

The Slifkin Affair Revisited

Part 1: Issues of Tolerance

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It is often the case that we only truly understand an event or series of events after time has passed and we have had time to reflect. The world of study does not end with the constraints of immediate time. To truly effect change, to allow the realm of thought to truly influence life, often demands the process of time. The “Slifkin Affair” was not simply an aberration, occurring in one point in time. It reflects perceptions and concepts that demand our continuous attention – not just as it affected this singular event, but as it continues to affect the entire nation.

It is true that I have already written on this matter -- see [Authority and Wisdom: The Slifkin Affair](#) – yet over this past year, since I first voiced some thoughts on this matter, new questions began to concern me. The issue to me became more and more the entrenchment of both sides of the conflict. Events, such as those that occurred in this case, have happened previously, yet the consequences were vastly different. The Slifkin Affair fostered, in my opinion, an unparalleled split in the Orthodox world. Why did the Slifkin Affair foster the powerful rift that ensued? As a result of the Slifkin Affair, the world of Orthodoxy is altered. This demands our attention.

Rabbi Slifkin’s works were attacked. Under the general principle of *Eilu v’Eilu*, this attack was challenged. This would appear to be the essence of the disagreement, yet this is too simplistic an explanation of the ensuing rift. It would seem that the defenders of Rabbi Slifkin were contending, applying such principles as *Eilu v’Eilu* (see T.B. Eruvin 13a and T.B. Gittin 6b) and the behaviour of *Beit Hillel* and *Beit Shammai* as presented in T.B. Yevamot 13bff., that the proponents of the ban were, themselves, acting outside the pale of Orthodoxy. While seemingly a logical response, the question of how to respond to disagreements in regard to *Eilu v’Eilu* is actually a most difficult one.

Rabbi Slifkin’s works were declared to be *apikorsus*, outside the pale of Orthodoxy,

to be looked upon as non-Orthodox. On one hand, this is a much more virulent attack. On the other hand, though, the principles of *Eilu v'Eilu* do not apply to non-Orthodox ideas. As I identified in *Tolerance*, Nishma Introspection 5760-3, the *halachic* view of tolerance is a most complex idea because of this distinction between tolerance/intolerance within the pale and tolerance/intolerance outside the pale. They are two distinct principles which -- in contradistinction to any secular analysis of tolerance which deals equally with questions of knowledge in all human situations -- demand a split between two types of ideas, two types of knowledge. Within the parameters of Orthodoxy, we apply the concept of *Eilu V'Eilu*, which is a remarkably powerful view of tolerance demanding broad acceptance of divergent opinions (although *Halacha* still demands great assertion in advocating one's position). Outside the parameters of Orthodoxy, though, the argument of tolerance is very limited, built upon the concept of *Tinok She'nishba* (literally, "a child who has been captured" but, based on Rambam, *Mishneh Torha*, *Hilchot Mamrim* 3:3 is used as a reference to tolerance even to those outside the pale), and only, really, extending to the individual and not the idea. The contention that Rabbi Slifkin's works were *apikorsus* thus complicated the matter. The simple response of the proponents of the ban, to the charge of ignoring *Eilu v'Eilu*, would be that it did not apply. What remains is a *halachic* disagreement about whether a certain view is *apikorsus* or not, a disagreement on the application of *Eilu v'Eilu*. The question now is: how does one apply the concept of *Eilu v'Eilu* to such a disagreement? This substantially is the issue raised by Ra'avad, in his comments to Rambam, *Hilchot Teshuva* 3:6. A close reading of his words show that he did not disagree with the substantive statement of the Rambam; Ra'avad also perceived God not to have any physical dimension. He simply disagreed with Rambam's assertion that a belief that God has physical dimensions is heresy and an idea that must be excluded from the pale of Orthodoxy. In doing so, Ra'avad briefly presents his view that the pale of Orthodoxy is drawn by the process of analysis based upon Torah rather than the conclusions reached. Rambam, however, clearly disagreed. How, though, does one apply the concept of *Eilu V'Eilu* to this disagreement? How does one, under the principle of *Eilu v'Eilu*, respect the view of Rambam that inherently calls for not respecting another view which, in turn, Ra'avad calls upon us to respect because of the principle of *Eilu v'Eilu*? This difficult dilemma, whether recognized or not, was at the heart of the Slifkin Affair.

