

Rabbi Eliezer Berkovits and Rabbi Joseph B. Soloveitchik: Neighbors Behind Fences

By: DAVID CURWIN

Rabbi Joseph B. Soloveitchik and Rabbi Eliezer Berkovits were two of the most important Orthodox Jewish philosophers in the 20th century. Their biographies are remarkably similar, but their legacies are not. In the three decades since their passing, Rabbi Soloveitchik remains well known, and his impact on contemporary Modern Orthodoxy is manifest. Rabbi Berkovits is relatively unfamiliar and often overlooked. He should not be. Comparing their philosophical approaches, particularly in the interaction between history and halakhah, shows Rabbi Berkovits's message to be exceptionally relevant and essential to Orthodoxy today.

Parallel Biographies

The biographies of Rabbi Eliezer Berkovits and Rabbi Joseph B. Soloveitchik (henceforth, the "Rav"), are filled with parallels. Both were born into rabbinic families in Eastern Europe at the turn of the century. The Rav, born in 1903 in Pruzhany, Russia, was a scion of the Soloveitchik rabbinic dynasty. R. Berkovits, born in 1908 in Oradea (Nagyvarad), then part of Austria-Hungary, was also descended from a line of rabbis.

Both were first educated in their homelands. R. Berkovits was a student of R. Akiva Glasner, the son of R. Moshe Shmuel Glasner, the author of the *Dor Revi'i*. The Glasners had a profound influence on the later thought of R. Berkovits. The Rav was taught by his father, R. Moshe Soloveitchik, and the analytical methodology of his grandfather, R. Hayyim Soloveitchik, echoes throughout both the Rav's halakhic and philosophical writings.

Both enrolled in the University of Berlin in the 1920s and studied philosophy there. In 1932, the Rav received his doctorate after composing his thesis on the epistemology of Hermann Cohen. A year later, R. Berkovits was granted his doctorate, after submitting his dissertation on the philosophy of David Hume. While in Berlin, they both studied in the Hildesheimer Rabbinical Seminary in Berlin, headed by R. Yechiel Yaakov Weinberg, from whom R. Berkovits received his rabbinical ordination.

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Despite emerging from traditional Eastern European backgrounds, both the Rav and R. Berkovits deviated from the conventions of their families to become supporters of both secular education and Zionism.

The two then served as communal rabbis. The Rav went to Boston, and R. Berkovits had positions in Berlin, Leeds, and Sydney. He then moved to Boston as well, where his house on Montana Street was only a few blocks from the Rav's on Homestead Street.

In addition to his duties in Boston, the Rav was a *rosh yeshivah* at the Rabbi Isaac Elchanan Theological Seminary at Yeshiva University, where aside from his Talmud classes, he also taught Jewish philosophy. R. Berkovits left Boston in 1958 and moved to Chicago, where he became the chairman of the department of Jewish Philosophy at the Hebrew Theological College.

During this period, they were both prolific authors, penning essays and books on topics related to Jewish philosophy and thought. They wrote eloquently and compellingly in both English and Hebrew, despite neither being a native language. They often published in the same journals, sometimes as neighbors on the page. For example, the Summer 1965 issue of *Tradition* presented the Rav's acclaimed essay, "The Lonely Man of Faith," followed by R. Berkovits's "Orthodox Judaism in a World of Revolutionary Transformations."

Their writings covered the wide gamut of Jewish thought, deriving inspiration from traditional biblical and rabbinic sources, as well as modern secular philosophers. They also discussed halakhic issues and gave halakhic rulings, but were known less as *poskim* than as formulators of the philosophy of halakhah.

They both stepped off the public stage toward the end of their lives. The Rav retired to Boston in the 1980s and passed away in 1993. R. Berkovits made *aliyah* in 1976 and lived in Israel until his death in 1992.

Distinct Approaches

Despite this extensive list of parallels, their impact was quite different. The Rav was the foremost leader of Modern Orthodox Judaism, with thousands of students. Those students, and their students, have set the tone of Modern Orthodoxy for decades. R. Berkovits, while certainly impacting those he taught, did not leave a generation of students as the Rav did, and today is primarily familiar only through his writings (some of which have been recently republished).

I cannot speak to the reasons for the Rav's prominence as compared to R. Berkovits. I am certain it is an indiscernible mix of personal characteristics, historical circumstances, and chance. That does not exempt us,

however, from the task of comparing their approaches. An examination of those approaches will provide insight into the relevance of each today.

Before we examine the roots of their philosophical debates, it will be helpful to dispense with a common misconception. When they are compared today, a common view is to see them on a halakhic spectrum: the Rav as stricter (or “right-wing”) and R. Berkovits as more lenient (or “left-wing”). This is a convenient device, for these terms are used widely when discussing rabbis and their halakhic approaches. Indeed, R. Berkovits did support many innovative solutions to halakhic problems,¹ which can be viewed as more liberal than positions held by the Rav.

This, however, is not an accurate description of either figure. They did not sit on opposite sides of one halakhic axis. Rather, they each had their own distinct and holistic model of the nature and function of halakhah, as we shall see.

To understand the essential differences between R. Berkovits and the Rav, we need to look at the situation they each faced. Although their biographies, approaches, and outlooks are often similar, it is remarkable how frequently they are antithetical. There is no evidence they publicly interacted while in either Berlin or Boston, and neither mentions the other in their writings. Yet the polemics in their writings appear as if they were aimed at their philosophical rival.²

This does not imply that they disagreed on every topic. As modern philosophers, the Rav and R. Berkovits both rejected speculative philosophy, including that of Maimonides, which claimed that the existence of God could be demonstrated through empirical proofs.³ For example, the Rav wrote that “man cannot come to God on his own, through the initiative of his own spirit.”⁴ Similarly, R. Berkovits stated, “Kant showed conclusively that the existence of God cannot be proved by speculative reasoning.”⁵

¹ Many of his halakhic positions are explored in his book *Not in Heaven* (Ktav, 1983). For example, see his discussions there of such issues as autopsies (95), the sabbatical year (95-100), annulling marriages (100-106), and conversion (108).

² One might speculate that out of mutual respect, they preferred not to call out the other by name.

³ For example, see Maimonides’ *Hilkhot Yesodei Ha-Torah* 1:5 and *Guide for the Perplexed* II:1.

⁴ Joseph B. Soloveitchik, *And from There You Shall Seek*, trans. Naomi Goldblum (Ktav, 2008), 40.

⁵ Eliezer Berkovits, *God, Man and History* (Shalem, 2007), 12.

