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Rabbi Emanuel Rackman z'l
A Critical Appreciation

The passing of Rabbi Emanuel Rackman, o.b.m., on December 1, 2008 was noted in an impressive number of publications, so that by now the major details of his life are well known. For this occasion, I do not want to repeat what is already known; I prefer to make a few evaluative remarks about the man and his *oeuvre*. An exhaustive biography must wait sufficient time to grant better perspective on the man. Those interested in some of the vital details of his life-story will find the most informative biography so far in *Modern Judaism* (April 2008.) by Yeshiva College alumnus, Dr. David Singer of the American Jewish Committee. *Caveat Lector*: like every biography, it has its own prejudices and emphases.

Rabbi Rackman held almost every leadership position available to a Modern Orthodox rabbi, and yet he was provocative and was considered an "Orthodox maverick." His literary output was admirable—two volumes of collective essays and writing a column for the *New York Jewish Week* for many years. It matters little whether one agreed or disagreed with him; he was a formidable and perceptive opponent who could prove to be very gracious to the very people who disputed him and even who insulted him in the process.

His courage must be admired even by those who rejected his theology. A graduate of Columbia Law School, with an additional Ph.D. in Public Law, he entered the military in 1943. He was called to active duty eight years later. To his dismay, he discovered that the McCarthy atmosphere in American politics had caused his security clearance to be revoked. Reason: he opposed the death penalty for the Rosenbergs and participated in a number of other left wing social and political groups or activities.

He was also cordial and gracious. When I was appointed Editor of *Tradition*, I invited Rabbi Rackman to write for the very first issue in 1958, and he gracefully accepted although he had no guarantee that this journalistic endeavor had any chance of survival. But he believed in the idea and trusted those who took a chance despite their youth (of course, here I refer to myself...).

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He served Yeshiva in a number of capacities, most notably as the Provost of Yeshiva University. In addition to his academic roles, he had achieved fame as the rabbi of two of New York's most distinguished Orthodox synagogues—Shaare Tefilah in Far Rockaway and, later, the Fifth Avenue Synagogue in Manhattan. He capped his career as the President of Bar Ilan University in Israel.

Mendy Rackman (as he was known to his colleagues) was very much in favor of cooperation amongst the "denominations," which was enough to lead some suspicious colleagues to question his Orthodox credentials. Thus, he served as President both of the RCA and the New York Board of Rabbis—a combination which is all but unthinkable today... Indeed, he had no use for "denominations": the only true distinction was religious—not political or social. If you observed the maximum of *mitsvot* available today, you were "Orthodox." Less than that—you were "Conservative." If you observed the bare minimum, you were "Reform." (I sometimes wish that we had accepted that definition which ignored theology...)

Rabbi Rackman was one of the most talented, fearless, and intelligent leaders of the Jewish community, especially the Orthodox community, for the better part of the 20th century. His leadership was not only institutional or political (in the best sense of the word), but was also based upon ideals and ideas, many of them quite original. One need not exaggerate Rabbi Rackman's superb talents and broad achievements, as did one of the speakers at his funeral who assumed the authority to acclaim him a *gadol*. This was an unnecessary embellishment upon a man whose achievements did not require extravagance in order to grant him his place of honor in the American Jewish history of our times.

In the course of his colorful and illustrious career, there are certain issues that stand out in assessing the range and effect of his leadership. He was one of the first people to bring to the attention of the public the Soviet persecution of the Jewish communities. While some distinguished rabbinical figures counseled a "sha-sha" approach, believing that public demonstrations would only anger the Soviets more and make life more difficult for the Refuseniks, Rackman was one of the first to come out in favor of open opposition to the Soviet authorities. His policy proved to be correct.

He earnestly believed that the role of women in Judaism and in the Jewish community had to be made as dignified as possible. His moral sense was outraged by the abuse of halakha by husbands who refuse to grant a *get* to their wives because of greed or sheer intransigence. The problem had tormented Orthodox Jewish leadership for many years, and until quite recently very little was done for them. One of the finest

examples of what could and was done was the pre-nuptial document, composed by one of the RIETS Rebbeim and promoted very strongly by the Orthodox Caucus founded by Yeshiva University people. Rabbi Rackman evinced genuine empathy for these "living widows" and was impatient with the slow grinding of the mills of halakha, and he demanded that something more effective and concrete be done to alleviate their misery.

He was by all means an "Orthodox Jewish liberal," and he did not (as many others indeed did) regard that as a contradiction in terms. His liberalism was both humanistic and Jewish. By the latter I mean that he tried and partially succeeded in basing his liberalism on legitimate Jewish sources, especially Halakha. For instance, he emphasized the multivalent quality of Halakha, which he usually referred to as characterized by "antinomies" in its judgments. He often considered these "antinomies" as being in dialectic tension with each other. (This term should not be confused with "antinomianism.") This allowed him to regard his innovations as legitimate interpretations of halakha by choosing that one interpretation which most reflected his own thought as to what was more honorable and in line with human dignity.

