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Is a Dateline a Logical Necessity? The Halakhic View Less Often Quoted

William Gewirtz

In seeking to establish a halakhic dateline, many rabbinic authorities take for granted that there must be such a dateline, and debate only the location of that demarcation. But is the dateline a logical necessity, or are there other ways to differentiate between days without the creation of an arbitrary construct? I will argue in this essay that the latter approach is more reasonable and is supported in halakhic literature.

The earliest reference to a dateline in halakhah occurred in the 12th century, by which time knowledge that the Earth was round, not flat, was widespread in the scholarly world.[1] During that century, Rav Yehudah ha-Levi (*Kuzari* 2:18-20) and later Rav Zerahyah ha-Levi (Ba'al ha-Maor *Rosh Hashanah* 20b) established where the day begins, both identifying the location at 270 degrees to the west of Jerusalem, or ninety degrees to its east.[2] Their source was the distinctive status that the *Bavli* in *Rosh Hashanah* 20b ascribes to twelve noon in Jerusalem.

The Talmud asserts that if the moon is "born" during the eighteen hours between 6PM and noon, that day can be declared Rosh Hodesh; if, however, the moon is "born" after noon, that day can no longer be declared Rosh Hodesh.[3] According to the interpretation of Rav Zerahyah and Rav Yehudah ha-Levi, until noon there are still locations on earth (eighteen hours earlier than Jerusalem) where it is not yet 6PM local time and the day is yet to begin. Once noon has passed, that day has already begun everywhere on earth. Their claim is therefore that, for a day to be declared Rosh Hodesh, there must be some location on earth where Rosh Hodesh will last the entire 24-hour legal day, from 6PM to 6 PM (a phrase that occurs in the Talmud, although not necessarily with the explanation they propose).

There are multiple alternative interpretations of the gemara in *Rosh Hashanah* which support neither the existence of a dateline nor Rav Yehudah ha-Levi and Rav Zerahyah's position regarding its precise location. Nevertheless, this explanation marks the first explicit written reference in Jewish (and possibly all) literature to a dateline, well before the halakhic dispute that would become well-known (and increasingly practical) some 700 years later.

Where and by whom else such issues were discussed in the twelfth century is not entirely known. However, a few decades after Rav Zerahyah died, a somewhat more involved but related problem, the Circumnavigator's Paradox, was addressed in writing by the Syrian Abu 'I-Fida in his *Taqwīm al-Buldān* ("Geography"), and later by Nicole Oresme in his *Traitié de l'espere* and his *Quaestiones supra speram*, among other works. The Circumnavigator's Paradox

[1] Much of the history of the dateline presented here is adapted from R.H. van Gent, "A History of the International Dateline," Universiteit Utrecht Department of Mathematics (April 2017).

[2] In calendrical matters, the halakhah is expressed in terms of a canonical day that begins and ends at 6PM.

[3] Note that hours can be converted to degrees and *vice versa* by equating twenty-four hours with 360 degrees, or one hour with fifteen degrees.

is as follows: Two hypothetical travelers, Plato and Socrates, set out in opposite directions to make their way around the world, while a third friend, Petrus, stays home. Each has his own calendar, where he carefully marks off the passing days. Some years later, on a day that Petrus says is Saturday, Plato and Socrates return to their point of origin. Socrates, who has been traveling east, claims it is Sunday, while Plato, who has been traveling west, insists it is Friday.[4]

Consider what would have occurred had Plato and Socrates met halfway around the world: they would have reported days of the week one day apart. Had both converted to Judaism, Plato might have been preparing for Shabbat, while Socrates would have been finishing *seudah shelishit*.

The underlying principle addressing the Circumnavigator's Paradox is as follows: When Plato travels west, each of his days will be slightly longer, since he is traveling in the same direction as the sun. Similarly, when Socrates travels east, each of his days will be slightly shorter.[5] No matter which direction the traveler is going, east or west, when the discrepancies from all the days are added up it will total one day,[6] provided that he is moving at or below the rate at which the Earth revolves around the sun. In the modern era, one can imagine two planes traveling exactly at the speed of the Earth's rotation, one flying east and another west. If both planes depart from New York at noon and arrive back in New York exactly twenty-four hours later:

- those traveling west will have seen no sunset and could claim that the day is the same, despite twenty-four hours having passed, while
- those traveling east will have seen two sunsets and could claim that in twenty-four hours, two days have passed.

The circumnavigators of old experienced something similar, albeit at a much-reduced speed and during a significantly longer period of time.

