

# Counterpoint

## *A dialogue between authors and reviewers*

■ In the Fall [5761/2000] issue of *Jewish Action* Rabbi Berel Berkovits published a negative review of my book, *Between the Yeshiva World and Modern Orthodoxy: The Life and Works of Rabbi Jehiel Jacob Weinberg, 1884-1966*. Although I have no doubt that those who have read the book will be able to judge how off-base this review is, for the benefit of those who haven't read the book it is necessary for me to reply. I will divide my response into two parts. First, I will point out the errors of Rabbi Berkovits, which I believe show careless reading or are an attempt to find fault where there is none. I will then take up Rabbi Berkovits' two major criticisms.

I must first say that I appreciate that Rabbi Berkovits begins by calling the book "fascinating" and "an impressive book, reflecting meticulous study and careful research." At first, I thought Rabbi Berkovits would join others whose very positive reviews have also recently appeared. However, when I read on I saw that the praise was short-lived.

Let us now examine a number of his criticisms.

1. "[The book] depicts an alleged early flirtation with *Haskalah* and modern Hebrew literature." By inserting the word "alleged" Rabbi Berkovits wants the unsuspecting reader to believe that there is no real proof for this. However, in addition to Weinberg's two friends who wrote about Weinberg and *Haskalah*, we also have Weinberg's own letter in which he wrote of his attempt to engage the assistance of Shemaryahu Levin. Weinberg's later essays on Modern Hebrew Literature attest to the fact that at one time in his life he was an avid reader of this literature. Finally, there are other letters from Weinberg's youth which shed light on these turbulent years. I did not quote them in the book because the owner of these letters has not given permission for them to be made public.

2. "Maimonides' Code (even as studied in the Lithuanian *yeshivot*) is not a 'commentary on the Talmud'". What I wrote is that "in the Analytic circle,

[Maimonides' Code] was regarded as the most important commentary on the Talmud, and major conceptual analyses often used Maimonides' formulations as their starting point."<sup>1</sup> That Berkovits would choose to quibble here is quite surprising, since everything I have written is absolutely correct. As anyone who has spent time in a yeshiva knows, the *Mishneh Torah* is not used as a practical halachic work. After learning a *sugya*, one examines the Rambam to see how he understands the Gemara. Maimonides' understanding is contrasted with that of Rashi or the Tosafists. One wouldn't dream of learning a *sugya* of Talmud without seeing how Maimonides understands it, and this has nothing to do with practical, and often not even with theoretical, *halachah*. It is about how to properly understand a *sugya*. Not surprisingly, so many *rebbeim* (including my own) have impressed on their students that the best commentaries on a *sugya* are Rashi and the Rambam.

All this is basic stuff, which incidentally, had long interested my late teacher, Professor Isadore Twersky. In one conversation, he even asked me to expand my discussion of the *Mishneh Torah* as a talmudic commentary. Professor Twersky also pointed out that this phenomenon has a long history and is even attested to by Meiri, who wrote about how the *Mishneh Torah* would cause him to revise his understanding of the Talmud (Introduction to *Beit Ha-Behirah*, p. 28). Professor Twersky himself wrote, with reference to modern commentaries on the *Mishneh Torah*: "Special mention should, of course, be made of those commentators, particularly in modern times, who have no axe to grind and whose concern is purely theoretical: to understand and explicate the Maimonidean view as well as that of his critics, *to show how a Talmudic passage lends itself to multiple interpretations*. Suffice it to refer to the three great works, already classics in their

own right, of the twentieth century, *Hiddushe R. Hayyim ha-Levi, Or Sameah*, and *Tzofnat Paneah*."<sup>2</sup> If any more evidence is necessary, let me cite Rabbi Joseph B. Soloveitchik: "My father often spoke about the Rambam and this is what he would do. He would open the Gemara, learn the *sugya*, and afterwards he would say as follows: 'This is the interpretation of the Ri and the Tosafists, now let's look at the Rambam and see how he explained it.'"<sup>3</sup>

3. "There are also fanciful speculations as to possible 'influences' upon Rabbi Weinberg." In his note he writes "For example, G. K. Chesterton, pp. 74-75; 207." As the reader can ascertain for himself, only on pp. 74-75 do I speak of the possible influence of Chesterton on Weinberg.

4. "Somewhat disturbingly, Professor Shapiro seems very ready to cast doubt upon the accuracy of biographical information given by Rabbi Weinberg himself." Let me give one example: If we know that Rabbi Weinberg was born in Ciechanowicz, Poland and we also find that he often gave Pilwishki, Lithuania, as his birthplace, obviously he wasn't telling the truth. You don't need me to "cast doubt," since the facts speak for themselves. In this case, I suggested (p. 3 note 13) that his lack of candor was presumably due to the German government's attitude towards Polish Jews.

5. "Likewise he gratuitously attributes personal motives to some of Rabbi Weinberg's negative assessments of others' scholarship..." Were Rabbi Chaim Heller, Rabbi Ezekiel Abramsky, Alexander Sperber, etc. plagiarizers? I don't think any fair-minded reader of their work would conclude this. In general, Rabbi Weinberg was a fair-minded reader, so why then does he conclude that these men were guilty of plagiarism? I believe that there were other, undoubtedly subconscious, factors at work here. If that is gratuitous, then so be it.

6. Rabbi Berkovits says that I adduced scant evidence for the "somewhat unworthy"

suggestion that the reason Rabbi Weinberg didn't go to Israel was because he didn't want to have to choose between the academic world and the yeshiva world. Rabbi Berkovits suggests that it is plausible that financial reasons were at the heart of this refusal. However, as I state in the book, in addition to receiving many offers to go to Israel, he also received a large financial settlement from the German government. This meant that he no longer had financial worries. In fact, he died with quite a large bank account. Thus, financial reasons do not explain why he refused to go. As for my "unworthy suggestion," this is what Weinberg himself wrote: "I am afraid to go to the Land of Israel. There are different worlds there, which reject and hate one another. I am part of two worlds, and which one should I choose when I go there? In the end I will have to remain in solitude. Therefore it is better for me to be alone in an empty desert than in a noisy and raucous atmosphere." All this sounds pretty clear to me.

So much for specific criticisms. The more fruitful room for debate revolves around Rabbi Berkovits' general reservations. He believes that "an academic biography is, perhaps, not the appropriate medium in which to portray a *gadol baTorah*." I appreciate this viewpoint, but my late teacher, Professor Isadore Twersky, had a different approach. He no doubt would have had a good chuckle from this suggestion since it would have meant the end of his graduate program at Harvard University, which after all consisted in graduate students writing dissertations about great Torah sages.

Rabbi Berkovits also believes that the book is an unwarranted intrusion into Rabbi Weinberg's private life. I am sure that Rabbi Berkovits realizes that to adopt his viewpoint means that biographies of rabbinic figures are impossible. Instead we will only get hagiographies. I chose to write a biography, and in every biography it is essential to give a true portrait. That doesn't mean you always succeed and needless to say, I do not pretend to have written the last word on Weinberg and welcome debates and alternative interpretations. However, one cannot honestly write about Weinberg's view of Zionism, Reform Judaism or many other areas, if one ignores his private writings. To do so would be to knowingly create a false portrait. It would be a deliberate falsification of

history, which, I realize, is exactly the type of "biography" some people want to see. Writing Weinberg's biography using only published material would be no different than writing a history of a president using only his public statements and the daily briefings of his press secretary.

Rabbi Berkovits then suggests that to write about *gedolei Yisrael* one must himself have been "totally immersed" in the world of Torah learning. One who does not reach that undefined level is *ipso facto* disqualified (and once again, Professor Twersky would have had to close his program). In other words, a book is judged based upon who wrote it. In contemporary times the only people who operate this way are the politically correct and the religious obscurantists. The rest of the world has a simple standard: A book should be judged based on its content. It should be judged as if it didn't have a title page and the author and publisher were unknown. What is important is the quality of the evidence and the arguments presented. So while the politically correct, the religious obscurantists, and Rabbi Berkovits are able to disqualify a book on the basis of who wrote it, the rest of the world is interested in judging the evidence presented by author.

