

"INTEGRITY OR UNITY: WHICH?"

an address at

The Orthodox Union

National Rabbinic Centennial Medallion Awards Dinner

by

NORMAN LAMM

PRESIDENT, YESHIVA UNIVERSITY

on

February 25, 1998



*The Grand Hyatt Hotel
New York City*

I am grateful to you for the tribute extended to me, especially since I have been associated with the Union, one way or another, for almost my entire career. And I am pleased that my working relationship with the O-U leadership, from the visionary days of Moe Feuerstein to the enormously focused and effective era of Mendy Ganchrow, has been felicitous, friendly, and fruitful.

I feel even more honored by being included in the group of distinguished rabbis who are my co-honorees. As one who has been in the pulpit rabbinate for 25 years, and out of it for over 20 years, I am in a good position to evaluate the worth of the pulpit rabbis to the American Jewish Orthodox community. And I tell you, without exaggeration, that these eleven men are the unsung heroes of Torah Judaism in America. As the Passover Haggada has it, "Who knows eleven? I know eleven—eleven are the stars of the heavens." They are truly stars, representative of the hundreds of our pulpit rabbis throughout the country who are so often taken for granted, working assiduously, usually outside the confined perimeters of the bustling centers of Jewish life and the Yeshivot with their consuming intensity. They are, in many ways, truly the sentinels of Yiddishkeit in America. I am proud that the Orthodox Union is recognizing these rabbis and the colleagues whom they represent. They, and the Orthodox Union, are worthy of our most heartfelt approbation.

The Problem of Unity

Permit me to share with you a problem that has been the cause of deep distress to me. We stand today at a critical juncture in the history of our people. Our generation must make a fateful decision: will we remain one people, or will we be fragmented to two or more peoples unable to marry each other and therefore permanently divided from each other?

Since the beginning, it has been Torah, our ancestral faith, that has kept us as one, despite all the centrifugal forces threatening to pull us apart. With the weakening of Torah study and observance, we have tended to become unglued and atomized.

The fact of our disunity now looms over us like some giant, brooding, threatening presence, one that we deny at our own peril. What role does Torah play in this unfolding drama? Never before has Torah been accused of being the focus and the cause of our disunity, yet today that is precisely the charge leveled against it. There are those who use Torah as a weapon against Orthodoxy, saying that our rigidity is the cause of our woes. Others say that we never were united, that the unity of Israel is a myth, a fantasy, a legend, and therefore our present disunity should not worry us. And certain parties act as if disunity was inevitable—and welcome.

Where do we, of the community represented by the Orthodox Union, stand? Are we blameless? Do we believe we were and should be One People? Can we persuade

others—and ourselves—that Torah is a source of cohesiveness, that it is *not* a cause for divisiveness?

One thing is and should be clear to us: the approach of the non-halakhic groups will lead to disaster. If there is more than one way to enter the Jewish fold, and any one of them is in defiance of the Halakha, it will lead not to the kind of disunity that now afflicts us, but to something infinitely worse: the break-up of our one people to two or more nations, unable *officially* to intermarry with each other. Consider this situation: we will not recognize most Conservative conversions (depending on the individual officiant). The Conservatives—if they are true to their own convictions—will not accept Reform conversions. Furthermore, the Israeli Reform group has said that it does not recognize American Reform actions such as patrilinealism and same-sex marriages. Thus, we so far can count *four different* groups that will not intermarry with each other. Is this what they want? Will the Israeli Supreme Court support such a result in the name of civil rights?

Haredim are accommodating themselves to the idea that unity is impossible, that we are already broken up into two separate peoples. A lead article in the January 20, 1998, *Yediot Acharonot*, tells it all; it is entitled, "ניפרד כידידים"—“let us part as friends.”