Because of his sophistication and outspokenness, Rabbi Rackman frequently attracted equal amounts of fame and disagreement. While he was quite outspoken in advancing his ideas, I do not recall at any time that he allowed these differences with others to degenerate into personal abuse of any kind. He was too much of a gentleman for that.

He never allowed himself to be bullied by hotheads; they usually failed to frighten him and to engage him in controversy. But when he was opposed by authentic scholars, especially people whom he considered *talmidei hakhamim,* he held his own ground to the best of his ability without ever reacting with abuse or disrespect.

He was painfully aware of the defects of Orthodox Jewish education, and he tried valiantly to emphasize ethical living and moral character, in addition to the profound study and analysis of Talmudic texts. One would be hard pressed to maintain that moral and ethical considerations have no real place in Jewish religious education. In some sense, therefore, the Rackman position is self-evident and should be accepted without hesitation. However, his opponents, often while admiring his courage and even agreeing partially with his analyses and emphases, nevertheless felt that he had gone beyond the limits of a responsible Orthodox leader. The formal texts which constitute the canon of the Jewish tradition are duties imposed upon individuals and groups and, as is true of every system of law, are obligatory and not optional. They

result in clear and concise decisions, unlike the reliance on one's subjective and instinctive feelings in deciding what is moral or ethical and what value should be assigned to them. These philosophic-moralistic considerations should be taken into account or at least mentioned, but should not be given priority over the *shakla ve-taria* (give and take) of halakhic dialogue in the course of reaching a final decision.

It was this question that applied to the Rackman efforts in relieving the plight of the *agunot*. It was his genuine compassion for the *agunot* that led him to misapply and misinterpret key elements of halakha. Thus, Rabbi Soloveitchik ("The Rav") publicly berated him in 1975 at the annual convention of the RCA and was to an extent responsible for his failure to achieve any further promotion in communal office that might have been in store for him. Yet Rabbi Rackman acted respectfully to the Rav, who was seven years his senior, "but not by sacrificing the autonomy of my soul. I dare to differ with him—and still do to this day."

But it was this powerful opposition by the Rav, combined with certain other considerations, that shattered Rackman's dream to succeed the late Dr. Belkin as the next President of Yeshiva University, and which led Rabbi Rackman to turn to Israel as the President, and later Chancellor, of Bar Ilan University. These factors should not be overlooked in writing the history of those stormy days when the destiny of Y.U. was being determined.

While I personally admired the motivation of his efforts on behalf of the *agunot,* I was dismayed by his latest move—essentially a continuation of his position years earlier—namely, the establishment of the grandiloquently named "Rabbi Emanuel Rackman-Agunah International Beit Din L'inyanei Agunot." As a student of the Rav, I learned from him never to allow one's reason and logic to be overwhelmed by someone's great reputation (a legacy of his eminent ancestor, R. Hayyim of Volozhin.) I therefore studied the situation and would not have automatically supported my Rebbe's broadsides if I disagreed with him. But much as I held Mendy in genuine esteem, I found too many weaknesses in his argument, some startling, especially in his public actions. The people he entrusted with this new Beit Din patently were not of the level that such innovation in halakha required. The approach he innovated was to annul the marriage of the couple, thus no divorce was needed. But this was agonizingly irresponsible for a man of Rackman's stature, for many reasons. One was that in making it so easy to break up a marriage, trivialities can knowingly or unknowingly be disguised as serious *agunah* situations. With the relatively easy availability of an annulment, all genuine outside help—whether by rabbis or professional counselors—may be rejected in

unspoken reliance on an annulment. In a word, it makes marriage itself casual and unserious. If one were to accept fully the Rackman "solution," it would mean that the number that had so far been "released" from unhappy marriages, would increase many times over so that there would be no reason for the whole institution of divorce, because one could easily obtain his or her freedom by applying to the Bet Din for an annulment, often when *casus belli* can prove to be frivolous. Much as that would be helpful to the few *agunot*, it would be tragically destructive to Jewish home life for many decades to come.

By making divorce superfluous, you paradoxically make marriage itself unstable and even unnecessary, as it is always accompanied by the silent prospect of an annulment at the first sign of marital discord. The marital bonds are not strong enough in our times to bear the pressure of this additional burden. No wonder that the overwhelming number of Modern Orthodox Rabbis—let alone Haredi Rabbis—will not recognize such annulments, leading to horrific consequences.

