

Walking With God:

Realism, Fanaticism, and the Future of Jewish Law

Jonathan L. Friedmann

Abstract:

Since the mid-twentieth century, converging factors have enabled haredi (“ultra-orthodox”) Jews to exert considerable influence on more moderate forms of observant Judaism. In the area of Jewish law, this has led to a shift from rabbinic realism, characterized by contextual and lenient rulings, to fanaticism, which views stringency as the only authentic mode of Jewish legal interpretation. This paper examines two historically moderate communities particularly affected by haredization: modern Orthodoxy in America and Sephardic Judaism in Israel. From these case studies, it will become clear that without significant efforts to revive and promote a middle-of-the-road approach, observant Judaism will continue to be dominated by fundamentalist views.

Introduction

Religious fundamentalism has been defined as an uncompromising attachment to certain “fundamental” tenets of a faith, typically based on the reading of a sacred text or collection of texts (Heilman 2005a: 258). Proponents of such a worldview see themselves as the guardians of a pure and unchanging tradition, and tend to be suspicious of the present. As one scholar noted, fundamentalists affirm that the “only way to go forward is to go back” (Hirschfield: 28). Yet, in most cases, this “perfect past” is a reinvention, selectively comprised of textual and cultural elements that offer alternative truths to contemporary life. In this way, religious fundamentalism constitutes a sort of counterculture, pitted against what it considers to be the dangerous forces of the modern world, both religious and secular (Caplan; Heilman 2005b).

Strictly speaking, fundamentalism began within early twentieth-century American Protestantism, as conservative Christians organized to combat both the liberalism that had seeped into mainline churches and the growing secularization of American society. Over time, the term has been applied to movements within other religions—first Islam, then Judaism, Hinduism, and Buddhism (Johnstone: 163). By and large, these various movements are reactionary in nature, seeking to restore those aspects of traditional religious life that have been lost or rejected in modern times, and to bring about a return to the “old days,” real or imagined. For this reason, fundamentalism has been grouped among the predictable responses to the changes and challenges of modernity (Armstrong: 40; Johnstone: 165; Lawrence).

Still, there are some who are critical of the often-reckless labeling of religious groups as fundamentalist. Among the most articulate in this regard is historian Jay Harris, who has defended Orthodox Jews against the anti-traditionalism that frequently fuels such labeling. “By treating the opponents of modernity as know-nothing bigots,” Harris writes, “we justify ourselves, *a priori*, in rejecting their fundamental critique of modern life. In particular, we ignore their criticism of the modern movement away from communitarian identities that is at the heart of many so-called Jewish fundamentalisms.” Harris points out that, for many observers, the most troubling aspect of these movements is their “total rejection of pluralism, their absence of respect for cultural or religious difference, and their denial of an individual’s right to flee from his or her cultural heritage” (139-40). There are indeed forms of traditional Judaism, generally classified as Orthodox, which do not espouse the separatist or monolithic views characteristic of religious fundamentalism. Rather, while they actively preserve a traditional way of life, including an emphasis on community and the upholding of textual authority, they do not reject completely the legitimacy of modern culture. As sociologists Samuel Heilman and Menachem Friedman have pointed out, while these groups affirm that their religious expression is part of an unbroken chain to the past, they do not exhibit a disdainful or confrontational approach to the rest of the world (197).

The distinction between fundamentalism and traditionalism within Orthodox Judaism is most pronounced in the area of Jewish law. In contrast to the liberal branches of Judaism—Reform, Conservative, Reconstructionist, etc.—Orthodox Jews consider binding the legal rulings derived from rabbinic literature, which cover all areas of life. Divisions are drawn, however, in the ways in which these laws are interpreted and applied to specific situations and within certain communities. As a rule, communal rabbis have over the centuries approached Jewish law with “profound generosity, flexibility, grandeur, elegance, symmetry and an explicitly pronounced liberalism” (Brandwien: 426)—all of which reflects an attitude that, while Jewish law is rooted in text, its application to real-life situations must be informed by relevant factors, such as community norms and economic considerations. So, for instance, the great medieval scholar Moses Maimonides recommended leniency in cases where “punctiliousness on legal rules could lead to untoward consequences” (Kraemer: 17).

Since the mid-twentieth century, this contextual and humanistic approach to Jewish law has in many circles given way to more fanatic interpretations. Increasingly, stringent and inflexible rulings, and the lifestyle they support, are framed as the only authentic mode of Jewish expression. In this profound way, Jewish fundamentalists consciously separate themselves from modernity, practicing instead what they perceive to be a “pure” and “pre-modern” way of life. More specifically, they engage in the reenactment of an idealized Eastern European past, avoiding even relatively minor alterations to their historicized tradition (Brandwein: 435; Friedman: 127; Ruthven: 42).

