



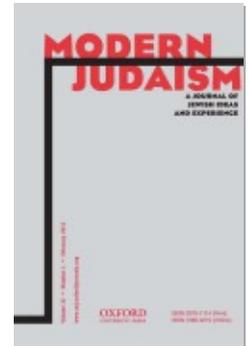
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Seder Yom: Hayye Yom-Yom BeRei HaHalakhah (review)

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Modern Judaism, Volume 21, Number 3, October 2001, pp. 283-287 (Article)

Published by Oxford University Press



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REVIEW

Adam Baruch, *Seder Yom: Hayye Yom-Yom BeRei HaHalakhah* (Jerusalem: Keter Publishing, 2000). 348 pp.

In the 1980s Professor E. D. Hirsch's *Cultural Literacy* argued that the excesses of educational reforms instituted throughout the twentieth century by the progressive movement, and its emphasis on process over content had robbed Americans of a "vocabulary of national discourse."¹ In his book, Hirsch proposes that all Americans learn common points of reference so all may exchange ideas equitably.

In Israel today, the notion that citizens on either side of the religious divide might exchange ideas equitably is an increasingly difficult proposition. The religious-secular debate—which periodic polls tell us pose a greater threat to the future of the State than the Arab-Israel conflict—reflects the breakdown of a common cultural language.²

When I moved into my Jerusalem apartment a few years ago, there were two other families who had been living in the building since 1948. Both families had come from the concentration camps, one via detention in Cyprus, to the Holy Land—fought in her wars, struggled and scrimped, raised families and grew old. Despite the fact that one household was quite secular and the other would have been considered ultra-Orthodox, the couples shared a bond of friendship and respect, forged from a half-century of remarkable common experiences. It is also true that the two gentlemen would discuss the weekly Torah portion, while sitting together in the garden. There was enough of a common cultural vocabulary to sustain communication.

Adam Baruch's *Seder Yom* (whose Hebrew title might be translated as *Today's Agenda: Daily Life Reflected in Jewish Law*) implicitly addresses itself to this dilemma. The book appears to be a collection of 436 short situations and stories, with contemporary halakhic applications, attempting to show how the halakhah, Jewish law, speaks to both the mundane and the exalted in daily life.

By way of introduction, the author states that he recognizes two distinct "languages" at play in Israel today—"Halakhah" and "Israeli." To speak "Halakhah" means that Jewish law (broadly defined, and ranging from ritual law, through financial, sexual, etc.—to the minutia of daily custom) serves as a symbolic language which helps orient a person's world around things Jewish. He elliptically states (p. 18):

A traditional Jew: Halakhah *is* his culture, even if he is not expert in it, he "speaks halakhah" in his daily life. . . . Halakhic concepts serve as a means of communication. Halakhah as a culture in practice, as a language, as a lexicon.

Halakhic concepts become so enmeshed into the language until they *become* the language.

Halakah, therefore, is an all-encompassing legal, philosophical, ethical, and even cultural system. In the words of the biblical Job (11:9), the scope of the halakhic agenda is “longer than the earth and broader than the sea.”³

To speak “Israeli” is to speak another language altogether. “Halakhah” and “Israeli” may be related languages, and may know of each other via their mutual friend, “Hebrew,” but they are, as Professor Uriel Simon has stated, two separate languages which, despite sharing some words and expressions, operate under completely different internal syntax.⁴

Baruch admits (p. 20) that as a young yeshivah student heading off to the world of the Hebrew University he had hoped to unite the languages, but now realizes that this cannot be. Nevertheless, he hopes to provide the “third harmonizing verse” which might serve as a bridge between the two worlds. This has been his agenda in his weekly column in the Friday supplement to the Israeli daily newspaper, *Ma’ariv*, in which he tries to show that halakhah offers insight to issues of daily life. It is a sort of “People’s Court” meets *Beit Din*. Occasionally he offers his take on current events making reference to traditional rabbinic writings. Usually he responds to questions from his readers and gives a *psak* (halakhic ruling) on their disputes (constantly qualifying that the opinion is surely not binding, but merely a window into halakhic thinking).