The same is true regarding their theological approach to the Land of Israel. Both the Rav and R. Berkovits were instrumentalists, primarily valuing the land as a means of fulfilling the halakhah, as opposed to the “essentialist” views popular in the branches of Religious Zionism influenced by Rav Kook.⁶

Yet, their views regarding history and halakhah were not aligned. These core differences appear early, in Berlin. Looking at the subjects of their doctoral theses, they each chose to focus on a philosopher that matched their own perspectives. The philosophical school selected aligned with the approach they inherited from their rabbinic mentors, as we shall see.

Both R. Berkovits and the Rav were associated with a contemporary philosophical approach. R. Berkovits was a “historical empiricist,” one who believes that knowledge of truth can be acquired by observing history.⁷ He authored his doctoral thesis about David Hume, who is considered the founding father of empiricism, and who frequently used historical proofs for his claims. In his essay “Prayer,” R. Berkovits describes the role of history in our relationship to God:

We know about Him not by philosophical derivation or by metaphysical insight or intuition. We know Him because he made Himself known to us. We know Him from historic experience, from his numerous manifestations in the history of Israel ...⁸

The Rav’s identification with neo-Kantianism can be seen by the focus of his doctoral thesis, Hermann Cohen, one of the most prominent neo-Kantian philosophers.⁹ Neo-Kantianism disputes our ability to gain

⁶ See Dov Schwartz, *Eretz Ha-Mamashut V-Ha-Dimyon* (Am Oved, 1997), 209.

⁷ I prefer “historical empiricist” over the more common synonym “historical positivist,” because the latter is associated with Conservative Judaism. This association would not be justified, as Berkovits was committed to Orthodox Judaism throughout his life.

⁸ “Prayer,” *Studies in Torah Judaism*, ed. Leon D. Stitskin (Yeshiva University, 1969), 95.

⁹ In an essay about the Rav in *Great Jewish Thinkers of the Twentieth Century*, ed. Simon Noveck (B’nai B’rith, 1985), 281-297, R. Aaron Lichtenstein wrote that the Rav “had planned a different dissertation ... Its topic was to have been ‘Maimonides and Plato,’ and its thesis that general Maimonidean scholarship had erred in seeing Maimonides as a confirmed Aristotelian” (285). However, the Rav could not find anyone in the university to supervise that work, so he switched to his thesis about Hermann Cohen. Had the Rav argued such an assertion, he could have categorized Maimonides as much closer to neo-Kantian formalism and remote from the Aristotelian empiricism that he disdained.

truth about the nature of reality through empirical means. It rejects the empirical approach of positivism, which had gained popularity in the 19th century. It views and analyzes reality through *a priori* (ideal, independent of observation) categories and laws. These principles appear throughout much of the Rav's writings.

R. Berkovits and the Rav would each later criticize the other's philosophical mentor. R. Berkovits composed an entire essay criticizing Cohen: "Hermann Cohen's Religion of Reason," the first chapter in his *Major Themes in Modern Philosophies of Judaism*.¹⁰ R. Berkovits claimed that Cohen's conception of Judaism is too sterile and ignores the significance of history in the Jewish understanding of the divine encounter. R. Berkovits insists on the importance of subjective, personal experience:

The inescapable truth about Judaism is that it sees God as personal and as involved and acting in history. ... Revelation is not just the truth that human beings perceive through their rational ability, but—however it may be interpreted—an actual event occurring between God and this human being or this people. ... [I]t is not true to say of Judaism what Cohen says of the religion of reason, namely, that it speaks of the laws of God because it considers the will of reason as the law of God ... This may be consistent if one sees, as Cohen did, revelation in man's reasoning faculty. It is, however, not true of Judaism, whose concept of revelation is fundamentally different from his.¹¹

The Rav found fault with Hume in several of his writings. In *Halakhic Man*,¹² the Rav wrote critically about "cognitive man" who "approaches the world without preconceived programs ... he gropes in the darkness ... until he stumbles across a repetition of events ... as a result of which he can construct rules..." In the associated footnote (17), he writes that "the positivist doctrine, from David Hume ... typifies this approach."

In *The Halakhic Mind*, he wrote that "Hume disparaged human knowledge because he detected psychological roots at the base of all elementary structural concepts. The old myth of medieval scholasticism still held the upper hand in Hume's positivism."¹³

These philosophical schools had parallels for the two university students in the rabbinic teachers of their youth. The Rav was the grandson of R. Hayyim Soloveitchik, a halakhic formalist, and the founder of the

¹⁰ *Major Themes in Modern Philosophies of Judaism* (Ktav, 1975), 1-36.

¹¹ *Ibid.*, 19-20.

¹² *Halakhic Man* (JPS, 1983), 18.

¹³ *The Halakhic Mind*, 87.

Brisker approach to Talmud study. R. Berkovits's teachers—R. Weinberg, and perhaps even more so, R. M. Glasner—were halakhic innovators, who did not shy away from historical and sociological concerns in their halakhic considerations.¹⁴

History and Teleology

Influenced by both their rabbinic and philosophical mentors, each emerged in the United States with a distinct vision of Torah and Jewish theology. The essence of their disagreement was how we should understand history, and more specifically teleology: the “why,” the purpose, of God's involvement in history.

The Rav, a neo-Kantian, believed that we cannot understand God via nature or history, we cannot explain evil in a metaphysical sense, and we cannot claim to understand God's plans for history. R. Berkovits, a historical empiricist, understood God and His Torah through the lens of history.

Their attitude toward teleology affected how they viewed history overall. In several of his writings, the Rav portrayed historical episodes, particularly those with consequence to Judaism, as occurring simultaneously (at least in a theological sense). Personalities and events are not relegated to the distant past or even considered part of the unseen future, but are with us in our present. Examples of this approach include his remarks that “the Jew of the *masora* has a different conception of time. Revelation and tradition erase the bounds of time. Distance in time is nonexistent for him”¹⁵ and “Since Jews have a unitive time consciousness, the gap of centuries simply cannot separate them from the past. They do not have to relive the past, as the past is a current living reality. ... The unitive time consciousness contains an element of eternity. There is neither past nor future nor present.”¹⁶ With this “simultaneous” view of history, the

¹⁴ On R. Weinberg, see Marc B. Shapiro, *Between the Yeshiva World and Modern Orthodoxy: The Life and Works of Rabbi Jehiel Jacob Weinberg, 1884-1966* (Littman, 1999), 205-221. For example, Shapiro wrote that “the tendency to take into account modern social and educational issues is constantly present in his responsa ... he was explicit about the meta-halakhic factors which led him to his decisions” (218). On R. Glasner, see David Glasner, “Rabbi Moshe Shmuel Glasner, the Dor Revi'i,” *Tradition* 32:1 (1997), 40-56. Glasner noted his great-grandfather's “novel contention” that “the purpose of the Oral Law is to allow the judges and sages of each generation to adapt the halakhah to contemporary circumstances” (45).

