

LETTERS TO THE EDITOR

Loving the Convert

IN THEIR RECENT interesting article in *Hakirah* (“Loving the Convert Prior to a Completed Conversion,”), Rabbis Michael J. Broyde and Benjamin J. Samuels write (p. 170):

A responsum of *Minḥat Elazar* (3:8) goes even further in that it grants Jewish identity to someone who was not even in the process of converting but was identified as Jewish socially, and by the government. The facts of this case are simple and important. A Jewish man intermarried, and the woman never converted. They had a one-year-old who died, and the man wanted to bury his infant son in a Jewish cemetery. The local secular law authorities identified the child as Jewish, as per the religion of his father, even though as a matter of halakhah such was not the case. After confirming that the child was certainly not Jewish as a matter of halakhah, and was not even on a path to conversion, and was not to be considered circumcised for conversion, the Munkacser Rav permitted the child to be buried in the Jewish cemetery—albeit in a distant location in the Jewish cemetery, since he has a Jewish identity

that attached to him as a matter of social reality. While the child never entered under the sheltering wings of the Divine Presence, the child did reside under the protection of the Jewish community, and thus is entitled to be buried in a Jewish cemetery. While not an example of *Ahavat ha-Ger*, this responsum is illustrative of the existence of a variety of “half-in” persons. The approach of *Minḥat Elazar* certainly recognizes that a convert-to-be who is already functionally a member of the Jewish community by identity is entitled to such a status.

Unfortunately, this paragraph is completely mistaken. The Munkacser Rav, R. Ḥayyim Elazar Shapira, is adamant that the dead child is not permitted to be buried in the Jewish cemetery. Thus, in his responsum, there is no concept of “a Jewish identity that attached to him as a matter of social reality,” and the case he deals with has nothing to do with a convert-to-be “who is already functionally a member of the Jewish community.” The Munkacser raises the question of a prospective convert who was circumcised but died before *tevillah*, that in such a case he should be buried in a Jewish cemetery and he wonders if there is even a need for eight *amot* separation. However, he states that the

case he was asked about has nothing to do with such a circumstance, as in his case there was no circumcision for the sake of conversion. Thus, under no circumstances is the child to be buried in a Jewish cemetery.

Here are the words of the Munkacser Rav:

הקטן המת הוא נכרי ופשוט דאסור לקוברו בקברי ישראל... ומלבד שהוא כן להלכה מדינא שלא להלל קדושת וכבוד בית החיים לשום בתוכו פגר ילד שהוא נכרי עפ"י התורה בין קברי ישראל הכשרים הוא ג"כ לאות לבני מרי ממנו ילמדו וכן ילמדו בשארי קהילות במדינתנו בעוה"ר אשר פשתה המספחת הזאת וידעו להזהיר להרחיק כמו אלו מקברי בני"י הכשרים ולמען חיזוק דת תוה"ק נגד המתפרצים בעם יהי' ה' עמנו לגדור גדר ולעמוד בפרץ ויגדור פרצות עמו ישראל ברחמים ב"ב ... בנידון השאלה שהתחלנו להעמיד הדת על תלה מפני זרם התערובות נשואי הנכרים ר"ל כנ"ל אוקמוה אדינא לקוברו בקברי נכרים וכן ראוי להורות.

Marc B. Shapiro
University of Scranton

Michael J. Broyde and
Benjamin J. Samuels respond:

We thank Prof. Shapiro for identifying our regrettable erroneous misrepresentation of *Minhat Elazar* 3:8. As a *hava aminah*, the Munkacser Rav raised the possibility of burying the child in question in a Jewish cemetery (albeit separated from Jewish graves by eight cubits). However, he indeed rejects

