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## Vayetze

Vol. 10, Issue 10 • 8 Kislev 5786 / November 28, 2025

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### ***The Laws of Asmakhta Are Already Written in Our Hearts***

*Yonah Lavery-Yisraeli lives in Queens, NYC, and learns and teaches at Yeshivat HaHakshava, among other places.*

If time is a river, Hazal would say we stand with our backs to its current. We face the downriver past, able to evaluate what has already drifted into view, but oblivious to what swims toward us from the future. When Moses asks to travel into the future to see R. Akiva, G-d tells him, “Turn to what’s behind you.”<sup>1</sup> This terse, rather mysterious wording makes sense once we understand that the Talmud conceives of our usual state as facing the past – unless the Divine unsticks us, enabling an upriver glance. But in our days, we as a culture seem to have turned our backs on the future in

more ways than one. “People change” has become a satisfying explanation for the end of a marriage. A promise to attend a celebration is little more than a proclamation of theoretical support for the celebrant. No previous mishap is too small to dissect in endless ruminating, and no commitment is too large to evade. The forward gaze into the past is relentless, and our relationships pay the price, because to locate interpersonal bonds exclusively in the past is to forever watch them recede. If we cannot fully free ourselves of this posture without divine assistance, at least we can grow our awareness into the peripheries of perception. Metaphorically, we can tune our senses to change in the riverflow as it pushes on our back, and mentally engage with what causes such change. Literally, we can begin to think of the future as

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<sup>1</sup> Menahot 29b.

something which can and must be monitored in order to deal with it responsibly. We can, for example, use self-awareness to anticipate likely challenges and adjust our stance to meet them. If we are unaccustomed to practicing self-awareness to such an aim, or have been lulled into a permanent state of improvisational despair which leaves no room for decisive planning, well, no matter – we are not without a tutor in the form of rabbinic literature.

The art of understanding when a commitment shifts from soothing words, meant to allay the worries of a listener, into an obligation which we cannot shirk without incurring or inflicting damage, is known in halakhic texts as *asmakhta*. An *asmakhta* is the appearance of commitment where it does not actually exist. We might call *asmakhtot* “precarious agreements,” as their framework harnesses overt consensus with unarticulated or even contrary aspirations from the parties. Such misyoked communication means that while a deal might initially seem valid, closer examination could reveal it has characteristics of an *asmakhta*, making the deal non-binding. An example from the Gemara is when two people bolster each other’s confidence in a deal which they have struck by committing to a penalty they intend to work to avoid:

One... gives a [monetary] security to their fellow, and says, “If I go back on my word, this security is

forfeit to you,” and the other responds, “If I go back on my word, I’ll double the security for you.”<sup>2</sup>

Whether the security is doubled or lost has no intrinsic impact on the success of the deal the parties really want to make. Rather, each is proving their seriousness to the other – revealing, as they do so, that proof was needed. Because the parties have no actual wish to resort to the mechanism of the security, we say that neither party actually finalized the agreement.<sup>3</sup>

This is a messy area of Jewish law. That makes it a perfect match for the mess of our lives. Laws of *asmakhta* will not provide ordinary people with a clear guide for when they have slipped into obligation to one another, given the fact that it is extremely challenging to distill its complex network of material into a quick set of rules. Instead, learning *asmakhta* gives us language to describe what is already happening when we try to make plans and bring one another into the future. It does this the way that learning Shabbat laws of *mitasek* (automatic, unconsciously-performed action) and *pesik reisha* (inevitable consequence, which is considered to impact our motivation whether or not we are aware of it) give us a treasure of nuance for discussing intentionality, and unique tools for interrogating what we really mean to do. It does this the way that laws of *migo*<sup>4</sup> give us a powerful lens to examine the way we orient ourselves under stress

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<sup>2</sup> *Bava Metzia* 48b.

<sup>3</sup> *Mishneh Torah, Hilkhoh Mekhirah* 11:4.

<sup>4</sup> A tool to assess the truth of a claim: if a claim avoids using the typical assertions that a well-made, self-serving lie would use, the claim is more likely to be assessed as reliable.

between truth and lies. Will the laws of *asmakhta* alone turn us into more accountable people? No, we need the whole Torah for that, and particularly a revival of interest and vernacular fluency in concepts and practices raised in *Hoshen Mishpat*, *i.e.* traditional Jewish jurisprudence. But in an age where weary lack of follow-through has become our dismal expectation, learning *asmakhta* can go some way toward recalibrating our intuition.

To explain how, some background is required. Etymologically, the word *asmakhta* comes from the root *s-m-kh*, to support. Berachyahu Lifshitz posits that this is because originally an *asmakhta* was understood simply as a binding promise; the term refers to the affirmation both parties give to each other to pre-authorize a future transaction.<sup>5</sup> If so, it was perhaps understood in a new, pejorative sense by rabbinic invalidators of *asmakhta*, as it is sometimes said to be made merely in order “*lehasmikh haveru*,” to cultivate a general sense of trust in the other person, rather than to craft a reliable joint course of action.<sup>6</sup> Thus, it shares a certain emotional DNA with *pitumei milei*, “enticing words” spoken by a seller to coax a nervous buyer into accepting a deal as-is, without explicitly addressing the buyer’s concern in their contract.<sup>7</sup> In a way, all Halakhah relating to *asmakhta* wrestles with this central

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The halakhic literature on *migo* dives deeply into patterns of self-preserving behaviour under stress.

<sup>5</sup> As preserved in the *shitah* of R. Yose. Berachyahu Lifshitz, “Mahutah Shel Ha-Havtahah be-Mishpat,” in *Sefer Gavriela Shelo: Iyunim be-Torat HaHozeh*, eds. Yehuda Adar et al. (Tsafririm: 2021), 205, [accessible at https://www.academia.edu/112479087/Berachyahu\\_Lifshit](https://www.academia.edu/112479087/Berachyahu_Lifshit)

question: how much should we trust a promise? The question is as painful today as it ever was. Unsure of when responsibility is incurred, indeed only vaguely and uneasily aware that responsibility enters the equation at all, in moments of stress we default toward the lowest-energy option, falling back time and time again toward isolation. If we immerse ourselves in the laws of *asmakhta*, and gain a clearer sense of what is at stake in our agreements with one another, we can elevate ourselves out of this muddy stalemate.

It must be emphasized that the suggestion is not that we use the halakhic framework of *asmakhta* as a simple heuristic for deciding when we incur blame for wriggling out of our obligations. Rather, we can allow rabbinic literature about *asmakhta* to socialize us into a wiser way of being. We depend on people in multiple arenas, such as the home, the street, and the workplace or school, to present us with the feedback we need to develop. In a similar way, each stratum of rabbinic literature offers its own distinct community of voices which challenges and supports us into new growth. We know that it would be weird and self-defeating to view our social circles as a mass of dubious information from which we should extract and studiously apply a single “correct” piece of advice, which then can serve as our byword through life.

[z The Essence of the Promise in Mishpat Ivri in Aharon Barak Yehuda Adar and Efi Zemach eds Essays on Contract Law and Theory In Honor of Gabriela Shalev Jerusalem Nevo 2021 205 232 Hebrew .](#)

<sup>6</sup> *Sanhedrin* 24b.

<sup>7</sup> *Bava Metzia* 66a.

The clever child listens carefully to the crossing-guard, the panhandler, and the shopkeeper alike, not with an eye to universal obedience, but because she knows that only a complicated and varied pool of information can help her through this complicated and varied life. It may seem naive to argue that the way we treat one another can be improved by a Torah study. It may even seem sadly counterfactual. However, when learning is done in full awareness of a current problem, not behind closed doors but in open community, it may be the best hope we have of really changing course. When asked how the Sanhedrin could have prevented the war that broke out following the *Pilegesh be-Givah*,<sup>8</sup> Hazal responded:

The Great Sanhedrin, which Moses and Joshua and Pinhas ben Elazar had left behind for [the people], should have gone and tied cords of iron about their hips, and hiked up their clothes above their ankles, and circulated through all the towns in Israel: one day to Lakish, one day to Beit El, one day to Hevron, one day to Jerusalem, and so to all the places in Israel. And they should have taught Israel proper behaviour for a year – or two, or three! – until Israel had settled in the land.<sup>9</sup>

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<sup>8</sup> Sefer Shofetim chapter 19.