**D**oes anyone today, for example, take seriously the combined politically correct/religious obscurantist argument: "Not being a Muslim, Bernard Lewis can't possibly offer any insights into the Islamic world"?<sup>4</sup> It is therefore unfortunate to see this sort of argument raised, especially when it is done in the following offensive manner: "Anybody who has not experienced the joy of Torah study . . . cannot possibly understand the nature of a true Torah personality." After all, how can Rabbi Berkovits know that the author of the book (or any author for that matter) has not experienced such joy? Does he assume that reading Rabbi Weinberg's *teshuvot* and *chiddushim* were, for the author, an act of masochism? It boggles the mind that Rabbi Berkovits could even raise the possibility – leaving aside its irrelevance – that someone who wrote a book focusing in large part on Rabbi Weinberg's Torah writings would not have experienced joy studying them.

Rabbi Berkovits objects to my portrayal of Weinberg "suffering an existentialist cri-

sis in his maturity, and indeed throughout his entire life, into old age." He claims that there is no evidence to suggest, "that he continued to agonize over his identity." Yet I never say he did. In fact, I say the exact opposite and interestingly enough, most people who have criticized my book have pointed to exactly this point in order to dispute with me. The standard view of Weinberg is that he was precisely such a man, pulled continuously in different directions without ever finding inner peace. My revisionist interpretation is that "while it is true that in his early life there was much tension in his personality, no such lack of harmony can be detected in the post war years. In fact, from as early as the 1920s until his death, Weinberg's *Weltanschauung* was not subject to any significant vacillations or transformations." (p. 179 note 31.)

Rabbi Berkovits is thus beating a straw man!

Rabbi Berkovits' other major objection is that he believes I radically misrepresent the halachic process and "perhaps even defame" Rabbi Weinberg. Taken out of context, Rabbi Berkovits quotes the following sentence from my book: "Weinberg did not consider pros and cons objectively. Rather he approached the discussion with a set goal, and went about finding halachic sources to justify it." (p.215) Yet the reader who examines the text will see that Rabbi Berkovits has omitted the first part of the sentence. After saying that a *posek*, in dealing with an issue of *agunah* or *mamzerut*, will devote all of his energy to finding a halachic way to free the woman or the child, I then say: "Similarly, when the fate of thousands of young Jews was in the balance, Weinberg did not consider pros and cons objectively..." In this quotation I was referring to Weinberg's responsum permitting mixed youth groups. This was something that the *gedolim* of Germany had already permitted, although the halachic basis for it was unclear. Weinberg therefore did what *poskim* usually do in such a case: try to find a justification for the practice, even if it means stretching the sources and relying on minority opinions.<sup>5</sup>

Rabbi Berkovits says that there is nothing to support my contention that Weinberg consciously adopted subjective criteria to reach his conclusions. How about the fact that whether the Bat Mitzvah ceremony is a positive manifestation is itself a subjective

judgment? If you think the Bat Mitzvah is something good, your argument will proceed along different lines than if you think it's something bad. In his responsum on autopsies in Israel, Weinberg states explicitly that how you decide the question will depend in large measure on how you regard the State of Israel. It is surprising that something so self-evident<sup>6</sup> should be made a matter of controversy.

Contrary to what Rabbi Berkovits states, I never write that, "a *posek* can simply form a subjective opinion as to what is a desirable outcome, and then use halachic sources to justify his pre-determined conclusion." What I do say is that the *posek's* subjective opinion is an important part of the halachic process because it pushes him in a certain direction and helps determine whether he will rely on minority opinions, etc. Thus, Rabbi Rackman is entirely correct in saying that "logical judgment is preceded by value judgment." To give an example, those *poskim* who think that the Bat Mitzvah service is an improper feminist intrusion into Torah life have little reason to even examine the parameters of *chukkot hagoyim* in this regard. If they do examine this issue, they will certainly find reasons to forbid the Bat Mitzvah. However, for *poskim* like Weinberg who felt that the Bat Mitzvah can be an important tool in spreading Torah to young girls (value judgment), the sources will then be examined with this in mind to see if one can, in fact, find a *heter* for such a practice (logical judgment).

I am at a loss to fathom the basis for Rabbi Berkovits' objection, especially as he himself points out that *Chazal* made use of a meta-halachic consideration in order to allow women to do *semichah* on their offering. After examining what I have written in chapter 7, I think that most readers will, contrary to Rabbi Berkovits, find that I have given a coherent explanation of how Weinberg interpreted the *halachah*.

If matters are still unclear, let me try it from one more angle. A *posek* is not "objective," he is not detached, when confronting a case of *agunah*. Rather, he is desperately trying to free the woman. It is a *mitzvah* to do so. The *posek* does not deal with this issue as he does with an obscure question of *hilchot Shabbat*. There is no *mitzvah* to say that it is permissible to use a new type of Shabbat elevator and a *posek* can consider such a case in a detached and "objective" manner.

When it comes to an *agunah* he does not, indeed cannot, operate as such. This does not mean that the *posek* can free every woman, but since he is *looking* for a way to free her, since the rabbis wish him to be her "advocate," he will more often come to her rescue than if he had no personal interest in the case. To say that the *posek* isn't "objective" does not mean, as Berkovits understands it, that he will "misapply relevant halachic criteria." But it does mean that he will make use of halachic criteria, rely on minority opinions, etc. which he would not utilize if he were deciding a case that lacked the *agunah's* human quality, a case which was not such a *sha'at ha'dechak*.

In conclusion, while I do not believe that Rabbi Berkovits has fairly evaluated my book, I appreciate the close reading he has given it. It is a sign of Rabbi Weinberg's greatness that people can have such vastly different understandings of the man.

#### Notes

1. In an earlier article I wrote, with reference to R. Hayyim Soloveitchik: "He transformed the practical halachic work *par excellence* – Maimonides' *Mishneh Torah* – into both the central feature of his theoretical analyses as well as the most profound commentary on the Talmud. By doing so, he became the first to reveal the profundity of the *Mishneh Torah* in all of its grandeur. The centrality of Maimonides' code in contemporary Talmudic *shiurim* is a direct result of R. Hayyim's influence." See "The Brisker Method Reconsidered," *Tradition*, 31 (Spring, 1997), 78. Regarding the centrality of Maimonides' Code in yeshiva learning, see also the comment of R. Abraham Isaac Kook, *Iggerot ha-Reiyah* (Jerusalem, 1962), vol. 1, p. 155.

2. *Introduction to the Code of Maimonides* (New Haven, 1980), pp. 525-526 (emphasis added). See also *ibid.*, p. 158: "Maimonides' intention notwithstanding, the *Mishneh Torah* thus could be, and was, used as a commentary or a spur to Talmudic commentary, for it is sustained by a vast network of Talmudic interpretations."

3. *Ish ha-Halakhah: Galui ve-Nistar* (Jerusalem, 1979) p. 230. "Ri" appears to be a printer's error for "Rashi".

4. In a recent discussion of this benighted attitude, David S. Landes writes: "One must reject the implication that outside-ness disqualifies: that only Muslims can understand Islam, only blacks understand black history, only a woman understands women's studies, and so on. That way lies separateness and a dialogue of the deaf. It also excludes the valuable insights of outsiders and lends itself to racism... That way lies censorship by exclusion and indifference. Scholarship and research are the losers." *The Wealth and Poverty of Nations* (New York, 1999). pp. 407-408.

5. See e. g., R. Moses Israel, *Masat Moshe* (Constantinople, 1734), vol. 1, no. 17 (pp. 67a-b): "We are obliged to exert ourselves, even if it can only be done with great difficulty, in order to uphold the customs of Israel, so that they not appear as sinners, God forbid." R. Meir Katzenellenbogen, *She'elot u-Teshuvot Maharam Padua*, no. 78: "One must strenuously attempt to find support in order to justify [the practice]. This is what our predecessors did when they found a surprising custom, and you find this often in Tosafot and the other *poskim*." See also R. Moses Sofer, *She'elot u-Teshuvot Hatam Sofer, Orach Hayyim*, no. 90; R. Samuel de Medina, *She'elot u-Teshuvot Maharashdam, Yoreh Deah*, no. 70 (beginning); R. Samson Morpurgo, *Shemesh Tzedakah*, vol. 1, *Orach Hayyim* no. 4; R. Jehiel Michel Epstein, *Arukh ha-Shulhan, Orach Hayyim* 338: 8; R. Reuven Amar, *Minbagei ha-Hida* (Jerusalem, 1990), vol. 1, pp. 32-34.