Heilman calls these fundamentalist Jews *haredim* (“those who tremble”), a Hebrew term used to describe Jews who in their beliefs and practices go further than mere Orthodoxy (2000; 2005a; 2005b; 2006). According to Heilman, the *haredim* “build their own institutions, live in their separate communities, and eschew the acculturative and educational aspirations of the majority of Jewry.” They solidify their religious identity “not only by emphasizing the superiority of their *orach chayim*, or way of life, but also by devaluing the *chukos hagoy*, the way of the gentiles, and defiling the rewards of that way of life as counterfeit, or *goyim nachas*” (2005a: 260).

Over the past several decades, the *haredi* strain of Judaism has exerted considerable and transforming influence on more moderate forms of observant Judaism. Emboldened by their “divine” mission, and capitalizing on general fears concerning Jewish continuity and survival, *haredim* have managed to infiltrate less fanatic Jewish educational institutions and rabbinic posts, thereby spreading a polarizing and monolithic view of Judaism into other branches of Judaism. This paper will examine how this *haredi* program has affected the religious mentality and way of life of two Jewish communities in particular, the modern Orthodox in America and observant Sephardic Jews in Israel. Historically, both of these groups have favored a balanced approach to religious life, dedicated to and dependent upon Jewish law, but also cognizant of the world around them. This mindset resulted in religious rulings characterized by realism and flexibility, both in terms of how they engage intellectual, social, and scientific developments of the outside world, and how they work to uphold human dignity and communal stability even when doing so requires a lenient interpretation of Jewish law. However, with the growing influence of the *haredim*, due to a variety of factors that will be discussed in this paper, modern Orthodox and observant Sephardic Jews have largely come to embrace “the most stringent demands of religious ritual and custom” (Heilman 2005a: 260).

Modern Orthodoxy

Modern Orthodoxy is philosophically grounded in *Torah Umadda*, a worldview that promotes a synthesis between Torah learning and secular scholarship, and advocates positive involvement in general society. For the modern Orthodox, Torah has great authority, but is not viewed as the exclusive intellectual or spiritual pursuit of the observant Jew. Rather, as the late Rabbi Joseph Soloveitchik put it, modern Orthodox Jews are encouraged to “study and comprehend two systems of knowledge and excel in both” (Heilman 2005a: 262). They are open to intellectual inquiry in both religious and secular areas, and value engagement with the social, political, and scientific realities of modern times.

This position took on added import in the early post-Holocaust period, when it became clear that insular communities were unable to guarantee Jewish continuity in Europe. As an alternative to this failed practice of isolation, the modern Orthodox argued that Jewish survival could be assured only through a combination of loyalty to traditional Judaism and an embrace of Western culture. As Emmanuel Rackman observed, modern Orthodox theologians and rabbis in 1950s America pushed for increased involvement in general culture, and were “open-minded,” “rarely dogmatic,” and “creative and visionary” (378). Additionally, the laity took an increasingly active role in arguing that much of contemporary society offered “a fertile environment for bringing ancient Jewish traditions and values into engaging with modernity” (Heilman 2005a: 261).

This measured approach is evident in the modern Orthodox understanding of Jewish law. As a rule, modern Orthodoxy holds that, while Jewish law is divine in origin, strict rulings are not normative. All matters of dispute are to be given thorough legal analysis, and stringent decisions are not to be automatically applied. Indeed, being philosophically modern, they allow for a level of personal autonomy in legal matters, as well as an emphasis on rational truth. In this crucial way, the modern Orthodox are distinguished from the fundamentalist haredim, who insist that “the most severe [Jewish legal] position . . . is the most likely basis for unity and commonality of practice within the Orthodox community and is therefore to be preferred.” For them, legal severity is the norm, as it “results in the greatest certainty that God’s will is being performed” (Berman). This attitude has fostered a culture of conformity and authoritarianism in which, for instance, *Moetzet Gedolei HaTorah*, councils of “Torah sages,” are given absolute rabbinic authority in social and even political matters within haredi society, both in America and Israel. For the modern Orthodox, such oligarchy is roundly rejected, particularly as it gives enormous power to human authority, and treats these rabbis as infallible mouthpieces of God—a notion at odds with the modern-rationalist worldview.

It should also be noted that haredi groups are numerous and varied. As one author writes, in Israel, “Subtle distinctions in their clothes and head covers can reveal which rabbis, rituals, and politicians they follow” (Rosenthal: 174). These communities often live side-by-side, though they gather themselves in separate and homogeneous enclaves, and frequently question one another’s rabbinic leadership and religious worldview. One of the primary reasons for such divisions is that fundamentalist Judaism is not derived from a historical consciousness, but rather stems from a commitment to an idealized European past, forever lost in the ashes of the Holocaust. Haredi rabbis function as the authoritative interpreters of this past, and define for their particular communities the “Jewish ideal” they seek to live. Moreover, rabbis constantly reevaluate this past and reinterpret texts in order to bolster their positions against changes in modern society. In so doing, haredi groups actively separate themselves from each other, from more progressive forms of Judaism (including modern Orthodoxy), and from general society—a pattern that illustrates the evolving nature of Jewish fundamentalism, even as its adherents claim to be the preservers of an authentic and unchanging tradition.