<sup>9</sup> *Tanna de-Eliyahu Rabbah*, chapter 11.

Although the Sanhedrin had every tool of coercion available for its use, as well as the ability to craft the most lucid and compulsory *pesak*, the Rabbis see its most powerful tool as that of face-to-face education which socializes as it informs. We, too, live in estranged and unsettled times, and this type of deep, open learning is as available now as it was in days of legend. And it is precisely *derekh erez*, proper behavior, which we can set as our goal in learning about *asmakhta*.

What is rabbinic material on *asmakhta* like? I would like to take the reader around this village of thought, and to draw out points which illustrate how it is “very close to you, in your mouth and in your heart” (Devarim 30:14), rather than an intimidating pie-in-the-sky Rabbinic abstraction of an abstraction. To avoid getting stuck on a single strain of thought and proclaiming it the most true or false, as well as to avoid redundancy with excellent systemic overviews on the subject, I will begin not with a survey of the literature, but with a sampling of characters: that is, what the form of each rabbinic stratum has to teach us, in analog with the spheres of home, school, etc. mentioned above which act as major sources of socialization. It is striking that the Talmud shares suspicion of the too-tidy scramble for a halakhic bottom line: when it teaches us about *asmakhta*, the Talmud presents us not with a pat set of rules, but with a series of tableaux about people who have made unstable or precarious agreements.<sup>10</sup> The

<sup>10</sup> See, among others, the gamblers of *Sanhedrin* 24b, the errand-runner of *Bava Metzia* 73b, the debtor of *Bava Batra* 168a, and the time-activated divorce of *Nedarim* 27b. See

narrative form invites us to map these stories against our own experiences, while the overlay of decisions by Hazal as to which agreements were binding provides a checkpoint for our intuition, obliging us to stop and interrogate our own reactions.

From these, medieval and post-medieval rabbis tease out principles, which can be more freely applied to a broader range of scenarios. This is no easy task: “I exhausted myself, and struggled, and found difficulties and debates to be had on each one from every angle,” records Rashba.<sup>11</sup> Despite the fraught debate on how to describe *asmakhta* in a complete, universally-applicable way, it is interesting to note that generations of *posekim* have felt more or less confident about identifying it in the human activity they see around them, *i.e.* in their responsa. “I’ll know it when I see it” seems to apply here, a saying which indicates that intuition has matured enough to match the complexity of real life, outpacing our middlebrow attempts to turn wise choice-making into a task achievable via checklist. This system-resistant outcome is a validation of the Gemara’s tableaux approach. Yet it would be too easy to call the project of post-Talmudic *asmakhta* thinking a failure. Rather, each source highlights crucial details, and describes the relationship between the factors involved in commitment-making in fresh and illuminating ways. They are like the blind elephant-feelers of [Indian parable](#), each of whom lays a hand on a different part of the animal and consequently describes it in what are, on the

surface, contradictory terms: “Like a snake,” says the one feeling its trunk, and “Like a tree,” says the one feeling its leg. We must become their blind students, listening through their words to envision the live beast they are skillfully handling.

That said, the reader deserves fair warning. In a typical piece dealing with Halakhah from a philosophical angle, it is expected to take something of a softer focus to the material, bringing broader trends and big-picture ideas. But my argument is that we must get in the weeds, because that is precisely the most delightful and informative place for our minds to play. Hopefully we do not need anyone to tell us that learning Torah is good for us. But we often need real examples – be they representative of a rabbinic consensus or not, be they well-known or not – to show us that rabbinic literature is not an intellectual chess game, but a real conversation about issues that already matter. Why should philosophy be fuzzy? Are we perhaps concerned that if we incorporate detail, our grand claims will be belied? If we actually trust that Torah is true, rather than stating so by way of declaring our fealty to a particular social or religious faction, we can trust-fall our way down the twistiest Early Modern summation, or the strangest medieval responsum. When we open our eyes at the bottom, what we will see will be strangely familiar.

So where to begin meeting this raucous crowd of material – or, for that matter, the dubious, half-hearted enterprises of life? From a place of

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also the various deals described in *Tosefta Bava Metzia* 1:16-17.

<sup>11</sup> *Teshuvot Ha-Rashba*, Part 1, Section 833.

healthy skepticism. “Every ‘if’ fails to complete a deal,” says Rabbah.<sup>12</sup> He means that when someone says they will do something if X, our default understanding is that they are not really expressing commitment – even granted the named condition is met. Should you invite me to your party at the park, and I say “Yes, if the weather is nice that day,” Rabbah will not be surprised when I fail to show despite fair skies. Indeed, he will tell you that you should not have bothered to bring food on my behalf.

The question, of course, is how to elevate conversations above this nervous dance. It cannot be done by treating *asmakhta* as a technicality which can be overcome with a matching technicality. If a timid promise flags as a potential *asmakhta*, an interpersonal problem already exists, whether one steamrolls over it or not. For example, one characteristic of *asmakhta* is an expressed willingness to accept punishment if a goal is not achieved or a deadline not met. Everyone knows from experience that remembering dramatic promises one has made in the past rarely feel well-considered or even applicable later on, when so much has changed. That reality cannot be circumvented with clever phrasing alone.<sup>13</sup>

In the illustration given above, your goal as host is not to entrap potential guests in legalities, but to determine who really does intend to come, and

create enough accountability between both sides to overcome low energy at the appointed hour. Although sometimes treated as a technicality arising not from life but from a posited overarching logic inherent to second-order halakhic thinking, laws of *asmakhta* in fact directly address real-life concerns. They are thus on our side; by “us” I mean not one party over the other, but on the side of all people who seek a better way of relating. In the story of the party in the park, they have already been helpful by handing us a warning sign that what seems like agreement may in fact be signaling its opposite. The problem is the manifestation of hesitation now, so its obvious remedy is to address the now. In fact, conditional property transfers can ensure they are not *asmakhtot* by literally stating that should the specified conditions be fulfilled, the transfer takes place “from now.”<sup>14</sup>

The technique works because it invites the parties to pay attention to their immediate thoughts and feelings, and resolve on a course of action that feels vivid and real despite its conditionality. An RSVP is an action that indicates that commitment begins “from now,” *i.e.* from when it is marked and returned. It may be decreasingly effective in proportion to the way in which a modern RSVP fails to bring the respondent into the now; perhaps clicking a box on an online form is too fleeting and insubstantial an experience to make a footprint in our mental present. There may be

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<sup>12</sup> *i.e.*, is an *asmakhta*. *Bava Metzia* 66b.

<sup>13</sup> For a discussion of how this applies to facilitating the giving of bills of divorce, see R. J. David Bleich, [Contemporary](#)

[Halakhic Problems vol. III](#), part 2, chapter XIV, available at <https://tinyurl.com/3bkzfz2j>.

<sup>14</sup> *Bava Metzia* 66b, *Shulhan Arukh Hoshen Mishpat* 207:14.

other scenario-appropriate ways of making the agreement vivid enough to be truly decisive. The Gemara considers a loan where the lender wishes, in the event of default, to acquire a field worth much more than the initial loan. Certainly the air of disproportionate risk, even of penalty, lends the whole exchange the atmosphere of a terrible gamble. *Tur*<sup>15</sup> states that *asmakhta* can be avoided by stating explicitly what is on the line and how: “If you default, I’ll collect this little orchard right here, and nothing else,” say, as opposed to “it will be mine.”<sup>16</sup> His insight is that by triggering a clear picture in the now, we can better face what we are willing to do and not do. In a similar way, if you are uncertain whether I really mean if I will show up, you might gently probe a few specifics: “I suppose you’ll be coming on the F train?” “Will we be meeting your little one, or are you thinking about finding a babysitter?” If you are the one being prompted to do something, you might use the tool on yourself by picturing the steps involved. The alchemy of imagination turns Rabbah’s evasive “if” into more of a “when,” granting enough mental contact with the proposal to decide more firmly whether or not to commit.