How are we to resolve the fact that Plato, Socrates, and Petrus each think that it is a different day? Enter the dateline[7] along with its two accompanying operational principles:

1. pass over the dateline going west, advance to the next day, but

[4] The theoretical Plato's claim to one less day having passed was verified in real life by Ferdinand Magellan, the 16th century explorer who was the first to circumnavigate the earth. As in Plato's theoretical voyage, Magellan's circumnavigation travelled west. As his crew's voyage concluded, a crew member tasked with marking each passing day indeed found that their calendars were a day behind those in Seville, the voyage's departure point. Magellan himself only made it as far as the Philippines, where he died in battle; only part of his crew completed the journey.

[5] Anyone who has flown from New York to Europe or Israel (east) or to California (west) should relate immediately.

[6] One day for each traveler, equaling two days between travelers going in opposite directions.

[7] Though Magellan's circumnavigation and its resulting dating discrepancy demonstrated the need for a construct like the dateline, it was only over 350 years later that an international dateline was established in 1884.

2. pass over the dateline going east, return to the previous day.

Plato and Socrates each passed the dateline exactly once when circumnavigating the globe. Thus, the problem of which day it is resolves easily: Socrates thinks it is Sunday, but crossing the dateline returns him to Saturday; Plato thinks it is Friday, but crossing the dateline advances him to Saturday. To those meeting halfway around the world, either one or the other crossed the dateline, or they are exactly at the dateline. In either case the problem is solved.

While the international community accepts the International Date Line at roughly the 180-degree longitude line, this is not the dateline accepted by almost all halakhic authorities. The most commonly quoted location of the halakhic dateline is that proposed by Hazon Ish (Rav Avraham Yehoshua Karelitz) in the early 1940s (in *Kunteres Yud Hes Sha'ot*), basing his opinion on Rav Yehudah ha-Levi and Rav Zerahyah.[8]

In addition to that dateline, two other halakhic datelines were proposed. Rav Yehiel Mikhel Tukatchinsky (in *Sefer Hayomam B'kadur* Ha'aretz) argued that given that rabbinic tradition states that Jerusalem sits at the top of the world, the dateline must be 180 degrees away in both directions. Rav Dovid Shapiro (*She'eilot u-Teshuvot Benei Tziyyon* 1:14), the least known of modern-day dateline proponents, cited an explicit *midrash*, which posits that as the fourth day came into existence and the sun and moon were placed into position, it was 9AM in Jerusalem. Ironically, his dateline falls 135 degrees to the east or 225 degrees to the west of Jerusalem, or neatly into the middle of the Pacific Ocean, and precisely between the other two views we have cited. After the slight update he made (*Benei Tziyyon* 2:10) to account for the period of *bein ha-shemashot* (twilight), moving the start of the day to end of the *bein ha-shemashot* period, his dateline conveniently fell within a few degrees of the International Date Line.[9]

But is the dateline just a useful construct that, in an elegant but arbitrary way, eliminates the complexities presented by a round Earth? Stated more precisely, is a dateline a logical necessity or just an expedient solution to some otherwise baffling situations? Given the dateline's recent role in our lives, perhaps it is possible for us to once more manage without such a notion. Could we instead let each individual's affinity to a particular location determine what day of the week it is for him in non-halakhic contexts, and what *minhag ha-makom* is in halakhic contexts? Clearly, a secular dateline need not occupy a particular location, or in fact even be a line, as the current dateline demonstrates.

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[8] Hazon Ish's position was first proposed about 70 years earlier by Rav Moshe Lapidus and strenuously contested by Rav Shaul Natansohn.

[9] Rav Menahem Mendel Kasher argues that since no halakhic dateline is defined in the Talmud, we are free to select one; thus, he supported the use of the international dateline since halakhah accepts the general convention. Years later, Rav Yonah Mertzbach (in Alei Yonah) proposed another mid-pacific dateline by drawing a longitudinal line from the easternmost point on the Asian continent, on the Russian side of the Bering straits, about 114 degrees east of Jerusalem. These views agree with the argument that there must be a dateline and thus mark locations independent of human behavior. Nevertheless, with respect to places such as Japan, New Zealand, etc., they correspond practically with the views that remove the need for a dateline.

If the dateline is not a logical necessity, we face a more daunting task: to resolve the calendars of travelers such as those in the Circumnavigator's Paradox without use of a dateline or any equivalent concept. If that can be accomplished, something we will now demonstrate, the logical necessity of a dateline is eliminated.

As mentioned earlier, the conclusion of the Circumnavigator's Paradox is that advancing the day with each observed sunset works accurately (except in extreme latitudes) when stationary. However, the same result should not be expected when traveling, when an adjustment based on the direction of the journey must be introduced**.** A traveler from New York to Seattle is no different than one traveling to Beijing; the need to adjust to local time, if so desired, is not fundamentally different.

