



RAV'S REELS:
Hundreds of tapes
of Rabbi Joseph
Soloveitchik have
disappeared.

Missing Tapes of Boston Sage Confound Probate Court

Lucette Lagnado Plumbs the Mystery Surrounding the Words of Rav Soloveitchik

FORWARD STAFF

NEW YORK — It is a mystery that evokes the plot of a Dashiell Hammett film noir. It is a Jewish yarn that recalls the pathos of Isaac Bashevis Singer. It is a family feud that cries out for the services of Sigmund Freud.

A dispute over the intellectual legacy of the father of modern Orthodoxy, Rabbi Joseph Soloveitchik, known as the Rav. He died in 1993, but the probate of his will is only now coming to a head in a Boston court in a struggle that is rend-

ing one of the leading Orthodox dynasties of America. It is pitting brother against sister, triggering upheavals among the religious Jewish leadership and requiring the involvement of a Boston white-shoe law firm to help solve a mystery that has stumped this country's leading Talmudists and Torah thinkers.

At issue is what became of hundreds — perhaps thousands — of tapes that hold the best, and in some cases no doubt the only,

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Mystery Surrounds Words of Soloveitchik

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record of the Rav's teaching at Yeshiva University and at a number of other venues. His son, Haym Soloveitchik, says that hundreds of the tapes, which all told span some 30 years, have "disappeared." The tapes have not been seen since the summer of 1984, when a young aide to the Rav realized the tapes had vanished from their storage place inside closets in the Rav's apartment.

Orthodox Ferment

The disappearance of the tapes is shaping up as a religious whodunit of the first water. No one has been accused of stealing the tapes, or of committing any other crime or wrong. But questions are being asked of, among others, a high-powered Manhattan attorney who helped prepare the Rav's will, some former yeshiva students who had keys to the Rav's apartment and even some rabbinical chambermaids.

The mystery of the missing tapes is set against the backdrop of considerable ferment in the Orthodox community. A struggle is taking place for the heart and soul of the modern Orthodox movement, which has been bereft of a leader since the Rav's death. The community is divided over the role of women, the acceptance of homosexuals, the place of Israel and sundry other disputes. That is why some are insisting that what is crucial is for the tapes to be located immediately, transcribed, edited and published.

For years, the tapes were believed by the Rav's son to be in the possession of Julius Berman, a distinguished attorney. Mr. Berman

was a disciple of the late Rabbi Soloveitchik, served as his literary agent and was authorized to hold onto his many notes, manuscripts, books and other possessions, which he in fact did until the Rav's death in 1993. It was then that Mr. Berman, a partner at Kaye, Scholer and former chairman of the Conference of Presidents of Major American Jewish Organizations, turned over an inventory of what he had and delivered several cartons to attorneys for the estate.

It was sometime in 1993 or 1994, in the course of reviewing what was handed over by Mr. Berman, that the Rav's son, Haym Soloveitchik, realized that a significant portion of his father's work was still unaccounted for — specifically, tapes of the Rav's lectures on *halacha*. "I was absolutely stunned," he recalls. These tapes are said by some to represent the crown jewels of the Rav's teachings and to be his most impressive legacy, more important than the tapes on Jewish philosophy that were transferred to the estate intact.

Struggle Over Will

The mystery of the "missing tapes" has consumed Rabbi Haym Soloveitchik ever since. It has obscured a struggle over the division of the Rav's intellectual property, which in his will he said should be divided equally among his three children, whom he named as co-executors. The three include his eldest daughter, Atarah, his middle daughter, Tovah, and his youngest and only son, Haym. In Boston, the battle over the will has raged in probate court, according to J. Owen Todd, the attorney representing the estate, and because there is dis-

agreement as to how the Rav's work should be preserved and published, the fight is still going on, three years after his death.

"What is missing are most of my father's tapes from 1954 to 1984 from his Talmud classes at YU," says Rabbi Haym Soloveitchik, not-

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former student.*

ing that tapes of his father's lectures at the Moriyah synagogue on the Upper West Side, which were very popular, are also gone. "They are the cornerstone of my father's reputation." He has mounted a campaign to retrieve the missing tapes.

Atarah Twersky, one of Haym's sisters, appears to take a more jaundiced view of the missing tape affair. While she agrees that tapes are gone and that they are significant, she feels it is wrong to suggest that her father's legacy has been dealt a fatal blow. "Of course I want the tapes to turn up," Mrs. Twersky told the Forward. "But they have not been around for years. I am not a professional detective, and so I do not fixate on them, and while I am anxious that as much of my father's heritage should be available, the absence of the tapes does not mean that my father's teachings aren't out there."