Indeed, the hundreds of vignettes and explanations are not *psak halakhah* (halakhic rulings) but are demonstrations of halakhic consciousness as a vibrant, legal system, and as a living culture. “Halakhah is meant for man,” he writes (p. 16), yet “man is not a captive of the halakhah.” The content of *Seder Yom* is an explanation by way of examples of how Jewish law and custom apply to the public agenda. He carefully warns to seek rabbinic advice, yet points out his understanding of the halakhic framework behind each case.

Baruch attempts to translate “Jewish” (i.e., halakhah) into contemporary “Israeli” metaphor, and in this challenges the conventional wisdom and the apparent bifurcation of the Jewish people—particularly those who dwell in Zion. *Seder Yom* is a sincere attempt to show that halakhah, as a coded and symbolic language, “is the sub-consciousness of Judaism and Jewish History” (p. 18). For example, consider his guidance for the “halakhot” of watching a funeral for a fallen soldier or terror victim on TV (p. 115), or his essay on the redemption of Ron Arad and other captive Israeli soldiers (pp. 294–297). These are good examples of his blending halakhah in its classical sense, with the meta-

halakhic “spirit” that ought to be shaping Israeli society in a more profound way.

Another valuable illustration is his treatment of the relationship between teacher and student (a relationship well defined in the halakhic literature). He points out that Maimonides mandates that, in a case of conflicting values, one honor his teacher even more than his parents to the point that if forced to save only one life halakhic “lifeboat ethics” rules for that of the rebbe, or teacher.⁵ Rhetorically challenging the ruling, Baruch claims it goes against human instinct to favor the life of a teacher over that of a flesh and blood parent. “Indeed,” he writes (pp. 115–116) “it is instinct. But halakhah bisects human consciousness, aiming at entering its instinctual framework.” In this case, halakhah is attempting to impact the hard-wiring of our psyche by equating (indeed, preferring) the spiritual relationship of teacher-student with the flesh and blood parent-child. However, this is no mere teacher, but one who is foremost in the “design” of your spiritual personality: “he is no mere rabbi or professor—no mere authority or agent of information. If your professor should be held for ransom, write to the UN. If it’s your *rebbe*—sell off your belongings to redeem him!”

One wonders how the secular reader will feel about “Jewish” being translated into “Israeli,” but not the reverse when there is growing frustration among the secular public regarding their perception of the inflexibility of halakhah to adapt to the contemporary world. Indeed, the book ignores some of the stickier halakhic issues at play on the Israeli public agenda such as *agunah*⁶ and civil marriage and divorce. Similarly, one wonders how “Israeli” speakers will take to his sympathetic reading of R. Ovadiah Yosef, whose halakhic opinions are given their own chapter in the book. R. Yosef, the prolific writer and halakhist (b. 1920 in Baghdad), was Israel’s Sephardic Chief Rabbi from 1973–1983, and has been the revered spiritual head of the Shas political party since its inception.⁷ Baruch seeks to examine R. Yosef “as a *posek* (halakhic decisor), not as a politician.” But one suspects that if his intended audience includes the secular public he is overly naive in assuming his readers will be as sympathetic to R. Yosef or that they will be so willing to assume that his politics can be filtered out of the discussion. Indeed, I venture that many religious Israelis today would not be so generous in assessing R. Yosef.

In general, however, *Seder Yom* does not fall into the apologetics trap. We marvel at the fact that the “contemporary” case is often not merely an application from twelfth-century halakhic writing, but often a repeat of the same exact case that Maimonides himself dealt with. We are presented with cases such as profit margins (p. 121) and property sales (p. 159), in which he time and again points out the relevance

of the original Talmudic or rabbinic cases without need for any translation to the modern metaphor. This being the case, we might suggest that it would be preferable that the reader be given more unmediated selections from the Talmud, Rambam, or responsum of R. Moshe Feinstein, instead of Baruch's application of those writings (and one of the serious critiques of the book is surely the lack of references, which would enable the interested reader to go back to the original source). Sadly, however, if readers were more interested in reading the original texts, *Seder Yom* might not need to have been written.