Over the years, the haredi claim to authenticity has had a profound impact on the non-haredi Orthodox world. Within modern Orthodoxy especially, there has been a substantial trend toward haredization, in which increasingly stringent positions and practices are adopted, along with the rationale that rigidity is a fundamental Jewish virtue. So, while Modern Orthodoxy was founded on the principle that Jewish tradition could coexist with modernity, it has increasingly adopted the world-rejecting haredi outlook.

Several reasons have been given for this gradual transformation. On the most basic level, haredization can be explained as a psychological inevitability. As Mary Douglas suggests, “The yearning for rigidity is in us all. It is part of our human condition to long for hard lines and clear concepts” (200). Modern Orthodoxy, essentially a rationalist movement, does not in its content or structure have these strict demarcations. Rather, its motto of *Torah Umadda* (Torah and Science) suggests the degree of personal choice that comes with the convergence of traditional Judaism and the modern world. While this approach surely has its appeal, it has been pointed out that, as a religious movement, “modern Orthodoxy has limited potential for attracting the masses” (Waxman 1998). The haredi worldview, on the other hand, with its specific, black and white concepts, is attractive to those seeking firm boundaries and communal stability in this ambiguous age. In other words, when a law is interpreted rigidly, the less room there is for uncertainty, the easier it is to follow, and the more psychological comfort it provides.

The related phenomena of culture war and multiculturalism have also contributed to haredization in modern Orthodoxy. The culture war has, essentially, pitted vocal secularists against dedicated religionists in American society. As one scholar sums it up: “Defenders of religion see an aggressive, arrogant, and all-but-triumphant secularism, which controls public discourse. Secularists and their allies see their opponents as an incipient religious reaction, a dangerous cultural regression, a ‘return of the repressed’ that would obliterate scientific inquiry and demolish individual liberty, and take us back to the Middle Ages” (McClay: 41). This contentious atmosphere gave a boost to fundamentalist movements in America, both within Christianity and Judaism. In the 1960s and 70s, mainline Christianity in America underwent a liberal shift, as laity and leadership (especially clergy coming out of the seminaries) were caught up in the major social movements and the liberal agendas they promoted. Some denominations rejected the “uniqueness” of Christianity, and supported the Jesus Seminar, which regularly met to determine which sayings of the Gospels were “authentic” (Reichley: 175). This opened the door for a new wave of evangelical preachers to present a clearly defined, conservative, and “faithful” alternative for those uneasy with these increasingly liberal positions.

The majority of American Jews were likewise supportive of the social changes of the 1960s and 70s, but many within modern Orthodoxy were concerned that Jewish values were threatened by the radical world around them. The greatest concern for the Modern Orthodox was that their children, who attended universities, were sliding swiftly toward assimilation. This fear was spurred on by rising rates of intermarriage, which seemed to describe the “declining future for those who had taken the steps towards entering the mainstreams of contemporary culture, often via the gateway of the university campus” (Heilman 2005a: 266). Such concerns made the clearly defined, fundamentalist option more appealing for many Jews previously supportive of general culture, and the haredim—the definers and defenders of “traditional” Judaism—gained support and influence. Furthermore, the “new ethnic gospel” of multiculturalism enabled groups like the haredim to act openly in American society (Schlesinger: 15). With the rejection of the “melting-pot” ideal, and the celebration of cultural differences, haredim clung freely to their self-identifying ways of dress and behavior, and presented themselves confidently (and often convincingly) to other Jews as the protectors of authentic Judaism in troubled times.

Perhaps most significantly, haredim have had great success in transforming the philosophy of modern Orthodox day school education. As mentioned, modern Orthodoxy favors an integrated approach, in which religious learning is combined with general studies. This was especially true of day schools where, as one school founder explained, “a child would not experience an intellectual or emotional clash between being a Jew and an American” (Heilman 2005a: 262). This model stands in sharp contrast to the haredi yeshiva, which functions as a protective and insulated environment devoted exclusively to Torah study. Within the yeshiva, secular education is not regarded as having ontological value, but only “pedagogic value of a limited sort” (Heilman 2005b: 1). Much more so than the modern Orthodox, haredim view religious education as a central and even sacred profession. In fact, as Heilman observes, “Modern Orthodox parents were happy to deposit their young into the care of the day schools while they pursued professional lives in domains other than Jewish education, stretching the limits of what was possible for an Orthodox Jew” (2005a: 264). By and large, these parents entrusted day schools with the important task of teaching their children how to be good Jews, and most only made certain that the schools were run “professionally.” Perhaps inevitably, these schools experienced an influx of culturally and theologically driven haredi teachers, who began to shape modern Orthodox religious education in their image. At present, nearly two-thirds of Judaica teachers in these schools come from the haredi world, bringing with them a yeshiva mindset that undermines the general principles of modern Orthodoxy (Heilman 2005a: 265). In this way, they have to a great extent succeeded as agents-provocateurs, coming from one segment of the Orthodox world to teach against the acculturationist values of another, and have inspired many young Jews to embrace a more rigid form of Judaism than that of their parents. And, with the discontinuity between what is taught in the day schools and what is experienced at home, many students either come reject Orthodoxy altogether, or become haredi sympathizers, viewing modern Orthodoxy as an assemblage of sinners and hypocrites (Camino and Lattin: 69; Freedman: 224).

