

**ORTHODOX JUDAISM**  
**IN**  
**NORTH AMERICA:**  
**ISSUES OF INTERNAL**  
**CONFLICT**

**ORTHODOX JUDAISM IN NORTH AMERICA:  
ISSUES OF INTERNAL CONFLICT**

**By**

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**A Thesis  
Submitted to the School  
of Graduate Studies  
in Partial Fulfilment of the  
Requirements for the Degree**

**Master of Arts**

**McMaster University**

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**MASTER OF ARTS (1994)  
(Religious Studies)**

**McMASTER UNIVERSITY  
Hamilton, Ontario.**

**TITLE: Orthodox Judaism in North America:  
Issues of Internal Conflict**

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**NUMBER OF PAGES: iv, 94.**

## **ABSTRACT**

The purpose of this work is to identify and discuss those ideological issues which divide Jewish Orthodox opinion today in North America. Using a short 1978 article by Shubert Spero entitled Orthodox Judaism, which identified four major areas of conflict within Orthodoxy, as a starting point, I endeavour to expand upon, verify, and update Spero's findings to the present situation, thus filling an important gap in the sociological literature of North American Orthodox Judaism.

Beginning with a historical introduction to Orthodox Judaism and a general discussion of the present sociological composition of North American Orthodoxy, I proceed to devote one short chapter for each of the several issues to be discussed.

In conclusion, the seriousness of the divisions within Orthodoxy are assessed in terms of the effect they may have on the total unity and stability of the Orthodox movement in North America.

## **ACKNOWLEDGEMENTS**

I wish to extend sincere thanks to my supervisor Professor Louie Greenspan for his gracious assistance on this work. His patience, dedication to his students, and academic prowess are qualities I strive to emulate.

I would also like to thank my family for their unceasing support of this project and in everything I do.

I thank Marsha, my future wife, not only for her constant support and enthusiasm, but for challenging my ideas, opinions and assumptions when they needed to be challenged. My life would not be complete without her.

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## HISTORY OF ORTHODOX JUDAISM

The term "Orthodoxy" as related to a distinct tendency in Judaism was probably first coined in the year 1795 in a Berlin journal (Rudavsky 1967, 109). It acquired a more popular usage in the early nineteenth century in Germany as an attack by the Reform-minded Jews of what they perceived as the "sterile traditionalism" of the long established form of Jewish belief and practice. The term was derived from Christian usage (in Greek, "Orthodoxy" connotes "correct belief"), where it referred to those who obstinately clung to the original tenets and dogmas of their respective churches (Katz 1986, 4). In this way the term is a misnomer, for action ("praxis"), not belief ("doxy"), has always been at the core of authentic Judaism. Perhaps "Orthopraxis" would have been a more appropriate term. The term "Orthodox", however, is the one that prevailed. Despite the knowledge that it had been used as an epithet against them, the "traditionalist" Jews of Germany proudly accepted the title as a badge and perpetuated the use of the term to represent their own position (Blau 1966, 65-6).

I find the definition of Orthodox Judaism from the *Encyclopaedia Judaica* to be helpful in delineating the essence of the tradition. Orthodox Judaism has come to designate those who:

"accept as divinely inspired the totality of the historical religion of the Jewish people as it is recorded in the Written and Oral Laws and codified in the 'Shulhan Aruch' and its commentaries until recent times, and as it is observed in practice according to the teachings and unchanging principles of the

'halachah'" (1486)<sup>1</sup>

Jewish Orthodoxy's need for self-definition arose as a response to the challenges which faced "traditionalist" Jewish society in Western and Central Europe, especially Germany, in the early decades of the nineteenth century. These challenges stemmed from the Reform movement within Judaism which was gaining momentum at this time and proving to be a significant threat to the essence of Jewish Orthodoxy.

As recorded in the *Pittsburgh Platform* of 1885, the first official Reform manifesto, one of the central theses of Reform Judaism is that only the "moral laws" of the Mosaic legislation are accepted as binding upon the Jew. Just as the prophets through Jewish history protested against the overemphasis of religious ritual, the Reform conception of "Prophetic Judaism" aimed at emphasizing "inner religiosity" over "empty formalism". The *Pittsburgh Platform* clearly states that:

"We hold that all such Mosaic and rabbinical laws as regulate diet, priestly purity, and dress, originate in ages, and under the influence of ideas, entirely foreign to our present mental and spiritual state . . . their observance in our days is apt rather to obstruct than to further modern spiritual elevation . . . we maintain only such ceremonies as elevate and sanctify our lives, but reject all such as are not adapted to the views and habits of modern civilization."

The Talmud, or Oral Law, is seen as one way of interpreting the Bible, but by no means is it to be considered definitive or binding. It is considered nothing more or less than "religious literature". Reform Judaism insists on the freedom of the

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<sup>1</sup> There are certain key terms to be familiar with in order to understand the essentials of Orthodox Judaism: the Talmud is a voluminous compilation of academic discussion and judicial administration of Jewish Law; the Mishnah, a legal codification containing the core of the Oral Law, is found within the Talmud; the Shulhan Aruch is a compendium of Talmudic Law composed by Joseph Caro and published in 1555; Halachah is Jewish Law (see Chapter 7 for further discussion).



individual to continue to strive to discern the truth of the Bible and the concomitant appropriate Jewish behaviour as these ideas evolve from generation to generation (Agus 1975, 7-15).

Orthodox Judaism, of course, considers the Torah which was received at Sinai to be the Divine Truth that must be adhered to for all times without question. The Talmud or Oral Law is the practical application of Torah Truth which was formulated by Rabbinic scholars employing divine principles that ultimately derive from the Sinaitic Revelation. As such it is equally authoritative and binding upon the Jew. This absolute commitment to the Written and Oral Law denies any possibility of the Reform conception of freedom to express one's Jewishness as one chooses. It is clear, then, that Orthodoxy is a radically different approach to Judaism than Reform (Bulka 1984, 19; Raphael 1984, 158).

The proponents of Reform Judaism, influenced by ideas of secularism and the "Enlightenment", accused the Orthodox of being blind to the new realities of the age, and therefore backward in their inability to integrate the progressive ideas into their Judaism. It was this very act of ignoring the ideas of the day which the Orthodox considered a virtue. As the Orthodox saw it, the dedication to the strict observance of the Divine Law of Torah was an ideal that should never be compromised to the "progressive ideas" of contemporary secular society (Katz 1986,4). Orthodox Judaism was crystallised as a movement in order to ensure the sanctity of the ancient tradition. The Orthodox saw themselves, and perhaps still do, as the guardians of the Torah and the True Faith.

More recently traditionalists themselves have refrained from using the

term “Orthodox” to describe themselves, preferring the title “Torah-True Jews”. Despite this trend, however, the term “Orthodox” is still the one most commonly used, and is the most accepted term for scholarly discussion. For these reasons it is the term I will use exclusively for the remainder of this work.

While Jews started to immigrate to the United States as early as the seventeenth century, the significant years of Orthodox immigration came in the great wave of 1880-1914. Before this wave of immigration there were Jews in the United States who referred to themselves as Orthodox, but the level of religious observance of these Jews was generally quite low. Part of the reason for this lack of strict Orthodox observance was the continuing influence of Reform Judaism. The German ideas of Jewish Reform first arrived in the United States in the 1820's, and by the 1880's Reform was the dominant version of American Judaism. Before the great migration of 1880, of the approximately two hundred major synagogue congregations in the country, only twelve were still of strict Orthodox observance. The presence of a self-conscious observant Jewish community in the United States, therefore, can be considered to have begun with the arrival of those immigrants of Russia, Poland, Lithuania, Rumania, Hungary, Galicia and adjacent areas who fled the persecutions of their home country in the years 1880-1914 in search of a better life (Blau 1976, 66; Raphael 1984, 9-16, 132-3).

Smaller numbers of Jews did come after the First World War, but by 1924 the United States Congress had enacted strict immigration quotas. Jews did not immigrate to the United States in any great numbers again until just before and at the beginning of the Second World War. In the wake of the Nazi terror some

some 150 000 Jews arrived in the United States until the door was closed again in 1940. Another 100 000 Holocaust survivors immigrated after the war. A large proportion of the current American population of Eastern European Hasidic Jews came from this last wave of immigrants (Rosenthal 1978, 15).

In 1880 there were only 280 000 Jews in the United States. By 1914 there were over two million, of which approximately seventy-five per cent were of the predominantly Orthodox Eastern European grouping. Today there are over six million Jews in the United States of which approximately ten per cent are Orthodox (Rosenthal 1978, 15, 28).

In Canada, the Jewish immigration patterns are similar, although not identical. Jews began to immigrate to Canada in the eighteenth century, but it was not until the twentieth century, similar to the United States, that great numbers arrived. In the case of Canada it was not until 1900, rather than 1880, that the great wave of Eastern European Orthodox migration began. In 1880 there were only 2 500 Jews in Canada, and by 1900 the number had only increased to 15 000. It was in the years 1900-1920 that the greatest numbers arrived, increasing the Jewish population to approximately 125 000. The restrictive Revised Immigration Act of 1927 ceased any further immigration until the doors were opened again after the Second World War (Shaffir 1981, 9-10, 29). Today there are approximately 335 000 Jews in Canada of which approximately fifteen per cent are Orthodox.

It should not be assumed that there are no distinguishing features of Canadian Jewry as compared to American Jewry. Shaffir and Weinfeld point out that Canadian Jews tend to be more geographically concentrated in urban centres. Secondly Canadian Jews tend to attend private Jewish schools at a

higher rate, have lower rates of intermarriage, make more visits to Israel, and are more likely to be Orthodox and less likely to be Reform. This increased level of "Jewishness" is due to various reasons: Canadians are roughly one generation closer to the Old World having set their community foundations in the years immediately following 1900, rather than 1880; Canada tends to promote an ethnic mosaic rather than a melting pot mentality, thus putting less pressure on the Jewish immigrant to assimilate to the predominant culture; and most important, Canadian Jewry benefited from a relatively larger influx of the Ultra-Orthodox immigrants who came to North America during the immediate post-Second World War period (Shaffir 1981, 12-14).

Despite these nuances in religious character between the United States and Canada it is still possible to speak of the Orthodox Jews of the two countries collectively when discussing general Orthodox ideological issues. Because the United States has a relatively much larger population of Orthodox Jews and has founded the major religious organizations and assemblies which represent Orthodox opinion, the ideological positions of Canadian Orthodoxy have followed very closely behind those of the United States. For this reason as I proceed to describe and discuss Orthodoxy in general and specific issues of Orthodox concern I speak of both the developments and thought of Canadian and American Orthodoxy collectively.<sup>2</sup>

North American Orthodoxy in the twentieth century, as seen above, has gone through a metamorphosis. From a land with only a small sprinkling of Jews, North America now houses a significant, visible and vocal Orthodox

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<sup>2</sup> To classify Orthodox Judaism in Canada and the United States I will use the term "North American Orthodoxy". By no means do I mean to ignore or devalue the rich Jewish tradition of Mexico. I simply use the above expression as a convenient device to describe those communities of which this work intends to discuss.

Jewish community. It is important to note, however, that despite the massive immigration of Orthodox Jews at the beginning of this century, the strength of Orthodoxy that we witness today, was not, as it may appear at first glance, an immediate reality. The first waves of Orthodox immigrants found themselves hard-pressed to maintain their ancient traditions in the new very secular environment in which they found themselves. As a result, levels of Orthodox Jewish observance were declining to such an extent that scholars of Judaism in the 1950's, such as Marshall Sklare, had gloomy predictions for the very survival of Orthodoxy in North America (Bulka 1983, 9).<sup>3</sup>

That these predictions were ill-founded cannot be denied by anyone familiar with Orthodoxy in North America. Numerous examples abound illustrating the resurgence of Orthodoxy: the wide availability of strictly kosher food, the increased presence of *mikvaot* (pools for ritual immersion), the popularity of wearing a *kippah* (skullcap) in public life, the numerous Jewish publications in print (both scholarly and popular), the vibrant institutions and organizations, and especially the enormous network of Jewish day schools and *Yeshivot* (academies of Torah scholarship) (Bulka 1983, 9-13).

This revitalization of Orthodoxy must be greatly attributed to the very final wave of European immigrants - those handful of survivors of the Holocaust who were great Hasidic leaders and heads of *Yeshivot* who were determined to reconstruct their decimated communities in their new land. These Orthodox leaders began to set into motion the institutional and educational foundations

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<sup>3</sup> A statement that Sklare made in a 1955 book illustrates the point:

“Orthodox adherents have succeeded in achieving the goal of institutional perpetuation to only a limited extent; the history of their movement in this country can be written in terms of a case study of institutional decay.”

See Conservative Judaism: An American Religious Movement (New York: Schocken Books, 1972) p. 43. (Original Edition - 1955)

which would ultimately revive Orthodoxy to its present position of strength and spiritual vitality.<sup>4</sup> The Orthodox focus on having large families, set against the smaller and less religiously committed non-Orthodox families, has created an Orthodox demographic revolution. The phenomenon of non-observant Jews “repenting” or “returning” to Orthodox Judaism (The *Ba'al T'shuvah* Jew) is also a significant component of this revitalisation which deserves mention.<sup>5</sup> Scholars of Judaism, such as Charles Liebman, have now reversed their predictions, proclaiming that the branch of Judaism in North America which is showing the best chances for long-term survival is the Orthodox movement (Sacks 1991, 6-7).

With North American Orthodoxy's new situation of strength has come a significant diversity of expression. Let us now turn to a more thorough discussion of the different expressions of Orthodoxy in North America today.

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<sup>4</sup> Ironically it was while the Orthodox leaders were building these foundations that the gloomy predictions of Orthodoxy's future were being offered.

<sup>5</sup> The American Jewish Outreach Program (Phone Number: 1-800-44-TORAH) is just one of many Jewish bodies encouraging non-observant Jews to transform their life to one of strict Orthodox observance.

## LEFT-WING AND RIGHT-WING ORTHODOXY

“ . . . it must be recognized that Orthodoxy, even though the term implies a unity of purpose, is merely a loose federation of various groups with diverse philosophies that come under the umbrella of Orthodoxy.”  
(Bulka 1983, 421)

One of the most visible ways to see variety in Orthodoxy is simply to witness normal prayer services at two different Orthodox synagogues. On the one extreme one can observe a modern building with a large, lavish sanctuary with mixed seating, the use of a microphone and a professionally trained cantor, and a rabbi who “leads” the proceedings from a *bima* (podium or stage) at the front of the synagogue, and whose English sermon is the heart of the service. At the other extreme one can observe a somewhat run-down “shtibl” (small synagogue) with the *bima* in the centre, not dissimilar in design from synagogues of Eastern Europe of two or three centuries ago, with a small, crowded sanctuary, men and women rigidly divided by a full-length wall, a prayer service of spontaneity with each worshipper “davening” (praying) at his own pace unheeded of the congregant leading the service, and a disorderly and loud atmosphere where people feel free to walk around and talk to each other (Liebman 1983, 55-6; Raphael 1984, 155-6).

Despite these obvious differences, however, it should be evident that simply observing different styles of worship does not sufficiently address the issue of identifying the underlying deep-rooted conflicts in ideology, doctrine and belief that we find today in North American Orthodoxy. It is to this important

task that we now turn.

