

Chapter 52

Response by Tanya White

Dear Rabbi Cardozo,

For many years, I have read your articles and publications with interest. I greatly admire the way in which you present the complexity of religion and existence and do not shy away from the burning issues of the moment, sometimes at the expense of long held dogmas that need reappraisal. I would, however, like to comment on the recent article you penned about Rav Soloveitchik. As you rightly said, Rav Soloveitchik was perhaps one of the greatest thinkers and halachic authorities in the last century. It is for this reason he became known by his students as simply “The Rav.” The gist of your article, if I can brusquely summarize it, suggests that despite his standing, he was not a *mechadesh* in the important areas of Halacha and seems to implicitly suggest that even his philosophical thinking provided little by the way of novelty. I cannot claim to have studied Rav Soloveitchik’s halachic responsa in depth, neither can I claim to have read every single one of his writings. However, I can say that over the years I have been fortunate to have dissected elements of his thinking which has, on a personal level, profoundly affected the way I approach my faith, my life and my existential struggles. I have read many Jewish thinkers from Levinas to Cohen, Buber to Borowitz, Heschel to Greenberg. They have all added much to my *weltanschauung*, but I think the book that both affected me the most and defined for so many the inner drama of a religious human being, must be Rav Soloveitchik’s *The Lonely Man of Faith*. Furthermore, one could argue that some of the greatest thinkers and halachic innovators today stand basking in the light of the Rav’s thought. Surely Rabbi Eliezer Berkovits’ book *Not in Heaven* was influenced by

the Rav's *Halakbic Man* and *Halakbic Mind*. By their own admissions, Rabbi David Hartman, Rabbi Yitz Greenberg and Rav Lichtenstein, to name just a few, were influenced and shaped by the innovative theological framework of their teacher and colleague. It is true, as you state, that there is a fight for his legacy, which has, as you claim, transformed him into a kind of cult leader. I would suggest that it is the very tension you explicate between the novelty in the philosophical realm and the conservatism in the halachic realm that has created the multifaceted interpretations of the Rav's positions. Furthermore, I would disagree that he has become, so to speak, idolized, but rather emulating his view of creative and autonomous thought, many of his greatest students are also his greatest critics, which is not something one finds in the Charedi world.

Your article focused on one essay and one aspect of the Rav's corpus of thinking and life works. Its narrow focus meant that it also lost the complexity in the development of his thought. *Halakbic Man* was penned in 1944. Whilst writing the book, the very legacy to which the Rav owed his knowledge and foundations were being gassed to oblivion. The Rav felt an obligation to retain the Brisker tradition which as you describe "depicts an image of an ideal halachic human being who in many ways lives a mathematical and almost stony life." The dialectical struggle that we see at the start of the book between cognitive man, who is as you describe, a cold, calculated individual almost bereft of any emotional attachment to reality, and *homo religiosus* who is a more traditional religious mystic interested in the transcendent elements of the religious experience, seems to quickly lose ground. By the end of the book, there is no real dialectical swing between the two. *Homo religiosus* has no place in *Halakbic Man*'s persona. This is in contrary to *The Lonely Man of Faith*, which, if we compare and contrast to *Halakbic Man*, retains throughout a deep dialectical tension between Adam 1 and Adam 2 typologies. Adam 1 the scientist can be compared to cognitive man, and Adam 2 the philosopher or religious man, can be compared to *homo religiosus*. What has changed? Why in *Halakbic Man* is the ideal persona a Mitnagged Brisker, almost neo-Kantian personality who views the world only through the lens of halachic data, and in *The Lonely Man of Faith*, the ideal religious personality oscillates between the two? The answer is the years in-between, and here I get to what I think you miss in your analysis of the Rav.

*Halakbic Man* is written in 1944, *The Lonely Man of Faith* is written in 1965. There is no doubt that twenty years in the life of such a deep and reflective individual will change their weltanschauung. In their now

infamous article, Singer and Sokol<sup>1</sup> make a claim about the Rav that I think is pertinent to your analysis. They claim that the differences between the two essays lie in the chasm of the twenty years in between the two writings. In 1944, the Rav must remain loyal to his roots; the rabbinic academy of Brisk, from where the origin of his *yahadut* emerged, is being destroyed as he writes, and thus as they claim, “he is loyal to the tradition of his father and grandfather, which emphasized study, pure emotional detachment and stoic indifference.”<sup>2</sup> However, twenty years later he feels at greater ease to throw off the yoke of the Brisker tradition and immerse himself in a more Hassidic existential aura that celebrates defeat, retreat and humility. He is able to accede to the conflictual and multi-dimensional aspects of a religious personality.

*Halakhic Man* has all the trappings of a neo-Kantian outlook. Absent are any existential allusions. *The Lonely Man of Faith*, written after the death of his wife and deep into the life of an individual who has lived and seen life through the lens of loss, loneliness and struggle, presents a far more complex face of the religious experience. Halacha is not seen solely as a monolithic system or normative framework, rather as the very tool used to create the constant tension and oscillation within the persona of every individual who lives an authentically religious life. This change is reflected not only in these two essays but can be seen as a developing trend throughout his lifetime, in essays such as “Majesty and Humility,” “Al Ahavat Ha-Torah u-Geulat Nefesh Hador,” “Kol Dodi Dofek,” to name a few. This dialectic is seen most poignantly in 1977 through a eulogy the Rav delivers for his son-in-law’s mother, the Rebbetzin of Talne, where he describes the difference between the approach to Judaism of his mother and his father. He writes:

The laws of Shabbat, for instance were passed on to me by my father; they are part of *musar avikha*. The Shabbat as a living entity, as a queen, was revealed to me by my mother; it is part of *torat imekha*. The father *knew* much about Shabbat, the mothers *lived* the Shabbat, experienced her presence, and perceived her beauty and splendour. . . . most of all I learned that Judaism expresses itself not in formal compliance of the law but also a living experience . . . I learnt from her [his mother] the

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1. David Singer and Moshe Sokol, “Joseph Soloveitchik: Lonely Man of Faith,” *Modern Judaism* 2, no. 3 (1982): 227–272.

