

The Slifkin Affair Revisited

Part 2: The Challenge of Eilu v'Eilu

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At the conclusion of Part 1, I stated that: “Our call must be to honourably and truly apply Eilu v'Eilu.” On the surface, this would seem to be a call for tolerance from both sides of the rift – yet, Eilu v'Eilu is not simply a call for tolerance. As surely as Eilu v'Eilu demands tolerance of variant halachic opinions found to be within the parameters of Orthodoxy, there is equal demand for intolerance of views deemed to be outside the parameters of Orthodoxy. Eilu v'Eilu's nature, as such, is different than what we may term the secular, academic realm of tolerance. As much as Eilu v'Eilu advocates for a remarkable vision of tolerance, it similarly recognizes the certain limits of tolerance within the realm of Orthodoxy. The powerful language of Rambam, Commentary to the Mishna, Sanhedrin, Introduction to Chapter Chelek at the conclusion of his presentation of his 13 Principles of Faith is directly on point; to Rambam, there is to be no tolerance of concepts outside these parameters. While others may argue specifics with Rambam and define the principles of faith somewhat differently -- yielding a reflection of the cognitive dissonance of Eilu v'Eilu -- at some point, for all Orthodox thinkers, a line must still be drawn. Within the line, there is the application of Eilu v'Eilu. Outside this line there is intolerance. True, a new category of tolerance for the individual, built upon the concept of Tinok Shenishba, literally “the captured child,” does then emerge; yet this category basically offers no tolerance to the idea or concept itself and is greatly limited in comparison to Eilu v'Eilu. The call of Eilu v'Eilu is not simply a call for tolerance. It demands a definition of the parameters of Orthodoxy so one can determine when tolerance is demanded and when it is not.

It is, thus, actually difficult for the Orthodox thinker to declare a broad intolerance of intolerance. In the response to the ban, many, recognizing that they were not demonstrating any tolerance toward the opinion of those who declared the ban,

explained their position – and I am one who has also used this argument in differing contexts – by stating that while they are usually tolerant, they are still intolerant of intolerance. While such an idea may have standing in the general world of thought, within the realm of Orthodox Jewish thought and within the parameters of Eilu v'Eilu, this assertion is actually somewhat problematic – because Orthodoxy also demands an intolerance of non-Orthodox positions. The most that an Orthodox thinker can declare is an intolerance for an intolerance of positions within the parameters of Orthodoxy, i.e. an intolerance for the non-application of Eilu v'Eilu when such application is appropriate. But to make such a statement, the Orthodox thinker must first define these parameters. Then one must further deal with the problem of what to do when there is disagreement over these very parameters. The initial need, though, is still to recognize that Orthodoxy demands tolerance and intolerance in the same mindset. The Orthodox Jew cannot simply be intolerant of intolerance for the Orthodox Jew must be intolerant of heresy. As such, one cannot simply attack the proponents of the ban for being intolerant. If one believes Rabbi Slifkin's books to be heretical, one would actually be called upon to be intolerant. The issue then is not tolerance; it is the definition of heresy – and to define heresy is to demand a definition of Orthodoxy. In banning Rabbi Slifkin's works, a declaration is being made that such works are outside the parameters of Orthodoxy. In not only challenging this ban but in contending that this ban is itself heretical, as some defenders of Rabbi Slifkin have advocated, individuals are declaring that the ideas that lead to such bans are themselves outside of Orthodoxy. It may be that they find, in the rejection of the application of Eilu v'Eilu to this argument, a basis for a challenge of heresy – but nonetheless the true argument is not about tolerance. It is about the nature of Orthodoxy.

This is why the rift is so fierce. The issue is the very parameters of Orthodoxy. Should we actually not expect such ferociousness, from both sides, (each, of course, maintaining a certain vision of Torah to the exclusion of the other), in a battle to defend Torah? The call cannot be simply for tolerance. One cannot simply demand from the other respect for an opposing view or hashkafa. The response to a simple call of Eilu v'Eilu would be that this rule does not apply, for the rejected, non-accepted opinion is heresy and thus not bound to the call of Eilu v'Eilu. And indeed is this not what has occurred? The two sides have not only declared the other side to be wrong, they have declared the other side to be outside the pale of Orthodoxy. Eilu v'Eilu would seem, thus, to have no

voice. It only has voice within the vision of Orthodoxy and each side has declared the other to be outside their opposing views of this vision.