Let me record a personal note: A few years ago I met with one of the most prominent Hasidic rabbis. In the course of a pleasant conversation, I complained about an article by the editor of a newspaper published by this group, in which he wrote that he doesn't understand why there is such a tumult about *Kelal Yisrael* (a term denoting the totality of the Jewish people), when after all, “according to our calculation there are no more than about a million people who belong in this group.” I asked the Rebbe if I and my parents and wife and children and grandchildren are considered part of *Kelal Yisrael*. His painfully ambiguous and evasive answer was, “Rav Lamm, ihr fregt tzu harb a kashe” (Yiddish for: “Rabbi Lamm, you are posing too difficult a question.”)

Unity vs. Halakhic Integrity

The struggle in Israel concerning conversions is beset by all kinds of arcane nuances confounded by confusion, with currents and counter-currents permeated with political cabals and machinations. But if we break down the arguments on both sides to their constituent essences, and seek out the fundamental values at issue, we will succeed in simplifying the issues without being overly simplistic.

The heart of the matter is, to my mind, this: which should prevail—the wholeness of Torah or the unity of the people? The Right holds that we must maintain the hegemony of Torah even at the expense of the oneness of Israel. The Left believes we must strive to effect the unity of Israel even if it means chipping away at the Halakha.

The conflict, as we have formulated it, is not completely a new one. According to the Gemara, “Moses and Aaron are the archetypes of these two differing attitudes: Moses would say, let the law prevail over all else; Aaron, however, loved peace and pursued

peace, and made peace among people.”¹ Moses symbolized the preeminence of law and principle, Aaron—that of peace and unity. Another Talmudic work, the *Tanna de’vei Eliyahu*, maintains that in a contest between the love for Israel and the love for Torah, the former, prevails. In the Middle Ages, R. Saadia Gaon declared that, “our people is a people only by virtue of the Torah,” while R. Yehuda Halevi considered Israel as the constant, unchangeable pole, the element without which Torah could not and would not have been given.

How, then, shall we decide our current issue? Which should predominate: the integrity of the Halakha or the unity of *Kelal Yisrael*? Do we insist upon a halakhic conversion with all its accumulated stringencies in order to keep it whole beyond challenge, even if we thereby alienate whole sections of American Jewry and hundreds of thousands of non-Jewish Russian immigrants to Israel? Or do we embrace all comers, within reason, even if that means compromising the essential Halakha?

My answer is clear: *In our present situation, we dare not ask such a question, because it is a prematurely forced and therefore false dichotomy!* When the Nazis were bored by ordinary torture of Jews and wanted to reach the zenith of sadism, they resorted to psychological torture. So, for instance, they told a man that he would have to choose between having his father killed or his mother killed, and that if he refused to choose, both would be murdered. To force us to choose between our love for Torah and our love for Israel is a cruel, inhuman demand. Granted, under extreme and dreadful conditions, we may conceivably have to decide which to choose and which to abandon. But to ponder the question and choose sides for imminent application before every single solution has been examined and tested, is an act of gargantuan irresponsibility.

The presumption that the two values are locked in mortal combat is an abstraction that in the context of our own particular and peculiar predicament is utterly misleading. We *can* and we *must* hold on to both elements for dear life. No Jew may cavalierly despair of and abandon thousands upon thousands of his fellow Jews. And no Jew has the right to dispense with the integrity of the Halakha, the source of our spiritual and communal existence and the only guarantee that we and generations after us will remain Jewish.

Moreover, the problem is formulated in a way that assumes that Torah has no special place for the wholeness of *Kelal Yisrael*. But that is not so. When our ancestors left Egypt on the way to Sinai and the Revelation, we read (Exodus 19:1): “On this day they came to the wilderness of Sinai.”² Rashi comments: Should not Scripture have said “that day,” not “this day?” Why “this day?” To teach us that the words of Torah should appear new to us as if they were given this very day.³

¹ סנהדרין דף ר' ע"א: משה היה אומר יקוב הדין את ההר, אבל אהרן אוהב שלום ורודף שלום, ומשים שלום בין אדם לחבירו

² ביום הזה באו מדבר סיני

³ לא היה צריך לכתוב אלא ביום ההוא, מהו ביום הזה? שיהיו דברי תורה חדשים בעיניך כאילו היום ניתנו

