

CENTER FOR MODERN TORAH LEADERSHIP

Center for Modern Torah Leadership



חרות ואחריות

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"Taking Responsibility for Torah"

THE CHALLENGE OF UNEXPECTED KINDNESS: TORAH AND THE AMERICAN JEWISH EXPERIENCE

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Seven years ago, I began my dvar Torah for Parshat Miketz as follows:

Unexpected kindness can be as challenging to a worldview as unexpected cruelty. The Jewish experience of America is accordingly a profound challenge to any theology grounded on the inevitability of Christian anti-Semitism – הלכה עשו שונא את יעקב.

Seven years later, this sentence may seem a little naïve. Pittsburgh and Poway have chipped away at our sense of security in America. Jews on the political left are unsettled by antisemitism on the right, and Jews on the right are unsettled by antisemitism on the left, and each has a case.

Yet Deborah Klapper makes a point that is also worth noting. In the United States, essentially all government agencies at every level are genuinely opposed to anti-Semitic violence and prepared to back that opposition up with all the force at the government's disposal. In doing so, these agencies are unquestionably expressing the democratic will of the American people. With regard to anti-Semitism, we still live in among the best of times, and in among the best of places.

What has properly changed is our increased awareness that this condition is fragile, and that its continuation cannot be taken for granted.

There are many necessary and proper ways of honoring that awareness. A central religious response must be ensuring that we are worthy of its continuation.

Seven years ago, I continued:

Our experience of America challenges us to consider, perhaps more deeply than ever before, the moral challenges of sharing power with, and therefore having genuine power over, people and communities whose characters and social behavior we respect and admire, but whose religious lives and beliefs contrast sharply with our halakhic and theological standards.

In addition to our sense that such people and communities inherently deserve our human engagement, it feels base and hypocritical to demand respect for our religious commitments if we are unwilling to reciprocate.

Yet reciprocity is not a reliable conduit to truth. It would be ironic if our response to being religiously respected was to make our religion unworthy of respect, by reducing its commitments and sensibilities to politico/theological bargaining chips.

Lord Sacks wrote The Dignity of Difference to respond to these challenges. The book has weaknesses, but I nonetheless place it in the very top echelon of contributions to Jewish thought since WWII.

Rabbi Sacks' organizing metaphor is the narrative of the Tower of Babel. He argues that G-d wanted the people to scatter so as to generate multiplicity and diversity. A love of diversity entails a love of particularity, and Hashem drummed home that message by specifically revealing Himself to one human being, Abraham, and establishing a special relationship with his family. Judaism therefore from its inception argued that we must make space for those who are different from us.

Here is a relevant excerpt from the book.

There are indeed moral universals – the Hebrew Bible calls them “the Covenant with Noah” and they form the basis of modern codes of human rights. But they exist to create space for cultural and religious difference; the sanctity of human life, the dignity of the human person, and the freedom we need to be true to ourselves while being a blessing to others.

I will argue that the proposition at the heart of monotheism is not what it has traditionally been taken to be: one G-d, therefore one faith, one truth, one way. To the contrary, it is that unity creates diversity. The glory of the created world is its astonishing multiplicity; the thousands of languages spoken by mankind, the hundreds of faiths, the proliferation of cultures, the sheer variety of the imaginative expressions of the human spirit, in most of which, if we listen carefully, we will hear the voice of G-d telling us something we need to know. That is what I mean by the dignity of difference...

Tribalism denies rights to the outsider. Universalism grants rights if and only if the outsider conforms, assimilates, and thus ceases to be an outsider. Tribalism turns the concept of a chosen people into that of a master-race. Universalism turns the truth of a single culture into the measure of humanity... The critical test of any order is: Does it make space for otherness? Does it acknowledge the dignity of difference?

Rabbi Sacks argues that the Noachide Commandments are the standard for admission to Jewish Universalism. I'm not convinced that this is correct. It's not obvious to me that the boundaries of deep engagement with nonJews in our day should be set by whether they eat the flesh of live animals, or even whether they worship images.

I suggest as an alternative a dialectical model of pluralism, modeled on many of the Rav's theological moves. We may need most to engage precisely with those whom we disagree with most sharply. So we need to find a model of engagement that does not inhibit our capacity to oppose, and assure our engagees that we recognize and legitimate the possibility that engagement will only intensify our disagreements. If we value difference, it follows that the greater the difference, the more value. But the greatest differences are of course also those that we must most strongly oppose.

Sometimes absolute victory is necessary – “the one who comes to kill you, arise and kill him first.” Chanukah is an excellent reminder of that. Within the American polity as well, we have the obligation to advocate as strongly as we can for our vision of moral truth.

But what I suggest is that we should be hesitant about winning, that we should recognize that something of irretrievable value is lost whenever a position triumphs absolutely. This may be the rationale behind the rabbinic construction of a death penalty (absolute victory over conflicting visions of value) that is never enforced (recognition of the value of conflicting visions of value).

This December 25th, I led an all-day Yom Iyyun examining the halakhic category of Ger Toshav. One impetus for that effort was to see whether the halakhah in fact can be read as Rabbi Sacks wants it to be read, as opening space for genuinely respectful difference. A thumbnail summary is that it may be possible, but that such a reading is certainly not the current default. Maimonides in his halakhic writings prima facie rejects it completely. Because he was the only rishon to treat the issue comprehensively, there is a natural tendency to regard his formulations as dispositive. But should this be so? Much work is needed to tease out the implications of other rishonim, and the statements by acharonim, that might reduce Maimonides' role to the (immense) dimensions it has in other areas of halakhah.

Moreover: much of Maimonides' overall presentation seems predicated on his position that becoming a “ger toshav” requires formally committing to observance of the Seven Noachide Commandments in front of a beit din, and that a beit din would agree to witness that commitment only when conditions permit the Yovel year to come into effect. Such conditions, such as having the majority of the Jewish people living in Israel and settled by tribe, have not been in place for millennia. He thus banished the ger toshav to the hypothetical realm.

But Maimonides is adopting an apparent minority Tannaitic position, and one with a very weak Biblical grounding. What would it take to decide the halakhah against him? What weight should be given to Biblical interpreters, such as Malbim, who implicitly reject his position?

In Laws of Kings 8:11, Maimonides apparently writes that only the nonJew who becomes a ger toshav by accepting the Seven Noachide Commandments earns a place in the World to Come. Regardless of whether that should be the behavioral standard (and leaving aside his requirement that the acceptance be on the basis of Mosaic Revelation rather than intellectual decision), does it make sense to say that a nonJew can earn the World to Come only when Jews can declare the Yovel?

These are the sorts of questions that CMTL thinks are crucial. We think the answers matter as well, and not just what they are, but how solidly and honestly they are rooted in Torah.

If you agree with us that Torah can and must be humane, compassionate, responsive, and yet profoundly rigorous; if you believe that Modern Orthodox Jews can and must live integrated religious lives that infuse the entirety of their being and incorporate everything they value, without surrendering their capacity to offer authentic Torah critiques of all the societies in which they participate; then I believe CMTL is a wise investment for you, and welcome your partnership. I thank all of you who have contributed financially to CMTL's past successes, and to sharing our Torah. Please consider making a significant donation this year. Please feel free to ask us about naming and sponsorship opportunities as well.

We've also officially opened recruitment for SBM 2020. If you think yourself a strong candidate for SBM, or wish to recommend others, please be in touch with us as soon as possible.

Shabbat shalom, chodesh toy, veChanukah sameiach!

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