Yet it was precisely at such a point as this that, throughout history, Eilu v'Eilu did raise its voice and called for connecting the unconnectable. This voice, though, was more than a simple call for tolerance. Indeed for Eilu v'Eilu to apply, it had to first declare its own vision of the parameters of Orthodoxy that would allow it to have voice. To assert Eilu v'Eilu had to always be predicated on an understanding of Orthodoxy that would include the divergent camps. The first call in applying Eilu v'Eilu thus always had to be the attempt to build a vision of the parameters of Orthodoxy that somehow included these opposing, even vehemently opposing, visions of Orthodoxy. This is actually a call for a qualitatively different type of vision of Torah than the personal vision of Orthodoxy upon which each position was constructed and that we apply in our lives. It is the call to find the essence of the machloket l'Shem Shomayim, the disagreement for the sake of Heaven (see Avot 5:20). It is the call to find the special vision of Orthodoxy that will broadly include variance. Of course, not all visions are acceptable; there are parameters to Orthodoxy. But as much as there is the necessary force to demarcate the boundaries of Orthodoxy, there is a force to extend these boundaries. This is the force of Eilu v'Eilu. It respects limits. It recognizes the need for intolerance of that which is clearly outside the pale. Yet it is the force of inclusion. For inclusion, though, there must be a certain type of vision and philosophy of Orthodoxy that can support this inclusion, an inclusion of that which initially even seems to violate one's personal vision of Orthodoxy. You cannot simply call upon proponents of the ban to respect the opposing view of Rabbi Slifkin. And you cannot simply call upon the defenders of Rabbi Slifkin to respect the opposing view of the proponents of the ban. Each can defend their intransigence by declaring the other heretical. What is needed is the articulated vision of Eilu v'Eilu that challenges the charge of heresy, not only in my mind but also in the other's mind. The process thus undertaken under this charge of Eilu v'Eilu is not to determine what you believe in but, rather, to determine what, from what you do not believe in, is still part of Orthodoxy.

The vision of Eilu v'Eilu is thus not similar to the articulation of the vision of Orthodoxy that I adopt in my life and attempt to follow in my personal observance of Torah. It is actually an imposed vision filled with cognitive dissonance. It is a vision that demands of me the halachic tolerance of positions with which I do vehemently disagree. It

is a realm where I can say that you are wrong, that I powerfully disagree with your position – but I cannot say your position is outside of Torah. Somehow we are called upon, each of us, to delineate two visions of Torah. One is the personal Torah vision that we observe and follow in our lives, a vision that we advocate in disagreement with other personal Torah visions. Then we are called upon to describe another vision, an articulation of principles by which we define the pale. The question, within the vision demanded by Eilu v'Eilu, is, again, not: what do you believe? That is the realm of the personal vision. The question is: can you clearly maintain that what you do not believe, and that which the other believes, is indeed outside the pale? The closer the Eilu v'Eilu vision is to the personal vision, the less room for acceptance of variance. Of course, acceptance of variance is not always necessarily the ideal; there are parameters of Orthodoxy. The call of Eilu v'Eilu is still to see the two types of visions – and to articulate them distinctly. I may have a vision of Torah that declares that I should support the State of Israel and I may disagree with the view towards the State, for example, of Satmar. But is this vision also to be the yardstick by which to determine whether Satmar is, or is not, within the pale? Eilu v'Eilu initiates the suggestion that it is not. I can declare to be Satmar wrong based on my personal vision of Torah – but can I say that this view is outside the pale? I can only declare one outside the pale based on a vision of Eilu v'Eilu outlining such parameters.