¹⁵ “Sacred and Profane,” *Shiurei HaRav* (Ktav, 1994), 22-23.

¹⁶ *Out of the Whirlwind: Essays on Mourning, Suffering and the Human Condition* (Meotzar Horav, 2003), 16-17.

Rav essentially eliminated the question of teleology. There is no longer a need to ask why an event happened in the past, or what the purpose will be in the future. The only relevant question is how to relate to reality in the present.

The Rav considered traditional halakhah immune to historical changes, but this did not lead to a view that human action and agency should ignore history. He supported political Zionism and taught that we are expected to respond to history and shape the future. In his lecture “And Joseph Dreamt a Dream,” he put it this way, using halakhah as a metaphor:

God handed over technical legal matters to the authority of the Sages, to rule on what is clean what unclean, to decide between obligation and exemption, forbidden and permitted. But in historical questions, not those relating to the legal status of ovens, food, or determination of fixed monetary obligations, but those relating to the destiny of the Eternal People, God Himself decides whose interpretation will become the “law” (the historical development). ... In our days, the Creator of the universe similarly decided that the (historical) “law” will be as the Joseph of 5662 (religious Zionists) had predicted.¹⁷

In this, he differed from the members of his family, including his grandfather, who opposed Zionism. As we see, however, from his essay *Kol Dodi Dofoke*, which discusses the significance of the Shoah and the State of Israel, the Rav maintained the distinction between the theological and the political. We cannot make teleological claims based on the momentous events of the 20th century. We can, and must, ask how we should act now in response to them.

For R. Berkovits, history is a linear process, with a purpose or a goal, often accompanied by setbacks. The Jewish people have experienced redemption and sovereignty in their land but have also suffered exile and destruction. Each period in history was distinct from the next and changed the reality of the Jews living in it.¹⁸ He named his magnum opus

¹⁷ *The Rav Speaks: Five Addresses on Israel, History, and the Jewish People* (Toras HoRav, 2002), 32. Further evidence that he viewed the metaphorical halakhah of the political realm differently from traditional, practical halakhah can be found in another lecture in the book: “I once said that there exist problems for which one cannot find a clear-cut decision in the *Shulhan Arukh* ... one has to decide them intuitively. Sometimes one cannot even know whether a decision was correct” (49-50). This is worlds apart from his approach to classic halakhic issues.

¹⁸ See for example, *Not in Heaven*, 85-87, and *Faith after the Holocaust* (Ktav, 1973), 144-158.

God, Man and History, indicating just how significant history is in his worldview.

In this, R. Berkovits adopted elements from the thought of both the great medieval Jewish philosophers, Maimonides and Ha-Levi. Maimonides deemphasized God's role in history. Reading his opening chapter of *Hilkhot Avodah Zarah*, we see that in the story of Abraham, for example, God is not an active participant at all. For Ha-Levi, however, God is very much active in history, and he used God's involvement in history as evidence of His omnipresence (as opposed to Maimonides' use of astronomical proofs).¹⁹ R. Berkovits agreed with Ha-Levi about involvement in directing history. His God was not a transcendent God distant from the world, but One very much concerned with the state of humanity.

When it comes, however, to the question of the historical origins of the commandments, R. Berkovits was much closer to Maimonides (and further from Halevi). In Book 3 of *The Guide*, Maimonides offered historical explanations (*ta'amei ha-mitzvot*) for many of the laws of the Torah. For example, he claimed that the sacrificial rituals were a response to historical events, such as the encounter with idolatry in Egypt.

The Rav strongly disagreed with this position, writing that "the master [Maimonides] whose thought shaped Jewish ideology for centuries to come did not succeed in making his interpretation of the commandments prevalent in our world perspective ... we completely ignore most of his rational notions regarding the commandments ... They are essentially, if not entirely, valueless for the religious interests we have most at heart."²⁰ He claimed that by "rationalizing the commandments genetically [i.e., according to their historical origin], Maimonides developed a religious 'instrumentalism' [where] causality reverted to teleology."²¹ He was therefore much closer to the approach of Halevi, who considered the commandments as beyond history, not deriving from it.²²

R. Berkovits's position on *ta'amei ha-mitzvot* is more complicated. There are times where he expressed reservations about our ability to know the historical origins of the commandments. For example, in *God, Man and History* he wrote, "nor is it our ambition to try and fathom the intentions of the lawgiver."²³ That echoes his statement in a later book: "numerous authorities do not agree with Maimonides' interpretation of the

¹⁹ *Kuzari* I:31.

²⁰ *The Halakbic Mind* (Seth Press, 1986), 92.

²¹ *The Halakbic Mind*, 93.

²² See *Kuzari* III:73.

²³ *God, Man and History*, 90.

meaning of animal sacrifices.”²⁴ In the continuation of that passage, however, he noted that “the principle that [Maimonides] uses for his interpretation has general validity and reveals Judaism’s basic method for the application of the eternal word of God to the time-conditioned reality of the human situation.”

This principle appears in *Not in Heaven*, where he made it clear that the original purpose of the commandments should be considered when determining halakhah. For example, when discussing the cancellation of debts in the sabbatical year, he wrote, “Quite clearly the law of release was intended for a rather primitive agricultural society ... In our day ... a law of release would be inconceivable. ... to change that law would be no change in the real sense, because it was never intended for present economic conditions.”²⁵ Therefore, in regard to *ta’amei ha-mitzvot*, R. Berkovits was certainly much closer to the position of Maimonides than was the Rav.

In contrast to the Rav’s criticism of “teleology” and “instrumentalism,” R. Berkovits openly adopted both.²⁶ He maintained that halakhah, the Oral Law’s interpretation of the Written Law, developed and operated in the historical context of the nation. This is how the Torah is meant to be understood:

The Torah is eternal because it has a Word for each generation. ... One can find the Word that has been waiting for this hour to be revealed only if one faces the challenge of each new situation in the history of the generations of Israel and attempts to deal with it in intellectual and ethical honesty.²⁷

The combination of these two perspectives—the role of God in history, and the historical context of the commandments—produce R. Berkovits’s unique approach regarding halakhah in the current era. He recognized that the most significant event in recent Jewish history—the founding of the State of Israel—obligated application of halakhic principles and values to this new situation. To deny history, and act as if the people were still in a state of *Galut*, would run counter to the original intent of the Torah.

