LEHRHAUS Over Shabbat

Hukat-Balak

Vol. 7, Issue 38 • 11 Tammuz 5783 / June 30, 2023

June's Lehrhaus Over Shabbat is sponsored by Lauren and David Lunzer to commemorate the 26th yahrtzeit of David's mother, Beila Raizel bas HaRav Binyamin, on 28 Sivan.

TO BE, OR NOT TO BE, A HOLY PEOPLE

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Review of Eugene Korn, *To Be a Holy People: Jewish Tradition and Ethical Values* (New York: Urim Publications, 2021).

In his newest book, *To Be a Holy People*, Rabbi Eugene Korn asks if age-old Jewish practices can continue to "be justified in the face of our modern understanding of justice, equality, and human flourishing?"[1] This is a fair question. After all, if the 2013 and 2020 Pew reports are correct in reporting that over 70% of American Jews believe that leading a moral life is essential to their Jewish identity, then most Jews are at risk of ceasing to live Jewish lives entirely unless there is a clear dedication to ethical integrity.[2] Similarly, R. Ronen Neuwirth *zt"l* confidently predicted that if Orthodox rabbis cannot "boldly and honestly provide a comprehensive, relevant, response to the questions of this generation using the halakhic tools of our eternal Torah, within a generation or two we are liable to find ourselves with a significantly weaker and smaller community of the halakhically observant."[3]

But what exactly is ethical integrity, and how can we make sure that Judaism aligns with it? The word ethics, Korn explains, signifies "the subjects of the development of human character, social responsibilities and personal duties."[4] Ethics are part of Judaism since many traditional texts "are often devoted to describing character development,

[1] Eugene Korn, *To Be a Holy People*, 9.

[2] Ibid., 10.

[3] Ronen Neuwirth, *The Narrow Halakhic Bridge: A Vision of Jewish Law in the Post-Modern Age* (Jerusalem: Urim Publications, 2020), 16.

[4] Korn, 17.

responsibilities and personal obligations"[5] through the use of explicit biblical imperatives, appealing to overarching values, and commitment to bringing about a just and God-fearing world. To use Korn's imagery, the ideal structure of Jewish ethics "is similar to a tree. Its branches are specific positivist laws, its trunk is formed by overarching values, and its roots are the ultimate messianic dream that nurtures the entire living body."[6]

Because Jewish ethics attempts to balance law, values, and vision, it often ends up allowing multiple competing opinions to exist side by side. As biblical laws are applied to modern situations through the medium of human reasoning, different applications of the same *mitzvot* can arise and practices can change over time in response to new situations. For Korn, questions that require new answers include technology, feminism, gender identity and sexual orientations, the status of Jews as full citizens in the Western world, and the reality of having a secure State of Israel. Korn suggests that examining these questions through the lens of Jewish ethics requires understanding four essential principles:

1. Jewish religion, ethics, and culture cannot be reduced to law alone. It is a dialectic of law, values, and vision.
2. Jewish ethics is interpretive and an ongoing process of bridging traditional values and imperatives with evolving moral consciousness and sensibilities.
3. Redemption *within* history is the dream for which Jewish ethics—and hopefully Jews—work relentlessly. This will be achieved through concrete acts—some obligated and some voluntary—in the physical and social world.
4. The doctrine that all human beings are created in God's image necessitates that there be no disconnect between moral and religious duties, or in other words, between Jewish ethics and theology.

This framework is truly beautiful in theory. In practice, however, many of the conflicts cited by Korn remain unresolved, and the attempted solutions highlight the conflict. To illustrate this, it is worthwhile to see how Korn treats an issue that North American readers will find relevant as a case study: challenges faced by the LGBTQIA+ community.[7]

[5] Ibid.

[6] Ibid., 19.

[7] Broadly, this would include the full range of concerns faced by members of the lesbian, gay, bisexual, transgender, queer (and/or questioning), intersex, asexual, etc. communities. This review, matching Korn's primary interest, will focus specifically on questions of male homosexuality.
This example is also useful because it presents the extreme disconnect between Halakhah as stated in the Torah itself and the contemporary ethical value of fully accepting the LGBTQIA+ community.

