

The Summer Beit Midrash

“Taking Responsibility for Torah”

www.summerbeitmidrash.org

10 Allen Court

Somerville, MA 02143

617-623-8173

“At the end of the SBM program, each fellow writes a responsum based on the material we learned together. Some years they emerge with widely divergent readings of the texts studied; this year, as you will see, something like a consensus emerged in that regard. Nonetheless, each student wrote a responsum unique both in reasoning and result, and the results were positioned all along a very broad spectrum. In the lively discussion that ensued, each student realized that this diversity did not in any way reflect arbitrariness, but rather that each of their positions was reasonable and halakhically legitimate. Imagine if the entire Orthodox community had such an experience!

Diverse rulings can emerge from uniform interpretations because each *posek* or *poseket* legitimately brings their whole personality and soul to the process of *psak*. This insight is utterly crucial if there is ever to be a viable, compelling, and comprehensive Modern Orthodox halakhic tradition and culture. Halakhic decisors may not distort or falsify texts to support their values or sociological and scientific evaluations, but those values and evaluations should consciously play a significant role in weighing authority. Modern Orthodox halakhah can emerge only from *poskim* who are confident that Modern Orthodox values should influence *psak*, just as *charedi* halakhah emerges from *poskim* who seek to spread *charedi* values and embody them in Torah. At the same time, both *poskim* and community must be aware that not all values have legal outlets in all times, and that a conflict between law and values should necessitate a rethinking of both.”

SBM 2004 RESPONSA

The Case

Jewish and Christian supporters of Israel have agreed to hold a joint rally in support of Israel. The rally is being organized and supported by clergy, and the terms were hammered out by a committee of ministers and non-Orthodox rabbis. The ministers agreed not to mention Jesus by name in the prayers they will offer at the rally, after extensive discussion and some expressions of real pain, but they insisted that a gospel choir be permitted to perform “Amazing Grace” near the end of the program, and such a performance is accordingly scheduled. The president of the local AIPAC chapter, an Orthodox Jew, has been asked to emcee the rally. He asks as follows:

- 1) Am I permitted to attend the rally?
- 2) Am I permitted to encourage fellow Jews to attend?
- 3) If permitted to attend, do we need to leave before the choral performance?
- 4) Am I permitted to call the ministers up to offer prayers and the choir to sing?

Dear Friends and Supporters:

This past summer's program, our seventh, marked a giant step forward for our efforts. This pamphlet will introduce you to the work of our amazing 5764 Fellows. All were originally written in Hebrew, and have been translated by me to make them more broadly accessible. But I'd like first to take a few moments to reflect on the SBM's overall accomplishments and progress this past summer. At the end of this letter I'll tell you where we're going as well.

This summer we accepted women as Fellows for the first time. While woman had always been welcome to attend all lectures, bringing them into our learning community as full members was an important step toward making women full members of the general halakhic conversation, and I'm pleased to report the integration went smoothly. Our host communities of Sharon, Cambridge and Lexington were excited by and supportive of this transition..

Guest faculty this summer included Dr. Jon Levenson of Harvard Divinity School, Rabbi Dr. Meir Sender of the Young Israel of Sharon and Brandeis University, and Drs. Ruth Langer and Phil Cunningham of the Center for Christian-Jewish Learning at Boston College. Dr. Charles Donahue of Harvard Law School and Dr. Jacob Meskin of Hebrew College were unable to make their scheduled lectures, but we look forward to their participation in future years. Each of our visitors was highly impressed by our fellows and the entire Summer Beit Midrash program. We are gratified by our continuing capacity to attract such distinguished scholars and grateful to them for their time.

At the end of the SBM program, each fellow writes a responsum based on the material we learned together. Some years they emerge with widely divergent readings of the texts studied; this year, as you will see, something like a consensus emerged in that regard. Nonetheless, each student wrote a responsum unique both in reasoning and result, and the results were positioned all along a very broad spectrum. In the lively discussion that ensued, each student realized that this diversity did not in any way reflect arbitrariness, but rather that each of their positions was reasonable and halakhically legitimate. Imagine if the entire Orthodox community had such an experience!

Diverse rulings can emerge from uniform interpretations because each *posek* or *poseket* legitimately brings their whole personality and soul to the process of *psak*. This insight is utterly crucial if there is ever to be a viable, compelling, and comprehensive Modern Orthodox halakhic tradition and culture. Halakhic decisors may not distort or falsify texts to support their values or sociological and scientific evaluations, but those values and evaluations should consciously play a significant role in weighing authority.

Modern Orthodox halakhah can emerge only from *poskim* who are confident that Modern Orthodox values should influence *psak*, just as *charedi* halakhah emerges from *poskim* who seek to spread *charedi* values and embody them in Torah. At the same time, both *poskim* and community must be aware that not all values have legal outlets in all times, and that a conflict between law and values should necessitate a rethinking of both.

SBM 5764's astonishing success this past summer inspired us to launch the **Rabbi Azriel Hildesheimer Center for Modern Torah Leadership**, a year-round institute with a wide variety of programs. The Hildesheimer Institute will have at its core a semester-long full-time fellowship for university and rabbinic students. This fellowship will integrate the study of halakhic and philosophic texts with leadership development, building on the innovative methods pioneered by the Summer Beit Midrash. Hildesheimer Fellows will produce responsa on contemporary issues, as well as codes and policy statements, and will analyze and internalize the different aspects of leadership implicit within each genre. They will be taught by a wide variety of distinguished academic and rabbinic faculty. The Hildesheimer Center will also offer shorter programs for university students at all levels of Jewish knowledge and observance, as well as conferences for faculty which will integrate Jewish tradition with a wide variety of academic fields, especially in the liberal arts.

The success of these ambitious projects depends on the success of an equally ambitious development effort. If you believe Modern Orthodox halakhah matters, please consider sponsoring a Hildesheimer Institute Fellow (\$20,000) or SBM Fellow (\$5000). Major naming opportunities are available as well. Of course, all help and support is greatly appreciated. I invite you to email me at SBM5765@aol.com or call me at 617-623-8173.

B'virkat haTorah,

Rabbi Aryeh Klapper

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Fellow Responsum #1

Question:

Jewish and non-Orthodox leaders have already agreed to organize a joint demonstration for Israel. The Christians agreed not to mention the name of Jesus in their prayers, but insisted on having Amazing Grace sung by a gospel choir. Is it permitted to attend the demonstration? Is it permitted to emcee the event?

Answer:

The initial issue is the character of the Christian religion, and whether it is permitted to organize a demonstration together with them under any circumstances. The status of the religion in terms of the halakhic category “avodah zarah” is unclear, as there is a dispute among both the rishonim and the acharonim as to whether their faith and worship is halakhically licit for non-Jews. But certainly most commentators and decisors, rishonim and acharonim alike, agree that Christianity is certainly avodah zarah for Jews, with the argument being only to non-Jews.

Among the rishonim, Maimonides writes explicitly that Christianity is absolute avodah zarah, even for non-Jews. The position of the Tosafists is very tangled. It is generally held that the Tosafists, particularly the Ri and possibly also Rabbeinu Tam, considered Christian belief to be “the partnering of the Name of Heaven with something else”, and that as Noachides (i.e. non-Jews) are not forbidden to engage in such partnering, Christian belief and worship is permitted for non-Jews, and it is permitted for Jews to cause them to actively express that belief or engage in such worship. However, this judgement is not evidently true. It seems to me from the words of Tosafot to Bekhorot 2a and Sanhedrin 63b that their comments are limited to the case of oath-taking, i.e. partnering the Name of Heaven with something else while taking an oath. The halakhic context would not be the prohibitions against idolatrous worship but rather the prohibition “Let them not be heard as a result of you”, which would be understood as “let them not be heard as the exclusive guarantors of an oath as a result of you. Several great acharonim, including Shaar Efraim, Noda B’Yehudah, Meil Tzedakah, Olat Tamid, and Chazon Ish, understood Tosafot in this fashion. Some of them also interpreted Ramo, who cites Tosafot, the same way. But there are also those, including Shach and Seder Mishnah, who read Tosafot broadly, as referring to all prohibitions associated with Christian faith. But according to either reading of Tosafot, Jews holding Christian beliefs are violating avodah zarah prohibitions. Even Meiri, who assigns Noachides “bound by the ways of religion” (which presumptively includes Christians) a status equivalent to Jews for several legal purposes, in my humble opinion believes that they are nonetheless worshipers of avodah zarah. See also Rav Y. H. Henkin, who writes (Responsa Bnai Banim 35) that Christians are worshipers of avodah zarah and nonetheless applies the position of Meiri to them). In summary, it seems to me that Christianity diminishes by adding, to the point that it is considered avodah zarah.

Once we accept that Christianity taken on its own is avodah zarah, it seems clear to me that one should not initiate a joint demonstration such as the one in question. But as it has already been organized, there seem to be several matters that tend toward permitting attendance. First, a demonstration is not innately religious but rather political. Its purpose is to encourage the

administration to support and assist the State of Israel, which is the beginning of the flowering of our redemption. Such assistance and support is very necessary, not only for the state, but for all the Jews who live there. Furthermore, since the demonstration has already been organized, the principle of “mipnei darkhei shalom”, “because of the ways of peace”, may be relevant here both with regard to the non-Jews and to the Jews from non-Orthodox groups, or even if one does not accept that, the principle of “mishum eivah”, “lest we cause hatred”, may be relevant and permit or even mandate Orthodox attendance, and also such hatred would diminish the influence of the demonstration.

None of these arguments would suffice for me so long as the Jews and Christians are gathering in a formally religious fashion. But here, even though their priest will pray several prayers, the point of the gathering is not a religiously relevant purpose, but rather the political situation in our land, and the manner in which our state is perceived in our surroundings. Even though they desire to include several prayers in the schedule of the day, and this raises doubts, there is no necessity to be stringent, for several reasons.

- 1) They have already agreed not to mention any term for divinity, such as “Lord” or “God”. Therefore, there is no prohibition here of “Let them not be heard because of you”, which applies only when they use the name of their god, as Meil Tzedakah writes: “But descriptions (of an avodah zarah) which apply to all divinities, even the Creator of heaven and earth, are not within the prohibition of “Let them not be heard” if their intent is for their avodah zarah, and it is also possible that their intent is for the true Creator of heaven and earth rather than for their avodah zarah”. One can further say that this would not be “because of you”, as they have already helped organize the demonstration.
- 2) Although we have already determined that Christianity is Avodah Zarah, it is not clear that the non-Jews involved here are deeply attached to their avodah zarah beliefs, and further more there are Christian groups whose beliefs are not Avodah Zarah. See Rav Henkin’s citation in Bnei Banim 35 of Rabbeinu Yerucham’s description of the non-Jews of his time as “not deeply attached to Avodah Zarah”, and the Raavan spoke about this as well, and Rav Henkin sees in him grounds for distinguishing among the various churches. As in our case they will not worship in the problematic ways they worship in church (icons, Mass, Eucharist, etc.) and will not mention the name of their god, there is no necessity to be stringent and not attend their demonstration. Rather, it is good and appropriate for all of us to go with clear speech shoulder-to-shoulder to strengthen the standing of Israel.

With regard to the second matter here, the singing of Amazing Grace, the issues are again very tangled. We will begin by discussing relevant rabbinic precedents. In the footsteps of Bayit Chadash, most decisors forbid singing or using tunes that are (formally) set aside for avodah zarah, certainly when together with the words that were written for avodah zarah. Kerakh Shel Romi (1) was lenient in this regard only with regard to tunes that humble the hearts of those who listen to them, and only with Latin lyrics, so that they could not influence Jews toward Trinitarianism, as they could not understand the lyrics. The implication is that one may not use them if one understands the words, as they may influence one toward trinitarianism! R. Ovadyah Yosef (Yabia Omer 6:OC:7) allows using the tunes for prayer, without discussing our case at all, but warns (Yabia Omer 2:YD:11) “Even where it would cause hatred one may not permit something that is ancillary to avodah zarah”. R. Moshe

Feinstein is stringent and forbids all songs and tunes that Christians use in their churches, and even forbids listening to them on the radio. He does allow certain tunes that are known not to have been written for worship, although not for religious purposes, but (Igrot Mosheh YD:2:56) “such tunes are presumptively written for worship and forbidden without evidence to the contrary”. He also writes (YD:2:111) “if the lyrics praise the “vanity” (=avodah zarah) it is forbidden even if their intent is not for Avodah Zarah. It is true that Rav Henkin (Bnei Banim 35) permits listening to Christian music on the radio occasionally, but this too is only if one does not understand the language. He too forbids deriving benefit from “music of avodah zarah”, whether the singers are Christian or Jewish. It seems this is for two reasons:

- 1) lest one have intention for the avodah zarah one is deriving benefit from
- 2) that one is giving honor and glory to avodah zarah, which is a desecration of the Name.