that outcome in this particular case and prohibits the burial for two reasons: 1. halakhically, the child died a gentile—not having been circumcised for the sake of conversion, nor immersed under the purview of a *beit din*; and 2. socially, to strengthen the religious commitment of the Jewish community and prevent further intermarriage through its stigmatization. Further, Rabbi Shapira upholds the Talmudic view that one is not a (male) convert until both circumcision and immersion have taken place (BT *Yevamot* 46b). As Prof. Shapiro notes, Rabbi Shapira discusses at length in his responsum the case of a bona fide *mal velo taval*—a prospective convert who has undergone circumcision *leshem geirut*, but is still awaiting immersion. While such a person, Rabbi Shapira opines, is still a gentile, two halakhic consequences may extend from his demonstration of covenantal commitment through circumcision. First, he may be exempted from the prohibition that a gentile may not observe Shabbat fully, since he too has attached himself to the covenant between God and the Jewish people. Second, should he die before immersion, it would be unconscionable and cruel to bury him in a non-Jewish cemetery, when he had self-sacrificed and suffered to join himself to God and Judaism. Thus, even the Munkacser Rav recognizes halakhic and social striation along the conversionary path, and grants some status to a prospective convert prior to a completed conversion. This idea is why we cited

this *teshuvah*, even as we very regrettably cited the specific holding of the case incorrectly. We are grateful for the correction, *le-hagdil Torah u-le-ba'adirah*.

BRCA Testing

I AM SURPRISED that Dr. Grossman's erudite article on BRCA testing for Ashkenazim did not devote more attention to the corollary issue of BRCA testing for men. As she points out, men are as likely as women to carry the mutation and pass it on to any potential offspring. Thus, knowing about the issue, and the option for pre-implantation gestational diagnosis (PGD) are as relevant to male carriers as to female.

The increased risk of BRCA-positive men developing prostate cancer is not as severe as it is for women developing breast cancer. The increase is nonetheless significant. A further issue is that certain forms of the BRCA mutation significantly increase the probability of an aggressive cancer. Foreknowledge would definitely save lives.

While the tests for ovarian and breast cancer in women are relatively intrusive, the most widely used diagnostic tool for prostate cancer is a simple blood test, which can be carried out with little effort at a regular health check-up. A spike in PSA means look deeper, such as with an MRI. A BRCA-positive male should begin such regular screenings significantly earlier than one who is not.

The Harvard University Health Blog recommends that men should consider being tested for BRCA mutations under the following conditions: 1) If there's a history of prostate, breast, or ovarian cancer in the immediate family, particularly among younger members; 2) if other family members test positive for BRCA1 or BRCA2 mutations; and 3) if they are of Ashkenazi Jewish descent.¹

Dr. Grossman's quote of Rabbi Bleich (p. 279) on the halakhic obligation for BRCA testing would seem to apply to men as well as women.

Nathan Elberg
Cote Saint Luc, Canada

Sharon Galper Grossman responds:

I commend Mr. Elberg for raising the timely, rapidly evolving issue of BRCA testing in Ashkenazi men. Modern *poskim*, who have just started to recognize the importance of testing Ashkenazi women, have not yet addressed this issue with regard to men. However, since submission of "BRCA Testing for All Ashkenazi Women: A Halakhic Inquiry," new guidelines have come out recommending testing for both Ashkenazi men and women.^{2,3} This past February, Matan Hasharon in Ra'anana, Israel, offered on-site BRCA testing to the general public and several couples chose to be tested together.

Why would men opt to undergo BRCA testing?

One in 40 Ashkenazim carries

the BRCA mutation, a rate ten times higher than the general population. Men inherit and transmit BRCA mutations with the same frequency as women. In men, BRCA increases the risk of breast and prostate cancer. The risk of male breast cancer for carriers of BRCA1 and 2 are 1% and 7%, respectively. This is significantly higher than the risk for non-carriers (0.1%), but lower than the risk of breast cancer among female carriers.^{4,5} The risk of prostate cancer for BRCA1 carriers is 15-20%. At 30-40% for BRCA2 carriers, the risk of prostate cancer for men is comparable to the risk of breast cancer among female BRCA2 carriers.⁶ Among BRCA2 carriers, prostate cancer is particularly lethal, developing at a younger age, in a more aggressive form, and with poorer rates of survival comparable to those for breast and ovarian cancer.^{7,8,9} A disproportionate number of men with metastatic prostate cancer carry the BRCA2 mutation (compared to men diagnosed with localized prostate cancer or those without cancer).¹⁰

There are three reasons why men opt to undergo BRCA testing.