There are other ways I could respond to your invitation that might raise your eyebrows: “If I can find a ride,” perhaps, or more baffling, “If I don’t come, I owe you \$5,000.” It becomes uncertain what I am really expressing and to what extent I

mean it. Sifting through frameworks created by his thought-ancestors and his colleagues alike, *Beit Yosef* distills two factors helpful in figuring out when an offer is really an *asmakhta*: to what extent the condition is in the promiser’s power to achieve, and whether the penalty the promiser stipulates for him or herself seems all out of proportion to the actual issue at hand (*guzma*).<sup>17</sup> The role that exaggeration plays is easy to grasp. We already intuit that when someone offers to punish him- or herself extravagantly, a paradoxical diminution is at work: “So sue me!” means “Leave me alone,” and “I know, I’m such a beast” means “But you know that and accept me on some level, don’t you?” Studying *asmakhta* reminds us that we don’t have to go along with the expected flow of such self-deprecations, but can take them as an opportunity to reroute the conversation in order to establish mutual recognition of the problem: “Wait, to me this is serious. Is it also serious to you?”

What is especially salient about *Beit Yosef*’s analysis is how he treats agency. Thinking about a condition based on total chance as opposed to total choice, he deftly identifies the zone of greatest hesitation as a blend of the two. He picks three Talmudic examples to illustrate the spectrum: for chance, gamblers, to whom all depends on an uncontrollable roll of the dice<sup>18</sup>; for choice, a sharecropper who offers to penalize

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<sup>15</sup> Unlike *Shulhan Arukh*, though followed by Rema.

<sup>16</sup> *Tur Hoshen Mishpat* 207:9.

<sup>17</sup> *Beit Yosef* 13 to *Tur Hoshen Mishpat* 207.

<sup>18</sup> *Sanhedrin* 25a.

himself, should he not work the field, by paying from the best of his land.<sup>19</sup> The inscrutable middle of the spectrum is represented by someone who accepts money to go buy wine, but doesn't buy the wine. Does the errand-runner owe more than simply paying back the money which had been given, because of the purchaser's lost opportunity?

Rav Hama said: "This refers to one who gives money to a friend to buy wine, but he was negligent and didn't buy it. He pays him back according to the going rate of wine at the port of Zulshafat." Amemar said, "I mentioned this teaching before Rav Zevid from Nehardea, and he told me that when Rav Hama said 'wine' he meant wine in general, but if the errand had concerned a specific type of wine, who could say if that wine would even be available?" [i.e. a genuine opportunity did not necessarily exist to be lost.] Rav Ashi said: "Even regarding wine in general, there is no [additional penalty for failing to complete the task]. What is the reason? Because it's an *asmakhta*, and an *asmakhta* is not a done deal."<sup>20</sup>

Thinking this through, *Beit Yosef* writes that a type of *asmakhta* occurs when

...something is partially but not wholly in one's power to do, like in the case of the wine from Zulshafat. Because [the task is] initially partially under his power, he does not completely commit to it, as one figures that there will be wine to sell – but if others don't want to sell it, he will not be able to purchase it. That is what Tosafot wrote...<sup>21</sup>

Here, *Beit Yosef* comes intriguingly near a psychological analog to *sefek sefeka*, the "double-doubt" which can loosen the strictures of prohibition in a given situation. A gambler is full of one crystal-clear doubt, namely, what the dice will reveal, but knows precisely what he or she is doing and commits anyway. Sharecroppers have many doubts about the extent to which success is possible given a changeable environment, but know that their own effort, and thus the extent of their own professional liability, is under their control. But that space in-between, which depends on both, is deadly to commitment: blaming exterior factors, we might escape responsibility for the interior; blaming interior factors, we escape the expectation that we

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<sup>19</sup> *Bava Metzia* 104a.

<sup>20</sup> *Bava Metzia* 73b.

<sup>21</sup> *Beit Yosef* 13 to *Tur Hoshen Mishpat* 207. The referenced *Tosafot*, to *Bava Metzia* 73, s.v. "Hatam be-yado hakha lav be-yado," brings up the ephemerality of commercial sales.

navigate the exterior. Simply being aware that plans made through this tricky territory have a tendency to fall through can go a long way toward improving our communication, refining our expectations, and increasing our personal accountability.

So far, we have considered aspects of *asmakhta* which arise from the parties' conversation. However, venue and third-party oversight have as much of an impact on what we mean when we say something as the particular wording we choose. In Rabbinic literature, this insight is captured by the idea that an *asmakhta* is binding if made in front of a *beit din hashuv* – an “important” court. We immediately follow the point that a statement made in front of a judicial panel must be far more deliberately-crafted than one made while waving goodbye on a subway platform, just as we know not to joke about explosions when going through airport security. We intuit that audience impacts sincerity, though perhaps not at a conscious level; studies suggest the number of witnesses or guests at a wedding can impact the quality of a marriage.<sup>22</sup> The question then becomes what quality of context could undeniably tip the scales

– what is considered an important court.

The diversity of opinions among medieval authorities reflect a diversity of instincts we too might feel on the subject, and they are as different from one another as the elephant's ear from the elephant's tusk. Rambam<sup>23</sup> writes that an important court is one composed of judges who received original *semikhah*, ordination as empowerment, in the land of Israel. With him are Rif<sup>24</sup> and Baal Ha-Maor, the latter writing, “This is what we have seen, that a court makes no difference, nor do three laypersons. An *asmakhta* does not become a settled agreement even if a formal act of acquisition has been performed.”<sup>25</sup> Though I am wary of overreading, Baal Ha-Maor's phrase “This is what we have seen” is intriguing. The picture, already glimpsed in the bare *pesak* shared by Rif and Rambam, is one of weary skepticism. No amount of audience pressure can keep people from making foolish overcommitments. These sages would consider audience impact theoretically significant – but only theoretically, in another time and place when truly authoritative judges exist. Otherwise, perhaps the whole conceit has a whiff of bunk

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<sup>22</sup> Galena K. Rhoades and Scott M. Stanley, *Before “I Do” What Do Premarital Experiences Have to Do with Marital Quality Among Today's Young Adults?* (Charlottesville, VA: The National Marriage Project at the University of Virginia, 2014), [https://nationalmarriageproject.org/sites/g/files/jsddwu1276/files/2025-06/SOCI221\\_NMP\\_BeforeIDoReport.pdf](https://nationalmarriageproject.org/sites/g/files/jsddwu1276/files/2025-06/SOCI221_NMP_BeforeIDoReport.pdf).

<sup>23</sup> *Perush Ha-Mishnah on Mishnah Bava Batra* 10:5; see analysis of *Beit Yosef* 19 to *Tur Hoshen Mishpat* 207.

<sup>24</sup> *Hiddushei Ha-Rif to Bava Batra* 78a.

<sup>25</sup> “Teshuvot Hakhmei Provintzia,” printed in *Shu"t Me-HaRashba Ve-Rabanim Aherim*, siman 36; Ephraim Elimelech Urbach, “Mi-Teshuvoteihem shel Hakhmei Provence,” in *Mazkeret: Kobetz Torani le-zekher ha-Rav Yitzhak Ayzik ha-Levi Herzog*, eds. Shlomo Yosef Zevin and Zorach Warhaftig (Jerusalem: Heichal Shlomo, 5722), 418 note 1.

science. If I say I will come to your party under a condition, and you call Rabbah himself to come and witness my shoulder-shrugging prevarication, Rambam would tell you not to get your hopes up.

To the Mordechai, what lends importance is officiality: being appointed by the public, or recognized as the most important court in the city.<sup>26</sup> This is in fact the framework used to illustrate the example of the difference in feeling between a subway platform and an actual courthouse or TSA checkpoint. It is not just about what we think we can trust, as one receiving the promise. It is also about knowing when it is time to smarten up and watch our speech when we are giving a promise. The polished marble floors and stern bench of judges have given us a warning: if we have any reservations, it is time to make them explicit, or else be prepared to stand by our words. There is not much we can do to incorporate the Mordechai's perspective in our lives. It is incorporated for us, and in those areas of life in which it is true, we cannot resist or encourage it, but can only defer. Somewhat jarringly, the *Hagahot Maimoniot* writes that it is enough to write in a contract that it was done in an important court, even if everyone knows it was not.<sup>27</sup> To steelman his position, we can say that it is a testament to how the real target of *asmakhta* is the mental state of the parties. A literal courthouse may not matter so much as a courthouse state of mind. I have wondered if this

state of mind can be so easily conjured in our days. It is one thing to express the seriousness of a situation by invoking an unusually important *beit din* when that is a thing people have some experience with. It may not be when our *batei din*, perhaps especially ultra-competent and authoritative ones, are no longer familiar arenas.

