socrates instructed Solomon as I have heard him instruct many. No, no. It is not good to do these things. It is good to be frugal and stoic. It is good to deny oneself the worldly desires of the body. That is what I do. It is good to be temperate and to refuse, rather than be a slave of, the corporeal and carnal appetites.

Solomon asked, annoyed: How do you know? How do you know what is virtue? Man cannot fathom the ways of God.

Socrates calmly answered him: Is it not known that being free is better than being enslaved? And who is more a slave than who is a slave to his own passions?

Solomon responded: And I did follow my passions. But look, here you are, and you are imprisoned to be executed, so how can you say your choice was the best? You, too, as a fool, are enslaved and imprisoned.

Socrates said: I am only enslaved if you consider death to be a bad fate. But fools are those who fear the death of the body. Do you think it is right that I try to avoid my sentencing?

When Solomon indicated the affirmative, Socrates demanded: Show me the man whom death will leave untouched. I cannot avoid that fate. To work to delay death would be infantile and weak and demonstrate an animal's ignorance and lack of perception. It would be foolish to try to prevent death.

Solomon let out an exclamation, and said: You are correct. Life is a futility, for it will ever be overcome by death. The fate of all

is the same. What is the difference between the sage and the fool, between the wealthy man and the poor? All go to the same place, all end in the dirt. All this is vanity and great frustration of the spirit. For what good does it do a man to labor and to accumulate wealth and knowledge and experiences, if it is all for naught and he will end his life with nothing? As the sun returns to the horizon, so will he return to the ground. And all his life is forfeit and pursuit of wind. The heels of his son are to blot him out, once he has ended in dust. There is no gain in all the toil a man toils under the sun! Nothing will benefit him in the end. He will sow, but there is nothing to reap. And so, too, does an animal end in death and void. I see that man is the same as beast, for their fates are the same. And how is it that the wise should die like the fool? What worth, then, is wisdom? I hate the burden of existence, for all the nonsense and futility under the sun.

Socrates reiterated his assurance that as he was in all ways good and pure, and did no wrong in his life, he knew that his person will be remembered always as having been perfect, irreproachable.

Solomon angered and said: You don't know that. Man cannot know what will be, for how it shall be, who will tell him?

Then Socrates: My divinity tells me all I need to know about what will be. The divinity informs me how I must behave.

And Solomon stopped and said: I return, and I remember now that God spoke to me, before I spoke to you. And he made a pact with me, and told me how I must behave. And I was to follow the law! And I did not! I did not follow His word.

And Solomon became greatly ill at heart, and perturbed, and enraged, and fumed thus: I was an idiot, and as a deaf man I heard the word of God, and as an insolent child I responded to it. For I was not satisfied with the knowledge that He gave me. For you showed me that it was vanity. And so I turned to seeking pleasure. And in my seeking of pleasure I turned to the exotic women of alien nations. And I knew all the women of many lands. And knowledge of women is knowledge of evil. And a woman is a trap for the soul. For by them was I led away from God. They led me to build temples to their many pagan gods. And you had told me there must be many. They led me to transgress all moral bounds.

And now I am to be punished, by the great and ultimate Judge. I forgot Him; see how forgetful is man? And so thus I am myself to be forgotten. And all the good of my life and future fortune

of my name is to fall to my father's credit and my son's lot. And all the evil of my life and punishment of my name is to be held away from me and to fall to my sons and to the ensuing generation. And thus will my name, for good and for evil, be stripped away from time and fall to other men who will come after me. And I shall be forgotten.

Like you, whose land is ruled by the mob, I am sentenced by God to be imprisoned in my fate of death and loss of my kingdom. And I see that both our fates are one, for we are both to die and to be forgotten. Our names shall not be remembered as the blessings and the curses of the labors of our lives are passed on to the next generations. And why should those who are to come after us inherit the work of our hands, the glory, the damnation? All is to pass into dust and we two are to be forgotten as have been forgotten those who came before us and those who are to come after us will also be forgotten. And all the good in a man's life is forgotten for the bad. And also the bad shall pass on to his son, and he shall be wholly forgotten. Bitter and painful to me is the nature of existence under the sun.