2. David Hartman, *Love and Terror in the God Encounter: The Theological Legacy of Rabbi Joseph B. Soloveitchik*, vol. 1 (Woodstock, VT: Jewish Lights Publishing, 2001), 98.

most important things in life is to feel the presence of the Almighty and the gentle pressure of His hand resting on my frail shoulder.<sup>3</sup>

In your article, you use Rabbi Heschel to critique Soloveitchik, but there is no doubt that here in this extract we hear echoes of Heschel's *The Sabbath*. Perhaps only in his later years, having gained the insight of a life lived to the full, does Rav Soloveitchik allow himself to let go of the neo-Kantian epistemology of *Halakhic Man* and move towards the more existential, empiricist feel of *The Lonely Man of Faith*.

Though your criticism may be justified, one must not underestimate the impact his thought had on so many. His seamless interweaving of Western philosophy with Jewish tradition spoke and continues to speak to so many who are struggling between the two worlds. His elevation of classic concepts such as inner defeat, self-negation and self-sacrifice, from antiquated destructive values to the highest form of freedom, was antipathetic to the societal norms of autonomy, freedom, self-aggrandizement in the 1960s, yet this was his accomplishment whose impact is still being felt today.

*The Lonely Man of Faith* has been an inspiration for so many spanning a plethora of cultural and religious divides. (Just yesterday I finished a book by American journalist David Brooks on the state of American society today. He uses the framework of Adam 1 and Adam 2 to build his innovative theory of individual and societal character building. Even the fact that your own autobiography is called *Lonely but Not Alone* is reminiscent of Rav Soloveitchik's *Lonely Man of Faith*.)

How does this address the critique you levy at him in your article for his lack of innovation in the halachic realm? The answer, I believe, is that for many reasons<sup>4</sup> the Rav was halachically straitjacketed, and his unwillingness, or inability to take a controversial and novel stance on important halachic issues is one that is both disappointing and surprising, considering his innovation in the philosophical realm. However, just as we see in *Halakhic Man*, the Rav felt a strong obligation to the tradition of his fathers. Perhaps he felt it was too early to depart from or radically reinterpret thousands of years of halachic stringencies and inertia. However, he laid the path for those after him to do the work. His insistence on women's learning, especially of Gemara, was an opening of doors for the developments we see today. As I have argued in an article to be printed in

3. R. Joseph B. Soloveitchik, "A Tribute to the Rebbitzin of Talne," *Tradition* 17, no. 2 (1978): 77.

4. It is beyond the scope of this letter to go into all the political constraints of his position, mainly during his days at Yeshiva University.

an upcoming book on Rabbi Greenberg, the Rav's essay "Confrontation" was theologically ambiguous and thus paved the way for interpretation that could ultimately lead to interfaith dialogue.

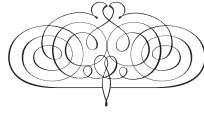
Rav Soloveitchik, like any great individual, was human. He was working within the confines of political, religious and personal constraints. However, perhaps if we focus on the development of his thought, if we see the movement from a neo-Kantian, strictly mitnagged outlook to a more existentially religious experience, we might argue that his thought as opposed to his halachic rulings define the man and his legacy. Rabbi Yitz Greenberg titles one of his essays "Two Doors Rabbi Soloveitchik Opened but Did Not Walk Through," which points to the fact that it may be that his greatness lay in positioning the groundwork for doors his students and future generations would walk through.

Finally, I hope you do not mind me mentioning something that has bothered me over the years and that is particularly relevant in light of this essay. As I mentioned at the start, I greatly admire your thinking, and I believe you raise issues that deserve much attention and debate. Like Rav Soloveitchik, you are a bold and innovative thinker. However, your call for halachic innovation and change is seldom followed by any action. I understand that unlike the Rav, you are not a *posek* in the same fashion, though you could by anyone's standards be a respected rabbinical authority. Surely the only way to create change, as you correctly preach and advocate, would be to take the action in the halachic realm that is needed. Thus my question is, are you so far removed from the critique you levy against the Rav? In your thought, you are bold, innovative and assertive, but in practical halachic terms, unless I am misinformed, I have not seen any great steps. You argue quite correctly that Halacha has become stagnant where it should be innovative and dynamic, but the flourishing of Halacha *is* happening again, perhaps more at the grassroots than at the helm, but for it to be truly successful we need people like yourself to take the wheel and steer in the right direction. We live in a time of great change, I pray our great great grandchildren will look back on this period and proclaim we were the engineers of a new and bold religious reality, which, as I have argued, may have begun with the Rav. However, it will require not just the ideas but the practical halachic guidance and courageous decisions to allow it to happen, and the question is who will be brave enough to actually walk through that door?

With best wishes,

Tanya White

[www.contemplatingtorah.wordpress.com](http://www.contemplatingtorah.wordpress.com)



Chapter 53

Rabbi Joseph Ber Soloveitchik  
and his Paradoxical Influence

An Answer to Tanya White

Dear Mrs. White,  
Shalom u-vracha.

Thank you for your very balanced reaction to my essay on Rav Soloveitchik. I apologize for responding only now.

To begin with, it seems that you agree with most of what I wrote. However, I admit that perhaps I didn't give enough attention to some remarkable works, such as *The Lonely Man of Faith*. They are no doubt major breakthroughs in the world of religious philosophy, and that is no small accomplishment.

However, this only underscores my critique on Rav Soloveitchik's *Isb ba-Halakhah* (in English, *Halakhic Man*) and some of his *piskei din*. In fact, it makes it more complicated.

People reading *Isb ba-Halakhah* can sometimes get the impression that they are reading Immanuel Kant in a Jewish religious framework. I agree that there are major differences, especially with regard to the great Kantian thinker Hermann Cohen who was the subject of the Rav's PhD dissertation;<sup>1</sup> and without denying that writing *Isb ba-Halakhah* is itself a major accomplishment, I still doubt the originality of this work. Genius, yes; original, I'm not sure!

