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HALAKHIC DISCOURSE AND MODERN SENSIBILITIES: A DVAR TORAH L'ILUI NISHMAT RABBI OZER GLICKMAN Z"L

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The internet is full this week with well-deserved and often insightful tributes to [Rabbi Ozer Glickman](#), who passed away this week. I have been hesitant to add my own thoughts and memories, because

- a) so many knew him longer and better than I did*
 - b) it might seem self-serving, as our conversations were mostly about how awesome my programs and my family were, and how he hoped to be helpful (many people's conversations with him were of that sort)*
 - c) some of what he said was confidential in ways that may still apply*
- Some of the hespedim have tinges of claiming him for one or another camp, and that seems to me an ethical violation which I would prefer to avoid. Some of them I think reflect a persona that he deliberately created and enjoyed inhabiting, but that was sometimes mistaken for the whole person. Others are very sincere but not quite right, and yet in ways that reflect his successes as a teacher and mentor.*

Yet these don't seem to be sufficient reasons for total silence. So here are a few words of my own, and perhaps I'll try something more developed in time.

- 1) It might be helpful to think of his role in YU, on Facebook, and in the community as that of Mashgiach, rather than of Rosh Yeshiva. I thought it was very appropriate that Rabbi Blau spoke at the levayah.*
- 2) He said to me very recently: I sent you students, and they thrived. That's really all I need to know.*
- 3) He was a pragmatist who dreamed.*
- 4) בתוך עמי אני יושב*

The best tribute, I hope, will be a dvar Torah that he would have enjoyed. I hope to have several more specifically dedicated to his memory fairly soon.

Berakhot 58a records a blessing that raises ethical hackles in modernity. In translation it seems harmless: "Who diversifies *haberiyoit* (referring either to human beings, or to all beings)". But when should one make this blessing? Unless we make it on everyone and everything, we are setting a norm, and diverse becomes a code word for "different" and "other". In fact, the context, example, and commentators all make clear that we are dealing with an instance of "just as we bless over the good, we bless over the bad". We make the blessing over differences that we perceive as deformities.

Several – perhaps all – of those differences are matters of color; black, red, and white. The term for "black" is *kushi*, which literally means from *Kush*/Ethiopia, but in both classical and modern Hebrew often has insulting racial overtones.

However, those connotations have no place in the Talmud here. This list is parallel to a list on Berakhot 45b that applies to both humans and animals, and clearly are seen as variants within a single breeding community. Rashi, basing himself on the parallel, goes out of his way to ensure that these are not understood as references to race. *Kushi* means "very black"; *gichor* means "very red"; and *lavkan* means "excessively white". We can argue about whether the shift from "very" to "excessively" favors whiteness as normal (so long as it's not excessive), or stigmatizes it (one can be excessively white even if one isn't *very* white).

But Rashi's position requires a frame of reference. In a Caucasian culture, all people of African descent are "very black". So inevitably, a position developed that one makes the blessing whenever one sees anyone of African descent.

In the 17th century, Rabbi Yakov Hagiz (Shu"t Halakhot Ketanot 240) found a radical way back to Rashi. He pointed out that the blessing was clearly intended to cover unusual cases – so how could one explain the existence of a whole continent of people who are "very black"? Should they all go around making blessings whenever they meet?

One might answer that the blessing simply becomes *pas* in such circumstances. Technically, perhaps, one should make it only if one has not seen a similar person in the past thirty days. But this loses the initial connotation of deformity, unless one wishes to argue that halakhah sees all such categories as socially constructed.

Rabbi Hagiz takes a different approach. Parents want children to look like themselves. A black child born to white parents is a deformity. He's not clear on how to react to a white child born to black parents, as apparently some differences are good. That is, he has not made it all the way back to Rashi, where only unusual coloration is relevant.

We can only speculate as to how Rav Hagiz's position might have been altered by access to Mendelian genetic theory.

Rabbi Hagiz's position is adopted by Kaf HaChayyim (h/t Rabbi Chuck Davidson), and then as at least an option by most of the myriad contemporary blessing manuals found on Otzar HaChokhmah.

These are the halakhic facts facing a contemporary Jew. With them in hand, what do we do?

There are blessings on seeing friends for the first time in thirty days, or a year. These blessings have fallen into desuetude among Ashkenazim. Why? I suggest because the risk of social awkwardness is great. The berakhah is only for friends. What if we meet, and I make the berakhah, and you refuse to answer amen on the ground that my berakhah was levatalah, because we are mere acquaintances?