Rav Aviner also permitted learning music for practical purposes only if no word relevant to avodah zarah would be mentioned.

Now that we have established the positions of the decisors with regard to avodah zarah songs, let us see how analogous our case is. The song Amazing Grace does not mention Jesus, God, Lord* or any name that even hints at avodah zarah, but the basis of the song is the concept of “grace”, which we, who are deeply attached to our religion, do not completely understand. The concept is unique to Christianity and dependant on their god, and thus, the concept on which the song is built is set aside for Christianity, and thus the concept is connected to avodah zarah and the behavior of their god who is not our God. This applies only to the lyrics of the song – but since they mention matters of avodah zarah, they would be forbidden by Kerakh Shel Romi, Rav Moshe, Rav Henkin, and Rav Aviner. Even if one were to say that the song is not set aside and formally attached to avodah zarah, since they do not regularly use it as formal liturgy in their churches, one cannot deny that it mentions avodah zarah. Even the tune alone, without the lyrics, is so known and engrained within us in connection to Christianity, that to permit listening to the song in this fashion, where it is difficult to say that one will not derive benefit from it, is impossible. Furthermore, all this is public, and gives honor and glory to their religion.

Accordingly, it seems to me that if you wish to emcee the demonstration, that this would be halakhically permitted only until the end of the demonstration, but at the end, when they wish to sing, you should say that you and all the Jews are grateful to them, and sincerely obliged to them for supporting the State of the Land of Israel, but with regard to religious matters we cannot participate jointly. It seems to me that the halakhah here should be established following Rav Ovadiah Yosef, that even when it would cause hatred one cannot permit things ancillary to avodah zarah. Therefore, in my opinion you should not accept the role of emcee, which would make the matter known, and my wish is for you to be as quiet as possible and arrange for someone else to be chosen. I hope to thereby increase the strengthening of the Land of Israel our state without doing injury to the principles of our religion and without desecrating the Name of God by accepting other religions that contradict our religion. As the song is not religiously generic, as one could perhaps say about their prayers at this demonstration, and the song is likely to bring about a “religious experience”, the demonstration is no longer a political event and is becoming religious, and one should not agree to Christians and Jews joining.

Fortunate is one who waits and will reach those days; if he tarries, wait for him, for he will indeed come and not tarry. Toward a complete redemption,

Fellow Responsum #2

It is well-known that there are numerous prohibitions connected with avodah zarah, in addition to actually worshiping idols Heaven forbid. Our human obligations do not override a prohibition against giving honor to their worship. In our case we therefore must judge whether Christianity is Avodah Zarah prior to discussing any specific prohibitions. If we determine that Christianity is not Avodah Zarah, it would be difficult to forbid participating in this demonstration, particularly as it has the exalted purpose of supporting the State of Israel.

Anyone with eyes in his or her head knows that today there is much wisdom and knowledge among the Christians. Furthermore, with regard to the participants in this demonstration, many are Protestants who do not bow to images, and even though they believe in the divinity of Jesus, they hold that as of now the Divinity has no body, and that he rewards and punishes. See the exposition of Meiri's position in Bnei Banim 35. As a result they are not worshipers of avodah zarah and there is no prohibition to hear their words at all, even to call them up, especially as this will help sustain the State of Israel.

But we need to judge whether the reasoning of Bnei Banim is correct, and whether it is correct to permit so straightforwardly and unqualifiedly. Protestants, at least most of them, believe in the Trinity, according to which there is actual fragmentation in the divinity. How does this affect their prayer? Be that as it may, it is difficult to understand what they truly believe, and even they may not fully understand it, but as a result of the fragmentation, and since Maimonides writes that Christians (in all their sects) are worshipers of avodah zarah, there is here a doubt as to avodah zarah, whether because of the conflicting opinions, whether arising out of reasoning and reality. Therefore you should strive to have a Christian serve as emcee for the choir and the prayers, which I think will not be difficult if you explain that it would be better to have them do so.

It is true that doubts with regard to Biblical law are resolved in favor of stringency, but we need to judge what prohibition exists here even if we determine that Christianity is avodah zarah. In terms of giving honor, participants should be sure to do no more than necessary, but to avoid desecration of the Name, one can follow the Bnei Banim and Kerakh Shel Romi's exposition of Maimonides, it is worth shaking hands with them, especially as they have come to support the State.

In terms of the prohibition of listening to matters of Avodah Zarah, listening to the tune is halakhically insignificant, as "voices, appearance, and aroma are not subject to the prohibition against using sacred materials", i.e. they are not defined as legal benefit, and any rabbinic prohibition can be dealt with by making sure not to derive benefit from the music if it is indeed music of avodah zarah.

In terms of the concern lest Jews be drawn after Christianity, all the Jews will assemble there for our work, which is support of the State, and therefore we need not be concerned for this fence, as that concern applies only if one hears the avodah zarah words with no clear purpose, see Igrot Mosheh YD 56, here they are coming for a defined purpose.

May it be His will that we merit growing our state until the coming of our redeemer the anointed king speedily in our day.

Fellow Responsum #3

Dear Bob,

I received your email asking about the rally. Your questions are very sensitive ones, and I respect your caution, and your continuing efforts on behalf of the Jewish people.

I do have some opinions on the subject, and for this reason I feel it would be inappropriate for me to give you binding halakhic advice on the matter. It seems you are asking about the technical permissibility of the song at the rally. I would be unable to give you a clear ruling, uncolored by my feelings about the rally as a whole.

For this reason, I recommend that you present your questions to my friend and colleague, Rabbi Haggai Resnikoff. If you are interested, I am attaching a Hebrew version of some of my thoughts on the matter, including a discussion of some of the halakhot involved. But again, do not feel bound by it in any way if you are not personally swayed by my argument.

Yours truly,

David Kasher

I was asked by an important man in my community, a tireless servant in the cause of the Eternal One of Israel, who is continually engaged with the needs of the people of Israel, the Land of Israel, and the State of Israel, whether it is permitted to participate in a rally for the support of the State of Israel that is organized jointly with a Christian group which strongly supports Israel, as is often the case today among evangelical Christians. At this rally the Christians will sing the famous song Amazing Grace, and they have also asked this man to serve as emcee of the rally, including calling up the Christians for this song.

The first question before us is: Straightforwardly, is Christianity *avodah zarah* in any sense? If the answer is no, what would be the problem with listening to their music? But there is no clear statement in our tradition that Christianity is not *avodah zarah* in any sense. Some argue that there are positions among the rishonim that the Christians of their time were no longer worshipers of *avodah zarah*, and that even if their religion was inappropriate for us, it was not forbidden to them, and that we could engage in business with them even on their holidays, and form partnerships with them even if we would thereby cause them to swear by God and their *kodshim*¹ simultaneously (see Tosafot Sanhedrin 63b). There is also the position of Meiri, who describes the Christians as “bounded by the ways of religion”, and we need to consider whether he thought that Christianity was not *avodah zarah* in any sense. But he never says this explicitly, and it is difficult to find in him a basis for a clear ruling (see what I wrote earlier in the matter of Christian tourists in Israel²).

But even were we to say that Christianity is absolute *avodah zarah*, as per the position of Maimonides, there is still room to consider whether to distinguish between various kinds of Christians. One can say that Catholicism, which believes in the trinity, performs the ritual of the Mass, and where

¹ The meaning is unclear – possibly saints or icons. RK

² The first teshuvah SM 5764 fellows wrote in outline.

participants in the Eucharist believe that the bread and wine become the body and blood of Jesus via transubstantiation, is absolute avodah zarah; but Protestants who do not believe these things are not worshipers of avodah zarah. See Rav Henkin's *Bnai Banim* (34) who analyzes this at length and well. Even though he concludes that only "Unitarians and a few others" are not worshipers of avodah zarah, since the banner of avodah zarah is belief in the trinity and the ritual of the mass, there is room to investigate whether this evangelical group stands under that banner. Furthermore, even if we cannot decide absolutely with regard to the Protestants, we can still say that as this song does not mention Jesus at all, nor the trinity, nor anything else that contradicts the true religion³, that it is not an action of avodah zarah, and does not stand beneath the banner of avodah zarah, so that even though it was written by a Protestant whose specific beliefs I am unaware of, it is as-if a Unitarian song.

Support for this idea can be found in Responsa Bach Hayeshanot 127:

"Regarding the singing in synagogue of tunes that Christians sing in their houses of prayer, there seems to be no prohibition. Only specifically those tunes that are set aside for avodah zarah, since they are formally linked to avodah zarah, as with *matzeivah*(steles) that is now forbidden even if dedicated to The Holy One Who is Blessed, because the non-Jews formally linked it to their worship . . ." But with regard to tunes that are not set aside for avodah zarah, it seems there is no prohibition.

We see from here a powerful rationale for permitting listening to the song and using it at the rally, and perhaps even for permitting singing it in synagogue! (Although this would be very strange and not so appropriate), as the song has no words that are particularly set aside for avodah zarah. It is certain that Bach did not mean by "set aside" simply that it is used by Christians in their worship, as the whole topic of his responsum is songs used in church! So how does a tune become "set aside"? Says Bach: Like a stele. How did the stele become set aside for avodah zarah? Was it not set up for the sake of avodah zarah, and sanctified for the sake of avodah zarah? But this song does not mention any name of avodah zarah!

But even if it is permitted for us to listen to the song, there may yet be a problem with inviting them to the podium to sing, as even were we to say that the song itself bears no close relationship to avodah zarah, this Protestant group itself may be so related, so that when they sing, their intent will be for Jesus as well as God, and thus the emcee will be the cause of their worshipping avodah zarah. This sends us back to the Tosafot in Sanhedrin that permits causing them to take an oath: "even if they mention in them the Name of Heaven and have intent for something else, nonetheless this is still not a name of avodah zarah, and their intention is also for the Maker of Heaven And even though they are partnering the Name with something else, we have not found that it is forbidden to cause "others" to so partner, and there is no violation of "Do not place a stumbling block before the blind", as non-Jews are not commanded with regard to such".

Even were we to say that the song itself falls under the banner of avodah zarah, there are decisors who find room to permit listening or using avodah zarah songs. The Italian rabbi Yisrael Mosheh Chazan, in Responsa City of Rome, on his way to permitting the use of Christian music in synagogue, discusses for illustrative purposes the case of Jews who wish to build a house in the style of

³There are those, small-minded and lacking in faith, who suggest that there is no concept of "grace" in Judaism. I suggest they look in a Hebrew dictionary under "גַּרְמִיּוּם".

a building dedicated to avodah zarah, and finds this to be certainly forbidden. He continues, however, by saying that “all this is only so long as the Jews has no rationale other than imitation. But granted completely that if he built such a house for another reason, that it is well-known and obvious that this is certainly permitted . . .”, and he cites Rashbash as offering a fit reason for permitting such imitation: “It is well-known that it is appropriate to adorn and exalt and honor a synagogue, and to distance from it all manner of denigration, and honor is defined by what people value, whether in structure etc.”. In his own words, “Anything for which there is a proper reason, whether benefit or honor or natural necessity, in accordance with the customs and differences of lands and states, even if that thing has been set aside for the worship of some nation’s church . . .” Time after time he says that it is not only permitted but obligatory to introduce all matters of enjoyment or honor of the worship of Hashem into our synagogues. He even tells a story about cantors who went “to the Christian churches behind the curtain on their holidays to learn from them the humbled sound that breaks the heart, and they would arrange from those sounds music for kaddish and kedushah” for the High Holidays. We understand that these words of his are highly controversial, and that Tzitz Eliezer 13:12 disputes him with great vigor. But there are decisors who accept the City of Rome as a viable position even today, including the gaon Rav Ovadiah Yosef in Responsa Yechaveh Daat 2:5 and Yabia Omer 2:YD”11⁴.

But it seems that this permission, “for the sake of enjoyment and honor”, applies only in the context of worship of Hashem, for synagogue purposes and the like, and not for generic enjoyment. We see that decisors generally forbid listening to songs of avodah zarah for the sake of enjoyment. The gaon Rav Moshe Feinstein in Responsa Igrot Moshe utterly forbids listening to them (YD 2:56, 2:11), and Rav Henkin permits only on radio or cassette, as in that manner it is not the precise original voice.