The Rosh thinks quite differently. To him, an important court could be composed even of three laypeople, provided they are experts in the law of *asmakhta*.<sup>28</sup> It is clear that what makes the audience effective is not their impressive credentials or even their professional ability to lend the exchange an overpowering sense of officialness. Rather, it is their sensitization to the way people give the impression of reliability while evading responsibility. If they were alert to the risk, yet – perhaps having asked a few judicious, clarifying questions – assessed that the parties were sincere, that says something meaningful about the exchange. This is all the more true when the parties have an awareness that their audience of three has expertise in *asmakhta*, in short, where there is care taken all round to keep ourselves honest. In essence, this is what I suggest we can become for one another by studying *asmakhta*: not that we study in order to stand in eerie judgment of one another's commitments, but that by nurturing a nuanced conscientiousness we can act as supports and agents of clarification.

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<sup>26</sup> Cited in Rema to *Shulhan Arukh Hoshen Mishpat* 207:15.

<sup>27</sup> *Ibid.*

<sup>28</sup> *Hiddushei Ha-Rosh, Bava Batra* 10:19.

It may seem surprising to think of judicial expertise in this way – as a branch which sweetens the water of our lives, as it were, rather than simply a basis to justify the formal structuring of a community to act in specific ways. But we are conditioned by the ideas that flow all around us. There is a reason that when fluency in *Hoshen Mishpat* becomes attenuated in a community, or is feared to be on the path to endangerment, rabbis worry not only about technical miscarriages of justice, but about something even more fundamental, though what that is resists easy definition. The Ran, imploring people to look beyond benefits to Jewish law which can be measured with conventional yardsticks of wellbeing, invokes “contact with Divine flow.”<sup>29</sup> R. Rafael ha-Kohen, writing in 18<sup>th</sup> Century Poland, wrote of *Hoshen Mishpat* as “The very source of our life,” and addressing its attenuation, asked “How shall we earn deliverance from our exile? By what means shall we obtain the favor of God?”<sup>30</sup> Serious engagement with *Hoshen Mishpat* refocuses piety on interpersonal responsibility, rather than personal purity. It frames conflict as an opportunity to develop and demonstrate moral excellence. It sets members of a community thinking in terms of what they owe one another and what thresholds of obligation ought to be before they get entangled in a crisis themselves, at which point it is usually too late to think in any terms other than self-interest. This cultural shift is even more important than

accessing specific just outcomes. When all of us begin to take *asmakhta* seriously, absorbing its nuances and debating its interpretations, we begin to create an atmosphere of *beit din hashuv*, that is, a society that is careful with its promises, and keeps them.

Although every aspect of *hilkhot asmakhta* has an important resonance for us in our everyday lives – after all, real life is the material from which they are sculpted – one more aspect deserves special attention, particularly in the current cultural moment. That is that something cannot be considered an *asmakhta* if breaking the agreement inflicts pain. As one, Rishonim agree that although *shiddukhim* in their days had all the technical hallmarks of *asmakhta*, nevertheless it is possible to fine the party who breaks the deal.<sup>31</sup> The reason, according to Rosh, is that reneging is similar to dealing a peer an embarrassing injury, which is punishable by *boshet* (financial compensation for shame). “Because the retractor shames his fellow, he commits to following through,” writes the Tosafist Rabbeinu Yitzhak, indicating when the stakes are well-known, the parties are forewarned that they must only agree if they really mean it. The discussion has resonance beyond the particular subject of *shiddukhim*. We are at a time when human connection has become thin and unstable, and the tide of loneliness seems only to rise. The medieval

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<sup>29</sup> *Derashot Ha-Ran*, 11.

<sup>30</sup> Menahem Elon, [Jewish Law: History, Sources, Principles](#), vol 3 (Jewish Publication Society, 1994), 1580.

<sup>31</sup> See *Tur Hoshen Mishpat* 207:16 and *Beit Yosef* ad loc.

authorities of Ashkenaz<sup>32</sup> remind us that it is essential to account for the fragility of the heart, and the fragility of the social fabric more generally. Their point is strengthened, not undermined, by the sober second thought of *Ketzot Ha-Hoshen*.<sup>33</sup> Responding hundreds of years later, *Ketzot* reminds us that *boshet devarim*, that is, humiliating words or actions which have no physical component, is not inherently a crime. A broken engagement can be costly, causing concrete financial loss, but not all upsetting outcomes are precisely in that mold. We must keep our finger to the pulse of what may follow in the wake of our decisions.

All these strategies have a common thread: staying fully alive to what is going on right now. R. Yehoshua Falk HaKohen, author of the commentary *Sefer Meirat Einayim* on the *Hoshen Mishpat* section of *Shulhan Arukh*, brings a disturbing observation from the Rosh: that we often do have some level of awareness when our relationships are going off the rails, but do our best to stick to the social script until the last possible minute. Why? The Rosh imagines that those on the receiving end of *pitumei milei* (empty promises) tell themselves, “Silence works in my favor, since maybe [the promiser] will be too

ashamed to go back on his promise, after time has passed.”<sup>34</sup> Of course, this denial-based strategy is ineffective. The level of awareness the Rosh is describing is dangerous precisely because it is low enough to be vulnerable to manipulation. In the fog of dilemma, we mistake acts of self-sabotage for acts of survival. In his responsa collection *Yabia Omer*,<sup>35</sup> Rav Ovadia Yosef gives us cause to reflect that conditions for self-sabotage occur not only between individuals, but as an individual navigates predatory social institutions. Rav Ovadia addresses the case of a person who purchases a lottery ticket, fully intending to win. Despite knowing deep down that he or she is only going to lose money, hope and desperation temporarily muffle reluctance – without, however, extinguishing it. It is the psychological equivalent of twilight anaesthetic, and is the reason we wake up after a self-inflicted loss with the feeling that we have been robbed.

The Tanna R. Meir has a formula for developing awareness past its vulnerable stage: to check any condition on which one relies for whether or not it is “like the conditions of the children of Gad and Reuven.” To be like the children of Gad and Reuven, we need clarity not only on what will happen if the condition is fulfilled, but also on

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<sup>32</sup> The concentration of Ashkenazi sources on this topic reflects a general sense in Ashkenaz that conditions were precarious for making *shiddukhim* for their children. Such precarity was in great part caused by serious financial instability for Jews in Europe. See Rema to *Shulhan Arukh Even HaEzer* 37:8.

<sup>33</sup> *Ketzot Ha-Hoshen* to *Shulhan Arukh Hoshen Mishpat* 207:7.

<sup>34</sup> *Sefer Meirat Einayim*, s.q. 3 to *Shulhan Arukh Hoshen Mishpat* 207.

<sup>35</sup> *Yabia Omer*, Vol. 7, *Hoshen Mishpat*, Siman 10.

what will happen if it is not fulfilled.<sup>36</sup> Perhaps it is time to take the honesty and clarity R. Meir prescribes to our daily lives. We can easily picture the effort and inconvenience on our busy schedules if we work to maintain healthy relationships with our fellow Jews. What will happen to us if we do not? Perhaps it seems that cohesion and fellow-feeling will come naturally as antisemitism worsens, or that at least the vogue for purity in ever-splintering subgroups will collapse. But consider that the fighting between Communist and Social Democratic Jews followed them from the streets right into Nazi camps.<sup>37</sup> Lifshitz notes that one of the first clear turns toward considering *asmakhta* unreliable comes when the [Damascus Document](#) forbids making them with *anshei ha-shahat*, ruinous people, i.e. immoral outsiders.<sup>38</sup> It may not be easy to convince ourselves that our future in fact depends on maintaining integrity with members of our Jewish outgroups. But by starting to think deeply about *asmakhta*, *Hoshen Mishpat*, and the challenge of relational answerability, we can better meet what flows toward us from upriver.

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<sup>36</sup> *Kiddushin* 61a.

<sup>37</sup> Nikolaus Wachsmann, [KL: A History of the Nazi Concentration Camps](#) (Farrar, Straus and Giroux, 2016), 130.

## **Beyond the Window**

*Avraham Weiner is a student at the Bernard Revel Graduate School of Jewish Studies.*

**R**abbi Akiva taught: *If a man and woman merit, the Divine Presence rests between them. But if they do not merit, fire consumes them* ([Sotah 17a](#)).