Exhausted, in his old age, by his words, Solomon quietly and mournfully asked: The end of the matter, after all we heard?

Then both men, I am led to believe, faced their respective fates and uttered the same words in response, Socrates in peace, and Solomon in despair: Fear God; keep His law.

In these two men was all of man.

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*Yavni Bar-Yam is a writer, puppeteer and teaching artist currently living in Jerusalem. His plays have been produced in New York and Boston, and he has performed devised, collaborative works all around the world. He serves as Artist-in-Residence on the faculty of the Brandeis Collegiate Institute in LA, and served in 2016 as the Timbrel Artist-in-Residence at the National Havurah Committee Summer Institute. He is expecting to receive a Master of Arts in Creative Writing from Bar Ilan University in 2018.*

## ANNOUNCING

### SUBMISSIONS FOR MIDRASH ZERAMIM NOW WELCOME!

*Midrash Zeramim* is a designated venue for publication of creative works that make use of artistic forms to illuminate ideas relevant to thoughtful Jewish lives--whether in the form of visual arts, creative writing or music.

Submissions for *Midrash Zeramim*, though artistic in nature, should include an introductory statement that addresses the point that the submission seeks to make and refers the reader/listener/observer to relevant sources that inspired the contribution and may provide further thought.

Submissions should be both accessible to a lay readership and intellectually informed by and informative of current understandings in Jewish academia.

Written submissions may be no longer than 10,000 words.

Notes should be kept to a minimum, referencing only the most essential sources, and should be in the form of footnotes, not endnotes. They may follow any recognized methodology of citation (MLA, Chicago Manual of Style, etc.), provided that the same style is used throughout.

All submissions must be submitted to [submissions@zeramim.org](mailto:submissions@zeramim.org) as .docx files, and all appendices to articles must be part of the same document submitted for consideration.

Submissions including non-English languages should include translations of foreign phrases and transliterations of terms from languages with non-Roman alphabets. Submissions must include a 2-5 sentence biography of any author(s).

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***EXTENDED DEADLINE (December 15):***  
**a call for papers for our Winter 2017/2018 issue on**

## **JUDAISM, THE 21st CENTURY & THE POLITICAL**

The foundational principle of freedom in the United States is intertwined with the separation of church and state. At the same time, American history—past, present and likely the future—is affected by American religious cultures. Jewish tradition has not generally taken a position on secular values and laws. Yet Judaism holds a wealth of law and lore that inform the values of Jews in secular society. From Charlottesville to Catalan independence to Trump, the 21st century has witnessed unpredicted political revolutions that have urged new generations to engage politically, often for the first time. *Zeremim* is dedicating its Winter 2017/2018 issue to the question of what role(s) Judaism—in its many forms—should play in political discourse and activism in the 21st century.

For our next issue, we invite submissions that relate to any of the following themes:

- Jewish affiliation and civic responsibility
- Jewish roles in multifaith political initiatives
- Jews' civic responsibility in neutrality/advocacy/activism
- Jewish wisdom on political history/philosophy
- History of Jewish political engagement and ramifications for today
- Political discourse in Jewish education and/or Jewish organizational life
- Jewish values in broaching individual political/civic questions in relationship to recent developments (foreign policy, socio-economic structures, race, gender, etc.)

Please send in your submissions by **December 15, 2017** in accordance with the submission guidelines on the next page:

## **General Submission Guidelines**

*Zeramim* welcomes the submission of essays in any subject of applied Jewish studies—articles analyzing subjects of Jewish inquiry that offer a unique lens on any aspect of Jewish life or thought that affects how Jewish culture, religion and/or people operate in the modern world. Submissions should be both accessible to a lay readership, and intellectually informed by and informative of current understandings in Jewish academia, referencing recent studies.

Submissions may be no longer than 10,000 words.

Notes should be kept to a minimum, referencing only the most essential sources, and should be in the form of footnotes, not endnotes. They may follow any recognized methodology of citation (MLA, Chicago Manual of Style, etc.), provided that the same style is used throughout.

All submissions must be submitted to [submissions@zeramim.org](mailto:submissions@zeramim.org) as .docx files, and all appendices to articles must be part of the same document submitted for consideration.

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