More important, though, is the fact that, as you and many others claim, it was in his later years that the Rav moved away from this almost stony

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1. Rav Soloveitchik's doctoral thesis was "Das reine Denken und die Seinskonstituierung bei Hermann Cohen" (PhD dissertation, Friedrich-Wilhelms-Universität zu Berlin, 1932); in English, "Pure Thought as the Constitution of Being in Hermann Cohen's Philosophy." See also R. Joseph B. Soloveitchik, *Community, Covenant and Commitment: Selected Letters and Communications*, ed. Nethaniel Helfgot (Jersey City, NJ: Ktav, 2005), 272.

life as expressed in *Isb ba-Halakhah*. This begs the question: Why didn't the Rav take the time to write another work on Halacha, stating that his original one no longer reflects his ideas on the subject, and giving us a new perspective and interpretation? This was never done, and that's why *Halakhic Man* is still seen as *the* authoritative interpretation of Halacha by the Rav. It could be argued that the essay "U-Bikashtem mi-Sham"<sup>2</sup> was an attempt to soften the earlier harsh approach, but it still did not take the place of *Halakhic Man*. Doesn't this mean that the Rav did not change his mind, at least as far as the major premise of this work is concerned? While I, as well as other Orthodox thinkers, still greatly admire this work – even with all its problems – *Halakhic Man* has done much harm outside the Orthodox community and has pushed many people away from Halacha. I know this from my personal interactions with non-Orthodox and even Orthodox readers.

A man of the Rav's caliber could easily have written another major book on Halacha – warmer and reflecting his new ideas, which he so beautifully expressed in his *hesped* (eulogy) for the Talner Rebbetzin, when he also spoke about his mother's Shabbat.<sup>3</sup> While the Rav did bring some emotional dimension in *Halakhic Man*, it is minor compared to the stony "Brisker approach." And I'm not even sure whether it's fair to hold Brisk responsible for all of this.

When another of his essays, *The Halakhic Mind* – even more complex than *Isb ba-Halakhah* and originally written in 1944 – was republished in 1986, it was not even updated, and clearly gave the impression that the Rav had not changed his mind. I say this with full recognition that it contains beautiful new insights!

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Concerning Rabbi Eliezer Berkovits' approach to Halacha, I don't see any evidence that it was influenced by Rav Soloveitchik's writings. In fact, I believe the opposite is true. These two great men fundamentally clashed and disagreed on the nature and workings of Halacha.

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2. "U-Bikashtem mi-Sham" was first published in *Hadarom* 47 (1978): 1–83, reprinted in *Isb ba-Halakhah: Galuy ve-Nistar* (Jerusalem: Elinor Library, 1979), 115–235. An English translation was published years later; Rabbi Joseph B. Soloveitchik, *And from There You Shall Seek*, trans. Naomi Goldblum (NJ: Ktav, 2009). See also Rav Soloveitchik's letter in *Community, Covenant and Commitment*, 321–323, where he explicitly states that the essay that was later published as "U-Bikashtem mi-Sham" is a continuation of *Halakhic Man*.

3. R. Joseph B. Soloveitchik, "A Tribute to the Rebbitzin of Talne," *Tradition* 17, no. 2 (1978): 76–77. See also his "Torah and Shekhinah," in *Family Redeemed: Essays on Family Relationships*, ed. David Shatz and Joel B. Wolowelsky (Hoboken, NJ: Ktav, 2000), 158–180.

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You are right about Rabbi Aharon Lichtenstein, Rabbi David Hartman, and Rabbi Yitz Greenberg. They are indeed deeply influenced by him. But the latter two moved away from the Rav in striking ways. It is true that these giants did not idolize the Rav, but the vast majority of Modern Orthodox leaders were and are under the spell of Rav Soloveitchik in ways that I believe are unhealthy and that he would have strongly opposed. Rabbi Greenberg wrote me that this idolization began in his later years, but my impression is that during these later years the idolization only increased, for reasons I have explained in my original essay.

Your claim that the Rav's halachic conservatism, caused by his Brisker background, paved the way for his students to go beyond him and find new ways that he encouraged, sounds untrue. Here is Rabbi Greenberg's response to my essay: "You are right about his halachic conservatism. This was compounded by his own lack in encouraging students to go beyond him. He cut them down (as he did Rackman when Rackman went beyond him)."<sup>4</sup> Where, then, did he pave the way for those after him? The reverse is true. He blocked such developments.

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You state that "perhaps he felt it was too early to depart from or radically reinterpret . . . halachic stringencies and inertia." I wonder when, in your opinion, would the time have been ripe to do so, if not in the days of the Rav? He lived during a time of radical shifts in the Jewish world and a growing crisis in religious belief and halachic commitment. There was no better time than those very days to make these changes, and there was no greater man than he to embark on these departures. Do not forget that he was seen as the *leader*, *symbol*, and *figurehead* of Modern Orthodoxy, and not just as another *posek* or talmudist. As such, there were high expectations of him to move Halacha forward.

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While I agree that the Rav's encouragement for women to begin learning Talmud was a breakthrough,<sup>5</sup> I can't see it as a major accomplishment in the way that you do. (I wonder how much of a say his wife, Mrs. Tonya

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4. R. Yitz Greenberg, email message to author, Feb. 9, 2017.

5. See chap. 51 *III*.

Soloveitchik – a strong personality with a PhD – had in this matter.) Yes, by doing so he may have revolutionized Jewish learning for women; but feminism was on the rise, and it would have come anyway. The Jewish world was ripe for it and, as has often been the case, it would have been halachically justified after the fact. Women were already learning Talmud before the Rav's days. More important, they could decide this on their own. No one could stop them from doing so in their private lives; nobody needed to know.

But in cases such as the *aguna*, the *mamzer*, and the *kohen/giyoret*, there was no way to decide these matters on their own. They were, and still are, completely dependent on the *poskim*, if they wish to remain within the Orthodox community.

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I can't see any justification for the Rav openly rejecting Rabbi Rackman's argument, which claims that there is historical contextualization in the world of Halacha. Acceptance of that fact could have helped many Jewish women in his days and today. To this day, women still pay the price for this rejection. Yes, some may argue that these matters are very complex and far beyond the scope of an essay like mine, but a total dismissal is unjustified. True, the Rav was concerned that halachic tradition not be undermined, but he could have achieved that without completely rejecting approaches such as that of Rabbi Rackman. It would not have been seen as surrendering to nontraditional forces, but rather as a victory of halachic strength.