²⁴ *Jewish Women in Time and Torah* (Ktav, 1990), 30-31.

²⁵ *Not in Heaven*, 96.

²⁶ His major work (in Hebrew) about the nature of halakhah was titled *Ha-Halakhah, Kohav V-Tafkidab*, which translates to “The Halakhah: Its Power and Role.” The halakhah is indeed an instrument—to further the objectives of the Torah.

²⁷ *Not in Heaven*, 118.

We can see the impact of their disparate approaches to history by comparing their theological understandings of the Shoah. Prof. Jonathan Cohen summarizes the difference between their approaches:

While Soloveitchik wrote, in “Kol Dodi Dofek,” that suffering could not be explained within the framework of a “metaphysical teleology,” and that the proper Jewish response to the problem of theodicy was to look to one’s deeds, Berkovits, in his book *Faith After the Holocaust*, took up precisely this task, namely: the attempt to integrate the Holocaust within a “teleological” philosophy of history.²⁸

In *Kol Dodi Dofek*, the Rav wrote that the Bible is concerned with theodicy:

“Habakkuk demanded satisfaction for the affront to justice; Jeremiah, King David in his Psalms, and Kohelet pondered this quandary. The entire book of Job is devoted to this ancient and mysterious query ... Why has God allowed evil to reign over His creation?”²⁹

R. Berkovits presented the issue similarly: “And indeed, neither Jeremiah, nor Habakkuk, nor even Job, were given an intellectually valid answer.”³⁰

While their premise was similar, their conclusions were not. The Rav wrote that the proper approach is “devoid of the slightest speculative-metaphysical coloration” where “the center of gravity shifts from the causal and teleological aspect of evil ... to its practical aspect.”³¹ We cannot understand evil, but we can battle it. R. Berkovits took a different turn. While noting that there was no intellectual answer given to this problem, he added that “the dilemma was resolved, not in theory, but, strangely enough, in history itself.”³² Where in history? He continues:

God’s unconvincing presence in history is testified through the survival of Israel. All God’s miracles occur outside of history. When God acts with manifest power, history is at a standstill. The only

²⁸ Jonathan Cohen, “Incompatible Parallels: Soloveitchik and Berkovits on Religious Experience, Commandment, and the Dimension of History,” *Modern Judaism* 28 (2008), 174.

²⁹ From the English translation of *Kol Dodi Dofek* in Joseph B. Soloveitchik, *Fate and Destiny: From the Holocaust to the State of Israel*, trans. Lawrence Kaplan (Ktav, 2000), 1-2.

³⁰ *Faith After the Holocaust*, 109.

³¹ *Fate and Destiny*, 7.

³² *Faith After the Holocaust*, 109.

exception to the rule is the historic reality of Israel. That faith history has not been erased from the face of the earth by power history ... is the ultimate miracle.³³

As a neo-Kantian, the Rav distanced himself from teleology. Instead of “why,” he instead focused on “what.” This is a common theme throughout his writings. For example, in *The Halakhic Mind* (87) he referred to the “many philosophers [who] have blundered. The curse of the ‘why’ question has followed them relentlessly.”

To that end, he also used halakhah as a model of how to approach the question of evil in this world:

The problem is now formulated in straightforward halakhic language and revolves about one’s daily, quotidian tasks ... The halakhah is concerned with this problem as it is concerned with other problems of permitted and forbidden, liability and exemption. We do not inquire about the hidden ways of the Almighty ... We neither ask about the cause of evil nor about its purpose, but, rather, about how it might be mended and elevated. ... What ought a man to do so that he not perish in his afflictions?³⁴

Yet R. Berkovits embraced teleology because history is the way God interacts with this world. As he wrote in *Man and God*, describing God’s desired value of *tzedek* (justice):

History represents a scandalous separation between being and value ... This world, planned by God’s *sedeq* as creation to be inhabited must be ultimately inhabited as God intended it. In history alone can God’s original creative act of *sedeq* be vindicated in the actual everyday realization of the identity of being and value ... This is the core of the biblical idea of salvation and of the messianism of the Hebrew Bible.³⁵

Therefore, God’s aims for the future must impact and direct our lives. He spelled this out in his essay “Does History Have Meaning?”³⁶ where he writes that the historical process is complicated because “human freedom is limited by divine responsibility, and divine responsibility is limited by human freedom” and the challenge of the Jewish people is to obtain the balance between the history of power that affects all people and the messianic history that gives meaning to the nation of Israel. While they

³³ Ibid., 114.

³⁴ *Fate and Destiny*, 7-8.

³⁵ Eliezer Berkovits, *Man and God: Studies in Biblical Theology* (Wayne State University, 1969), 348.

³⁶ *Petaḥim* 13 (1970), 11-14 [Hebrew].

both accepted the role of human agency as exemplified by political Zionism, it is the messianic, teleological view of history which distinguishes R. Berkovits from the Rav.

Halakhah—a Satellite or Not in Heaven?

The most prominent distinction between the Rav and R. Berkovits comes in their understanding of the nature and purpose of halakhah. How does (or how should) halakhah relate to history? Is a historical approach a detrimental threat to halakhah, leading to movements that will undermine its authority, or does history, as evidenced by the Zionist return to political autonomy in the Land of Israel, provide a positive opportunity for halakhah to return to its pre-*Galut* state?

The Rav, following his family's Brisker tradition, took a very hardline approach, repudiating any historical considerations, along with other "human concerns" (like psychology or sociology) in halakhah. Halakhah is *a priori* and operates independently of those external factors. The Rav rejected efforts to formulate a teleology of halakhah. For him the purpose of the halakhah can be found only in the halakhah itself:

If one would inquire of me about the teleology of the Halakhah, I would tell him that it manifests itself exactly in the paradoxical yet magnificent dialectic which underlies the Halakhic gesture.³⁷

In *Halakhic Man*, the Rav depicted the halakhah as follows:

The theoretical Halakhah, not the practical decision, the ideal creation, not the empirical one, represent the longing of halakhic man.³⁸

Later in the book, after reviewing a case where his grandfather R. Hayyim Soloveitchik remained committed to "the pure Halakhah," he noted that "he would not sacrifice this halakhic truth even for the sake of realizing the noblest of ideas."³⁹ Halakhic man does not allow the concerns of this world to affect his interpretation of halakhah, but rather he

³⁷ Joseph B. Soloveitchik, *The Lonely Man of Faith* (Doubleday, 1992), 82.