One very helpful way of identifying the different tendencies within Orthodox Judaism is to follow Charles Liebman's<sup>6</sup> lead of making use of the Church-Sect typology. The model was originally used by Ernst Troeltsch to describe the different tendencies within early Christianity<sup>7</sup>. Following Milton J. Yinger's refinement of Troeltsch<sup>8</sup>, the idea of the Church and of the Sect can be seen as end points on a continuum along which different religious organizations and assemblies can be placed and compared one to the other. Using this model to evaluate Orthodox Judaism, the *church* recognises the strengths of the secular world (both the non-Jewish society and the larger non-Orthodox Jewish society) and therefore is willing to compromise to some extent with the values of the larger society. The *sect*, on the other hand, is a smaller more isolated group which repudiates the flexibility and adaptability of the *church*. Being either hostile or indifferent to general secular society (again both non-Jewish and Jewish), the *sect* prefers exclusion to compromise (Liebman 1983, 49-50).

Of course, using this model, Reform and Conservative Judaism fall closer to the *church* than does Orthodox Judaism. While there is no observant branch of Orthodoxy which supports assimilation or the total integration with the values of secular society, there still remains enough Church-Sect variation

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<sup>6</sup> Charles Liebman is a Sociologist at Bar-Ilan University in Tel-Aviv who has written prolifically on modern Judaism. His "Orthodoxy in American Jewish Life" (*American Jewish Yearbook*, 66, 1965, 21-92. - Reprinted in Bulka 1983, 33-106) is a classic work in the field of the sociology of Orthodox Judaism.

<sup>7</sup> See Ernst Troeltsch, The Social Teaching of the Christian Churches. Vol. 1. (New York: Harper and Brothers, 1960)

<sup>8</sup> Yinger expanded upon Troeltsch's model by introducing more specific terms and classifications. See Milton J. Yinger, The Scientific Study of Religion. (New York: Macmillan, 1970), p. 256-264.



within Orthodoxy alone, as will be illustrated throughout this work, to warrant the use of such a model (Liebman 1983, 51). The chart found in Appendix A is my attempt to plot North American Orthodoxy on such a Church-Sect continuum. By no means do I suggest that this formulation of Orthodoxy is the only interpretation of the data.<sup>9</sup> Using this type of model there certainly is some room for variation of interpretation. Whatever formulation one arrives at, however, the merits of Liebman's model as an effective heuristic device cannot be denied.

On the extreme left side of the continuum is the Non-Observant Orthodox or Nominal Orthodox. These are Jews who define themselves as Orthodox because of their affiliation and attendance at Orthodox synagogues. They stray from the definition of Orthodoxy presented earlier in that they do not view Halachah (Jewish Law) as an obligatory standard for the Jew. These Jews feel a strong connection to their Orthodox synagogue for a variety of reasons: an especially charismatic Rabbi, the love of the the smaller more intimate setting and the richness of the prayer, or perhaps a nostalgia for the past of their parents and grandparents. "Non-Observant Orthodox Jews" constitute a relatively small proportion of Orthodox Jews in North America (Liebman 1983, 44-6).

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<sup>9</sup> One might question, for example, the placement of Chabad-Lubavitch Hasidism only slightly right of the centre, rather than more closely aligned to *sect*-like Satmar Hasidism on the extreme right side of the continuum. My rationale for this placement was the amount of outreach programs directed towards non-Orthodox Jews that is common within Lubavitch practice (for example the presence of "Chabad-Houses" on University campuses and the proliferation of "Mitzvah-mobiles" conducting the "Put on *Tefillin* [phylacteries] Campaign"). I felt that this type of willingness to interact with the larger non-Orthodox Jewish society should be indicated on the chart by moving Chabad-Lubavitch Hasidism closer to the *church*, while still remaining part of "Right-Wing Orthodoxy".

Closer to the centre of “Left-Wing Orthodoxy”, but still considered *churchian*, is what is most commonly referred to as “modern Orthodoxy”.<sup>10</sup> These are Orthodox Jews who strive to fulfil Halachic requirements, while still participating in the non-Orthodox and non-Jewish world around them. Emphasis is placed on what unites all Jews, rather than what separates them (Liebman 1983, 56). Lawrence Kaplan, an Orthodox rabbi and Professor of Jewish thought, defines the modern Orthodox Jew as one who strives:

“ to adhere faithfully to the beliefs, principles and traditions of Jewish law and observance without being either remote from or untouched by life in the contemporary world.” (Kaplan 1983, 242)

Although modern Orthodoxy is a distinctive ideological trend within Orthodoxy, Rabbi Emanuel Rackman, one the most significant proponents of modern Orthodoxy, insisted that it is not a different religious movement within Judaism that could be viewed as a schismatic separation from a more right-wing Orthodox position. Rabbi Rackman described modern Orthodoxy as:

“ . . . no more than a coterie of a score of rabbis in America and in Israel whose interpretations of the Tradition have won the approval of Orthodox intellectuals who are knowledgeable in both Judaism and Western civilization.” (Rackman 1975, 178)<sup>11</sup>

Today the widespread influence of modern Orthodoxy is surely more than a score of rabbis, but modern Orthodox Jews still insist that they are very much part of mainstream Orthodoxy, rather than part of a separate religious

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<sup>10</sup> Norman Lamm, president of Yeshiva University, prefers the title “Centrist Orthodoxy”. It should be realized, of course, as Lamm alludes to (Lamm 1986), that categories and titles are simply heuristic devices that should not subvert our attention from the real issues that underlie these titles. It should be reiterated here that the title “Orthodoxy” itself is a misnomer.

<sup>11</sup> Furthermore, even within modern Orthodoxy there is not unanimity in opinion. Lawrence Kaplan raises this point in his The Ambiguous Modern Orthodox Jew (Kaplan 1983, 242-52) where he distinguishes between two types of modern Orthodox Jews: those who give precedence to their “modernity” over their “Orthodoxy”, and those that give precedence to their “Orthodoxy” over their “modernity”.

movement.

Modern Orthodoxy often feels it is belittled by the more right-wing tendencies in Orthodoxy. Rabbi Rackman acknowledges that the faculties of many Orthodox day schools and *Yeshivot* disapprove of much of what modern Orthodoxy stands for, and are not hesitant to share these feelings with their pupils (Rackman 1975, 179). For this reason modern Orthodoxy often takes a defensive posture, feeling a need not only to justify the very legitimacy of its position, but also to demonstrate why their interpretation of Judaism is a richer and more authentic religious understanding. As the expression goes: modern Orthodoxy is “always looking over their right shoulder” to gauge the reaction of the ultra-Orthodox.

Right-wing Orthodoxy is often quite vocal in their opposition to modern Orthodoxy. Rabbi Elya Meir Bloch, head of the right-wing Orthodox Telshe Yeshiva, warned his fellow right-wing Orthodox Jews more than twenty years ago that:

“We no longer have to fear Conservatism - that is no longer the danger. Everyone knows that it is *avoda zara* (idolatry). What we have to fear is Modern Orthodoxy.” (parentheses mine)

Rabbi Bloch’s comments are unequivocal. He condemns non-Orthodox Judaism as certainly unacceptable, so that there is no need for further discussion. In his opinion, it is modern Orthodoxy, a movement that insists it still speaks in the name of Orthodoxy but actually represents an inadequate concept of Torah and Jewish practice<sup>12</sup>, that is the real danger to “authentic” Orthodoxy.

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<sup>12</sup> Some of the characteristics of modern Orthodoxy that Bloch took exception to are the “non-Orthodox” practices of certain modern Orthodox synagogues. These include: the lowering or complete removal of the *mechitza* (dividing wall between men and women), the moving of the *bima* (podium or stage) from the centre of the synagogue to the front, and the use of a microphone on the Sabbath (Keller 1983, 253).

Rabbi Chaim Dov Keller, a respected student of Rabbi Bloch, reiterates that because modern Orthodoxy has grown into a prominent ideological movement, the dangers that Rabbi Bloch spoke about have only become worse. He considers the “misguided ideas and policies” of modern Orthodoxy to be a serious threat to the sanctity of the tradition (Keller 1983, 253-4, 269).

Rabbi Rackman defends modern Orthodoxy by insisting that no modern Orthodox rabbi articulates “any position that cannot be supported by reference to authentic Jewish sources” (Rackman 1975, 178). Rabbi Reuven P. Bulka, another prominent modern Orthodox spokesman, feels the attacks of Rabbi Bloch and Keller are unfair because they distort the essence of what modern Orthodoxy stands for. Bulka argues that “we” (meaning all Orthodox Jews) have always been modern Orthodox. It is a phenomenon that has existed throughout Jewish history:

“The Hasmoneans were Modern Orthodox when they fought on Shabbat, thus avoiding almost certain annihilation . . . The sages were Modern Orthodox when they realized the threat to the survival of the Oral Law, . . . and, against the prevailing norm, allowed the Oral Law to be committed to writing. Modern Orthodoxy is nothing more or less than the commitment to live out the entirety of the Torah in serious confrontation with contemporary reality.” (Bulka 1991, 35, 37-8)

Despite this defence, Bulka does admit to certain weaknesses in the modern Orthodox position. He feels that there is a gap between the ideal theory of modern Orthodoxy, as espoused by its leaders, and the actual application of this ideal as it is practiced by many of the adherents. Bulka claims that modern Orthodoxy is guilty of what he calls the narcissistic “yuppification” of Judaism. This yuppification is illustrated in two fundamental ways: family-size and career choice. As opposed to right-wing Orthodox families who have an average of five

or six children, modern Orthodox families, both in the United States and Canada, tend to be very close to the national average. The yuppification of many modern Orthodox families has brought about a situation where luxury items such as a third car or a summer cottage have been purchased at the expense of having more children. A similar narcissistic bent can be found in modern Orthodox career choice. The high-income and high-status professions of doctors, lawyers, engineers and university professors are chosen much more frequently for modern Orthodox Jews than the professions of rabbi or Jewish educator. These trends force modern Orthodox Jews to rely on the resources of the right-wing Orthodox to facilitate religious education, and reflect a lesser commitment on the part of the modern Orthodox to the perpetuation of Jewish knowledge (Bulka 1991, 35-6).

Jews of the more right-wing or *sect*-like side of the continuum are often referred to as ultra-Orthodox Jews.<sup>13</sup> The leaders of the right-wing Orthodox community are the heads of the *Yeshivot* and a few prominent Hasidic rabbis. Being a *sect*-like movement, right-wing Orthodoxy tends to isolate itself both from the mainstream non-Jewish society and the non-Orthodox Jewish community. In extreme cases, interaction even with modern Orthodox Jews is avoided. Right-wing Orthodox Jews strive to fulfil Halachic requirements while generally eschewing any compromises with the values of secular society.

Hasidism, a Jewish pietistic movement (“hasid” is the Hebrew word for “pious one”) within right-wing Orthodoxy, arose in the early part of the eighteenth century in the Ukraine, and quickly spread to Lithuania and Eastern

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<sup>13</sup> Although this is probably not a term this Jew would use to refer to him or herself. It is likely a title that modern Orthodoxy created in contra-distinction to their own movement.

Europe. Hasidic Jews insist on the standard high level of religious observance that is common to right-wing Orthodoxy, however they differ in that the *Rebbe*<sup>14</sup> is the central religious and spiritual leader of their world. Non-Hasidic right-wing Orthodox Jews have no comparable leader. In addition, the Hasidic way of life strongly emphasizes the hallowing of the everyday life. Because God is everywhere, in every thing and every human being, all life is worship. Hasidic customs of ecstatic singing and dancing reflect this belief in the ability to realize the Divine through human conduct and human relations.

What is commonly referred to as Hasidism in North America is, in fact, a number of different Hasidic communities (many of them centred in New York City), each with its loyalty and devotion to its own *Rebbe*. Though all Hasidic Jews are similarly rigorous in their religious observance, it is a misconception to view Hasidism as a harmonious and unified group within Orthodoxy. As alluded to earlier, dissimilarities among Hasidic communities can result in great differences in custom, political outlook, and extent of withdrawal from the community (Shaffir 1974, 1).

Although the right-wing Orthodox, both Hasidic and non-Hasidic, are often criticized by the modern Orthodox as “extremist”, “obscurantist” or “closed-minded” (Keller 1983, 254), there is a great degree of self-confidence among the right-wing Orthodox that they are the authentic bearers of the ancient tradition. They do not appear to be as significantly concerned to “look over their left-shoulder”.

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<sup>14</sup> The term “Rebbe” (Yiddish) is used primarily to describe the charismatic leader of a Hasidic community. He is also referred to as a “Tzadik” (Righteous One). This type of leader is different than the traditional non-Hasidic “Rabbi” in that the “Rebbe” is considered to be a step closer to God than the average Hasidic Jew, and therefore serves as the sole authority on all spiritual matters of his community.

The final component of a comprehensive overview of left and right Orthodoxy in North America is a discussion of the prominent Orthodox institutions and organizations. From the world of left-wing or modern Orthodoxy, the institutions to be discussed will be Yeshiva University, the Union of Orthodox Jewish Congregations of America (UOJCA), and the Rabbinical Council of America (RCA). Representing right-wing Orthodoxy, the Union of Orthodox Rabbis (UOR), the Rabbinical Alliance of America (RAA), and “Agudath Israel” will be discussed.

The institution most prominently identified with modern Orthodoxy is Yeshiva University. Founded in 1896 in the Lower East Side of New York City as the Rabbi Isaac Elchanan Theological Seminary (RIETS), named after the then recently deceased Talmudic sage, Isaac Elchanan Spektor of Lithuania, it was the first systematic Yeshiva on American soil. In its original intention, the seminary was to be strictly Eastern European in style, that is to say reflecting nothing of the values of the surrounding society in which it found itself. With the new presidency of Rabbi Bernard Revel and the merging with Yeshiva Etz Chaim in 1915, however, the Yeshiva integrated a competently administered program in modern secular studies, truly a landmark decision in North American Jewish education. In 1928 the school was relocated to upper Manhattan and renamed Yeshiva College. It was renamed Yeshiva University in 1945. Today Yeshiva University is considered one of the preeminent Orthodox educational institutions in North America. Rabbi Joseph Soloveitchik, regarded by many as the foremost Talmudic scholar of the century, taught Talmud and supervised *semikhah* (rabbinical ordination) for over fifty years until his death at age ninety

in April of 1993. In addition, the Yeshiva has expanded dramatically over the years to include a Medical School, a Law School, Graduate degrees in education, social work and science, as well as a Community Service Division.<sup>15</sup> Norman Lamm, a recipient of three degrees from its schools (including *semikhah* in 1951 and a doctorate in 1966), became the Yeshiva's first North-American born president in 1977 (Blau 1966, 87; Liebman 1983, 69-72; Raphael 1984, 141-6; Rudavsky 1967, 378-80).

In 1898, as an attempt to create a central congregational body to speak for Orthodox Judaism, the Union of Orthodox Jewish Congregations of America (UOJCA) was formed. From its inception it reflected a modern Orthodox outlook. One of the most important duties that this Union performs, even to this day, is its regulation of *Kashruth* (dietary laws). Half its annual budget is spent on its use of the encircled "U" ensign to label and certify as kosher approximately five thousand food products, produced by several hundred manufacturers. In addition, the Union publishes a popular bimonthly, *Jewish Life*, and sponsors two other modern Orthodox organizations: the National Council of Synagogue Youth (NCSY) and the Association of Orthodox Jewish Scientists (AOJS).

The Rabbinical Council of America (RCA) was formed in 1935 as the rabbinical arm of the UOJCA. With over one thousand members across the United States and Canada, most of the them in the active rabbinate, it is the largest and most influential Orthodox Rabbinical body in North America. Of course, the Council is very much in the modern Orthodox tradition, as is illustrated by the fact that a good half of all its members were ordained at

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<sup>15</sup> In December of 1993 Yeshiva University became the recipient of a \$40 million benefaction from a private source. Expected additions to the University include an Institute for Biomedical Education, a Centre for Molecular Genetics, and a Centre for Developmental Neurobiology (Canadian Jewish News, Jan. 6, 1994).