There is also a shortage of modern Orthodox rabbis in America. This shortage is due in part to a certain if unintended devaluing of the rabbinate among modern Orthodox Jews, who would rather pursue lucrative careers in secular society. And, even when more ideologically representative rabbis serve modern Orthodox communities, they are not likely to garner the support of young Jews, who often seek religious guidance from a haredi *rosh yeshiva* (head of school) or *posek* (legal scholar), who they meet during their studies abroad in Israel (Waxman 2007: 58). These rabbis are preferred because they are not seen as compromisers, but rather as representatives of “authentic” Judaism. However, they are often entirely removed from any real contact with lay people, and “render decisions by reexamining *halachic* (legal) texts and often ignoring the fact that there has been a community tradition about these very matters” (277). This usually results in the total neglect of lenient rulings, as Marc Shapiro explains:

If one looks in the *responsa* literature there is always a tension between what the pure *halachah* is and what the community will accept. Phrases such as, “It’s better that they be unwitting sinners than purposeful sinners,” and “It’s better not to tell them what they won’t listen to,” as well as laments that the *halachah* cannot be established in the most preferable way, have been an important part of the history of *p’sak* (religious ruling). Because of this, *poskim* were forced to look for leniencies. However, in the contemporary yeshiva world and its communities such as Bnei Brak and Boro Park, the *posek* can say anything he wants and the laity will obey. Entire *halachic* concepts—such as those cited above in quotes—thus cease to exist. Since much of modern-day *p’sak* emanates from these circles, this has greatly influenced the development of Jewish law (277).

In the area of Jewish law, haredization can be understood as a shift away from rabbinic realism, which takes into consideration contextual factors, and an espousal of fanaticism, which views the most stringent rulings as the most religious, regardless of their effect on individuals or communities. This phenomenon is perhaps most pronounced in the changing standards of *kashrut* (Jewish dietary laws). In recent years, modern Orthodox Jews have adopted dietary stringencies from the haredi world, including the decision that canned vegetables—containing only vegetables and water—need kosher certification. Likewise, modern Orthodox rabbis throughout America have sent out alerts before Passover that certain medicines may not be taken during the holiday because they contain *chametz* (material from leavened bread). According to one scholar, “the entire food industry has been ‘haredized’” (Shapiro: 274).

In the past, there was a clear division between the haredim and modern Orthodox, as the latter were not as meticulous when it came to Jewish law. However, as haredi rabbis have essentially become the interpreters of Jewish law for the entire observant Jewish world, an ever-increasing number of modern Orthodox Jews eat *glatt* kosher (strict kosher), and adhere to haredi teachings presented in the popular ArtScroll books (Stolow: 73-91).

Sephardic Judaism

The haredization of American Orthodox Judaism suggests that, among other things, religious worldviews are shaped as much by social forces as by theological concerns. As American society has in general become more secularized, Orthodox Jews have become more detached from the outside world. In extreme cases, this has resulted in a “quarantine approach,” defined vividly in the comments of one haredi Jew: “If there was a biological plague in the larger society, what would we do? We would quarantine ourselves. Since there is a spiritual plague going on in society, we have to quarantine ourselves, to isolate ourselves as thoroughly as possible to protect ourselves from the infectious modern culture” (Waxman 1998).

Social polarization was not, however, always the norm in the lands where Jews have lived. Perhaps the most significant Jewish encounter with pluralism occurred during the “Golden Age” in Muslim Spain, a period generally dated from the eighth to twelfth century (Levey 171; Reid: 105). In the Iberian Peninsula, and especially Andalusia, Islamic civilization flowered. Situated in westernmost end of the known world, Iberian Islam was far removed from the direct control and influence of the major Muslim centers of Baghdad and Cairo. In fact, some Adalusian Muslims even cultivated and drank wine (Scheidlin: 55-59). This tolerant atmosphere also extended to Jews and Christians, who, while subject to Muslim rule, were allowed to maintain their distinct communities and traditions, and “participated in the arts, sciences, and commerce of Moorish Spain” (Brandwein: 431-2).

To be sure, the situation for the Jews in Spain contrasted sharply with the Jewish experience elsewhere in Europe. As Rabbi Haim Ovadia explained in his essay, “The Bridge with Islam” (2008): “Judaism under the rule of the crescent took a different course than that under the rule of the cross. The Jews of Islam, although decreed by the Pact of Omar as *dhimmis*, or second class citizens, never experienced the same level of hatred, anti-Semitism and persecution which were their daily bread in Christendom.” As a rule, in contrast to their Ashkenazi brethren in other parts of Europe, Sephardic Jews opposed isolationist impulses, and valued participation in the affairs of the larger society. Of all the musical traditions of the Jewish world, for instance, Sephardic music reveals the most interaction with local communities (Kligman: 259-284; Slobin: 222).