Even more astonishing is the fact that, as I mentioned in my original essay, the Rav admitted to Rabbi Rackman that he may have been right. Surely the Rav knew that historical contextualization had often been applied throughout halachic history.<sup>6</sup> Again, I wonder whether the Rav ever discussed this with his beloved wife, who must have had her own ideas about this, especially when it came to women's issues.

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As some of his students told me, and as is my impression as well, the Rav felt isolated because his own world of the old-fashioned yeshivot had rejected him once he took a different stand on some matters, such as Zionism, secular studies, and trying to establish a joint *bet din* together with

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6. See Louis Jacobs, *A Tree of Life: Diversity, Flexibility, and Creativity in Jewish Law* (London: Littman Library of Jewish Civilization, 2000).

the famous Rabbi Saul Lieberman of the Conservative Jewish Theological Seminary to deal with all matters related to marriage and divorce – an attempt that unfortunately never succeeded.<sup>7</sup>

We must no doubt admire him for this, but he was never able to overcome his fear of isolation, and remained stuck. Compare this to Rabbi Eliezer Berkovits, who was much more radical and much more isolated, but never gave in to this situation, and he didn't have a major rabbinical institution like Yeshiva University behind him. He simply moved on and fought a lonely, difficult battle that must have been extremely painful.

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One more observation: While I greatly admire Rabbi Soloveitchik's writings, such as *The Lonely Man of Faith*, I wonder why he never dealt with some extremely important issues that keep many people away from Orthodoxy. Two examples suffice: (1) The issue of *Torah min ha-Shamayim* and biblical criticism; and (2) the matter of belief in God (especially after the Holocaust) and the conflict between science and faith. It may be true – as Rabbi Walter Wurzburger suggests<sup>8</sup> – that the Rav avoided the issue of biblical criticism out of principle. But if it *is* true, then the Rav was out of touch with reality. At the time, biblical criticism was a major topic of discussion, as it still is. This subject is of utmost importance, and if anyone could have dealt with it head-on, it was the Rav. Early in *The Lonely Man of Faith*, Rav Soloveitchik mentions that he wasn't seriously bothered by this issue. But his readership certainly was!

The same is true about belief in God, and the conflict between science and faith. Sure, the Rav mentioned and discussed these matters, but never directly.

These issues – biblical criticism and belief in God – are fully discussed by former British Chief Rabbi Lord Jonathan Sacks in the prodigious works *Crisis and Covenant*<sup>9</sup> and *The Great Partnership*.<sup>10</sup> I remember how my friends and I, who were not religious at the time, waited for the Rav to discuss these matters. But there was total silence. True, in *The Halakbic*

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7. See Aaron Rakeffet-Rothkoff, "A Note on R. Saul Lieberman and the Rav," *Tradition* 40, no. 4 (2007): 68–74.

8. Walter S. Wurzburger, "Rav Joseph B. Soloveitchik as Posek of Postmodern Orthodoxy," *Tradition* 29, no. 1 (1994): 5–20. See chap. 51 n10.

9. Jonathan Sacks, *Crisis and Covenant: Jewish Thought After the Holocaust* (Manchester, UK: Manchester University Press, 1992), chaps. 7, 8, and 9.

10. Jonathan Sacks, *The Great Partnership: Science, Religion, and the Search for Meaning* (NY: Schocken Books, 2011).

*Mind*, he does deal with science and faith/philosophy – and in the last chapter with Halacha – but it is far from satisfactory for many secular, searching people. This book, like some of the others, was written in an Orthodox religious context which *a priori* was accepted, but was not convincing to those of us who did not share this point of view.

It is my belief that these topics are more important than the Rav's masterpiece *The Lonely Man of Faith*. I'm not arguing that he should not have written the book. I am only contending that he should have also written major essays or books on these two critical subjects.

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Coming back to my main argument, here are a few quotations by the Rav:

Halakhic man received the Torah from Sinai not as a simple recipient but as a creator of worlds, as a partner with the Almighty in the act of creation. The power of creative interpretation (hiddush) is the very foundation of the received tradition. . . .

He [halakhic man] takes up his stand in the midst of the concrete world, his feet planted firmly on the ground of reality, and he looks about and sees, listens and hears, and publicly protests against the oppression of the helpless, the defrauding of the poor, the plight of the orphan. . . . The actualization of the ideals of justice and righteousness is the pillar of fire which halakhic man follows, when he, as a rabbi and teacher in Israel, serves his community. . . . The anguish of the poor, the despair of the helpless and humiliated outweigh many many commandments. . . .

Even the Holy One, blessed be He, has, as it were, handed over His imprimatur, His official seal in Torah matters, to man; it is as if the Creator of the world Himself abides by man's decision and instruction. . . .<sup>11</sup>

If so, why was it impossible to accept Rabbi Rackman's opinion that one *has* to see certain rulings by our sages, especially those concerning women, in the context of historical developments? If the Rav would have done so, then, in his own words, the Holy One, blessed be He, would have abided by *his* decision and instruction. The obligation to shape and perfect Hala-

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11. R. Joseph B. Soloveitchik, *Halakhic Man*, trans. Lawrence Kaplan (Philadelphia: The Jewish Publication Society of America, 1983), 81, 91, 80.

cha increases over history as human beings become more mature. That is the very foundation of *Torah she-Ba'al Peh* (the Oral Law). Why not make use of it and carry that responsibility with pride?

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I cannot believe that any *aguna* or *mamzer* will find comfort in *The Lonely Man of Faith* when they are forced to live unbearable lives. What is more important? To write beautifully about Halacha's deep concern for the poor, the helpless, and the humiliated, which outweighs "many many commandments," but not to act on it? Or, to actually try to solve the problem of the *aguna*, the *mamzer*, and the *koben* who can't marry his loved one because she happens to be a convert?

As Rabbi Eliezer Berkovits writes, "... the deed is the stuff of which history is made."<sup>12</sup> Deeds, not beautiful abstract ideas!

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Due to lack of time, I must now conclude my response to you. The literature and opinions on Rav Soloveitchik's halachic stand and philosophy are so numerous that one could write many books on the subject. But I believe that it has already been overdone.