Logically, though perhaps not psychologically, *failing to maintain the same day of the week is not fundamentally different than failing to maintain the same clock time.* For this reason, there is no valid logical necessity for a dateline.[10] The discrepancies that follow from the Circumnavigator's Paradox require an explanation but not necessarily a dateline.

Those coming from opposite directions and meeting up halfway around the world should grasp why they are insisting that they are a day apart. Who is correct—neither or both? If both feel a strong affinity to the same location to their east or west, they can establish the day to be the same as where both their associations lie. When they both agree, all is resolved. If not, they could continue to maintain different days.

This is no different from the case of a New Yorker traveling to Seattle for an isolated meeting who needs to stay in contact with goings-on in New York, and therefore chooses to leave his watch on eastern time, versus one who is more concerned with his Seattle schedule, and chooses to change his watch to Pacific time. Neither choice is logically mandated. Our travelers meeting halfway around the world are not fundamentally different.

Similarly, a Habad *shaliah* living in western Alaska and about to start Shabbat might look across the Bering Straits and notice his colleague about to end Shabbat. It's possible that the two *shelihim* infer that their behavior implicitly places the dateline in the Bering Straits. Alternatively, though, the *shelihim* may realize that there is no logical basis for their observance; the difference in practice is because each *shaliah* maintains affinity to a different capital.

All in all, affinity to an area, not some overriding logic, is what matters. As we have witnessed recently, changes to the location of the dateline that affected Samoa and Tokelau were made to strengthen political affinities as opposed to because of an underlying rationale.[11]

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[10] Clearly, at any single location, once twenty-four hours have passed, it is by logical necessity the next day. However, whether the time in Hawaii or the Philippines precedes Beijing or follows Los Angeles is not a logical choice but a political one. Datelines, though politically drawn, end up specifying the date based on geography as opposed to people, although it is people and their predilections that develop a dateline's location.

[11] Were Hawaii and the Philippines a part of China and the U.S. respectively, a different positioning of the dateline might have evolved.

Assuming the dateline were a logical necessity, one could then argue there must be a halakhic dateline as well, leading to the opinions discussed earlier. Of course, even if a dateline were not a logical necessity, a halakhic dateline might still exist. Given our conclusion that there is no logical need for a dateline, let us consider the halakhic positions of Rav Isser Zalman Meltzer and Rav Tzvi Pesah Frank.

Their positions and those of several others[12] are equivalent to the following formulation: Setting Jerusalem as the focal point of the earth, imagine communities are being formed by those traveling either to the west or to the east. Those going east experience sunrise and sunset a little earlier each day. As they travel further and further east, their day begins earlier and earlier than that day in Israel. For those going west, the opposite occurs. Shabbat starts in Europe a few hours later than Israel, while in Bangkok it starts many hours earlier.

What about New Zealand or Hawaii? Whoever arrives there first establishes the day of the week. Thus, if the eastern travelers arrive first, Shabbat would start earlier, whereas if the western travelers arrive first, Shabbat would start later. What would we do if those coming from the east and the west arrive simultaneously? Rabbis can apply known halakhic principles to adjudicate.[13]

What if there was a previous Jewish community at that location, with an established custom *(minhag ha-makom)* that was unfortunately lost to history? Considering that it is communities, not geography, which determine Shabbat, we only care about how the current Jewish community was established.

Certainly, difficulties arise for this radically different view that does not depend on the existence of a dateline. Had there been a Jewish community in Anchorage during the Seward purchase of Alaska from Russia, when last week's Shabbat became this week's Friday, ongoing religious life for the community might have raised significant halakhic problems, but a dateline would not have been a necessary solution.[14]

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[12] Including Rav Yonason Steif, Rav Menachem Mendel Schneerson, and others we do not identify since their non-written positions are disputed. Rav Meltzer and Rav Frank are highlighted because of their active involvement in the debate over the date of Yom Kippur in China and Japan. I was also invited by the late Rav Uri Dasburg to a shiur discussing letters that Rav Meltzer wrote on this topic. Unable to travel to argue with the Hazon Ish in person, he sent his young student, Rav Shlomo Goren(czik).

[13] The halakhah might favor the larger or more halakhically distinguished community, the presence of poskim in one of the groups, allow a limited period of dual practice until the communities themselves decided, etc.