Yeshiva University. The RCA publishes the scholarly journal *Tradition*, and remains very involved in welfare activities, Jewish education, civil rights, aid to Israel and political action (Liebman 1983, 59-63; Raphael 1984, 150-3; Rudavsky 1967, 380-1).

One of the principal right-wing Orthodox rabbinical bodies is the “Agudat HaRabbanim” or Union of Orthodox Rabbis (UOR), founded in 1902. The originators were all educated and ordained from Eastern European *Yeshivot*. The development of a secular studies program at Yeshiva College was strongly disapproved of by the UOR, resulting in a certain degree of tension within North American Orthodoxy between the UOR and RIETS. Graduates of RIETS found the admission requirements to UOR to be exceedingly strict, which lead these American born and educated Orthodox rabbis to create the aforementioned RCA. The UOR from its inception strove to help develop Hebrew school programs and was very active in political lobbying to bring about legislation to protect the sanctity of the Sabbath (Raphael 1984, 147-50).

The “Iggud HaRabbanim” or Rabbinical Alliance of America (RAA) was formed in 1944 by graduates of sectarian *Yeshivot* who were unwilling to affiliate with the RCA due to its “modern” tendencies and were excluded membership from the UOR due to its strict *semikhah* requirements. Small in size and structurally weak relative to other Orthodox rabbinic bodies, it exists more out of dissatisfaction with the alternative rabbinic organizations rather than through an active program or ideology of its own (Liebman 1983, 81-2; Raphael 1984, 152).

“Agudath Israel” or Union of Israel (UI) is a world-wide right-wing

Orthodox movement founded in Poland in 1912 which was organized in the United States in 1939. During the war years, the Union was active in overseas relief, immigration and educational work. Today it functions as a strong political voice through its Yiddish monthly, *Dos Yiddishe Vort*, and its English monthly, *Jewish Observer*, both published since 1952. The leadership of "Agudath Israel" is comprised of the *Mo'etset G'dolei Ha-Torah* (the Council of Torah Authorities), which has been led at different times by Rabbi Aaron Kotler and Rabbi Moses Feinstein, both considered to be well renowned Talmudic scholars in their lifetimes (Liebman 1983, 82-4; Rudavsky 1967, 385-6).

## THESIS OBJECTIVES

Orthodox Judaism is often mistaken, by the casual observer, to be a monolithic expression of strict Jewish observance. This very misconception was the impetus for my undertaking of this work. Within North America, as is the case elsewhere, Orthodoxy actually exhibits great variety. The case could be made that there is more complexity and diversity present within Orthodoxy ideology and belief than there is in the other major branches of Judaism. As Raphael aptly puts it:

“Virtually every Reform rabbi has been ordained at the HUC (Hebrew Union College), and if in the pulpit rabbinate, serves a UAHC (Union of American Hebrew Congregations) congregation, and nearly every Conservative rabbi has been ordained at the JTS (Jewish Theological Seminary) and serves a United Synagogue congregation.” (Raphael 1984, 155) (parentheses mine)

This uniform pattern is certainly not the case with Orthodox rabbis. There is no one central body or institution which ordains Orthodox rabbis<sup>16</sup>, and an Orthodox synagogue, and the rabbi leading it, may belong to one of a large variety of Orthodox councils, unions or religious assemblies. This variety in Orthodox organizational affiliation reflects the vast differences in opinions on several central issues of Orthodox concern. It is these divisive issues which will be explored in this work.

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<sup>16</sup> While Yeshiva University in New York certainly stands out as one of the central institutions for the ordination of Orthodox rabbis, it must be realized that it is just one institution among many. Other prominent Yeshivas include: Beth Medrash Gehova in Lakewood, New Jersey, the Rabbinical College of America in Skokie, Illinois, and Ner Israel Yeshiva in Baltimore. Also it should be noted that within Orthodoxy it is quite common for selected rabbis to grant individual rabbinical ordination, outside the auspices of any institution.

The foundations for my work were set in 1978 with a brief article entitled Orthodox Judaism, written by Shubert Spero, a modern Orthodox rabbi and professor of philosophy.<sup>17</sup> In his article, Spero gives a general history of Orthodoxy in the United States, explaining how it has risen from a “dying” movement to a strong and vibrant expression of Judaism. He includes statistics of the number of Orthodox Jews and Orthodox congregations in the United States, identifies American Orthodoxy’s institutional structures, and delineates between different types of Orthodox expression.

Spero devotes a portion of his work to identifying four main issues or areas of thought which illustrate the sharp differences in Orthodox opinion and therefore “evoke the most heated debates” (Spero 1978, 92). The importance of Spero’s work lies in these findings. In no other work have I found an equally comprehensive presentation of the individual issues which sharply divide North American Orthodox opinion. The issues of contention that Spero identified and briefly discussed were: (1) Relationship to General Culture, (2) Relations With the Non-Orthodox, (3) Relationship to Zionism and Israel, and (4) Attitude Toward Halachah.<sup>18</sup>

The tone of Spero’s entire work is one of optimism for the great strength of the Orthodox movement. This positive tone is especially evident in his comments referring to the different branches of Orthodoxy as a “working alliance”, and his concluding remarks where he affirms that the old social and

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<sup>17</sup> The article can be found in: Bernard Martin (Ed.), Movements and Issues in American Judaism. (London, Greenwood Press, 1978), p. 83-102.

<sup>18</sup> It should be noted that as part of a subsequent article in 1986 Spero reiterates these four issues as the central issues dividing Orthodox opinion in the United States. He does not elaborate upon the issues any further than his 1978 article, yet he reclassifies the issues as “philosophical differences”. See Spero, Shubert. “Towards a Philosophy of Modern Orthodoxy.” *Modern Judaism*, Feb. 1986, p. 79-90.

intellectual antagonisms to Orthodoxy are largely gone, so that “Orthodox Judaism is today a genuine option for American Jews” (Spero 1978, 88, 99). The weakness in Spero’s work is the fact that he does not address the question of the effect of these differences of opinion on the stability of American Orthodoxy. By presenting the amount of conflict present in Orthodoxy, and then concluding with such an optimistic outlook for the future of Orthodoxy, Spero has overlooked the question of the possible negative ramifications of these internal conflicts.

It is my intention to expound on Spero’s study by elaborating upon his findings. More precisely, what I set out to do is (a) to explore in more detail those issues that divide Orthodox opinion which Spero introduces for discussion, (b) to determine whether those issues which divided Orthodox opinion in 1978 are still the central issues dividing Orthodox opinion fifteen years later, in 1993, and (c) to determine whether there are further issues that divide Orthodox opinion in 1993 which need to be considered. Finally, I intend to assess the seriousness of the divisions within Orthodoxy, something Spero failed to do, in order to determine whether these differences threaten the unity or stability of North American Orthodoxy. By expanding upon, verifying, updating and commenting upon Spero’s findings in this way I will fill an important gap in the sociological literature of Orthodox Judaism.

I think it is important to pause here to state explicitly what I hope to accomplish in this work, and perhaps more importantly, what I do not claim to have accomplished. I do not doubt that an entire work could be devoted to any of the above four issues that divide the Orthodox, and to many others as well, to fully capture the complexities involved. Instead of concentrating on one single

issue and conducting an exhaustive study of it, however, I intend to examine the essentials of a number of issues in order to gain a better overall picture of what the central areas of conflict are within North American Orthodoxy today. From my observations it is this latter approach which evokes more interest from my readers. Indeed, it is the question which most interests me as well.

The research methods used in this work were twofold. I have consulted numerous relevant books, scholarly journals, and newspaper articles. To supplement this information, I have conducted interviews of six prominent Orthodox rabbis in the city of Toronto. As far as possible I have endeavoured to interview a sample of Orthodox rabbis which would equally represent the wide range of Orthodox opinion. Of the six rabbis interviewed, two could be described as modern Orthodox, two could be described as “centrist” Orthodox (that is, located in the middle between modern Orthodoxy and right-wing Orthodoxy)<sup>19</sup>, and two could be described as right-wing Orthodox.

All interviews have been recorded on audio-cassette. The participants will remain anonymous, as they have requested. Each rabbi was asked to discuss his personal opinion on each of the above four issues, along with two other issues (feminism and homosexuality), which I myself added to the questionnaire.<sup>20</sup> Finally, the rabbis were asked whether they feel there are any other issues which divide Orthodox opinion, not listed on the questionnaire, that should be considered.

It should be understood that these interviews were not intended to be

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<sup>19</sup> Be aware that I do not use the term “centrist” Orthodox here in the same way as Norman Lamm suggested it be used, as alluded to earlier. While Norman Lamm uses the term as synonymous to modern Orthodoxy, I use it in the remainder of this work in its more literal sense to delineate the midway point between left-wing and right-wing Orthodoxy.

<sup>20</sup> A copy of the questionnaire used can be found in Appendix B.

part of an exact quantitative, statistical study of attitudes or beliefs of the Orthodox<sup>21</sup>, but rather they were intended as a means of qualitative research which could provide an in-depth and nuanced understanding of the current issues and debates within North American Orthodoxy today. While I recognize the subjective nature of such a method, my intentions are simply to demonstrate, through first-hand encounters, the great extent of variety of Orthodox opinion . Throughout the work, when relevant, I will bring forward ideas and quotations from these interviews in order to supplement the data provided.

It is my contention, then, that the four issues identified by Spero are indeed still very relevant today. That is to say, there remains in 1993 great differences of opinion between Orthodox Jews in North America on all four of these issues. I suggest that the three issues of feminism, homosexuality and “Da’as Torah” need to be added to Spero’s observations. The issue of feminism in Orthodox Judaism is one which had begun to be raised in the 1960’s and 1970’s, but had not fully surfaced by 1978. Today the issue is much further developed and more frequently debated within Orthodox circles. While the Orthodox are, in theory, uniform in opinion on the issue of homosexuality, there are some differences in the practical applications of how this attitude is carried out. For this reason the issue of homosexuality warrants at least some discussion in this work. The issue of “Da’as Torah”, the question of personal autonomy in decision-making vs. dependency on the judgment of a certain rabbi, is not a hotly debated issue, but through the interviews it became evident

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<sup>21</sup> similar to the extensive study of levels of observance among the Orthodox conducted by Samuel C. Heilman in his Cosmopolitans and Parochials: Modern Orthodox Jews in America. Chicago: University of Chicago Press, 1989.

that it is a significant enough issue to be included in a list of those areas that divide Orthodox opinion.

Finally, as to the seriousness of the divisions of opinion and their total effect on the stability of Orthodoxy, I contend that while the strong differences of opinion certainly foster significant amounts of tension within the Orthodox world, they do not ultimately threaten the very unity or stability of the movement.

Let us now turn to the specific issues which divide North American Orthodoxy today.



## SECULAR EDUCATION AND GENERAL CULTURE

One of the fundamental issues which divides North American Orthodox opinion, both today and at the time of Spero's article, is the question of the "proper" role of secular education in the life of the Orthodox Jew. The essential question is succinctly summarized by Spero as follows:

"Is the Jew to regard the body of doctrine found in the written and oral tradition as the sum total of all necessary wisdom, as sufficient to meet all of his intellectual needs?" (Spero 1978, 92)

The North-American Orthodox reaction to this question has been influenced by two distinctly different schools of European thought, each with a very different point of departure: the Eastern European more closed and isolating approach, and the Western European more open and integrating approach.

The Eastern European school of thought sees the proper role of Orthodox Jews as strangers to the outside world. Whatever is being advanced in the realm of secular knowledge or whatever is occurring in the world of general culture is of little importance, from this perspective, as all energy should be consumed by the learning of Torah. The position taken is that "we" have the revealed Truth, so everything else is less than that. Thus, there is no value seen in pursuing secular knowledge. Jews are a holy "Kingdom of Priests" that have a duty to concern themselves exclusively with spiritual matters. Any education that is not directly related to Torah study can only be done for the practical purposes of earning a livelihood, as there is no intrinsic value to this study.

Rabbi Simon Schwab, author of These and Those, a short work which analyzes both schools of thought, articulates the above position in this way:

“[c]ollege education is at best an unforgivable waste of precious time which should have been better utilized, and at worst a dangerous venture into the realm of heresy, frivolity and temptation.”

This type of learning is something that is simply tolerated, viewed as an unfortunate necessity of reality which must be performed in order to allow Orthodox Jews to devote as much time and energy as possible to more holy matters (Schwab 1966, 9-11).

The Western European school of thought was influenced by the thought of Samson Raphael Hirsch (1808-88), a German Orthodox Jew. Hirsch, agreeing with the thrust of the critique of the German Jewish reformers of “traditional” Judaism, discussed earlier, disagreed with the solutions proposed by the reformers. Instead of discarding the traditional observances, Hirsch’s Neo-Orthodoxy, as it became called, was an attempt to give a fresh meaning to the tradition through an acceptance of all knowledge, including the secular.<sup>22</sup> Since, according to Hirsch, all truth has one divine source, and Jews are instructed to “Know the Lord in all your ways” (Prov. iii, 6), the pursuit of secular knowledge is considered a worthwhile endeavour (Blau 1966, 64-6). From this perspective, Jews are viewed as a people chosen to be a “Light unto the Nations” whose duty it is to use all the knowledge available to blaze the trail for other nations to follow towards the Will of God. Torah education should make

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<sup>22</sup> Hirsch’s famous slogan to this effect was *Torah im Derech Eretz* (Torah with worldly occupation). Isaac Breuer, a grandson of Hirsch, founded the Breuer community of Washington Heights in Manhattan as a perpetuation of Hirschian Neo-Orthodoxy in North America (See Appendix A). Despite its acceptance of secular education and occupations, the community’s views towards co-operation with the non-Orthodox and their attitudes towards Israel and Zionism are much closer to a “right-wing” position.

the student consciously aware of this divine task, but the Jew should also strive to be familiar with all the knowledge of the general culture in order to properly evaluate its merits according to the unchanging teaching of Torah. Jews must be able to deal intelligently with the reality of scientific advances and the liberal intellectualism which pervades society. Great Jewish spiritual leaders through history like Saadia Gaon and Maimonides, it is argued, have seen the importance of secular knowledge as part of their profound wisdom:

“They . . . have successfully employed the so called ‘outer-wisdom’ as the ‘spice mixers and the cooks’ for the royal table of the Divine Teaching.” (Schwab 1966, 13-15)

It is interesting to note that both schools of thought point to passages in the Talmud as a means of Halachic justification for their position. The more right-wing position refers to a Talmudic tractate (*Menachot*, 99b) where Rabbi Ishmael is asked whether it is permissible to occupy one’s time with the wisdom of the Greeks (a representation of the general question of the validity of secular knowledge). He answers saying: “This book of Law shall not depart out of thy mouth, but thou shall meditate therein day and night.” The inference made here, according to Orthodox supporters of a Torah-only education, is that if one can possibly find time that is neither day or night, then that is the time that one is permitted to occupy oneself with the wisdom of the Greeks (Shapiro 1966, 23). Obviously the point here is that there is no appropriate time to seek secular knowledge. The supporters of the combination of Torah and secular education cite the Talmud (B.T. *Shabbos*, 75a) as proof of the inherent value of studying the physical sciences. Rabbi Shimon son of Pazi was recorded as saying:

“Regarding those who are equipped to make astronomical calculation,

but choose not to do so, the Torah declares - 'The work of God they fail to scrutinize, and the work of His hand they fail to see.'" Here secular knowledge is depicted as providing valuable insights into God (Riskin 1983, 406). Because Orthodox Jews are able to find "proofs" in the Talmud to support both positions, it does not seem feasible that a resolution to this conflict can be found in this way.