But there is room to permit listening to avodah zarah songs not for the purpose of enjoyment, but rather for an important Jewish communal purpose and the like, on the basis of the responsum of Rav Shlomo Aviner on “Listening to Christian Music”, who writes that “Certainly in an ideal case one would distance oneself a full arrowshot from anything to do with Christianity, which is avodah zarah – ‘Distance your path from her’” – but nonetheless, in the end he permits listening to them for the sake of learning to pass the Israeli state music examination⁵, and we see from his responsum that the musical and historical education of the daughters of Israel is sufficiently important for him to “seek paths to permit”.

It is possible to say that as this rally is dedicated to the support and security of the State of Israel, a fortiori it is appropriate to seek such paths.

But I say that precisely this reason – our great yearning to support and build the Land of Israel, to prepare it for the entrance of the entire Jewish people, to be the permanent dwelling of the Jewish nation – specifically when we are engaged in that goal, toward that purpose, it would be incorrect to partner with any Christian element, or with any form of religion or people other than the

⁴Although the gaon Rav Ovadiah does not permit songs of avodah zarah, but rather only Muslim songs, as in his eyes Islam is not avodah zarah at all. I cite him here only to show that there are great decisors who accept the City of Rome as a viable decisor.

⁵All the permissions above, from the City of Rome through Rav Aviner, permit only tunes without words. But the words of the song Amazing Grace are not set aside for avodah zarah, and thus if the tune is permitted, the words are permitted, and are considered just generic words.

religion and people of Israel. How do we know this? From the Torah itself. We see in Exodus, Parashat Ki Tisa, when it speaks of the Jews' original entrance into Israel:

“Guard for yourself that which I command you today: Behold I am chasing out from before you the Amorites and the Canaanites and the Hittites and the Perizites and the Hivites and the Jebusites”.

And immediately, in the following verse: “Guard for yourself lest you establish a covenant with the inhabitants of the land to which you are coming, lest they be an obstruction in your midst”.

We see that specifically at the entrance to the Land of Israel, the place in which we classify ourselves as a people and religion, we may not draw near in any way to any other people or religion, and thus in the following verse:

“Rather you shall raze their altars, and shatter their stele, and cut down their sacred trees. For you may not bow down to an other god, for Hashem is His Name and he is a jealous God.”

In the end, the Torah repeats yet again:

“Lest you establish a covenant with the inhabitants of the land, who will whore after their gods, and they will call you and you will eat from their sacrifices, and you will take from among their daughters for your sons, and their daughters will whore after their gods, and cause your sons to whore after their gods”.(34:11-16).

The same emphasis is found in Parashat Mishpatim 23:23-33. The Torah teaches us that the entrance into and the building up and the formation of the Land of Israel as a unique place, set aside for the People of Israel, must be done in purity with no other element, and it is a great and dangerous error to establish a covenant with them, whether a social or Heaven forbid a religious covenant, when we are engaged in those matters.

What about the great economic support that the State of Israel receives from the United States and others, without which there would be no state at all? On the matter of support in general, I heard a great ruling from one sage, that there is an important difference between the building of the First Temple and the building of the Second Temple. With regard to the Second Temple, when Israel was weak and endangered, the Samaritans sought to help build the Temple and said:

“We will build together with you, for like you we will seek your god”.

What was the response of the leaders of Israel?

“It is not for you and we to build a house for our God, but rather we (ourselves) together will build to Hashem the God of Israel” (Ezra 4:2-3).

But with regard to the construction of the First Temple, it is well known that King Solomon received help and support from Hiram King of Tyre, and gifts from all the kingdoms from the river of Phillistia until the boundary of Egypt. Why was this permitted for him but not in order at the time of the Second Temple? Because Solomon's power was known in his time to all peoples, and there was no doubt that Israel was a Jewish place, and accepting help was no contradiction to his complete sovereignty. But at the time of the Second Temple, when the People of Israel were not established and secure in the Land of Israel, it was very important not to mingle with the non-Jews while building the Temple, so that it would be clear to all that this was our land, under our authority.

And our time is like theirs. We see – blessed be Hashem! that there are many Jews living in the Land of Israel, making the effort to build it as an established state, and some day God-willing to

build the Third Temple, speedily in our days, but as of yet we are not established, we have no security, and the world does not yet recognize and acknowledge that this is our land, without doubt and unconditionally.

Therefore the need to support Israel is not a good reason to be lenient with regard to the use of songs of avodah zarah. Exactly the opposite, in the times of need for Israel one needs to distance oneself further from external matters. Even if you were to say that the song itself does not fall under the banner of avodah zarah, and even were you to say that the people involved are not worshipers of avodah zarah, and even were you to say that Christianity itself is not avodah zarah in any sense – certainly at this rally the song serves as a sign for the Christians, a sign of their own significance, and a sign that they have a share in the building of the State of Israel, and perhaps Heaven forbid that they will in the future have a share in the Land of Israel. This is not the right way to support our land, to build our land, or to secure our land against its enemies. This is genuinely not support of the People of Israel.

I encourage you, with no intent to critique Christianity, or Christians, not to participate in this rally at all,

With affection,

Fellow Responsum #4

With regard to the question of whether to join a demonstration in support of the State of Israel conducted jointly by Christians and Jews, and other matters.

The Rabbi author of *Bnai Banim* (2:35) writes that Christianity is considered *avodah zarah* for three reasons:

- 1) It holds the belief in the physicality of god
- 2) In the ritual of the Mass, according to their belief, the bread becomes the body of Jesus
- 3) The bowing to idols that is still practiced in many places as part of Christian ritual.

See his responsum in full. He further cites the words of Maimonides: “It is forbidden to speak their praise . . . a fortiori to speak in praise of his deeds or to hold dear any thing to do with them, as Scripture says ‘lo t’chaneim’ – they should find no favor in your eyes”. He explained these words in two ways. Following *Sefer Chassidim* (902, 746) he writes that the prohibition against praising the deeds of an *avodah zarah* worshiper applies only when that worshiper has not done a good deed for Israel. On the other side, he explains on the basis of Maimonides’ *Book of Commandments* (Negative Commandment 50) that “It is only forbidden to praise things which they and Jews do not have in common”. Therefore it seems that although in the opinion of the *Bnai Banim* there is in this rally no act of *avodah zarah* (as the prayers that will occur during it are dedicated to the creator of heaven and earth, and at the worst are “partnering” – see *Tosafot Sanhedrin* 63b, and see my preceding responsum), as the hymn *Amazing Grace* does not relate to even one of the components of *avodah zarah* listed above, from the perspective of “lo t’chaneim”, even though according to the first explanation the rally certainly is a good deed done for Israel, according to the second reason (which to all appearances is preferred) it would be forbidden to give honor and glory to *avodah zarah* worshipers for their prayers and songs which are not at all in common with us. Therefore it seems that in the opinion of the rabbi author of *Bnai Banim*, even though in this case the honor and glory with which we are honoring the Christian ministers is for the sake of the good of the State of Israel (or one could say because that is the purpose), it would be forbidden to join the demonstration.

The gaon *Rav Ovadiah Yosef* cites from *R. Eliyahu Mizrahi* (in his responsa #79, cited in *Knesset Hagedolah* 111) that “there is no prohibition against praying in a house in which *avodah zarah* has been worshiped” (See *Yabia Omer* 6:OC:7). Regarding this the author of *Shoeil Umeishiv* writes (1;3:72) in the matter of converting a Protestant church building into a synagogue or house of study that “as a matter of practical law it seems to me that in this case where there is no image or idol of *avodah zarah* it is permitted to make it into a house of study”, and his words are wondrous. On this the gaon author of *Yabia Omer* writes: “That which is obvious to him, that a house of *avodah zarah*, in which they worshiped *avodah zarah* at regular fixed times, can be converted into a permanent synagogue – how could the honored sir not mention the numerous *acharonim* that forbid this?” The gaon then cites nine positions that forbid, but he concludes “even those who are stringent will concede that in a house which never contained an image or idol of *avodah zarah* that it can be made a synagogue or house of study”. In our case, because of the insistence by the organizers that the name of Jesus be completely excluded (against the wishes of their Christian counterparts), there is no doubt that

they have as-if removed the images and idols that existed within those prayers. This also seems to me the case with regard to the use of Amazing Grace in place of other hymns, as in our time that hymn is not set aside for the worship of Jesus but is rather a generic song, similar to the music of Bach. And as is well-known the words relate only to the Divine attribute of lovingkindness with which he encourages human beings to repent. Clearly the need to preserve the People of Israel in the Land of Israel is a sacred need, and this follows the reasoning of Shoel Umeishiv op cit. Therefore we can say that this demonstration contains neither avodah zarah nor anything that tends to avodah zarah, and were it not for the prohibition of “lo t’chaneim” it would be possible to permit the demonstration in all matters.

However, the gaon Rav Moshe Feinstein wrote in Igrot Moshe (YD 2:56) that “Tunes that the Christians write for verses of Psalms are presumed to be for use in their prayers and are therefore forbidden”. If the tunes they compose in order to sing them in their prayers are forbidden, a fortiori the prayers themselves are, from which we deduce that prayer is itself their form of worship and forbidden regardless of its specific content. This is a root principle. Rav Feinstein further wrote (YD 2:111) that “to listen to the tune from such people, who have no avodah zarah intent but rather sing it purely for the music, although there is no prohibition involved if it is without the words praising their vanities, nonetheless the matter is degraded.” In our case, where the song has words and the choir has intention for their vanities (as is shown from the insistence of the Christian organizers on specifically this hymn), how much more so. The language of the gaon is precise when he says the matter is degraded, for what could be more degraded than having Jews invite priests and ministers of avodah zarah to stand up and pray to their avodah zarah before a large audience for the sake of the peace and survival of our holy land and state?

But none of this is relevant, as Christians in our day are not idol worshipers at all. This follows the position of Meiri (Gittin 62a s.v. ovdei elilim) in the convincing and precise interpretation of Bnai Banim: “It turns out that also according to Meiri that Christians are not avodah zarah worshipers because of their belief in the Trinity, as he writes that ‘they believe in the existence and Unity of God may He be blessed’”. That which he writes that they bow to statues, however, is irrelevant, as they do not see the statues as divine but rather as an entry to perceiving God, analogous to the role played by sacrifices in the thought of Maimonides. And as for their belief that a man of flesh and blood became God, in our day there is no one who disagrees with the statement that God has no body, and even when Jesus was alive, he was only considered the messiah. The Christian religion in our day believes in one Creator of Heaven and Earth Who gave us a true Torah via Mosheh Rabbeinu at Mount Sinai, and even Who commanded us to follow the commandments in accordance with their laws. It errs in thinking that the Divine for a particular time assumed the form of a body of flesh and blood until it returned to being spirit. This is the intent of Meiri in writing that “they distort certain matters according to our faith”, and also when he writes that “they are worshipers of the Divine in some form even though their belief is far from ours”. We also believe that God is revealed in different forms, even though we have never ever considered in our hearts the possibility that He would take the form of flesh and blood Heaven forbid. And with regard to the belief a minority of them have that the bread and wine of the Mass are turned into the flesh and blood of Jesus (for which reason Meiri forbade their wine), there is no doubt that this is the last blot left in this religion of the deeds of their ancestors

who worshiped wood and stone. Their belief in his matter is irrelevant to their belief in the incorporeality of God just as our belief that the two tablets of stone were written by God does not injure our knowledge that we should not interpret “the finger of God” literally. This is the only matter in all of Christianity that raises any concern that it might be avodah zarah, and accordingly one should distance oneself from this act but only from this act.

The root principle of the matter is as follows. There is no man in our day who can tell us via the Holy Spirit what is good and what is proper in the worship of the Divine may He be blessed. We, the People of Israel, have a Torah that is our life and the length of our days, and we will not abandon it ever, Heaven forbid. It is forbidden for us to participate in any worship other than our own. However, it is not correct to claim that there is no truth outside it, for “there is no wisdom and no discernment and no plan with regard to God”, and no human has lived or been created who can tell us with certainty what is true and what false, rather only what is incumbent on us to believe and to do. The Christians do not agree among themselves neither in belief nor in worship nor in their deeds, but we should not exaggerate and claim that all their actions are nothing but vanity and evil spirit. I testify to you today that there is some good in the Christian religions, and there is no “good” other than Torah, as Scripture says “for a good gift etc.”.