Now, that is a beautiful sentiment, but there is an inaccuracy or anachronism lurking in the background. The Gerer Rebbe (author of *Sefat Emet*) asks: how can those two words apply to “the words of Torah” when the Torah was not yet given, for it would only be revealed several days later? In answering his own question, he points to the very next verse: “And there Israel (singular) encamped before the mount”.⁴ Why the switch in number from plural to singular? Rashi here records the answer: Israel arrived at the mountain *ke'ish echad be'lev echad*, united as one person with one heart beating for all. The approach to Revelation was one of transcendental unity, a togetherness not known before or after. And here the Gerer Rebbe adds: *this very fact of utter Jewish unity—this in itself is an aspect of “Torah!”* The experience of *ke'ish echad be'lev echad* is not merely a psychological or sociological phenomenon; it is a spiritual value that in itself constitutes Torah, the Author of which is known by the name of *Shalom* (Peace), for that too is a Name of God. And since that is Torah, it is no longer an anachronism to say that “the words of Torah should appear new to us as if they were given this very day.” Hence, if we recognize that the unity of *Kelal Yisrael* is a fundamental of Torah, that it has the value of Halakha, then we will not pose it as an antagonist of Torah.

Attitude to the Non-Orthodox—and to Ourselves

Before we go further on this theme, it is important to confirm the fundamental attitude that marks our community in its attitude towards our non-Orthodox brethren—and to ourselves. And permit me to do so in the form of an insight I garnered from a recent publication of a manuscript in which the “Netziv” (R. Naftali Zvi Yehuda Berlin) quotes his predecessor, R. Isaac of Volozhin who, in turn, cites his father, R. Hayyim of Volozhin.

The second of the Ten Plagues that were visited upon Egypt was that of frogs. We read that Aaron stretched out his hand over the waters of Egypt *va-taal ha-tzefardeia*—literally, “the frog came up” (Exodus 8:2). Here again we chance upon a case where the Torah surprisingly uses the singular rather than the plural. Rashi comments: “Should it not be written, “the frogs came up? [The answer is that] there indeed was one frog, but they beat it and [as a result] it sprouted long streams of frogs.”⁵ Upon which R. Isaac comments that had they but *spoken* to the frog instead of striking it, it would have remained alone, but once they came to strife and blows against it, it produced swarms of frogs over the land. He continues, “So it is with regard to the struggle against the new sects and movements that have arisen in Israel (referring to the Haskalah movement): we ought conduct ourselves as our Master R. Hayyim taught us—never to follow the path of strife and open warfare, for the very confrontation gives strength to the opposition.”⁶

Everyone, it seems, is in an attack mode. Everyone wants to beat up on someone else. Every argument is extravagant—and loud. And the more we allow ourselves to descend into open confrontation, the more do we strengthen the opposition.

⁴ ויחן שם ישראל נגד ההא,

⁵ צפרדע אחת היתה והיו מכין אותה והיא מתזת נחילים נחילים

⁶ כמו כן במאבק נגד כתות ותנועות חדשות הקמות בישראל (=ההשכלה), יש לנהוג כפי שהורה מרן הגר”ח (מוולוז'ין) שלא ללכת בדרך של תגרה ומלחמה גלויה, באשר עצם ההתנצחות מביאה להתחזקות של הצד שכנגד

We must not be drawn into such shouting matches. We must, of course, remain firm in the battle of ideas, but never react with the kind of snide sneers and intemperate charges that have characterized our polemics for too long. Let us talk before we strike—lest all of us be overwhelmed by a plague of the equivalent of a swarm of ugly reptiles...