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I close with the following. You are indeed misinformed about my personal involvement in practical Halacha. To mention only a few examples: Twice, I have personally married a *koben* with a *giyoret*. In one case, the *giyoret* was also a *gerusha* (divorcee). In these instances, on my own initiative, but together with halachic authorities much greater than I, we proved that the *koben* was actually not a *koben*, and that even after a *get* was obtained by that specific woman, it became clear that in fact she was not a *gerusha*, because she was never halachically married. I never openly published our conclusions because we didn't want the couples involved to get hurt. I have had major clashes about these cases with European rabbinate that refused to marry these people.

I have performed several conversions with a private *bet din*, when other *batei din* refused to do so. I have suggested<sup>13</sup> that we allow people to ride bicycles on Shabbat, based on a *psak* (halachic decision) of the Ben Ish

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12. Eliezer Berkovits, *God, Man, and History: A Jewish Interpretation* (Middle Village, NY: Jonathan David, 1959), 138.

13. See chaps. 38 and 39.

Chai, and have advocated a halachically permitted “Shabbat tram” in Yerushalayim, to enable people to see their parents who live far away. I have argued in favor of opening restaurants on Shabbat for those Israelis who have nowhere to go, where they wouldn’t have to pay and where all the laws of Shabbat could be easily observed.<sup>14</sup> An attempt to open such restaurants was blocked by the Rabbanut’s threats to remove its *hechscher* (certificate of kashrut) from these restaurants!

I have also advocated for relaxing the “*chumra* of Rabbi Zeira”<sup>15</sup> concerning the duration of *nidda* abstinence, which prevents couples from having relations more frequently, and which can also lead to difficulty in conceiving. This would no doubt encourage many more couples to observe the laws of family purity.<sup>16</sup>

I have suggested that we build “Jewish” cemeteries for children from mixed marriages who are not halachically Jewish, so that they too can have a “Jewish” burial if they so wish.<sup>17</sup> After all, they are of *zera Yisrael* (of Jewish seed, that is, patrilineal descent). For all of these issues, I have strong halachic arguments.

Together with Rabbi Dr. Norman Lamm of Yeshiva University, I have refused to listen to a *psak* by the London Beth Din prohibiting participation in the famous Limmud Conference in England – which hosts close to three thousand attendants – because Reform and Conservative rabbis also teach there. I told the Beth Din that I believed this was a major mistake, since it gives the impression that we Orthodox rabbis are afraid of the Reform and Conservative movements, and that by not contributing we are actively handing over all Limmud participants to these denominations.<sup>18</sup>

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14. Ibid.

15. The Talmud (*Nidda* 66a, *Berachot* 31a, and *Megilla* 28b) states: “R. Zeira said: The daughters of Israel have undertaken to be so strict with themselves that if they see a drop of blood no bigger than a mustard seed, they wait seven clean days after it.” This stringency lengthens the period of abstinence between husband and wife. The biblical law mandates seven days of separation from the onset of the woman’s menstrual period, whereas the stringency extended in the Talmud mandates a separation of seven clean days from the *cessation* of the menstrual flow. This was codified as law in *Mishne Torah* (*Hilkhot Isurei Biab* 11: 3–4, 9) and *Shulchan Aruch*, *Yoreh De’ah* 183:1.

16. See Daniel Rosenak, *Le-Hachzir Tabara le-Yosbna* (Tel Aviv: Yediot Aharonot and Chemed, 2011). See also Tsipy Ivry, “Halachic Infertility: Rabbis, Doctors, and the Struggle over Professional Boundaries,” *Medical Anthropology* 32, no. 3 (2013): 208–226. See also Rabbi Evan Hoffman, “Dam Tohar: The Forgotten Leniency.” To obtain this article, email [evanhoffman@gmail.com](mailto:evanhoffman@gmail.com).

17. See chap. 45.

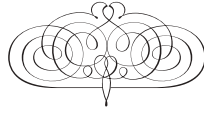
18. See Nathan Lopes Cardozo, “Why I Love to Teach at Limmud” (Thoughts to Ponder 283), *David Cardozo Academy*, Dec. 8, 2011, <https://www.cardozoacademy.org/thoughts-to-ponder/why-i-love-to-teach-at-limmud/>.

I don't see myself as a *posek*, although I know a lot about practical Halacha and believe that I'm well informed on the latest developments in the halachic world. I'm not a member of any official rabbinate, but I am very busy suggesting new possibilities, and I have acted and will continue to act on them, even if the rabbinical establishment does not agree with me. It is time to move forward and not be afraid. . .

Thank you again for your letter.

Sincerely,

Nathan Lopes Cardozo



## *Chapter 54*

### Second Response by Tanya White

Dear Rabbi Cardozo,

Let me begin by thanking you for your thorough and thoughtful response to my letter. You address many of the points I made and make a convincing argument for some of your assertions, but by no means all. As I mentioned in my previous letter, the complexity and breadth of Rav Soloveitchik's influence, legacy and works have already filled thousands of pages and will continue to do so, hence it is beyond the scope of this correspondence to address all areas of this subject and *Katonti* from being able to offer anything new that has not already been said. There are, however, four points I would like to address with regards to your response.

#### I: ON THE "IDOLIZATION" OF THE RAV

I believe you are correct to point out that in recent years there has been an "idolization" of the Rav, though again I think you are guilty of your own critique as I shall attempt to demonstrate. As we know, both the secular and Charedi communities suffer from a similar malaise. They both create "molten images." The onset of modernity perpetuated what Nietzsche had already predicted in the nineteenth century, that men would become "gods." As the power of human capabilities has grown exponentially, so too has its inability for self-criticism or allegiance to any external authority other than itself. The arrogance and self-belief in our ability to conquer all has led us to worship our own self-image to the detriment of key virtues such as self-sacrifice, humility, self-restraint and faith. The secular absolutizing of humanity left unchecked leads to nihilism, egocentricity, totalization and metaphoric blindness to anything outside

of self; in other words, the ills of society today. In the religious world there exists a parallel situation. The dual threat of modernity and Zionism meant that the ultra-Orthodox communities have had to build walls both internally and externally. Their need to reject “modernish” values led to a system of defensiveness rather than innovation. They rejected the “idolization” of the human, in favor of the “idolization” of the Halacha and the “Gedolim.”<sup>1</sup> The definition of idol worship is creating an image that is immune to change. An image that we compartmentalize to suit our own agenda, that we “use,” or “manipulate,” as the idol worshipers did in ancient times, to achieve our goals.<sup>2</sup> There is no doubt that over the years, as witnessed noticeably in the last few months, there has been a move to the right in so called Modern Orthodox institutions in America. As this process played out, the legacy of the “Rav,” the “Gedol Hador,” was used to justify the status quo by resisting any calls for change. To this extent I agree that there has been an “idolization” (though I would probably term it obsession rather than idolization) of the Rav, which is the natural result of the shift to the right in certain Modern Orthodox circles. In “idolizing” something or someone, we create a unitary monolithic image of that thing and hence lose its depth and complexity, and herein lies the danger.