Korn writes that "Halakhic Jews have a moral responsibility to protect the welfare and equality of all non-threatening persons. Correct ethics require that LGBTQ persons be treated by others as full human beings to be understood and treated with compassion, not as problems to be solved."[8] This unequivocal statement is used by Korn to argue against dangerous and dehumanizing treatments such as conversion therapy and to celebrate statements which "recommend non-discriminatory policies towards all persons with same sex orientations and the religious obligation to treat them in their full humanity—all without violating the biblical prohibition against male homosexual relations."[9] But does Korn's approach really solve the disconnect between moral and religious duties? Is it enough to treat such individuals with compassion and full humanity when the existence of the biblical prohibition itself is cause for tremendous pain and suffering? Take, for example, the words of R. Steve Greenberg:

> My emotions accompanying the reading [of Leviticus 18] have changed through the years. At first, I felt guilt and contrition. Later, I felt a deep sadness for being caught up in gay desire, and I would petition heaven for understanding. After the reading, I would sob in my corner seat of the shul, acknowledging the pain of those verses on my body and spirit. I have tried to connect myself with Jews of countless ages, listening in shul to their deepest feelings of love and desire turned abhorrent, ugly, and sinful. Finally, listening has become, in addition to all else I might feel, a protest.[10]

Greenberg's response to these feelings was to search for creative rereadings of the relevant verses that put the prohibitions at play in conversation with the contemporary gay experience.[11] If, as Korn writes, "the most severe ethical challenges to halakhah for today require us to think anew about how to justly treat and promote the full humanity of women, heterodox, secular, and LGBTQ Jews, Jews of color, mamzerim … as well as gentiles—i.e, persons other than the white Jewish adult males, who traditionally dominated halakhic discourse and Jewish leadership,"[12] then the absence of Korn's making an attempt to go further in this regard is notable in that it seemingly prevents the full actualization of humanity for a large set of people.[13] One would have

[8] Ibid., 66-67.

[9] Ibid., 67.

[10] Steven Greenberg, *Wrestling With God and Men: Homosexuality in the Jewish Tradition* (Madison: University of Wisconsin Press, 2004), 74.

[11] Greenberg ultimately suggests four rationales for the prohibition (1. maximizing reproduction, 2. minimizing social disruption, 3. eliminating category confusion, and 4. limiting humiliation and violence) and argues how each of them are inapplicable to today's gay community.

[12] Korn, 68.

[13] This issue is seemingly ubiquitous within Orthodox Judaism, even in its most liberal varieties. The above-cited R. Ronen Neuwirth *zt"l*, who ran the rabbinic organization Beit Hillel, writes in the middle of his attempt to offer halakhic solutions for members of the LGBTQIA+ community that "the adoption of the term 'pride' by the LGBT community is a tragic

expected much more than what Korn offered if the intent was to alleviate the pain of these individuals.

In short, the ethical dilemmas faced by many members of the Orthodox community are clear, but calling for a solution is far easier than actually offering one. This is a major issue since Korn himself writes that "nothing falsifies claims to religious truth in human hearts and minds as does unjust immoral behavior."[14] This tension is made all the more apparent by Korn's consistent call to make Torah life-affirming and meaningful in today's world by bringing acute moral sensibilities into the conversation with hot-button issues. After all, "new realities demand that faithful Jews open up new horizons in Torah—horizons that include women's voices, the entire people of Israel and all human beings. They entail rethinking our liturgy and practices, while we continue to hold fast to the deepest values of Jewish practice and ethics."[15]

Korn seems to call for significant change but at the same time maintains that we must hold fast to both Halakhah and ethics. One wonders, though, whether he grapples sufficiently with what this might entail. It is instructive to examine two modern approaches to dealing with conflicts between ethics and halakhic practice in general, one Orthodox and the other not.

R. Aharon Lichtenstein's approach is that by definition, an ethical change in practice or liturgy cannot contradict Torah's plain meaning or normative Halakhah. R. Lichtenstein writes that religious and ethical concerns are inextricably woven together and cannot, therefore, truly be in contrast: "[W]e can only speak of a complement to Halakhah, not of an alternative. Any ethic so independent of Halakhah as to obviate or override it clearly lies beyond our pale."[16] While there are certainly factors like the preservation of life, enhancement of human dignity, quest for communal peace, and the mitigation of anxiety or pain that occasionally warrant significant leniency or even temporarily pushing the Halakhah aside, "these factors are themselves halakhic considerations, in the most technical sense of the term, and their deployment entails no rejection of the system."[17] Ethical considerations, then, are part of the halakhic system itself and cannot override

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distortion. Judaism believes in humility and modesty … While we should not judge a person by their sexual orientation, on the other hand, no person, of whatever orientation, ought to wave about their sexuality in public" (Neuwirth, 483). Though he goes on to write that Orthodox Judaism cannot and should not abandon those whose sexual orientations make it impossible for them to form an ideal Jewish family as understood by Orthodox halakhic standards, he adds that "empathy and concern do not mean that people ought not grapple with this challenge" and that "granting homosexual orientation complete acceptance and legitimacy can harm those people who do have a measure of choice regarding their sexual identity because it will prevent them from making the requisite efforts to face that challenge" (484). Friends of mine who identify with the LGBTQIA+ community have said that framings like this are incredibly painful for those outside of the heteronormative majority to hear, even if those who say and write such things mean well.