The interviews conducted with Orthodox rabbis succeeded in bringing out some important insights on this question. One modern Orthodox rabbi explained that because the Torah comprises discussions about creation, the world in general, and human beings and their relations to each other, studying the physical and social sciences gives the Jew a better appreciation of what the Torah is about. It cannot be denied that great contributions to knowledge have been made outside of the limited Torah, he reiterated; Maimonides taught that "we should accept the Truth wherever it comes". In a similar vein, another modern Orthodox rabbi related that just as God created the world in general, He also created the maths, sciences, literatures and humanities. All these areas are worthy of study, therefore, as long as they are done through Jewish-coloured glasses. Because God begets all knowledge, no branch of information, if studied with the proper spirit of reverence, can be considered "secular" (Shapiro 1966, 22). As modern orthodox rabbi, Emmanuel Feldman, editor-in-chief of *Tradition*, puts it:

"[secular knowledge] increases our appreciation of God's unfolding will in nature and history, [and] can be an instrument in the understanding of Divine Truths." (Raphael 1984, 156)

Despite these sentiments, the rabbis interviewed did offer warnings of the

imminent dangers of secular education. One modern Orthodox rabbi spoke of the inherent conflicts involved in the exposure to worldly knowledge: the intellectual world of the modern university is pervaded by a relativistic attitude which denies the existence of any absolute goodness or truth. This type of thinking is a dangerous threat to Halachic Judaism. Another modern Orthodox rabbi warned, similarly, that once a student opens the door to the world of secular knowledge, it is almost unavoidable that other ideas and influences come through as well. Very few Orthodox Jews are advanced enough in their knowledge and commitment to Torah to be unaffected from such experiences. A standard right-wing Orthodox perspective on the issue would view the sending of a young Orthodox student to university as opening him/her up to the very real danger of losing all sense of *Yidishkeit* (Jewishness). It is simply not worth the risk. One right-wing Orthodox rabbi interviewed acknowledged that while he does see some intrinsic value in secular knowledge, he views the average secular college or university to be a most “sinful atmosphere”.<sup>23</sup> Rabbi Moses Feinstein considered public schools and universities to contain “all the abominations in the world” which will corrupt the Orthodox student, luring him or her away from the path of the Eternal Torah (Robinson 1986, 42, 45-6). Rabbi Aaron Kotler<sup>24</sup> reiterated the point when he stated that those who receive a

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<sup>23</sup> From a right-wing Orthodox perspective there is much that is “inappropriate” in an environment like a university (Yeshiva University included) that teaches secular knowledge: extreme liberal attitudes, immodest dress, mixed socializing, etc (Helmreich 1982, 231).

Of course, these strong reservations about secular university do not necessarily imply that for all of right-wing Orthodoxy secular knowledge or the involvement in general business or commerce is frowned upon. The Hasidic Jews of Manhattan are an excellent case in point. While they may be somewhat cautious about attending secular colleges or universities, their tremendous involvement in Manhattan’s diamond and electronics industry reflect their lack of concern with conducting business within general society.

<sup>24</sup> It should be mentioned that Rabbi Feinstein and Rabbi Kotler, in their lifetimes, were considered to be the preeminent spokesmen for right-wing Orthodoxy.

secular education are unable to express authentic Torah views (Raphael 1984, 156).

While it is true, as alluded to earlier, that significant numbers of students of sectarian *Yeshivot* attend college classes to help themselves attain a livelihood, there is a great difference in attitude between the left-wing and right-wing Orthodox as to the value of these studies.<sup>25</sup> Many right-wing Orthodox strive to have only limited contact with what they consider “foreign” ideas, while the modern Orthodox students willingly immerse themselves in these studies, viewing them as valuable in themselves. Yeshiva University is often criticized by more right-wing “Yeshivot” for their “dangerous” policy of acceptance of secular studies and involvement in general culture. Norman Lamm, the current president of Yeshiva University attempts to defend the modern Orthodox position when he declares:

“We are committed to secular studies, including our willingness to embrace all the risks that this implies, . . . because we consider that it is the Will of G-d that there be a world in which Torah be effective; that all wisdom issues ultimately from the Creator, and therefore it is the Almighty who legitimates *all* knowledge.” (Helmreich 1982, 229-30)

Other left-wing Orthodox arguments in support of a combination of Torah studies and secular studies warn that the lack of academic competence of Orthodox Jews will lower the respect for Orthodoxy in the eyes of the world, and will increase the tendency of Anti-Jewish sentiments. “Uneducated” Orthodox

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<sup>25</sup> Modern Orthodox Rabbi, Norman Lamm makes an interesting point when he argues that it is difficult to understand how the right-wing Orthodox could permit attendance at college for reasons of earning a living:

“If all secular learning is regarded as dangerous spiritually and forbidden halachically, what right does one have to tolerate it at all? Why not restrict careers for Orthodox Jews to the trades and small businesses? Is the difference in wages between a computer programmer and a shoe-salesman large enough to dismiss the ‘halachic’ prohibition of the academic training necessary for the former?” (Lamm 1986, 3)

Jews will be unable to intelligently combat these sentiments found in the arts, literature or the mass media. In addition, the lack of academic education will result in the absence of Orthodox physicians, lawyers, accountants, and other professionals to serve the Orthodox community. Non-Orthodox professionals, it is argued, are unable to fully appreciate the halachic complexities, such as euthanasia, the dietary laws, and the Sabbath that challenge the Orthodox community (Schwab 1966, 17-8).

While the right-wing Orthodox acknowledge the potential problems of this lack of academic education, they counter that the alternative is worse. Without a dedication to Torah-only studies the Orthodox community will be unable to produce the *G'dolei Torah* (great Torah scholars) who are essential for Orthodox survival. It is immensely difficult, they argue, to become learned enough to be considered a universally recognized halachic authority if one must be concerned with being highly accomplished in the secular disciplines as well. Without these *G'dolei Torah* to lead the Orthodox community, from this perspective, Orthodoxy would be left in utter confusion and spiritual anarchy (Schwab 1966, 22-3).

The Orthodox positions taken on the issue of the permissibility of involvement in general culture (theatre, arts, sports, mass media) follow closely behind those taken on the issue of secular education. The essential question becomes: within an Orthodox framework do these activities and phenomena have any intrinsic value making them worthwhile pursuits ?

The rabbis interviewed offered a range of opinions on this question. One

centrist Orthodox rabbi<sup>26</sup> acknowledged that a television can be useful in keeping one abreast of world news, but because of the extent of inappropriate material shown on television (sex, violence, immodest advertising, etc.), he discourages the Orthodox family from having one in the home. He made similar remarks regarding secular newspapers. In terms of the issue of attending movies or plays, a number of rabbis expressed the view that, like many things in life, these things have the ability to be valuable and worthwhile, on the one hand, and the ability to be destructive and corrupting, on the other. The suggestion given was to be very selective in choosing these activities, making sure to use these outlets properly. One centrist Orthodox rabbi explained that the family movie Free Willy is considered appropriate to see, while an adult movie like Basic Instinct is not. A right-wing Orthodox rabbi interviewed disagreed, considering all movies and plays to be a waste of time. "All the stuff is garbage," he reiterated.

In terms of reading for pleasure a distinction was made by one centrist Orthodox rabbi between serious scientific works which can be valuable, and novels, which much of right-wing Orthodoxy would consider *Nurishkeit* (silliness; a waste of time). The right-wing Orthodox argument was brought forward that because there exists so much beautiful Jewish literature that can provide emotional and intellectual fulfillment, there is no need to resort to secular literature at any time. Finally, in terms of participating in sports, two positions were presented: the more right-wing position views this activity as a waste of time that could be better spent studying Torah, while the more left-wing position viewed it as a valuable outlet, if done in moderation, for a healthy body

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<sup>26</sup> Please refer to page 24 for my comments on the term "centrist Orthodox".



helps produce a healthy mind and soul.

## NON-ORTHODOX JUDAISM

The attitudes and relations towards non-Orthodox Judaism is another important issue which divides Orthodox opinion today. As was the case of the role of secular education, the European Orthodox experience strongly influenced North American Orthodox thinking. Western European Orthodoxy, faced with the threat of the new Reform movement, high intermarriage rates, and influenced by Hirschian Neo-Orthodoxy, generally adopted a policy of communal separation between themselves and the non-Orthodox Jews in their midst. Eastern European Orthodoxy, was generally even stricter in their stance, adopting a policy of separating from the Non-Orthodox Jew both on the communal level and the individual level.

With the proliferation of Conservative and Reform Judaism in North America, and especially the advent of Conservative and Reform conversion and divorce proceedings, the question of the proper relation of the Orthodox Jew to non-Orthodox Judaism has become increasingly important. Orthodox authorities are now significantly concerned with questions of the authenticity of these often non-halachic procedures. As one prominent Toronto modern Orthodox rabbi put it: the issue of acceptance of non-Orthodox conversion and divorce proceedings involves the most crucial question of “whether one is a Jew or not, and whether one is married or not”.

The major rift that occurred between the modern Orthodox RCA and the right-wing Orthodox RAA in the 1950's is a prime illustration of the intensity of the conflict. In March of 1956 eleven heads of sectarian *Yeshivot*, including

Rabbi Aaron Kotler, representing the RAA, issued a prohibition against any Orthodox rabbi affiliating with the Synagogue Council of America or the New York Board of Rabbis (Jewish umbrella organizations in which non-Orthodox rabbis are officially represented) on the grounds that co-operation with these liberal rabbis was a tacit endorsement or legitimization of these non-Orthodox types of Jewish expression. While all members of the RAA immediately resigned from the above organizations, the RCA, with the support of the late Rabbi Joseph Soloveitchik, strongly denounced the ban arguing against the European tradition, that cooperation does not imply legitimization of non-Orthodox Judaism and that the principle of Jewish unity dictates that Orthodox Jews should recognize these groups so as not to further alienate the non-Orthodox from authentic Judaism (Raphael 1984, 152; Spero 1978, 94-5).<sup>27</sup>

As alluded to earlier, the Breuer Orthodox community of Manhattan, being the perpetuation of Hirschian Neo-Orthodoxy, holds an analogous position to the RAA on the issue of co-operation with the non-Orthodox. Despite their “modern Orthodox-like” stance on the role of secular education, they are insistent on the policy of strict separation from the non-Orthodox. To the Breuer community rigid religiosity is of far greater priority than Jewish unity. Since they

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<sup>27</sup> An illustration of the seriousness of the RAA in their prohibition was their reaction towards Samuel Belkin (President of Yeshiva University from 1943-75) in 1966. When Belkin agreed to attend the fortieth anniversary dinner of the Synagogue Council of America which honoured him, along with heads of Conservative and Reform rabbinical seminaries, the heads of four sectarian *Yeshivot* denounced Belkin’s participation by placing an ad in the *New York Times* accusing Belkin of a “tacit endorsement of alien and dangerous ideologies that destroy belief in the Divine origin of Torah.” (Raphael 1984, 144)

A more recent conflict along similar lines has developed with the creation of the newly formed North American Commission on Jewish Identity and Continuity, a commission which was formed to attempt to reach a consensus among Orthodox, Conservative and Reform Jews on combating intermarriage. Agudath Israel has declined an invitation to sit on the commission, calling it “unrealistic, deluded and futile.” On the other hand, the modern Orthodox RCA and UOJCA have agreed to take part. (Canadian Jewish News, March 10, 1994)

believe that the Jewish people are a supernatural entity existing for the sole purpose of observing Jewish law, they see no reason for interaction with any other body which does not share their beliefs (Rudavsky 1967, 386).

Of the rabbis interviewed, all stated that they would not have a problem being jointly involved with a non-Orthodox body in a project related to charity, care of the elderly, or Jewish education. The areas that all rabbis refused to participate in are joint prayer services and halachic procedures or decision-making .

A distinction was made by several of the rabbis between their attitude towards non-Orthodox Jews, and their attitude towards non-Orthodox Judaism. It was felt that non-Orthodox Jews should be treated well for the simple reason that they are still Jews. One's Jewishness cannot be denied, it was argued. It is conferred by God, not people. A modern Orthodox rabbi voiced the opinion that a Conservative or Reform rabbi merits respect, despite his<sup>28</sup> non-Orthodox orientation, for he is still the spiritual leader of a congregation of Jews. A right-wing Orthodox rabbi disagreed saying that he does not consider any leader of Conservative or Reform Judaism to be a "rabbi" at all. "A rabbi has a certain obligation of what he is supposed to impart to his community," he explained, "I don't think [a Conservative or Reform "rabbi"] is doing it."

Non-Orthodox Judaism as an institutional organization was looked down upon by most rabbis interviewed. One centrist Orthodox rabbi called it a "very dangerous dogma" which puts Orthodoxy in jeopardy. While some modern Orthodox rabbis see some value in Conservative and Reform Judaism in that it

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<sup>28</sup> As will be discussed later on the issue of feminism, it is doubtful whether an Orthodox rabbi could give the same amount of respect to a non-Orthodox rabbi who is a "she" rather than a "he". (The Reform movement began to ordain female Rabbis in 1972. The Conservative movement began in 1984).

at least gives Jews a certain amount of identification with their faith, this Rabbi disagreed. He explained that he would rather have Jews not come to his synagogue on the Sabbath at all, rather than drive there (a halachic violation of the Sabbath). Another centrist Orthodox rabbi called non-Orthodox Judaism a diversion of Judaism which threatens authentic Judaism with its insistence on embracing every cause of general society, such as homosexuality and the role of the women<sup>29</sup>, as if they are Jewish causes. In a similar vein, a right-wing Orthodox rabbi characterized Conservative and Reform Judaism as “Zelig-type Judaisms”. They are, he explained, like Woody Allen’s Zelig, human chameleons that become whatever they are amongst.<sup>30</sup> They are unacceptable ideologies because they attempt to shape Judaism to look like the surrounding culture. Another right-wing Orthodox rabbi had this to say about non-Orthodox Judaism:

“I feel that the official leadership of Reform and Conservative Judaism is doing damage to Torah-True Judaism by espousing a form of observance of religion that is not consistent with the Torah.”

Rabbi David Bleich, headmaster of RIETS at Yeshiva University, reiterates this repudiation of non-Orthodox Judaism by arguing that simply talking with a non-Orthodox Jew does not legitimize their ideology, but conducting any type of organized inter-denominational dialogue with Conservative or Reform Judaism is highly objectionable, for this type of exchange must involve some room for compromise. Like the Breuer community, Bleich sees a value in Jewish unity, but not at the cost of compromising religious truth (Sacks 1991, 13). Interestingly, one modern Orthodox rabbi

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<sup>29</sup> More on these topics will be discussed in subsequent chapters.

<sup>30</sup> Of course, this type of comment indicates a familiarity with general secular culture.

interviewed expressed a different point of view by emphasizing the importance of the Conservative and Reform branches of Judaism. He explained that unanimity in opinion is not healthy for Judaism. "Let's face it," he remarked "Jews thrive on controversy!"

Even this latter rabbi, however, had trouble tolerating the Reform movement. While he expressed a certain amount of respect for the Conservative movement for its at least partial acceptance of Halachah as a authoritative legal code, he could not tolerate the Reform movement's total lack of concern for Halachah. "God gave us the Ten Commandments, not the Ten Suggestions," he exclaimed in deference to the Reform movement. Other rabbis also had specific condemnations of the Reform movement. One centrist Orthodox rabbi accused Reform of bringing about the "Churchification" of the synagogue service. He cited the use of an organ, the use of a choir, mixed seating, and the lack of *kippot* (skullcaps) and *tallisim* (prayer shawls) as examples to prove his point.