This dilemma has troubled Torah thinkers through the ages. The very declaration

that Rambam himself espoused *apikorsus* created similar dilemmas of conscience. There were the cases of Rav Yonatan Eibeshitz and Rav Yaakov Emden, the Gra and the Ba'al HaTanya. In modern times, the declaration by Rav Shach that the works of Rabbi Adin Steinsaltz were *apikorsus*, immediately comes to mind. There were other cases -- the Chazon Ish's view of Mizrachi, Rav Shach's view of the Lubavitcher Rebbe -- that created, for many, what we can only effectively term, a profound state of cognitive dissonance. For me, the dilemma was personally most acute in regard to the Jewish Observer's so-called *hesped* of the Rav. Can one apply *Eilu v'Eilu* in a situation where the other is not applying *Eilu v'Eilu*? If so, how?

This challenge of applying tolerance to the intolerant is most difficult -- and it somewhat explains why so many, throughout the centuries, simply lived with this cognitive dissonance, a sort of *teiku*. Even as people were fundamentally challenged in their beliefs, the response against the challenger was often muted. *Eilu v'Eilu* itself, and concepts of *kavod HaTorah*, would still demand a respect for this challenger. *Eilu v'Eilu*, though, does have its parameters. One could still conclude that the intolerant statement is, indeed, a rejection of *Eilu v'Eilu* and, thus, is itself outside the pale. The question, in fact, is a weighty one. Either the Torah is demanding that one face the dilemma of cognitive dissonance, attempting to understand the paradox of the statement and the person, and perhaps even of Torah -- or -- that one declare the intolerant statement to be outside the pale of Orthodoxy, thus challenging the one who makes the statement and distancing oneself from that position as a legitimate view within Orthodoxy. The depth of this question cannot be discounted.

In the Slifkin Affair, though, it seemed that the latter option gained greater prominence. The contention was that Rabbi Slifkin's works were clearly within the pale, thus the principles of *Eilu v'Eilu* clearly applied, thus those who declared these works *apikorsus* were themselves acting outside the pale of Orthodoxy, and so those who attacked Rabbi Slifkin were themselves deserving of attack in presenting a non-Orthodox position. When each side perceived the other to be outside the pale of Orthodoxy, we witnessed the emergence of a greater rift. The muted response of "Option one", calling for a recognition of the dilemma of *Eilu v'Eilu*, was, itself, muted. "Option two" seemed to be more predominant. The question is: *why*.

One consideration must be the reality that the *charedi gedolim* of today are not

looked upon in the same way as *gedolim* of the past. The challenge in attempting to understand the Chazon Ish and his intolerance to various other opinions emerged from a personal recognition, even by those he attacked, that this was, nonetheless, the *Chazon Ish*. The very stature of this individual created the cognitive dissonance. Those who challenged Rabbi Slifkin are not seen in the same light; as such, their pronouncements are more easily discounted. (Do we have a decreased aptitude for an awe-full respect? Do our leaders objectively inspire less respect?) The difficulty of the tug and pull of this potential dissonance, though, should not be discounted; it is not an easy path. To live with dissonance demands a tremendous respect for the proponent of the intolerant statement; the creation of this negative state of dissonance and confusion of thought must still be justified. Absent this respect, the option is to take a straight path and deem the intolerant statement to be a negation of the Torah principle of *Eilu v'Eilu*, placing it outside the pale of Torah.