The Rav, as witnessed through his writings and by those who knew him first hand, possessed a profoundly complex and often conflicted personality. He was, like our greatest role models, deeply human. This meant he was subject to constraints both personal and political, as furthermore conditioned by the time in which he was living and making decisions. Additionally, his views and personality changed over time (as I argued in my first letter), and hence in the same way that he has been idolized, with his halachic decisions set in stone by the those on the right, I believe through your depiction of the Rav, you have also totalized his legacy as a failure to move Modern Orthodoxy forward in the halachic realm, which is not quite accurate and misses much of its complexity. I quote William Kolbrener (whom you were introducing in your original article) when he says,

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1. This is seen on a hermeneutic level through the treatment of problematic biblical narratives, such as the refusal to criticize the *Avot*, or David Hamelech for his sin. This has the effect of turning biblical figures into saints as per Christianity, rather than viewing them as human beings (the debate of *Tanach be-Gova Eynayim*). But far more disturbing are the practical implications of this mindset, including the despicable covering up of the rampant incidents of sexual impropriety that are committed by an authority figure in the Charedi world (teacher, father, rabbi), so as not to disillusion anyone of the person's greatness.

2. For a detailed and thoroughgoing discussion of the subject of modern “idolatry,” see Moshe Halbertal and Avishai Margalit, *Idolatry*, trans. Naomi Goldblum (Cambridge: Harvard University Press, 2007).

“the attempts of various students and followers to embody Soloveitchik ideals – to manifest that vision in cultural or institutional form – has been the compromise of complexity.”<sup>3</sup> He has become, as Kolbrener so correctly posits, a “dichotomous image” acquiring a dual reputation adopted by each belligerent side. Any attempt to oversimplify and polemicize his legacy does it a great injustice – an injustice I believe you too commit.

## II: THE ORIGINALITY AND RELEVANCE OF *HALAKHIC MAN*

The Rav wrote and taught on the heels of the greatest crisis for Orthodoxy since the destruction of the Second Temple. The challenge of modernity, which manifested itself in movements such as the Reform and Conservative, coupled with the crisis of faith arising from the Holocaust, meant there was much searching for answers. You argue that as the leading voice for Modern Orthodoxy, the Rav had a responsibility to present a compelling and enriching religious response. Halacha was for many outdated, irrelevant and incongruent with the enticing values of modernity such as autonomy, creativity and self-determination. Furthermore, Christianity’s assault on Judaism as being too legalistic (an argument originating with Spinoza and adopted by the Reform movement at the time too), was forefront in the minds of many American Jews. The Rav does respond to some of these challenges, but I believe the Rav did not see himself as defender of Modern Orthodoxy. As I will argue, the Rav’s works were not polemical or defensive, designed to “answer” religious dilemmas of the time. They were far more personal and cathartic and in being so naturally addressed some, but not all, of the pressing issues.

What the Rav did in *Halakhic Man* goes far beyond, as you cursorily state, “reading Immanuel Kant in a Jewish religious framework.” Its originality stems from its ability to turn the whole halachic process on its head. Instead of “idolizing” Halacha as we mentioned is done in the Charedi circles, the Rav transfers the “authority” of the Halacha to the individual. The “authority” becomes embedded in human creativity as opposed to the system or the Divine.<sup>4</sup> Halakhic Man is neither subdued nor coerced

3. William Kolbrener, *The Last Rabbi: Joseph Soloveitchik and Talmudic Tradition* (Bloomington: Indiana University Press, 2016), 127.

4. It is true that the idea of human autonomy as opposed to divine authority is already formulated in early talmudic sources, however this trend became up-surged during the Middle Ages when the halachic system became ever more stagnant and the general religious outlook was one that favored the restraint and suppression of the individual in favor of divine or clerical authority. The enlightenment put an end to this religious oppression but at the same time threatened the foundation of religion. Though there was a renaissance in Jewish thought in the nineteenth and

but rather self-determined and creative. For the first time in the history of modern thought, the inner working of the talmudic personality was brought face to face with the enlightened intellectual, and as it turned out their worlds were not so far apart. This was the innovation in the Rav's work.<sup>5</sup> Halakhic Man in contrast to *homo religiosus* is practical, active and this-worldly, he seeks answers to religious dilemmas in the workings of the real world, not in a transcendent realm. I cannot think of anything more relevant to today's disaffected Israeli youth, both secular and religious (who have never read Kant anyway). The ideas need restating in more accessible and modern terms, but are still highly relevant.

### III: THE RAV AND HALACHIC INNOVATION

The central thesis of your article, as I read it, was that you believe Rabbi Soloveitchik should have made greater halachic innovations, which he did not, and hence fails in your eyes as the great leader he is purported to be. I want to offer two different approaches that I believe answer this critique. The first focuses on the practical implementation of halachic decisions and the constraints he was under, the second his overall halachic philosophy.

I. I acknowledge that his halachic decisions were grounded in a more conservative approach than what one may expect based on his theoretical and philosophic writings. However, hindsight is always a wonderful thing. Rav Soloveitchik lived during a tumultuous period, his commitment to Zionism, women's Torah and Talmud learning and co-ed schooling<sup>6</sup> as well as an uncompromising allegiance to modernity, in the face of much opposition, was itself a colossal challenge. Perhaps the time was not ripe for the changes we would have expected him to make; perhaps, as we have already said, he was not an "idol" with whom the gift of hindsight and

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early twentieth centuries with thinkers such as Buber, Rosenzweig, Cohen, no one placed the halachic process in the framework of modernity until Soloveitchik's *Halakhic Man*.