Sephardic rabbis took a similar approach to Jewish law. They were no less rigorous than Ashkenazi rabbis in their dedication to essential Jewish practices, such as liturgy and diet, but saw little value in using Jewish law as a vehicle for separating their communities from the larger world. Rather, classic Sephardic Judaism is a reflection of its cultural setting, marked by an ideology variously described as “humanistic,” “realistic,” and “lenient” (Brandwien: 434; Díaz Más: 232; Lehmann: 201). To a great extent, this adaptable approach, guided by ideals such as *k’vod habriyot* (human dignity) and community stability, was necessary in medieval Spanish society, where there was no secular option for the Jew. Each religious community—Jewish, Christian, and Muslim—was also a political and social community, and all citizens were required to adhere to one religion or another. As such, individuals with more moderate or cosmopolitan views on Jewish matters had to find their voice within the community, and in most cases the community (and its rabbis) obliged. Acknowledging the different needs of each person who sought rabbinic guidance, a Sephardic rabbi did not merely repeat a *halachic* answer that was already given to somebody else, but rather saw it as his obligation “to study the original sources and bring to the decision his own personal expansive knowledge and powers of reasoning” (Schwartz: 97). As a result, Jewish law was presented as a creative and dynamic system.

At the end of the fifteenth century, Christian rulers expelled the Jews of Spain and Portugal, forcing them to settle in places like Turkey, Syria, and Palestine, as well as parts of Europe and South America. Jews brought with them to these disperse locales the characteristic Sephardic way, which is “classic rather than romantic, Mediterranean rather than European, cosmopolitan rather than parochial” (Elazar: 217). This mode of thought dominated Sephardic rulings until 1953, when the death of Israel’s Sephardic Chief Rabbi, Benzion Meir Hai Uziel, signaled the decline of the Sephardic rabbinate, and solidified its drift toward “Askenazification”—a process similar to haredization in the American context (Elazar: 221).

Rabbi Uziel was born in Palestine in 1880, and served as the Rishon Le-Zion (Sephardic Chief Rabbi) of the British Mandate of Palestine from 1939 to 1948 and Israel from 1948 to his death in 1953. He adhered to a philosophy of balance in his approach to Jewish law and everyday life: he disapproved of both religious fanaticism and militant secularism; he valued the spiritual life but stressed the importance of worldly knowledge and pursuits; he was both an ardent Zionist and a spokesman for the universal mission of the Jews; and he was a traditionalist who was not afraid to offer an innovative *halachic* ruling, if the situation called for it (Angel: xviii-xviv).

Uziel's *responsa* ("answers"; rabbinic rulings) exhibit a methodology of realism, taking into account historical, cultural, and interpersonal contexts, and acknowledging the complexities of everyday life. They abound with examples of his forward thinking and emphasis on the Sephardic ideal of balance between religious commitment and participation in the world. In particular, he committed himself to the principle that the ways of Torah are pleasant and all its paths are peace (Proverbs 3:17). For instance, on one occasion a Jewish man came to Rabbi Uziel to confess that he had fathered a child with a non-Jewish mother, who he did not marry. According to Jewish law, children born of a Jewish father and non-Jewish mother are not considered Jewish, but assume the non-Jewish status of the mother. A less compassionate (and more fundamentalist) rabbi would have argued that, because the interfaith relationship was forbidden in the first place, and because the child is not technically Jewish, the father is not financially responsible for the child. Indeed, this may have been what the man wanted to hear. However, Rabbi Uziel concluded that "the Torah and the sages did not exempt the father from child support, since in the final analysis the child is a product of the father . . . He is obligated to raise him, at least to the same extent of sustenance he owes to other dependents for whom he is responsible; indeed his responsibility [to the child] takes propriety." For Uziel, it would be unconscionable to exempt the man from his moral obligation to the child, as "This is the way of Torah whose ways are ways of pleasantness and all its paths are peace" (1964: no. 4).

Uziel had a similarly practical approach to the issue of conversion. Many traditional rabbis maintain that a non-Jew may convert to Judaism only if he or she pledges to be traditionally observant and fulfill the *mitzvot* (Jewish commandments). Rabbi Uziel, on the other hand, maintained that conversion could be granted even if a non-Jew gives no indication that he or she will observe the *mitzvot*, especially in cases where a non-Jew wishes to convert in order to marry a Jew. In short, because Uziel was strictly opposed to intermarriage—seeing it as a threat to Jewish survival—he was lenient in accepting converts. In one such case, Uziel concluded, "From all that has been stated and discussed, the ruling follows that it is permissible and a *mitzvah* to accept male and female converts even if it is known to us that they will not observe all the *mitzvot*; because in the end, they will come to fulfill them . . . And if they do not fulfill the *mitzvot* they will bear their own iniquities and we are innocent" (1964: no. 20). With this non-dogmatic ruling, Uziel expressed his unique regard for individual choice, as well as a realistic vision of what is best for the couple's family, the community, and the larger Jewish world.