Many were also greatly upset with the personal havoc this declaration caused in Rabbi Slifkin's life. Of course, such a concern, in itself, cannot stem a charge of *apikorsus*. When Louis Jacobs was prevented from becoming Principal of Jews' College, due to published statements that were deemed by Chief Rabbi Brodie to be outside the pale of Orthodoxy, there was, sadly, a resultant personal havoc in this man's life – yet Torah ideals had to override. Similarly, if Rabbi Slifkin's works were truly *apikorsus*, the negative consequences of their declaration – in Rabbi Slifkin's personal life or in the ensuing rift in the community – could not dissuade those who believed his works to be *apikorsus* from making this declaration. Communal rift and/or personal havoc are not arguments for the tolerance and acceptance of *apikorsus*. Yet, for many, given that there were divergences of opinion on the issue, why take a rigid stand especially when there could be harm to this individual? *Eilu v'Eilu* was not just rejected; it was rejected in a situation when there may have been a further call for its implementation. The fact that this declaration was made in circumstances that would call for a re-consideration of such declarations strengthened the challenge to the ban.

Of course, the decision to attack the ban could simply have been the result of a determination that was deemed appropriate based on the facts. Although a sense of dilemma may have been more preeminent in similar cases of the past, past dilemmas need not influence current cases; each decision must always be tied to the specific facts of the

case. It may be that, in this case, people did not see any justification for the dilemma of *Eilu v'Eilu* and thus felt obligated to challenge the ban. Yet, there is another possibility. It may be that, for a certain segment of the population, a concern for intolerance and the rejection of *Eilu v'Eilu* was not the real issue. The attack on the ban may have been fueled by other considerations.

There were actually many indications to me that, even while *Eilu v'Eilu* was being advocated by certain individuals, it was not their real concern. I found it interesting hearing certain people attack the ban because it rejected *Eilu v'Eilu*, while I knew that these people themselves did not apply this principle in regard to other issues that were close to their heart and to which they could not accept disagreement. Here, *Eilu v'Eilu* served their purposes, thus it was invoked. Elsewhere it did not, thus it was not. For such people, tolerance is not the issue. The problem with the ban, for such people, was that it challenged principles they upheld.

The amount of aggressive emotion that surrounded the issue was also somewhat disconcerting. While it may be true that someone who is committed to *Eilu v'Eilu* can be greatly angered by intolerance within the *halachic* world, a commitment to *Eilu v'Eilu* usually has a tempering effect. A desire to do battle usually indicates that the underlying concern is not *Eilu v'Eilu*. In one of the major synagogues in Toronto, the Senior Rabbi – himself a *musmach* of Ner Yisrael in Baltimore – upon introducing a finalist for the position of Assistant Rabbi, made reference to the fact that the candidate first went to Yeshiva University but then transferred to Ner Yisrael. The Senior Rabbi then added, *ma'alim b'kodesh*, a Talmudic reference that one ascends in holiness. This comment was met with great derision; the Senior Rabbi was accused of denigrating Yeshiva University. The Senior Rabbi found himself having to explain to the congregation, in the sermon the following Shabbat, that he was simply making a joke in favour of his *alma mater*. His comment was to be understood no differently than a Harvard graduate congratulating one who left Yale to attend Harvard. An atmosphere of mistrust has developed, that encourages suspicions of innuendo and negative insinuations, which allows for the misconstruing of such comments as attacks. More so, there seems to be even a desire to do battle. Such atmospheres exist when one is trying to make a point, when one wishes vehemently to force a certain cause or view to the front of the line. The very essence of *Eilu v'Eilu* is the avoidance of such battles. Someone committed to tolerance first

recognizes the call to understand. There is a call to apply the principle of *dan the kaf zchut*, evaluate with a leaning to the positive. The force of *Eilu v'Eilu* is contemplation. Instead there was condemnation. This is not an atmosphere predicated upon a concern for *Eilu v'Eilu* for *Eilu v'Eilu* would moderate the encounter. What we are witnessing is not a fight against intolerance. What we, in fact, are witnessing is a fight between opposing visions of Torah, each without the tolerant respect of *Eilu v'Eilu* for the other – and the battle is intensifying. This is marked by the aggressiveness of the proponents of all sides.

