

## Pluralism and Unity in the Orthodox Jewish Community

For many years we have been discussing the problem of unity in our ever more heterogenous Jewish community, beset by religious, political, and social tensions. For reasons that will become apparent, it is no simple matter to relate directly all that has been said about the larger Jewish community to the Orthodox community and its inner dynamics.

The question of diversity within Orthodoxy theoretically admits of three different solutions.

a) "*Anything Goes*." This is the position of maximum inclusiveness, one which makes up in liberalism what it forfeits in discipline. Essentially, it opts for the freedom for self-definition of what and who is a bona fide Orthodox Jew. As a voluntary community, anyone may enter as freely as anyone may leave it. There are no objective standards for "membership," nor should there be any. The claim to be an Orthodox Jew is self-validating.

I do not advocate this position and I know very few who do, and shall therefore not refer to it any further.

b) "*Only One Way*." Unity, a great desideratum, is defined as uniformity. It is asserted that Halacha, by definition, has one answer to every question — the halachic answer. Hence, diversity is essentially inimical to Orthodoxy. This view, which makes up in consistency for what it lacks in communal conscience, is the working assumption of a large part of the Orthodox community. Because of its espousal of homogeneity, it naturally leads to the establishment of clear lines of authority, since there must be some arbiters to enforce uniformity and settle disputes.

c) *A dialectic of discipline and diversity, a finite pluralism.*

Because I accept the third approach, let me elaborate upon it by citing an interpretation by Rav Kook, the first Chief Rabbi of what was then Palestine, of the talmudic passage (Beraishis 64a) that "scholars of the Torah increase peace in the world."

There are those who, in their quest for peace and harmony, are impatient with scholars. The latter, in exercising their autonomous intelligence, usually come to different conclusions from each other. This leads to disputes, controversies, and arguments, and is thus inhospitable to peace.

But this is a fallacy. *Shalom* really means not uniformity, a monotonous or monochromatic condition, but the harmony of a complex of elements in which each retains its own singularity and cherishes its differentness. Even if some seem superfluous

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or mutually exclusive, they contribute to the whole. Like a physical building, the structure of peace requires a variety of different parts with disparate functions. This, and not sameness, is the essence of *shalom*, peace. Hence, "Scholars of the Torah increase peace in the world." (v. *Olat Re'iyah*, I, 330-331 in greater detail.) This accords with the general holism or harmonistic philosophy characteristic of Rav Kook which derives, in large measure, from his Kabbalistic background.

What we have here is a homiletical exposition of pluralism and unity in the Orthodox Jewish community (as well as in society at large). It is a rejection of the idea that Halacha is unequivocal and univocal in its decisions. It affirms both the complexity and hence the dynamism in Halacha — and, by extension, of meta-halachic or philosophic judgments. Under the proper conditions, all can coexist within one framework, even if occasionally the differences amongst them appear to be mutually exclusive.

My approach to the problem, then, is to proceed from an examination of the nature of halachic decisions, and then to draw the consequences for our social-communal problem. Because we are dealing with a community that has, as its distinctive feature, the commitment to Halacha, I believe this method is valid.

Is, then, Halacha monistic or pluralistic? Does it give one and only one solution to every problem, such that all other answers are false; or does it permit a multiplicity of valid answers?

Time does not permit me to elaborate on this in great detail. I shall only make a few brief remarks and refer those who may be interested in a more extensive analysis to my article in the forthcoming issue (the first ever) of the *Cardozo Law Review*.

Essentially, there are some medieval Talmudists (*Rishonim*) who incline to a monistic view of Halacha; there is only one correct decision, and the laws of the Halacha are intrinsic and ontological. The author of the Chinnuch and Rav Yehuda Halevi may be included in this group.

A far larger number of *Rishonim*, however, hold a pluralistic view of Halacha: it is possible to have more than a single valid solution; "halachic truth" is not necessarily identical with absolute divine truth; and Halacha is therefore extrinsic and existential. The *locus classicus* for this view is a well known Talmudic passage , which relates that the Sages can, by majority vote, establish a halachah against the "divine voice." Similarly, Rav held that membership in the Sanhedrin required of a candidate to demonstrate in 150 different ways that a *sheretz* — a "crawling thing" which is explicitly considered "unclean" in the Torah — is clean or pure. This implies more than intellectual agility, but an awareness of the nominalist character of the Halacha, and its basic pluralism. Later authority for such a point of view includes such luminaries as Reb Shlomo Luria,



Reb Aryeh Cohen (author of *Ketzos ha-Choshen*), and our own Rabbi Moshe Feinstein. This is a form of legal positivism that has a long chain of support by a majority of talmudic sages throughout the ages.