Fellow Responsum #5

With the help of the One Who favors humanity with intellect

I have already explained the issue of Christianity, and my conclusion is that Christianity is absolute avodah zarah. The contrary position of the Tosafists does not make this conclusion doubtful, as it is clearly forced. Their belief in the Trinity is the root principle of avodah zarah, and furthermore they worship and bow to idols. It is clear to all that this is avodah zarah.

But one can say further that while they are worshipers of avodah zarah, they are not worshipers of avodah zarah that the Torah refers to as *toeivah*⁶, and they are bounded by the ways of religion. They do not worship avodah zarah for the purpose of permitting themselves public immorality, but rather they are making an error. The position of Meiri is solitary, but it is superior in rationale if not in number, and the halakhah follows him in his matter.

In the flow of the discussion we can say that Christians are worshipers of avodah zarah, but that the laws of worshipers of avodah zarah do not apply to them, and the biblical laws regarding worshipers of avodah zarah are like preventive decrees designed to guard us against committing avodah zarah of *toeivah*.

With regard to the prohibition “do not follow their chukim” – there is room for investigation from several perspectives:

- 1) if the term “chukim” here refers specifically to rules or practices that have no rational purpose
- 2) if this prohibition is related at all to avodah zarah (This would depend on whether the prohibition depends on *toeivah* or rather on avodah zarah, and in my humble opinion it depends on *toeivah*.)

See City of Rome who rules permissively on the basis of 1) above)

It seems to me that “chukim” refer specifically to rules or practices that have no rational purpose.

As to worshipers of avodah zarah in our time, in my humble opinion there are none at all, as per Meiri. At least it is difficult to find such, and impossible among Christians.

(According to this, if they have a song that is true praise to the Holy One Who is Blessed, it would be permitted to sing sacred songs to the same tune, as per City of Rome, and Tosafot, against Tzitz Eliezer.) But it is difficult to permit songs that are set aside for avodah zarah, even if it is not avodah zarah of *toeivah*, as this depends on their worship, and not on the merit of being bounded by the ways of religion.

But one should investigate every song individually, and it is difficult to say that a particular song is specifically set aside, unless it is the manner of their worship. One should also distinguish between worship and praise. In the song before us, this is not even necessary, as it is neither worship nor praise, but rather descriptive of their internal faith experience. It has no denial or praise of Jesus. Furthermore, all the good things in it, are things of which we approve in our religion. There is no reason to say that there are degrading things in this song. We can further say that Rav Mosheh zt”l did not intend to forbid in this case, as he objects to degrading songs, and songs that bring one to denial. But it is difficult to say that this song brings one to denial, Heaven forbid, as the song is beautiful and flawless, sweet-sounding and attractive. Would that we had songs that equaled it!

⁶generally if not compellingly translated as abomination. RK

So this is the general rule:

Anything which, when listened to, brings one to *toeivah* is forbidden.

Anything which, when listened to, brings one to denial is forbidden.

Anything which speaks of the Christian faith does not bring one to *toeivah*.

Not everything which speaks of the Christian faith brings one to denial, but some do.

One must be suspicious of songs that do not have Christian elements, as in our day they generally bring one to *toeivah*.

So Christian faith removes the concern for *toeivah*, but raises the concern for denial. Every religious song of theirs must be investigated to determine whether or not it brings the listener to denial. In this matter one should not simply follow the majority, as this is a majority that depends on human custom, as some of their songs are denial and cause denial, while others are permitted. But one can follow the majority with regard to *toeivah*, which is almost the nature of our lives God save us, by which I mean that the vast majority of people lacking religious belief come to *toeivah*, as degrading licentiousness is a matter of course. Even if one rejects this distinction formally, it is necessary pedagogically, as the world is filled with *toeivah*, and full of denial. Christian faith is filled with denial, but we can stand against *toeivah* only with the aid of their religion. But one should investigate every element of their religion to see if it is denial.

So we can permit the song before us, from all points of view: it is neither denial, nor *toeivah*, nor is it their form of worship, which is *avodah zarah*, although not *toeivah* either in principle or in detail.

There are several halakhic clarifications relevant to an assembly for the sake of the State of Israel.

The religious significance of the state is a matter of controversy among the greats. If we regard it as of great significance, which is certainly the position of the questioner here, there is still room to investigate whether the significance arises from the state per se or rather from the settlement of the Land of Israel, or from both. In my opinion we can rule, clearly and simply, that the only legitimate leniencies in halakhah arising from the existence of the State are those related to politics or to lifesaving, as for example the permission to trade land for political peace, and the like.

A rally for the state is insufficient grounds for any halakhic leniency. But we have already explained that the song before us is permitted. However, we should investigate the permissiveness of the rally itself. The Christians in question are not lovers of Israel. Quite the opposite – they hate several things important to us. The support they give the Zionist state does not arise out of love, but rather out of their *avodah zarah*, out of their wish to bring their eschaton, and they believe that Jesus wished the ingathering of the Jewish exiles, and that this ingathering will lead to the coming of the days of their Messiah, Heaven forbid.

The desire for the song reveals that they are deeply attached to their *avodah zarah*.

So this is the general rule:

Anything that strengthens their faith is forbidden to us, even though their faith leads to a valued religion. The strengthening of their faith is good for them but bad for us, although their faith will lead to the truth in the opinion of Maimonides. The desire to sing the song reveals that they are arranging

the assembly not out of love of Israel but rather out of love of Jesus, and so while the song itself is not prohibited, the desire to sing it arises out of a desire to witness for Jesus, and this is *avodah zarah* for us.

Regardless, the demonstration is forbidden, even were the song not to be heard, for their desire is forbidden to us and *avodah zarah* to us. If we go to strengthen them in this matter, it would seem that we are agreeing to their religion, and while the song itself is halakhically insignificant, agreeing to their religion is forbidden, even though their beliefs do not lead to *toeivah*⁷. Once they wish to sing this intrinsically unproblematic song, the assembly is forbidden, and they cannot retract what has already been revealed when they spoke guilelessly, which is the equivalent of one hundred witnesses, particularly as this revelation is significant in that we presume their honesty as they are bounded by the ways of religion and faithful to their religion.

⁷One might ask: In this view, should not the settlement of the Land of Israel be forbidden, as it is also strengthens their faith? One can answer either that we have no such intent, or that regardless the Land of Israel is necessary for the survival of the community of Israel, which prior to the coming of the Messiah is like sheep to the slaughter for murder and destruction.

Fellow Responsum #6

When I received your question I was unsure how to respond. It seems to me very hard to disjoin ourselves from the modern culture in which we live, and that culture requires of us many things so as to be considered “politically correct”. In particular, we are extremely careful not to do anything that would injure another group or religion. This question impinges on that modern sensibility. I will endeavor to respond to your question in the truest fashion.

According to our religion, there is no divinity other than Hashem may He be blessed, He alone. There is accordingly no path of serving him other than the path which the Torah and our sages with legal authority established. The Torah has no tolerance for avodah zarah, especially in the land of Israel. Furthermore, the prohibition against avodah zarah is so severe that we are obligated to be killed rather than transgress it. This understanding of the severity of the prohibition against avodah zarah is necessary background for evaluating this case.

We must begin by deciding the status of Christianity with regard to avodah zarah. Is Christianity avodah zarah or not? Maimonides clearly holds that it is absolute avodah zarah, writing in his Commentary to the Mishnah “Know that this Christian *ummah*, which follows the faith of Jesus, even though their religious practices are varied, all of them are worshipers of avodah zarah and one is forbidden to transact business with them on all their religious holidays.” In Responsa Bnei Banim Rav Henkin explains which characteristics make Christianity avodah zarah, writing “the essence of avodah zarah is to make the divinity physical, and thus Christianity is legally avodah zarah.”

However, there are also positions that classify Christianity not as actual avodah zarah but rather as “partnering”. Rabbeinu Yerucham (Toldot Adam v’Chavah 17:5) writes regarding the prohibition of forming partnerships with a non-Jew: “Ri wrote that there is a ground for permission in our day in that they swear by their sacred items, known as the evangelicon, but do not regard them as divine. Even though they mention the name of Heaven and their intent is Jesus the Nazarene, they nonetheless do not mention a name of avodah zarah, and furthermore their intent is the creator of heaven and earth.” In Rabbeinu Yerucham’s view, Christianity is partnering – they partner the name of heaven with something else – which is not prohibited to Noachides, rather only for Jews. There is also the dangerous minority opinion of Meiri. He holds that the nations referred to by the Torah and the halakhah with regard to avodah zarah are exclusively those ancient nations that were not “bounded by the ways of religion”. But, he says, in his day, the nations (presumably including or particularly referring to Christians) are bounded by the ways of religion. According Meiri one can say that the term avodah zarah has no application to any contemporary nation. In my humble opinion the position of Meiri endangers the observance of Torah and the commandments. The category avodah zarah was given so as to distinguish ourselves from among the false religions. But should we accept Meiri’s position, in our day there would be no pragmatic difference between ourselves and the other religions.

In our case, we will hold with Rambam, Rav Henkin, and Rabbeinu Yerucham that Christianity is either absolute avodah zarah or at the least partnering. This holding will ensure that the Torah is not forgotten in Israel.

It seems that the issue with regard to participating in this demonstration is dependant on the prohibition of “Lo t’chaneim”, translated halakhically as “do not give them favor” (Avodah Zarah 20a).

Maimonides writes in Laws of Avodah Zarah 10:4, and this is cited in Shulkhan Arukh YD 151: “It is forbidden to speak their praise, even to say ‘how beautiful is the form of this avodah zarah, a fortiori to speak in praise of its deeds or to hold anything regarding it dear”. In my opinion a demonstration in which Jews call on priests to say prayers and sing hymns such as Amazing Grace demonstrates our praise for them and their worship. That the Christians will not mention the name of their avodah zarah in their prayers makes no difference, as their intent is still for Jesus the Nazarene and thus their prayer is avodah zarah. Certainly, arranging this demonstration with the Christians so that they will pray to avodah zarah and sing their hymns is forbidden, as our support gives praise to their worship and violates “lo t’chaneim”.

Even according to the position of Rabbeinu Yerucham, that Christianity is partnering, there is a prohibition of “lo t’chaneim”, Maimonides explains that the prohibition is “because it causes attachment to him (the praised non-Jew) and learning from his evil ways”. Thus, even if partnering is permitted to non-Jews, it is forbidden for us to come worship in partnership. Therefore it is forbidden for us to praise their actions if they constitute partnering so that we will not come to learn from their actions.

I wish to add that I understand that it is difficult to say such a decision in these times, a difficult time for the State of Israel. We require the support of the United States and other countries. But we must remember that we wish them to support the State of Israel from a political but not religious perspective. It is not good for us to partner with Christians who assemble for the sake of the State of Israel as a result of their religious beliefs.

The Land of Israel is a land that the eyes of Hashem your God are continually on, and it is given to the nation of Israel. They are a nation that dwells alone.

Fellow Responsum #7

When I received your letter, I decided to involve myself in this question, and put aside the other matters I was engaged in, as this matter requires intense analysis. As I understand it, your question is in connection with an assembly that was organized to show our support for the state of Israel in this time of troubles, that, sadly, our brother in Israel are living with every day. The organizers of this assembly invited the leaders of various Christian groups to join with them and make a joint demonstration of broad support for the State of Israel. Certainly, this plan is praiseworthy in and of itself, as any influence we can have on the American body politic with regard to the occurrences in our land these days is valuable. After a negotiation among non-Orthodox Jewish leaders and Christian leaders, the Christians agreed not to mention the name of Jesus, but they insisted on singing one song of theirs, called Amazing Grace. This was agreed to by the non-Orthodox heads of various Jewish organizations, with no consideration of halakhic questions or calculations. The charedi community has already declared that it will not participate, and their rabbis have decided that it is forbidden to participate in any manner, as a result of the partnership with the Reform and Conservative movements, and also with the Christians. But we should not fear that decision, as we the Modern Orthodox community needs to decide for ourselves, on the basis of our deep attachment to and valuing of halakhah. The obligation is on us to engage with this important question in all its depth, so as to reach a response that satisfies ourselves and will satisfy human society.

Your question is first whether it is permitted for you to participate in the assembly as an individual, and then whether you can, in your capacity as head of a major Jewish organization, encourage other Jews to attend. Let us begin by listing the potential halakhic problems arising from participation in the assembly and listening to the song Amazing Grace.