Within Torah we do believe in disagreement. The vision of Torah is not monolithic. In fact, it is remarkably heterogeneous. More so, it is remarkably contradictory, yielding a divergence of positions that, indeed, can make the blood, of many, boil. *Eilu v'Eilu* is what keeps us together. A statement is made. One is in disagreement with this statement and a decision must be made on what position should be followed. Yet, Torah demands that another decision also be made. Is this statement within the pale of Torah or outside the pale of Torah? Thus, even as you are in disagreement with this statement, you must also determine how to respond to the one who follows this statement. If it is outside the pale, the statement must be rejected and a distance from the proponents of this statement must be instituted. (The extent and effect of this distancing is the subject of the issue of *Tinok She'nishba* which deals with the issue of tolerance to those outside the pale.) If the statement is within the pale, the statement must be embraced as an entity of Torah and its proponent treated with all due respect. This demand is much more difficult than most may believe. It demands respect even for positions with which one may fully disagree. It means that even as I follow *halachic* opinion A, and believe *halachic* opinion B to be wrong, I must see the follower of *halachic* opinion B to be just as *frum* as I am. His/her eating of something I believe not to be kosher, for example, must be seen by me as he/she eating kosher.

Such a mindset is not easy to achieve. I remember speaking once, about *Eilu v'Eilu*, to a centrist Orthodox audience where I explained the importance of *halachic* divergence and that the use of labels such as “more *frum*” or less *frum*” is essentially inappropriate – the key is whether you arrived at your decision properly applying the *halachic* process. This talk was very well received. Interestingly, though, when I later mentioned to this group that *Eilu v'Eilu* also demands respect for the positions of the Satmar Rav, there was a clear deflation in the excitement of the listeners. This type of response happens with all types of

audiences. People like to hear about the value of *Eilu v'Eilu*. They especially like to hear how *Eilu v'Eilu* demands of others to respect their opinions. But the challenge of *Eilu v'Eilu* emerges when one is confronted with having to respect another opinion with which one vehemently disagrees. *Eilu v'Eilu* -- be it in regard to the issue of university and secular education, women's Torah study or trading land for peace in Israel -- demands that, while maintaining his/her position, one, more than just hearing opposing views, fully knows the different views and recognizes them as entities of Torah. *Beit Hillel* quoted *Beit Shammai* first. Similarly, applying this principle to modern areas of disagreement, the call would be for one, for example, who declares that trading land for peace is *halachically* problematic, to quote the position of one who advocates trading land for peace, or even the position of the Satmar Rav, first. This is the dilemma of *Eilu v'Eilu*. Not just in regard to the intolerant statement, it is, in general, a realm of cognitive dissonance. It is a realm of depth, yet confusion. It is a realm of tension. It pushes one to an intellectual and emotional limit especially in regard to ideas and values with which one disagrees. Where do I draw the line? By what parameters do I conclude that this statement, which I find to be deeply problematic, is indeed outside of Torah or fully within Torah and thus deserving, albeit with strain and sweat, the fullness of my respect? The more committed I am to a certain view, the more I wish to negate the other views and the more difficult the challenge of *Eilu v'Eilu* becomes. It is then that the force of *Eilu v'Eilu* erupts. It declares that the opposing views may be just as much an entity of Torah as my view.

Applying *Eilu v'Eilu* is thus a most difficult *mitzvah*. How is it possible to maintain such an attitude in the perplexing realm of Torah which is filled with such divergence -- and conflict -- of opinions? This is the awe of Torah. This is what actually spurs the dilemma of tolerating the intolerant and the intolerable. This is what calls us to attempt to understand that which seems to be beyond comprehension. Fully applying *Eilu v'Eilu* to the ban of Rabbi Slifkin's works should have initiated this moment of awe. One is confused. One is overtaken by a perplexity that is overriding. The emotion may be to challenge but the call of *Eilu v'Eilu* is first to attempt to understand. In perceiving the dilemma inherent in the pronouncement of the ban, *Eilu v'Eilu* thus yields, first, awe, then asks one to step back and attempt to understand even the proponents of the ban -- not necessarily to agree but to give reason, to approach this confusion and perplexity of Torah with respect. Perhaps the conclusion will still be that the proponents of the ban acted

outside the pale in rejecting *Eilu v'Eilu* and, if this is the conclusion reached, it must be enunciated and acted upon. But there is a vast difference when such a conclusion emerges from an application of *Eilu v'Eilu* and when it does not.