³⁸ *Halakhic Man*, 24.

³⁹ *Ibid.*, 90. Some temper this approach and point out that the portrait presented in *Halakhic Man* is only an ideal, not intended to provide practical guidance for the *posek*. As evidence for this qualification, they point out that the Rav did consider subjective elements when he acted as a *posek*. Two objections to this claim can be raised. One, as Lawrence Kaplan notes in "The Religious Philosophy of Rabbi Joseph Soloveitchik," *Tradition* 14:2 (1973), "Rabbi Soloveitchik is noted for his expertise in the theoretical analysis of judicial concepts and *not* for the relatively few responsa he has written. Perhaps, precisely because he has not

expects the halakhah to improve this world, to “transform it into a land of the living.”⁴⁰

In his essay *Ma Dodekb MiDod*,⁴¹ a eulogy for his uncle R. Yitzchok Zev Soloveitchik, the Rav compared his grandfather to Kant. Just as Kant freed reason from the chains of Aristotle’s empirical, inductive approach, so did R. Hayyim rescue the halakhah, by interpreting it via objective halakhic categories instead of historicist, psychological, or sociological considerations.⁴² Just as these factors are irrelevant when solving a mathematical problem, so too will they cause great damage if they are considered when determining the halakhah. As an allegory, he suggested that halakhah should be viewed as a satellite, launched into orbit by a rocket. While the launch may have been initiated by events on earth, once in space it is no longer affected by events on the ground.⁴³ The Rav maintained that the halakhic methodology of his grandfather, along with the philosophical approach of Kant, justified his model of halakhah being objective and independent of any earthly concerns.

Kant defined *a priori* knowledge as “knowledge that is absolutely independent of all experience.”⁴⁴ The Rav echoes this point in his philosophical treatise, *U-Vikkashtem Mi-Sham*:

Of course, the freedom of halakhic inquiry is bounded by a categorical restraint. The Halakhah cannot free itself from its subordination to a system of *a priori* postulates; it begins and ends with this system.⁴⁵

engaged in *pesak* he has been free to ‘ignore’ the subjective elements in Halakhah and focus on its rigorous objective aspects.” Secondly, when operating in his primary role, as a philosopher of halakhah, the Rav frequently presented this model in both his writings and in his public speeches, over many decades. This obligates us to consider the Halakhic Man as his paradigm for how to view the halakhic process. Certainly, this model influenced his students and readers, and many of his arguments were used to criticize those who held less formalist positions, like R. Berkovits.

⁴⁰ Ibid., 40.

⁴¹ First printed in the newspaper *Hadoar* in 1963, and then published in *Divrei Hagut ve-Ha’arakha* (WZO, 1982), 57-97. It received much criticism since its publication, even by students of the Rav. Notably, it was also critiqued by R. Y. Weinberg, the teacher of R. Berkovits. See Marc B. Shapiro, *Between the Yeshiva World and Modern Orthodoxy*, 195.

⁴² *Ma Dodekb MiDod*, 78.

⁴³ Ibid., 77.

⁴⁴ Immanuel Kant, *Critique of Pure Reason*, trans. Norman Kemp Smith (St. Martin’s, 1965), 43.

⁴⁵ As translated in *And from There You Shall Seek*, 108-109.

It was not only in his more philosophical writings that the Rav committed to this approach. In an address to the Rabbinical Council of America in 1975, the Rav proclaimed that “You cannot psychologize halakhah, historicize halakhah, or rationalize halakhah, because this is something foreign, something extraneous” and that any such attempt, “be it historicism, be it psychologism, be it utilitarianism, undermines the very foundations of *Torah u-mesorah*.” Like his analogy in *Ma Dodekeh MiDod*, he said that “the halakhah has its own orbit, moves at its own certain definite speed, has its own pattern of responding to a challenge, its own criteria and principles.”⁴⁶

In contrast to the Rav’s formalist approach, R. Berkovits took an instrumentalist one. Both the Rav and R. Berkovits were concerned about defending Orthodox Judaism from the encroaching secular modernity. They disagreed on the role of halakhah in that effort. Did the halakhah need to be distanced from historical considerations, as the Rav asserted, or should it adopt them as R. Berkovits maintained?⁴⁷

Like the Rav, R. Berkovits was fully committed to the halakhic tradition. He too was averse to reforming the halakhah for reform’s sake. But as he observed, “What is needed is not less dedication to halakhah, but more faith in halakhah.”⁴⁸

On another occasion, commenting on the “very serious Halakhic problems of our times,” he writes that “the solution does not lie in Halakhic reforms, but in the authentic application of valid Halakhic principles to the radically new situation. It is comparatively easy to devise so-called Halakhic reforms; as easy as it is pointless. What is needed is not reformed but functioning Halakhah.”⁴⁹

Yet he understood the aims and methods of halakhah very differently from how the Rav did. For R. Berkovits the purpose of halakhah *was* to

⁴⁶ As transcribed in <https://arikahn.blogspot.com/2013/03/rabbi-soloveitchik-talmud-torah-and.html>. The target of the Rav’s remarks was R. Emanuel Rackman, a contemporary, who like R. Berkovits, also promoted a “teleology of halakhah” and proposed halakhic innovations with which the Rav strongly disagreed.

⁴⁷ In a related disagreement, the Rav and R. Berkovits differed about the role of “common sense” in halakhic decisions. Soloveitchik denigrated it in his sermon, “The ‘Common Sense’ Rebellion Against Torah Authority,” *Reflections of the Rav*, ed. Abraham R. Besdin (WZO, 1979), 139-149. On the other hand, Berkovits placed common sense at the heart of the halakhic process, as detailed in “Torah and Common Sense; or, The *S’bara*,” *Not in Heaven*, 3-8.

⁴⁸ Eliezer Berkovits, *Crisis and Faith* (Sanhedrin, 1976), 96.

⁴⁹ “Orthodox Judaism in a World of Revolutionary Transformations,” *Tradition* 7:2 (1965).

realize what the Rav called those “noblest of ideas.”⁵⁰ For him halakhah was not a satellite, but remained very much on earth, as captured by the name of his book on the halakhic process—*Not in Heaven: The Nature and Function of Halakhah*. That title is derived from the Talmudic story of the debate over the “oven of Akhnai” (*Bava Metzja* 59b), where Rabbi Yehoshua, over the objections of Rabbi Eliezer, proclaimed that the Torah is determined by the Sages, not by a Heavenly voice.