[14] Korn, 74.

[15] Ibid., 191-192.

[16] Aharon Lichtenstein, *Leaves of Faith: The World of Jewish Living, Volume 2* (Jersey City: KTAV Publishing, 2004), 38.

[17] Ibid.

that system's fundamental values.

On the other hand, an alternative approach can be found in the *integral Halakhah* of R. Zalman Schachter-Shalomi. Reb Zalman, as his supporters affectionately referred to him, called for people "to ask what it is that God wants from us today," even if such questioning ultimately results in "a change in practice, a new halachic modeling."[18] In other words,

> when we are no longer able to follow the [halakhic] form which our ancestors used … when the people themselves begin to feel that the tradition no longer works for them … we need to ask again what was the essence of the insight from which the practice emerged and consider creating a link between the same insight and a new or different practice.[19]

In the case of LGBTQIA+ concerns, this involves reinterpreting what gender, sexuality, and marriage mean in the contemporary world and how Halakhah can be made to fit that new paradigm.[20] Unlike R. Lichtenstein's approach, Reb Zalman explicitly acknowledges that Halakhah should adapt to changing moral sensibilities regardless of traditional precedent. Furthermore, Reb Zalman made it clear that such changes ultimately rely on the consensus of religiously committed (but not necessarily Orthodox) individuals "because we rely on the committed for an upward striving and a desire for transformation. When they manifest a consensus, it is one we can count on."[21]

Korn's perspective does not neatly fall into either

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[18] Zalman Schachter-Shalomi and Daniel Siegel, *Integral Halachah: Transcending and Including* (Trafford, Victoria, BC: Trafford Publishing, 2007), 8.

[19] Ibid., 11-12. To what degree this approach can be seen as part of the broader halakhic conversation is subject to debate. Shaul Magid, for example, prefers to frame Reb Zalman's approach as "post-halakha" because "it reimagines Judaism from its very roots without the obligatory tie to halakha or its past authority, while [remaining] committed to ritual as a basis of communal cohesion." Shaul Magid, *American Post-Judaism: Identity and Renewal in a Postethnic Society* (Bloomington: Indiana University Press, 2013), 7-8.
Ariel Mayse, on the other hand, has argued that "we would do better to identify three distinct—if roughly hewn—stages in Schachter-Shalomi's writings on Jewish law. His years until the early 1960s were defined by his commitments to Hasidism and to apologetics in favor of Orthodoxy … [From the mid-1960s until the late 1990s] he unmade legal traditions and remade rituals in light of his encounters with other religious traditions as well as new cultural currents … [and] in his later decades, Schachter-Shalomi's writings and oral teachings reveal his return to more traditional patterns of observance and praxis without relinquishing the core of the radical spiritual vision of his young adulthood." Ariel Mayse, Renewal and Redemption: Spirituality, Law, and Religious Praxis in the Writings of Rabbi Zalman Schachter-Shalomi, *The Journal of Religion* 101, no. 4 (October 2021): 464.

[20] A recent example of such thinking (albeit within a framework that is much more committed to traditional precedent than Reb Zalman) can be seen in the writings of R. Avigayil Halpern. In her words, responding to a responsa by R. Jeffrey Fox, "Queer sexual culture does not look like straight sexual culture … To ask halacha to meet the challenge of queer sex is not simply to ask which kinds of sex can be *mutar*, though, as I said above, that is important as well. But halacha—and poskim—must take the alternative vision of what sex is, what our bodies are for, and how we build relationships and communities, that is offered by queerness, and figure out how it sits with halachic structures and frameworks."

[21] *Integral Halachah*, 37.

model. Like R. Lichtenstein, Korn states clearly that "Halakhic texts and legal analyses are often indispensable to determining Jewish theological, philosophical and ethical ideas."[22] Furthermore, as shown above, his position on homosexuality is clearly opposed to radical rereadings of the biblical text itself.

On the other hand, Korn's repeated calls for change in the face of shifting moral consensus closely resemble Schachter-Shalomi's rhetoric. Korn claims, for example, that a halakhic system which is divested from current social and moral issues will become nothing more than a dry legal system, losing the commitment of those who are both religiously passionate and ethically motivated. In fact, if nothing changes, this generation's Jews "will deem halakhah inferior to more just systems, lose their conviction in it and renounce their halakhic commitment."[23] In one of his closing paragraphs, Korn even comes very close to making the claim we saw Reb Zalman make above:

> How future Jewish ethics are refashioned around the basic values of justice and compassion … will not be determined by any heteronomous revelation from above. It will emerge from below, out of the everyday deliberations, ethos and principles of Jews as they live their lives, interact with others, and build their future communities.[24]

The ultimate question, which Korn does not sufficiently address, is whether or not the halakhic system as currently understood can truly integrate with the demands of contemporary ethics. On the one hand, Korn shows a clear readiness to address uncomfortable questions. On the other hand, it's unclear how much alignment there can be when the challenges not only involve rabbinic stringencies or communal traditions but verses from the Torah itself. If the response to LGBTQIA+ concerns is any indication, completely aligning ethics and Halakhah is far easier said than done. But that is no reason not to narrow the gap where we can, and despite not always breaking new ground, Korn's work is still an excellent step in that direction.