1. For their children, to reduce their chances of developing cancer. Men who carry the mutation have a 50% chance of transmitting the gene to their children. Their daughters face up to an 85% lifetime chance of developing breast cancer and a 50% chance of developing ovarian cancer. Testing allows their children to take steps to

reduce these risks and improve their survival rates.

2. For themselves, to reduce their chance of developing prostate and male breast cancer. A man who tests positive may initiate monthly breast self-examinations and annual clinical breast examinations at age 35. Though prostate specific antigen (PSA) as a prostate cancer-screening test in the general population has a high false positive rate and might detect clinically insignificant cancers, an elevated PSA in BRCA carriers has a higher positive predictive value and is more likely to be associated with aggressive cancer that appears at a younger age.¹¹ Thus, recent guidelines recommend annual PSA screening for BRCA carriers beginning at age 40 or 45.^{12,13} Studies have yet to show, however, that screening carriers for prostate and breast cancer reduces mortality.

3. To guide treatment for men with prostate cancer. Given the poor prognosis for BRCA carriers with prostate cancer, testing at an early stage of the disease identifies those who have a high risk of recurrence, but who are poor candidates for watchful waiting, and who thus require treatment.¹⁴ Where the disease is advanced, testing identifies carriers who will benefit from platinum-based chemotherapy and PARP1 inhibitors, treatments that recently received FDA approval for use in this situation.^{15,16} Thus, recent guidelines recommend testing all

Ashkenazi men with localized prostate cancer, and all patients with metastatic prostate cancer, regardless of family history or ethnicity.¹⁷

There is a public misperception that BRCA is only relevant to women. Although men carry the BRCA mutation at the same frequency as women and the risk of prostate cancer in BRCA2 carriers is comparable to the risk of breast cancer in female carriers, men undergo BRCA testing at one-tenth the rate that women do.¹⁸ Unfortunately, there is no Angelina Jolie Effect to increase awareness and testing in men. While Medicare and some private insurance companies cover BRCA testing for men who meet NCCN guidelines, several major insurance companies do not. However, the Screen trial in Canada and the US's BFOR trial offer either subsidized or free testing for Ashkenazi men and women. The Israel Ministry of Health, which has only recently begun to offer testing to all Ashkenazi women, does not yet cover routine testing for Ashkenazi men.

Over 20 years ago, in his discussion regarding BRCA testing in Ashkenazi women, Rabbi JD Bleich wrote, "Genetic testing, including testing for BRCA1 and BRCA2, should be regarded as halakhically mandated in circumstances in which medical science believes that the results are likely to affect treatment in a manner that will enhance longevity anticipation or well-being. Certainly, a person identified as being at risk for a spe-

cific disease is obligated to pursue all available measures in order to ward off the disease or to diagnose its presence while the disease is yet in an incipient stage and still amenable to cure."¹⁹ Although he does not explicitly address testing for men, this statement is gender neutral and could reasonably apply to both men and women. BRCA testing in men would facilitate prevention and affect treatment, "enhancing longevity anticipation and well-being." As more data accumulate regarding the benefits of testing in men, I believe that modern *poskim* will obligate testing in Ashkenazi men as well.

Siddur Avodat HaLev

I ENJOYED THE ARTICLE by Rabbis Aton Holzer and Arie Folger regarding the new RCA Siddur, titled "Siddur Avodat HaLev: A New Siddur and Insights on the Old." It was also a treat to read Appendix A, a missing essay from the Siddur re *nusah*. (Disclosure: I regularly *daven* from and enjoy all three Siddurim mentioned in this letter.)