The Rav does not give this passage the prominence that R. Berkovits does. When he did mention it in *Halakhic Man*, he emphasized the intellectual creativity and independence of the rabbis:

[Halakhic man] does not require any miracles or wonders in order to understand the Torah. He approaches the world of Halakhah with his mind and intellect ... And since he relies upon his intellect, he places his trust in it and does not suppress any of his psychic faculties in order to merge into some supernal existence. ... He pays no heed to any murmurings of intuition or other types of mysterious presentiments. ... The prophet, the transcendental man par excellence, has no right to encroach upon the domain of the sages, who decide the law on the basis [of] their intellect and knowledge.⁵¹

R. Berkovits’s explanation of the pronouncement that the Torah is “not in Heaven” stands in stark contrast to the approach of the Rav. While acknowledging the role of independence in the story, he also pointed out the importance of subjective understanding, as compared to objective truths:

There is in the human share in the Torah, without which Halakhah would be impossible, a high measure of independence granted to the

⁵⁰ “Is Jewish law simply a matter of submitting to divine and rabbinic dictate, or is there a *telos*, which we call Torah values? If, as Berkovits argues, the latter is the case, then most of Orthodoxy has it all backwards. One does not adjust one’s values based on what the halakhah teaches. Rather it is halakhah that must be adjusted so that it is in line with our most important values, which are themselves Torah values. These values remain the same, but since the world changes the way these values are concretized through halakhah must also change. For Berkovits, this is not a reform of halakah but rather its most profound fulfillment.” Marc B. Shapiro, “Rabbi Eliezer Berkovits’s Halakic Vision for the Modern Age,” *Shofar* 31.4 (2013), 31-32.

⁵¹ *Halakhic Man*, 79-80. Similar sentiments can be found in his “*Al Ahavat ha-Torah U-genulat Nefesh ha-Dor*,” *Divrei Hasbkafah*, ed. Moshe Krone (WZO, 1994), 205. In fact, the only occasion I could find where he departed from this interpretation was in *The Rav Speaks*, 31-32, where he used the story to teach that in historical situations, it is God who decides, not the rabbis.

teachers of the Torah, as well as a strong portion of relativism introduced into the interpretation of the word of God revealed at Sinai.⁵²

He added that such absolute truth is inaccessible on earth:

In an absolute sense, Rabbi Eliezer was, of course, right. The very heavens agreed with him. However, the affairs of men cannot be guided by absolute objectivity, but only by human objectivity. ... The result is not objective truth but pragmatic validity.⁵³

Halakhah, as the human way of life in accordance with the Torah, does not aim at absolute truth, nor does it run after the *fata morgana* of universal truth. Neither of them is accessible to human beings. Its aim is “earthly truth,” that the human intellect can grasp and for whose pursuance in life man must accept personal responsibility.⁵⁴

How can an eternal truth and command take notice of the forever-changing needs of the fleetingly uncertain human condition? ... The divine truth had to be poured into human vessels; it had to be ‘humanized.’ ... This, in essence, is the task of the Halakhah ... one takes into consideration human nature and its needs ... the Jewish people in their unique historical reality.⁵⁵

Was the voice from heaven mistaken when it announced to the sages that in all matters of disagreement between them the Halakhah is like Rabbi Eliezer’s opinion? Did it not know the truth? ... Of course, the voice was right. Its pronouncement was true, it was absolute truth. That is why it could not be accepted on earth.⁵⁶

He also discussed the story in his book *Crisis and Faith*. There he highlighted the significance of the conclusion of the episode:

The story itself finds its charming conclusion as follows: Rabbi Natan met the prophet Elijah ... and asked him, “What did the Holy One, blessed be He, do in that hour (of the great debate)?” Said Elijah: “He laughed and exclaimed, ‘My children have defeated me, my children have defeated me.’” The postscript to the story is decisive. To His own joy, God is overruled. A specific word of God is controlled by a more comprehensive divine command. Therein lies the secret of the creative vitality of the *halakhab*. We might now formulate it more generally. When, in a given situation, a specific law is in

⁵² *Not in Heaven*, 81.

⁵³ *Ibid.*, 48.

⁵⁴ *Ibid.*, 56.

⁵⁵ *Ibid.*, 73.

⁵⁶ *Ibid.*, 79.

conflict with another law, principle or concern of the Torah, the specific law may be limited in its application, reinterpreted, adapted, suspended or changed in this one situation, but not abolished, by the overruling concern of the total Torah. ... Only the Oral Torah, alive in the conscience of the contemporary teachers and masters who can fully evaluate the significance of the confrontation between one word of God and another in a given situation, can resolve the conflict with the creative boldness of application of the comprehensive ethos of the Torah to the case. Thus, *Torah SheBe'al Peh*, as *halakhah*, redeems the *Torah SheBikhetav* from the prison of its generality and “humanizes” it. The written law longs for this, its redemption, by the Oral Torah. That is why God rejoices when He is defeated by His children. Such defeat is His victory.⁵⁷

R. Berkovits then bemoaned the current state of affairs, where the Oral Law cannot flourish:

It was part of the spiritual tragedy of the Galut that exactly what halakhah, in its original vitality and wisdom, was intended to protect us from, has happened. God can no longer rejoice over His “defeat” by His children. It is a condition we have had to accept. It is the price we have paid for the preservation of our identity and Jewish survival.⁵⁸

This highlights another distinction between the Rav and R. Berkovits. While we noted earlier that the Rav criticized Maimonides’ philosophical speculations about the origin of the commandments, he was profoundly supportive of Maimonides’ codification of the Oral Law. His *Mishneh Torah* contained all the laws, even those not currently in practice (like the laws of the Temple), preserving them from the impact of history. This aligns well with the Rav’s formalist view of the halakhah as made up of objective, *a priori*, ideals, and can explain why the Rav, following his family’s Brisker traditions, was much more comfortable with the *Mishneh Torah* than with *The Guide*. As R. M. Lichtenstein wrote:

This is the reason that Rambam occupies center stage in the Brisker orbit, for it is he who distilled the talmudic conclusions into pure halakhic form ... presenting us only with the halakhic hard data without encumbering it with any explanations.⁵⁹

⁵⁷ *Crisis and Faith*, 91-92.

⁵⁸ *Ibid.*, 95.

⁵⁹ R. Moshe Lichtenstein, “What’ Hath Brisk Wrought: The Brisker Derekh Revisited,” *The Torah U-Madda Journal* 9 (2000), 2.