Equally and even more important is how we view ourselves. It is about time that we grew up and achieved a degree of self-confidence in what we are and what we stand for. Let us stop fidgeting and hemming and hawing and let us say outright: we are fully committed to Torah; we unquestionably abide by Halakha; we cherish and strive to observe every mitzvah; we have deep respect for our *Gedolei Torah*, our eminent Torah personalities. At the same time, we hold that Torah Umadda is a principle and not a concession. We do not believe that our Orthodoxy requires of us to seal off our minds from the worlds of science and the best of contemporary culture. We affirm that *Medinat Yisrael* has special significance for us and is not the same as any other polity. And the welfare of all *Kelal Yisrael* is of major concern to us--and we do not advocate a narrow definition of the term *Kelal Yisrael*. Let us say these things with pride and, equally, without arrogance or apology.

If we stand for moderation it is not because, like little children, we are afraid of loud noises. We do not take the Mishnah's teaching, "Be moderate in judgment" (*Avot* 1:1)⁷, as a rule of etiquette for those aspiring to higher-class delicacy. It is, for us, a norm of judicial conduct that obligates every Jew and especially every *ben Torah*. Hence, while our manner of expression and quality of relationship is moderate, our basic commitment allows no softness, no yielding on principle for the sake of good fellowship. On the contrary, it is our firmness of conviction that allows us to be moderate and dignified towards those with whom we disagree on fundamentals. We should not by any means minimize our differences with the non-Orthodox. The fact that we prefer civility to shouting does not mean we should mute our profound unhappiness at some of the outrageous "innovations" they have visited upon us in recent years, from patrilinealism to same-sex marriages. A Polish poet, writing about the Shoah, wrote, "I would want to keep silent, but my silence would tell a lie." That kind of silence is not for us.

For those of faltering faith in this, our vision of *Yiddishkeit*, let me recall for you those whom we regard as our predecessors, those who inspire us and in whose reflected light we flourish: the Rambam (Maimonides); the Maharal; Rav Reines; Rav Kook; Rav Hirsch and Rav Hildesheimer; Rav Herzog; the Rav (our teacher, R. Joseph B. Soloveitchik), may the memory of the righteous be a blessing for us. It is their teachings that inform our *Weltanschauung*, in one way or another. And these are only a few of those whom we regard as our ideological ancestors, regardless of the marginal differences among these staunchly independent thinkers who were both sages and saints. They are our teachers and our guides.

And let us not be distracted and discouraged by opposition, even or especially when such opposition is not in the realm of thought and ideas, but is expressed with

⁷ הוּוּ מַתְוִיִּים בְּדִין

hostility and contempt and hatred—perhaps especially when their antagonism is formulated in the most scurrilous personal terms. Don't forget that the Rambam's *Guide for the Perplexed* was burnt on the altar of a Dominican church by the equivalent of today's militant zealots. Such opposition would never bother the Rambam—who wrote that he'd rather please one intelligent person even if it means displeasing ten thousand ignoramuses (*Guide*, ed. Pines, p. 16). Rav Kook was vilified mercilessly, and to this day a *sefer* that is *kulo kodesh*, totally non-objectionable, if published by Mosad Harav Kook, will not be permitted into certain yeshivot—not all of them, of course—simply because of the blot and stain of being associated with his name. And the Rav: need we be reminded of the shameful way he was treated by some of the very people who repeat his creative *hiddushim*—in their own names? So, we are in good company if we suffer from similar assaults.

The Halakhic Contribution to Unity

Let us now return to the problem of unity and, especially, to its halakhic dimension.

The Rambam (Laws of Shabbat, 2:3), in discussing the *halakha* that the preservation of life takes precedence over Shabbat, says: "Hence you learn that the laws of the Torah are not [meant to be] a source of *nekamah*, revenge, upon the world, but of compassion and kindness and peace in the world."⁸

Let us be open about it. It is easy enough to remain pat and unmoved, ignore the real needs of ordinary men and women, dismiss the consequences of halakhic decisions--and thus unintentionally prove that Halakha is indeed a form of *nekamah* against man.