The Talmud on Sanhedrin 64b writes “‘Do not make them heard because of you’ – that you should not take an oath in their name . . . and you should not cause others to take an oath in their name or affirm in their name”. This is followed by a statement from Shmuel’s father forbidding partnerships with non-Jews lest you cause them to swear, which demonstrates that the prohibition applies to causing non-Jews to so swear as well. But it seems to me that this prohibition does not apply to our case, as the words of the song make no mention of the name of another god, even if they do hint at it, as it seems that the prohibition applies only if the name is specifically mentioned. This is clear from the continuation of the discussion, in which the Talmud includes names mentioned in Tanakh within this prohibition, and see also Tosafot Sanhedrin 64b, which states about the non-Jews of their time that their oaths “nonetheless this (the name they use for the god of their oath) is not a name of avodat kokhavim”, and it seems reasonable that he intends by this a name of God such as “God” or “Lord”, and this also seems to be the law codified in Shulkhan Arukh YD 147:3.

The second question above forces us to address the central halakhic issue regarding Christianity, and this is the question of the status of Christianity in regard to avodah zarah. If Christian worship is considered avodah zarah, then there would be a question here of “assisting the efforts of sinners”, or of “placing a stumbling block before the blind”. In order to establish such prohibitions however, we would first have to establish that their worship is prohibited, and then that this song in

particular is problematic, and thirdly that our participation would be considered prohibited assistance or stumbling-block-placement.

Maimonides writes explicitly in his Commentary on the Mishnah, as found in the correct edition, that “this Christian *ummah*, which follows the faith of Jesus, even though their religions vary, all are worshipers of avodah zarah and transacting business with them is forbidden on all their holidays” (This is also cited in Meiri’s commentary on Tractate Avodah Zarah; see the precise quote there), and in Laws of Kings 11:5 that Jesus caused “most of the world to fall into the error of worshipping a god other than Hashem”.

It seems to me, however, that the prohibition of avodah zarah with regard to Christianity arises specifically from its worship, particularly their rituals involving bowing, libation, etc, and other forms of worship that are directed toward a different god and that cause others to worship that god. Their theological positions with regard to the Trinity, in and of themselves, as theology, have no implications with regard to the halakhah of avodah zarah (see the article by Dror Fixler and Gil Nadel in Techumin). In Responsa Bnei Banim, and also in a responsum by Rabbi Aryeh Klapper, there is an analysis of the reality that the Christian world today, especially with regard to the Protestant sects, does not share a form of worship. Rather, the common bond across sect and time is theology, as for example the Trinity and transubstantiation. As Maimonides judges whether something is avodah zarah by form of worship rather than by theology, it emerges that whether Christianity is avodah zarah depends on the specific rituals of every time and place.

Tosafot, as understood by several achronim, have a different perspective. They claim that Tosafot’s position with regard to the acceptance of oaths from the non-Jews of their time is grounded in their positing of an intermediate religious condition between the true religion and avodah zarah, namely “partnering”. These achronim read “Noachides are not commanded regarding partnering” as a broad permission relating to all Christian worship, on the condition that they worship the Holy One Who is Blessed in addition to their false god. The author of Olat Tamid adds that this rule applies only when they acknowledge the Holy One Who is Blessed as the god of all gods, but if they imagine that the gods are equal, this is absolute avodah zarah. But all this does not seem to me to be the straightforward meaning of Tosafot, rather see Responsa Meil Tzedakah, the comments of Chazon Ish, and Responsa Noda B’Yehudah, who limit the position of Tosafot to the case of oath-acceptance specifically. Regardless, even were we to accept the broad understanding of Tosafot, and therefore conclude that there is no issue of “placing a stumbling block”, Christian worship would still be considered avodah zarah for us, and we have not yet addressed the issue of listening to matters of avodah zarah.

To this point, we have summarized the dispute with regard to the status of Christianity. But to establish that there is a concern of “placing a stumbling block” here, we would have to show that singing this hymn is considered worship, which would be forbidden, or that the singing would be forbidden on other grounds. We will push this issue off to the end of the responsum. But it seems to me that in any case there is no issue of “placing a stumbling block” here, as that prohibition applies only when one is making the “stumble” possible, whereas here the choir is free to sing whenever it chooses without your assistance.

There is a third position with regard to the halakhic status of Christianity, to wit the famous position of Meiri. He establishes that the non-Jews of his time, or at least some of them, are different from what the Talmud assigns as *avodah zarah*. He describes the Christianity of his time as an *ummah* “bounded by the ways of religion”, and contends that all prohibitions and inequalities in the Talmud refer only to *ummahs* that are not bounded by the ways of religion. He refers to the latter as *ovdei elilim*. Meiri further draws a theological/anthropological portrait of those *ummahs*: they do not believe in a god who oversees the world, in reward and punishment, and (commentary to *Avodah Zarah* 26a) “therefore all transgressions and all degradations are beautiful in their eyes”

In *Responsa Bnai Banim*, Rav Henkin sees the source of Meiri’s position in his emphasis on the necessary connection between the theology of *avodah zarah* worshipers, namely the worship of multiple gods, in which one god stands opposite another, and the result that it is impossible for an order to be established with regard to humanity. It seems to me that the result is that the issue of *avodah zarah*, aside from the conventional categories of “worship in its normal fashion” and “worship not in its normal fashion”, which create prohibitions regardless of the intent of the worshiper, is not mere distortion of faith-principles, but rather lacking recognition of the absolute will of an organizer who oversees the world. The concept of “two powers in heaven” reveals an attraction to immanence with insufficient recognition of the infinite distance between the human being and his/her Creator, and eliminates any possibility of a single absolute Will arranging the world. In such a situation, even if the world is overseen, that oversight does not flow from an absolute Will with regard to which everyone is required to evaluate their own will.

Let us return to Maimonides and *Tosafot*, and look upon them from this perspective. As we said above, according to Maimonides a mistaken belief is not by itself *avodah zarah*. *Avodah zarah* requires rather the worship of an alien god. He understood Christianity as worshipping a god other than the Holy One Who is Blessed, in other words a power and will potentially opposed to the will of Hashem. *Tosafot* write that “even though they mention with them a Name of Heaven while intending something else, nonetheless this is not a name of *avodat kokhavim* and also their intention is for the maker of heaven and earth”, and it is difficult to establish whether the “something else” they intend is another god (the text of *Rabbeinu Yerucham* is “and they intend Jesus the Nazarene”) or to other characteristics of one god. Despite all this it seems to me that aside from physical worship such as bowing to icons and the like, the line dividing a “kosher” religion from an *avodah zarah* religion is whether they believe in and worship two wills, in other words whether they fail to believe in an absolute will, whether according to Maimonides or *Tosafot* or even according to Meiri. Some say that we need to investigate each sect individually and rule on the status of each in accordance with their own understanding of their worship. But it seems to me that the common ground of every sect, even those who have given up their other problematic rituals, is the Trinity, which is the root and foundation on which everything depends. And as we are not fluent in the intricate details of theology as regards this matter, it is difficult to know the foundational details here, as they themselves refer to this as a mystery. Our central issue is whether belief in the Trinity requires the believer to turn to different wills in his worship, and we cannot tell whether this is so. Even when they declare the unity of the Trinity, they continue to insist on threeness, whether of the three persons of the Trinity or three characteristics

of one god. We are left to doubt whether this situation can in fact be described as worshipping a single, absolute and unopposed will. Furthermore, even if they have a philosophic explanation that enables them to reconcile oneness and threeness, it is not clear that the issue should be decided by their understanding rather than by our determination of the possible and impossible. Finally, there is also a difference between the understandings of philosophical theologians who establish clear, put-together systems, and those of the common people. Therefore, it seems to me that Rav Henkin is correct in saying that the doubt attached to Christianity is a doubt that goes all the way and cannot be decided either by them or by us. Adding to this that most people are incapable of realizing fine distinctions such as philosophers make, it seems to me that we should look at Christianity in general as avodah zarah wherever it is unclear to us they return to the one God with absolute will.

Let me now answer your specific question about the assembly. While we have determined that Christianity as an overall form of worship is avodah zarah, we have not yet clarified the status they give Amazing Grace, and its implications for participation in the assembly. The first issue with listening to Christian music is the prohibition of “lo t’chaneim”, as we have already determined that listening to the song shows *chein*, “favor” to its Christian singers. But it seems to me that the real issue is *matnat chinam*, “giving a gift for no reason”, by which I mean praise and acknowledgement whose purpose is to flatter/bribe worshipers of avodah zarah. See Sefer Chasidim who permits praising an avodah zarah worshiper who has done a good thing for a Jew, and here the whole purpose of the event is the Christian support of the State of Israel. Therefore it seems to me that pragmatic considerations permit the appearance of showing favor to their deeds, and here they are doing a concrete good for us as the success of the assembly matters greatly to us. Rambam too writes “It is forbidden to speak in their praise . . . a fortiori to speak in praise of his deeds”, but it seems right that this applies only if the purpose is to flatter/bribe them, as opposed to here, where even if individuals praise the ability of the choir, it will be in the context of their support for the State of Israel. Despite all this, we must admit that even if “lo t’chaneim” is not sufficient grounds to prohibit, we need to evaluate the issue of showing favor to avodah zarah when making our final decision.

Let us now continue our analysis of the status of the song itself, which has halakhic implications with regard to the prohibition of placing a stumbling block, and also for our estimate of the severity of the potential issues associated with our own participation. Were we to conclude that singing Amazing Grace is itself an act of worship, there would be no room to allow participation, both because we would be “assisting the effort of sinners”, and because we would be participating, albeit passively, in an act of avodah zarah – there would be no difference between this and sitting in church during the eucharist. But it seems to me that even though this song is sung during their prayers, it is not in and of itself an act of worship. The song itself does not mention the names of other gods or even of Jesus, certainly not explicitly. Were a Jew to sing it, we would not think of him as accepting Jesus as his god, even if he understood the Christian concepts contained in the words. Furthermore, those concepts do not refer to separate wills in Heaven, and even if the concept of “grace” does not match our religious concepts, it is not in and of itself an idea forbidden as avodah zarah, but rather a mere distortion. The words also contain words of spiritual fortification and wonderful and impressive *mussar*, which are capable of arousing a loyal Jew to repentance and attachment to the Holy One Who

is Blessed. Any prohibition of the song must relate not to its content but rather to its context within avodah zarah and its actualization as a Christian song.

The last matter we need to address is the prohibition of listening to or gazing at avodah zarah. The source of the prohibition is a midrash on the verse “Do not turn after idols” – R. Yehudah said that one should not turn to look at them *vadai* (in the Jerusalem Talmud, *mamashi*). This prohibition is incised in Shulkhan Arukh YD 146:15 as follows: “It is forbidden to hear any song of idolatry or to gaze at the adornments of idolatry, because one derives benefit/enjoyment from the sight”. On the other hand, the Sefer HaChinukh claims that the rationale for the prohibition against idolatrous art is not the benefit derived from viewing or listening to it but rather the concern that it will attract one to avodah zarah. Very likely, then, Sefer Hachinukh believes the prohibition to be rabbinic rather than biblical. If the prohibition is intended to prevent attraction to avodah zarah, rather than a direct prohibition against benefit, there would be grounds to permit our case if we believed that there was no concern the beauty of the choral performance would attract people to avodah zarah. However, it seems to me that even if singing Amazing Grace is not formally defined as avodah zarah worship, the religious experience it arouses in the listener could Heaven forbid attract someone to attachment to Christian worship. Additionally, Sefer Chassidim writes that it is prohibited to sing avodah zarah tunes during prayer. Bach in his responsa limits this prohibition to songs that are set aside for use by avodah zarah worshipers, which are defined as their “chok”, like stele, which can never be permitted. See Igrot Moshe YD 2:56 who prohibits even tunes that have been used for Psalms by worshipers of avodah zarah. It seems that the prohibition applies to songs that only a nation of avodah zarah worshipers relate to. In my humble opinion, this entire prohibition is connected to the prohibition of gazing discussed above, now extended from actual avodah zarah songs to songs that are set aside for use by avodah zarah. While one might argue against this that Sefer Chasidim appears to prohibit the use of set-aside songs only during our prayer, to me it seems that if we cannot use such tunes in our prayers, a fortiori we are forbidden to listen to such tunes from the Christians themselves. But this cannot be fully demonstrated from Rav Moshe Feinstein, as he assumes that all songs sung by avodah zarah worshipers are intended as avodah zarah worship. Finally, even though it seems to me that the source of the prohibition is “do not turn after idols”, this connection is nowhere made explicit. Therefore, my opinion in this matter is that Amazing Grace is certainly considered set-aside for avodah zarah, even though it is sung in non-religious contexts, and in our case, when it is sung by a Christian choir, despite its lack of avodah zarah content it will be perceived by Jews and Christians alike as a Christian song, and we should treat it as such halakhically.