*One of water, one of fire, yet the Holy One, Blessed is He, makes peace between them* ([Zohar Vayikra 12b](#)).

I  
The train tears into the station, screeching to a halt.

Passengers spill onto the walkway—a swarm, half-dressed and mostly drunk.

I hustle toward the closing doors, asking myself, “*Azoy farbrengtu a Motzai Shabbos?*”

*Is this how to spend the eve after Sabbath?*

I’m surprised at my own harshness. I’ve been doing this, and much worse, for as long as I can remember.

Just my luck; an empty subway car. I have a puddle of vomit to thank for that. Perfect.

The subway pulls out and starts clacking away from Brooklyn, bound for Times Square.

I don’t need complete privacy to make the transition—indifference to passersby is a sort of

<sup>38</sup> Lifshitz, “Mahutah Shel Ha-Havtahah be-Mishpat Ivri,” 7. Note that the author attributes the change to complex economic causation rather than cultural factors.

superpower of mine. But the empty car on the express train makes for a more peaceful commute. I take off my black brimmed hat and slide it gently into my suitcase. My velvet skullcap disappears into a side pocket, followed by my dark blazer—a baseball cap sufficing as my *yarmulke* tonight.

My hands creep along the buttons of my British-brand white dress shirt, revealing a woolen *tzitzis* garment: a black band running horizontally across my stomach, and fringes—plain white ones mixed with a mischievous blue—hanging from the four corners. I pull up the ends and tuck them into my dark green sports shirt.

I unclick my designer belt buckle, sliding off my pants to reveal shorts underneath. I pull the pants past my dress shoes, which I wrap and replace with sneakers.

Next Saturday, I'll repeat the scene—just in reverse—returning to Brooklyn looking like a proper penguin, a rank-and-file ultra-Orthodox Jew.

I enjoy the energy of flying down an underground tunnel, lights flashing outside the window while I yank on a costume—like the protagonist of a superhero movie. Or did I just take off the costume? I'm not sure.

The question finds urgency—or, perhaps, its *nafka minah*—as I wonder what book I should read for the remainder of my trip to the Upper West Side. My hand hovers between my pocket-size tractate *Kiddushin* and a copy of *The Overstory*, both tucked into the folds of my luggage.

I compromise on neither, instead settling for a breathwork meditation.

I exit the station and walk quickly down West End Avenue.

Arriving at the apartment complex, I climb the stairs, knock quietly, and let myself in.

*"Shavua tov, Mom. I'm home."*

## II

They explained it to me right before I turned thirteen.

In Judaism, infant converts get a chance to renege on the choice made for them before their bar mitzvah. My parents thought it was a good age to let me decide whether I wanted to keep practicing the strange religion that was just my own—a pidgin of their rash creation that only I spoke.

The story went *azoy*:

When my father, Yaakov Klugman, reached marriageable age, he asked the matchmaker to find him someone "very nice and very smart." He added, as an afterthought, "And pretty, I suppose." By ultra-Orthodox standards of eligibility, my father was a dreamboat. He stood at the top of his class in yeshiva, finishing the Babylonian Talmud by age fifteen and making headway through the Jerusalem one. People (correctly) predicted he'd outshine his father, Gavriel—a noted scholar, decisor of Jewish law, and kingmaker in the yeshivish political scene.

So the matchmaker set out to find the prettiest, smartest, and nicest girl "in our circles" to walk the face of the earth—and found my mother, Penina Gerbewitz.

Three dates later (falling far short of the community's seven-date average) Yaakov and Penina were engaged. At nineteen, Penina was four years younger than my father.

Before the era when every seminary girl could receive a degree online in twenty-four hours from

a shady Jewish clearinghouse—before moving on to train as a social worker or physical therapist—the bright wives of the Charedi elite still attended college.

Spiritual perils notwithstanding, Hashem exempted women from the mitzvah of *talmud torah*, so time wasted—*bittul torah*—was not so bad.

(My father himself had no need for college, whether for intellectual or professional development—he'd spent the last two decades of his life sharpening his mind and building his social capital in the sprawling network of *olam ha-yeshivos*, the world of higher Torah learning across the United States and Israel.)

Considering a career in medicine, Penina fell in love with biology. She received her B.A., *summa cum laude*, two months after I popped into this world.

She wanted to continue her education and pursue a Ph.D. While this was unusual in the community—college, if sanctioned, was typically approved only for the sake of durable and remunerative careers—my father appreciated the allure of scholarship and understood that his wife's big brain thrived on intellectual challenge.

But there was a catch.

About six months prior, my mother came home and confessed, "Yanky, I believe in evolution."

My father might have been willing to overlook his wife's newfound preference for the scientific rejection of the six days of Creation and insistence that—rather than being shaped by the Lord's hands and animated to life by His breath—humans, as the saying goes, "descended from

monkeys."

Only, however, if she were willing to overlook it too. In his mind, she could earn a Ph.D. in biology and spend the rest of her life researching organisms alive right now, pushing her beliefs about natural history deep into the closet—unbeknownst to others, sometimes even to herself.

But my mother was too smitten with Darwin's view of life: the miracle of universal common ancestry, the mystery of abiogenesis, and the majesty of descent with modification yielding endless biodiversity.

When she encountered the celebrated sentence of Theodosius Dobzhansky—"Nothing in biology makes sense except in the light of evolution"—she felt tears forming in her eyes.

For her, the sheer genius of evolutionary theory—the ability to explain all of life through a combination of the three ingredients of variation, selection, and reproduction—stunned her again and again, until the only lens she wanted to think through was evolutionary.

So when she blushing but firmly declared her intent to pursue doctoral work in *evolutionary biology*, my father put his foot down.

It wasn't about optics or saving his career—at age twenty-six, my father's growing reputation as a sheer Torah genius made him nearly untouchable. It was, rather, a genuine conviction that evolutionary theory contradicts core aspects of the Jewish people's faith: that God created the world in six days, roughly five thousand years ago, and that humans were created *sui generis* from the get-go, in God's image, breathing a trace of His

own breath.

He appreciated my mother's position. He knew what it meant to feel ideas consuming the soul, fusing with one's core personality. He spent his days wending through recalcitrant texts, his mind exploring the Talmud's conceptual plumbing until life in general began to resemble a giant *sugya*.

But he couldn't stand it any more than he could stand her pursuing a doctorate in Christology.

Their marriage was a Jewish marriage, with the intent to build a Jewish home—building a career around evolution would destroy the sanctity of that *bayis*.

She agreed.

And so, two days shy of my first birthday, Yaakov and Penina Klugman appeared before a *beis din* and dissolved their marriage.

The story explained why I spent the rest of my childhood leaping between universes—an existential amphibian.

I surprised them by choosing not to ally myself with one world, preferring to keep arrangements as they were—their story seemingly doing nothing to change my mind.

My machinations, however, ran deeper than the maintenance of the status quo. I knew it as surely as my father knew he was destined for greatness at twelve: I would study Torah with utmost diligence, but also master the field of biology—and find a way to bring peace between the divided disciplines, removing the obstacle that stood between the estranged lovers.

### III

Mom's religious lifestyle evaporated shortly after

her marriage.

She never changed back to her maiden name, however, thinking both to mean basically the same thing: a big neon sign screaming *JEW*.

Her graduate program arranged an impressive scholarship for the bright, blonde woman. The professors congratulated one another, proud to have saved a woman fleeing her oppressive marriage and restrictive community for the haven of enlightened science.

She always stayed within a reasonable radius of her little Avigdor Gedalya (that's me), securing long-term research opportunities near New York City.

Her passion for the discipline made it easy for her to play her hand right—working hard all day, then taking interviews and writing pop-science articles

by night. Tenure at her school of choice was an easier achievement for her than it was for most of her colleagues—awkward academics raised among the world of pipettes and ivy from infancy. Things got busy for her during the weeks when I was around. My father and stepmother would've been happy to keep me all year long, preserving me in the cocoon of Jewish Brooklyn. But my mother, wedded to the world of survival and reproduction, was aghast at the notion of abandoning her role as a co-parent.

Despite the widening existential chasm between them, my parents found agreement on a core set of eclectic shared principles: a passion for knowledge, a disdain for conventional schooling, and an absolute ban on smartphone use. Mom says that while she no longer believes in a devil,

she thinks the Satan wishes he existed so he could invent screens and distribute them among the youth.