[14] Note that we are talking about the date in a settled area. How a traveler moving between locations that observe different days of the week is to behave with respect to various mitzvot is another matter entirely. That issue has generated an extensive halakhic literature that primarily revolves around the extent to which mitzvot depend on local versus personal observance. It should also be recognized that drawing a dateline at any location designates a date for **all** locations on earth. On the other hand, if datelines do not exist, there will be uninhabited locations where the day of the week remains undefined. Though proponents and opponents of datelines agree on the halakhic date of all significant locations, those traveling will encounter differences when they travel over locations that have a defined versus undefined date.

For those insisting on a halakhic dateline, on the other hand, the details can become a bit convoluted. If I am standing slightly to the east of any halakhic dateline, can I make Kiddush Friday night, enjoy my *seudah*, and then walk to the west, cross the dateline, and recite Havdalah? Can I walk back the other way and enjoy a Shabbat lunch? Though some *poskim* were (surprisingly) willing to grant such a reality, Hazon Ish avoided it by inventing the notion of "being pulled" to the side that is closest to Israel.

For example, Hazon Ish's 270/90-degree dateline cuts through China and Australia, but all of Australia is pulled towards Perth and all of China is pulled towards its western provinces. If one were to move out into Japan, New Zealand, or the Philippines, however, regardless of natural affinities or Jewish migrations, Hazon Ish would consider him/her to be on the other side of the dateline with no mechanism of sufficient strength for being "pulled back."

This was a major point of controversy for the Jews in Kobe, Japan at the time of the adoption of the International Date Line. Along these lines, some *poskim* have expressed concern for those swimming off the eastern coast of the Asian or Australian mainland or flying east on Motzei Shabbat or Sunday from either continent. [Though certainly a logical possibility, I find these concerns over those swimming hard to fathom.] Note as well that based on Rav Tukatchinsky's dateline, which falls to the east of Hawaii, some rabbis suggest not vacationing in Hawaii on Friday.[15]

And then things get a tad trickier for dateline proponents. The southern continent, Antarctica, a continent through which all 360 degrees pass, might get pulled two ways. Those on expeditions from Australia might want to keep the Australian date, but with their clocks set hours earlier; those from Israel might want to maintain the Israeli date, but with their clocks set hours later. Rav Meltzer and Rav Frank would likely not see this as problematic; different groups can maintain different affinities based on their origin. Those with a dateline intersecting Antarctica must resolve a more challenging dilemma.

While many remain convinced of the logical and halakhic necessity of a dateline, many *poskim* associate the day of the week with the *minhag* of the people of a *makom*, rather than a halakhic property of that location itself. Undoubtedly, the public benefits greatly from the simplicity of a dateline. But for halakhic practice it may be both non-existent and entirely unnecessary.

Mekadaish ha-Shabbat ve-Yisrael ve-hazemanim often ascribes the designation of Shabbat to God, who sanctifies the Jewish people whose calendar establishes the holidays. Nonetheless, it is the Jewish people that define the day of the week for every location in which they reside.

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[15] Rav Tukatzinsky's dateline also cuts through land, namely Alaska, but this creates only a theoretical problem, since there will likely never be Jewish communities west of that part of the dateline. However, in "Sacred Time: Episode One," a recent Tikvah YouTube presentation, Rabbi Meir Soloveitchik tells a wonderful story about the westernmost point in Alaska. As would be expected, the story involving a Lubavitcher Hasid follows the view of the Rebbe (footnote 11 above), and does not comport with R. Tukatzinsky's view.

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ON THE OTHER HAND:
AN OPPOSING VIEW ON POLITICS FROM THE PULPIT

ELIEZER FINKELMAN

Should rabbis speak about politics in their sermons? Cautiously, humbly, and perhaps only in limited ways, according to a pair of recent *Lehrhaus* articles by my rabbinical colleagues. Rabbi Jason Herman ("On Sages, Prophets, and Politics from the Pulpit," Nov. 5) and Rabbi Don Seeman ("Politics from the Pulpit: An Epistemological Reflection," Nov. 12) agree that rabbis should avoid the thunderous pronouncements that belong to prophets. Rather, in politically sensitive areas, rabbis should speak in the humble tones of sages.

Prophets, they contend, speak in unequivocal terms, warning people of how their acts appear to God. Sages, by contrast, consider application of the seemingly unequivocal demands of the written Torah to practical reality, resolving conflicting values in complex, nuanced ways. Prophets thunder, "Thou shalt not!" and sages say, "On the other hand, however…"

In Rabbi Herman's words, "Rabbis are better being Rabbis than prophets."

The same idea appears in Rabbi Seeman's words: "Religious leaders have a duty to demonstrate a degree of epistemic humility—the opposite of 'prophetic' stridency—in claiming the authority of Torah to confront these issues."