R. Berkovits, on the other hand, while acknowledging that the “spiritual tragedy of the Galut” led to the need for the codification of halakhah, insisted that it was in opposition to the dynamic nature of the Oral Torah. He referred to codification as a “violation of the essence of halacha ... a spiritual calamity of the first magnitude ... halacha in a straitjacket.”⁶⁰ In this he was not following the path of Maimonides, and he frequently quoted the medieval scholar, R. Joseph Albo, who argued against Maimonides’ position on the unchanging nature of the halakhah:

The Torah could not be complete in such a manner that it should be adequate for all times. New details are continually occurring in the affairs of men in customs and actions, too many to be included in a book. Therefore, God revealed to Moses orally some general principles, only briefly alluded to [i.e., in the Written Torah], so that, with their help, the sages in each generation may deduce the new particulars [i.e., the new particulars of the law appropriate for the new situation].⁶¹

As quoted earlier, for R. Berkovits the purpose of the Oral Torah is to resolve the conflict between a “specific word of God” and “a more comprehensive divine command.” The distinction between those two concepts is further clarified in his essay, “Authentic Judaism and Halakhah.”⁶² There, R. Berkovits distinguished between the Law (Torah) and Halakhah. He writes that “Halakhah is not the Law but the Law applied ... in a given situation.” He continued:

The purpose of the Halakhah is to render the Torah in a given historical situation a) practically feasible; b) economically viable; c) ethically significant; d) spiritually meaningful.

This is markedly different from the Rav who did not make a clear distinction between Torah and halakhah. Throughout his writings, he used halakhah as the framework for all Jewish guidance, as we saw earlier in *Kol Dodi Dofek*. This is how he presented it in *The Halakhic Mind*:

To this end there is only a single source from which a Jewish philosophical *Weltanschauung* could emerge; the objective order—the Halakhah.⁶³

⁶⁰ *Essential Essays on Judaism* (Shalem, 2002), 101.

⁶¹ Joseph Albo, *Sefer Ha-ikkarim* III:23, as quoted in *Not in Heaven*, 71.

⁶² *Judaism* 19 (Winter 1970), 66-76.

⁶³ *The Halakhic Mind*, 101. This is not to say that the Rav ignored other works of Jewish literature, like the Bible or aggadic passages. The most cursory review of

We have arrived at the core of their dispute. If halakhah and Torah are inseparable, then there can be no Torah-based goals for halakhah to accomplish outside the framework of halakhah itself. But if halakhah is an instrument of the Torah, then it is not just possible but imperative to ensure that the halakhah furthers the objectives of the Torah.⁶⁴

Returning to his “Authentic Judaism and Halakhah,” R. Berkovits lamented that “the ethos of the Halakhah is lingering in a state of inauthenticity in the barren scholarship of most contemporary Halakhists,” and warned that “withdrawal from reality and continued ignoring of the challenges of the contemporary situation will not give us authentic Judaism.” His acknowledgement of the difference between the “contemporary situation” and that of earlier generations led him to propose several significant changes to halakhic practice, whereas the Rav, while a committed Zionist, was reluctant to endorse even more minor adjustments like reciting *Hallel* on Yom Ha-Atzmaut.

In his introduction to *Essential Essays on Judaism*, Hazony noted that despite R. Berkovits’s inclusion of external factors in the halakhic process, he remains distinct from other Jewish thinkers who wanted to reform the halakhah:

Berkovits is not the only scholar of halacha to insist on the flexibility of the law. Such efforts have become especially popular in recent years, particularly among scholars of the Conservative movement; indeed, some of their arguments resemble Berkovits’s quite closely. Yet there is a significant difference between Berkovits’s effort and that of these other scholars, which concerns the nature of the values which justify change. Underlying much of the argument of non-Orthodox scholars is an effort to justify change as part of an ongoing evolutionary process resulting from the continuous encounter between tradition and the evolving needs of the individual or society. ... the emphasis is upon change as a response to new challenges posed by the flow of history, with little attempt to spell out exactly what are the eternal values, if any, that the openness to change is ultimately intended to preserve. ... As a result, it often becomes dif-

his writings and sermons will see that those texts feature prominently. But he interpreted those texts through the prism of the halakhah, the “objective order.”

⁶⁴ For an earlier example of this approach, see Nahmanides on Leviticus 19:2, who introduces the concept of a “scoundrel who (operates) with the permission of the Torah.” This is an individual who follows the halakhah but ignores the intent of the Torah. This concept is only possible if there is daylight between Torah and halakhah.

difficult to tell from these writings whether the need for change is determined through reference to principles that are themselves found within the Jewish tradition, or whether it is derived from somewhere else.

From Berkovits's standpoint, this view is hard to reconcile with the moral message of the prophetic texts. These were clearly meant to deliver a message whose importance rested not in its success as a "synthesis" between the traditional and the contemporary, but precisely in its ability to transcend the changing attitudes of history. ... Berkovits understands change in halacha to reflect the careful, incremental adjustment of legal means to further moral ends that are themselves intrinsic to Judaism and unchanging. ... While the law may change, the values which underlie it do not; on the contrary, the purpose of change is to permit the continued advancement of the Bible's eternally valid moral teaching under new conditions.⁶⁵

Combining his view of history with his understanding of halakhah, Berkovits provided a model of how halakhah should operate in the current historical circumstances. He wrote⁶⁶ that the process of formation of halakhah is composed of four components. First there are the laws of Torah themselves, such as the laws of damages, marriage and divorce, and the Jewish calendar. Secondly, alongside the laws, are the ideals that the Bible is trying to promote. They include such principles as "Love your neighbor as yourself" (Leviticus 19:18), "Its ways are ways of pleasantness" (Proverbs 3:17) and "he shall live by them" (Leviticus 18:5). These principles must guide the *posek* and all those committed to the halakhic system. The third component is the human situation in the current historical context. The last component is a combination of the first three elements: the implementation of the aims of the Torah in its entirety. This process is dynamic, which is why it comprises the Oral Torah, as opposed to the static Written Torah.

The flexibility of the Oral Torah allowed it to deal with significant historical changes. For example, the *prozbul* was enacted to handle the economic changes that were preventing loans in advance of the sabbatical year. Due to the ravages of exile, there was a need to write down the Oral Torah. This damaged its essence, sapping it of its dynamic nature. In *galut*, the impact of this restricted halakhah was limited, because with the Jews lacking full control of their economic, social, and political realms, the goals could not be fully accomplished in any case.

⁶⁵ *Essential Essays on Judaism*, xvi-xvii.

⁶⁶ "The Halakhah in a Democratic Society," *Petahim* 37 (1976), 30-31 [Hebrew].