This distinctly Sephardic approach is evident throughout Uziel's rulings, which are, of course, far too numerous to list here. However, as mentioned, by the time of his death in 1953, the division between the Sephardic and Ashkenazi rabbinates in Israel had narrowed significantly. Both institutions had gradually succumbed to a haredi takeover, which led to a virtual homogenization of Israeli Orthodox Judaism, as well as sharp divisions between the Orthodox and non-Orthodox populations. As such, the basic Sephardic position that religious decision-making should be flexible and facilitate Jewish living in the larger world was all but eliminated in favor of a policy of rigidity and separation.

The influence of Ashkenazi fundamentalism on Sephardic has been traced back to the establishment of the office of Ashkenazi Chief Rabbi in Palestine in the 1920s (Elazar: 225; Kamil: 24).

According to Rabbi Yosef Karo (1488-1575), author of the authoritative work of Jewish Law *Shulchan Aruch*, the *minhag* (rite) of the Sephardim was to predominate in Eretz Israel even if they were to become outnumbered by Ashkenazim, as Sephardic Jews had lived there longer (Kamil: 24). At first, there was only one Chief Rabbi in the land, the Rishon Le-Zion, chosen by the Sephardic community; but in 1921, a dual Chief Rabbinate was established—a development spurred on largely by the haredim, who insisted that the Ashkenazim follow the customs of their ancestors (Elazar: 225; Kamil: 24). Soon, the Ashkenazi Chief Rabbi, supported by a majority of the population, became more powerful than the Sephardi, and Ashkenazi communities forged a clear break with Sephardic leadership. Additionally, Ashkenazi rabbis were convinced that “their way was the correct way, and, hence, they made a deliberate effort to overwhelm the Sephardim whose ways were strange and, in their eyes, not sufficiently rigorous” (Elazar: 225).

Furthermore, Sephardim have not been successful in developing their own schools. The yeshiva system, with its isolationist and dogmatic orientations, was foreign to the Sephardic tradition, and the talmud torah, which functioned as a rabbinical seminary in Sephardic society, was not able to redefine itself or attract enough students to survive in Israel. As a result, those Sephardic Jews who were interested in higher Jewish studies typically enrolled in haredi yeshivot, and most came to favor fundamentalism over the openness of traditional Sephardic institutions. In time, too, Sephardim established yeshivot that were modeled on the haredi pattern in all but *minhag tefillah* (prayer ritual); and in the 1960s and 70s, Ovadia Yosef, former Sephardic Chief Rabbi and current spiritual leader of Israel’s Shas political party, was pressured by Ashkenazi yeshiva heads to block efforts to establish more open Sephardic religious schools (Elazar: 223-224, 227).

As a result of these and other factors, haredi views have become commonplace in Sephardic Orthodoxy in Israel and throughout the world. Rabbi Yosef and his colleagues are themselves Ashkenazified as a result of their yeshiva education, and even as Yosef consistently calls for the reestablishment of Sephardic dominance in Israel, proclaiming his “mission to restore the crown to its rightful place,” his goal is cultural rather than religious (Elazar 227; Reich: 276; Solomon: 106). Indeed, if Yosef can be viewed as the embodiment of current Sephardic Orthodoxy, then his strict interpretation of Jewish law and polarizing attacks on secular Jews, Palestinians, victims of the Holocaust, and others would indicate that the classic Sephardic way of pluralism and compassion is in danger (Kamil: 22-29).

Conclusions

The future of Jewish law is, of course, in the hands of those who live by it. While liberal Jews may glean insight from rabbinic literature when making important decisions, or even adopt certain elements to enhance personal spiritual practice, their lives are, in the end, guided by rational choice and contemporary culture. The Orthodox world, on the other hand, defines itself primarily through its adherence to Jewish law. Thus, trends of interpretation within Orthodox communities will continue to determine the direction Jewish law will take—that is, whether it will be approached from a realistic or fanatic perspective. With haredi influence firmly planted in modern Orthodoxy and observant Sephardic Judaism, some fear that total religious control will be “relinquished to a small and stalwart circle of ‘authorities’ who have grown steadily in power,” and that the genuine tradition of liberal halacha will “lay dormant and forgotten” (Brandwein: 426).

There are several reasons why observant Judaism may likely continue its drift to the right. First of all, in both Israel and America the culture war appears to be intensifying, with struggles between secularists and religious traditionalists forcing each side to constantly redefine itself against the other. For fundamentalist Jews who define themselves largely through a stringent approach to Jewish law, it is likely that their legal interpretations will become increasingly rigid (Sarna: 1).

American Orthodoxy is also deeply divided over how to confront modernity, with the modern Orthodox calls for balance between Jewish and secular life often drowned out by more aggressive haredi voices advocating strict divisions between “Torah-true” Jews and the rest of society. And, with the converging realities of haredization and the dearth of strong internal leadership, Jonathan Sarna suggests that, “The question is whether Orthodoxy itself can survive as a single movement or whether, like so many Protestant denominations that have faced similar challenges, it will ultimately polarize so far as to crack” (2). If such a breakdown were to occur, the haredim would no doubt claim it as a victory for themselves and for God.