I admire the virtue of humility, and freely admit that most of my opinions are probably wrong. At the risk of being wrong again, I demur from the opinions of my colleagues. Allow me to bring examples from history to support my disagreement.

In 1861, slavery counted as the burning political issue in the United States. On January 4, Morris Raphall, the learned Rabbi of B'nai Jeshurun in New York, delivered an erudite sermon on the topic. Rabbi Raphall was an ardent supporter of the Union, but his personal political opinion did not distort his balanced, practical analysis of the relevant Torah passages. He described himself as "no friend to slavery in the abstract, and still less friendly to the practical working of slavery. But I stand here, as a teacher in Israel, not to place before you my own feelings and opinions, but to propound to you the word of G-d, the Bible view of slavery."

In his analysis, an objective student of Torah could not simply outlaw slavery, when so many biblical laws regulate the practice. True, the Torah insists that slaves maintain their status as humans with rights, while slavery as practiced in the American South allowed masters to treat their slaves as mere property. Applying rabbinic wisdom to the modern situation, Rabbi Raphall suggested modifying the American laws of slavery, or gradually phasing out slavery by indemnifying slaveholders for the loss of their investments. Rabbi Raphall even considered whether there might exist biblical justification for specifically enslaving Blacks.

What is more, Rabbi Raphall's learned, balanced sermon quickly appeared as an independent pamphlet, and then achieved success as publishers around the country reprinted it. It proved especially popular in the southern states.

At about the same time, however, Reverend Sabato Morais, the rabbinic leader of the Spanish and Portuguese Congregation Mikveh Israel in Philadelphia, took a more "prophetic" stance toward slavery, thoroughly annoying some pro-slavery members of his synagogue board. Eventually, if I remember the story correctly, the lay leadership of the congregation passed a resolution forbidding the rabbi from delivering sermons in English without first receiving the approval of the board. When a board election brought in a new set of leaders, they repealed the resolution, and as Rev. Morais could speak freely again, he delivered his famous sermon, "A discourse delivered before the congregation Mikvé Israel of Philadelphia, at their synagogue in Seventh Street, on Thursday, June 1, 1865: the day appointed for fasting, humiliation, and prayer, for the untimely death of the late lamented president of the United States, Abraham Lincoln."[16]

As compared with Rabbi Raphall's nuanced presentation, I feel proud that Sabato Morais did not confine himself to delivering a balanced, erudite, prudent, and practical analysis of slavery. In some situations, given the high moral stakes, it is best for rabbis to take firm political stances.

Similarly, I feel proud that in March 1965, my beloved teacher Saul Berman, who then served as Rabbi of Congregation Beth Israel in Berkeley, California, traveled to Alabama to join a freedom march. While I never asked him if he kept his sermons free of political advocacy, I suspect that he did not.

In an interview on National Public Radio, Wendy Sherman, recently retired from the United States diplomatic corps, described another rabbi who refused to speak exclusively as a sage. The rabbi was a chaplain with the American Army when it liberated Dachau. He wondered if the local ministers and priests ever spoke about the massive crime happening in their neighborhood. The experience convinced him that his sermons should never avoid issues of injustice. So in his congregation in Baltimore, he gave a Rosh Hashanah sermon denouncing discrimination against African-Americans. The sermon had an impact on Sherman's father, who owned a real estate agency. As Sherman tells the story:

> So my father asked him what he could do. And he said, "Well, you could advertise open housing in the city of Baltimore," and my father said, "Well, that will cost me my business." There were no open housing laws at the time. And he said, "Well, you asked what you could do. This is what you can do." So he talked with my mother. They agreed to do it. Within six months, he had lost 60 percent of his business.

I do not know what sort of sermons the ministers and priests delivered to their congregants in the neighborhood of Dachau. Perhaps they gave business-as-usual sermons, and avoided the fraught topic of mass murder. Perhaps they should have had the courage to speak with prophetic intensity. Similarly, Wendy Sherman's father had the courage to advertise open housing in Baltimore; I do not know if a more "sage-like" sermon would have inspired that courageous act.

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[16] *Journal of Law and Religion*, 23:1, 2007, pps. 147-188.

What, then, do these instances illustrate? True, my colleagues show wisdom in advising rabbis to keep partisan politics out of their sermons; yet this rule has exceptions.

On the one hand, partisan politics, by definition, means problems of governance regarding which different parties take different positions. On difficult questions of governance, reasonable people of good will can come to different answers. Usually the ancient Halakhah cannot directly and unequivocally answer those questions.

For example, relatively low taxes allow people the freedom to spend their money as they see fit; yet at the same time, somewhat higher taxes adequately fund needed government programs. Different parties can come to different recommendations in good faith. Halakhah will not decisively answer questions about relative tax rates. Even abundant halakhic material does not clearly decide the wisdom of any specific government regulations about abortion.

