

CENTER FOR MODERN TORAH LEADERSHIP

Center for Modern Torah Leadership



חירות ואחריות

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"Taking Responsibility for Torah"

AKEIDAH MOMENTS

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Fathers are not supposed to sacrifice their sons, even if they think G-d is telling them to do so. Please seek psychiatric care immediately if you think G-d is telling you that. Let's get that out of the way. Now we can talk seriously about the akeidah.

Avraham our Forefather did not seek psychiatric care when G-d told him to sacrifice Yitzchak. If we are to learn anything edifying from the akeidah narrative, we need to bridge the gap between his reaction and our understanding of what would constitute a reasonable contemporary reaction.

Here is a minimalist bridge. The story of the akeidah teaches us that G-d would never ask us to kill someone innocent. That's why anyone who experiences G-d telling them to kill an innocent person can be confident that they are insane. But we should also learn from Avraham that anything G-d commands is binding, however horrible it seems to us, unless and until G-d tells us that He didn't really mean it by issuing a specifically contradictory command. It is not enough to show that a specific command violates a general value He has previously articulated; such values are parallel to G-d's promises that Avraham would have many descendants etc, which did not stand in the way of G-d's command to sacrifice Yitzchak.

Here is a maximalist bridge. The story of the akeidah teaches us that G-d wants human beings to exercise independent moral judgement about anything and everything that appears to be His command. That a moral giant like Avraham seriously considered slaughtering Yitzchak teaches us that uncritical obedience leads inexorably to pure evil.

Here is an intermediate bridge. Many acharonim point out that Avraham's willingness to sacrifice Yitzchak would not have been considered immoral by his contemporaries.

Agamemnon sacrificed his daughter Iphigenia, and Meisha King of Moav sacrificed his son, and after all there was an entire religion called Molekh. The akeidah is what taught Avraham, and eventually the civilized world, that human sacrifice is unjustifiable. But it teaches us that one cannot rely on human moral consensus either, since the consensus of Avraham's time would have approved of his going through with the sacrifice. The real moral of the story is that we cannot stop listening for G-d's voice when we first think we understand what He wants. Had Avraham done so, he would never have heard the angel telling him to stop. (Frighteningly, it seems from the text that the angel had to tell him twice.)

Each of these bridges can be mapped onto our relationship with halakhah.

The minimalist bridge yields a system in which halakhah is the foundation of our values, and all elements of moral conversation need to be grounded in halakhic sources. The only way to critique a halakhic result is on the basis of another halakhic result. Contradictions are generally resolved in favor of the more specific law. For example, one cannot eat bacon to avoid embarrassing someone, despite the general halakhic imperative to be concerned for human dignity (*kavod haberiyot*).

The maximalist bridge yields a system in which halakhah has a voice but not a veto. Now that formulation may seem prejudicial because of its association with Mordekhai Kaplan. But I think it is important to acknowledge that **no** account of Orthodoxy sees **formal** halakhic rules as absolutely controlling. Even Rav Aharon Lichtenstein zt"l, who denied the concept of *aveirah lishmah* (transgression for the sake of Heaven) any impact post-Sinai, conceded the relevance of informal principles which can be semantically defined as in or out of halakhah. The differences between the maximalist and minimalist positions are about whether the informal principles must be derived by abstraction from specific halakhic rules, or rather can be sourced in

other aspects of Torah or in human intuition; and about whether there is a presumption that formal rules trump informal principles.

The intermediate bridge yields a system in which conflicts between formal and informal principles yield an obligation for further study. The problem is that decisions often cannot be put off forever, and sometimes cannot be put off at all. How does one decide when there isn't time for the study and restudy one feels is necessary? In John Kerry's famous phrase, how does one tell someone that they may be the last person to die for a halakhic mistake? Bottom line, the intermediate bridge still requires us under time-pressure to choose between the minimalist and maximalist models.

But it's not obvious to me that this decision needs to be made the same way in all times and circumstances.

For example: It may be that informal rules have more power where/when there is a general sense of confidence within the halakhic community that halakhah conforms to human moral intuition. It further seems to me that this confidence generally develops in one of two ways. First, sometimes a halakhic community becomes isolated from other communities. In such circumstances, it is natural over time for intuition to accommodate itself within the confines of halakhah, and for halakhah to more consistently account for the community's intuitions. Second, sometimes the halakhic community is deeply integrated with the general human community that hosts it. Such integration often results from a sense that Torah has a great deal in common with near-universal human values-systems.

By contrast: Formal rules may have more power when/where the halakhic community lacks moral self-confidence.

What sort of situation are we in?

It seems to me that Orthodoxy in the late 20th century was deeply integrated with its host American community. This accordingly led to moral self-confidence and a general prioritization of informal principles over formal rules.

This claim may seem off if you're accustomed to think of Modern Orthodoxy through the lens of Rabbi Joseph Dov Soloveitchik's *Halakhic Man*, which sets out a system parallel to the minimalist bridge above. I suggest that we

recognize that the system was never intended to control practical decision-making in specific cases, and never did. It was a model for the development of formal principles. A more accurate picture of practical Modern Orthodox halakhah emerges from Rabbi Soloveitchik's regular reliance on informal values principles in his actual halakhic decisions, and on the oral record of his acknowledgement that in specific situations of moral challenge he would act first and find the formal justification later.

But – in the 21st century, the relationship between the halakhic community and its host American community has been changing. Progressive morality may have evolved faster than a traditionalist community can follow with integrity. Given the broad and deep influence of progressive morality, it is very hard for conservative morality to present itself as reflecting universal human intuition. So we should expect a movement toward greater reliance on formal rules.

But that is at least an oversimplification, and perhaps just wrong. A community that has been highly integrated with its host community does not easily disengage, and properly so. As the gap between the formal rules and the values of the host community grows, we should also expect a move to expand the power of informal principles to fill that gap.

I also think that America is and should be unique in Jewish history because it is a democracy in which we are genuinely full participants. This means that the category "host" is not right; we are a part of a broader community, and it is an abdication of responsibility to simply disengage from the general moral conversation. This I suggest is why Orthodoxy by and large has not gone its own way, but rather different elements of our community have chosen to integrate with the conservative and liberal wings of America society, respectively. Both sides have largely chosen to prioritize the informal over the formal, but they have chosen different informal principles. The irony is that the laudable shared desire to remain part of American society threatens the cohesion of Orthodoxy.

Here lies the power of "akeidah moments", places where we acknowledge that there seems no way to bridge the gap between what halakhah requires of us and our moral intuition. Whichever model we pick to address them, a recognition that we each are genuinely committed to both horns of the dilemma has the capacity to hold us together. But only so long as we believe in the genuineness of each other's commitment.

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