Similar challenges face Sephardic Judaism. While the Sephardic way was marked by its willingness to cope with the surrounding world and an effort to reach out to Jews of all sorts, this also led to what Elazar described as “the tendency of Sephardim not to take firm stands in defense of the maintenance of tradition, to almost blow with the wind, as it were, rather than be willing to make the necessary sacrifices in a world often hostile to tradition” (227). While this approach served well in places such as Andalusia, where social interaction and participation were widely encouraged, Sephardim struggled to preserve their worldview when faced with an Ashkenazi established determined to fight against modernity and to fanatically defend its rigid traditionalism. Instead, “The tendency of the Sephardim has been to simply give in when confronted with such iron-willed assertion of what is right” (Elazar: 228). To be sure, this has contributed in large part to the

Ashkenazification of Sephardic Judaism, a reality Elazar believed could only be overcome through efforts to revive the Sephardic way as a valid expression of Judaism, train Sephardic rabbinic leadership in this methodology, and restore “an organic tradition through which Jews as a group are linked to a common tradition, while as individuals they make their own choices as to how to relate and express that tradition” (228).

It is, of course, impossible to determine for sure whether Jewish legal interpretation will remain on its course of increasing stringency, or come to embrace the balanced and humanistic approaches of the modern Orthodox and Sephardim. What seems certain is that, without concerted and organized efforts of these groups to retrieve and promote their unique worldviews, the patterns that have shaped observant Judaism since the mid-twentieth century will likely continue.

Literature:

- Angel, Marc D. *Loving Truth and Peace: The Grand Religious Worldview of Rabbi Benzion Uziel*. Northvale, NJ: Jason Aronson, Inc., 1999.
- Armstrong, Karen. 2004. “Resisting Modernity: The Backlash Against Secularism.” *Harvard International Review*, 25 (4): 40-45.
- Berman, Saul J. 2001. “Diverse Orthodox Attitudes.” *Edah*. <http://www.edah.org/backend/coldfusion/search/diverse.cfm>.
- Brandwein, Irvin. 2001. “Changing the Halakha.” *Judaism*, 54 (4): 426-437.
- Camino, Richard, and Don Lattin. 1998. *Shopping For Faith: American Religion in the New Millennium*. San Francisco, CA: Jossey-Bass.
- Caplan, Lionel. 1988. “Fundamentalism as Counter-culture: Protestants in Urban South India.” Pp. 156-176 in *Studies in Religious Fundamentalism*. Edited by Lionel Caplan. New York: SUNY Press.
- Díaz Más, Paloma. 1992. *Sephardim: The Jews of Spain*. Chicago, IL: University of Chicago Press.
- Douglas, Mary. 1966. *Purity and Danger: An Analysis of Concepts of Pollution and Taboo*. New York: Routledge.
- Elazar, Daniel J. 1992. “Can Sephardic Judaism be Reconstructed?” *Judaism*, 41 (3): 217-228.

- Freedman, Samuel G. 2001. *Jew vs. Jew: The Struggle for the Soul of American Orthodoxy*. New York: Simon and Schuster.
- Friedman, Menachem. 1990. "Jewish Zealots: Conservative versus Innovative." Pp. 127-142 in *Religious Radicalism and Politics in the Middle East*. Edited by Emmanuel Sivan and Menachem Friedman. New York: SUNY Press.
- Harris, Jay M. 1994. "Fundamentalism: Objections from a Modern Jewish Historian." Pp. 137-173 in *Fundamentalism and Gender*. Edited by J. S. Hawley. New York: Oxford University
- Heilman, Samuel C. 2000. *Defenders of the Faith: Inside Ultra-Orthodox Jewry*. Berkeley, CA: University of California Press.
- _____. 2005a. "How Did Fundamentalism Manage to Infiltrate Contemporary Orthodoxy?" *The Association for the Social Scientific Study of Jewry* (1): 258- 272.
- _____. 2005b. "Jews and Fundamentalism." *Jewish Political Studies Review*, 17 (2): 1-2.
- _____. 2006. *Sliding to the Right: The Contest for the Future of American Jewish Orthodoxy*. Berkeley, CA: University of California Press.
- Heilman, Samuel C., and Menachem Friedman. 1991. "Religious Fundamentalism and Religious Jews: The Case of the Haredim." Pp. 197-264 in *Fundamentalisms Observed*. Edited by Martin E. Marty and R. Scott Appleby. Chicago, IL: University of Chicago Press.
- Goldy, Robert G. 1990. *The Emergence of Jewish Theology in America*. Bloomington, IN: University of Indiana Press.
- Johnstone, Ronald L. 1997. *Religion in Society: A Sociology of Religion*. Upper Saddle River, NJ: Prentice Hall.
- Kamil, Omar. 2000. "Rabbi Ovadia Yosef and His 'Culture War' In Israel." *Middle East of International Affairs*, 4 (4): 22-29.
- Kligman, Mark. 2005. "Diversity and Uniqueness: An Introduction to Sephardic Liturgical Music." Pp. 259-284 in *Sephardic and Mizrahi Jewry: From the Golden Age of Spain to Modern Times*. Edited by Zion Zohar. New York: NYU Press.