To summarize the discussion and my response: We have seen that the Trinity is the defining content of Christianity, and that the halakhic status of Christianity is therefore “doubtful”, with the doubt arising not out of fact or law but rather out of the content itself. I emphasize that this is not a formal legal doubt, in which case we would apply the rule “doubt in Biblical law is resolved toward stringency” in all cases, but rather a theological doubt that reveals their inability to attach to the unlimited and absolute will of the Holy One Who is Blessed. The song under discussion, while not formally defined as worship, is set aside for avodah zarah, and we can regard listening to a Christian

choir singing it as forbidden under the rubric of “do not turn after idols”. Even if there is no technical prohibition, it is appropriate for us to distance ourselves from avodah zarah ritual in all cases. In addition, let me say that I do not understand the place of this song in an assembly for the support of the State of Israel. Religious concepts such as the creation of humanity in the image of God, concepts of ethics, justice, and law would be far more appropriate. Would a rally regarding the situation in Sudan be an appropriate time and place to speak of the sanctity of the Land and People of Israel, or about chosenness? We invite and welcome all those whose support of the rights of the State of Israel arises out of faith in religious ethics, but on the level of pure religion, we should not mingle our forms of worship, which seems to arise out of a desire to show that we are not that different. The commonality between our religion and all religions that meet Meiri’s criteria for being “bounded by the ways of religion” is very broad, and there is no cause for transgressing the boundaries important to all religions so as to satisfy those who imagine that no religion is more than a sociological phenomenon, and that the goal is to unify them to the extent possible. Regarding Christianity in particular, we follow in Maimonides’ footsteps in valuing the contribution they made of spreading the Torah and its concepts of ethics and justice to the world. In the realm of belief in a god who oversees the world, there is also no comparison between them and worshipers of avodah zarah, absolute pagans such as existed in antiquity, and they have a large share in the spread of monotheism as described in the Kuzari. The only black mark we hold against them regards their form of worship, and the question of whether they negate the absolute will of the Holy One Who is Blessed.

Therefore, in terms of practical halakhah, it is forbidden for you to direct the assembly as it is presently planned. You have the responsibility to ask the organizers to change the schedule, and, if they insist on the participation of the choir, for them to sing a chapter of Psalms rather than a song set aside for avodah zarah. But if, as seems probable to me, they refuse to listen, you may direct the assembly under the following conditions:

- 1) That they agree to remove all descriptions of the assembly as a religious event, but rather describe it as an assembly for the support of the State of Israel in which both Jews and Christians are invited to participate.
- 2) That you not call up the choir in any way
- 3) That your acknowledgements of the Christian participation always describe them as motivated by concerns of ethics and justice.

If it seems to you after speaking with the organizers that they will not uphold these conditions, you are obligated to refuse to direct the assembly. However, even if the assembly goes as currently planned, I will not forbid any Jew from attending an assembly in support of the State of Israel in these difficult times; on the contrary, I encourage them to go. But they need to realize that for we the Orthodox community, although concern for the Land of Israel and its inhabitants is dear to us, not everything that happens at this assembly is with our support. I leave to you the question of how to publicize the assembly under those conditions, and I leave to each individual Jew to decide how to behave during the choral performance. Your task and the task of other Orthodox participants is just to publicize the content of this responsum.

With Torah blessings, and a prayer for our Jewish brethren in the Land of Israel, and with affection,

Fellow Responsum #8

I received your letter, and my heart rejoiced and gloried when I heard that all the groups of Gentiles were joining with the irreligious Jews to stand together for the security of our holy land and its inhabitants in a time of trouble. Blessed are those righteous Gentiles to the God Most High who created Heaven and Earth. But to respond to your question, I will divide the matter into two parts:

- 1) Are the Christians who will sing at this assembly worshipers of avodah zarah?
- 2) What is the status of Amazing Grace in Christian worship – is it set aside for the church?

1) Know that we are required to distance ourselves from avodah zarah worshipers, and not to follow their ways and *chukim*, as Scripture says “Do not follow *chukot* of the nation . . .” (Leviticus 20:23). But in all questions regarding avodah zarah it is well to mention the statement of Rabbi Yochanan (Chulin 13b): “Said R. Chiyya bar Aba said Rabbi Yochanan: Non-Jews outside the Land are not *ovdei kokhavim*, rather they continue the ways of their ancestors.” From this we can understand that there are from a halakhic perspective no avodah zarah worshipers in the Diaspora in our day.

However, a multitude of rishonim hold that Christianity contains real avodah zarah, and forbade it entirely. For example, Maimonides rules so: “The Christians are worshipers of Avodah Zarah” (Laws of Forbidden Foods 11:7), and also: “Know that this Christian *ummah* which follows the faith of Jesus, even though their religions vary, all are worshipers of avodah zarah and transacting business with them is forbidden on all their holidays, and it is appropriate to behave with them in all matters as one does with worshipers of avodah zarah” (Commentary to Mishnah Avodah Zarah 1:3). But Maimonides was not prophesying, rather discussing the Christians of his time, which means Catholicism and Orthodoxy. Although he rules that those denominations are complete avodah zarah, his words cannot be extended to cover contemporary Protestants. It is known that the choir under discussion here is entirely Protestant, and therefore even listening to them in church would only be doubtful avodah zarah if we use Maimonides as our guide.

And on the other hand, Meiri writes: “Regardless, *ummahs* that are bounded by the ways of religion and believe in the existence and unity and power of God may He be Blessed, even though they distort certain matters according to our belief, they are not subject to these words (banning extended greeting)” (Gittin 62b). Who is wise enough to understand the phrase “bounded by the ways of religion”? One could understand that the Christians of Meiri’s time and place did not believe in the Trinity etc. and did not worship avodah zarah, but in my humble opinion, Meiri’s ruling was that even though they are by name/category worshipers of avodah zarah, we have permission to treat them as Noachides or “resident aliens” because they differ from the avodah zarah worshipers of antiquity in being “bound by the ways of religion”. So in the end it is insignificant that Meiri does not say that they are not avodah zarah worshipers, as the issue of how to act is the crucial one.

Furthermore, some rishonim wrote that some Christian sects, not the majority, are not avodah zarah worshipers, although they also limited the application of Rabbi Yochanan’s dictum with regard to Christians. Raavan wrote (291): “For this reason we rent houses to non-Jews who worship avodah zarah, relying on the statement of Rabbi Yochanan above that non-Jews outside the Land are not

avodah zarah worshipers, and we need not be concerned that they will bring avodah zarah items into the house, as they are not so adhered as to do avodah zarah in their houses, and we tend to leniency and say that maybe they won't do so, but in Russia and Greece they are certainly adhered as they place avodah zarah items on their gates and their entrances and all their houses. He also writes there: "Possibly with regard to our non-Jews, who are not so adhered to avodah zarah, the figures of madonna and child or crucifixes that are on their clothes/utensils are only decorations." In this connection, I saw in *Bnai Banim* (35) the following: "From the words of Raavan there is evidence for distinguishing among churches".

Woe unto us that we have sinned and the crown of our heads is fallen, and we do not have the capacity to make fine distinctions among the Christian churches, which have been fruitful and multiplied and swarmed greatly, so that it is impossible to fulfill the verse "and you shall investigate and analyze well" (Deuteronomy 13:15). I do not know how to analyze and distinguish among the maddening varieties of Christianity, some of whom believe in the Trinity, some of whom worship God may He be blessed alone, and some of whom believe in nothing but themselves! Bottom line, in the Diaspora today, other than Catholicism and Orthodoxy, Christianity is only doubtful avodah zarah.

2) With regard to the assembly you have set out for me, and the song *Amazing Grace*, if this song is set aside for Christian worship (which is doubtful avodah zarah), it is forbidden to listen, and a fortiori to sing with them Heaven forbid, as the Torah says "they shall not be heard because of you" (Exodus 23:13). So wrote Bach: "That which they sing in synagogue tunes that Christians sing in their houses of worship, it seems to me that this is prohibited only with regard to tunes that are set aside for avodah zarah, since they are an established *chok* for avodah zarah . . . but if they are not set aside for avodah zarah, it seems that there is no prohibition." (Old Responsa 127) It seems that in our matter, where the Jews are not singing, and the location is not a synagogue, that if the song is not set aside for avodah zarah, a fortiori there is no prohibition. But *Bnai Banim* writes against this: "Listening to avodah zarah music for the sake of music is certainly prohibited, not only within a church, where it is prohibited to go to hear (even) a classical music concert, but even in a concert hall so long as the choir is a church choir, as the singers certainly have intention for avodah zarah. And even if they do not have avodah zarah intent, as for example if the choral singers are Jews who, in our depth of sin, sing Christian music, nonetheless one who goes to such a concert is giving honor to avodah zarah." And he writes explicitly that "One should not attend a gospel concert". I have also seen *Igrot Moshe*, who writes: "The tunes that the Christians sing in their houses of worship are certainly forbidden to listen to even on the radio or phonograph." (YD 2:56). So it seems that it is forbidden to listen to this music in a concert or even on the radio.

But we have already explained that the status of this choir is doubtful avodah zarah. And in our day of the Ipod and MP3s and other media, no song is set aside for any purpose, other than songs that are heard only in church. One can hear *Amazing Grace* in many places. I have heard it in folk concerts by Arlo Guthrie and Pete Seeger, and I have also heard from my son, who heard it at a Fish concert (where half the band is Jewish), and it is impossible that the concert attendees were thinking about the source or the meaning of the words, and certainly they did not give honor to avodah zarah, as

they did not go there to hear that kind of music, but rather to hear any music. As opposed to church or gospel music, this song is today just a regular song, with no exclusive connection to Christianity, but rather to generic spiritual feelings.

One cannot discern the intentions of the singers at the assembly, but it is easy to decide that the intent of the Jews attending is not to hear gospel music, but rather to assist the Land of Israel and its inhabitants. Out of respect for Rav Moshe and Bnai Banim I will not say that this listening is certainly permitted, as we too are unsure of the intent of the listeners to the song Amazing Grace. But we therefore have here a double doubt, a doubt with regard to the Christian singers and a doubt with regard to the song.

In this “time of pressure”, with all the Arabs surrounding Israel like bees, there is an obligation on Israel to find friends among the nations so as to strengthen and secure the Land of Israel. Therefore it is permitted to rely on this double doubt in all ways.

Fellow Responsum #9

Question:

In the matter of a demonstration on behalf of the State of Israel, where Jews and Christians will commingle, and the Jews have agreed that the Christians will pray without mentioning Jesus, and further that the Christians will sing Amazing Grace. The question is whether it is permitted to attend this demonstration.

The prohibition of the song:

With regard to the song itself, I have looked at several great decisors of the past generation. They agree that the key point in our case is whether this song is sung in their houses of worship. And they do sing Amazing Grace in their houses of worship! Regarding such songs Rav Moshe Feinstein ruled: "Behold the tunes that the Christians sing in their houses of worship are certainly prohibited" (YD 2:56). Rav Ovadiah Yosef also ruled so in Yabia Omer.

A Second Question: Mar'it ayin

We are left with the question of whether you can go to the demonstration but leave before the song. In my mind this is prohibited because of mar'it ayin, lest the irreligious Jews say that we think it is permitted to listen to such songs. It is very important to not go to this demonstration, to show our straying brethren the error of their ways, for by agreeing to commingle with the Christians in a demonstration, and to permit them to sing their songs and to pray their prayers, they are rebelling against the halakhah! How can we, who follow the path of Torah, agree to their wrong actions!

The intent of the Christians

To show the intent of the Christians in this matter, and the error of the irreligious in agreeing to this, look at the very words of the question. The questioner makes clear that the Christians intended to pray in the name of Jesus! This reveals to us the true intent of the Christians. And this is further grounds for prohibition, for it is inappropriate for a Jew to hear their prayers, even if the name of Jesus is not mentioned.

Desecration of the Name

Furthermore. There will be a desecration of the Name in going to this demonstration, which will have their songs and prayers! To be in that place, the place where they will do this wrong to God, even if a person leaves before the song, it will seem that he is agreeing to their actions and it could cause desecration of the Name, Heaven Forbid. I think that the claim of some that there will be a desecration of the Name if there are no Orthodox Jews at this demonstration is incorrect. For is there a greater desecration of the name than showing, even for a moment, agreement with their actions?