While most of the rabbis interviewed, as mentioned, tacitly accept non-Orthodox Jews as Jews, there was a difference among the rabbis as to the importance they place on reaching out to these Jews to interact with them. While it was clear that some rabbis had no interest in going out of their way to make contact with the non-Orthodox, one modern Orthodox rabbi emphasized that Orthodoxy has much more to gain by communicating rather than separating. He explained that because Orthodox Jews are such a small minority of the North American Jewish population, there are many Jews that can still be served and influenced by Orthodoxy. This rabbi was not concerned with the issue of legitimizing non-Orthodox Judaism, arguing that these group already

feel quite legitimate and secure in their sheer size and strength. They are not seeking any further legitimacy from the Orthodox.

Walter Wurzburger, past editor of *Tradition*, argues similarly that while it may have been appropriate for Hirsch in late nineteenth century Germany to establish a policy of strict separation from a Reform movement which was established for the sole purpose of rebelling against an Orthodoxy which they considered a destructive relic of the past which was obstructing the road to progress, today this type of extreme measure is unnecessary. In North America today Orthodoxy is much more respected, Wurzburger argues. Rather than rebelling against Orthodoxy, non-Orthodox Jews today are very often simply estranged from their faith due to a lack of knowledge of Judaism and a lack of motivation to learn. They cannot be held responsible for this, for they are simply products of their culture. For these reasons Wurzburger encourages Orthodox Judaism to reach out to these Jews (Berkovits 1983, 349-50; Bleich 1991, 100; Wurzburger 1986, 39). As to the problem of legitimation, Wurzburger explains that:

“[t]he risk . . . is negligible when compared with the dire consequences of a move that would entail the loss of many opportunities to expose American Jewry to Torah perspectives.” (Wurzburger 1986, 39)

Not surprisingly modern Orthodoxy has strongly criticized right-wing Orthodoxy for their policy of separation. Right-wing Orthodox are accused of retreating to a ghettoized position, having no concern with the well-being of the broader Jewish community. It is argued that the right-wing Orthodox have become “narrow separatists” so as to avoid any contact that will bring spiritual contamination to their community (Singer 1988, 50-1). Reuven Bulka, a modern

Orthodox rabbi warns of the dangers of this position:

“[i]f the Orthodox stubbornly insist that Conservative and Reform Jews are out of the pale, their casting-off will become a self-fulfilling prophecy, and Orthodoxy will be party to, and at least partially responsible for, a mass defection from Jewish ranks.” (Bulka 1983, 135)<sup>31</sup>

Despite the above accusations and criticisms, some of right-wing Orthodoxy<sup>32</sup> holds firm to their policy of separation from the non-Orthodox. The published halachic rulings of the eminent Rabbi Moses Feinstein affirm such an attitude. Although Feinstein would allow the Orthodox Jew to rent apartments, give weddings gifts, and in certain conditions have business relations with the non-Orthodox, he insisted that non-observant Judaism can have no official status in the Jewish community. As regard to non-Orthodox institutions Feinstein was unequivocal:

“it is plain and clear that no Jewish man or woman may be a member in [such an] institution even if it is [organized] for charitable matters and for the benefit of the people of the city, for even if he does not profane the sabbath he aids the profanation of the sabbath and holidays in public which is also the profanation of [God’s] Name.” (Robinson 1986, 39-40)

Feinstein maintained that one is permitted to maintain relations with the non-observant Jew, only if their non-observance is non-ideological in nature. The Conservative movement within Judaism is considered to be an ideological deviation from halachic Judaism:

“[The members of] a Conservative synagogue have announced that they are a group of people who deny some of the Laws of the Torah and have removed their way from it . . . for even those who deny one thing from the Torah

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<sup>31</sup> On a much more practical level, Bulka points out that Conservative and Orthodox congregations and organizations are helpful in raising funds to help support Orthodox institutions.

<sup>32</sup> Chabad-Lubavitch Hasidism is an obvious exception, as discussed earlier. The philosophy of Chabad-Lubavitch Hasidism, that within all Jews is a spark of Divine energy that needs to be activated, gives the movement strong reason to reach out to Non-Orthodox Jews to try to bring them closer to Torah-True Judaism.



are considered “deniers” . . . . of the Torah . . . and they are considered heretics . . . and one must remove himself from them.”

Feinstein’s characterization of Reform Judaism was even harsher. He referred to them as “the wicked who have denied our holy Torah” and have transgressed all the Laws of the Torah (Robinson 1986, 40-41). It is clear, then, that for at least a significant portion of right-wing Orthodoxy there is very little place for interaction or outreach towards non-Orthodox Jews.

## ISRAEL AND ZIONISM

As Spero alludes to, virtually all segments of Orthodoxy have a high level of reverence for *Eretz Israel*, the Land of Israel. Where the strong ideological differences lie are in the Orthodox attitudes to the organized movement of Zionism, and to Israel as a secular State. The North American Orthodox conflict had its origins in the Aguda-Mizrachi controversy which began in Europe at the beginning of this century (Spero 1978, 96). The two most prominent Orthodox positions today in North America sprung directly from these two competing ideologies.

As mentioned, the anti-Zionist Aguda (or Agudath Israel) was founded in Poland in 1912 and became organized in the United States just before the second-world war. The Zionist organization of Mizrachi, an acronym of the Hebrew *Mercaz Rukhani* (spiritual centre), was founded in Vilna in 1902 and within a decade became a strong movement in the United States (Raphael 1984, 163-4). The controversy between the two Orthodox groups on the issue of Zionism was closely related to the conflict described in the previous chapter: the question of the proper relation to non-Orthodox Judaism. In its inception, the Aguda was created as a reaction against Mizrachi's willingness to co-operate with non-Orthodox Jews, including secular Zionists, on political and communal matters. In typical modern Orthodox style, adherents of Mizrachi were able to ally themselves with secular Zionists (in order to further their own Zionist cause) by clearly separating their religious values from their political aspirations. The Agudists would not condone such a compromise, and could not tolerate any link

with secular Jews. When the ranks of the Agudists in North America were swelled by many Holocaust survivors just after the war, the Agudist position became even more vehement. They had seen the “modern world” at its most evil, and had survived. They were determined not to negotiate with it afterward (Heilman 1982, 175-7).

The right-wing Agudath Israel position is presently held by most ultra-Orthodox movements: Hasidic Orthodoxy, Yeshiva Orthodoxy (non-Hasidic), and Hirschian neo-Orthodoxy.<sup>33</sup> These Orthodox groups refuse to have any connection with Zionist organizations because they maintain that such a connection legitimizes secular nationalism as an acceptable definition of Jewishness. They hold the position that the return to the Land of Israel can only come about through the process of divine redemption which must be accompanied by the spiritual reformation of all Jews. Since clearly this reformation has not occurred, the redemption has not yet begun, and any active, political Zionist activity is strongly frowned upon. They cite a passage in the Talmud (*Ketubot* 111a) as halachic evidence of the veracity of their position: a famous oath taken by the exiles of Jerusalem at the time of its destruction promised “never to reconquer the land by force”. Furthermore, the *Mo’etset G’dolei Ha-Torah* of the Aguda declared in 1937 that: “A Jewish state not based on the Laws of the Torah is a denial of our peoplehood . . . and threatens our existence as a people.” Though their position is not as strong as the Satmar position<sup>34</sup>, in that these groups seem to grant a de-facto recognition of Israel,

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<sup>33</sup> Rabbi Hirsch could very well be considered the spiritual founder of modern religious anti-Zionism. He constantly stressed the importance of Diaspora Jewry, and strongly cautioned against any effort to restore Jewish national sovereignty before the coming of the messiah (Jakobovits 1982, 193).

<sup>34</sup> to be discussed shortly.

they hold strong to their belief that Jewish “statehood” or the successes of the Israeli military have no religious or prophetic significance. A portion of this group refuses to commemorate *Yom Ha’aztmaut* (National Independence Day) or *Yom Yerushalayim* (Jerusalem Day), and will not sing the national anthem of Israel or read the new “prayer for the State of Israel” (Jakobovits 1982, 190-3, 201; Singer 1988, 51; Spero 1978, 96-7).

Opposed to this position is the modern Orthodox Mizrachi movement which evolved into the Religious Zionists of America (RZA), and is affiliated with *Mafdal*, the National Religious Party in Israel. Mizrachi strives for the realization of an autonomous Jewish religious State of Israel, and argues that this type of Zionist aspiration in no way legitimizes secular nationalism as an acceptable definition of Jewishness. As opposed to the Agudist position, Mizrachi believes that the momentous events of the establishment of the State of Israel in 1948, and the military successes of the 1967 Six-Day war and 1973 Yom Kippur war have great religious significance as the fulfilment of biblical promise. As such, Mizrachi sees no contradiction or distinction between the Land of Israel and the State of Israel (Bulka 1991, 44). The miraculous rise of the country from the incredible evil of the Holocaust is an unmistakable sign that the process of redemption has begun. Though redemption is a slow and gradual process, Mizrachi holds firm to the view that by taking a personal initiative the first steps have been forged. Mizrachi looked to the mystical Rabbi Abraham Isaac Kook (1865 - 1935), the later chief Rabbi of Palestine, as their spiritual leader. Rav (Rabbi) Kook was not disturbed by the rejection of Jewish Law by secular Zionists, rather he understood secular Zionism as a useful instrument for his brand of religious Zionism. The first step to redemption, Rav Kook taught, was

the Jewish resettlement of the land. The large number of secular Zionists had an important contribution to make in this regard. In time, Rav Kook believed, the secular Zionists would draw closer to the religious Zionists and the Land of Israel itself, and would begin to appreciate the true spiritual significance of their accomplishments.<sup>35</sup> Mizrachi finds halachic support for their position in the Torah where they interpret Numbers (33:53) to mean that it is a religious duty to engage in war to liberate the land (Jakobovits 1982, 194-5, 202-3; Katz 1986, 11; Lustick 1988, 31-2).<sup>36</sup>

Of the rabbis interviewed, a right-wing Orthodox rabbi, expressed his disgust for the Zionist movement in its belief of giving priority to a nation over observance of Torah:

“Zionism is a form of Nationalism. It is not a Torah brand of belief. As such, it is a contradiction to the practice of the religion of Judaism. In true Jewish belief the Land is part and parcel with the Torah. To live in Israel and not practice Torah is sacrilege. A religious Zionist is a contradiction in terms because you can’t be a religious Nationalist.”

A modern Orthodox rabbi, in defending his Mizrachi-like position, pointed out the apparent inconsistencies of the right-wing position. He found it difficult to understand why the right-wing Orthodox refuse to call themselves Zionist when they participate in elections in the *Knesset* (Israeli Parliament) and for some time even participated in a national coalition government. The modern Orthodox point out further inconsistency in the Agudist position: while the North American

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<sup>35</sup> Rav Kook’s emphasis on the mystical significance of the renewed contact between Jews and their land, including the “liberated areas”, served as the intellectual and spiritual foundation for the *Gush Emonim*, a radical and militant group of Israeli settlers in Judea and Sumeria who maintain that Jews hold the exclusive right to the full Land of Israel. More moderate followers of Rav Kook’s philosophy challenge this type of militant interpretation to what they consider to be teachings of peace and pacifism (Jakobovits 1982, 195; Lustick 1988, 32).

<sup>36</sup> Numbers (33:53): “And you shall take possession of the land and settle in it, for I have given the land to you to possess it.”

right-wing orthodox have the highest rate of *aliyah* (immigration to Israel), have established countless numbers of educational institutions, identify emotionally with Israel, and support it financially, they still show a significant amount of hostility towards the State of Israel (Jakobovits 1982, 190; Singer 1988, 51).

Another modern Orthodox rabbi described his views as comprising a third possible position which lies between the Aguda and Mizrachi positions, but more closely resembles Mizrachi. While he strongly supports the State of Israel and all its institutions recognizing in them a religious significance and a manifestation of Divine favour, he will not state with any degree of certainty that Judaism, in its present position, has reached the first step to divine redemption. While he certainly has hope that Judaism has reached this stage, he is not willing to go as far as Mizrachi in assuming that this redemption has indeed begun. The Mizrachi view, he explained, feeling too safe in their knowledge of the irreversible certainty of the coming redemption, could have the tendency to act irresponsibly or “unrealistically” in its effort to carry out the related biblical prophecies of revelation, showing a lack of concern for world opinion. The practical consequences of this third position is a more cautious and “realistic” attitude which would cushion the blow of a possible turn of fortune that Israel may yet encounter before the promise of redemption is finally at hand (Jakobovits 1982, 196-7).

Finally, a fourth position deserves mention. In 1935, when a small minority of the members of the Agudath Israel considered the Aguda's policy too lenient and too sympathetic to Zionist considerations, they formed the obscure but highly vociferous *Neturei Karta* (Guardians of the City). The extreme right-wing group, closely affiliated with the teaching of the late Satmar

Rebbe, Joel Teitelbaum, numbers several hundred members in Israel, and have other followers living in Brooklyn, New York among other places in North America. The strongly anti-Zionist *Neturei Karta* believe in a “quietistic apoliticism” which maintains that the very act of a Jewish State before the Messiah is a heresy, so that any political initiative in respect to the Land of Israel is an act of defiance against the Divine Redeemer. The “Zionist heresy” is regarded as a true incarnation of Evil. It is believed that God has permitted the apparent military successes of the modern “State of Israel” as a trial or test for Jews: the *Neturei Karta* are determined not to succumb to the evil illusion that through human initiative the divine redemption has begun. Rather, they wait faithfully for the real divinely preordained destiny of Israel. The *Neturei Karta* refrain from any contact with the State of Israel’s agencies and services, and refuse to register as Israeli citizens. Any co-operation with the government of Israel is regarded as sinful. Agudath Israel’s co-operation is considered to be a severe compromising of their religious principles caused by a unworthy desire for political power (Jakobovits 1982, 192; Katz 1986, 15; Lamm 1971, 38, 47-8).

Several of the rabbis interviewed strongly disapproved of the position of the *Neturei Karta*, especially their willingness to negotiate with the PLO (Palestinian Liberation Organization) the possibility of Jews in Israel living under Arab rule, an action that the rabbis feel surely puts the lives of Israeli Jews in danger. In Similar fashion, other Orthodox groups have suggested that Satmar institutions and *kashruth* (dietary law) certifications should be boycotted as a statement of radical detachment from *Neturei Karta* ideology (Liebman 1984, 108).

The question of the Orthodox attitude towards the establishment of Jewish settlements in the West Bank (or Judea and Sumeria), part of the controversial region known as the “occupied territories” since the time of the 1967 Six-Day War, is also an important issue to consider. Interestingly, through the course of the interviews it became apparent that the views on this issue do not necessarily follow the usual pattern of the more left-wing Orthodox advocating one general position, and the more right-wing Orthodox advocating another. In this regard, it became clear that left-wing Orthodoxy does not necessarily correlate to left-wing political attitudes of ceasing Jewish settlement in the West Bank and favouring territorial compromise (giving the land to the Palestinians in exchange for peace), nor does right-wing Orthodoxy necessarily correlate to right-wing political attitudes of continuing Jewish settlement in the West Bank and opposing territorial compromise. Two prominent right-wing Orthodox rabbis today, for example, advocate fundamentally different positions on the issue. The Lubavitcher *Rebbe*, Rabbi Schneerson, is opposed to any territorial compromise, while Rabbi Schach, a leader of the right-wing Yeshiva world, favours territorial compromise.

A common justification given for the opposition of territorial compromise is the biblical verse, mentioned earlier, in Numbers (33:53) which states “and you shall take possession of the land and settle it, for I have given the land to you to possess it”, and especially Nachmonides’ (a thirteenth century Jewish sage) interpretation of the verse as a positive commandment ‘that we may not leave the land in the hands of other nations’. A common justification given for the position of territorial compromise is the principle of *pikuah nefesh* (the saving of human life) which takes precedence in the Torah over all



commandments except idol worship, forbidden sexual relations, and murder. If it can be established that by returning the territories the threat of war shall be diminished, thereby saving lives, the principle of *pikuah nefesh* dictates that the territories be returned (Golinkin 1993, 34,89).