6. See Aaron Kirschenbaum, "Subjectivity in Rabbinic Decision-Making," in Moshe Sokol, ed. *Rabbinic Authority and Personal Autonomy* (Northvale, 1992), pp. 61-91.

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■ Rabbi Berel Berkovits' review of Professor Marc Shapiro's widely and justifiably acclaimed biography of Rabbi Yehiel Yaakov Weinberg begins with words of praise, but soon degenerates into a harsh and unfair attack on the work and, even worse, its author.

Rabbi Berkovits does all in his power to downplay the modern elements in Rabbi Weinberg's thought and disassociate him from modern Orthodoxy. Thus, despite massive evidence brought by Shapiro, Berkovits blithely questions "the degree to

which Rabbi Weinberg identified” with “a favourable appraisal of the State of Israel, openness to secular studies, and a positive approach to the emancipation of women.” Did Berkovits read Shapiro’s book?

Similarly, Berkovits, again despite evidence to the contrary, seeks to minimize the role of *wissenschaft* in Rabbi Weinberg’s life work. Berkovits correctly notes that “Rabbi Weinberg saw himself quintessentially as a man of Torah, and that he is to be defined primarily as a *gaon* in learning, a *rosh yeshiva*, and a *posek*.” But what Shapiro shows and what Berkovits ignores is that Rabbi Weinberg, precisely as a *gaon* and *rosh yeshiva*, sought to carefully integrate into the traditional study of Talmud a moderate amount of conservative *wissenschaft*, including both “lower” and “higher” talmudic criticism, as well as the study of texts generally neglected in *yeshivot*, for example, the Samaritan version of the Pentateuch. As for Berkovits’ claim that there was no evidence of any interest on the part of Rabbi Weinberg in academic pursuits during his years in Montreux, Shapiro documents that during those years Rabbi Weinberg “sought to obtain from friends such basic texts as those of Krochmal, Frankel, and Halevy, briefly considered travelling to Oxford...to work together with [the Gentile scholar [Paul] Kahle on academic projects, ... [and] wrote a number of studies concerning the formation and nature of the Mishnah.”

But worse than these substantive distortions are Berkovits’ unseemly personal accusations. What are we to make of Berkovits’ comment “that anybody who has not experienced the joy of Torah study ... cannot possibly understand the nature of a true Torah personality”? Has Berkovits peered into Shapiro’s *neshamah*?

I call upon the readers of *Jewish Action* to read Shapiro’s biography and judge it for themselves.

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■ I was disheartened to read the review by Rabbi Berel Berkovits of Marc Shapiro’s *Between the Yeshiva World and Modern Orthodoxy*, a biography of Rabbi Yehiel Yaakov Weinberg, better known as the Seridei Eish. While the review reflects Rabbi Berkovits’ fine command of the

written word and his manifest appreciation of Rabbi Weinberg, it also exposes an unforgiving ideological intolerance and hostility to the canons of academic biography. In short, the review does not criticize the book for failing to achieve its aims, but for successfully achieving aims that Rabbi Berkovits considers unacceptable.

Rabbi Berkovits’ review notes at the outset that this biography is not a popular hagiographical portrait, but one that is “complete and realistic,” that presents the Seridei Eish as a human being who wrestles with “questions, uncertainties and dilemmas.” But Rabbi Berkovits then proceeds to criticize the book for these very attributes.

Thus, Rabbi Berkovits takes Shapiro to task for suggesting the Seridei Eish may have harbored private doubts about issues he defended publicly and criticized others unfairly. Far worse, though, in Rabbi Berkovits’ eyes is Shapiro’s suggestion that Rabbi Weinberg was a riven personality, torn by internal tensions that he never resolved. In so doing, we are told, Shapiro failed to convey the “true Rabbi Weinberg.” Putting aside the epistemological issues raised by this phrase, Rabbi Berkovits’ claim seems to be that a “true” portrait would not ascribe to an acknowledged Torah giant the mistakes, doubts or frailties of mortal men.

Rabbi Berkovits then makes the audacious claim that Shapiro is unqualified to take the measure of the Seridei Eish because he has not himself been “totally immersed in the world of Torah learning,” or “experienced the joy of Torah study.” In fact, I do not know — nor I suspect does Rabbi Berkovits — how many years Professor Shapiro spent in yeshiva or *kollel* or whether he plumbs the depths of *Chezkas Ha-Battim* with a smile on his face. Rather, Rabbi Berkovits objects to two substantive claims that Shapiro makes: that the Seridei Eish wrote some *teshuvot* (responsa) in which he adduced evidence to justify a pre-determined conclusion and that Rabbi Weinberg felt an attraction to “Modern Orthodoxy” as well as to the traditional yeshiva world.

Rabbi Berkovits does not actually marshal evidence to dispute the former claim of Shapiro; he attacks it on ideological grounds. Thus, he claims that Shapiro’s interpretation of the *teshuvot* “radically misrepresent[s] the halachic process as it ought to be.” Surely, the last five words of

this phrase render this criticism self-refuting. In any case, Shapiro, as an academic, is willing to accept the possibility that a Torah giant does not approach every halachic issue objectively, while Rabbi Berkovits considered this to “demean” or possibly “defame” Rabbi Weinberg. Ironically, Rabbi Berkovits characterizes his approach as that of an “objective and detached reader,” while Shapiro’s is that of “academics who have made up their minds on the issue.” In any case, this ideological debate is not subject to resolution and is obviously inappropriate in the context of a book review.

Similarly, Rabbi Berkovits goes to some lengths to question Shapiro’s conclusion that Rabbi Weinberg maintained one foot in the world of “Modern Orthodoxy.” This objection too seems more ideological than anything else. As Rabbi Berkovits himself concedes, Shapiro never defines the term, so Rabbi Berkovits must propose his own definition, then question its applicability to the Seridei Eish. It is difficult to lose such an argument.

Rabbi Berkovits then makes the broader claim that Rabbi Weinberg, like many great men, defies easy characterization. With this I wholeheartedly agree. Yet so, evidently, does Shapiro, who concludes that the Seridei Eish did not fit neatly into the traditional mold of the Torah giant or the advocate of Modern Orthodoxy (however defined).

More importantly, in writing an intellectual biography, Shapiro was bound by the conventions of the genre to try to categorize the Seridei Eish. These conventions also demanded that Shapiro critically evaluate Rabbi Weinberg’s decisions, motivations, even his halachic rulings. To criticize Shapiro for doing so is tantamount to claiming that academic biographies of *gedolim* are inappropriate. If this is indeed Rabbi Berkovits’ view, he is welcome to it. But it would render him a curious choice to review an academic biography of a *gadol*.

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## Dayan Berkovits Responds:

It is somewhat disconcerting to find myself “defending” my review. Professor Shapiro wrote a book, and I wrote a review. His book, and my review, stand on their merits. It is up to readers (as

Professor Kaplan says) to judge for themselves, and a man of Rabbi Weinberg's stature certainly does not need me to defend him. In view of the fundamental importance of some of the issues, however, as well as Professor Shapiro's statement that he "welcomes debates and alternative interpretations," I am left with no option other than to respond.

Let me start by saying that I have read and re-read what I wrote, and I do not see anything which could be described as "off-base," a "quibble," "offensive," "mind-boggling," or "benighted"<sup>1</sup> or as "harsh," "unfair," "substantive distortions," or "unseemly personal accusations."<sup>2</sup> I invite readers (who doubtless are less partial than myself or Professor Shapiro) to re-read what I wrote, and judge for themselves. Nor am I sure how the use of such pejorative adjectives — or lumping me, dismissively, with the "politically correct" or "religious obscurantist" — advances the argument. Professor Shapiro rightly says: "in every biography it is essential to give a true portrait." That applies to book reviews, too. Or does he simply expect uncritical adulation? I did not write a "negative review": I simply analysed the strengths and weaknesses of his book.