In other cases, however, two positions exist, but reasonable people of good faith can justify only one of the options. To take a few examples: Rescuing Jews in Europe, in the 1930s and 1940s, amounted to a partisan debate. One party saw Jews in Europe as human beings, deserving of protection. The other party saw Jews as an infestation of vermin, endangering Aryan Europe and unwelcome in America.

In May, 1939, a ship named the St. Louis drew near harbors in Cuba, and then the United States. The passengers, almost all Jews fleeing Nazi-controlled Europe, did not have the papers they needed. On the one hand, these people faced the prospect of murder in Europe. On the other hand, they did not have the right papers, and many people did not want Jewish immigrants. That decided the issue for Cuba and for the United States, and the ship was sent back to Europe, where many of the passengers were murdered.

In a rather different vein, it seems to me that we may identify three areas in which rabbis ought to advocate firmly for one side in today's partisan debates. Of course, others may disagree, and each of these areas is sufficiently complex to require extensive analyses. Still, it seems to me that reason falls squarely on one side of each of these issues.

First, the world's scientists overwhelmingly agree that greenhouse gases contribute to catastrophic changes in our climate. To the best of my understanding, the many arguments for not regulating fossil fuels amount to seeking to maintain the profits of fossil fuel companies, preserving jobs in that industry, and maintaining the ever-expanding consumptionist lifestyle common in the West. Further, spokespersons often back these arguments by denying widely-accepted scientific opinion. It seems to me, therefore, that rabbis should speak out strongly against any positions that deny an overwhelming scientific consensus, and that seek to protect coal workers' jobs without even an honest attempt to find them new economic opportunity.

Second, the central institutions of the Israeli government all meet in West Jerusalem. It seems to me that as a matter of reality on the ground, the capital of Israel resides in West Jerusalem. Most of the nations of the world maintain their embassies in Tel Aviv, in order not to recognize West Jerusalem as the capital of Israel. Yet the capital of Israel, as a matter of fact, is located in West Jerusalem. Nonetheless, in 1948 the Catholic Church did not want to recognize Jewish control of West Jerusalem for a theological reason: Jews must suffer for

not recognizing Jesus. Palestinians now do not want to recognize West Jerusalem as part of Israel, ostensibly because they hope to establish their capital in East Jerusalem. Of course, there a prudent argument against moving the embassy. One might concede that Jerusalem is factually the capital of Jerusalem, but object that moving the embassy and recognizing Jerusalem as the capital has the potential to incite violence. I judge that argument unconvincing because it amounts to the "rioter's veto." The rioter hates some fact and may behave badly, so we must pretend to agree with the rioter; this seems to me to be a problematic approach that can only cause difficulties. More to the point, rabbis must speak out against political views that conveniently overlook clear-cut historical truths and on-the-ground realities.

Finally, to take perhaps the most current issue, indigenous fathers, mothers, and children—many fleeing oppression by formal governments and organized gangs in Central America—now approach the southern border of the United States (see Sofia Martinez's article in *The Atlantic*, "Today's Migrant Flow is Different"). One the one hand, by international treaty and common decency, these desperate, poor people have the right to try to claim asylum in any country that they can reach; on the other hand, many in the United States approve when the US Government does what it can to prevent such entrances into the country—even those in mortal peril (see Judge Jon Tigar's ruling blocking government efforts to bar refugees). Ultimately, in such life-and-death cases, an argument on the basis of economic considerations simply does not pass moral muster.

Regarding most issues of partisan politics, then, reasonable people can take different positions. Other issues of partisan politics, however, pit reason or compassion against unreason or hatred. On those issues, it seems appropriate for a rabbi to play the role of prophet, and use sermons to come out in favor of reason or compassion.

Or, as Shalom Aleichem's Tevya puts it, "On the other hand… there is no other hand."

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The Prophets Did Not Take Political Stands, and You Should Too

Alex S. Ozar

Two recent *Lehrhaus* articles have adverted to, and then rejected, the example of the biblical prophets as precedent in favor of rabbis promoting determinate positions on political questions. As examples they mention questions of public policy with regard to refugees, taxation, civil rights, capital punishment, welfare, and the like. Schematically, the argument seems to be something like this:

(1) The biblical prophets publicly took determinate positions on political questions.
(2) We are not prophets.
Therefore,
(3) The example of the biblical prophets provides no justificatory ground for contemporary rabbis to publicly take determinate positions on political questions.

