

Modeling Modernity: Revisiting the Rabbi Soloveitchik Paradigm

Dr. Chaim Trachtman

Originally published by [The Lerhaus](#)
February 21, 2017

The challenge for any religion that claims a divine origin is how to accommodate change. A perfect system is timeless and in need of no alteration or improvement. The sages recognized this problem, but, according to Christine Hayes, they developed an approach that differed from the Hellenistic culture of the day. As she explains in her award-winning [monograph](#), in contrast to the Greeks who viewed divine law as rational, reflective of ultimate truth and, therefore, in no need for change, the rabbis countered that the defining feature of divine law is revelation. But, although the Torah came from God, in the words of Rabbi Yehoshua, “It is not in heaven” and it is subject to the creative will of men and women ([Bava Metzia 59b](#)). This created ample space for human agency and change.

The role of women as rabbis and communal leaders is an example of this challenge. There are those who are working to implement change in the divine Torah law and create an acceptable place for women in communal spiritual life. At the same time, there are others who consider any change in this area a threat to the integrity of the traditional legal system. This dilemma is only heightened among those rabbinic thinkers who take a maximalist view and consider all recorded rabbinic decision as harking back to the Sinaitic Revelation and possessing divine authority. The texts are the same, the precedents are the same, but the approaches to change are irreconcilable.

Are there rabbinic models that can guide those who deal with halakhic issues on a day-to-day basis and laypeople who are motivated to lead lives in accord with the values expressed in the Torah? There are two monumental individuals who exerted profound influence on Orthodoxy in the United States during the latter half of the twentieth century. Analyzing their approach to law and its application in practice provides interesting insight into how to grapple with the need for change.

Rabbi Joseph B. Soloveitchik is often considered the quintessential example of Modern Orthodoxy. His upbringing in Brisk spurred him to adopt an analytical approach to jurisprudence that was a departure from previous styles of learning. The Brisker method was characterized by a geometric definition of terms, concepts, and rules of deduction that seemed to bring halakhic thinking into the modern era. Moreover, Rabbi Soloveitchik studied at the University of Berlin and received a PhD for a thesis that focused on the philosopher, Hermann Cohen. On both



dedicated learning. dynamic leadership.

counts the Rav, as he was fondly called by his followers, was an avatar of modernity, a person who embodied a contemporary view of Torah u-Madda.

In contrast, Rabbi Moshe Feinstein studied with his father and in classical yeshivot in Slutsk and Shklov. He arrived in the United States from Russia in 1936, settled in the Lower East Side of Manhattan and lived there for the remainder of his long and incomparably productive life. He rarely traveled, but received halakhic questions from people around the world. His approach to the *halakhah* began with the relevant text of Gemara. He then proceeded to the Rambam, and rarely moved past the earliest *Rishonim*. The process of reaching legal decisions was systematic but not driven by logical or philosophical first principles. At first glance, Rabbi Feinstein appears to be an Old World, pre-Holocaust European figure, not an individual grounded in today's world.

However, appearances can be misleading and it is important to examine these two influential men more closely. The Rav viewed *halakhah* from a more Grecian stance and saw it as a blueprint for the world as a whole. It embodied the conditions necessary for the universe to exist and endure. As such, halakhic categories corresponded to facts in reality that reflect eternal truths. Legal guidelines are not amenable to alteration without threatening the stability of the universe as we know it. Thus, for example, when examining the halakhic status of women, the Rav resorted to definitions of female gender roles that are based on the primordial place of women in the cosmos. For the Rav, the relationship of women to men and their place in society is based on prototypes that he developed from the rabbinic literature and the corpus of law that they constructed. As William Kolbrener noted in his recent [book](#), the Rav was compelled by rigid archetypes: “the material feminine [who] provides warmth” and the “paternal masculine” who engenders “autonomy” and “loneliness.” The Rav invoked similar gender images in an interview with a local newspaper back in 1972, when he explained why Orthodoxy could not allow women to be ordained as rabbis.

Accordingly, many of his students rightfully rely on his points of view to narrow the scope of women's roles in Judaism. The rabbinic statement that a woman would rather be in any sort of marriage rather than live alone ([Kidushin 41a](#)) is cited as an ineradicable fact and not as a sociological observation prone to change. As such, these positions become restrictive and resistant to any human modification because any attempt to introduce a personal status change undermines the stability of the divinely ordained plan for how men and women should interact. This strongly suggests that alternate models of halakhic change other than the one offered by the Rav may be of value.