Conclusion

I think it is forbidden for anyone who fears Heaven to attend this demonstration. First, it is forbidden for us to listen to their music. Second, attending would be a desecration of the Name by demonstrating

to the non-Jews that we accept their prayers and songs. It would also mislead irreligious Jews into thinking that this is permitted, and as such is forbidden as mar'it ayin. It is very important for all those who fear Heaven to distance themselves from this demonstration.

Rabbi Klapper Responsum

In the matter of the demonstration for the State of Israel (may it be His will that it become the beginning of the flowering of our redemption) which was organized by religious leaders from among the Christian communities and our non-Orthodox Jewish brethren. And you, honored sir, head of the advocates and activists on behalf of the State of Israel in our city, are requested to attend and participate in the direction of the demonstration, in which there will be prayers from Christian ministers, albeit without mention of the name of Jesus the Nazarene, and there will also be a choir that will sing the famous song Amazing Grace. You seek my impoverished opinion as to whether it is permitted for you to attend and participate as requested and also to urge the members of your congregation and other Jews to attend.

I am obligated to begin by admitting the possibility that I have a personal bias in this halakhic matter. Several weeks ago I urged my congregation to attend a demonstration on behalf of the oppressed in Sudan that was organized by the heads of the African-American church community, and several other local rabbis did so as well, in particular Rabbi Meir Sender of Young Israel of Sharon, who is well-known as learned in both books and reality and who understands Christianity well, and here I heard several speeches and prayers that did mention the name of Jesus, and I was astounded for a time at myself and my rabbinic colleagues for sending loyal Jews to hear such speeches. But there is a presumption that that respected rabbis do not act in ways that lead others to error, and therefore while it is possible that I in my insignificance erred in the matter, I cannot say the same of my colleagues, and therefore I now gird up my loins to find the ground for permission in the past, and we will then see whether the past can teach us about the future, or not.

At first glance it seems that listening to Christian speeches violates “Do not stray after your hearts” (see Mishneh Torah Laws of Idolatry 2:3 and Book of Commandments Negative Commandment 47, on the basis of Sifri, though it is interesting that apparently the Babylonian Talmud does not mention any avodah zarah prohibition deriving from this verse), and if one enjoys it there would also be a violation of deriving benefit from avodah zarah but with regard to the prohibition of “do not stray”, it seems reasonable that this negative commandment prohibits only that which a person does for an insufficient end, on the analogy of the prohibition “lo t’chaneim”, the prohibition against bearing negative but true tales, and many others, for if this were not so, how did Chazal permit themselves to speak with governments and heretics in their varieties, and what permission would there be for reading newspapers, which contain many statements of denial and heresy and avodah zarah? It is also reasonable that the prohibition is only to change one’s ordinary life so as to draw nearer to avodah zarah or heresy, as is brought on Avodah Zarah 17a from the verse “distance your path from her” – meaning that a person is not required to stay home so as to avoid all contact with forbidden ritual and opinions, but rather he can go on his way and strive to be distant from them.

It seems to me that the second ground of permission is insufficient to permit demonstrations on behalf of non-Jews, even if they are for the sake of justice and straightness in the world, which are good and obligatory values that it is fitting for every human being bounded by laws to strive to spread in the world, as participation in such demonstrations (and there is room to investigate whether this is the result of our depth of sin, as this was not true of Rabbi Aharon Soloveitchik zt”l) is not part of the

regular life of religious Jews in our locale. However, certainly there is room to say that objection to crookedness and evil is a great end, and it seems to me that where such an end is present there is not such great concern for “do not stray” if there are no other prohibitions involved. We move on, then, to the prohibition of deriving benefit.

Shulkhan Arukh 142:15 writes: “It is forbidden to hear musical instruments of avodat kokhavim, or to look at decorations of avodat kokhavim, since one derives benefit from this seeing”. In the Talmud (Avodah Zarah 17a) cited above Rabbi Eliezer recalls his sin in having derived benefit from a biblical interpretation he was told by Yaakov of the village Skhanya (who it seems from several manuscripts and parallels was a student of Jesus). It seems therefore that if a Jew were to benefit from the ministers’ speeches he would transgress. However, Ramo there writes “However, if it is not intentional, it is permitted”. According to Shach there, benefit is considered unintended simply if one did not intend to benefit: “It is clear from the Talmud and decisors that even if he could take a different path, it is permitted if he did not intend to benefit, and it is clear from Tosafot and Rosh and Ri Weill there (Pesachim 25a) that this deals with a case in which he could close his ears and cover his eyes and block his nostrils so as not to benefit from the sound or appearance or aroma, but it is permitted (without doing so) if this was not his intention, as it is not a *psik reisha*, but otherwise it is prohibited as is clear from the Talmud and decisors, even if he had no other possible path.” If so, in our case there is no prohibition of deriving benefit, since the attendees do not have intent to derive benefit from the mentions of avodah zarah in the speeches, although perhaps it would be worthwhile to warn the attendees to specifically have intent not to derive benefit from the speeches. (Truthfully, I have a point of investigation here, as Rabbi Eliezer only mentioned the prohibition of “distance your path from her” even though he derived benefit, which raises the possibility that intellectual benefit is not considered benefit with regard to the laws of benefiting from avodah zarah, and this requires investigation.)

We come then to your question. According to your description, we should add the following technical halakhic issues to the discussion above: on the stringent side, that you are requested to announce the speeches and the song, and the singing itself, and on the lenient side, that neither the speakers nor the singer will mention the name of Jesus, and that the demonstration is on behalf of our Jewish brethren who fulfill the commandment of settling the Land, for the sake of which they are killed nearly every day. We will start by evaluating the points for stringency one by one.

1) That you are requested to serve as announcer

At first glance there is an issue here of “They must not be heard because of you”. However, since they have agreed not to mention the name of Jesus, it is clear that you can rely on the position of Tosafot (and it is not clear that Tosafot’s position on this detail is at all disputed) that their intention for the creator of heaven and earth, combined with their failure to mention any name of avodah zarah, makes this prohibition inapplicable.

It is also possible to raise the issue here of “lo t’chaneim”. However, Chazal certainly did not forbid purposeful flattery, and here there is no showing favor without cause, but rather flattery for a definite purpose.

2) That the choir will sing Amazing Grace

We cited above the words of Shulkhan Arukh and Ramo with regard to deriving benefit from avodah zarah songs. It seems to me that in this case as well it is sufficient to warn those attending the demonstration to intend not to derive benefit from the choir, and certainly not to sing along.

The entire discussion above is halakhic in the narrow sense. In that frame of reference it is possible to allow attending the demonstration if it is truly considered an effective action to save lives and to strengthen the standing of the Jews in our holy land. But I am obligated to mention that there are also great dangers attendant on partnering with Christians, especially in matters that touch religion, and there is a strong basis for claiming that it is not wise to give standing and recognition to Christian support for the State that arises out of religious motives. And in general it is difficult to support a religious gathering that partners Jews with worshipers of avodah zarah, , and therefore, although it is possible to permit, it is not worthwhile or perhaps even permitted to permit before we analyze our position regarding the Christian religion.

Everyone knows that there are three positions with regard to Christianity – those of Rambam, Tosafot and auxiliaries, and Meiri. According to Maimonides, all Christian sects, as far as they were known to him, are avodah zarah worshipers. However, in Laws of Kings he concedes that Christianity was the medium for the publication to the world of several ideas of the true religion, and although his halakhic ruling that that Christianity is avodah zarah is clear, he never gives a rationale for that ruling. Tosafot are explained by many acharonim as saying that since Noachides are not commanded against “partnering”, they are not forbidden to believe in the Trinity, even though that belief is considered avodah zarah for us. But in the opinion of many other acharonim this position is too strange, and I agree with them. They are of the opinion that the “partnering” that Tosafot permit applies only to the prohibition of “partnering the name of heaven with something else in the context of an oath”, and not to belief in the Trinity. Despite this, this position at least agrees that when Christians say “God” and the like, their intention is for the maker of Heaven and Earth, which means, as per Ran on Avodah Zarah and Meiri below, that they believe in the true God even though their belief is distorted, and those distortions reach the level of avodah zarah. Meiri claims that it is possible to separate the law regarding avodah zarah from the law regarding its worshipers, in other words that even if the Christians truly violate in several ways prohibitions of avodah zarah, this does not define them personally as avodah zarah worshipers, and it is even perhaps possible to say that their religion is not an avodah zarah religion even though most sects perform acts that violate prohibitions of avodah zarah.

In another place I have clarified that one should not in our time speak of Christianity in general in these matters, as from one sect or denomination to another there are extreme theological differences. But there are times when one has to relate to a gathering of Christians from various denominations as a group, and in such cases it seems to me that it is worthwhile to assume that the group qua group believes in the Trinity and in the divinity of Jesus. In my opinion it is clear that that one should not rule with regard to such a belief, that both fragments God and makes him physical, that it is not avodah zarah. But it is also difficult to say that they are not, as Meiri asserts, believers in God and His unity, as they say with sincerity that they believe in a single incorporeal God. Therefore in my opinion we need to relate to Christianity as a sui generis phenomenon, like the *koi* among animals, as

something that is intrinsically doubtful avodah zarah rather than something we cannot classify owing to the limitations of our understanding.

One of the interesting characteristics of this phenomenon is the possibility within it for love of the Jews and support for our rights in the Land of Israel, even if to our sorrow throughout most of history this potential has not been actualized. But in the United States this love and support do appear, and this obligates us in gratitude even though at times this support is bound up with their anticipation of the coming of their messiah.

In my opinion, the agreement of the Christians not to mention the name of Jesus in their prayers, and to listen to Jewish prayers (even though it is possible for them to be halakhically forbidden for important reasons, non-Orthodox prayers as a rule are addressed to the God Who brought us out of Egypt without much distortion), proves that their intent in this assembly is not to convert the Jews via their beautiful singing and the like, even though some individuals among them will certainly so intend. In my opinion the position of Tosafot therefore enable us to rule that their prayers will not contain an avodah zarah name, and one can add here the Talmudic position that all nations of the earth believe in our God, as evidenced by our willingness to accept sacrifices from avodah zarah worshipers. Therefore I hereby permit you to go and to encourage others to go, only you should the organizers to have someone else announce the choir for that song and you should only call up the speakers.

With Torah Blessings,

Aryeh Klapper

The Mission of The Summer Beit Midrash

Rabbi Joseph B. Soloveitchik of Blessed Memory taught the following syllogism:

- Humanity is created b'tzelem Elokim, in the image of G-d.
Therefore the purpose of man is imitatio dei, l'hidamot lo k'mah she'efshar – to imitate G-d's ways.
- The Torah introduces G-d to humanity as the borei, the Creator.
Therefore the purpose of humanity is to be creative.
- But Jews were specifically instructed to center their lives around Torah!
Therefore the ultimate Jewish purpose is creativity within Torah, chiddushei Torah.

Ironically, this argument of the Rav is often used, exactly so, as someone else's speech. I think myself more in accord with its spirit in offering a perhaps creative extension of the Rav's thought.

For those who spend much of their time laboring in the intellectual fields of Torah and who are privileged to experience the joy of chiddush, of Torah creativity, the Rav's focus is obviously attractive. But it seems by implication to cut the majority of the Jewish population off from the central Jewish religious act – not that many of us are capable, whether for reasons of economy, temperament, or ability, of making genuinely original contributions to the study of Torah. And I submit, pace Maimonides, that Jewish philosophy ought not to so privilege the intellectual elite.

Let me therefore offer the following extension of the argument.

- Most values are universal. People generally agree, for instance, that courage and generosity are good, cowardice and miserliness bad.

Therefore the uniqueness of Torah – and any other moral system – lies largely in the relative weight it assigns universal values, in the way it instructs us to choose when those values compete or conflict.

Therefore the content of a chiddush Torah is its rebalancing of values.

- R. Chananyah ben Akashya famously teaches that G-d gave us many commandments in order to increase our merit. Maimonides explains that this means that each of us can focus on the commandment or commandments that most resonate with our souls. In other words, every soul among us legitimately balances the values of Torah differently.

Therefore each of us, if we live a life genuinely devoted to Torah, simultaneously offers a creative interpretation of Torah, albeit not one consciously bound to a specific textual rereading.

To sum up: The Torah can be interpreted both through study and through practice. There is a Torah of thought, and a Torah of life.

But creativity must be treated with caution as well as celebrated. If we create within Torah, that means that we change Torah, and some of our changes may be for the worse. Creativity carries with it the probability of error. I remember R. Zevulun Charlop, Dean of RIETS, telling me that m'chadshim, creative scholars, should be evaluated like baseball batters – getting it right once in three tries is excellent for the less adventurous, and once in four sufficient for those with real power. How does our system control the impact of these errors?