Two right-wing Orthodox rabbis interviewed reflected this difference in opinion. One right-wing Orthodox rabbi “strongly supported Jewish settlement in any area of Israel” arguing that the Torah has dictated that “the whole Land of Israel” belongs to the Jews. Another right-wing Orthodox rabbi explained that while it is a *mitzvah* (commandment) to settle in Israel, he does not believe that one should risk one’s live for it. He considered the question of the West Bank to be “strictly a political and military issue.” He believed that “whatever is better for the general security of the region” should be followed through.

Of course the situation of Israel and the “Middle-East Peace Process” is one that can change dramatically in very short periods of time. Indeed, a potentially very significant event has occurred while I still write this work. Although it is very early to ascertain the full range of North American Orthodox opinion on the recent peace accord between Israel and the PLO, signed September 13, 1993, recent published reports tell us that the Canadian and American members of the RCA have launched a protest campaign against the accord. The RCA has sent a delegation of leading North American Orthodox rabbis, including Rabbi Aaron Soloveitchik, brother of the late Rabbi Joseph Soloveitchik, on an “emergency mission” to Israel to convince Israeli Prime Minister Yitzhak Rabin that the current peace process is plagued with peril. In Canada, the Toronto Board of Rabbis, of which there is some Orthodox

representation, issued a statement of support for the accord. In September 1993 a survey conducted by the American Jewish Committee found that only 51% of American Orthodox Jews support the accord (Canadian Jewish News, Oct. 14, 1993; Nov. 18, 1993). As time moves on after the signing of the accord it has become apparent that the vast majority of Orthodox opinion now disapproves of the accord.

The question of the proper Orthodox attitude to Israel is one that continues to evolve as the volatile developments of the Middle East region continue to unfold.

## HALACHAH

The corpus of final and accepted rulings in questions of Jewish Law has come to be referred to as “Halachah”. The Hebrew word means “to walk” or “to go”, and denotes the proper “way” or “norm” for Jewish religious practice (Spero 1983, 166). While it is true that much of halachic ruling is unequivocally accepted as authoritative by all Orthodox Jews<sup>37</sup>, it should be pointed out, that because there no longer exists an all-encompassing rabbinic body of central authority (*Sanhedrin* or *Bet Din*), there are certain issues upon which Orthodoxy has not established complete consensus. One simply needs to look as far as the controversy between Rabbi Schneerson and the late Rabbi Feinstein on the issue of birth control to see that this is true (Rosenthal 1986, 66-7).<sup>38</sup>

Because, in Orthodox belief, Halachah, as part of the Oral Torah, has been passed down from generation to generation from the time of the receiving of the Torah at Mount Sinai, there can be no doubt that all of Orthodoxy acknowledges and respects its divinely ordained nature and authoritative force. Where the differences in Orthodox opinion lie are in the question of the extent of flexibility that is allowable in making halachic rulings. Two distinct trends within North American Orthodoxy can be discerned on this issue: those tending

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<sup>37</sup> Laws such as the prohibition of driving a car on the Sabbath, the obligation for women to attend the *mikveh* (ritual bath) after their menstrual cycle, or the maintaining of separate meat and dairy dishes in the home are examples of Halachah that are completely uncontested. They are standard procedures that define Orthodox behaviour.

<sup>38</sup> Rabbi Schneerson considers any type of birth control to be a “falsification of Torah”, while Rabbi Feinstein took a more liberal position, permitting the use of contraceptives for females only.

towards more lenient rulings, and those tending towards more stringent rulings. These two different Orthodox approaches to the Halachah, not only make up a fourth issue that divides Orthodox opinion today, but, as will be demonstrated, actually underpins some of the significant Orthodox differences in opinion pertaining to the major issues that have already been discussed.

From the outset, it should be understood that there is a general difference in opinion among the Orthodox as to the full role that Halachah plays in determining proper moral behaviour. The more right-wing position holds that any type of Jewish ethical viewpoint must be able to be justified by reference to Halachah. It is believed, according to this position, that a meticulous observance of Halachah is the only way to bring about the truly ethical person. Secular morality or autonomous moral reflection are viewed as mere social conventions which contain no ultimate value or truth. Opposed to such a view of an all-encompassing Halachah, is the more left-wing position which maintains that certain areas of human behaviour are beyond the strict specifications of Halachah. Halachah does not have the ability, it is argued, to legislate rulings to cover every possible situation. It is believed that there must be room allowed for personal existential choices, based on the individual's own moral sense of right and wrong (Herring 1984, 2-3).

Proponents of the more left-wing Orthodox approach to Halachah, such as Rabbi Eliezer Berkovits, complain that right-wing Orthodoxy has inappropriately transported an Eastern European Halachah of strictness and rigidity to the North American soil. He urges right-wing Orthodoxy to develop Halachah that is more viable to the modern age, and more relevant to Orthodoxy's needs and aspirations. Berkovits argues for a more flexible and

creative Halachah that recognizes the broad social and psychological concerns of the Orthodox community. The purpose of Halachah, seen in this light, is to “humanize” the Torah so that it is “aesthetically significant” and “spiritually meaningful”. He speaks of the “existential component” of Halachah that allows for our “participation in it”. He claims that anyone who insists on the complete “freezing of Halachah” does not represent “authentic Halachic Judaism”:

“Withdrawal from reality and continued ignorance of the challenges of the contemporary situation will not give us authentic Judaism.” (Rosenthal 1986, 65)

Taking a more “flexible” stand on controversial issues such as the “Who is a Jew” question, the issue of what constitutes a legitimate conversion according to Israeli Law, which will be discussed later, Berkovits suggests that Orthodoxy should agree to some minimal procedure that could be accepted by all wings of Judaism. His justification for such a stance is the importance he places on the principle of *Achdut Israel*, the unity of the Jewish people (Berkovits 1974, 473-4; Raphael 1984, 159; Spero 1978, 97-8).

One of the modern Orthodox rabbis interviewed argued that since there is often not unanimity in Halachic rulings, there is often more than one halachically justifiable position on the same issue. In a similar vein, Emanuel Rackman, a modern Orthodox rabbi, expresses the position that just because a majority has ruled, it does not follow that the minority view should be considered heretical. While one must continue to fulfil the law as the majority has ruled, Rackman explains, one may still propagate the minority view with the hope that at some time in the future it will be accepted by a new Sanhedrin (Rackman 1975, 184). Both Rackman and Berkovits feel that today’s Halachic scholars

have sufficient authority to make the necessary changes to Halachah (Rosenthal 1986, 64).<sup>39</sup>

As opposed to this type of thinking, was the position of the late Rabbi Joseph Soloveitchik. Although the modern Orthodox liked to look to Rabbi Soloveitchik as their supreme spokesman and leader, he was never comfortable with the title. Indeed his view of Halachah was quite far from a modern Orthodox position. Soloveitchik saw the Halachic process as an objective one, that has no need for any external validation. The rulings of Halachah are *a priori* principles that are unmoved by economic, social or psychological factors. Only God's Will is decisive. Man's rational or moral reflection has no role to play (Rudavsky 1967, 392; Raphael 1984, 161).

The right-wing Orthodox Rabbi Chaim Dov Keller reiterates Soloveitchik's position that the Halachah is fixed and unambiguous. He argues that the idea of making Halachah more "flexible" so that it is more capable of change is completely foreign to Halachic ideology. Only Halachic authorities with more power than those of the past can institute any changes. Since we no longer have a *Sanhedrin* or *Bet Din* we do not have the power to change the law. Keller argues further that the idea of propagating the minority view with the hope that a future *Sanhedrin* will accept the position is a naive consideration which not only superimposes non-Jewish political categories and ideas on Jewish laws, but also undermines the authority of the great Torah sages who have passed down the Oral Law for generations from the beginning at Sinai. Keller sees the modern Orthodox as holding to a naive conviction that if they persist in their lobbying for the integration of more liberal measures into

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<sup>39</sup> Samuel Belkin goes as far as to say that Orthodox laymen should also have a strong voice in the legal process.

Halachah, the Halachic authorities will eventually give in to their demands. Keller classifies such attempts as more attune to Conservative or Reform thinking, than Orthodox. He insists that the times must adjust to the Law, rather than the Law adjusting to the times. Orthodox Jews must strive to determine the true revealed Will of God, rather than attempt to make Halachah justify their own ideas and moral inclinations:

“If intellectuals in the latter part of the twentieth century do not find time-hallowed halochos to their liking, we shall not therefore prostrate ourselves before them.”

Keller is determined not to let the “wisdom of an eternity” be pushed aside for the whims of a “modern civilization” (Keller 1983, 257-62).

Along similar lines, a right-wing Orthodox rabbi interviewed accused the modern Orthodox rabbinate of attempting to adapt Halachah for the simple reason that their congregants are feeling imposed upon. “They skirt Halachah in places that it is not adaptable,” he explained. The rabbi gave the example of mixed dancing, something that can be found at a modern Orthodox wedding reception, but is, in his estimation, “clearly prohibited by Torah.”

Some more specific examples that illustrate the differences in Orthodox application of Jewish Law are the issues of the use of a microphone at synagogue on the Sabbath and the issue of the *mechitza* (dividing wall in the synagogue separating men and women).

As to the use of a microphone on the Sabbath in a large synagogue where it would be helpful in allowing all the congregants to hear what is being spoken and sung on the *bima*, there is significant difference in opinion. Some right-wing Orthodox authorities argue that the prohibition is biblical in origin,

others argue it is only rabbinic in origin, while some modern Orthodox argue that there is no prohibition at all. Should the Orthodox Rabbi hold the more lenient view so as to appease his congregants, so he will not lose them to non-Orthodox congregations ? Or should he support the more stringent view so as to serve as a role model of strict Orthodox observance ? As to the question of the *mechitza*, more lenient Orthodox rulings hold that the most that can be biblically supported is simply that men and women should sit separately in synagogue. More strict rulings hold that there is a biblical requirement for a dividing wall of at least seventy-two inches in height so that eye contact between the men and women is significantly inhibited. Furthermore, while many Orthodox rabbis would refuse to serve congregations that had mixed seating, some policy-makers at RIETS of Yeshiva University permit Orthodox rabbis to serve such congregations with the hope that these congregations will decide to revert back to the more traditional arrangement in the future (Rackman 1975, 183).

One of the best illustrations of the variations in Orthodox application of Halachah is the "Who is a Jew" controversy which exploded in Israel a few years ago. The "Law of Return" in Israel states that any Jew, in any part of the world, is entitled to immigrate to the Jewish State and be granted full rights of Israeli citizenship. The question which arose, of course, was: what is the exact definition of Jewishness, or "Who is a Jew" ? With little exception, right-wing Orthodoxy was in favour of changing the legislation so that it defined a Jew as one who is Jewish by virtue of his/her mother being Jewish or by virtue of being converted to Judaism according to Halachah (that is to say by an Orthodox conversion only). The RCA, the largest and most influential modern Orthodox organization in North America, who have links with the non-Orthodox



communities, as was discussed in an earlier chapter, strongly opposed this change in legislation. They favoured keeping the legislation as it was, allowing any type of official Jewish conversion to be legitimate. While the right-wing Orthodox saw this position as a compromise of Halachah done out of fear, so as not to incur the wrath of their Reform and Conservative friends, the modern Orthodox described their position more positively as one strongly rooted in reasoned Jewish categories. The modern Orthodox justification for their position was the realization that for the great number of non-observant Jews in the world the one strong identification with Judaism that they do have, is a love for the State of Israel. If the Israeli parliamentary body were to declare that Conservative and Reform conversions are illegitimate, modern Orthodoxy speculated that the emotional reaction of non-Orthodox Jews would be a feeling that Israel considers their brands of Judaism to be inauthentic. The result would be a disenchantment with Israel, followed by a serious disaffection for Judaism. For the modern Orthodox, the above “meta-halachic” considerations overruled the standard halachic considerations (Bulka 1991, 38-41).

The two different Orthodox approaches to Halachah, one a more flexible and lenient position, the other a more fixed and stringent position, certainly have ramifications for some of the other previously discussed issues that divide Orthodox opinion.<sup>40</sup> As we have seen in previous chapters, Biblical and Talmudic passages appear to be capable of providing evidence for both positions, left-wing and right-wing Orthodoxy. Clearly, the degree of Halachic leniency or stringency the Orthodox Jew is disposed towards will directly effect which type of Halachic justification that Jew will cite as proof of his/her position,

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<sup>40</sup> As will be shown in the subsequent chapter, one's approach to Halachah also has ramifications for one's position on the issue of feminism in Orthodoxy.

and as a result will directly effect what type of specific ruling that Orthodox Jew will advocate. In this way one's attitude to Halachah tends to underpin one's attitude on many other controversial issues. Along these same lines, it could be pointed out that the modern Orthodox idea of flexible Halachah due to an overriding concern for the maintenance of unity in the Jewish community, as described above, is similarly reflected in their willingness to participate with non-Orthodox organizations as discussed in chapter five, and their willingness to cooperate with secular Zionist groups for the common cause of supporting Israel, as discussed in chapter six.

## FEMINISM

The feminist movement is, of course, a very powerful force in North America, pervading many facets of society. Its widespread influence has certainly touched Judaism, including Orthodoxy. The occurrence of Orthodox feminists voicing concerns and objections to their own form of Judaism actually predates the North American women's liberation movement of the 1960's, having its origin in the Enlightenment movement of Western Europe discussed earlier. Samson Raphael Hirsch, a product of the Enlightenment, strongly encouraged the establishment of private religious schools for girls, a proposal that would be a momentous step for Orthodox feminism. Through the work of Sarah Schenirer this proposal became a reality with the establishment of the *Bais Ya'akov* movement in Poland in 1917, a movement which has expanded into several thousand religious schools for girls stretching across several continents. The concept of private religious schools for Orthodox girls is now accepted by virtually all trends within Orthodoxy. As women became more educated in religious matters they developed a strong desire to be more involved in the various facets of Jewish religious life. *Ezrat Nashim*, founded in New York in the early 1970's, for example, was the first Orthodox feminist organization to be established in North America (Weissman 1989, 280-1).

Though the issue of feminism does not divide Orthodox opinion as intensely as the other issues presented to this point, it is an issue that has sparked much discussion within Orthodoxy in the last fifteen years, and therefore warrants a discussion in this work. The issue is unique in that it not

only divides opinion between a more left-wing and right-wing tendency within Orthodoxy, but also, to some extent, divides the Orthodox women who initiated the objections from the more traditional men who are not sympathetic to feminist concerns.