Sadly, too often in the Slifkin Affair, while challenges based on *Eilu v'Eilu*, were forthcoming, I did not feel the very application of the principles of *Eilu v'Eilu* in these answers. Not because of the conclusions. One committed to *Eilu v'Eilu* could have arrived at similar conclusions, but there would be a difference. *Eilu v'Eilu* demands *kavod HaTorah*. *Eilu v'Eilu* demands contemplation. It demands an attempt to understand the other side. A professor of mine, who was a graduate of the London School of Economics, mentioned to me that, in graduate school, he had a professor who created a very effective world of cognitive dissonance, and education, in his classroom. The major project in his class was a debate which basically established one's final grade in the class. The professor would wait until he knew the students in the seminar before assigning their roles in this debate. He then assigned each student the task of defending a view with which the student vehemently disagreed. The Marxist was assigned the task of defending capitalist positions while the capitalist was assigned the task of defending Marxist positions. The cognitive dissonance emerged with the recognition that faulty defense of the position, with which you emphatically disagreed, meant the end of your graduate career. This is the demand of *Eilu v'Eilu*. The fact that there is also the possibility that the other position may, indeed, be outside the pale only complicates the process. *Eilu v'Eilu* is thus a highly contemplative concept. Its call is not aggressive but rather pensive. If the issue for those who challenged the ban had really been *Eilu v'Eilu*, then the reflective and balanced qualities of this guide for tolerance would have been more apparent.

The reason that the aforementioned Senior Rabbi was attacked was because lines were being drawn. Proponents of one view have been in a fight with proponents of the other view: "you are either with us or against us". As this rabbi was deemed not to be with them, he must be against them. Similarly, the argument of many against the ban was not simply that Rabbi Slifkin and his views should be respected. Rather, the argument was that Rabbi Slifkin was right – and, as such, the proponents of the ban were wrong.

Asserting one's view, as mentioned above, is, in fact, a call of Torah. Even as *Beit Hillel* and *Beit Shammai* showed the utmost respect and love for each other, in the *Beis Medrash*, they still debated to the end. The advocacy of all Torah positions is actually a

necessity, just as *Beit Hillel* and *Beit Shammai* advocated their positions. That is, furthermore, the true realm of Torah and Torah study. But there is a crisis if there is no measured application of *Eilu v'Eilu*. The call of Torah is to powerfully believe in one's view even as one respects a diametrically opposing view within Torah. This is not easy to achieve. The reality of Tolerance is that it is usually accompanied by weakened views. Either tolerance itself leads to a weakening of views, or only weakened views, which do not truly challenge one's opinion, are tolerated. This essay simply attempted to show that even those who appeared to be asserting *Eilu v'Eilu* were not really arguing for the complete application of this principle. In the end, in this case, each side was arguing, vehemently, for its view, for its vision of Torah to be stamped as The Only. What is the great fear? Is it the very heterogeneity of *Eilu v'Eilu*? The reality for many opponents of the *charedi gedolim* is that mending the rift, and applying tolerance, suggests surrender – and they are not willing to do this anymore. But must this inevitably lead to a growing rift? Perhaps the call is to actually apply the principles of *Eilu v'Eilu* and attempt to understand the divergent opinions. If *Eilu v'Eilu* is rejected on all sides, is not the corollary call, of each side, in fact to reject without understanding the divergent opinions. Therein lies the true, malignant secret of the Slifkin Affair. Invoking *Eilu v'Eilu* leads one to further investigate an issue, to attempt to gain a greater understanding through studying both viewpoints. Failing to apply *Eilu v'Eilu* leads in the opposite direction – incomprehension, obscurantism, where the sole goal is the triumph of the one view over the other. This is indeed what is emerging in the aftermath of the Slifkin Affair. Our call must be to honourably and truly apply *Eilu v'Eilu*.