

DEFINING DISSOCIATION

by Nahum Lamm

(Vol. 36, No. 27)

Translated by E. I. K.

The bitter debate evoked in American Orthodox circles by the suggestion of the president of the Rabbinical Council of America, at its Atlantic City convention to withdraw from the Synagogue Council and the New York Board of Rabbis has not yet abated. Members of the Council will deal with this difficult question at its forthcoming annual conclave in Washington. I am confident that they will consider all the important questions on the agenda that demand clarification both from the practical implications of separation as it affects American Jewry as well as all expressions of previous Jewish thought pro and con joint activity with non Orthodox institutions.

This article will not probe the core of this complicated subject, nor will it offer unsolicited counsel. Which path the writer of these lines, a member of the Rabbinical Council, treads is of no concern. He will merely analyse one argument that is widely marshaled: "Do not dissociate yourself from the community." It appears that all major Jewish questions can be resolved by this statement as though it were a political slogan or a magic formula.

Leading Reform and Conservative spokesmen were the first ones to place the question of withdrawal in the category of "dissociation from the community." One Reform rabbi envisioned a dark fate for Orthodoxy: "Its lot will be that of the Karaites." And this because they cut themselves off from the community. Many have chastized Orthodoxy with the rod of their wisdom and proclaimed the imminent danger to K'lal Yisrael, and particularly the Orthodox themselves because of their "dissociation". I hear the sound of shouting, but I do not know whether it is the shout of strength or of weakness. On the other side, the argument from the Rabbinical Council podium in Atlantic City proclaims that "they" separated first by breaching the wall of traditional Judaism. However, this argument is hardly valid, for the problem does not hinge upon chronology. What

difference does it make who started the separation? The fact is that times have changed. We must consider the situation as it stands today. Let us, therefore, examine how Judaism, and particularly Halacha, defines dissociation from the community.

This law is rehearsed many times in the Talmud. In "Ethics of the Fathers" the statement occurs twice: Chapter two in Hillel's name and chapter four in the name of Rabbi Tzadok. With reference to Hillel's statement Abarbanel comments: "... However, one should cleave to the majority and do as they according to the Torah." Other commentators share this view. Maimonides, in this connection, writes: "We have explained in Chapter four that there is no need to part from the community except in a case of corruption as we have clarified there." And "there" we find the following: "However, what certain pietists have done periodically . . . was done only as a therapeutic measure, as we have indicated, and also as a result of the corruption of political figures when they find that they become tainted by their company and their evil activities, to a point of concern that the pietists themselves might become corrupted because of them . . . as the prophet Jeremiah said 'Would that I found lodging in the wilderness I would leave my people and part from them, for they are all adulterers, an assembly of mockers.'" Thus, the ban on dissociation and the obligation of association are not independent concepts. Association is mandatory only when the community conducts itself "according to the Torah," and dissociation from the community becomes justified "as a result of corruption."

We also find in the Talmud and in the works of Maimonides and other early commentators two distinct, non-interchangeable expressions of this thought: "Dissociation from the community" and "dissociation from the ways of the community." Thus, for example, in the Talmudic volume Ta'anith 11a: "The Rabbis taught, 'At a time when Israel finds itself in dire straits and someone dissociates from the community, two ministering angels that escort man appear and place their hands on his head and say: That one who has dissociated himself from the community will not witness the community's consolation.'" In contrast, we discover in Sanhedrin 47a: "Rabbi Sh'maiah taught: 'One might conclude that even in a case where his parents dissociated themselves from the ways of the community he should render himself unclean (in the case of a priest,

whether or not he should become defiled through contact with the dead body of his father who, when alive, dissociated himself from the ways of the community)'. It is written: 'In his people', that is, when he acts in accordance with his people's acts (that is, this father, through his dissociation, did not act as an Israelite and the son is therefore forbidden to defile himself)." "So too in the tractate S'machot, Chapter 2: 'There should be no relationship with anyone who dissociates himself from the ways of the community (that is, no contact with his body when he dies, no mourning over him) . . . One may drink and rejoice that an enemy of the Lord has been destroyed, as it is said, 'For I shall despise your enemies, O Lord, etc.'" "So too Maimonides in Hilchot T'shuvah (chapter 4) includes the person who "dissociates himself from the community" among the five categories before whom the gates of repentance are closed, while in Hilchot T'shuvah (chapter 3) he writes: "The person who dissociates himself from the ways of the community . . . has no share in the world to come."

What is the distinction between "dissociation from the community" and "dissociation from the ways of the community?" "Dissociation from the community" refers to the community as it is, "ways of the community" refers to the historic character of the community, the ideal community that treads the path hewn out by its seers and prophets, as is said: "In all they ways know Him and He will make straight your path" (Proverbs 3,6), "For straight are God's ways and the righteous go in them while the wicked stumble upon them" (Hosea 14,10).

Ultimately, these two terms are based on a precise definition of the word "community" itself. According to one definition of this term, community is the actual, present day group. Jeremy Bentham wrote: "The community is as imaginary body comprised of individual people regarded as its limbs. In what then does the good of the community consist? — The sum total of the goods of the individuals who comprise it".⁽¹⁾ This is a nominalistic definition. The Rabbis referred to this kind of community when they said: "We make no decree upon the community unless the majority can abide by it."⁽²⁾ On the other hand there is another, more inclusive definition. The community, according to Walter Lippman, is the chain of generations of individuals,

1. Jeremy Bentham, "The Principles of Morals and Legislation," Ch. 1 Sec. IV
2. Avodah Zarah, 36a.

"generations linked by diverse people . . . a partnership of not only contemporaries but of those who are gone and those destined to be born."³ The Rabbis alluded to this in their statement: "There can be no death for a community and communities do not die."⁴ This is the eternal community, K'nesset Yisrael that includes all generations and personalities, the community that stood on Mount Sinai and heard from the All-Powerful: Ye shall be unto Me a kingdom of priests and a holy nation, the community that bethrothed itself to the Holy One Blessed Be He in righteousness and justice, in kindness and in mercy, and in faithfulness through the eternally irrefragable covenant. The ways of this supra-historic community are the ways of God who chose it and gave it the Torah whose ways are ways of pleasantness."