Let me also say at the outset that it was certainly not my intention to upset or personally criticise him in any way. What matters here are issues, not personalities. If he feels hurt by anything I wrote, I unreservedly apologize. Nevertheless, and upon careful reflection, I stand by everything I said.

I must confess that I am puzzled by his reaction. He seems to have no problem, himself, with making highly offensive comments about Rabbi Weinberg. In at least nine passages<sup>3</sup> he implies that Rabbi Weinberg was dishonest, or economical with the truth; in four<sup>4</sup>, he dismisses him as a superficial thinker; he speaks of him<sup>5</sup> as being contemptuous of the Jewish masses, and portrays him<sup>6</sup> as a petty, almost paranoid, personality ("full of bitterness at not getting what he deserved," "eternally (!) suspicious," and a person who "saw enemies at almost every corner"). Rabbi Weinberg, in his view, was "criminally optimistic"<sup>7</sup> about, and an apologist for, the Nazi regime in its early years, or even for Hitler (no less).<sup>8</sup> He "absolved the Nazis of all blame," and "sympathized with the Nazi movement."<sup>9</sup>

Finally — in a passage which can only

be described as breathtaking<sup>10</sup> — he characterizes some of Rabbi Weinberg's comments on the moral state of the Jewish nation as "almost anti-Semitic," and compares them<sup>11</sup> with a quotation from Heinrich von Treitschke. Von Treitschke, of course, was the man who justified anti-Semitic campaigns as "a brutal but natural reaction" of the masses, and who coined that felicitous phrase, "the Jews are our misfortune."

In the light of these remarks, I have some difficulty with the Professor's sensitivity. Is he entitled to a greater degree of consideration than that which he accords his subject?

The gist of Professor Shapiro's complaints about my review is that I have not "fairly evaluated" his book. As I will try to show, that is precisely the gist of my critique: I do not believe that he has fairly evaluated Rabbi Weinberg. Many years ago, I formed a mental picture of Rabbi Weinberg, whose personality — more than that of almost any other *posek* — comes alive through his writings. I subsequently found that it coincided almost exactly with the portrait painted by Dayan Apfel of Leeds (one of his leading pre-war *talmidim*).

He describes him as follows<sup>12</sup>: "A glorious figure of a *gaon* in Torah; a master of thought, possessed of a refined soul, which harmonised all the variegated beauty of noble personal qualities. This was a man who would say at every opportunity: 'I prefer one grain of truth to heaps and piles of *pilpul* or mental acuity.' Here was a man of truth, humility, integrity, softness and kindness; a man of Torah in all his limbs and sinews; a remnant of the fire, who departed this world childless, but left behind extraordinary spiritual creations. Pure in mind and deed; an example in all his ways, whether between man and God or man and man; he was not merely a pleasant preacher, he also practised what he preached. In his death, he left no one comparable, and all in the Torah world mourned for the beauty that is gone."

This picture also coincides with the image portrayed by Rabbi A.A. Weingort (who grew up with him in the post-war years)<sup>13</sup> and is supported by the scholarly analysis in Dr. Judith Bleich's lengthy monograph.<sup>14</sup> None of this, however, comes out in Professor Shapiro's book (despite, or perhaps because of, his wealth

of detail). Of course, this does not necessarily mean that his assessment is incorrect, but it does at least prompt one to exercise a degree of caution in evaluating his conclusions.

Professor Shapiro's Weinberg is a rather cold and remote figure, rather than a caring leader, modelled on the timeless Torah personality. We do not get a sense of the passion and humanity, the sensitivity and fearless honesty, the warmth and overwhelming love of Torah which so characterized the man. It is a portrayal which unfairly diminishes and reduces a great man.

Professor Shapiro writes of "facts speaking for themselves," of "words which sound pretty clear" to him, and of the need to judge "the quality of the evidence and the arguments presented." Clearly he believes that historical biographies are like scientific treatises — based entirely on objective issues of evidence. But is there such a thing as scientifically objective biography? The proper recording of history and human life invariably requires interpretation. It involves, for example, deciding which facts to include, understanding the implications of the facts, and deciding what weight or emphasis to give to any particular aspect of the discussion. Inevitably, therefore, it is a subjective and fallible process. It is with Professor Shapiro's interpretation — his judging of the evidence, and his arguments — that I take issue.

I am content, however, to let his book, and my review, be judged by the rigorous academic standards of proof (beyond reasonable doubt, or on a balance of probabilities?) which he has himself chosen.

**P**rofessor Shapiro says that my reference to an "alleged" early "flirtation" by Rabbi Weinberg with *Haskalah* and modern Hebrew literature is designed to induce the "unsuspecting" reader (*sic*) "to believe that there is no real proof for this." Once again, we are back to proof. Rabbi Weinberg was undoubtedly interested in *Haskalah* and modern Hebrew literature. But does interest equal "flirtation"?<sup>15</sup> One can be interested in many things without flirting with them.

Flirtation suggests an emotional, as opposed to intellectual, involvement. Indeed, that is precisely what Professor Shapiro implies:<sup>16</sup> that Rabbi Weinberg's

interest in these areas was such that there was a serious risk that he would be lost to the world of Torah. He refers, in this context, to Rabbi Weinberg's desire to study Russian. It so happens that I myself am deeply interested in Russian literature, but that does not equate with an inclination on my part to abandon a Torah life in favour of its study.

Strangely, in view of his stated concern to judge the evidence, Professor Shapiro ignores Rabbi Weinberg's own recollection of the episode.<sup>17</sup> There we have a totally different version of events. Rabbi Weinberg states that whilst travelling in Russia, he was physically attacked, and could not seek help from the police because of his ignorance of Russian. He therefore determined, as a practical necessity, to master the Russian language. Is this "real proof" of a flirtation with *Haskalah*? Is it "evidence" that he was in danger of "abandoning Orthodoxy"<sup>18</sup>?

Professor Shapiro argues at some length that Rambam is in fact a "commentary on the Talmud". All I said — a sixteen word aside in an article of some 3,700 words — is that technically speaking, Rambam is not a commentary on Talmud (even though he is often studied to deduce how he understood the *sugya*<sup>19</sup>). I am not sure why Professor Shapiro finds it necessary to labour the point.

I suggested that Professor Shapiro gratuitously attributes personal motives to some of Rabbi Weinberg's negative assessments of others' scholarship. His response is that he does not think "any fair-minded reader" would conclude — as did Rabbi Weinberg — that various figures were plagiarists, and he therefore "believes that other, undoubtedly subconscious, factors were at work."<sup>20</sup> QED — case proved.

With all due respect to the professor, what he "believes," or what he thinks "any fair-minded reader" would conclude, do not constitute sufficient evidence that Rabbi Weinberg had other motives. His beliefs and thoughts regarding Rabbi Weinberg's subconscious motives amount to no more than speculation.

Professor Shapiro rejects my suggestion that Rabbi Weinberg did not move to Israel after the war for financial reasons.<sup>21</sup> His view is that Rabbi Weinberg was afraid of such a move, because he did not want to have to choose between the academic world and the yeshiva world. His "proof" is a letter in which Rabbi

Weinberg speaks of "different worlds there, which reject and hate one another. I am part of two worlds, and which one shall I choose when I go there?" Once again, however, this is a question of interpretation, rather than evidence. It is not clear to the reader, even if it is "pretty clear" to Professor Shapiro, that the "two worlds" Rabbi Weinberg was referring to were those of academia and the yeshiva world.<sup>22</sup> What is clear is that Rabbi Weinberg devoted himself in Montreux almost exclusively to the world of learning, rather than dividing his time equally between Torah and academic Jewish scholarship.<sup>23</sup>

Professor Shapiro defends his use of private correspondence, on the grounds that his book is a biography, rather than hagiography (ignoring the fact that I myself praised it precisely because it is "a complete and realistic biography," and not popular hagiography of the genre so popular nowadays, which I deplore as much as he).

Professor Shapiro's analogy to "writing a history of a president using only his public statements" is inappropriate. Political leaders try, above all, to woo and win the support of the public, upon whom their power and image depend. Their public statements are therefore almost invariably not an accurate reflection of their real views.