This is the true dilemma that faces Orthodoxy at this time. The issue is not simply tolerance. The issue is the vision, or visions, of Orthodoxy. Those who banned the works of Rabbi Slifkin have a vision of Orthodoxy that excludes these works. Those who maintain that the ban itself is heretical, have a vision of Orthodoxy that excludes proponents of the ban. Given such visions, the ensuing rift is understandable. Intolerance of views outside of Orthodoxy is demanded and, at present, these two worlds see the other as outside of Orthodoxy. It would seem that each would contend that their differing visions are not just personal visions by which they live but also Eilu v'Eilu visions by which they also construct what opposition they will tolerate. What would seem to be left is for an individual to choose the vision with which he/she agrees – and pick a side. This indeed seems to be what is happening – with the ensuing friction that is always the reality of picking sides. (But does Rambam not maintain that, if not for the force of Tinok Shenishba, there should be animosity towards the one outside the pale of Orthodoxy?) Yet, is it correct to see these personal visions as Eilu v'Eilu visions? Have the questions that

need to be asked to formulate an Eilu v'Eilu vision been asked? We know how to construct personal visions. Our learning of Torah is all directed to the construction of our understanding of Torah and the development of a hashkafa, philosophical system, and a halachic structure by which we live. But how does one construct Eilu v'Eilu visions?

Rabbi Aharon Feldman, the Rosh Yeshiva of Ner Yisrael in Baltimore, wrote an extensive essay, circulated through the internet, in defense of the ban. His arguments could be described as a forthright work of Torah whereby he defends the disagreement with Rabbi Slifkin. His article clearly explained, in regard to these issues, his personal conclusion on the matter and the reasons for his adoption of this position. For example, in regard to the question of science and Chazal, he argued that the vast majority of commentators, over the centuries, disagreed with the position of Rav Avraham ben HaRambam and that, given the mechanics of rov, following the majority, we are called upon to follow this view of the majority and discard the view of Rav Avraham and the small minority of opinions that supported it. This is a strong argument and does indeed pose a challenge to one who follows an opposing view. But that is not really the issue. The question is not whether one should follow or discard the view of Rav Avraham ben HaRambam. The question is whether one who does follow this view is outside the pale of Orthodoxy. The application of rov is no longer a question in the realm of personal visions of Torah. Rabbi Feldman's assertion is that the application of rov is now a principle in the realm of the Eilu v'Eilu vision. There were responses to Rabbi Feldman that did deal with this issue and contended that rov did not necessarily apply in this case and, as such, maintaining the view of Rav Avraham ben HaRambam cannot be viewed as outside the pale. But these responses were still what we would expect in the Beit Midrash, in an argument of personal visions. What, though, is Rabbi Feldman's Eilu v'Eilu vision that demands of him to describe the principle of rov, in this case, as a fundamental principle of Torah -- notwithstanding differences on this matter in the past -- to which one who does not apply rov is deemed outside the pale? He does not explain. His arguments state why rov should be applied but do not explain why the one who does not apply rov is outside the parameters of Torah. Those who argue show why the inapplication of rov should not yield a conclusion that one is outside the pale, but they do not challenge that which caused Rabbi Feldman to declare otherwise. This, in fact, is a question that bothered me throughout my reading of Rabbi Feldman's article. Why would he be maintaining that the

inapplication of rov, in this case, is to be deemed outside the pale – especially since there is much evidence to the contrary? Only by answering this question could I gain insight into the Eilu v'Eilu vision that drew a line with the banning of Rabbi Slifkin's works. Only thereby can I deal with the issue of Eilu v'Eilu.