Instead, Mom raised me on a strict diet of free play and independence.

It's her holy grail as an evolution-savvy parent.

Biologically speaking, we don't play just "because it's fun." We find play fun because our ancestors—who first found delight in the seemingly pointless, pre-verbal encounter with experimentation and exploration—were more likely to come up with new, better ways of surviving.

So much so that most animals, particularly those with complex nervous systems, also engage in play. Mom's colleagues think they've even caught cichlids pushing around objects underwater in a play-like fashion.

Play has become essential to wiring mammalian

nervous systems. Everything from eyesight to social skills thrives when allowed to develop in the context of free play.

And humans are mammals, of course, so we need our play too. Contrary to my father's teachings, our human uniqueness doesn't transcend this animal nature—it builds on it. Apparently, the seemingly infinite range of human potential is built on our capacity for the flexibility that comes from our extended, childlike playfulness.

The more we play, the more potential we unleash. And the more we grow as humans, the more we are really just playing in disguise.

Granted, my endless hours of unprogrammed free time saved her the effort most parents waste chauffeuring and structuring. But her ulterior motives notwithstanding, I know I wouldn't be

able to hold my own as a stranger in so many spaces were it not for my years-long training in being my own man and creating my own joy—beginning with walking myself down to the playground at age five.

Mom got some backup parenting when Tim swept into our lives.

He's alright in my book—five foot seven and in charge of a gigantic ant farm in the basement of Columbia University.

He studies cooperation: hundreds of thousands of worker ants play their part and give their lives to enable the queen to reproduce—an astonishing altruistic accomplishment in a world supposedly dominated by the selfish survival of the fittest. He and his colleagues receive millions from governments and foundations worldwide, all hoping that humanity can learn a thing or two about checking our egos and desires for the sake of the greater good—from these formidable *Formicidae*.

(I like telling him it's a waste of time and that he should bring his team and magnifying glasses to the second-floor balcony of any half-decent *beis medresh*. "That's genuine competition and cooperation ecosystems among actual humans, instead of our distant invertebrate relatives!")

He just smiles, pats me on the head, and says, "Professor Wilson told us the same thing back in graduate seminar, my dude.")

Tim—and Kyle, his German shepherd—moved in when I turned eight.

Once she saw that Tim had successfully established a rapport with me (largely through covertly sharing junk food that both my birth parents had prohibited), Mom assigned him to

keep track of my homeschooling. My secular education was her responsibility, which she mostly discharged by making me read textbooks for an hour or so after dinner.

She made good use of the extra time at the office and soon inaugurated one of the highlights of my childhood: monthly nature excursions. From weekends in wooded cabins to weeklong hikes in Yosemite, Mom and Tim tried to atone for their sin of city-based living (and, even worse, city-based child-rearing) by forcing me back into the great outdoors: humanity's environment of evolutionary adaptedness, where the earliest *Homo sapiens* banded about in tribes, hunting for woolly mammoths.

When Rosemary came along, the nature excursions increased, with one parent disappearing from work midweek just to give my half sister and me a couple of extra hours of play alongside a waterfall, underneath a canopy of leaves.

Rose is a smart cookie. At age four, she was already harassing my parents, asking why she had to go to her play-centric, progressive education co-op while "Avi never go school."

#### IV

Tatty, older and wiser following the divorce, asked the *shadchan* for someone "just nice" and spent nine full dates vetting my stepmom.

I never heard him express resentment toward Mom for what happened, and it's possible he genuinely harbors none. But he still wasn't looking to repeat the events of his previous marriage. He

made sure Rochel genuinely loved her job as a *morah* and English teacher at the local Bais Yaakov before proposing.

Eight kids later—and counting—I guess he made the right decision.

All those kids are helpful, because according to Jewish law, Rochel's not being my actual mother means we can never remain secluded. So even if Tatty's not around the apartment, there's a good chance that Eliezer Zev, Sarah Chana, Baila, Esther, Aharon Yehuda, Menachem Mendel, Azarya, or Aryeh Yitzchak is.

We get along pretty well. If there are any negative feelings between us half siblings, they're an outgrowth of the sessions I spend with our father. He parents nine children on top of a demanding leadership role in the community and a solid daily Torah study schedule, so our regular one-on-one time stands out.

I homeschool—or more accurately, *shul*-school—spending time at the *beis medresh* down the block, where my father heads the *kollel* and holds court. I only learn with my father for about half an hour a day, but I'm never out of his watchful eye. I started switching homes on a weekly basis when I turned five. Rav Yaakov Klugman's son missing days of *cheider* on the regular would have kept the semi-scandal of the holy leader's divorce perpetually in the public eye—and anyway, Tatty aligned with Mom's distrust of all school systems. My semi-bastard status just gave him an excuse to do what he wished he could with all his children. From the moment I learned to read, I spent my Brooklyn days sitting on a bench in the *kollel*,

alternating between sessions of self-guided reading and learning in *chavrusa* with my dad or one of the other scholars in the room. The special treatment led to quiet rumors in the community that I was an *iluy*, a genius destined to outclass my father and grandfather. My *yichus* and precocious disposition certainly helped the rumor along, but the truth is that any boy lucky enough to stay away from the *cheider rebbi's* restrictive influence would have excelled as much as I did.

In my father's mind, the only thing a Jewish child needs to develop properly is Torah. Torah is the lifeblood—the gas in the tank—of the Jewish people and of a Jewish person's soul. Least among the social-emotional benefits hypothetically supplied by learning Torah was what my father hoped would be a personal identification with the society of Torah learners—strong enough to protect me from my mother's side of the world. Freed from contemporary education conventions, my father was able to guide my development in line with the Sages' dictum in *Pirkei Avos*.

I started *Chumash Bereishis* at age five and finished *Divrei Ha-Yamim* for the third time—this time with the *peirush* of the *Malbim*—at age ten. (I did *Rashi* on my second round through the Hebrew Scriptures.)

I got bored reviewing *mishnayos* on my own a couple of months after my bar mitzvah, so my father let me cheat and work my way through Rambam's *Mishneh Torah*, buying me time until I hit fifteen—the Tanna's recommended age for diving into the sea of Talmud.

When my birthday finally came, I devoured tractate *Brachos*, deprived of Judaism's most

central books for years, as I had been from social media and sugary candy.

Since then, I've basically learned whatever the *kollel* is learning, while also taking time to cover a page of Talmud a day and review old material.

When I was younger, I floated between worlds in a polo or T-shirt, un-self-conscious of my head covering's color, size, or shape.

Around the time I learned my life's origin story, I also started donning the Brooklyn uniform: a white shirt and black jacket every day of the week. I couldn't bring myself to wear it into Mom's apartment. It seemed like a premature declaration of victory, for such visible *yiddishkeit* to swagger comfortably into the territory belonging to proud descendants of *Homo erectus*.

Five years later, I'm a pro at camouflaging—in all figurative senses of the word.

The other week I pulled up to a late-night class on *Sefer Tehillim*, the Book of Psalms. The rabbi was teaching Psalm 121.

He asked the group huddled around the table: "Dovid Ha-Melech says, '*Esa einei el he-horim*'—'I raise my eyes to the mountains.' Why the mountains? What about them?"

The intimate audience spitballs a few answers.

"You're closer to *shamayim* at the mountaintop."

"It must mean the holy mountains, with the holy cities, like Yerushalayim and Tzefas."

The *maggid shiur* turns to me.

"Nu, Avigdor. Any *ha'aros*?"

"Nothing, Rebbi."

The truth is that I have nothing I know how to translate into the language of yeshivish Brooklyn.

Rabbi Eisenberg continues.

“Well, our Sages teach a deeper meaning in the *kapitel*—that we should read the verse not as saying ‘*harim*,’ mountains, but ‘*horim*,’ parents! King Dovid is reaching out to the *zechus Avos*, the merits of the forefathers, for protection...”

My mind drifts far away from the *beis medresh*.

Two years back, we visited the Rocky Mountains. We flew into Denver and drove out to the park, Mom and Tim taking turns behind the wheel while Rose and I sat gaping out the window. About an hour out from the park, the roadside grew thicker and thicker with trees and vegetation. I didn’t know the world could get this green. We wound around tight roads, my eyes jealously scouring the homesteads peppering the hillsides. Then, with a final descent into a clearing in the valley, we fell into Estes Park, the base camp—turned—town at the edge of the national reserve. The town drove like normal, a grid of traffic lights and light traffic, but...