Rabbi Feinstein's halakhic process is less amenable to philosophical summary. It is strongly text based and builds on precedents recorded in rabbinic literature according to a hierarchy of authority for the sources. But, the empirical facts in the case are always introduced and commented on and factored into the final decision. In his famous *teshuvah* on *Ha-nashim*



dedicated learning. dynamic leadership.

Ha-sha'ananot, about women's prayer groups, written in 1975, Rabbi Feinstein applauds the spirituality of the women involved in the minyan (*Igerot Moshe*, [Orah Hayyim 4:49](#)). However, he rejected the proposed new format of women's prayer as heretical and reflective of external influences, namely feminism. Nonetheless, in the same *teshuvah*, he endorsed a wide range of halakhic practices that women had taken upon themselves over time like hearing the shofar on Rosh Hashanah or sitting in a sukkah, even though they were technically exempt from these commandments because they are time bound. This suggests that Rabbi Feinstein's conclusion about women's prayer group was based on what he perceived as the threat to Orthodoxy at that moment in historical time. His prohibition did not reflect an essentialist stance on women, prayer, or *minyanim*.

It is conceivable that different circumstances might have compelled Rabbi Feinstein's opinion to change. One can never know if this would have happened and it would be a mistake to project this onto Rabbi Feinstein's published responsa. But there is an empiricism about his approach, an Aristotelian willingness to observe what is happening in the world, in the language of the rabbis to go out and see what is being done. In a responsum that Rabbi Feinstein wrote permitting a woman to wear ear plugs during immersion in the mikva, a ruling that went against all published precedents, he embraced halakhic innovation (*Igerot Moshe*, *Yoreh De'ah* 1:101). He dismissed the fear of those unwilling to go against precedent as false modesty and potentially as dangerous as the humility of Rabbi Zecharia ben Avkulos. An examination of the person and her or his circumstances is much less evident in the Rav's high level cosmic analysis. The Rav placed less emphasis on the facts on the ground and is deeply skeptical of psychological notions that are counter to those expressed by *Hazal*. Reading Rabbi Feinstein's legal opinions, it is hard to imagine him expressing the harsh response that the Rav supposedly gave to the woman who in the apocryphal story came to him and asked if she could wear a *tallit* while praying.

There are other approaches that have been proposed to model change in *halakhah* and that are responsive to Christine Hayes' view of the rabbis. The position of the Rav is invoked in these discussions, one way or another, because he is considered the exemplar of Modern Orthodoxy. For example, consider the case of a recent festschrift published in honor of Blu Greenberg's eightieth birthday. There are two contributions that highlight her famous statement endorsing halakhic change, namely, "Where there's a Rabbinic will, there's a halakhic way." Tova Hartman contrasts the Rav with Rabbi Eliezer Berkovits. She asserts that Rabbi Berkovits was more open to change than the Rav because the former embraced the human aspect of legal decisions which compelled him to introduce compassion as an essential element in every decision he made. Also in that volume, Rabbi Yitz Greenberg advocates for change based on a reading of the Torah that is based on recognition of the centrality of God in *halakhah*. Moreover, he argues for change to promote greater inclusivity and justice for those in need. The contrast between the Rav and Rabbi Feinstein lurks in the background of these models.

What causes change? In a vigorous defense of maintaining the humanities in the educational curriculum, Helen Vendler wrote: “We do not respond, psychologically or emotionally as a nineteenth century citizen might have done: the larger culture, through its seismic intellectual and artistic motions, changes us, slowly but profoundly, in ways that can be measured only by a long look back at the evolution of human thought, feeling and action.” What Vendler claimed about art also applies to society as a whole. The Torah allows people to own slaves, mandating more care than the contemporaneous cultures, but accepting of slavery nonetheless. Even though Rav Avraham Yitzhak Kook endorsed slavery for some based on cosmic views of the status of the children of Ham (*Igerot ha-Ra’ayah*, vol. 1, letter 89), most modern Orthodox Jews reject slavery as an acceptable social arrangement because it offends our sense of human dignity. The world has changed and the law has been forced to follow in the wake of this change. Long ago, the rabbis viewed deaf people as equivalent to those with cognitive disability, a status that could not be altered. This is not consistent with current medicine and Rabbi Feinstein allows the use of a hearing aid despite potential halakhic objections. The halakhic conflict regarding women and efforts to enable them to participate in communal life to the fullest extent possible occurs against this backdrop of history and religion.

In the final analysis, it is clear that change is never easy. If one views law as hardwired into the structure of the cosmos, change becomes as imponderable as altering Avogadro’s number or Planck’s constant. Even if one looks at law from the human side, one has to deal with bending the crooked timber of humanity. It is hard work but it can be done by moving the source of light, watering the ground in a creative way, setting up different support systems. That is the wisdom of a living, humane halakhic system.