However, with the return to sovereign Jewish life in the Land of Israel, the situation was vastly different. There was no longer an excuse for halakhah not to form a society according to the ideals of the Torah. For that to happen, however, for the halakhah to influence the daily life of the nation, it needed to return to its original role. It must again become a true Oral Torah. For this, R. Berkovits's vision of halakhah was essential. He contrasted the difference between Jewish life in *Galut* and the situation in the State of Israel as follows:

In the *Galut* the encounter between Torah and reality is a confrontation; in an autonomous Jewish civilization, it is a challenge. In the situation of confrontation, the task of Halakhah is preservation ... there is no Torah like the Torah of Erez Yisrael. The Torah needs the call from the autonomous reality of the Jewish people. ... it is enabled to speak the timely word of its eternal wisdom in each changing situation.⁶⁷

Halakhah, which in the *Galut* had to be on the defensive, building fences around communal islands, ought to resume now its classical function and originate new forms of relevant Torah realization in the State of Israel.⁶⁸

Of the two halakhic world views we have surveyed, R. Berkovits's is more prepared to engage with the opportunities the new Jewish state grants us. This, however, does not discount the critical role that the Rav played in bolstering Orthodox Judaism in the United States in the 20th century. Nor should we say that halakhic formalism was never necessary. The 19th century was a time of unchecked change to traditional Jewish practice. In response to that, the presentation of the halakhah as an independent, objective system, protected from the corrosive effects of history, was valid and important. The Rav was a faithful steward of this tradition, as he inherited it from his forebears.

Without a doubt, the Rav's legacy as the foremost rabbinical figure of Modern Orthodoxy remains secure—both through his students and their students, as well as via the continued publication and study of his discourses. Indeed, the Rav's voice has remained dominant for decades since his last public appearance.

In recent years, however, new realities and accompanying challenges have arisen that neither the Rav nor R. Berkovits saw in their lifetimes. The centrality of Israel to Orthodoxy has grown much more pronounced, due to both recent waves of *aliyah* from the West, and the increasing importance of Israeli yeshivot and seminaries. Today, the major threat to

⁶⁷ *Not in Heaven*, 86.

⁶⁸ *Ibid.*, 91.

Orthodox practice of halakhah is not coming from the Reform and Conservative movements, due in large part to the Rav's efforts to promote and preserve Orthodox Judaism when it was under siege in the mid-20th century. Rather, the current challenge derives from Orthodox Jews autonomously determining the proper halakhic practice they will observe. These range from eating *kitniyot* to wearing *tebbelet* to ascending *Har HaBayit*, and perhaps most prominently, the role of women in Jewish ritual life. Anticipating these changes, R. Berkovits depicted the motivations of these individuals as follows:

One does not ask these questions because the Torah has become a burden and one wishes to break away from it; one asks because one believes in the eternal vitality of the divine revelation, because one is committed with one's whole existence to the proposition that the teaching is *Torat Hayyim*, the way of life for the Jew.⁶⁹

Therefore, the task now is to ensure that Orthodoxy remains authentically dynamic, in order to preserve their commitment to halakhah.

These developments bear witness to the relevancy today of R. Berkovits's message. He was committed to halakhah and to the halakhic system. Nevertheless, he also understood our obligation to advance the goals of the Torah itself, and in a way that can only be done in the State of Israel. Unlike in previous generations, the dramatic historic changes of our era are not necessarily detrimental to traditional Judaism. Rather, they can restore the Torah to its former status as a guide to build a just and holy society. In this scenario, instrumentalism no longer needs to be a taboo. This is not a case of the Torah serving foreign goals, but the halakhah advancing the goals of the Torah itself.

We have now seen two competing visions of the nature and function of halakhah. For many years, they seemed to be in persistent conflict. At the Hebrew Theological College, R. Berkovits and the Rav's brother, R. Ahron Soloveichik sparred over issues related to their understanding of halakhah. The Rav confronted R. Rackman about teleology of halakhah.⁷⁰ These divisions are still felt today between competing yeshivot and streams of Modern Orthodoxy. Must this conflict always persist, or can the two approaches coexist?


⁶⁹ *Crisis and Faith*, 117.

⁷⁰ See note 46 above.

The Next Generation

A few years after his passing, the Rav's views on the objective nature of halakhah were clarified by one of his closest students (and son-in-law), R. Aaron Lichtenstein. In his essay "The Human and Social Factor in Halakhah,"⁷¹ he noted that the claims that the Rav was opposed to human concerns in halakhah are "primarily based upon a page drawn from *Ma Dodekh MiDod* in which he emphatically rejects the notion that psychosocial elements are factored into the halakhic process and affect its course." He conceded that "several sentences in this vein are admittedly sharp and sweeping" but insisted that "careful consideration of this tenuously balanced passage reveals that its primary thrust is not denial of human consideration but insistence upon the autonomy of halakhah." R. Lichtenstein then continued in the path of halakhic formalism. He had "confidence that the halakhic process was governed by halakhic factors ... We have neither the right nor the desire to suggest that [the Sages'] judgment was diverted or warped by extraneous factors."

Yet the story does not end there. Significantly, R. Lichtenstein's partner as Rosh Yeshivah of Yeshivat Har Etzion was R. Yehudah Amital, who also came from Oradea, like R. Berkovits. In fact, R. Amital was a student of R. Eliezer Berkovits's father, R. Ber Berkovits, and he was also greatly influenced by R. M. Glasner. In an essay reviewing the thought of R. Amital,⁷² Alan Brill wrote that for R. Amital, R. Glasner's approach serves as a "rejection of legal formalism." He also presented cases where R. Lichtenstein supported halakhic formalism while R. Amital indicated that external moral considerations should outweigh the strict halakhic position.

Instead of conflict, however, R. Lichtenstein and R. Amital exhibited harmony. Harmony, not in the sense of unanimity, but of two distinct voices heard concurrently. Despite contrasting viewpoints, they did not cancel each other out. Their successful partnership testifies that the formalist and instrumentalist approaches we have reviewed here can coexist, even in the same *beit midrash*. Their students profited by learning from both rabbis, by experiencing both worldviews. During their lives, the Rav and R. Berkovits were neighbors, but always behind fences. Today, it is clear those fences are not necessary, and the Jewish world would benefit from learning from R. Berkovits just as from the Rav. 

⁷¹ *Tradition* 36:1 (2002).

⁷² Alan Brill, "Worlds Destroyed, Worlds Rebuilt: The Religious Thought of Rabbi Yehudah Amital," *The Edah Journal* 5:2 (2006).