Reclaiming the Classical Sephardic Tradition: Tracing its Origins and Evolution

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To engage thinking Jews living in the modern world, we must promote a vibrant Judaism firmly rooted in tradition but in tune with reality. A Judaism deeply connected with its identity and history, but receptive to new ideas. A Judaism that

[22] Korn, 224.

[23] Ibid., 73.

[24] Ibid., 249.

is tolerant, non-sectarian, and innovative, while remaining unconditionally committed to the framework of *halakhah*; intellectually sophisticated and sensible, but spiritually demanding and religiously inspiring; rigorous and substantive, but with room for music and emotions.

While many readers may not associate the above with contemporary Sephardic Judaism, these are, essentially, the core principles at the foundation of the classical Sephardic approach that underpin its entire ethos and vision. By classical, I mean the original Sephardic tradition of the Golden Age of Spain and those who strived to maintain that legacy. Sephardic Jewry has struggled to preserve its own intellectual heritage, which has resulted in this holistic outlook and deep well of tradition to slowly be overlooked and somewhat forgotten. It is time to reclaim the Sephardic tradition and remind ourselves and the wider Jewish community that being Sepharadi is not only about Mimouna and *hilulot*, fez hats, and henna at weddings, what goes inside the bourekas, jachnun, and kibbes, and our Pesah rice-heating habits – as important as they are. The aesthetics are trivial without the spirit that animates the tradition. It is time for Sephardic thought, with its rich literary and scholarly legacy and compelling worldview, to return to the forefront of Jewish public discourse.

Before tracing the historical roots of Sephardic Judaism and delving into key features of this approach to Jewish life and its challenges, I will begin by relaying my own experience, which illustrates, on a small scale, what has happened in many places around the world and why it is in great need of revitalization.

Gibraltar: A Microcosm Reflecting a Larger Trend in Sephardic Judaism

Gibraltar is a miniscule British overseas territory that lies at the southernmost tip of the Iberian Peninsula opposite the coast of Morocco, guarding the western entrance to the Mediterranean Sea. Geographically, one could say that Gibraltar is situated in the nexus of the Sephardic heartland.

I feel privileged to have grown up in this tiny but unique city, with its rich history and fascinating stories. Despite numbering fewer than one thousand Jews, it is a robust and well -organized community boasting more Jewish institutions than many cities around the world with far larger Jewish populations. It has four active synagogues, Jewish primary and secondary schools, several kosher shops and restaurants, a *kollel*, and a host of other communal facilities. It prides itself on being a Sephardic community, and this is most ostensible in its well preserved tunes, *minhagim* (local customs), and tasty cuisine.

Although it has managed to maintain its precious synagogue liturgy, beautiful melodies, careful pronunciation, and centuries-old family *adafina* recipes, a gradual process of Ashkenazi "Haredization" has somewhat diluted the community's traditional Sephardic character. As a result, and most probably its cause too, the majority of Gibraltarian youth attend Ashkenazi *yeshivot* after high school. Many, including myself, were and

still are encouraged to go to Gateshead Yeshiva – modeled on the famed Novardok chain of yeshivot that were once scattered across the Russian Empire – and many will typically end up in the Mirrer Yeshiva in Israel or other satellite yeshivot of that *haredi* persuasion.

Naturally, this has led to the adoption of certain ideas, values, norms, and even dress codes not indigenous to Sephardic Jewry, and this development has in turn resulted in the inevitable decline of Sephardic culture, awareness, and learning. I share my personal experience because this unconscious transformation is hardly unique to little Gibraltar; this process of acculturation has been transpiring in most Sephardic communities around the world over the last fifty years, rapidly accelerating in the last twenty years or so. It is a familiar story that will, undoubtedly, resonate with many readers.[1]

Now, some readers may wonder what exactly is the Sephardic tradition, if not its cultural expressions and colorful customs. Many self-identifying Sephardic Jews may relate the Sephardic with the mimetic practices they witnessed their grandparents transmitting, and this is certainly an integral part of the Sephardic experience. There is, however, an ideological dimension and mindset that has been largely neglected outside the confines of academia. This intellectual contribution is the most brilliant yet underappreciated component of our heritage. I discovered this body of thought through the writings and lectures of certain rabbis and academics who have taken it upon themselves to preserve and carry that flickering torch, such as the late Hakham Prof. José Faur, the late R. Dr. Abraham Levy, R. Dr. Marc Angel, R. Joseph Dweck, and Prof. Zvi Zohar, to name a few of these custodians. To better appreciate the Sephardic intellectual tradition, we will put its remarkable journey in historical perspective.