The idea is that whereas the prophets could be certain of their positions, we cannot. Therefore, whereas prophets were warranted in rejecting any disagreement out of hand, we are not so warranted. We are, rather, fallible through and through, an awareness of which should never fail to come through in our public interventions.

This argument, while broadly salutary in its conclusions, is predicated on a fundamental confusion: With a singular exception, the biblical prophets did not take determinate positions on political questions; that is, they did not demand that the settled policies, rules, and regulations of the state be thus and so. As the rabbis say, once the laws [*mitzvot*] of the Torah were given through Moses, "From now on, prophets may inaugurate nothing new" (*Shabbat* 104a).

Moses did not enjoy this unique license simply in virtue of being first. The Torah itself is at great pains to distinguish the mode of Moses' prophecy from that of all others: Whereas God appears to all other prophets in dreams and visions, "It is not so with my servant Moses… With him I speak mouth to mouth, in clear vision rather than in riddles, and he beholds the likeness of the Lord" (Numbers 12:6-8). Never again would Israel know a prophet "known by God face to face" (Deuteronomy 34:10). Clear vision, mouth to mouth, face to face, and, as the rabbis put it, a "radiant lens" (*Yevamot* 49b) – these are the credentials required to authorize prophetic lawgiving, and no prophet but Moses can enjoy them. And yet there are prophets beyond Moses.

It is thus not incidental that with respect to Moses alone God stresses that the audience must in some manner participate in the prophetic experience themselves: "And the Lord said to Moses, I will come to you in a thick cloud, so that the people will hear as I speak with you," this being "so that they will trust in you forever" (Exodus 19:9). As Ramban, Rabbeinu Behaya, Seforno, Ha-Ketav ve-haKabbalah, Ha-Emek Davar, Sefer Ha-Hinnukh, Rambam, and Sefer Ha-Ikarim stress, the procedure was necessary to ensure the Torah's standing as eternally valid by ensuring that Moses' prophecy was indubitably as indubitable as prophecy could be. Moses' prophecy could thus never be reasonably challenged by a competing

prophet, no matter how apparently legitimate. As a corollary, it follows that the non-legislative prophecy of all prophets but Moses provides for, but correspondingly requires for its authority, a lesser form of trust than that of Moses.

This distinction between Moses and all other prophets is reified into generalizable categories by Ibn Ezra. Responding to earlier commentators' out-of-hand rejection of the possibility of the prophet Jacob's having uttered a falsehood, Ibn Ezra argues that "this is nonsense, as prophets come in two types: the first, an emissary [*shaliah*] for commandments; the second, prophets of the future, who, if they must say something incorrect, it will do no harm. Only with regard to the emissary is it inconceivable that they would lie at all" (Ibn Ezra to Genesis 27:19). Ibn Ezra reasons that fallibility ought to be problematic for the lawgiving prophet alone, and not all prophets are lawgivers.

The idea is not that prophets need not be or prove themselves credible. There are true and false prophets, and so we require a way to discern which are the true. Jeremiah offers one such method:

> Thus said the Lord of Hosts: Do not listen to the words of the prophets who prophesy to you. They are deluding you, the prophecies they speak are from their own minds, not from the mouth of the Lord. They declare to men who despise Me: The Lord has said: "All shall be well with you"; and to all who follow their willful hearts they say: "No evil shall befall you." But he who has stood in the council of the Lord, and seen, and heard His word — he who has listened to His word must obey. Lo, the storm of the Lord goes forth in fury, a whirling storm, it shall whirl down upon the heads of the wicked… If they have stood in My council, let them announce My words to My people and make them turn back from their evil ways and wicked acts (Jeremiah 23:16-22).

How do you know when prophets are false, according to Jeremiah? When they tell the powers-that-be what the powers-that-be want to hear, and hence stand to gain – be it power, fame, money, an administration post, simply the soothing pleasures of peer-approval and applause – from their prophecy. In such cases, the merely human quest for gain is liable to be the most plausible explanation for their conduct, and so their claiming prophetic authority provides no evidence that they in fact possess prophetic authority. To the extent that prophets readily absorb suffering and sacrifice, however, an interpretation of their conduct as self-serving manipulation, as "speaking from their own minds," is correspondingly less likely. It is thus only those who risk the wrath of the people in demanding that they change their ways, who willingly put themselves on the line to proclaim what they say is God's message, who we, and perhaps even they, have reason to believe are indeed proclaiming God's message.

That God has spoken to a prophet does not in itself provide others with reason to believe that God has spoken to her. Thus the currency of prophetic credibility, on this view, is nothing other than the manifest conviction of the prophet in her message and its divine origins.