If I lifted my eyes for even an inch above the rooftops, they just kept lifting—pulled like a magnet higher and higher, scouring the mountains which soared out of the horizon like fireworks leaving behind a frozen trace, climbing so high I felt vertiginous just trying to trace the peaks. Sitting in the same car, in the middle of a populated town, I felt small—unbelievably minuscule and empty in the face of the magnitudes surrounding me in this existence.

Rose stopped fidgeting; my blustery mind fell silent. No more agitations about the makeup of the eukaryotic cell, the legal status of a barrel of tithed wine that turned to vinegar, or what my half siblings in Brooklyn were saying about me in my

absence—just communion with unfathomable height and scale, dappled in tree and snow, giving lie to the cliché that seeing is believing.

In that moment, I needed no psalm. The seeing was the psalm. I would need to pray in the future to remind myself of that moment—when I encountered the only sound quieter than the still, small voice: silence itself.

\*\*\*

My siblings grew up with a transitory half-brother, so they’ve long since grown desensitized to their relative who prowls the wide world of falsehood and impurity.

But I get the sense, nonetheless, that the ones old enough to have seen friends fall off the *derech* await, with bated breath, my weekly return from the *olam ha-tumah*—wondering how long it will be before I start swallowing lungfuls of water and drown. They don’t seem to realize that it may be entirely possible to breathe in the great deep—or that they might be the ones underwater.

**V**

This fall, I’ll enroll in a school for the first time—a Jewish university in upper Manhattan, where students study Talmud in the morning and attend college in the afternoon.

Through my time on the internet, I gained exposure to these strange sorts of Jews who, instead of flitting between both worlds, mix them together—posting jokes about *Daf Yomi* and complaining about three-day *yontif* on Twitter.

Whether out of presumption or paranoia, I

assume I won't fit perfectly there either—my curious mix of cultural milk and meat standing in contrast with their pareve-cholent-like existence. But my parents agree that I've spent enough time being the guinea pig of their complementary pedagogical projects.

I guess I seem okay enough to both of them at this point that they're willing to turn me over to an educational institution. They've already had to relinquish me to each other for years, so it's not such a major transition in their minds.

To me, however, entering the halls of a flagship devoted to both Torah and science marks the beginning of the fulfillment of my life's mission.

## VI

Things turn out to be both easier and harder than I imagined.

Orientation passes in a dreary mix of campus tours, internet log-ins, and city sightseeing—nary a word about justifying the enterprise of a Jewish university. Unlike my choosing this path, for most of my classmates this place was their destiny from birth. In their minds, there's nothing surprising about wearing a blue button-down shirt into a *beis medresh* or sneaking out of *iyun shiur* early to make it on time to discrete mathematics.

I'm impatient, eager to get started on my project. After the bus returns us from the Empire State Building on the third day of orientation, I make a beeline for the library and grab an open seat at a computer.

A few quick searches later, I land on the *Stanford Encyclopedia of Philosophy's* entry for "[Religion and Science](#)."

It begins: "*The relationship between religion and science is the subject of continued debate in philosophy and theology. To what extent are religion and science compatible?*"

I skim downward and notice "Section 2.5: Judaism." I scroll back to the top and start the article in earnest.

A few paragraphs into the various approaches to the subject, I read *The integration model is more extensive in its unification of science and theology. Bingo!* I'm aiming for nothing short of an aggressive reconciliation.

The next paragraph says:

While integration seems attractive (especially to theologians), it is difficult to do justice to both the scientific and religious aspects of a given domain, especially given their complexities. For example, Pierre Teilhard de Chardin (1971), who was both knowledgeable in paleoanthropology and theology, ended up with an unconventional view of evolution as teleological (which put him at odds with the scientific establishment) and with an unorthodox theology (which denied original sin and led to a series of condemnations by the Roman Catholic Church). Theological heterodoxy, by itself, is no reason to doubt a model. However, it shows obstacles for the integration model to become a live option in the broader community

of theologians and philosophers who want to remain affiliate [sic] to a specific religious community without transgressing its boundaries.

*Hmmm... I'm not fazed. If integrating religion and science were easy, it would have been done already. My parents aren't idiots—I know they didn't get divorced over something easily surmountable. I'm trying to pull off something unprecedented here.*

The Teilhard guy—and mention of a theory of teleological evolution—grabs my attention. Maybe he has some good ideas to offer my Torah–evolution synthesis.

Following the whim, I pull up [de Chardin's Wikipedia page](#) and scan the infobox.

The Reverend

**Pierre Teilhard de Chardin**

S.J.

Born

1 May 1881

Orcines, Puy-de-Dôme, France

Died

10 April 1955 (aged 73)

New York City, U.S.

**Academic background**

Alma mater

University of Paris

Influences

Paul, John, Origen, Ignatius, John of the Cross, Darwin, Henri Bergson, Édouard Le Roy

**Academic work**

Era

20th-century philosophy

Discipline

Western philosophy

School or tradition

Christian philosophy

Main interests

Philosophy of biology, Philosophy of religion

Notable works

The Phenomenon of Man (1955)

The Divine Milieu (1957)

Notable ideas

Omega Point, Noosphere

Influenced

De Lubac, Berry, Huxley, Dobzhansky, Pope Benedict XVI, Pope Francis, Tipler, McLuhan, Ting, Swimme, Barlow

Something at the bottom catches my attention. *Dobzhansky, Dobzhansky... where have I heard that name...?*

I click the hyperlinked name.

*Of course! Theodosius Dobzhansky! How many times did I hear that quote from Mom—that “nothing in life makes sense without evolution,” or something like that...*

I keep reading until a statement stops me in my tracks. I look away from the computer, mulling it over.

*He believed that God was in charge of evolution... and he was influenced by Teilhard!*

Mom loves Dobzhansky, who followed Teilhard, who believed in integrating religion and science! Two weeks later, I hand in the following as my writing sample for “Writing 101”:

Pierre Teilhard de Chardin was a French priest and paleontologist,

known for his contributions to the integration of religion and science. I admire Teilhard because I believe his novel approach regarding the synthesis of Christianity and Evolution offers a path for Judaism to similarly open itself to the wisdom of natural science.

As explained by subsequent interpreters, Teilhard's scheme asks the believer to make a tough sacrifice: accept the scientific story of an ancient universe yielding life through evolution as the true narrative backdrop of the human condition, in place of creation narratives such as those found in the early chapters of Genesis. This costly displacement of cherished religious dogma allows for a profound theological twist: a defeat of material science on its own terms. Rather than posit the claims of science to be false, Teilhard more fully articulates the very picture science paints—of an unfinished universe, of chemistry transforming into biology, of complexifying life yielding consciousness and then self-consciousness itself—as a drama of sacred awakening, of a *seemingly* cold and empty universe surprising us with the capacity for life,

intelligence, and love.

Thus the cosmic value of religion: to unite the only self-conscious species in the universe—the human race—in shared consciousness, love, and aspiration for infinite beauty. This is the next stage of evolution! One of Teilhard's adherents has put it this way: "With the rise of conscious animals and self-conscious humans, the universe 'woke up.' With the rise of religion, the universe woke up to the notion of *transcendent rightness*." This approach empowers Jews and non-Jews across the spectrum of belief to embrace their faith traditions with pride as the cutting-edge state of evolution, while working together toward establishing a more harmonious human community.

## VII

"Hey, kiddo! How's college?" Tim greets me as I plop my backpack on the couch and rummage through the pantry for a granola bar.

"Great!" I deliver my words naturally—real smooth. "In fact, I already submitted a report on the relationship between religion and evolution." I turn my voice extra casual. "I would love to, y'know, present it to you and Mom."

"Absolutely. During dinner or after? We're

ordering Chinese from that new kosher place.”

Presentation night is a regular occurrence in our household run by two career academics. Our lectures range in topic—Rose soon will have to give a revised version of my years-old classic talk, *Observations of Flora and Fauna during a Walk in the Woods*, and we still like to joke about Mom’s *Keeping the Toilet Seat Down: A Thorough Review of Best Practices for Latrinal Customs*.