A Brief History of the Origins of Sephardic Jewry

Sephardic Jews have their roots in Babylon, the wider Levant, and the lands surrounding the Mediterranean, but the Sephardic identity truly took shape in Spain. Jews began to settle in the Iberian Peninsula in Roman times, and they continued to live in the region during the Visigothic Kingdom (fifth-eighth centuries) where they faced periods of persecution and restrictive laws. During Islamic rule (eighth-twelfth centuries), however, Jewish settlement in what was called *Al-Andalus* expanded significantly. The situation for the Jews began to gradually deteriorate with the Christian Reconquest, culminating in the Inquisition and the damning Alhambra Decree issued by the Catholic Monarchs Ferdinand and Isabella in 1492, which marked the end of any visible Jewish presence in Spain for five hundred years.

From the outset, it is necessary to stress the obvious fact that Sephardic Judaism is not monochromatic and Sephardic Jews are not a monolith. Each community has its own story, set of differences, and

[1] For more on the "Ashkenazification" of Sephardim, see Daniel J. Elazar, *The Other Jews: The Sephardim Today* (New York: Basic Books, 1989), xii, 203.

cherished variations that they hold dear. Indeed, following the Spanish expulsion in 1492, the Jews scattered across the globe; those who settled in Amsterdam, London, Hamburg, Italy, and the New World, came to be known as Western Sephardic Jews. These Jews have undergone a greater degree of European influence compared to other Sephardic societies. A very large proportion of exiles fled to North Africa and established thriving Sephardic communities across the Ottoman Empire, the Middle East, and beyond. Nonetheless, despite the geographical and cultural diversity of the Sephardic diaspora, there are still certain fundamental commonalities that stem from their shared origins in Sefarad (Spain).

Many of these foundational ideas and cultural values have been passed down through the biological and, oftentimes, ideological descendants of these Spanish Jews. The latter includes many Maghrebi and Middle Eastern communities (now commonly referred to, Eurocentrically, as *Mizrahi*) as well as Yemenite, Persian, Italian, and Indian Jews. Although their ancestors may not have directly descended from Spain, they absorbed essential aspects of the classical Sephardic tradition such as its liturgy, legal codes, and philosophical teachings. The Spanish identity and culture became so dominant that in many instances the Toshavim, or *Musta'arab* Jews, who predated the newly arrived Spanish refugee communities, even adopted Ladino and other imported customs. Thus, these non-Ashkenazic communities also came to be known, and began to identify, as Sephardic ones.[2]

The "Sephardic" approach to life that cultivated in Babylon, matured in North Africa, and fully developed in *Al-Andalus*, is best exemplified by the Andalusian model during the Islamic Golden Age, which flourished from the ninth to about the twelfth centuries. The Andalusian Jews not only harmonized their worldly pursuits with their religious lives, but they played an integral role in the cultural tapestry of Iberian society, occupying influential positions and actively contributing to the intellectual and economic landscape of Al-Andalus.

In this period, Jews were immersed in medicine, philosophy, poetry, philology, astronomy, music, trade, statecraft, and even military activity. Simultaneously, they produced groundbreaking works of Jewish thought, law, ethics, Talmudic commentaries, and Hebrew grammar. The likes of Hasdai ibn Shaprut, Jonah ibn Janah, Menahem ben Saruq, Dunash ben Labrat, Shemuel Ha-Nagid, Shelomo Ibn Gabirol, Bahya Ibn Paquda, Yehudah Ha-Levi, the Ibn Ezra and Ibn Tibbon families, and of course, Maimonides, saw no inherent contradiction between these two endeavors.

Even after the Golden Age, wherever Sephardic Jews settled, they continued to engage with wider

[2] As the historian Yom Tov Assis writes, "Sefarad is cultural and religious more than geographical and political." See "Sefarad: A Definition in the Context of a Cultural Encounter," in *Encuentros and Desencuentros: Spanish Jewish Cultural Interaction throughout History*, ed. A. Doron (Tel Aviv, 2000), 35.

society, be it commercially, politically, intellectually, or culturally. A by-product of this integrationist attitude is that Sephardim were largely proud and active contributing citizens of their host countries. This attitude often coexisted with a love of Eretz Yisrael. This dual love manifests most prominently in the *piyyutim* and poetry of the Judeo-Andalusian poets whose admiration of Spain harmoniously intertwined with their deep yearning for the Promised Land. [3]