- Kraemer, Joel L. 2005. "Moses Maimonides: An Intellectual Portrait." Pp. 10-57 in *Cambridge Companion to Maimonides*. Edited by Kenneth Seeskin. New York: Cambridge University Press.
- Lawrence, Bruce B. 1995. *Defenders of God: The Fundamentalist Revolt Against the Modern Age*. Columbia, SC: University of South Carolina Press.
- Lehmann, Matthias. 2005. *Ladino Rabbinic Literature and Ottoman Sephardic Culture*. Bloomington, IN: Indiana University Press.
- Levey, Martin. 1973. *Early Arabic Pharmacology: An Introduction Based on Ancient and Medieval Sources*. Boston, MA: Brill.
- Lichtenstein, Aharon. 2004. *Leaves of Faith: Selected Essays of Aharon Lichtenstein*. New York: Ktav.
- McClay, Wilfred M. 2003. "Two Concepts of Secularism." Pp. 31-61 in *Religion Returns to the Public Square: Faith and Policy in America*. Edited by Hugh Heclo and Wilfred M. McClay. Baltimore, MD: Johns Hopkins university Press.
- Ovadia, Haim. 2008. "The Bridge with Islam." *The American Muslim*. Posted Jan 9. http://www.theamericanmuslim.org/tam.php/features/articles/the_bridge_with_islam/
- Rackman, Emanuel. 1978. *One Man's Judaism*. Tel Aviv, Greenfield.
- Reich, Bernard. 2002. "State of Israel." Pp. 267-314 in *The Government and Politics of the Middle East and North Africa*. Edited by David E. Long and Bernard Reich. Boulder, CO: Westview Press.
- Reichley, A. James. 2003. "Faith in Politics." Pp. 163-194 in *Religion Returns to the Public Square: Faith and Policy in America*. Edited by Hugh Heclo and Wilfred M. McClay. Baltimore, MD: Johns Hopkins University Press.
- Reid, Patrick V. 1987. *Readings in Western Religious Thought: The Ancient World*. New York: Paulist Press.
- Rosenthal, Donna. 2005. *Israelis: Ordinary People in and Ordinary Land*. New York: Free Press.
- Ruthven, Malise. 2004. *Fundamentalism: The Search for Meaning*. New York: Oxford University Press.

- Sarna, Jonathan D. 2001. "The Future of American Orthodoxy." *Sh'ma* 31: 1-3.
- Scheindlin, Raymond P. 1986. *Wine, Women and Death*. Philadelphia, PA: Jewish Publication Society.
- Schlesinger, Arthur M. 1992. *The Disuniting of America: Reflections on a Multicultural Society*. New York: W. W. Norton.
- Shapiro, Marc B. 2005. "How Did Fundamentalism Manage to Infiltrate Contemporary Orthodoxy: A Response to Samuel C. Heilman." *The Association for the Social Scientific Study of Judaism* (1): 273-278.
- Slobin, Mark. 1995. "Learning the Lessons of Studying Jewish Music." *Judaism*, 44 (2): 221-225.
- Schwartz, Morey. 2008. "Review Essay: Marc D. Angel and Hayyim Angel, *Rabbi Haim David Halevy: Gentle Scholar and Courageous Thinker*." *The Journal for the Study of Sephardic and Mizrahi Jewry*, 2 (1): 96-103.
- Solomon, Norman. 2000. *Judaism: A Very Short Introduction*. New York: Oxford University Press.
- Stolow, Jeremy. 2006. "Communicating Authority, Consuming Tradition: Jewish Orthodox Outreach Literature and Its Reading Public." Pp. 73-91 in *Religion, Media, and the Public Sphere*. Edited by Birgit Meyer and Annelies Moors. Bloomington, IN: University of Indiana Press.
- Uziel, Benzion Meir Hai. 1939. *Mikhmanei Uziel*. Tel Aviv: Ha-Poel Ha-Mizrachi.
- _____. 1964. *Mishpetei Uziel*. Even ha-Ezer. Jerusalem: Mossad Harav Kook.
- Waxman, Chaim L. 1998. "The Haredization of American Orthodoxy." *The Jerusalem Letter*, 376. <http://www.jcpa.org/cjc/jl-376-waxman.htm>.
- _____. 2007. "Israel in Orthodox Identity: The American Experience." Pp. 52-66 in *Israel, the Diaspora, and Jewish Identity*. Edited by Danny Ben-Moshe and Zohar Segev. Sussex: Sussex Academic Press.

Information about the author:

Jonathan L. Friedmann, Adjunct Professor, Religious Studies, Whittier College, Whittier, California
USA

© Friedmann, Jonathan L. (Whittier, May 2009), Marburg Journal of Religion, ISSN 1612-2941