However, there were two omissions from the essay that should be noted. First, in footnote 23, Rabbis Holzer and Folger quote the prominent Reform Rabbi Kaufman Kohler without an honorific. Second, they imply (in footnote 43) that the only reason the original RCA de Sola Pool Siddur didn't have "the success it deserved" was because of "[t]he Siddur's erstwhile competitor's review unfairly accus-

ing Rabbi de Sola Pool of Christological influence.” Rabbi de Sola Pool wrote a monograph on the *Kaddish* (Sivan Press, Jerusalem 1964) in which he argued (in Appendix D) that the *Patroster* (the Lord’s Prayer) and the *Kaddish* had similarities; some felt that Rabbi de Sola Pool’s translation of the *Kaddish* reflected that opinion too strongly. In addition, Rabbi de Sola Pool’s translation of the phrase *bar elohin* in *Berikb Shmei* as “son of God” was offensive to some. What Rabbis Holzer and Folger fail to mention is that the Siddur was only for Sabbath and Festivals and that it was banned by the Agudah (HaPardes Feb 1961, NY, pp. 2, 5-6) because it didn’t strictly follow rabbinic tradition and because of its literal translation of *Shir Ha-Shirim*; surely these two factors are more to blame for the Siddur’s lack of success than a Hebrew review in a relatively obscure journal. Perhaps too it is no coincidence that *Shir Ha-Shirim* is omitted from the recent Koren Siddur (although it is translated in their Friday night service Siddur) and left untranslated (as are the other 4 *megillot*) in the new RCA Siddur.

Ben Zion Katz
Skokie, IL

Aton Holzer and Arie Folger respond:

Thank you very much for your kind words. In response to your insightful comments:

1. Thank you for noting the error of omission of R. Dr. Kaufmann Kohler’s honorifics. This was due to an editing error on my part, with no malice intended whatsoever. As a student of R. Samson Raphael Hirsch in Frankfurt, the Rabbinic training R. Kohler received was absolutely impeccable by any standard, and there is evidence that even after his transition to Reform Judaism, he continued to see himself as a *talmid* of R. Hirsch in many ways.²⁰

2. Dr. Phillip Birnbaum²¹ indeed marshalled the argument from the Lord’s Prayer to support his contention that the Siddur was marketed “to sell this ‘merchandise’ especially to the *goyei ha-aratzot*” via emphasis of certain ideas hinted at in the translation. He identifies R. de Sola Pool’s translation of “*ki-re’utei*”—“may His will be fulfilled”—as a hint to the Lord’s Prayer. As for the translation of “*bar elahin*” as “son of God,” which in context (“nor do I rely on a son of God”) appears to be a rejection of Christianity—Dr. Birnbaum sees this as an unnecessary *provocation* against Christians, given that there are traditional sources that oppose the use of this translation (*Shir Ha-Shirim Rabbah* 7, *yShabbat* 6:10, *Bereshit Rabbah* 26). So in his own review, Dr. Birnbaum accuses Rabbi de Sola Pool of both pandering to Christians and needlessly antagonizing them!

R. Charles B. Chavel²² responded in the same issue to each of Dr. Birnbaum’s points; we now know

that he formulated his responses in direct consultation with R. Joseph B. Soloveitchik.²³ First, he noted that the translation “may His will be fulfilled” is entirely consonant with the way in which the Gra understands the meaning of *ki-re’utei*, and notes numerous parallels in other prayers both in the Talmud and liturgy; he adds that the fact that Christians may have adopted this element in their scripture does not cause us to deem our preexisting liturgy heretical. Second, he notes that the JPS Tanakh renders “*benei Elohim*” in the same way as de Sola Pool; he challenges Dr. Birnbaum’s argument, which seems to suggest that the translation is correct, but “why anger the non-Jews”—writing poignantly (translation mine), “these non-Jews are not embarrassed to send missionaries to the Holy Land to cause Jewish children to stray from the way of the Torah, and only for us is it forbidden to release even the hint of a protest against their belief?” R. Chavel concludes that *Berikb Shmei* actually means to polemicize against Jesus, and there is no reason to obscure this fact.