By the same token, I think it is hard to justify making berakhot over people that now impose a sense of inferiority and deformity on them, or an unwanted sense of difference.

There have been cultures for better or for worse in which such blessings would be the best some kinds of “different” people could expect, and perhaps would even create the context for needed pity and kindness. But one person cannot treat another as purely a cheftzah shel mitzvah, as an object rather than as a subject, as a means rather than as an end.

One response is simply to let the berakhah fall away.

Another response is to reinterpret the Berakhah as a celebration of inclusiveness and rejection of “othering”. There is nothing in the language of the blessing to prevent this, and there are certainly aggadic resources to root such a concept in Jewish tradition. “Just as their faces are different from one another, so too their souls”. The narrative of the “ugly man” (Ta’anit 20a) warns us against judging people by their faces, and Rabbi Yehoshua as well was surpassingly ugly (Ta’anit 7a). Should we have made the berakhah over them? How would they have reacted?

A third response is to find a technical solution.

Berakhot 58a also quotes a beraita with a different list of cheftzot for this mitzvah: One who sees a *pil*, *kefof*, or *kof* recites “Who diversifies the *beriyot*.” Now a *pil* is fairly clearly an elephant; and a *kof* is a monkey or ape. (Rashi here says a *kefof* is a vulture; there are other identifications, and many commentators did not have it a part of the list in their text of the Talmud.) Why are these specific animals chosen? Rashi says that each of them has facial features that resemble the human. On that logic, some argue that only specific species of elephant or monkey can be objects of this berakhah. Most poskim, however, argue that the berakhah can be made on any animal that seems odd to us, and there are various stories of great rabbis going to the zoo for the purpose of making the berakhah. These generate a new question: If one sees two different odd species, does one make a separate berakhah on each? What if one sees them on consecutive days?

One can combine the positions so as to yield the result that a person who goes to the zoo once a month will never need to make a berakhah over a person.

None of these options, or the ethical issues, show up in the aforementioned halakhic blessing manuals.

Nor do any of them discuss the added discomfort of making the same blessing over human beings and animals. If one follows Rashi, one can argue that at least there is a visual connection. Some commentators note midrashim, likely rooted in the facial similarity, in which people who sin are turned into *kofim* and *pilim*, and perhaps even hold that those species are all descendants of degenerated humans.

A recent article on YNET, unfortunately picked up by Newsweek, highlights the difficulties of even discussing these issues. The same beraita also mentions a blessing over beautiful trees. In discussing that blessing, Rabbi Yitzchak Yosef naturally turned to “Who diversifies” for an analogy. Having cited it, he clarified that he follows Rabbi Hagiz’s position that the blessing is made only over children born looking very different than their parents, and not, for example, over dark-skinned Americans of African descent. This led to the accusation that he was using the word *kushi* as a racial epithet about African-Americans. To further illustrate this point, taking an example from the next beraita, and perhaps even offering a creative interpretation of it, he said that one would make the berakhah over human children who looked like *kofim*, regardless of their parentage. This led to the accusation that he had compared African-Americans to monkeys.

Rabbi Yosef’s office responded that he had simply quoted the Talmud. This is not quite true – the Talmud makes no mention of African-Americans, and Rabbi Yosef would have been much wiser not to mention them in the same lecture as the word *kushim*, let alone in the same sentence. The same applies a fortiori to *kofim*.

SBM alum Yair Rosenberg [wrote in the Washington Post](#) this week that a public bigoted statement by a communal leader often reflects a deeper cultural problem – leaders would not make such statements if they expected communal pushback. I prefer to believe the most innocent interpretation of Rav Yosef’s words – that he was explaining why the beraita’s term *kushim* did **not** refer to Africans – and to censure him for cultural obtuseness rather than bigotry. (Please note that this is based on the audio; the transcriptions I have seen are inaccurate.)

But that the most guilty interpretation was easily believed within the Orthodox community, and not even seen as surprising, means that we have little moral faith in our leadership on this issue. The absence of any moral conversation around the berakhah in our halakhic handbooks unfortunately justifies that lack of faith.

Torah leaders need to understand how deeply corrosive this lack of faith is to the religious health of our community, and especially of our youth. It is taken as compelling evidence that Torah scholarship at best fails to enhance moral sensitivity, and at worst diminishes it, when great talmidei chakhamim are simply and pointlessly obtuse to ethical norms that saturate the surrounding secular culture. This is definitional *chillul Hashem*. Let us do our best to change it.

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