For better or worse, such credibility will come in degrees, and may well never be absolute. Yosef Albo, in fact, stresses that even as we are obliged to heed the words of established

prophets with regard to local, exigent choices ("*hora'at sha'ah*"), prophetic credibility is indeed always only provisional, defeasible. This is Rambam's position as well. This will be true where prophets establish their credentials through manifest conviction, as I've suggested in Jeremiah's name. It will be all the more true where they establish their credentials through the performance of signs and wonders, which are at best only incidentally related to the content of the prophecy and the character of the prophet (Albo, Rambam). In any case, signs and wonders are not a broadly available instrument at present.

The articles are quite right, therefore, to say that we ought not to conduct ourselves like the prophet Moses – ought not to arrogate to ourselves the authority required for the justified imposition of determinate rules and regulations upon a polity – since we are not prophets like the prophet Moses. But that was true of Amos and Jeremiah as well, and it did not slow them down one bit.

Were we, then, to draw guidance from the examples of Amos and Jeremiah with regard to prophetic political intervention, it would be that prophets, overcome with sympathetic concern for God's concern for the unjustly suffering, come to share God's imperatival, world-shaking urgency towards the redress of the injustice under which they suffer. (This is a central thesis of Heschel's *The Prophets*). Prophets, in other words, come to care about what God cares about, to see what matters to God as mattering, full stop, and so are moved to action. "A lion has roared, who will not fear? The Lord God has spoken, who will not prophesy?" (Amos 3:8).

Others, wittingly or unwittingly, retrench their inertia behind a professed modesty in rendering judgment, employing what Vaclav Havel calls "metaphysical" or "fetishized" dialectics, dialectics which "degenerate (dialectically) into the pure metaphysics of vacuous verbal balancing acts, expressed in constructions such as 'on the one hand – but on the other hand,' 'in a certain sense yes, but in another sense no,' 'we must not, on the one hand, overestimate, nor, on the other hand, should we underestimate,' 'though some characteristics, in a certain situation, may – other characteristics, in another situation, may also…,' and so on and so on" (Havel, "On Evasive Thinking"). But the prophet knows that evil, no matter how convoluted and opaque its workings, must be made known as evil, and so judgment must be rendered.

Judgment, in seeking categories and criteria for the determination of intrinsically messy, concrete particulars, does not enjoy the certainty of logical deduction, and the personal subjectivity of the judger is necessarily implicated in the process. But the prophet knows with perfect conviction that there is a difference between right and wrong, and that we may not, as God does not, abdicate our responsibility to mark that difference, and to put ourselves on the line in making the difference real. Excepting binary choices requiring immediate executive decision – we either surrender to Nebukhadnezar or we do not – fulfilling this responsibility will indeed be compatible with an array of policy options. But it will not be compatible with failing to address the problem at all, and will not be compatible with complacency in searching for satisfactory policy options where none are presently in sight.

So it is true that prophecy in this sense has little do with the rabbinic role strictly defined, and I should think it a truism that constructing arguments for policy positions out of Talmudic

prooftexts is not as such a prophetic activity, much in the same way that tennis is not backgammon.

But we can all discern right from wrong, good from evil, and just from unjust, and we can all put our resources, comfort, our very selves on the line to stand for the former in each pair against the latter. Because we can, we must – rabbis very much included. It is only that for rabbis the stakes are surely higher. And passivity, far from the safest bet, in fact guarantees failure. With but the exception of Moses, prophecy, like life, is an exercise in uncertainty and fallibility, and ultimately we have no security but in God.

I do not wish to be misunderstood. It may well be that in any given case, the best route is indeed silence: conditions may not be ripe, we may not feel equipped or prepared, and we might reasonably worry that the costs outweigh the benefits. But as Rav Soloveitchik argues, we are all bound by a halakhic imperative to realize ourselves as prophets: "The principle of prophecy, as an article of faith...has a twofold aspect: the belief in (1) prophecy as a reality – i.e., that God causes men to prophesy; (2) prophecy as a norm – i.e., that each person is obliged to aspire to this rank, that every man should make a supreme effort to scale the mountain of the Lord" (*Halakhic Man*, 128). We are to make this supreme effort not for the sake of attaining transcendent information but rather toward the end of cultivating a democratic community of public ethical concern (*Lonely Man of Faith*, 60-62).

Even where we reasonably calculate that we and our communities are not prepared for the prophetic, therefore, that means only that we have that much more work to do. We are all called to prophecy and its responsibilities, and so we are all called to call each other to prophecy and its responsibilities. We are called to help each other up the mountain of the Lord, whatever the obstacles we encounter along the way. That we are not yet prophets, in other words, is surely no reason not to become prophets.

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