This is the shakla v'tarya, the question and answer, of Eilu v'Eilu. The focus is not the argument per se, attempting to determine right and wrong. The focus is the vision behind the argument, attempting to determine whether that which I see as wrong is still within Orthodoxy. The proponents of the ban give no insight into their reasoning on this matter. To consider the use of Eilu v'Eilu, though, I am still left with the task of attempting to find this reason, this Eilu v'Eilu vision. And so I must also attempt to find the demarcation of this yardstick amongst those who challenged the ban. Are they true Eilu v'Eilu positions or only extensions of their personal Torah visions? What response is there to these visions? Is there another possible Eilu v'Eilu vision that encompasses the essential issue or issues upon which this disagreement is based and explains the entire matter in terms of a machloket l'Shem Shomayim? The proponents of the ban do not just disagree with Rabbi Slifkin's works. They disagree with the vision that led to Rabbi Slifkin's presentation. Those who challenge the ban do not just disagree with this action. They disagree with the vision that that led to this ban. Each, in turn, sees the other's vision as, not just wrong but, outside the pale. A challenge of Eilu v'Eilu cannot be solely an attempt to cause the other to admit his/her vision to be incorrect. That is the realm of the Beit Midrash, of the battleground between personal visions. A cry of Eilu v'Eilu demands one to build, if possible, a broader, different type of vision in which differing personal visions can, paradoxically, co-exist within the realm of Torah.

This is the challenge that faces those who wish to mend the rift – to find a vision that encompasses both views, which somehow can turn this machloket into a machloket l'Shem Shomayim, a vision that can quell the animosity and, while still calling upon each side to maintain and advocate for its particular vision, can offer a broader context to the disagreement. Perhaps this alternative is not existent and we are left with having to choose which delineated vision of Orthodoxy is correct. This must always be recognized as an alternative; Orthodoxy does have its parameters. A fear of friction cannot swerve us away from an ideal. Yet it is also the friction that arises from a too limited vision and definition of the ideal which the Ntziv, HaEmek Davar, Introduction to Bereishit basically declares

to be the root of sinat chinim, free hate, and the destruction of the Temple. We must ensure that our Eilu v'Eilu vision is not too tolerant thereby allowing for Orthodoxy to be tainted by heresy. There is a call for intolerance – and this is why the Ntziv's words cannot be seen as simply a call for tolerance. His words, though, remind us that we must also ensure that our own Eilu v'Eilu vision is not so narrow that it thereby creates the destructive force of sinat chinim.

Eilu v'Eilu, thus, also demands of us the attempt -- beyond our personal vision -- to formulate an Eilu v'Eilu vision of Torah that is as broad and encompassing as possible. It is a call to gain a different perspective on a machloket so that we can describe the disagreement within the language and perspective of Torah. To do so demands of us to analyze the variant positions – not just their personal visions but also their Eilu v'Eilu visions. Eilu v'Eilu is, thus, a call for great contemplation for it is not only a call for tolerance. It is a call for the deepest philosophical examination in answer to the question of what are the boundaries of Orthodoxy. Not solely for tolerance. Not solely for peace. Because it reflects the search for the elusive and ultimately perplexing, confounding and mystifying Divine vision of Torah. To fully comprehend Eilu v'Eilu one must recognize that it represents a unique perception of life itself. Rabbi Moshe Feinstein, Igrot Moshe 4:28 declares that, in the physical world, machloket fundamentally must be seen as a result of weakness for there must be only one right answer; in the world of Torah, though, machloket is of its very essence. It is only by arriving at the one right answer that we are also able to live a life of Torah in the physical world; this is our personal vision of Torah. Then there is the world of machloket, the world beyond the limits of the physical. This is our Eilu v'Eilu vision of Torah which demands of us to accept the paradoxical, albeit still with some parameters. Not all disagreements, oppositions and paradoxes fit within this vision either. As such, in the same way that we must have a method by which we determine our personal visions, we must also have a method by which we determine our Eilu v'Eilu visions. This is what must be undertaken. Methodology is, in fact, the key.