The essential pluralism in the very heart of Halacha is reflected in the realm of theology. One need not indulge in demonstrative knowledgeability to prove that there existed, all throughout Jewish history, a large variety of philosophical attitudes about whom Jewish history itself proclaimed, "both these and these are the words of the living G-d." The thought-patterns, as well as life styles, of Sephardim and Ashkenazim, the Kabbalists and the philosophers, Hasidim and Mitnagdim, all showed a rich diversity at the same time that they were linked in an unquestioned unity. The two — unity and diversity — are obviously not mutually exclusive terms, even though there were those contemporaries to these differences who may have considered them as such.

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With this background, I now move back to our own arena, that of our present-day Orthodox Jewish community.

A pluralistic yet unified Orthodox Jewish community is one in which all its members, personal and institutional, accept Torah, especially in its halachic commitment, and yet respect each other's singularity and differences in interpretation and style. It means that the halachic principle predominates, and yet one may be Agudah or Mizrachi; Satmar or Skver or Lubavitch; Lakewood Yeshiva or Yeshivat Hesder or Yeshiva University; Hasid or Mitnaged or Hirschian or Kookian. It means that a sense of mutual respect, tolerance, and friendship must prevail — without blurring differences or diluting strongly held views.

Unfortunately, such a communal Paradise does not exist. Maybe by the nature of things it cannot and has not ever existed as fully as I described it. I am pleased that, to some extent, a microcosm of such a viable pluralistic community exists at the school which I head. While the majority of students may incline in one direction, there is a commendable openness to competing points of view and styles and manners. But I fear that with Orthodoxy's well-publicized move to the Right — which I hail, admire, and applaud insofar as it presages more thorough study, greater commitment to piety, and more punctilious observance of both ritual and ethical laws — there have emerged concomitant phenomena that are negative and disturbing and even destructive. The pressure for a monolithic Orthodox community is greater than ever. And it is not healthy.

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I hesitate to engage in a recitation of the instances of bigotry and shallow-mindedness that afflict us. We all know of them either by hearing about them or by actually experiencing them — and our heart aches. Little self-contained clumps of self-

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righteous super-piety come into being, each specializing in condemning and attacking some phantasmagoric heretic: those who celebrate Yom Ha'atzma'ut; those who build an Eruv in Manhattan or Brooklyn or wherever; those who may not eat "glatt" meat or drink *Halav Yisrael*; and certainly, those who take anything but a grudging attitude to higher secular education. There are even those who have set themselves up as censors of the *Rishonim*: Ibn Ezra is non-Kosher; Seforno usually unacceptable; Maimonides - sometimes good, often dangerous; Abarbanel - usable, except where he may corrupt young, innocent minds!

I refuse to accept that such totalitarian, authoritarian narrowness is the proper way of Torah, the Torah "whose ways are the ways of pleasantness." I refuse to accept the proposition that piety can flourish only in closed minds, and that Judaism, to be authentic, must be intolerant. Were that true, then we should have to concede that the late Professor Arnold Toynbee was right in his fulminations against Judaism.

But I do not believe any of us is ready to make such concessions. More devoutness — certainly; more bigotry — certainly not. Aggressiveness — yes; offensiveness — no.

As we keep on reading people out of the Orthodox community, we will weaken it to the point of destruction. No one is immune from this — not the Rabbinical Council of America or Yeshiva University; not the Iggud Harabbanim or Agudas Harabbanim; not Lubavitch or Lakewood; not even Satmar. This constant constriction of the community is clearly catastrophic. It is like peeling an onion — you discard layer after layer until you are left with nothing. After you exclude those who are pro-secular education and pro-Israel and pro-Eruv and pro-Agudah, and even pro-Satmar — what is left?

However, I would not want my words to be construed as an appeal for the kind of pluralism which would benefit only one end of the religious spectrum. Not so. We must never underestimate the significance and value of those to the right or the left of us, no matter where we stand as individuals. Before we condemn and read out of the camp anyone to our Left, or denigrate anyone to our Right as fanatic, remember that the same appellation and process can be applied to us by those on either side of us.

However, we must yet answer one basic question with regard to my major thesis, that a pluralistic Orthodox community, embracing both the principles of unity and diversity, is possible. The question is: How? What is to determine who is within and who is without the pale? How can we prevent a tolerant attitude from deteriorating into a spineless indiscipline whereby legitimacy is conferred upon people or groups simply by the act of self-definition as Orthodox? Unless plural-



ism is misconstrued as chaos, as simple lack of structure, we must seek some principle of selection by which to establish communal coherence.