I submit that one method is by coordinating the Torah of Thought with the Torah of Life. Academic study with no real-world accountability leads to an impractical and/or unfeeling Torah; life with no textual accountability leads to an incoherent and/or self-indulgent Torah. Only when they go hand in hand – when the creative energy of one is checked and balanced by the inertia of the other, and vice versa – does Torah develop properly.

In other words – the Torah of Thought and the Torah of Life meet in the realm of p'sak halakhah, where intellectual Torah must be translated into practical rulings. A community's healthy relationship with p'sak – and its production of robust p'sak – are signs that it is effectively coordinating its Torahs. Anemic and mistrusted p'sak, of course, are danger signs.

I submit that Modern Orthodoxy has neither robust p'sak nor a healthy relationship with p'sak, and that the cause of this is that the Torah of Life and the Torah of Thought – both in the admirable process of creativity – have grown apart from one another.

More concretely – the academy and the community do not trust one another's religious and moral intuitions, and therefore each feels itself unaccountable to the other. This must change, and it can, and here's how.

We need to produce talmidei chakhamim - poskim – leaders - who share the positive moral vision of the Modern Orthodox community, including

- commitment to the full religious development of women,
- to the ultimate significance of every human being as a tzelem Elokim,
- to the religious significance of Jewish sovereignty in Eretz Yisroel,
- to unintimidated intellectual openness, and
- to profound cultural responsibility.

These poskim will test their halakhic rulings against that vision - but they must also be unafraid to subject the practices of the Modern Orthodox community to strict Torah scrutiny. My belief is that the community will respond positively to that scrutiny if it feels a kinship of values with its leaders, but not before.

The Summer Beit Midrash was founded to produce those leaders.

How do we produce such leaders? How can we create leaders simultaneously and authentically rooted both in the texts of our tradition and in the values of our community? The Summer Beit Midrash program we make every effort to ensure that academic study is never divorced from its real-life and ethical implications. Every idea offered during our study of traditional texts is tested and retested against our moral intuitions and our philosophic premises as well as our intellectual capacities.

One practical reflection of this approach is our commitment to the nearly lost art of writing teshuvot, or halakhic responsa. For example, when we studied the laws of conversion this past summer, each fellow wrote a responsum about a technically difficult case involving a “patrilineal Jew” born and raised with a strong non-Orthodox Jewish identity. Each responsum addressed not only the technical halakhic issues involved but also the question of the Orthodox community’s moral obligation to such individuals, as well as the impact that moral obligation has and/or should have on the determination of halakhah. The group discussion following the presentation of the responsa also addressed the impact that issuing certain rulings might have on a poseik’s standing in the community, because leaders must be aware of – and be willing to bear – the personal consequences of their decisions.

Another example – three years ago we studied the law of the katlanit, the woman who has been married twice and may be halakhically forbidden to marry again. The Talmud debates whether this rule is based on medical fears or on astrology; the halakhah clearly follows the position which says it is based on astrology. We questioned whether it was legitimate for us to cause even one human being to suffer because of a law based on astrology, a system that, following Maimonides, we rejected.

But the issue grew more complicated. R. Ezekiel Landau, late eighteenth century rabbi of Prague, offers an astrological rationale that exempts virtually all contemporary women from this rule. We asked: is it legitimate for those who do not believe in astrology to base a legal leniency on an astrological rationale?

Maimonides himself, it turned out, adopted in the matter of katlanit a posture that is to my knowledge unique in the annals of halakhah. He writes that his practice – and, he claims, the practice of his teachers for several generations – is “maamidin lahem p’nei mit’alem b’galui”, to “openly look away” from those who marry anyway, to tell them in advance that we would happily write ketubot for them were they to marry. We asked: Is Maimonides’ practice in this case an unrepeatable exception, or a strategy from which we should learn?

Future leaders who have taken these questions with great seriousness, who bring the beliefs and values of our community to their study of Torah, will answer them differently than leaders for whom these issues are uninteresting. And their answers will be respected and trusted by our community.

I hope this talk has contributed to our effort to bring the Torah of Study and the Torah of Life together. I hope you will be inspired to join our effort in any way you can.

The Summer Beit Midrash

“Taking Responsibility for Torah”

www.summerbeitmidrash.org

10 Allen Court

Somerville, MA 02143

617-623-8173

The Summer Beit Midrash was created in 1997 to develop effective and courageous Orthodox leaders committed to actively participating in, learning from, and challenging contemporary Jewish and non-Jewish culture.

By effective we mean

- capable of making the language, values, and practices of Halakhic Judaism meaningful to all Jews, and
- capable of making the values, practices and society of Halakhic Judaism react meaningfully to the challenges of modernity

By courageous we mean

- willing to confront intellectual and moral challenges originating both within and without Torah, and
- willing to implement Torah in the face of personal or communal opposition

To apply for the 2005 SBM, use the application link at www.summerbeitmidrash.org or email SBM5765@aol.com

To donate to or volunteer for the SBM or the Rabbi Azriel Hildesheimer Center for Modern Torah Leadership, look for Summer Beit Midrash on Network for Good or AOL keyword Guidestar or use the contact information above.

Introducing the Rabbi Azriel Hildesheimer Center for Modern Torah Leadership

A.

The core program will consist of a semester-long fellowship for twelve Orthodox university, rabbinic, or seminary students with the capacity to read and understand rabbinic texts fluently in the original Aramaic and Hebrew. The fellowship will be open to men and women.

Fellows will spend twenty five hours each week engaged in intense study of halakhic materials on the central theme of that semester, including twenty hours of independent study and five hours of lecture/discussion. Each theme will be chosen for its relevance to modernity and capacity to challenge the fellows' assumptions and characters. For example, one theme might be the conversion of minors, with particular focus on the conversion of infants who will be raised in homes with minimal Jewish observance. This theme would require fellows to discuss notions of consent, autonomy, and identity, consider the good of the individual child and family as well as of the Orthodox community and of the general Jewish community, and evaluate likely responses and their capacity to maintain their positions in the face of severe criticism.

Fellows will spend an additional fifteen hours each week doing community Torah service at one of our partner institutions in the Boston area. For example, fellows will establish an open beit midrash environment in Boston University Hillel, serve as section leaders and individual tutors in Maimonides High School, and do primary intake at the Boston Beit Din. Each of these experiences will involve mentoring with an elite professional. Fellows will also be given time as a group to discuss the implications of these experiences for their self-understanding as Jewish leaders.

Fellows will spend up to twenty hours each week studying materials or listening to guest lectures on non-halakhic materials related to the central theme, engaging in formal leadership training, or studying key texts associated with Jewish and halakhic leadership. Fellows will be expected to produce significant written work including at least one responsum to a case relevant to the central theme of the semester. All written work will be evaluated by the group of Fellows as a whole. Faculty will produce written work paralleling that of the fellows.

Institutions that have expressed interest in partnering with the Hildesheimer Center include: Maimonides High School, Maimonides Day School, the Rabbinic Court of Boston, The Rabbi Soloveitchik Institute, Young Israel of Sharon, Congregation Kadimah-Toras Mosheh, Congregation Shaarei Tefillah, Boston University Hillel, Harvard Hillel, MIT Hillel, Boston College – The Center for Christian-Jewish Learning, Chabad of Stoughton, Bnos Torah of Lexington, and Edah.

B.

The Hildesheimer Center believes that leadership and scholarship should be integrated at every level of Jewish knowledge and practice. The Center is also strongly committed to Rabbi David Hartman's conception of halakhah as the shared spiritual language of the Jewish people, regardless of particular observance or theological commitment, and sees the realization of that conception as a primary mission of Modern Orthodox leadership. The Center will run a three week seminar in June for university students without experience or skills in deciphering traditional Jewish texts, skills, and add more such seminars in consonance with demand. These seminars will follow the methodology of the Summer Beit Midrash in using halakhic decision-making as a paradigm for Jewish leadership, and provide all participants with the experience of making such decisions seriously. All texts will be provided in translation or summary, and participants will be given extensive background on the epistemology and axiology of traditional and contemporary Jewish thought. Participants will be required to produce significant written work, including at least one responsum. Fellows of the full-year program will serve as section leaders.

These seminars will be aimed largely at non-Orthodox students, although Orthodox students without advanced textual skills will also be welcome. We will be open to developing relationships with non-Orthodox institutions so as to provide programs specifically aimed at students with non-Orthodox ideological commitments. All such programs will be intellectually open and seek to provide exposure and create engagement without proselytizing.

C.

Elite university faculty represent one of the highest expressions of modernity, and the Hildesheimer Center believes that making Judaism deeply relevant in those circles will have a significant effect on the Jewish community as a whole. Building off the innovative PARTNERSHIPS program and the Faculty Talmud class developed by Rabbi Aryeh Klapper at Harvard Hillel, and learning from the impressive work of the Hartman Center in Jerusalem, the Hildesheimer Center will run a one-week seminar during spring break for university faculty. These seminars will integrate of all aspects of Torah with a particular academic discipline or topic, particularly in the liberal arts. For example, a seminar might focus on the concept of sovereignty. All texts will be provided in translation. Faculty participants will be strongly encouraged to produce papers for and as a result of the seminar.

D.

The Hildesheimer Center will continue the Summer Beit Midrash program, which has already made major contributions to the development of young Modern Orthodox leaders..

For more information, or to become a Friend of The Hildesheimer Center, please contact Rabbi Klapper at SBM5765@aol.com or 617-623-8173.

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Is Currently Accepting Applicants For the Summer 5765 Session

Since 1997, the Summer Beit Midrash (SBM) has provided college, graduate, and rabbinic students with the opportunity to think seriously and deeply about halakhah in an intense but open learning environment. The SBM is unique in its successful combination of top-level traditional study of rabbinic texts with complete openness to the critiques and insights of other methods, disciplines, and cultures; its focus on halakhah as a functional legal and political system rather than as a collection of details; and its ability to engage the most difficult theological and ethical issues within halakhah in a strongly supportive and completely committed Orthodox environment. SBM is developing a new generation of creative Orthodox leadership.

This year's session of the SBM will center on the theme "Orthodoxy and non-Orthodoxy", through morning *havruta* study and an interactive shiur given by SBM's *Rosh Beit Midrash*, Rabbi Aryeh Klapper.

Afternoons will consist of research for and delivery of *chaburot* by fellows on this summer's theme, as well as lectures by distinguished members of the Boston area rabbinic and academic communities.

Evenings will provide an opportunity for SBM fellows to study with and deliver lectures to various communities in the Boston area.

The Summer Beit Midrash will provide food and housing for all fellows. A limited number of stipends are available on the basis of need and ability.

This summer, the SBM is inviting 10 – 12 outstanding students to join the Beit Midrash for six weeks (July 3 - August 16). Applicants must be proficient in reading rabbinic texts, have aspirations and display talent for leadership positions in the Jewish community, and be fully committed to *halakhah*.

For further information please visit our website:

www.summerbeitmidrash.org

Application forms are available on the website, or via email from Rabbi Klapper at SBM5765@aol.com

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SBM 5764 Fellows Reflect on their Experience

“The theme that stays most in my mind is responsibility for what Torah will be in the future. This has special resonance for Modern Orthodoxy, because so many of us are deeply committed to Talmud Torah and Halakhah, but profoundly disturbed that some of our key values are not reflected in current Orthodox Torah interpretation. **SBM taught me that the Torah of our community is molded by those most committed to it.** The proper reaction to disappointment is not to recoil and criticize from afar, but rather to intensify commitment and take responsibility for Torah.”

“SBM’s focus on responsa literature is unique in Jewish learning. As halakhically observant Jews, we base our lives on a legal discourse that we often don’t really understand. Our study of Talmud and Coded in yeshivot acquaints us with the beginnings of this conversation, but leaves us with only a vague sense that the conversation is still going on, or worse, the misconception that it has ended. **SBM brought me right into the ongoing discussion, not just to listen, but ultimately – with the final project, writing my own *teshuvah* (responsum) – to participate.**”

“SBM helped me think about God, Torah, and Judaism more sensitively and carefully. The discussions with other Fellows and Rabbi Klapper compelled me to deepen my emotional involvement and intellectual honesty in Torah, and to decide which contemporary issues in Torah I genuinely owned. **SBM made me relate to Judaism with thought, courage and feeling.** All this was stimulated by the unique academic program, especially reading and writing responsa, but I was most influenced and even awestruck by Rabbi Klapper’s concern for the future of Judaism and clear-eyed love for the Jewish people.”