It would be helpful at this point to discuss more specifically what concerns and objections are raised by the Orthodox feminism movement. The areas of discontent that Orthodox feminists speak of can be divided into three main areas. Firstly, Orthodox women feel a sense of being deprived of opportunities for positive religious identification. Women, contrary to men, are not eligible to be counted in a *minyan* (a quorum of ten men that make up a legitimate prayer group), they may not be granted *aliyot* (a call to read from the Torah at synagogue), and they are not encouraged to immerse themselves with any intensity in the study of the Talmud. On this last point Blu Greenberg, a prominent Orthodox feminist and author of On Women in Judaism, accuses the male halachic authorities of discouraging intensive religious study for women so that women could never qualify as a great scholar, halachic authority or rabbi. With equal access to religious knowledge, Greenberg claims that men fear that women will have ambitions to attain these goals:

“To deny fulfilment of these expectations is to assume that women never can be equal to men in spirit and intellect and therefore to demean and shame the class of women.” (Greenberg 1981, 48)

Another area of discontent for Orthodox women is inequality in Jewish civil law, particularly in issues of marriage and divorce. Examples like the complete silence of the bride at a traditional wedding ceremony, and especially the problem of the *agunah*, a women who desires a divorce from her husband

but cannot acquire it because the husband refuses it, illustrate the disadvantaged position of Orthodox women.<sup>41</sup>

Finally, Orthodox women complain of the rabbinic perception of the nature and role of women in society. Women are not forced to take on any specific role, but certainly have been culturally conditioned to see their “proper” role as staying in the home, serving and nurturing the family unit. The blessing that many Orthodox men say every morning “thanking God for not making me a woman” and statements in the Talmud which refer to women as “light-minded” or “frivolous” (*Shabbat* 33b) also contribute to a chauvinistic attitude towards women (Koltun 1976, 115-6).

To be fair it must be stated that there is not unanimity in opinion among Orthodox women as to the status of women in Orthodox Judaism. A significant numbers of Orthodox women do not share the above feelings of discontent. Chana Poupka and Devora Wohlgernter, both Orthodox scholars and authors, write that while it is true that many Orthodox women feel that their role is less important than the man’s because there is little emphasis put on women studying Torah, they argue that this is not what the Halachah wishes to convey. Poupka and Wohlgernter speak of the need for Orthodox women to be willing to sacrifice, a concept they claim is inherent in Jewish thought, but foreign to the modern feminist movement:

“[I]f the primary commitment for women were to be study of Torah this would . . . be detrimental to the proper functioning of the family. Women are called upon to sacrifice part of their Torah-learning potential for the sake of

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<sup>41</sup> As leader of the International Coalition for *Agunah* Rights, Norma Joseph has spearheaded the Canadian Orthodox community’s response to the problem of the *agunah*. One recent example of protest was lead by the Montreal-based Canadian Coalition of Jewish Women which, in February 1994, organized a vigil across seven Canadian cities as a statement of solidarity in order to draw the attention of the Jewish community to the plight of the *agunah* (Canadian Jewish News, March 3, 1994).

national survival.” (Poupka & Wohlgelernter 1983, 376)

Furthermore, a research project conducted in 1985 which involved interviewing fifty *baalot t'shuva* (women who had “returned” to Orthodox Judaism after not being observant) revealed that the vast majority of Orthodox women found their identities as women through their discovery of Orthodox Judaism. Most of these Orthodox women cherished the traditional feminine qualities of mothering, nurturing, and caring for the family. They saw in the *mitzvot* (commandments) pertaining to the family that are assigned to women, such as the lighting of the Sabbath candles or the baking of the *challah* (Sabbath bread), a spiritual and holy quality, providing them with a new sense of dignity that they felt most contemporary feminist would devalue or disregard (Kaufman 1985, 547).

The rabbis interviewed also made valuable contributions to the issue of feminism in Orthodoxy, illustrating that there is a wide range of opinion on the issue. One modern Orthodox rabbi reported that he helps to facilitate a women's only prayer group in his synagogue, a rare and controversial idea in Orthodox circles. Many North American Orthodox Jews react negatively to such an idea, charging that change is dangerous. Once a women's prayer group is established, they argue, women will want to be counted as part of a *minyan*, followed by a desire to be granted an *aliyah*. Despite this criticism, some Orthodox rabbis favour the idea arguing that we need to change with the times. From this perspective the argument is made that because the women's prayer group allows women to participate more fully, giving them much more interest in prayer, it supplements rather than competes with the regular prayer group. As long as the women are careful not to recite certain prayers like *Barchu* or

*Kaddish*, prayers reserved for men, there is no halachic justification for forbidding it.

A right-wing Orthodox rabbi interviewed had very different thoughts about the women's prayer group. He explained that if women desire such a group out of a sincere desire to be closer to God he can accept it. However, in a great many cases he felt that women, in desiring such a group, have an ulterior motive. Rather than trying to achieve a closer relationship to God, the rabbi had strong suspicions that the women were using the prayer groups as a political expression of feminism to prove to themselves and to men that they are equal to men. The rabbi considered this method of subordinating religion to a political end as completely unacceptable, and therefore would not support such a prayer group.

Another modern Orthodox rabbi explained that the women's role is different, but equal to that of the man. In his view the more public role of the man, and the more private role of the female is a divinely ordained distinction that seems to suit the personality traits of male and female in the vast majority of cases. He warns people, however, not to believe in the "sociological excess baggage" that has traditionally been associated with these role distinctions: women are inferior, less capable, and need not be given a full Jewish education. While the rabbi did not object, in principle, to men staying home with the family while the woman works outside the home, he did express the view that, in general, women are biologically and emotionally better equipped to take care of children. One of the problems relating to the question of proper gender roles in the Orthodox family, he explained, is the fact that the synagogue, rather than the home, has become the nucleus of Jewish life. Because the synagogue

is conceived as the nucleus, and men have all the responsibilities at the synagogue, women have a great desire to participate more at the synagogue. The home, where women have more religious responsibilities than men, was always meant to be the centre of Jewish life, the rabbi explained. If women would realize this they would not feel so excluded from religious ritual.

As explained in the previous chapter, in many of the issues which divide Orthodox opinion more than one position can be “justified” by reference to authentic Jewish sources. The issue of feminism is no exception. A look at the halachic references regarding the issue of women studying Talmud, for example, can illustrate this fact. The Talmud (*Kiddushin 29b*) cites a verse from the *Shema* prayer to emphasize the importance of teaching Torah to the next generation: “And you shall teach them to your children.” While the passage is quite vague, halachic authorities have interpreted “your children” to mean sons, rather than all children. What still is not clear, however, is whether daughters are simply not obligated to study Torah, or are not permitted to study Torah. Also unclear is whether the passage is referring to the Written Torah or the Oral Torah, which includes the Mishnah and the Talmud. In the Mishnah (*Sotah 3:4*) it is written: “It is incumbent upon every individual to teach his daughter Torah.” Following this passage, however, it is written: “Anyone who teaches his daughter Torah is teaching her immorality.” Maimonides, a much revered halachic scholar and codifier of Jewish Law, writes that: “If a woman studies Torah she receives a reward.” He also declares, however, that an individual may not teach his daughter Torah because “women do not have their minds trained for Torah.” In modern times the late Rabbi Joseph Soloveitchik declared that since in our days women do have the opportunity to train their minds to



study, as illustrated by the huge numbers of women who attend university and obtain secular degrees, they must be given the same opportunity to study all facets of Torah. A position has now developed that the times have changed so dramatically that today anyone who does not teach his daughter Torah is, in effect, teaching her immorality (Riskin 1991, 89-90).

As alluded to earlier, when there appears to be more than one halachically justifiable position on an issue, as is the case shown above, one's general approach to Halachah plays a significant role in establishing one's position. In this regard there is much variety in Orthodox opinion on the issue of Halachah adapting to accommodate feminist concerns. Rabbi Yeshayahu Leibowitz, similar to Rabbi Soloveitchik, argues that the whole question of women studying Torah must be seen in the light of our present social reality which preaches equality between men and women:

"We, who are determined to uphold Torah, cannot accept a conception rooted in hala[ch]ic decisions which are related to a social reality by no means similar to our own." (Kurzweil 1985, 120)

In a similar vein, Blu Greenberg argues that Halachah must be sensitive and adaptable to the continually changing times. She is confident that "[we] can find ways within hala[ch]ah for growth and greater equality in the ritual and spiritual realms." (Greenberg 1981, 42)

Of course right-wing Orthodoxy strongly criticizes this type of argument which advocates Halachic change based on the circumstances of changing historical considerations. Dr. Moishe Meiselman, author of Jewish Woman in Jewish Law, insists that any sociological or other "meta-halachic" considerations must be rejected. He did not consider the values of

contemporary society to be relevant to Halachic decision-making:

“Values may not be assimilated, for to do so would be an implicit rejection of the divine imperative as the source of all values.” (Meiselman 1978, 161)

Along these same lines, the late Rabbi Moishe Feinstein was unequivocally harsh in his position on this issue:

“No battle will help, for there is no power to effect a change - even with the consent of the whole world. And these stubborn women who want to fight for change are to be considered as those who deny the Torah.” (Wolowelsky 1986, 68)

## HOMOSEXUALITY

In the last fifteen years the homosexual population in North America has become increasingly outspoken in advancing its views and rights, and as such has been relatively successful in gaining the acceptance of society at large. Starting with the declaration of the American Psychiatric Association in 1973 which unequivocally rejected the notion that homosexuality is a “disease” and homosexuals are “patients” that need “treatment”, and continuing with the subsequent laws that have been passed banning discrimination against homosexuals in employment and the holding of public office, North American society has increasingly begun to view homosexuality as an equal alternative lifestyle to heterosexuality (Herring 1984, 175-6).

The widespread discussion and increased awareness in general society of homosexuality has not eluded the world of Orthodox Judaism. The Orthodox community is, indeed, also confronted by the what they view as the “problem” of homosexuality. Though Orthodox Judaism is fairly consistent in its position of opposition towards homosexuality, there are some mild differences in the interpretation or expression of this position. Because of these mild differences and the new increased awareness of the problem which directly challenges Orthodoxy, it is worthy of a brief discussion here.

The biblical references to homosexual acts are unambiguous:

“Thou shalt not lie with mankind as with womankind, it is an abomination.” (Leviticus 18:22)

“And if a man lie with mankind as with womankind, both of them have committed an abomination: they shall surely be put to death; their blood shall be

upon them.” (Leviticus 20:13)<sup>42</sup>

Based on these biblical passages, the Orthodox community is unanimous in its total rejection of homosexual acts, and refuses to condone a homosexual lifestyle as an equal alternative lifestyle. The Orthodox community at large also conform in their position that the Jewish homosexual should be encouraged to change his or her sexual persuasion to a proper heterosexual one. One modern Orthodox rabbi interviewed explained that he considers homosexual tendencies as negative temptations that must be controlled. Like any other wrongful temptation or disposition, the Jew must view it as a challenge that must be overcome. The Rabbinical Council of America (RCA), the largest North American modern Orthodox rabbinical body, has issued an official “Statement on Homosexuality” in which it states it is preparing a list of therapists who are willing to treat homosexuals. The RCA urges its rabbis to “compassionately” recommend this “professional therapy” and to provide “spiritual guidance” to all those with homosexual tendencies. If the homosexual has justifiably proven that he or she is physically unable to control his or her actions, Halachah dictates that this person is not culpable for the sin.

Another position in which there is total agreement within Orthodoxy is the fact that it is the homosexual act which is forbidden, not the state of being a homosexual person. All the rabbis interviewed, for example, confirmed that when someone has performed a homosexual act they do not exist in a state of permanent state of sin, any more than one who has violated the laws of Sabbath. Wrongness is in the act, it does not define the person. This being the

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<sup>42</sup> While lesbian homosexuality is also forbidden, it is not viewed with the same stringency as male homosexuality (Herring 1984, 185).

case, all the rabbis interviewed claimed they would permit a homosexual to be a legitimate congregant at his synagogue, as long as he or she did not advertise or flaunt their sexual tendencies.<sup>43</sup> All the rabbis disapproved of separate homosexual synagogues on the grounds that by joining such a congregation a Jew is defining oneself by a sin that he or she is committing and thus is not worshipping within the context of a legitimate organized synagogue or within the proper Halachic framework. One right-wing rabbi interviewed referred to such a “gay synagogue” as an “obscenity” because the congregants are joining together on the basis of a sin which they commit. “That’s like putting together a congregation of ham-eaters or adulterers,” the rabbi argued.

Where there is some variation in opinion among the Orthodox is on the question of whether the homosexual Jew should be granted any honours, such as an *aliyah*, within the recognized Orthodox synagogue at which he or she belongs. A right-wing Orthodox rabbi declared that he would not grant any honours to a homosexual congregant, explaining that just as in the case of a congregant who violates the Sabbath or the dietary laws, there is a halachic problem with giving a public honour to someone who is a known transgressor. A modern Orthodox rabbi, however, claimed that he would permit a homosexual congregant to be granted an *aliyah* as long as “everyone was discreet about it”. Another mild difference among the Orthodox can be seen in the degree of acceptance or tolerance one has for the Jewish homosexual. While the “official” Orthodox opinion, as stated above, holds that the homosexual individual is not to be considered an inherently sinful person worthy of discrimination, because it is the sin not the sinner which should be rejected, there are significant

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<sup>43</sup> The rabbis did concede that they would not consider two homosexual “partners” as a legitimate family which would be eligible for family memberships, and the like.

variations in the extent to which the Jewish homosexual is made to feel welcome in the Orthodox synagogue to which he or she belongs. A brief discussion with a Jewish homosexual man who attends an Orthodox synagogue revealed the fact that in the attitudes and behaviour of different Orthodox congregations one can find different degrees of inclusion and exclusion exhibited towards the homosexual. While one Orthodox synagogue might create an atmosphere where the Jewish homosexual can feel welcome and comfortable, another synagogue may simply advocate a policy that Jewish homosexuals are not banned from the congregation.

One centrist Orthodox rabbi interviewed had particularly strong feelings of opposition towards homosexuality. He argued that the biggest problem that faces North American Judaism today is the question of continuity. Because homosexual relations are antithetical to this problem of Jewish continuity, he has little sympathy towards Jewish homosexuals. He argued further that homosexuality is not a new problem in Judaism. It has occurred all through history. Because there is a divine imperative to have children, Jewish homosexuals in the past have repressed their “inappropriate” desires and married and had children despite the personal hardships that this involved. He urges Jewish homosexuals to do the same today.

As can be illustrated by their statements, representatives of both left and right-wing Orthodoxy are in agreement as to the seriousness of the prohibition of homosexual acts. Norman Lamm asserted that:

“any act characterized as as abomination is *prima facie* disgusting and cannot be further defined or explained.”

Rabbi Moishe Feinstein declared that the homosexual act is:

“a fundamental expression of rebellion against the biblical norm . . . ; by its nature it is an act of defiance, and it is therefore the abomination par excellence.” (Herring 1984, 185)

Where there are mild variations in opinion between Lamm and Feinstein is on the question of whether the homosexual is an individual who consciously sins or whether he or she is a victim of a “maladjustment “ of some sort which is beyond his or her control. Rabbi Feinstein held the position that the homosexual male is certainly to blame for his action, arguing that if a man is sexually aroused, he must have reached this state by way of his own autonomous desire. Feinstein cites the Talmud (*Yevamot* 53b) as evidence of his position:

“A man may not claim that he committed a prohibited sexual act involuntarily, for there cannot be an erection against his will.”

As such, the homosexual must take full responsibility for his action. He cannot claim that internal “duress” has made him unable to control his desires. Norman Lamm, while not denying that the homosexual is responsible for his actions, still holds a more lenient position on the issue. He cites the Talmudic passage (*Sotah* 3a): “no man sins unless overcome by a spirit of madness.” to justify his position. When the Jewish homosexual makes sincere efforts to change, Lamm urges the Orthodox community to treat him with great compassion and sympathetic concern (Herring 1984 187-9).

It becomes clear, then, that while Orthodoxy is unanimous in its position that the homosexual act is forbidden, there do still remain some differences in approach as to the proper means of reacting to and dealing with the Jewish homosexual.

## “DA’AS TORAH”

The issue of “Da’as Torah” (literally knowledge of Torah), the question of personal autonomy in decision-making vs. dependency on the judgment of a certain rabbi, is another area that Spero failed to touch upon. Through the interviews conducted it became clear that this is a significant issue dividing Orthodox opinion today that is worthy of at least a brief discussion.