Later that evening, I stuff some chicken and rice into my mouth, dim the lights, lower the projector screen, and pull out our two-in-one laser pointer and remote control.

(Like I said, our house is run by two career academics.)

I explain, “Since I’ve always lived going back and forth—y’know, between the religious world and the secular one—and now I’m starting at a school devoted to studying both, I wanted to do a project on their relationship. This is what I’ve found so far.”

My first slides introduce Teilhard and his life story, showing pictures and describing his time digging for ancient bones in China and serving in World War I.

Then I review how most religious people think that evolution contradicts religion.

(I include an AI-generated image of a *Charedi* refusing to drink from a soda bottle with a picture of a dinosaur on the side.)

Rose starts dozing on Tim’s lap and Kyle ambles off to his water dish, but Mom and Tim give me their full attention.

I take a deep breath and plunge into Teilhard’s

intellectual legacy: how the narrative provided by scientific materialism is accurate but incomplete—not accounting for the interiority of the universe as manifest in the rise of conscious minds; how science itself tells us the universe is expanding, incomplete, still coming into full being; and how that fullness at the end of time may very well be something transcendent and unfathomable, something that aligns in many ways with the traditional Abrahamic God.

(I’m out of slides by now—it’s just me, blustering my way through the *shpiel*).

I finish to applause from Mom while Tim shakes Rose awake to give me a “Yay, Avi!”

My eyes unblur, like they usually do when I finish a presentation. But then my vision gets sharper still, as I register that they’re still sitting there—Mom offering me what’s left of the chow mein.

“Some extra protein to follow that great food for thought, dear?”

I feel like I’ve just woken from a dream, as if only seeing for the first time Kyle, Tim, and the box of Lucky Charms lying sideways on the kitchen countertop.

What did I expect? Mom rushing over to the phone, calling up Tatty, and blurting, “*Yanky, we need to talk. I’ve made a huge mistake!*”?

Even if she tried, she wouldn’t get through—he started leaving his personal phone with Rochel ages ago... I slump into my seat.

Tim catches my subdued affect. “Really interesting stuff, kiddo! I bet there aren’t many people on earth who know this subject like you do.”

“Yeah, thanks for listening,” I mumble, and bend

over what's left of dinner.

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The clock strikes noon. My bags are packed, and I have *shiur* tomorrow. It's time I headed back to school. It's been a week since presentation night. I spent this past weekend enjoying Shabbos by Tatty and Rochel.

I make up my mind and slip out the door, leaving my bags for later. I make my way down the block to *Koilel Zichron Avrohom Yitzchok*.

I catch him enjoying the few quiet moments with his favorite *masechta*—*Sanhedrin*—between the bustling daylong crowds and fatigue's overwhelming grip.

"Hey, Tatty. Can we talk?"

He smiles through the scraggly beard, closes his *Gemara*, and we make our way into the crisp night air.

I tell him—not the ideas, but the story behind them. That once, five years ago, a little boy named Avigdor got a silly idea in his head: that one day, if his learning got really good, he could reunite his divorced parents. How he waited ever so patiently until the day he asked his parents to shell out upward of thirty grand a year to bankroll his entrance into a space where he could develop his ideas—only to discover, quickly, that the ideas already existed, and then to discover further that it was a waste of time.

We round the block again, this time in silence, then head back toward our apartment.

He comments, "You sound ashamed of yourself."

"Yeah."

"Why?"

"I thought Teilha—this French man's theories—were the greatest thing I'd ever learned, the most important idea in my life. How it would animate a years-old dream of mine. I didn't realize how stupid the dream was."

"What do you think would have happened if you presented to me first, instead of your mother?"

I pause, digesting the question—then, surprised by the answer forming on my lips, I speak.

"I mean... you probably would have said you always knew someone *could* change their view to connect Torah and evolution—but then it wouldn't be *your* Torah, your *Yiddishkeit*. Right?"

We start climbing the stairs to our apartment.

"Exactly."

We enter the apartment, and my father turns to whisper his thoughts.

"An outgrowth of our disagreement was how to educate you. Rav Wolbe teaches that a parent needs to balance *binyan* and *zeriah*, building and planting. Sometimes you tell the child exactly what to do, chart his next steps—that's *binyan*. Other times, though, a parent needs to be strategic—gentle, subtle. Plant seeds that will only sprout later. Make sure the child is happy at three so he'll want to learn at thirteen."

His mouth curves into a smirk.

"Or start teaching the boy *Shas Mishnayos* years ahead of time, so when the *cheider* throws him into the middle of *Gemara Bava Metzia*, he'll know exactly what's flying. Maybe that example isn't *exactly* relevant to you. But you get the idea."

I nod.

"But your mother... for your mother and her

newfangled Torahs, that was much too extreme. The notion of planting already infringed on the child's autonomy. She found it... manipulative.

"Instead, she told me, she would provide you with as much independence as possible—let you figure everything out on your own. She said that this would make you... what did she say? 'A strong and healthy *Homo sapien*.' I believe this was the phrase.

"I was aghast. 'How long before he's, *chas v'chalilah*, doing drugs or worse?' She said, 'No drugs, no big dangers—you have to set some boundaries to keep the boy safe.'

I was scared to push further. These ideas sounded crazy. I was so worried about losing you. Her ideas sounded so nutty they put your *guf* in danger, let alone your *neshama*. But we had kept the divorce amicable. I didn't want trouble with the courts. I wondered if a judge would agree with me that your mother's notion of proper child rearing was *sakanas nefashos*...

"But I pushed one more time: 'What about the internet?'

"And she smiled and said, 'Don't worry, no smartphones.' And just like that, our grand experiment with your life began."

He pauses. "But here's the thing. She turned out to be more right than I could've imagined."

I snap upright.

"What? I mean, I agree—it wasn't ever so dangerous. But... I lived half my life in the secular world!" And I add, a little sheepish, "I... even got a smartphone. About a year ago."

He waves his hand, shooing a fly.

(The *tzibbur* claims Tatty's gaze kills flies. Maybe his razor-vision softens in the dark...)

"You have the whole world in front of you. Yet you come back every week, put on the white shirt, sit down in *shul*, *daven* and learn, and a visitor wouldn't be able to tell where you were the day before.

"Do you know how many boys—and girls too, by

the way—who've supposedly never left the *koslei beis medresh*, whose families, the 'best' families, call me up, saying, 'Rav Klugman, my son won't *daven*. Rav Klugman, my son does drugs, *tainas kefirah*, has a smartphone, whatever'? They're all—the kids, the siblings, the parents—feeling the judgment, the shame, the eyes of the community on them when they walk down the street, walk into *shul* to learn. All of a sudden the next sibling starts checking out. But you just slide in and out, taking the best of both worlds."

My father's eyes shine.

"And that's why I say: when you're in the *beis medresh*, learning, that's not just because we did a good job of saving you. No, that's Penina's world in you too—helping you be your own man, make your own decisions, and rise above the judgments of other people. Your siblings know this. You think being the Rabbi's son does a child favors growing up, keeps the pressure off of them? No. It's you. They see their friends struggle, but then they see you, and they think, 'Avigdor Gedalya is doing who-knows-what with his *krumpte* mother in the *oilam ha-sheker*, but he comes back each week with a smile, a calm, a *ruhigkeit*, and toes the line—I can do it too.' That's not a *koach* we could've given you here."

I'm still feeling the sting of defeat too strongly to accept the praise with satisfaction.

Instead I challenge, “Nu, so?”

“So? Don’t you see? You’re not a *ben toirah* who’s also something else. You’re a *ben toirah because* you’re something else. A *lot* of something else.

“And you need to decide—slowly and gradually, but decide nonetheless—how you’re going to

balance the different parts inside of you: the parts we shaped in you, and also what you’ve done on your own.

“You will find your path and your *tzibbur*. Will you always want to be with these *modernishe* Jews? I don’t know. But if this is what you can do with them after two weeks—*shoin*—it’s a good enough place for you now.”

A half hour later, I’m riding the train en route to Washington Heights, clad in the same checkered shirt I’ve worn since *Havdalah*, my father’s closing words luring me toward a realization.

No bridge will ever close the gap between Yaakov and Penina Klugman.

But I will always be their son.

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Please contact us at [editors@thelehrhaus.com](mailto:editors@thelehrhaus.com)