A *gadol baTorah*, however, is not an elected politician. He acquires his status by means of an unwritten consensus, shaped by the collective wisdom of the Jewish people. A *posek*, furthermore, is deemed to have a degree of integrity and consistency which puts him above seeking popular approval of his halachic views. His public writings, therefore, are likely to constitute a truer reflection of his viewpoints than his private correspondence, which often requires interpretation or background information. I prefer, therefore, to read Rabbi Weinberg's private correspondence in the light of what we know of his public writings, rather than the reverse.

I agree with Professor Shapiro that books should be judged based solely on their content and the evidence presented by the author.<sup>24</sup> I know nothing at all about the professor's background or Torah education, and I repeat that I certainly did not mean to criticize or belittle him in any of these respects. Judging the

book dispassionately, however, on its contents and evidence, my conclusion was (and is) that it contains observations which are unsupported by the evidence, deductions which are flawed, assertions which are at best speculative, and conclusions which are unjustified.

I did not suggest that a non-Muslim cannot offer insights about Islam, or that Professor Shapiro cannot offer, and has not offered, insights into Rabbi Weinberg's life. I would hardly have described his work as "fascinating, impressive, and reflecting meticulous study and careful research" if that were my opinion. Insights are one thing, however, and weaknesses are another.

Professor Shapiro is upset by my comments about an "outsider's" ability to properly evaluate a great Torah personality. In quoting me, however, he left out the crucial words: I spoke of one "who has not experienced the joy of Torah study (*so movingly described by Rabbi Weinberg*)" and referred in my footnotes to pp. 8-10 and 27-30.

In the first passage, Rabbi Weinberg describes, 50 years (!) after leaving Slobodka, the "electric shock" he experienced when hearing a Yom Kippur talk by Rabbi Isaac Blazer — a "giant," "divine guide," "as close to an angel as a human being can ever be." Each year, as he says, he relived "that sacred hour, the holy face, the awesome scene, the timeless faith." In the second passage, Rabbi Weinberg speaks of yeshiva students who "hear things which fill our souls and bring excitement to our hearts. Our life, in our eyes, is holy, and our purpose is clear."

These passages highlight what is perhaps the fundamental distinction between the Torah world and the academic world. As a law student, I was (sometimes) intellectually challenged; as a university lecturer, I enjoyed debating with my students. But at no time did I hear things which filled my soul, or see my purpose as holy. My teachers were not giants, divine guides, or close to angels; and I do not relive any holy face, awesome scenes, or timeless faith, because all of these things were totally lacking in that world. And when I taught, say, the concept of criminal foresight, I did not feel the excitement of which Rabbi Weinberg speaks, and which I experience when giving a *shiur* on the *sugya of psik reisha* (even though the sub-

ject-matter<sup>25</sup> is very similar).

To be a *talmid chacham* (rather than, say, a scholar of Talmud) one has to emotionally appreciate the joy and holiness of Torah. To be a *posek*, that joy and holiness has to suffuse one's whole being, to the point that one's personality, moral and ethical sensibilities, and life-purpose, are altered and affected. This is what Rabbi Weinberg was depicting.

And that — notwithstanding his breadth of vision, and his appreciation of the academic world — is the life he lived and exemplified.<sup>26</sup>

No academic scholar (however much he enjoys Torah) shares these perspectives. What is the particular singularity, and perhaps even essence of, the Torah world, becomes unacceptable in the academic world. There all that counts is evidence and content; teachers are not moral guides, and the subject studied is not intended to alter or affect one's moral ethos. One's findings are all the better when coming from the perspective of a dispassionate observer, standing "outside" his subject. Professor Shapiro's book reflects that academic approach, and I do not believe he would want it to be otherwise.

Although it is a fine approach to adopt when writing, say, a biography of an American president, I believe that it crucially — and adversely — affects the validity of one's assessment when writing about a *gadol baTorah*. Inevitably it means that the assessment will lack an experiential dimension which is inextricably tied up with the subject of the biography. It is in that sense that I wrote that Professor Shapiro's approach in the book is that of an "outsider."<sup>27</sup>

Professor Shapiro cites a footnote in his book<sup>28</sup> as evidence of his conclusion that Rabbi Weinberg's Weltanschauung was not subject to any significant vacillations or transformations from the 1920's onwards. That footnote had not escaped me. The overall impression given in the rest of the book, however,<sup>29</sup> is that Rabbi Weinberg continued for many years to agonize over his identity.

Take, for example, Professor Shapiro's robust defence<sup>30</sup> of his view that Rabbi Weinberg chose to stay in Montreux after the war, so as to avoid choosing between academia and Torah. We are talking about the late 1940s or early 1950s, when Rabbi Weinberg was three-quarters of the way

through his life. Professor Shapiro cannot have his cake and eat it. How could Rabbi Weinberg have been a whole man, at peace with himself, whilst at the same time being part of two worlds, and unable to choose between them?

Professor Shapiro says that I have attempted to confuse his readers. He never wrote that "a *posek* can simply form a subjective opinion as to what is a desirable outcome, and then use halachic sources to justify his pre-determined conclusion." What he said was that Rabbi "Weinberg consciously adopted subjective criteria to reach his conclusions," or "that the *posek's* subjective opinion is an important part of the halachic process because it pushes him in a certain direction and helps determine whether he will rely upon minority opinions etc."

This issue is of crucial importance: certainly it is too important to be glossed over by means of neat semantic formulae. What is at stake is not merely the intellectual integrity of a *posek*, but whether the determination of *halachah* is a dedicated search for objective truth, or a process allowing for the introduction (to use Professor Shapiro's phrase) of conscious subjectivity.

**A** certain element of subjectivity is of course inevitably involved in every halachic decision, inasmuch as Torah is interpreted by human beings.<sup>31</sup> They constitute the prism, as I put it in my review, through which Torah is distilled, and Torah may impact differently upon different halachic authorities, according to their personalities. But if that is all Professor Shapiro is saying, it is unremarkable and unexceptionable, and it is difficult to see why he found it necessary to make the point. Certainly it is not the same as implying, as Professor Shapiro clearly does, that a *posek* can reach his conclusions before considering the evidence — a suggestion akin to saying that a scientist can adjust the results of his experiments to prove his theories.

Let me quote, verbatim, what Professor Shapiro actually writes in his book. In relation to mixed youth groups, he wrote<sup>32</sup>: "Rabbi Weinberg did not consider pros and cons objectively...he approached the discussion with a set goal, and went about finding halachic sources to justify it". In relation to Bat Mitzvah celebrations he

wrote<sup>33</sup>: "It is clear that he did not give the issue an objective and detached treatment. He had made up his mind that the Bat Mitzvah ceremony was a positive manifestation and he then set out to find the means of justifying it halachically."

I invite all readers to compare the previous paragraphs, and to decide for themselves who is confusing whom, and whether Professor Shapiro wrote in the book what I said he writes, or not.

Professor Shapiro defends his theory of subjectivity in the halachic process by referring to how a *posek* deals with issues of *agunah* or *mamzerut*. In such cases, he says, the *posek* devotes all his energy to finding a halachic way to free the woman or child. He therefore has a personal interest in the case; he is desperately trying to free the woman (it is a *mitzvah* to do so), and is not "objective" in the way he is when determining the *kashrut* of a Shabbat elevator.<sup>34</sup> By analogy, he seems to be saying, Rabbi Weinberg was not "objective" in relation to issues involving the halachic role and status of women. He allowed his personal views on these matters to dictate the agenda and outcome.<sup>35</sup> As a result — says Professor Shapiro<sup>36</sup> — he even allowed himself to be inconsistent in his halachic reasoning, and to ignore his own findings in another *teshuvah*.