The Sephardic Worldview

This rich history has yielded a distinctive and venerable intellectual heritage. The Maimonidean middle-path of moderation and timeless principle of "accepting the truth regardless of its source"[4] are inextricably linked and form an integral part of the DNA of the Sephardic tradition. These notions stand in sharp contrast to the outlook embodied by the slogan *hadash asur min ha-Torah* ("innovation is biblically forbidden") most famously championed by Rabbi Moses Schreiber [Hatam Sofer] (1762–1839), a teaching that is entirely unfamiliar to the Sephardic mind.[5]

Broadly speaking, the classical Sephardic approach is faithful to tradition and Torah but not petrified by modernity. It remains loyal to *halakhah* but imbues it with a spirit of tolerance, inclusivity, and compassion.[6] *Halakhah* evolves, but it does so organically and gently through a set legal framework rather than being swept away by social trends. So, while halakhic creativity and innovation are indispensable,[7] radical reform is unprecedented and deemed completely unviable.[8]

It is common for Sephardic *poskim* (legal scholars) to champion the Talmudic principle *ko'ah de-heteira adif* ("the ability to permit is preferable") and to utilize meta-halakhic notions that lean towards leniency, such as *derakheha darkhei no'am* ("its ways are ways of pleasantness") and *ha'alamat ayin*

[3] See, e.g., Yehudah Ha-Levi's "My Heart is in the East," and Abraham Ibn Ezra's "The Lament for Andalusian Jewry," in Peter Cole's *The Dream of the Poem: Hebrew Poetry from Muslim and Christian Spain, 950-1492* (Princeton University Press, 2009), 164, 181.

[4] See a variant in the foreword to *The Eight Chapters of Maimonides on Ethics* (New York: Columbia University Press, 1912), 35-36.

[5] See *Shu"t Hatam Sofer* OC 1:28. This phrase originates in Mishnah *Orlah* 3:9. R. Schreiber's reactionary response should be understood in the context of the Haskalah (Enlightenment) movement. See Jacob Katz, "Outline of a Biography of Hatam Sofer" (1968), republished in Katz, *Halakha ve-Kabbalah* (Jerusalem, 1984), 353–386.

[6] Rabbi Hayyim Yosef David Azulai (Hida) attributed the traits of *hesed* and *gevurah* to the respective approaches towards *halakhah*. See Rabbi Binyamin Lau, *Ha-Hakhamim*, vol. 1 (Beit Morasha, Jerusalem, 2007), 196.

[7] Rabbi Hayyim David HaLevi, Chief Rabbi of Tel Aviv (1924-1998), writes about how halakhic innovation is testament of the Torah's eternity. See Micah Goodman, *The Wondering Jew: Israel and the Search for Jewish Identity* (Yale University Press, 2021), 170. For case studies on Sephardic halakhic creativity, see Zvi Zohar, *Rabbinic Creativity in the Modern Middle East* (A&C Black, 2013).

[8] See, e.g., Rev. Dr. Henry Pereira Mendes' remarks in 1891, cited in Marc D. Angel, "Thoughts About Early American Jewry," *Tradition* 16 (1976), 12.

("turning a blind eye" in cases where insistence upon complete fulfilment could lead, in practice, to their complete violation) as guiding principles to their interpretation and application of *halakhah*.[9]

In the absence of a *Sanhedrin*, there are, of course, limitations to post-Talmudic rabbinic authority. The reestablishment of a *Sanhedrin* would theoretically grant the ability for rabbis to resolve many fundamental societal issues. According to Maimonides, the reinstitution of a *Sanhedrin* does not require a supernatural intervention but rather merely sufficient rabbinic will and consensus – perhaps the ultimate miracle.[10]

In the spirit of Maimonides' philosophy of moderation, the Sephardic *posek* tends to eschew *humrot* (additional strictures), avoid imposing stringencies on the *kahal* (community), and publicize the *ikar ha-din* (fundamental law) as the *halakhah*. As Rabbi Yosef Messas writes, "We the Sephardim walk through the Valley of 'Equilibrium,' which is the the Valley of the King who rules the world, Blessed be He, prohibiting only that which is prohibited, permitting that which is permitted, and only adding a few *humrot* on certain well known matters and without creating additional fences around the baseline *halakhah*."[11]

Another major part of the classical Sephardic tradition is the general stance towards the Written and Oral Laws, which is shaped by its Ge'onic-Andalusian rationalist tendencies, and differs quite starkly with other traditions that espoused a more literalist and rigid interpretation. Many of the *Ge'onim* and Sages of Old Sepharad did not interpret the entire biblical narrative at face value because the Torah is neither a scientific textbook nor a historical treatise, but rather, primarily, Israel's law and constitution embedded within a national narrative and collective memory.[12]

Consequently, certain phrases or stories found within *Tanakh* are viewed as allegorical and interpreted figuratively.[13] Similarly, the many fantastical anecdotes and bizarre statements one finds in the Talmud need not be accepted uncritically. These *hakhamim* celebrated the intellect, and the suspension of common sense was not a prerequisite to the study of Talmud. In their

[9] While this attitude and these methodological principles are of course not exclusively Sephardic, they represent the classical Sephardic *halakhic* norm and tendency. See Ariel Picard's analysis of Rabbi Ovadia Yosef's approach to *halakhah* in "Freedom, Liberty and Rabbi Ovadia Yosef," *Havruta Journal* (Fall 2008).