But it should be clear that the alternative to such rigidity is not to play fast and loose with the Halakha. There are no "quick fixes" in the Halakha. The halakhic method works by precedent and proof, by citing sources and consulting colleagues. "Quickie" solutions—even if well-intentioned and for noble purposes--can become the quicksand of reputations, and should be studiously avoided. *Gedolei Torah* throughout the generations most certainly were sensitive to the needs of individuals and responded to them not *despite* but *through* the Halakha, and in accordance with its time-tested methods. And their decisions were not filtered through the lens of the media...

What we must demonstrate in our times is precisely this: that authentic Halakha is not an angry, wrathful, vindictive, malevolent, system; that the Torah is not out to make life unbearable for us; that, on the contrary, properly interpreted and understood, it is the source of our life and our guarantee of peace—"Its ways are ways of pleasantness and all its paths are peace" (Proverbs 3:17).⁹

⁸ הא למדת שאין משפטי התורה נקמה בעולם אלא רחמים וחסד ושלוש בעולם

⁹ דרכיה דרכי נועם וכל נתיבותיה שלום

Yet we are constantly criticized and told that Halakha is inadequate to deal with our stormy, complex age because of the stand-pat policy of our *posekim* and their lack of concern for the social consequences of their decisions. But that is simply not true. Thus, allow me to share with you the essence of a *teshuvah* from one of the greatest of all halakhists, R. Yaakov Reischer of late 17th century Prague, in his work of Responsa, the *Shevut Yaakov* (III:110). I offer it not for its own specifics—certainly, this is neither the place nor the time for a detailed halakhic analysis of a practical problem—but as an example of the halakhic method and as a *symbol* and *paradigm* for our times.

In certain cases where a man drowned in the ocean over a year earlier, and there is a question of ascertaining his death, the law is that the wife may not remarry, but if she did, she need not divorce the second husband. In other words, before the fact (*le'chatkhila*), she is considered married but after the fact (*bi'diavad*), if she remarried, we do not consider the second marriage adulterous and the progeny illegitimate. Now if the woman comes before us and we decide she is forbidden to marry, she will remain an *agunah*, chained to a missing husband, probably forever. Is there any way to release her from her *agunah* status and let her live a normal life? The *Shevut Yaakov* decided in her favor, based upon solid sources and the exercise of brilliance plus enormous courage. His reasoning? He cites the principle, known to and used by halakhic decisors, that whatever is permitted only *bi'diavad* is permitted even *le'chatkhila* in the case of an emergency or great need (*shaat ha-dechak*). But does not every case of *agunah* qualify as a situation of great need? It depends, he replies. If the woman is elderly, has and expects no suitors, her situation is not to be considered a *shaat ha-dechak*. But if she was young and had reasonably good opportunities to start life anew by accepting a marriage proposal and, as may often happen, if we do not grant her the right to remarry she may leave the fold altogether, then her case should be considered as a *shaat ha-dechak*, and she should be permitted to marry *le'chatkhila*.¹⁰

This is the way true giants (*gedolim*) have acted throughout the ages. Anyone acquainted with the efforts by authentic *posekim* to ameliorate *agunah* problems recognizes their search for legitimate solutions. And so must we do today in the social-national realm. By analogy, we are nationally--throughout the world--in a state of *shaat ha-dechak*, of true emergency and distress. If we refrain from the equivalent of treating the *bi'diavad* as a *le'chatkhila*, or making bold use of other halakhic remedies, we will bear the responsibility of, Heaven forbid, an irreparable breach in the unity of Israel for generations without end. We will push masses of Jews to leave the fold, just as the *Shevut Yaakov* feared. In effect, there will be two parts of the people of Israel who will treat each other as a permanent *agunah*—outwardly indistinguishable from each

