

Over the last month I have been reading Freedom's Law, a collection of essays by the highly influential legal theorist Ronald Dworkin. Many of the directly legal essays were challenging and stimulating to my conception of Halakhah in general and with regard to specific areas, and I hope over the next year to produce a series of extended engagements with them. But this week I want to engage rather with the last essay in the book, a memorial essay about Dworkin's mentor, the wonderfully named Judge Learned Hand.

Dworkin's love and admiration for Hand as a judge and as a person are continually and powerfully expressed, but so, much more gently, is his conviction that several of Hand's important legal positions had morally disastrous practical implications. Here I wondered how this might reflect on my own ambivalence about quoting certain great Torah scholars. To what degree can we recognize greatness in people while accusing them of profound moral blindness? To what degree can we recognize talmidei chakhamim as great if their Torah positions or assumptions had disastrous moral or religious implications? If we quote their Torah, and build our own chiddushei Torah off theirs, are we lending credence to the positions and assumptions we see as illegitimate?

As it happened, the day before reading that last essay I had been browsing the bookshelves in the Regis Hotel and picked out the Divrei Yoel on Vayikra to read between aliyot. Divrei Yoel is a book by the late Rebbe of Satmar, Rabbi Yoel Teitelbaum, and there is no questioning his brilliance as a scholar and his remarkable achievement in rebuilding his community after the Shoah. It is also the case that he viewed the State of Israel as a creation of the kabbalistic "Other Side", and in other ways held positions that see many of the proudest accomplishments and deepest values of Modern Orthodoxy and Religious Zionism as demonic, and in general had a vision of the universe that gives power to the metaphysical forces of evil in a way that profoundly unsettles my perhaps too Maimonidean monotheistic antenna.

Now Divrei Yoel brought my attention to a set of interesting anomalies and insights in the Torah and commentaries to the opening of Parashat Shemini.

- 1) 9:2 instructs Aharon to "take for himself" sacrifices, whereas verse three instructs Bnei Yisroel simply to "take" sacrifices.
- 2) Targum Yonatan says that Aharon sacrificed a calf "so as to prevent a/the satan (accuser) from speaking lashon hora about him regarding the (golden) calf he made at Chorev; he similarly regards Bnei Yisroel as sacrificing a goat to forestall satanic slander, but describes their calf as brought only "because they worshipped the (golden) calf, without mention of any accuser.
- 3) A set of midrashim claim that Aharon delayed beginning his service until Mosheh pointedly told him that this was his destined place
- 4) A set of midrashim describe Aharon as having to overcome a vision of the altar as looking like an ox, and therefore reminding him of the Golden Calf.

To these I add that Rashi, as I best understand him, pointedly states that Aharon brought the calf as a public demonstration that Hashem had granted, or was granting, him atonement for the Calf.

Divrei Yoel suggests that the memory of the Calf, and therefore the sacrifice of the calves, played a different role for Aharon than for the rest of Bnei Yisroel – for Aharon, it was personal. The dark forces

gather with more intensity at the moment a person approaches his destiny, and the yetzer hora uses its most subtle trick – convincing a person that he or she is unworthy of fulfilling that destiny. So Aharon is induced to see the altar as an ox, and he is overcome with humility and shame – but Mosheh understands what is happening, and makes Aharon understand that his humility here is a symptom, not a virtue.

The psychological insight here is profound and striking, and I admit to generally enjoying exhortations to avoid the vice of humility, even as I understand how profoundly dangerous they are. But there is of course a risk that my citing this insight will lead readers to study Divrei Yoel on your own, and then to being convinced by his arguments on other issues, and move toward opinions and worldviews that I would much prefer held only academic interest in our world. Perhaps the willingness to quote Divrei Yoel is itself an unfortunate expression of humility.

Nonetheless, I am spending this whole dvar Torah on Divrei Yoel, while there are other books of worthwhile Torah scholarship that I would go out of my way to avoid citing. Why? My suspicion is that Divrei Yoel tends to be recognizably alien to most of my readers, and therefore is easily filtered, and given that, I see significant value in keeping the intellectual world of each Torah community as broad as possible – I would hope for a time in which Satmars can do the same for Religious Zionist thinkers.

I think I would be much, much more open to citing anyone who cites my positions in return, critically but fairly, and ideally respectfully.

I think that there is a difference between citing posthumously and citing from life – the risk of granting inordinate authority is greater with the living. My sense is that failure of moral character, as opposed to of moral realization, become less significant after death, at least so long as a posthumous cult of personality has not developed.

And finally, there has to be some way of recognizing the extraordinary, which it is worth taking more risks to preserve, and Divrei Yoel certainly falls into that category.

Shabbat Shalom

Aryeh Klapper