We must question: what is our personal vision of Torah? We must also question: what is our Eilu v'Eilu vision of Torah? This was partially the reason why I pointed out that, while certain defenders of Rabbi Slifkin's works attacked the intolerance of those who propagated the ban, many of these same individuals themselves also show intolerance to other opinions with which they vehemently disagree. My issue was not solely the

intolerance itself; in fact, as I have pointed out, the very nature of Torah is that it demands tolerance in certain situations and intolerance in others. My issue was also that by invoking tolerance, people were not seeing the greater picture. They ignored the fact that they also demonstrated intolerance and thus also were involved in determining when to be tolerant and when not to be. It is these underlying factors leading to the decision of tolerance and intolerance that need to be clarified. It is only by recognizing how we make decisions that we can delineate our personal vision of Torah and our Eilu v'Eilu vision. To define the issue as tolerance is to sidestep this undertaking and responsibility. We must investigate the vision that leads to our conclusions. Only once we understand our personal vision are we able to recognize and define other opposing visions within Torah – and then meet the challenge of Eilu v'Eilu, to possibly articulate a differing and more encompassing Eilu v'Eilu vision of Torah.

A case in point is a presentation in the Emes Ve-Emunah blog of Rabbi Harry Maryles. Rabbi Maryles is extremely critical of the intolerance found within the charedi world towards Modern Orthodoxy. He contends, given that both charedi Orthodoxy and Modern Orthodoxy are legitimate views within Orthodoxy, such intolerance is unacceptable; it is itself outside the pale of Orthodoxy. In response to Rabbi Maryles, we can ask: who is to say that those who maintain this intolerance toward Modern Orthodoxy agree with him that Modern Orthodoxy is within the pale? If they do not, their intolerance is actually understandable – leaving us with the Eilu v'Eilu state of cognitive dissonance. On point, though, is the fact that Rabbi Maryles' call is not simply for tolerance. He recognizes that respect for variant opinions can only be voiced if those opinions are within the pale – and in another entry in his blog, he makes a clear statement that he will not be tolerant of a view that he believes to be outside the pale of Orthodoxy. By describing that which he will tolerate and that which he will not, Rabbi Maryles is actually presenting his vision of Orthodoxy, both personally and in regard to Eilu v'Eilu. This vision, though, is not fully articulated, although there are some hints and indications of it. He does state that he finds the proponents of the ban to be challenging the act of thinking. He also refers to these individuals, or some of these individuals, as fundamentalists. Clearly within his personal vision of Torah, he finds fundamentalism to be wrong and, within the Beit Midrash, he can battle with all who articulate such a position. But can we then say that fundamentalism is outside the pale? To answer that question an analysis is demanded of

the Eilu v'Eilu vision, potentially distinct from one's personal vision. But, again, how do we determine this vision?

In the other entry in his blog, Rabbi Maryles praises Rav Shach and, “distinguishing between life and life”, Rabbi Dr. David Berger for being the only two willing to fight “the false Messianism of Lubavitch”. He wonders why no one else has stepped forward to undertake this fight. But is it universally accepted that the Mashichists are outside the pale of Orthodoxy? Rabbi Immanuel Schochet, a Lubavitcher and also a strong anti-Machichist, wrote an article in response to Rabbi Berger's book contending, despite his own personal disagreement with the Machichist view, that this view is still within the parameters of Eilu v'Eilu. Rabbi Maryles, and of course Rav Shach and Rabbi Berger, would disagree. Rabbi Maryles is infuriated by the response to Rabbi Slifkin because it is clear to him that all should recognize Rabbi Slifkin's views as within the boundaries of Orthodoxy and thus subject to the guidelines of Eilu v'Eilu. Conversely, he contends that the Mashichists are outside the pale and are not to be seen as encompassed by the principle of Eilu v'Eilu. So, Rabbi Maryles rejects the contention of the charedi gedolim that Rabbi Slifkin's works are outside the pale. However, he also rejects the contention of Rabbi Schochet that the Mashichists are within the pale. Is this an inherent stira, an inherent contradiction? Of course not – but it does show a process of decision making and the reality of a yardstick by which these decisions were evaluated and made. It is such yardsticks that need to be articulated and formulated. But care must be exercised in order that the yardstick utilized delineates the pale of Orthodoxy and is not simply based upon our personal vision of Torah. The issue is not Rabbi Maryles' arguments for disagreeing with the proponents of the ban and the Mashichists. But can these arguments also be used to declare these two outside the pale? This is the issue that we must address. (I should mention that we should, perhaps, draw Rabbi Schochet's response to Rabbi Berger into this dilemma of definition for the tone of his response did not only challenge Rabbi Berger's argument but also challenged Rabbi Berger's position within the pale.)