5. As already noted, this response has a superficial air to it. I have presented the Rav's work in a unitary fashion without conceding to its multifarious and often contradictory elements. This is in order to make a point. However, one must acknowledge the argument by Singer and Sokol (David Singer and Moshe Sokol, "Joseph Soloveitchik: Lonely Man of Faith," *Modern Judaism* 2, no. 3 [1982]: 227–272) and more recently by Dov Schwartz (Dov Schwartz, *Religion or Halakha: The Philosophy of Rabbi Joseph B. Soloveitchik* [Leiden: Brill, 2007]), that *Halakhic Man* is simply apologetics, "dressing up Talmudism in neo-Kantian garb," and the counter-response to this by David Hartman, with whom my sympathies lie. It is also prudent to look at chaps. 28 and 29, especially the references to all the leading literature on the subject, in Reuven Ziegler, *Majesty and Humility: The Thought of Rabbi Joseph B. Soloveitchik* (Jerusalem: Urim, 2012).

6. See Seth Farber, *An American Orthodox Dreamer* (Hanover, NH: Brandeis University Press, 2004), chap. 4, where he outlines the novelty of both co-ed schooling and talmudic study for women and shows them to have become the defining feature of Modern Orthodoxy in America. To this, Rav Soloveitchik must be credited.

prophecy was given. He was not to know that his ambivalent response to subjects such as interfaith or intrafaith dialogue, women in the halachic process, status of the *mechitzah* or status of non-Jews, would be misinterpreted or totally revised by some of his students. It seems on some issues the Rav was treading water, waiting to give a definitive ruling in the ripeness of time, which for him never materialized. This *temporization*,<sup>7</sup> perhaps an intentional policy, perhaps not, legitimized the conservative agenda of the more Charedi elements of Modern Orthodoxy, the corollary of which is being felt today, and that does feel like a failing. Though that failing, I believe, is less the Rav's, more the ills of a narrow and parochial mindset typical in certain sectors of Orthodoxy.

You ask me when I think the time may have been ripe for the Rav to make these changes? Despite your contention to the contrary, I believe he did make changes, in your opinion not enough, in my opinion just enough to keep him balancing all the political baggage. You yourself acknowledge that he made attempts to create a *bet din* with Rabbi Saul Lieberman of the JTS, through which perhaps he felt more change could be administered, though it ultimately failed. Those who called for radical halachic change during the 50s and 60s, such as Hartman and Greenberg, were seen as pariahs in certain circles, though now their thought is seen as far less radical. These voices were needed (hence the Rav's private legitimization of many of the projects and views of these personalities<sup>8</sup>) to pave the path for change today; however for the Rav to legitimize such change was perhaps too soon. As he himself quotes in 1945 at the opening of the Maimonides school, "the dreamer of yesterday is often the architect of tomorrow."<sup>9</sup>

2. It may very well be that the reason you fail to understand the Rav on this issue is because you are coming from a totally different starting point. The Rav believed that *psak* follows from whatever the halachic system dictates. It seems to me that your thinking is that the halachic system should follow whatever is necessary for the sake of whatever *psak* is needed for this day and age. Both views may be legitimate, but one cannot be held

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7. I adopt a word used by Rabbi Yitz Greenberg in an article featured in a forthcoming book on the proceedings of the Oxford Conference entitled *The Road Not Travelled: Modern Orthodoxy and the Work of Rabbi Yitz Greenberg*, quoted with permission of the author.

8. I quote from your response, "The Rav admitted to Rabbi Rackman that he may have been right." Rabbi Greenberg and Rabbi Hartman both suggest the Rav legitimized various actions they took, whilst in public he remained ambivalent. See article in the previous footnote where Rabbi Greenberg expresses a few instances of this, as well as in his book *For the Sake of Heaven and Earth* (Philadelphia: Jewish Publication Society, 2004).

9. Seth Farber, *An American Orthodox Thinker: Rabbi Joseph B. Soloveitchik and Boston's Maimonides School* (Hanover, NH: Brandeis University Press, 2004).

up against the other, for their fundamental view of the halachic system differs fundamentally.

To put it another way, if we take two extreme views of Halacha, on the one side, “Chadash asur min haTorah” of the Chatam Sofer, and “Where there is a Rabbinic will, there is a halakhic way” of Blu Greenberg, while the two of them could argue on a philosophical level which view is more correct, it would be meaningless for them to argue that the other should embrace their specific *psak halacha* since they are coming from such different approaches.

It appears you have more in common with Blu Greenberg while the Rav has more in common with the Chatam Sofer<sup>10</sup> (again this paints an inaccurate black and white picture of the issue that does, however, underscore the point at hand). This is highlighted in the new book *Halakhic Morality*, where amongst other things Soloveitchik writes, “The Halakhic system is basically constant and unalterable.” By contrast, he claims that ethics have much more room for reformulation and change. You will surely ask, if this is in fact his “true” view, what about the creativity and innovation as well as the ethical activism that he so clearly advocates in *Halakhic Man*? To that I would reply by saying the following:

1. The *chiddushim* he speaks about were personified by his grandfather Rav Chaim. These were not cases where someone came with a practical halachic question and he wanted to adapt the Halacha to give a certain answer but rather the reverse, where clever learning of texts led to a certain answer that differed from previous understandings. The desired answer was not the driver nor the creative element, rather this was embodied in the exposition itself.

2. Based on the theory that *Halakhic Man* is based on the Rav’s father, the Rav’s sister tells of how post WWI, there was a huge *aguna* problem on a scale never before experienced, and the Rav’s father was active in trying to deal with it by writing letters to the government and rabbis near the front. He found many novel ways to free *agunot* using his utmost halachic creativity, but he “never deviated from the Halacha”.<sup>11</sup>

The two differing interpretations I have offered above should leave us in no doubt that your critique of his lack of halachic ingenuity is unfounded.

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10. I am indebted to Meir Valman for this insightful point, as well as other important points he made in an initial reading of this response.