[10] Maimonides, *Hilkhot Sanhedrin* 4:11. In 16th-century Safed, there was an attempt to renew *semikhah* and reinstitute a Sanhedrin by Rabbi Jacob Beirav and Rabbi Yosef Karo. See Mor Altshuler, "Rabbi Joseph Karo And Sixteenth-Century Messianic Maimonideanism," in *The Cultures of Maimonideanism: New Approaches to the History of Jewish Thought* (Brill, 2009), 191-210.

[11] Yosef Messas, *Collection of Responsa* 1:161. See also Radbaz, *Responsa*, part 4, no. 1368.

[12] See Jose Faur's introductory remarks in *The Horizontal Society: Understanding the Covenant and Alphabetic Judaism*, 2 vols. (Academic Studies Press, 2019), Section IV, 215 and Section II, appendix 6, 54.

[13] See, e.g., Sa'adia Gaon in *Sefer Emunot ve-Dei'ot*, Book VII; Maimonides, T*he Guide of the Perplexed*, introduction or II:25; Yehudah Ha-Levi, *Kuzari* 1:67.

eyes, *Midrash* and *Aggadah* are rabbinic rhetoric that consist of idiomatic metaphors, riddles, parables, and folklore.[14] *Derashot* (rhetorical and hermeneutic tools of exegesis) and *gematria* (numerology) were not the source of laws, but rather a rabbinic art and creative language used, symbolically, to express connections, lessons, and moral instruction derived through human logic and received tradition.

A traditional Sephardic approach to education places far more emphasis on Mikra (Scripture), precise Hebrew grammar, familiarity with Mishnah, and *halakhah le-ma'aseh* (practical application of Jewish law), rather than on commentaries, Talmud study for its own sake, and *pilpul* (hair-splitting textual analysis).[15] The notion of *kollel* for the masses was unheard of because, in the Sephardic world, only the most advanced students would proceed to Gemara, attend yeshiva, and eventually, in many cases, enroll in rabbinic academies where they would be trained to become community rabbis.

Finally, but crucially, Sephardic Jews may be very diverse, but they shy away from sectarianism. There has always been a wide spectrum of observance and opinions, but that did not lead to denominational splits or new factional movements. As a result, congregational rabbis were forced to deal with a whole range of societal issues and less-than-ideal situations far more frequently than their Ashkenazic counterparts in the *shtetl* and in their segregated Orthodox communities. As a result, less-observant Sephardic Jews continued to see themselves as part of the community, and the general tolerance shown towards those less committed meant that the door was open to a much wider circle of Jews.

Having broadly surveyed the history and conceptual underpinnings of the classical Sephardic approach, I return to the issue of "Ashkenazification." What happened to the classical Sephardic tradition?

The Decline of the Classical Sephardic Tradition

While the classical Sephardic approach has been overshadowed by other competing attitudes and ideologies, its fire has never been completely extinguished, and it remains a living tradition. Granted, it manifested and evolved differently in Amsterdam, Livorno, Philadelphia, Constantinople, or Salonica as it did in Meknes, Alexandria, Sana'a, Baghdad, or Damascus. Nonetheless, the tradition which championed *Torat Sefarad* and many of its original core principles has survived the test of time.

The classical intellectual tradition, though, has suffered, and there are several possible reasons for its near demise and why it has been largely marginalized within, or perhaps by, mainstream Orthodoxy. Firstly, the general Sephardic-

[14] Cf. Yitzhak Berdugo, *Understanding Hazal* (Da'at Press, 2022).

[15] In many places, the curriculum included secular studies and various languages that granted Sephardim access to different branches of wisdom. See Marc Angel, *Voices in Exile: A Study in Sephardic Intellectual History* (Ktav Publishing House, 1991), 180-188.

Ashkenazic population divide has enormously shifted. While Sephardic Jewry comprised over 90 percent of world Jewry in the year 1170, five hundred years later it was about fifty-fifty. By 1900, 90 percent of Jews were Ashkenazic.[16] This dramatic demographic swing combined with the socio-economic conditions (that partly caused this reversal), as well as all of the consequences of a minority becoming subsumed within an overwhelming majority, provides some important historical context that can help us understand how and why the Sephardic tradition has waned.