Professor Shapiro fails, however, to adduce any evidence for his interpretation of Rabbi Weinberg's approach. On what basis does he say that Rabbi Weinberg did not objectively consider the pros and cons of mixed youth groups, or that he approached the discussion with a set goal? On what basis does he say that "it is clear" that Rabbi Weinberg did not give the Bat Mitzvah issue an objective and detached treatment, or that he had made up his mind that it was a positive manifestation? Where is his evidence for these assertions? There is absolutely nothing in either of the two *teshuvot* to support these assertions.<sup>37</sup>

The fact that Rabbi Weinberg discusses, in both cases, the broader implications of the problem, as well as the more specific halachic details, merely shows that he had a profound and perceptive understanding of all facets of the situation — and that he took account of, and weighed up, all elements of the equation. He understood that *halachah* seeks, by virtue of its very nature and function, to attract girls to *Yiddishkeit* rather than repel them, and that *chinuch* considerations are an essential

part of the halachic parameters he had to consider.<sup>38</sup>

As I wrote in my review, *halachah* in its most profound sense consists of a delicate balancing of different goals, varying strands of thought and conflicting logical principles. Rabbi Weinberg was a master at balancing these factors, which is precisely what makes him such a great and original *posek*. He also understood that how girls will respond to halachic rulings about their role is in itself part of the halachic equation. As for the halachic inconsistency which Professor Shapiro claims to have found, it simply does not exist.<sup>39</sup>

Evidence of Rabbi Weinberg's clear objectivity in halachic decision-making — if one needed it — can be found in two *teshuvot*<sup>40</sup> dealing with the marriage of a *Kohain* to a girl whose father is not Jewish. It is clear that there are good halachic grounds for permitting such a marriage, and it is equally clear that Rabbi Weinberg appreciated the human dimension which arises when a *Kohain* falls in love with such a girl.<sup>41</sup> It is also clear that he could have put forward halachic arguments, had he so wished, for permitting such a marriage.<sup>42</sup> Despite this, however, he felt constrained by the authority of *Shulchan Aruch* to refuse a *heter*.

I also believe there are three general fallacies with Professor Shapiro's formulation. Firstly, a *posek* is wholly objective in determining any halachic issue. Secondly, he will only allow "personal interest" to affect the outcome to the extent that *halachah* determines that he should. And thirdly, he will never make up his mind in advance.

Professor Shapiro draws our attention to the way in which a *posek* determines questions of *agunah* and *mamzerut*. As a *dayan* who regularly deals with such matters, it might be useful to clarify the issues by way of a real-life example. A woman marries in 1928; her husband deserts her three months later; and there were rumours that he died in the Spanish civil war. On that basis, the courts annul the marriage, and she remarries in a Reform ceremony, giving birth to a daughter, who in turn has three children. In 1965, the first husband turns up, alive and well. The daughter, and her children, were all declared *mamzerim*. Some three years ago, I was approached to see if there was any

possibility of re-opening the matter.

Looking at the situation "objectively," it seemed at first sight to be a hopeless case of *mamzerut d'oraita*. The woman had never received a *get*; she had a child from another man; and her first husband was clearly still alive. The *beit din* which had declared the daughter and her children *mamzerim* appeared to be correct. And yet, how could I be indifferent to the tragedy of the situation? So I told the families concerned that I would leave no stone unturned in trying to help them. And for the next 18 months, I spent many sleepless nights researching the case, and agonizing over possible solutions.

A whole host of questions — some factual, and some halachic — had to be addressed. What evidence was there of the first marriage? When did she become pregnant? Had she already remarried at the time? Was she at least living with her future second husband at the time? Were any records of residence still available? Was the second husband Jewish? Were they living in a predominantly Jewish area? Was he registered on the birth certificate as the father? Who registered the birth, he or she?

Would registration by him mean that the daughter is a *mamzeret*, on the principle of *yakir*<sup>43</sup>? Is such a man indeed the presumed father (since he was married to her when the child was born)? Or is there no such presumption, since he was not married to, or living with, her at the date of conception? Do we take the registration at face value, or was it simply designed to cover up an illegitimate birth? What status does the mother have, halachically, to determine paternity? Can we rely on those halachic authorities who hold that a mother has no halachic credence in such matters? How are we to understand the apparent view of one of the classic *poskim* that the mother is not believed with certainty, but can create a halachic doubt? Is this indeed what he says? Can we disregard his opinion for purposes of practical *halachah*?

In the course of all this research, two crucial facts emerged, which had escaped the notice of the previous *beit din*. The daughter was born six months after the mother remarried, and the mother was not living with the second husband at the time that she became pregnant. Consequently, we are left with no presumptions as to the identity of the father, who could equally

have been some other man. Applying the halachic principle of *trei rubei*,<sup>44</sup> we could assume that the father was in fact non-Jewish, so that the daughter (and her three children) were entirely kosher.

It is difficult to describe the sense of elation I experienced when I reached this conclusion, and when I received approval, from three leading *poskim*, of the lengthy *teshuva*<sup>45</sup> in which I set out my reasoning. It is difficult to describe my emotions when I told the young couples, and when I subsequently married them (and their mother) *ke'dat u'chedin*.

There were, however, two aspects to the elation, and the emotion. One was the normal reaction I had as a human being who is happy in another's fortune. The other was the reaction I had as a *dayan* and *posek*, who succeeds (against the odds) in solving a devastating halachic problem. The two reactions are quite different in nature. The first is personal and wholly subjective; the second, dispassionate and wholly objective. At no stage in the laborious — and often disappointing process — did I do anything other than conduct meticulous halachic research, or apply rigorous halachic reasoning, to the problem. All of the questions listed above are objective issues which I felt to be objectively determined on the basis of factual evidence or halachic sources and reasoning. Contrary to Professor Shapiro's assertion, a *posek* is wholly objective in determining any halachic issue.

As for "personal interest", yes, of course I became personally involved with the three young couples. (I would have had to be singularly uncaring to have remained emotionally detached.) It is a fallacy, however, to suggest that this personal interest remained — in relation to the halachic process — anything other than wholly objective. *Halachah* sets out specific decision-making parameters which a *posek* has to apply — for example, *safek de'oraita le'chumra*,<sup>46</sup> or *acharei rabim le'hatot*.<sup>47</sup>

In cases of *mamzerut*, the parameters specify, indeed, that one should bend over backwards to find a *heter*, or that one can rely on minority opinions,<sup>48</sup> but these considerations remain essentially halachic and objective, rather than personal or subjective. A *posek* does not say to himself: "*Halachah* appears, at first sight, to be unable to find a humane solution to this problem, but my personal sense of



injustice — based on my subjective feelings of right or wrong — compel me to look for, or create, a solution.” The solution is to be found within the halachic framework itself.

And finally, in attempting to find a solution, a *posek* never “makes up his mind” in advance, and it is a fallacy to suggest that he does. He examines the evidence, and then makes up his mind. In my case, for example, had the mother been living in Israel, the evidence would have led inexorably to the conclusion that the children are *mamzerim* (since the *trei rubei* basis for the *heter* would have disappeared). With the best will in the world, and whilst being fully conscious of the heartrending nature of the situation, I would not have been able simply to “make up my mind,” and then to find subsequent halachic justification.

Professor Kaplan wonders whether I read Professor Shapiro’s book, on the grounds that I appear to “downplay the modern elements in Rabbi Weinberg’s thought, and disassociate him from Modern Orthodoxy.” Did Professor Kaplan read my review? I made no attempt whatsoever to downplay the modern elements in Rabbi Weinberg’s thought. It is quite clear, as I wrote, that Rabbi Weinberg was willing to apply Torah to contemporary issues, and to understand and address such issues. There is no doubt, too, that he was favourable to the State of Israel, open to secular studies, and positive to the emancipation of women. I merely queried *the degree* to which he identified with these criteria, and asked if they were “such significant elements in his outlook, to the exclusion of many others, that they aptly place him in the Modern Orthodox world”<sup>49</sup>?

I believe that the central and overwhelmingly predominant element in Rabbi Weinberg’s outlook was his attachment to the study of Torah, above all else. I believe that Rabbi Weinberg was great enough and broad enough to incorporate in his perspective many elements of what is important to Modern Orthodoxy, but that he was also a far greater and broader man, whom one simply cannot categorize.

Likewise, I made no effort whatsoever to minimize the role of *wissenschaft* in Rabbi Weinberg’s life work.<sup>50</sup> There is absolutely no doubt that Rabbi Weinberg

was interested in academic Jewish study (although it is not the case that he devoted much attention to it in his years in Montreux, even if he attempted at first to obtain copies of some basic texts<sup>51</sup>). His ability to “weave” seamlessly academic Jewish knowledge into traditional Lithuanian analysis is indeed one of the factors which makes his writings so interesting and refreshing. I wrote a review, however, and not a biography, and I therefore only discussed at length those aspects of Professor Shapiro’s biography which I found troubling, and did not comment on those with which I agree.