¹⁰ כל מה שמותר בדיעבד מתירין בשעת הדחק אפילו לכתחלה ואין מקום לבעל דין לחלוק ולומר הלא כל עגונה דאיתתא מקרי שעת הדחק ואפ"ה אסרו חכמים משאל"ס לכתחלה, אי משום הא לא תברא כלל דודאי חילוק ידענו כמבואר להדיא (בספר חלקת מחוקק... ובתשובת מ"ב שכתבו) ח"ל כי גם בעיגון אין כל העגונות שוות כי אשה זקנה שאין רדופה לינשא אין צריך להקל לסמוך על דברי היחיד, ובפרט היכי שמצפין על עדות אחרים שיבואו עוד בזמן קרוב אשר תוכל להנשא על פיהם. ולפעמים היכי שעגונה ילדה ורדופה להנשא יש לחוש פן תצא לתרבות רע, ואם לא ניקל כדברי היחיד אין תרופה לעגון שלה ע"י עדות אחרים, זה מקרי שעת הדחק עכ"ל א"כ בנדון שלפנינו שהיא עגונה רפה בשנים ואין תקוה לעדות אחרים יש לסמוך להתייר לכתחלה ואין לפקפק על התיירא דא

other, yet unable to marry each other--forever...and therefore in a perpetual state of alienation, hostility, and hatred.

So, Orthodox leadership must consider yielding on the *le'chatkhila* in order to preserve the primacy of both the Halakha and the integrity of *Kelal Yisrael* which, as we said earlier, is itself a value of Torah. At the same time, we must drive and drive hard to demand from the non-Orthodox that they do no less than we in sacrificing for *Kelal Yisrael* by yielding on their clerical autonomy, denominational equality, or institutional pride, and abandon those radical changes, such as patrilinealism, that have impeded any chance for national reconciliation --all for the sake of future interrelations of our people.

When such remedies are available to us, we must recognize the critical *shaat ha-dechak* nature of our times and act accordingly—both responsibly and courageously.

It is in this sense that I congratulate the Orthodox Union for its forthright support of the recommendations of the Ne'eman Commission by recognizing the *shaat ha-dechak* nature of our times, by expressing its concern of the unity of *Kelal Yisrael*, and by affirming the inviolability of the Halakha.

We often recite and take comfort from the extremely important reassurance by the prophet Jeremiah (51:5) that *lo alman Yisrael*, "Israel is not widowed"—and indeed they are consoling words; we will not be abandoned by the Almighty, and we will always have leaders who will guide us properly.

But that is a task for the Almighty Himself; *our* task, the enormous burden that rests on *our* shoulders especially in this crucial *shaat ha-dechak* period of Jewish history, is not only to proclaim *lo alman Yisrael*, but also to declare and realize and emphasize with equal vigor and determination the promise that *we* make: *lo agunah Yisrael*, we will not allow Israel to become a national *agunah* —and there is little doubt that the state of *agunah* may even be worse than that of widowhood!

We must not permit the dogmatists and exclusionists to preach that unity is not desirable. And we must not allow the cynics and the self-proclaimed realists to tell us that unity never existed and hence never will. Our Sages told us that the *tefillin* of the Almighty proclaim the unity of Israel, that inscribed in them are the words, "who is like unto Your people Israel, one nation upon the earth"¹¹ — --and we should not "possel" or disqualify the *tefillin* of the Almighty!

¹¹ מי כעמך ישראל גוי אחד בארץ

Conclusion

With clear-eyed vision, with hearts dedicated to the Master of the World, with back-bones to act courageously despite criticism and in defiance of the professional nay-sayers, and with stiff-necked insistence that we will not falter in advancing simultaneously the unity of *Kelal Yisrael* and the integrity of the Torah of Israel, we may turn to the Master of the World and pray for His divine aid in our efforts to advance His cause in the world, in the words of the daily *Amidah*:

“Bless us, our Father, all of us together, *as if* we were one.”¹²

Even though we suffer sharp differences with each other and sometimes act like enemies instead of family; notwithstanding our impatience with and impertinence towards each other; and despite our occasional outbursts of temper and use of intemperate language; bless us *ke'echad*, to act *as if* we were one, united in a common destiny, living with each other like brothers and sisters who may have radically different points of view but yet recognizing that we are related by blood and by fate, and—yes! —with friendship and fraternity and peace—and even with love.

For there can be no greater blessing than this.

¹² ברכנו אבינו כולנו כאחד