Furthermore, there are several significant historical factors that account for the decline of the classical Sephardic tradition, such as the Maimonidean controversies of the Middle Ages. The fiery clashes and polemics that began to surface among proponents and opponents of philosophy and Maimonides during the last years of his life, and then again, repeatedly, in the thirteenth and fourteenth centuries, majorly impacted the course of Sephardic history. The bans and threats drew many away from the predominance of philosophical speculation and caused many to turn to Kabbalah. The spread of the Zohar, and then later Lurianic Kabbalah in the 16th century, undermined the classical Sephardic tradition by providing a cohesive framework independent from science and non-Jewish wisdom, thus negating the utility of external studies and the rationalist thinking that typified the Andalusian philosophical approach. Since then, the further popularization of the Zohar and mainstreaming of kabbalistic teachings continued to displace and eclipse many of the ideas and ideals of the classical Sephardic approach.[17]

The decay of the classical Sephardic tradition can also be attributed to external circumstances. During the Islamic Golden Age of Spain, the Jews lived in relative peace and harmony with their Muslim overlords and Christian neighbours, and they were part of a highly advanced and sophisticated culture.[18] This engendered a pluralistic environment which was conducive to the pursuit of knowledge and intellectual accomplishments. As less tolerant Islamic sects took control of Arab lands following the devastating pogroms of 1391 throughout Castille and Aragon, the conditions were no longer as favorable to the classical Sephardic approach as they had been in earlier times.

With the rise of religious persecution, there was a shift away from abstract philosophical and scientific thought towards Kabbalah. It is understandable why, in times of suffering and hardship, the corpus of eschatological literature proliferated and many Jews found intellectual refuge in the enchanted,

[16] Figures are taken from Arthur Ruppin, quoted in H.J. Zimmels, *Ashkenazim and Sephardim* (London, 1958), 97-98.

[17] See Yamin Levy, *The Mysticism of Andalusia: Exploring HaRambam's Mystical Tradition* (MHC Press, 2023).

[18] For scholarly debates regarding the treatment of Jews and Christians under Islamic rule, compare María Rosa Menocal, *The Ornament of the World: How Muslims, Jews, and Christians Created a Culture of Tolerance in Medieval Spain* (Back Bay Books, 2002); Chris Lowney, *A Vanished World: Muslims, Christians, and Jews in Medieval Spain* (Oxford University Press, 2006); Dario Fernandez-Morera, *The Myth of the Andalusian Paradise: Muslims, Christians, and Jews under Islamic Rule in Medieval Spain* (ISI Books, 2016).

mysterious, and hopeful world of Kabbalah in which each action, no matter how insignificant, is endowed with cosmic significance. As a result of these circumstances and influences from surrounding magic-oriented cultures, a popular religion that is into *segulot* (charms) and superstition has prevailed among large swathes of the Sephardic populace. Many of these practices and beliefs stand in contrast with the ideals of the classical Sephardic tradition.[19]

Conclusion

Today, we live in an enlightened age of information and science. We have technology at our fingertips that can grant us access to all branches of knowledge. We live in an era where access to higher education is unparalleled and going to university is the norm. We live in a time when Jews have more freedom to practice their faith than at any other time in history. In this climate, the classical Sephardic tradition that once blossomed can again be fruitful and thrive.

We need to promote a Judaism that can comfortably synthesize its universalist ideas with its particularist narrative. A Judaism that shapes and informs the world but is also shaped and informed *by* the world. A Judaism whose body might temporarily be in the West but whose heart is constantly in the East. A Judaism that will elevate Israel and enable it to fulfill its providential duty to be a light unto the nations.

It is, therefore, incumbent on Sephardic Jews to reclaim their past and set it as a model on how to live a traditional life in the modern world, actively engaged in both God's Word and World. Let us heed the call of Rev. Dr. Henry Pereira Mendes urging for "a revival of Sephardic activity, a renewal of Sephardic energy, an earnest demonstration of fidelity to God and Torah, [and] a continued proof by our own lives that culture and fidelity can go hand in hand."[20]

It remains our duty to reinvigorate this ancient and beautiful tradition, amplify its distinct voice, and *le-hahzir atarah le-yoshnah*, to return the crown to its former glory.

[19] Marc Angel, *Voices in Exile*, 16; see also José Faur, *In the Shadow of History: Jews and Conversos at the Dawn of Modernity* (SUNY Press, 1992).

[20] Rev. Dr. Pereira was Minister of Congregation Shearith Israel in New York, and delivered this sermon at Lauderdale Road Synagogue on July 27, 1901. See Eugene Markovitz, "Henry Pereira Mendes: Builder of Traditional Judaism in America" (PhD diss., Bernard Revel Graduate School of Yeshiva University, 1961), 250.