Why, I often wonder, did Rabbi Rackman, a bright man of high intellect and balanced judgment, end his career with what he had to know was a foredoomed plan, especially since four years earlier—in 1992—he had publicly announced that he would not act unilaterally to annul marriages? I have pondered his conduct not only out of curiosity, but also as a younger friend, colleague, and admirer who very much wanted to understand him. My tentative conclusion is basically psychological: that Mendy Rackman, towards the end of his long and distinguished career—he was then in his mid eighties—felt that one of the causes dearest to his compassionate heart, namely, the "liberation" of the *agunot* from the pain visited upon them by recalcitrant husbands, was eluding him. No one—no Rabbi—could summon the compassion and courage sufficiently to find or frame a halakhic solution to relieve them from their anguish. This, then, would be his last great battle on behalf of these disenfranchised women about whom no one else seemed to care as much. He would not or could not disappoint those ethically sensitive fellow Jews who saw him as their great champion. He did not see any way that he could wait for a solution unless the Orthodox rabbinate would move less slowly and with greater courage.

But the older Rackman grew, the weaker was his ability to devise a practical and halakhically acceptable means for the deliverance of *agunot* from their "living widowhood," and the shorter grew the time available for him to start on this sacred task and see it through to a successful conclusion.

When Rabbi Rackman realized that he was not making sufficient progress in obtaining halakhic approval for a practical solution to the *agunah* problem, he took a dramatic step in establishing the aforementioned "Rabbi Emanuel Rackman-Agunah International *Beit Din L'inyanei Agunot.*"

The result was this unfortunate and untimely idea that was to prove an embarrassing failure. Despite Rackman's fulminations against "fundamentalists," the opposition to him was not by a bunch of narrow-minded bigots, but (in addition to them) by rabbis and scholars who felt compassion for the suffering *agunot,* but equally responsible for the destiny of the Halakha to which they had committed their careers and lives.

The most painful result was already hinted at above: that a number of women easily received permission to remarry without a *get,* because their marriages had been "annulled" by members of the Rackman Bet Din. These unfortunate women then found no or almost no legitimate Orthodox Rabbi who would then remarry them. The Rabbinic community simply did not give any credibility to the "annulled" wives.

But Rabbi Rackman apparently felt that he *deserved* to succeed in what might be called his *milhemet mitsva,* his "holy war." *Kohelet* (4:1) said, "I considered the tears of the oppressed...they had no comforter; power was on the side of their oppressors...but they had no comforter." *(Dim'at ha-ashukim ve-ein lahem menahem u-mi-yad oshkeihem koah ve-ein lahem menahem*). He, Emanuel Rackman, whose Hebrew name was *Menahem*, was going to be the *menahem*, the "comforter of the powerless" and friend to the friendless *agunot.*

What a magnificent dream! And what a tragic failure...

Despite my strong feeling that he was too radical and insufficiently careful about the consequences of his innovation, I personally always made sure that he was treated by his opponents with the same dignity and courtesy that he exhibited towards them. I recall sitting in the breakfast room of the King David Hotel in Jerusalem, just the two of us pleasantly "schmoozing" about many issues. Suddenly, a middle-aged man came to the table uninvited and made some nasty remarks that were caustic and highly insulting to Rabbi Rackman. I put my hand on Rackman's hand as if to stay him and I directed my remarks to the intruder. They were not, nor were they meant to be, friendly comments. I reproached him quite strongly for having the *hutspah* to speak with such contempt to a man who had done so much for Judaism and Jews in his long and fruitful career, so that if one disagrees with him, no matter how strongly, it must be done with *derekh erets.* The man walked away muttering some half-baked

apology, and Rabbi Rackman, always the gentleman, simply dismissed the whole incident and our conversation continued on its course.

In sum, Rabbi Rackman cut a dramatic figure who over seventy-eighty years of activity developed into a prominent rabbi, Jewish thinker, communal leader, beloved Rabbi, and social activist, whose rush to beat the inexorable deadline of advancing age led him to be undone by the calendar. Despite his many controversies, he always remained the consummate, elegant gentleman. I personally experienced the remarkable courtesy of this stellar personality. There was a time when he and I were rivals for a certain position, and although he did not emerge the victor, he never expressed a single word of resentment or diminution of our friendship that, while never intimate, was always close and respectful.

The Rabbis taught that no one dies having fulfilled even half of his ambitions (see *Kohelet R.*, ch.11). That statement applies to all of us. If only Rabbi Rackman had heeded it he would have spared himself the profound disappointment that came to him in his old age.

Agree or disagree with one point or another, we remember him and his achievements with profound appreciation, and view his passing with poignant sadness. He was singular and irreplaceable.

Would that there be more Mendy Rackmans! *Yehi zikhro Barukh.*