The quotation cited above from the tractate Ta'anith deals with a case of sharing the anguish of the community in crisis, that is, a person who dissociates from the present, existent community. Therefore, two ministering angels state: "That one who has dissociated himself from the community will not witness the community's consolation." So, too, the accompanying legend about Moses in the Amalekite War attests. The meaning of such dissociation is separation from the physical community only. So also Maimonides (Hilchot T'shuvah, Ch. 4): "He who dissociated from the community (are the gates of repentance closed), for when he repents he will no longer be with them, etc." He refers to separation from the physical community — "He will not be with them." This is the intent of the Rabbis wherever they use the term dissociation "from the community." However, he who dissociates "from the ways of the community" does not convey separation from the physical community. Such a person denies fundamentals and rejects the covenant. This person is called "an enemy of the Lord" and his punishment is harsh, as we have seen from the tractate S'machot, mentioned above. Rashi comments on the statement in Sanhedrin, cited previously, "similar to an apostate." In other words, anyone who denies the Torah, who negates the intimate and eternal relationship between Israel and its god "dissociates from the ways of the community" and cuts himself off from the religious supra-historic community.

3. Walter Lippman, *The Public Philosophy*, p. 25.

4. Horavoth, 6a.

It should be noted, however, that Maimonides apparently divides the "dissociator from the ways of the community" into two categories: "All who dissociate from the ways of the community. Namely, people who have discarded the yoke of commandments and are not included in the totality of Israel through the performance of 'Mitzvot', honoring the festivals, and attending synagogues and houses of study, but rather regard themselves as independently self-sufficient, so also apostates and slanderers, over none of these do we mourn . . . for the enemies of the Lord have been destroyed and the verse 'Lo, your enemies, O Lord, I shall despise' alludes to them."⁵ Here we have two kinds of "dissociators from the ways of the community": apostates and slanderers, conscious, premeditated deniers of the principles of the faith, whom the Rabbis intended by their biting statements in the tractates S'machot and Sanhedrin, "enemies of the Lord," and "he who does not act in accordance with his people's acts." This is a specific category. The first part of the statement discusses a relative category that embraces both definitions of "community," that is, where there is no denial of fundamentals and yet is not a question of physical separation only. It refers to those who do not practise the minimal performance of 'Mitzvot' accepted by the majority of the community. Note carefully the language of Maimonides: "Are not included in the community of Israel through the performance of 'Mitzvot'", limiting "community" in this case to performance of commandments. And further: "Honoring the festivals" — not observing the ban on labor or zealotry in the fulfillment of all the important commandments relating to the festivals, but merely "honoring", the absolute minimum that even the most marginal observe. So too "attending synagogues and houses of study" — not study or prayer, concepts that form the cornerstone of Judaism, but "attendance." In modern terminology this means "Membership" in a synagogue, a "supporter" of a Jewish educational institution, a "visitor" at the synagogue thrice yearly. A person who does not adhere to these minimal norms is characterized as a "dissociator from the ways of the community" even though he may not deny fundamental principles or disavow identification with the Jew-

5. Chapter 1 of the *Laws of Mourning* (Ayvel). Note the Kesef Mishna who states that the categories mentioned after "so also" are included as "dissociators from the ways of the community."

ish community in other ways. We conclude that dissociation "from the ways" of the community has both an absolute and a relative connotation. Maimonides referred to the latter definition in the third chapter of Hilchot T'shuva where he combined communal dissociation with religious dissociation (to which he alluded when he wrote that he who dissociates from the community the gates of repentance are closed, for communal separation will result in religious dissociation). Such persons have no share in the world to come. It is a case of measure for measure: He cut himself off from the community's history and will, therefore, be cut off from its destiny! . . .

Indeed, all of us must guard community welfare, that is, the community as it is, and seek the general good despite diversity of opinion. We are all sons of Israel and in this critical period facing the entire people no one wants to increase strife for the sake of strife. Love of Israel and concern for "K'lal Yisrael" are not the private provinces of special groups. However, there is another community as well, the eternal community, supra-historic and historic simultaneously, that endures in "its ways". Our ancestors who remained loyal to this community in the days of the Second Commonwealth were also characterized as "Pharisees" by their opponents and were accused of creating a "sect". History, however, has vindicated them.

To conclude: I wish to reemphasize the fact that I do not desire to justify any specific group within the rabbinical organizations. This article merely intends to obviate the argument of "dissociation" that is voiced on the other side. If, however, we want to consider the central issue we must earnestly evaluate the vastly significant specifics, such as, the classic Jewish approach to the kaleidoscopic questions of the American Jewish community, the future of the entire people, and above all, the future of Torah, and whether dissociation under present circumstances operates for its benefit or its harm. Personally, I would say: Do not be brash in answering, deliberation is vital at the moment. The world rests enduringly on three things — not alone on truth and justice . . . [peace]