One gets the impression that Adam Baruch knows his way around the "Jewish book case." Indeed, he is competent at handling the classical texts, even if he applies them in ways which will raise the occasional eyebrow from others who are equally at home with those texts. But, we sense, those who might object are not his target audience. The audience who will most benefit from *Seder Yom* are those who do not frequent that bookcase.

His readers will indeed benefit from the book, but the benefit must be qualified. One is reminded of David Hartman's comment about the limiting nature of secondary halakhic and rabbinic sources which attempt to reproduce for the reader the unmitigated encounter with unmediated Torah study (here epitomized by the encounter with the Talmud):

Learning based on [. . . such works] has a quality of rote catechism. In contrast to the Talmud, [. . . it] is like a bathtub as against an ocean. When one swims in an ocean, multiple strokes and movements in various directions are possible. In a bathtub you immerse yourself and passively soak in water without having much maneuverability. There is a spiritual adventure and diversity in the ocean of Talmud. There is limiting spiritual monism and religious passivity in the study of [such works].⁸

Remarkably, the book quickly reached the *Ha'aretz* best-seller list and stayed there for many weeks—a rare feat for a work of this nature. Although we don't know if sales were evenly distributed on either side of the "Israeli"—"Halakhah" divide, we might take it as a positive sign that there are those who hope to recover a language of common discourse. It is somewhat of a desperate remedy; it could also mark an important new beginning.

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NOTES

1. E. D. Hirsch, Jr., *Cultural Literacy: What Every American Needs to Know* (Boston, 1987). For a good, recent critique on the progressive movement's

impact on 20th century American public education, see: Diane Ravitch, *Left Back: A Century of Failed School Reform* (New York, 2000).

2. For a description of the current state of Jewish cultural literacy in Israel, see: *Am ve-Olam: Tarbut Yehudit Ba-Olam Mishtaneh (Recommendations of the Committee on Jewish Studies in Public Education)*, Professor Aliza Shinhar, Chairperson (Department of Education, Jerusalem: August 1994). The so-called “Shinhar Report,” and the library of articles and books in its wake, paints a bleak picture indeed.

3. Cf. Rabbi Joseph Soloveitchik’s citation of this verse at the conclusion of a lengthy description of the “halakhic scope,” in his *Halakhic Man* (Philadelphia, 1983), pp. 21–23.

4. Uriel Simon, “*HaDikduk HaPenimi shel HaHalakhah*,” *Ha’aretz: Sefarim* 396 (September 27, 2000), p. 1.

5. Maimonides, *Mishneh Torah, Hilchot Talmud Torah* 5:1.

6. The classic case of *agunah*, literally “chained” or “anchored” woman, is that of a wife whose husband has seemingly disappeared with no witnesses to testify to his death. According to the *halakhah*, such a woman cannot be considered a widow, yet as a woman is unable to petition for divorce. She is thereby left in limbo. Cf. TB Gittin 33a. The more contemporary case is that of a recalcitrant husband who is unwilling to give his estranged wife a *get* (writ of divorce), similarly leaving her “chained” in a marriage from which she is unable to initiate divorce.

7. R. Yosef’s reputation has been tested over the years, perhaps never more so since the general public’s perception that he has used his rabbinic standing toward political ends. His recent comments, and the ensuing firestorm, regarding the “sinful souls of the Holocaust victims,” as well as the conviction and imprisonment of Shas leader Aryeh Deri, have not helped R. Yosef’s reputation. Peter Hirschberg’s monograph, “The World of Shas,” is a good introduction to the phenomenon of the sephardic political party, R. Yosef’s role, and the perceptions of the general Israeli population. It can be downloaded at www.ajc.org.

8. David Hartman, *Joy and Responsibility*, (Jerusalem, 1972), p. 140. The specific case Hartman refers to is the study of *halakhah* from the *Kitzur Shulhan Aruch*. Again, Baruch’s omission of citations prevents his reader from venturing out into that ocean on his own.