As for peering into *neshamot*, that is not my department. I simply peered into Professor Shapiro’s book, and penned my findings.

Mr. Clark’s comments reached me only after I had written this response. I believe that most of his points are in fact covered in my response, but for the sake of clarity, let me briefly respond to his points.

I have no “ideological hostility or intolerance” to the canons of academic writing.<sup>52</sup> The years I spent in the academic world left me with an appreciation of its strengths. I do believe, however, that those canons have to be properly applied,<sup>53</sup> and my criticism of Professor Shapiro’s book is indeed precisely because I believe that it has failed to achieve its aims in those terms, i.e. because of defects in “the quality of the evidence and the arguments presented.” Specifically — as I have attempted to demonstrate — my arguments are that his evidence is often totally lacking, or inadequate; that his “objective facts” are often questions of interpretation, or even speculation, whose validity is dubious; that he bases himself on incomplete correspondence; and that he misinterprets the halachic concepts and decision-making of Rabbi Weinberg. This, in addition to unseemly personal criticism, and his attempt to “categorize” Rabbi Weinberg. Rabbi Weinberg was above all a man of truth. It is unacceptable not to describe him in a manner which conforms to the truth.

I see no great epistemological issue as to who was “the true Rabbi Weinberg.” It is like asking who is the true Eli Clark. In both cases, it is the person who would be recognized as such by most people who know him, as well as the person whom he himself would recognize.

I do not have a problem, in principle,

with describing the Seridei Eish as a human being who wrestled with questions, uncertainties and dilemmas, nor even with the propriety of suggesting that he was “a riven personality.” My argument simply is that Professor Shapiro has not produced evidence for that submission (he himself in fact concedes that that is not his view), and that he ascribes to Rabbi Weinberg failings which are not his.

The reason why I believe Professor Shapiro’s interpretation of Rabbi Weinberg’s halachic decision making “radically misrepresents the halachic process as it ought to be” is because I have no doubt that as a man of integrity, and a first-rate *posek*, Rabbi Weinberg did interpret the halachic process as it ought to be interpreted, rather than on the basis of his own subjective biases. And yes, I do believe — for the reasons set out above<sup>54</sup> — that it is demeaning and possibly defaming to suggest that a Torah giant approaches halachic issues subjectively (in the sense in which Professor Shapiro understands that term). My remark about “academics who have made up their minds on the issue,” as opposed to the “objective and detached reader,” was of course tongue-in-cheek.

Mr. Clark says that the ideological debate is inappropriate in the context of a book review. I believe it is not only appropriate, but even essential, in reviewing a book which suggests that Rabbi Weinberg adopted a faulty halachic process.

Finally, I did not criticize Professor Shapiro for critically evaluating Rabbi Weinberg’s decisions, motivations or halachic rulings, but for what seems to me to be the inadequacy of the manner (in terms of the proper application of the appropriate academic criteria) in which he does so.

## Notes

1. *Pace* Professor Shapiro.

2. *Pace* Professor Kaplan.

3. P.11; p.12; p.14 n.80; p.16 n.96; p.18 n.1; p.30; p.88; p.205 n.140; p.223, and see also p.37. Professor Shapiro assumes, incidentally, that we know that Rabbi Weinberg was born in Ciechanowiec. In the Introduction to *Chidushei Ba'al Seridei Eish*, however, his birthplace is given as the village of Bogod. Professor Shapiro also challenges Rabbi Weinberg’s data, without any evidence, simply because he does not “believe” it is

accurate. Thus, he rejects (p.14 n.80) Rabbi Weinberg's repeated statement that he received *semichah* at the age of 17, on the basis that this would have meant the year 1901 "immediately after he arrived at Keneset Yisrael." As we do not know the exact date of Rabbi Weinberg's birth in 1884, it could, of course, have been anything up to the end of 1902. In any event, in view of his exceptional reputation, there is no reason to doubt that he could have received *semichah* at the age of 17. Professor Shapiro himself notes (p.5) that a year earlier he was chosen to give regular Talmudic discourses, and it is highly likely that he would have received *semichah*.

4. P.50; p.66; p.74; p.98.

5. P.19.

6. P.183.

7. P.111. Naivete is one thing, and crime is another. Of what crime was Rabbi Weinberg guilty, and why does Professor Shapiro find it necessary to attach this epithet to him?

8. P.112.

9. P.113.

10. P.183.

11. P.184 n.51. Rabbi Weinberg, of course, was simply following in the tradition of Jewish leaders from time immemorial, who comment on the moral and ethical standards of *Klal Yisrael*. Were *Chazal* anti-Semites? They declared, after all, that the Jews are the hardest of nations (*Beitzah* 25b), that they are rebellious, and do not admit to the truth (*Midrash Tehillim* 18:34, and cf. *Pirkei de'Rabbi Eliezer* 10), and that non-Jews who are rebuked are ready to do *teshuvah* immediately, whereas Jews are not (*Tanchuma, Vayikra* 8). I am simply unable to fathom why Professor Shapiro saw fit to compare Rabbi Weinberg's comments with those of a notorious anti-Semite; the comparison defies rational explanation.

12. *Yad Yosef*, Lakewood 1995, p.447.

13. *Chidushei Ba'al Seridei Eish*, pp.1-20.

14. "Between East and West: modernity and traditionalism in the writings of Rabbi Yechiel Yaakov Weinberg." The very different style and conclusions in Dr. Bleich's book support my comment that biography is essentially a question of interpretation, rather than of simple fact.

15. The choice of words was mine.

16. Interestingly, Professor Shapiro does concede (p.11) that Rabbi Weinberg's "attachment" to *Haskalah* literature "did

not seem, at first, to have affected him deeply." I do not see any evidence in his subsequent discussion (pp.12-17), however, that such literature affected him deeply at any stage. The fact that he may have been suspected of *Haskalah* tendencies, of course, does not prove that he was in fact affected by them.

17. Cited in *Chidushei Ba'al Seridei Eish*, p.4. Professor Shapiro cites this reference at p.16 n.92, without elaboration, but nowhere in his text does he quote what Rabbi Weinberg actually said. This gives a highly misleading impression of the episode.

18. p.13. I disregard Professor Shapiro's statement that there are other letters "which shed light on these years," since he is unable to make them public. It is unfair to refer to matters that cannot be made public.

19. Note, by the way, Rabbi Weinberg's reservations about the Lithuanian use of Rambam as a commentary, cited by Professor Shapiro, p.194.

20. Presumably personal jealousy. Cf. also n.17 on p.20, where Professor Shapiro "presumes a personal conflict" between Rabbi Weinberg and Samuel Bialoblocki. Is it not possible that Rabbi Weinberg genuinely did not hold Bialoblocki in high regard?

21. Even though this explanation — as noted at p.176 n.16 — was, in fact, given by Rabbi Weinberg himself. The state of his bank balance 20 years later is of course irrelevant.

22. Professor Shapiro himself, *ibid.*, cites other possible interpretations of the two worlds.

23. In the post-war period, Rabbi Weinberg authored hundreds of *teshuvot*, but appears to have written only one or two pieces of Jewish scholarship (see p.201 n.118).

24. See Rambam, *Hilchot Kidush Ha'chodesh* 17:24. Note, however, that Rambam cautions acceptance only of views which have been demonstrated to be true.

25. And sometimes — as in the leading English case of *Hyams v DPP* — the analysis.

26. See *Seridei Eish* 4:306, for a moving and powerful description of what Torah means to those "for whom the external world is an empty and insignificant vacuum." Cf. Rabbi Weinberg's almost lyrical portrait (*ibid.* 3:72) of the *Chazon Ish*.

Both passages appear to describe Rabbi Weinberg's own beliefs and aspirations.