11. Shulamit Meiselman Soloveitchik, *The Soloveitchik Heritage: A Daughter’s Memoir* (Hoboken, NJ: Ktav, 1995), 163.

## IV: THE RAV AND ISSUES OF CONCERN

You write:

“I wonder why he never dealt with some extremely important issues that keep many people away from Orthodoxy. Two examples suffice: (1) The issue of *Torah min ha-Shamayim* and biblical criticism; and (2) the matter of belief in God (especially after the Holocaust) and the conflict between science and belief.”

At the start of *The Lonely Man of Faith*, the Rav states:

I have never been seriously troubled by the problem of the Biblical doctrine of creation vis-à-vis the scientific story of evolution at both the cosmic and the organic levels, nor have I been perturbed by the confrontation of the mechanistic interpretation of the human mind with the Biblical spiritual concept of man. I have not been perplexed by the impossibility of fitting the mystery of revelation into the framework of historical empiricism. Moreover, I have not even been troubled by the theories of Biblical criticism which contradict the very foundations upon which the sanctity and integrity of the Scriptures rest. However, while theoretical oppositions and dichotomies have never tormented my thoughts, I could not shake off the disquieting feeling that the practical role of the man of faith within modern society is a very difficult, indeed, a paradoxical one.<sup>12</sup>

For the Rav, the dilemma of science and biblical criticism in regard to the Torah was not as serious a challenge as the role of faith in modern society. For the Rav, the answer to problems of faith come through the “experience” of the religious personality and its development. Though this is not found in *Halakhic Man*, it is certainly expressed in later works such as “U-Bikashtem mi-Sham” and *The Lonely Man of Faith*. It is from these and other places where the Rav describes this intensely loving relationship with the Divine that his thoughts on belief and faith can be inferred. Thus overemphasis on history and texts was not of any concern since the man of faith is impervious to such issues.<sup>13</sup>

Furthermore, your use of Rabbi Jonathan Sacks as an example of some-

12. R. Joseph B. Soloveitchik, *The Lonely Man of Faith* (NY: Doubleday, 1992), 7.

13. For an in-depth study on this question and some interesting answers and theories, see Aryeh Sklar, “Rabbi Joseph B. Soloveitchik and the Problem of Biblical Criticism,” *Kol Hamevasser*, Nov. 3, 2016.

one who has addressed the issue is imprudent since I believe the inspiration for his thinking on this subject came from Rav Soloveitchik! I would suggest that his approach is based on what he calls the “epistemological pluralism” of the Rav. In an early essay,<sup>14</sup> Rabbi Sacks skillfully analyzes *The Halakhic Mind* and in doing so formulates the Rav’s position on science and religion by showing their mutually exclusive realms. This purposeful disintegration allows, he says, for religion to be “presented autonomously, as a cognitive system independent of, but parallel to science.”<sup>15</sup> Anyone familiar with Rabbi Sacks will already detect from this the seeds of his thinking on science and religion, expressed so brilliantly and originally in his recent book *The Great Partnership*.

You seem to suggest that because he was great he should have dealt with these important contemporary topics. I think that is the wrong way round. He dealt with what mattered to him in a highly original and unmatched way and because of that he became great. I would argue that that is why he is still so revered. Issues of biblical criticism, science, belief in God tend to come and go, and some of the arguments are only really relevant to a few intellectuals that grasp them in all their details. The Jewish responses to them often look very dated today hundreds of years later or even a few years later in the case of some of the scientific debates. But Rav Soloveitchik’s focus on the crisis of faith in modern society and the need for religious experience is probably even more relevant today than when he was alive and touches far more people.

We must concede that Rav Soloveitchik’s works were perhaps more a cathartic individual process than a polemic for the public, but it is this that makes them so powerful and compelling. Regarding the Holocaust, it is true the Rav never offered a systematic and complete response; he was not as such a post-Holocaust thinker. In “Kol Dodi Dofek” he indeed grapples with the challenge, but it is integrated into a general discussion of suffering and Zionism, and hence arguably does not provide a satisfactory response for someone looking for something comprehensive.

## V: CONCLUSION

You, Rabbi Cardozo, are a radical thinker. As an educator myself, I often use your ideas and thoughts to shake up complacent minds, or present an

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14. Jonathan Sacks, “Rabbi J.B. Soloveitchik’s Early Epistemology: A Review of ‘The Halakhic Mind,’” *Tradition* 23, no. 3 (1988): 75–87.

15. *Ibid.*, 77.

idea from a novel perspective. Yours is a much needed voice in a time of reappraisal and revision; the Judaism you champion is authentic and raw. However, acknowledging the couple of occasions you have acted on these ideas, I stand by my original critique that it is the ideas you espouse, as opposed to actions that you take, that defines your position. You are therefore not so far removed from the critique you levy at Rav Soloveitchik. I would like to suggest that Judaism needs bold thinkers more than ever today and it is to this task you have successfully set yourself. Equally, it needs courageous halachic innovation. However, this will take time; it will not and cannot happen overnight. Today in Israel through organizations such as Tzohar and ITIM (the founder of which, Rabbi Seth Farber, was a Yeshiva University graduate and deeply influenced by Rav Soloveitchik's thought) and halachic authoritative personalities such as Rav David Stav, Rav Yuval Cherlow, Rav Benny Lau and Rav Yossi Zvi Rimon, the ethical and ritualistic realm in Halacha is being addressed in a serious and formative way, but there is still a long road ahead.

We are standing at the horizon of a new tomorrow, one that Judaism must be ready to face head-on. I would like to think that Rav Soloveitchik lay the groundwork, but in the end it's all a matter of interpretation, and as long as we keep our minds open to new ways of seeing and resist the temptation to "idolize" even our own ideas, we will fulfill what Chazal state: *Elu V'Elu Divrei Elohim Chaim* – the living breathing God is found in the multiplicity of interpretation and complexity of life – "these and those are the words of the living God."

With best wishes,  
Tanya White

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*In the spirit of Bet Hillel, I have given Mrs. White the last word, although I have serious doubts about her arguments. The serious reader of this book will understand why. To my great regret, many of my practical (more radical) halachic suggestions – many more than those mentioned in this book – have been rejected by the rabbinical authorities, including the Modern Orthodox. As such, I cannot do more than suggest them and wait for better days!*

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