Rabbi Feldman presents arguments for his position but he does not present the vision of Torah that led to him to choosing these arguments over others – and the vision that signaled for there to be a ban.. Rabbi Maryles, similarly, states his positions but he also does not directly present the vision that led to his conclusions. Perhaps more significantly, they both do not articulate the mechanics of the process that led to their

conclusions. The challenge of Eilu v'Eilu demands that one uncover such visions and mechanics so that one can determine how to evaluate which visions and, perhaps even more so, which mechanics upon which visions are built, are within the pale of Orthodoxy -- even though your vision and your mechanics are in disagreement, even vehement disagreement. This is where Eilu v'Eilu led me, both in regard to the Slifkin Affair and in regard to the Mashichists. In terms of personal vision, I basically agree with Rabbi Maryles. I disagreed with the ban and believed that Rabbi Slifkin's works were within the pale. More so, I felt that Rabbi Slifkin's presentation of the differing views on Science and Chazal in *Mysterious Creatures* was very well done. Yet my view of and respect for Torah study also leads me to recognize that individuals of the stature of many who signed the ban cannot simply be denied. The call of Eilu v'Eilu, even as it drew me into a realm of cognitive dissonance, was to attempt to understand this position. What were the personal visions of Torah that were in conflict? What, then, were the transcending issues that would be further delineated and explained within an Eilu v'Eilu vision of Torah? Perhaps, to use Rabbi Maryles' term, I am against fundamentalism but can I clearly declare fundamentalism to be outside the pale. (This is not to say that I also do believe that the ban was built on fundamentalism.)

Similar questions also emerged in regard to the Mashichists, albeit of a different nature. My negative view of the position of the Mashichists is very strong. Within the Beit Midrash, I argue as an opponent. But that is not the end of the matter. Are the Mashichists outside the pale? To deal with that issue, I have to have parameters for that decision. I have to consider Rabbi Schochet's presentation on the rules of Eilu v'Eilu. Echoes of the famous machloket between Rambam and Ra'avad regarding these rules come to mind, although Rabbi Schochet's view is not really the view of Ra'avad. The issue is one of vision. My personal vision of Torah is strongly opposed. Usually my Eilu v'Eilu vision is broad, yet, in this case, I struggle with it. Why do I lean towards the arguments of Rabbi Berger? Obviously, it is more in line with my personal vision -- but is my personal vision overtaking my Eilu v'Eilu vision? The call is still to find the underlying vision. What exists in the view of the Mashichists that truly bothers me? Why do I struggle with them specifically in terms of Eilu v'Eilu? The issue is not solely the conclusion. The issue is also the mechanics by which the conclusion is reached. Nevertheless, I seem not to be alone. In answer to Rabbi Maryles' query why more do not side with Rabbi Berger in declaring the

Mashichists outside the pale, it would seem that many, who vehemently disagree with the Mashichist view, are still not willing to declare this group outside the pale. There is a challenge of visions. Our first response must be to articulate the various visions.

In regards to the Slifkin Affair and in regards to the Mashichists, this is really the challenge that is before us. It is not simply the conclusions that are reached on both sides that yield conflict. What is really underlying all the variant conclusions and seeming points of conflicts are visions of Torah, disagreeing visions of Torah. To understand what is truly at issue, we must articulate these competing visions of Torah which include competing visions of the mechanics of Torah decision-making. In my original article on the Slifkin Affair, Authority and Wisdom: The Slifkin Affair, I touched briefly upon aspects of this concept but, upon greater contemplation, I now see the issue as much broader. It is at this point, in my explanation of the variant visions within the Orthodox world, that I will start Part 3. But I leave you at this point so that you may contemplate your vision, not only of Torah but of Torah decision making. The underlying question may be: how do we know truth? And consider other visions and other forms of decision making – and ask yourself whether such positions, even as you vehemently disagree with them, can still be within the pale of Torah.