27. Rabbi Weinberg's singularity, of course, lies precisely in the fact that he was simultaneously a *gadol baTorah* in the classic sense, whilst — as noted by Dr Bleich at p.226 — harmoniously integrating and synthesising other intellectual disciplines. He also combined many other strands, as I indicated in my review. Thus Professor Shapiro's either/or formulation in his Afterword (either he was a traditional *rosh yeshiva* who happened to have some secular education, or an advocate of German-style Orthodoxy) is far too limiting, and fails to take the full measure of the man. In a nutshell, Rabbi Weinberg transcended simple categorizations.

28. p.179 n.31.

29. Cf. the flyleaf of the book: "throughout (my emphasis) [Professor Shapiro] shows...the inner struggles of a man being pulled in different directions," and the Preface. It seems to me, however, upon re-reading the Afterword, that Professor Shapiro believes that ultimately Rabbi Weinberg opted for the world of Modern Orthodoxy.

30. In his response to my review.

31. In my review, I cited the introduction to *Kezot Hachoshen*. Cf. also Ramban's comments in his Introduction to *Milchamot Hashem*, where he draws a distinction between the certainty of mathematics and the "uncertainty" of Torah. Interestingly, Ramban's two criteria for the validity of a halachic viewpoint — the rigour of one's logic, together with textual consistency — are the two features which distinguish Rabbi Weinberg's *derech halimud*.

32. P.215.

33. P.212. Curiously, nowhere does Professor Shapiro give the citation (*Seridei Eish* 3:93) for the Bat Mitzvah *teshuvah*.

34. The truth is that even issues such as the use of a Shabbat elevator cannot be considered in a totally "detached and objective manner." If the person asking the *sheilah* is a young man on the first floor of a building, the *sheilah* — and possibly the reply — is different from that asked by a lonely elderly lady stuck on the 20<sup>th</sup> floor, or by an invalid who would otherwise be unable to go out at all on Shabbat.

35. Note also p.215, where Professor Shapiro expressly says (my emphasis) that "In Weinberg's responsum...it is clear....that he had convinced himself

what his ruling must be. The only obstacle to overcome was finding the sources to justify it.”

36. Pp.213-214.

37. On p.215, Professor Shapiro points to the fact that Rabbi Weinberg sets out his “meta-halachic considerations” even before his halachic arguments. There is nothing in this, however. In his *teshuvah* on the Bat Mitzvah ceremony, he does the opposite — he first devotes eight pages to the halachic analysis, and only then proceeds to put forward (in one page) a meta-halachic argument.

38. I am not sure why Professor Shapiro repeatedly describes educational factors (at p.218 n.195) as “meta-halachic factors.” On p.213, he argues that Rav Moshe Feinstein’s responsum on the Bat Mitzvah ceremony “is purely halachic,” and does not take account of social and educational consideration. This is clearly incorrect: in both his *teshuvot* on the subject (cited *ibid* at n.178 and n.179) Rabbi Feinstein refers to educational considerations. However, he believed that not only the Bat Mitzvah ceremony, but also the Bar Mitzvah ceremony as practiced in America, has no positive religious effect, and he goes so far as to say that if he could, he would abolish Bar Mitzvah celebrations! Both he and Rabbi Weinberg, in other words, consider both halachic and educational factors, but interpret the educational factors differently. *Hevel*, by the way, does not translate as “nonsense,” but as “futile” or “without purpose;” had Rabbi Feinstein been persuaded that the ceremonies had a valuable purpose, he would doubtless have reconsidered the matter. (Incidentally, Rabbi Feinstein tolerated the Bat Mitzvah ceremony if the father insisted upon it, not the community, as Professor Shapiro writes.)

39. In relation to playing an organ in cemeteries (which is, of course, an act identical to, and not merely an imitation of, a Christian practice), Rabbi Weinberg clearly tended to the view that this was essentially an idolatrous practice (although he suggested that it might not be). He also noted that there already is a traditional Jewish ceremony for dedication of a cemetery, namely the recital of *Tehillim*. Consequently, the playing of an organ would be forbidden both according to *Maharik* (on the grounds that it is idolatrous) and according to the *Vilna Gaon* (on the grounds that it is a clear imitation of Gentile practice). In the case of the Bat

Mitzvah ceremony, however (which is not identical to, but at most an imitation of, the Christian confirmation) Rabbi Weinberg held that the confirmation ceremony is not essentially idolatrous (and the Bat Mitzvah ceremony would therefore be permitted according to *Maharik*). Moreover, it does not replace any traditional Jewish ceremony, nor was it intended, when carried out by Orthodox Jews *l’sheim Shamayim*, to ape the Christian ceremony. If anything, it is the equivalent of the Bar Mitzvah ceremony, which is clearly Jewish. As Rabbi Weinberg notes, non-Jews pray in churches, and we pray in synagogues. Our prayers do not become forbidden simply because non-Jews pray. Incidentally, Professor Shapiro’s citation (p.219) of Rabbi Weinberg’s first *teshuvah* on women voting and holding office is incorrect. A sequential reading of the *teshuvah* shows that Rabbi Weinberg did not advise his questioner “to adopt the permissive view of Hoffman”: he expressly stated that although he thought Rabbi Hoffman was halachically incorrect, his own view should not be followed. Nor did he say that if following Hoffman’s view would destroy the peace and unity of the community, the community could adopt his own position, allowing women to be elected to office. He clearly states that every effort should be made to prevent women from voting or holding office, but if elections (it is not clear whether he means voting, or standing for office) are forcibly introduced into a community, it is not necessary to breach the peace and unity of the community as a result, ie. to secede. In such cases, he held that one could rely upon the view of Rabbi Hoffman. (The *teshuvah*, by the way, was written in late 1931, and not in 1932.)

40. *Seridei Eish* 3:8 and 54. The latter *teshuvah* is cited by Professor Shapiro at p.190 n.79, although without any indication as to its context.

41. See his remarkable comment that “this prohibition causes me great anguish.”

42. A much more conservative *posek* than Rabbi Weinberg — Rabbi Moshe Feinstein — is reputed to have given a *heter* to marry in such circumstances, on the basis that a *sha’at ha’dেচক* may sometimes constitute a *bdieved* situation, and *bdieved* the couple would not have to divorce.

43. The principle that a man assumed

to be a father is believed regarding the status of the child.

44. I.e., that the majority of the inhabitants of the town, and the majority of passersby, are non-Jewish.

45. See *Divrei Mishpat* (Tel Aviv 1999/2000) 6:92-128.

46. Doubts relating to a prohibition of the Torah are determined strictly.

47. The majority consensus is binding.

48. See *Teshuvot Avnei Nezer, Even Ha’ezer* 17:15.

49. To give two examples: Rabbi Weinberg’s conservative *teshuvot* on the height of a *mechitzah* (*Seridei Eish* 2:14) and on women voting and holding office (*ibid.* 2:52 and 3:105), as well as his opposition to the *heter mechirah* (cited in *Shevet Mi’yehudah* 2:265) do not accord with Modern Orthodox thinking or practice. Incidentally, Rabbi Weinberg did not merely “refuse to consider the various halachic arguments” (as stated by Professor Shapiro at n.56, p.185) relating to the *heter mechirah*: he writes that he told Rabbi Herzog that nowadays “it is impossible” and “forbidden” to sell the land, or to suggest proposals which appear unacceptable.

50. Professor Kaplan overlooks my reference, in my review, to Rabbi Weinberg’s use of *wissenschaft* in discussing head covering for married women. Note, however, that he held that such studies should not be publicized beyond a small circle (p.182), and that they should and could only be undertaken by those who had thoroughly mastered traditional Talmud study (p.205). (Cf. Also the sentiments quoted by Professor Shapiro, *ibid.*, at n.141).

51. See above, n. 23.

52. Although one is obliged to question the extent to which an Orthodox Jew has absolute academic freedom in his writings. Can a biographer, for example, publish material which would normally be classed as *lashon hara* or *hotza’at shem ra’*? This issue requires a study in its own right.

53. By way of example, in chapter 7 (pp. 205 *et seq.*) Professor Shapiro clearly sets out *in advance* what amounts to a theory (or theories) of halachic decision-making, and then proceeds to analyse Rabbi Weinberg’s *teshuvot*. I would have thought that this is not the sort of methodology one would expect of an academic approach, which ought to adopt the reverse order.

54. In my discussion of subjectivity in the halachic process. **JA**