In response, I urge that we not identify *issues*, but rather *process*. Precedent for this is the view of Raavad (Rav Abraham Ibn Daud) in his critique of Maimonides (Code, *Hilchos Teshuvah*, ch. 3). When the latter classifies as a *Min* (heretic) the corporealist, the former comments that *gedolim ve'tovim mimenu* ("greater and better than he") subscribed to the view that the Creator possesses physical attributes. This has always been a troublesome passage, for obvious reasons: Even Maimonides' severest critic can hardly be expected to indulge in such hostile hyperbole as to consider primitive corporealists "greater and better than he!" Many have attempted to soften the blow. The *Hazon Ish* emends *mimenu* to read *me'amenu*, "from our people." Rav Meir Simhah of Dvinsk translates *mimenu* as "from amongst us" rather than as "than him." The head of Jews' College in London, Rabbi Nachum Rabinowitch, has discovered a manuscript in which the offending word *mimenu* is missing.

But a completely different version of the Raavad's gloss is cited in the *Ikkarim* of Rav Joseph Albo. And it is that methodological principle which I would like to apply to our theme.

According to this version of the Raavad, the term *Min* is germane to one who arrives at his heterodox conclusion by appealing to sources outside of Torah. If one is influenced by Greek philosophy or paganism or Gnosticism or Christianity or whatever, and accepts that view over and against a clearly enunciated view of Torah, that indeed is halachically definable as heresy. But if one is led to his erroneous conclusion by his interpretation of Scripture, by having misread a verse or misinterpreted a passage of the Talmud, such a person may be in error, but he may by no means be condemned as a heretic and he may not be excluded from the community of the House of Israel. The issue *per se* is secondary to the process.

I submit that this principle may be used to determine the parameters of a pluralistic Orthodox Jewish community.

If one were to seek to advance an anti-halachic position, and legitimate it by invoking either science or psychology or the *Zeitgeist*, such a person is, in this open and democratic society, free to advocate his position. But he is not morally at liberty to claim membership in the Orthodox Jewish community, those loyal to the tradition in its wholeness. But if there are those who validate their positions by appealing to the sacred sources of the Torah tradition, then no matter how much we may disagree with the conclusions we have no moral right to exclude such persons from the community of Halachic Jewry.

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This is not, of course, a fool-proof method; what is? But it is, I believe, a valuable means of containing the unity-diversity tension and of establishing what constitutes a proper pluralistic Orthodox community.

For a variety of reasons, it is those associated with Yeshiva University, Rabbinical Council of America, the Orthodox Union, and similar organizations, who have most often been the targets for those whose vision of the community is much more restrictive and monistic. We know full well that we will not gain acceptability by defensiveness or self-denigration. We must have the courage of our convictions, the moral strength to proclaim our point of view with integrity, secure in the knowledge that we represent at least one of the "seventy facets of Torah," no less valid or legitimate than the other sixty-nine. Without this self-confidence, we are bound to fade away, and with it will disappear any hope for a rational, dedicated, vital, pluralistic Orthodoxy.

The Secretary of Transportation, Brock Adams, recently exhorted the auto-moguls of Detroit, "re-invent the automobile!" If we want the kind of society I have described, we must, in a manner of speaking, "re-invent" the Orthodox Jewish community — and if not the community, then at least our relationship to it.

We must be articulate, firm, and cogent in advancing our own views and perceptions as Orthodox Jews — whether they concern our relationship with Israel, with the academic world, with the wider Jewish community, with society at large. We must not be intimidated. But we shall have to proceed, above all, by affording the same courtesy to others that we demand for ourselves, by practicing what we preach, at the same time that we assert our view rigorously. Without in the least yielding, we must answer calumny with kindness, denunciation with decorousness, denigration with dignity. "The soft answer turneth away wrath," as Proverbs taught.

I do not think that this is a pollyanish dream. There are cores of sane, clear, broad-minded outlook in the rest of the community. If we persist in the manner I suggested, we will encourage them. I was most heartened by a recent (May 23) JTA report that one of our eminent *Gedolim*, Rabbi Yaakov Kaminetzky, enunciated essentially the same position that I have been advocating: that "we must respect our differences with each other"; that "Orthodoxy is not a monolith"; and that "diversity is the strength of Orthodoxy." I fully subscribe to his remarks that "our efficacy lies in our unity under the Torah," and that "the various shades of our backgrounds and our life-styles are only as meaningful as is our allegiance to Torah." That this policy was proclaimed in an address at a convention of Agudath Israel is a salutary sign.

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It is not too late to begin. For if we cannot learn to respect each other, and our differences, within the Orthodox community, how can we expect to do so within the larger Jewish community? And if we Jews, such a tiny minority of mankind, cannot achieve a modicum of harmony, what hope is there for mankind?