The concept of “Da’as Torah” requires further elaboration. It begins with the understanding that the Torah is the blueprint of all creation, the key to man’s understanding of everything he encounters. From this premise, it follows logically that one who is totally immersed in Torah his whole life, and who is therefore unaffected by the influence of the extraneous values of contemporary society, will be able to best discern the Truth of the Torah and how its holy principles should be applied to everyday life. Those who advocate “Da’as Torah” believe that because of the spiritual greatness of such a scholar, his decisions are the product a total “Torah personality”, and as such are guided by a degree of divine spirit (Helmreich 1982, 69). It is important to note, however, that not all recognized Torah scholars can attain this high spiritual status. There is an added ingredient that transcends any level of scholarship or piety. This unique quality can be described as:

“. . . a special endowment or capacity to penetrate objective reality, recognize the facts as they “really” are, and apply the pertinent Halachic principles.” (Liebman 1983, 90)

With this divine quality the bearer of Da’as Torah commands



unquestioning obedience on a wide range of issues. His views are eagerly sought on such matters as political outlook, important personal decisions, such as appropriate career path or marriage partner, and general religious values and practices. These great “Torah personalities” or *Gedolim* are most commonly *Rosh Yeshivot* (Heads of Yeshivas), leaders of specific Orthodox communities or *Rebbes* of specific Hasidic sects. Examples in today’s North American Orthodox world are Rabbi Shimon Schwab, leader of the Breuer community, Rabbi Menachem Mendel Schneerson, the Lubavitcher *Rebbe*, and the late Rabbi Moishe Feinstein (Helmreich 1982, 68-9).<sup>44</sup>

What is apparent in the Orthodox world is a difference in opinion as to the appropriateness and legitimacy of the concept of “Da’as Torah”. In general terms it is right-wing Orthodoxy which endorses such a concept of total trust in the judgment of a *Godel*, while left-wing Orthodoxy, though in favour of consulting learned rabbis for advice on important issues, tends to favour the practice of more personal initiative in decision-making.

Similar to what was demonstrated with the issue of Halachah, one’s attitude towards the issue of “Da’as Torah” can underpin one’s position on other issues of Orthodox concern. Which rabbi, and indeed whether one is of the custom of observing the ruling of a certain rabbi at all, can have a dramatic effect on what position one advocates on a particular issue.

One modern Orthodox rabbi interviewed expressed strong criticism of the concept of “Da’as Torah”. He referred to those who advocate such a concept as members of “an authoritarian bent of Orthodoxy” which “makes determinations and decrees” rather than properly studying the appropriate Halachic sources.

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<sup>44</sup> Notice that the Rabbi’s cited represent right-wing Orthodoxy. Left-wing Orthodoxy has no equivalent *Gedolim*, as will be discussed.

Though he admitted that there must be a bottom-line position that all Orthodox Jews must adhere to, he argued that because Halachah is not always unanimous, leaving room for a variety of perspectives, he cannot support a system that allows one person to authoritatively decree what is “proper” for everyone. He saw the intense dependency on “Da’as Torah” that has developed in North America in the last several decades as an unhealthy “rabbidolatry”. He complained that when a certain *Godel* has a great number of followers, these students tend to be very similar in character, creating a unified mould or type of person. The rabbi in question, a student of the more left-wing Rabbi Soloveitchik, explained that Rabbi Soloveitchik gave his students more opportunity to express themselves as individuals. The variety of careers, interests, values, and aspirations of he and his colleagues certainly do not make up any one single mould of Orthodox Jews.

Those right-wing Orthodox Jews in favour of the concept of “Da’as Torah” oppose these arguments by emphasizing the importance of properly respecting the great Torah sages of our day. The right wing Orthodox rabbi, Dov Keller, for example, attacks the modern Orthodox for picking and choosing their own rulings when the proper beliefs and procedures have already been clearly delineated by scholars of eminent authority. He considers it a tragic situation that the modern Orthodox Jew has proclaimed “*his* insights as the true tradition, and the legacy of the ages and its guardians, the Rabbis, as unauthentic.” (Bulka 1983, 266) The late Rabbi Moishe Feinstein, a respected Torah authority in the right-wing Orthodox community, claimed to have expressed a pure and unadulterated “Da’as Torah”. He stated emphatically that: “there is nothing in the words I have written and instructed except the Torah of truth.” Based on their

position towards “Da’as Torah”, Rabbi Feinstein divided Orthodox Jews into two categories. He classified those Orthodox Jews that accepted the concept of “Da’as Torah” as authentic *Bnei Torah* (sons of Torah) or *Yir’ei Ha-Shem* (God-Fearers), that could be included as part of his Orthodox community. Those Orthodox Jews who did not accept the concept of “Da’as Torah”, although still considered *Shomrei Mitzvot* (Observers of the commandments), were clearly deviating from the “proper” Orthodox method. (Robinson 1986, 38). On this point, Rabbi Feinstein reiterated that :

“Whereas one may violate a command because he finds himself too weak to resist . . . , at least he realizes that his action is wrong. By contrast, when one does not heed the advice of a *talmid chacham* (Torah scholar), he denies the superior wisdom of the Torah personality. This is a far more serious breach.” (Helmreich 1982, 68)

## CONCLUSIONS

Throughout the work it has been demonstrated that North American Orthodoxy consists of a much more than a single, monolithic expression of observant Judaism. In fact, it could be rightfully argued that there is more variety of expression found within Orthodox Judaism than within any other major denomination of Judaism.

By significantly elaborating on the four major issues of contention raised by Spero, it should be clearly evident that there still remains today much difference in opinion in North America on these central issues. My research indicates that, because of the general strength of the movement and the persistence of its activists, the issue of feminism within Orthodoxy stands as the most significant issue that Spero failed to include in his study. While homosexuality as a social movement is at least as active as the feminist movement in voicing its causes and concerns, because of the explicit biblical prohibitions against the homosexual act, I believe this will never be a fundamentally divisive issue for the Orthodox community. As I have demonstrated, the issue of "Da'as Torah", along with the closely connected issue of Halachah, are significant in that they have the ability to underlie, and therefore influence, the position one takes on any of the other points of contention. For this reason I would classify these two issues as a "different category" of issues, or perhaps better, "meta-issues".

In beginning to address the question of assessing the seriousness of the divisions within Orthodoxy, it would be pertinent to turn to the rabbis' comments

on the issue. Reflecting a general attitude held by most rabbis interviewed, one modern Orthodox rabbi considered the differences in Orthodox opinion to be a healthy situation which helps to keep the Orthodox Jew thinking critically. He argued that differences in opinion have always been an integral part of the Jewish tradition as demonstrated by the numerous disagreements found on every page of the Talmud. Diversity, he explained, is a positive sign of vitality and creativity. The rabbi considered it important to provide the Orthodox Jew with a variety of equally legitimate positions so that he or she has a variety of options open to him or her to practice Orthodox Judaism in a way that provides personal fulfillment while still satisfying Halachic requirements.

While a strong right-wing position would undoubtedly reject this idea of providing options to the Orthodox Jew so that one can suit one's own personal tastes of observance, even the right-wing Orthodox Rabbi Simon Schwab of Manhattan's Breuer community reinforces the above view of the importance of variety in Orthodoxy by affirming that:

“ . . . one school cannot function without the other. . . Why not encourage each opponent to remain true to his heritage, to enhance its values, to correct its shortcomings, if it needs be, and to learn from the other that which could be valuable to his own advancement . . . ?”(Schwab 1966, 41)

Despite these sentiments, it cannot be denied that there is a significant amount of tension within the Orthodox world, as alluded to in chapter two. There are proponents of right-wing Orthodoxy who strongly oppose much of what is described as “modern Orthodoxy”. The feeling among these extreme right-wing positions is that modern Orthodoxy is willing to make too many concessions to the current trends and styles of modernity at the cost of minimal Torah observance. Portions of right-wing Orthodoxy fear that if they compromise

their principles by cooperating with the modern Orthodox, the result will be the gradual “watering down” of their sacred tradition. The right-wing feel obligated to stand firm in their strict opposition to the “liberal” values of the modern Orthodox as the last guardians of the “true faith.”

Portions of left-wing Orthodoxy resent this type of attitude, considering it too rigid. They consider it most objectionable that these portions of right-wing Orthodoxy feel they have the knowledge and the right to dictate the only proper way of leading a Torah-True life. Portions of left-wing orthodoxy rebut that these right-wing views are too narrow-minded. By rejecting much of what is modernity, it is argued that the right-wing Orthodox Jews who advocate these views are failing to achieve a full understanding of the great diversity of our world. The left-wing accuse these portions of right-wing Orthodoxy of advocating a old-school European mentality which is no longer suitable to our present age.

This type of arguing at cross-purposes is reflected in the exchanges I have presented on the specific issues of contention. As I have demonstrated throughout the work, in many of the disagreements between left and right-wing Orthodoxy, both sides claim that their position can be supported by “authentic Jewish sources.” Each side presents the merits and “authenticity” of their own position, without carefully considering the value or importance of the other’s argument. Effort is often lacking by both sides to initiate a fruitful dialogue so that there could be the opportunity for either side to modify their position. This being the case, the polemics between the two sides are often circular in nature, creating an apparent “no-win” situation.

Springing from these strong tensions, it is not rare to observe situations in the Orthodox world where the different branches of Orthodoxy no longer

proceed to communicate within a framework of mutual respect and tolerance for one another. The use of rhetoric and name-calling (“leftist”, “rightist”, “heretic”, “fanatic”) to try to ridicule and disparage the “opponent” is not uncommon. Disagreements, on occasion, move to the personal level, developing into hatred or contempt. The most extreme examples of this are found within the different Hasidic communities, where, for example, in 1981 hundreds of Satmar Hasidic Jews pelted a Belz Hasidic synagogue with eggs and bottles and threatened to harm the Belz *Rebbe*, in fierce opposition to the Belz *Rebbe*’s sympathetic views on Zionism (Raphael 1984, 175).

Despite the above tensions within Orthodoxy, I must conclude from my observations that there does not appear to be a serious threat to the general unity and stability of the North American Orthodox movement. The threat of schism through a policy of forcing certain left-wing portions of Orthodoxy to form a new denomination of Judaism or merge with Conservative Judaism appears to be an agenda of only the extreme right-wing Orthodox that has little support on a wider scale. It certainly cannot be denied that there are tremendous differences in attitudes on key issues such as secular education, non-Orthodox Jews, and Israel and Zionism. Furthermore, it cannot be denied that these are deeply ingrained views that are held quite passionately by the Orthodox proponents. However, I see no evidence that these differences are divisive enough break the unity of the total movement. While there are, indeed, feelings of displeasure and dissatisfaction within each branch of Orthodoxy towards the other, there appears to be a general recognition among the different branches of Orthodoxy that the other segments of Orthodoxy are still advocating their respective position in the name of God as a genuine attempt to observe Torah.

In this regard there still appears to be, as Shubert Spero described it, a reasonably good “working alliance” between the different segments within Orthodoxy. Ultimately, North American Orthodoxy views the Jewish problem of assimilation and intermarriage as a more serious and pressing concern to address than the divisions of opinion within their own movement.



**APPENDIX A:**  
**MAP OF NORTH AMERICAN**  
**ORTHODOX JUDAISM**

**Modern Orthodoxy**

**Sectarian Orthodoxy**

**- CHURCH -**  
**(Left-Wing)**

**- SECT -**  
**(Right-Wing)**

	Y.U. / R.C.A.			Breuer Community		
	U.O.J.C.A.			Chabad Lubavitch Hasidism	Agudath Israel (U.I.)	Agudat Ha-Rabbanim (U.O.R.) Iggud Ha-Rabbanim (R.A.A.) Torah-Umesorah(N.C.H.D.S.)
Non-Observant / Nominal Orthodox	N.C.Y.I.	N.C.S.Y. R.Z.A.	A.O.J.S.			Satmar Hasidism
<b><u>Prominent</u></b> <b><u>Rabbis:</u></b>	Rabbi Emmanuel Rackman (1910 - )	Rabbi Joseph Soloveitchik (1903 - 1993)	Rabbi Menachem-Mendel Schneerson ( 1901 - )	Rabbi Aaron Kotler (1892 - 1962)	Rabbi Moses Feinstein (1895 - 1986)	Rabbi Joel Teitelbaum (1887 - 1979)

N.C.Y.I. = National Council of Young Israel  
 Y.U. = Yeshiva University  
 R.C.A. = Rabbinical Council of America  
 U.O.J.C.A. = Union of Orthodox Jewish Congregations of America  
 N.C.S.Y. = National Council of Synagogue Youth  
 R.Z.A. = Religious Zionists of America  
 A.O.J.S. = Association of Orthodox Jewish Scientists

U.O.R. = Union of Orthodox Rabbis  
 U.I. = Union of Israel  
 R.A.A. = Rabbinical Alliance of America  
 N.C.H.D.S. = National Council of Hebrew Day  
 Schools

**APPENDIX B:**  
**COPY OF THE QUESTIONNAIRE**  
**USED TO INTERVIEW**  
**ORTHODOX RABBIS**

- What issues most divide Orthodox opinion today in North America ?

(1) What are your thoughts about the Orthodox Jew's proper relationship to general secular culture ?

- Is the Jew to regard the body of knowledge found in the Written and Oral Tradition as the sum total of all necessary wisdom, as sufficient to meet all of his or her intellectual needs ?

- What are your thoughts about the mixing of a secular education with Torah learning ? (*Torah im Derech Eretz*)

- Is there a limit to how far an Orthodox Jew should pursue secular studies ?

- Is there an intrinsic value to secular knowledge ?

- What are your thoughts about the Orthodox Jew going to the theatre/sporting events, watching television, listening to the radio, reading general literature/ local newspaper ?

- Are there intrinsic values to these things ?

(2) What are your thoughts about the proper Orthodox attitude to Non-Orthodox Judaism ?

- What are your thoughts about an Orthodox Jew belonging to a Jewish organization which has non-Orthodox representation ?

- What are your thoughts about the Orthodox Jew giving charity to Non-Orthodox Jewish cause ?

- What are your thoughts about the legitimacy of a non-Orthodox divorce or conversion ?

- What is your reaction to the argument that non-Orthodox Judaism is a positive thing in that it keeps Jews at least somewhat Jewish ?

(3) What are your thoughts about the proper Orthodox attitude to Israel and Zionism ?

- Should the Orthodox Jew promote Zionist causes ? Does this legitimize secular nationalism ?

- What are your thoughts about the *Neturei Karta* position that “the very existence of a Jewish State before the Messiah is heretical” ?

- Was the establishment of the State of Israel the beginning of the redemptive process ?

- Does the State of Israel have religious value ?

(4) What are your thoughts about the proper Orthodox attitude to Halachah ?

- To what extent can Halachah be changed ?

- How much authority does a minority Halachic position have ?

- Can there be two contradictory “official” Halachic positions on one issue?

(5) What are your thoughts about the proper Orthodox attitude to feminism ?

- Is it permissible for women to study Torah ? If so, should they be actively encouraged to do so ?

- What are your thoughts about private women’s prayer groups ?

- Should women be permitted to be granted an *Aliyah* ?

(6) What are your thoughts about the proper Orthodox attitude to homosexuality?

- What are your thoughts about a Jewish homosexual being an official member of your congregation/being granted an *Aliyah* ?

- What are your thoughts about private homosexuals congregations ?

- Should the Jewish homosexual be encouraged to change his or her sexual persuasion ?

Concluding Questions:

- Are these the central questions that divide Orthodox opinion today in North America ?

- Are there any other issues that should be considered ?

- What effect do these differences have on Orthodox Judaism ? Are they beneficial/harmful ?

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