Student's Agony

tapes are crucial, he says, in illuminating not simply the thoughts and opinions of Rav Soloveitchik but also "the process" by which he came to form these opinions. It is imperative, he says, for whomever has the tapes to turn over the material, so that it may be published promptly. Though Rabbi Berman does not point an accusatory finger at any individual, he believes that the tapes were removed by a person or persons who knew precisely what treasures they were acquiring and understood their value.

Given to Estate

Documents reviewed by the Forward show that in 1994, the Boston firm of Todd and Weld corresponded with Julius Berman, (who is no relation to Rabbi Berman) about the missing tapes, asking him to review his inventory of items. Mr. Berman was asked to sign a form attesting that "works entrusted to me by the late Rabbi Joseph B. Soloveitchik have to the best of my knowledge been turned over to ... the Estate of Joseph B. Soloveitchik." Mr. Todd, the lawyer, concluded that Mr. Berman had turned over whatever he had in his possession and Mrs. Twersky attests to Mr. Berman's integrity and his devotion to her late father. David Luchins, a modern Orthodox leader, says the relationship between the Rav and Mr. Berman "was intimate and extraordinary."

What about the missing tapes?

"There was a thought that maybe I had them; I do not have them, I gave to them [the estate] whatever I had," says Julius Berman. "This is the story of the quote 'missing tapes.' Does this mean the heart of the Rav's seminal thinking has disappeared? Of course not; obviously it's much better to get the Rav's words the way he said them, but you must understand that up in YU the overwhelming number of professors are the Rav's students, and so for years they have been conveying his thoughts."

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The missing tapes, she says, "were not made in my father's living room — they were recorded in classes, and the students always took copious notes, and much of these notes were reproduced, some in better shape, some in worse shape, and so there is this transmittal of my father's teachings."

Yet to understand the agony that surrounds the disappearance of the tapes, it is best to turn to those outside the clan. Kenneth Brander was, at the time the tapes vanished, a young yeshiva student assigned to care for the Rav. He also attended the Rav's classes and recorded the lectures. It was Rabbi Brander who first got wind of the disappearance of the tapes and reported it to the family. Captured on those tapes, says Rabbi Brander, is the life force of the Rav Soloveitchik and perhaps of the modern Orthodox movement itself.

"He was a person old in years, but when he walked into that classroom, he was so young in spirit, and when he studied a piece of Talmud [with us] the commentaries came alive, it wasn't like learning that Maimonides lived in the 1200s — you felt as if Maimonides was *in* the room," recalled Rabbi Brander. "What he was able to do in that classroom was remove the shackles of time from the talmudic dialogue."

For Rabbi Saul Berman, a professor at YU's Stern College, there is "an urgency" to retrieving the missing tapes. Since the death of the Rav, "the modern Orthodox community remains rudderless," Rabbi Berman told the Forward. The

words the way he said them, but you must understand that up in YU the overwhelming number of professors are the Rav's students, and so for years they have been conveying his thoughts."

To steal the Rav's tapes, Mr. Berman muses, would have been a hopeless undertaking for anyone — certainly, there is no special value to rabbinical discourses on the black market. "It is like stealing the 'Mona Lisa,'" he says. "You could never show it to anybody, you would have to go down to the basement and look at it."

Sold as Contraband?

When pressed as to who could have purloined the tapes, Mr. Berman says that it is impossible to even theorize — so many people had access to the Rav Soloveitchik's rooms in his final years there are simply too many potential suspects.

"Every year, the Rav had two or four young boys who lived with him — each one had a key," says Julius Berman. "A chambermaid had a key. Haym [Soloveitchik] had a key. There were so many people who had access."

"Yes its true, there were lots of people who had keys, which is why we don't know who had these tapes," Rabbi Berman pipes back, "But none of the chambermaids tried to sell this as contraband." The fact is, he says, that the thief or thieves knew what they were doing: "The body of material was too coherent."

Rabbi Brander sounds a trifle exasperated: "I think that anyone who went into the Rav's apartment knew what they had, that they had the tapes of a great man, that these tapes have a certain importance."

"Someone has those tapes," he insists with the certainty of youth. "They did not vanish."