Bereshit Rabbah 26 is an interesting source in this regard, as it states that R. Shimon bar Yohai “curses anyone who calls (*benei Elohim*) *benei elabaya*.” R. Shimon bar Yohai is, of course, the putative author of the Zohar, and by extension, *Berikb Shmei*—which is sourced to *Zohar, Va-Yakbel*, and which contains the very phrase *bar elabin* that he detests. This issue was raised explicitly by R. Barukh ha-Levi Epstein

(*Barukb Sh-Amar* p. 178), who resolves the matter by attributing the prayer to one of the later sages whose teachings are incorporated in the Zohar. Some solve the matter by textual emendation—*Siddur ha-Sbelah* has the version *malka* (sic!—ostensibly *malakha*) *de-Shmaya*²⁴ (angel of heaven) and *Kitzur Shelah* has the variant *malakbaya ila’i*²⁵ (exalted angels). R. Chavel solves this by teaching that here Rashbi intentionally uses this formulation so as to allow the worshiper to **renounce** Christian doctrine, which R. Chavel holds to be the rationale for Rashbi’s aversion to *benei elabaya* in the first place.

(In the sixty years that have passed, the tension surrounding this issue has lifted. Most academic scholars now concur with R. Ya’akov Emden regarding R. Shimon bar Yohai’s authorship of the Zohar; and in any event, the latest scholarship holds both that the *Berikb Shmei* prayer is likely a later non-Kabbalistic prayer that was interpolated in the Zohar, and that *bar elabin* is apparently a scribal error, replacing *bar nash* [son of woman] in the original.)²⁶

Regarding the Lord’s Prayer: does the translation “may His will be fulfilled” seem calculated to evoke “Thy will be done?” Not to this reader, but even if reasonable minds may differ, it should be noted that R. de Sola Pool, when drawing comparisons to the *pater noster*²⁷—whose affinities to the *Kaddish* are not his *hiddush*, but were already noted years earlier by none other than R. Dr. Kaufmann

Kohler²⁸—in his own work, omits the phrase *di v'ra ke-re'utei*, apparently seeing no affinity between it and “Thy will be done!”²⁹ So even if one thinks it plausible that the RCA or R. de Sola Pool were aiming for a Christian market as Dr. Birnbaum suggests, it is difficult to support the latter’s suggested source text for this.

Still and all, the “*bar elabin*” arrow hit the mark. Controversy engulfed the new publication. As R. Louis Bernstein notes in his chronicle of the history of the RCA,³⁰ R. Emanuel Poliakoff, a prominent member of the RCA, published a letter in *Der Tog* (February 7, 1961) that asserted that *bar elabin* is always only to be translated as “angel,” thus allying himself with the forces opposing the new Siddur. (My grandfather, R. Emanuel Holzer, was involved in the RCA at the time and in his telling, the *bar elabin* matter was what caused R. Soloveitchik the most grief.) Around this time, RCA President R. Charles Weinberg called for a recall of the Siddur, appointed a revision committee and removed R. Soloveitchik’s name from the flyleaf.

Indeed, the Siddur covered only the Sabbath and Festivals, but Dr. Birnbaum also issued separate Siddurim for the Weekday and for Sabbath and Festivals. One might argue that before the *Ba'al Teshuvah* movement later that decade that required the (daily) services of an ArtScroll, it was only the Sabbath and Festival shulgoers who really needed a translation.

The ban of the Agudas Ha-Rabbonim (an organization with no affiliation with Agudath Israel, albeit with overlapping constituencies³¹) appeared after all of this, and is treated by R. Bernstein as an afterthought—something expected and entirely consistent with the behavior of a mostly Yiddish-only-speaking group whose chairman was hostile to and generally eschewed cooperation with the RCA.³² R. Simcha Elberg’s elaboration on p. 5 of the afore-cited *Ha-Pardes* issue goes on at length regarding the impossibility to properly translate the Siddur, and seems to apply in equal measures to the Birnbaum Siddur (and for that matter would apply to the Art-Scroll as well³³). He proceeds to stress R. Soloveitchik’s (and R. Dr. Belkin’s) dissociation from the enterprise. The latter was clearly an effect rather than cause of the contretemps. It seems unlikely that the ban had much impact on the target audience of the Siddur: RCA Rabbis and congregants who felt that the premise of an English translation was acceptable and necessary. *HaDo'ar*, on the contrary, was the primary organ of Hebrew literary culture in the United States,³⁴ a group which was numerically marginal but included a significant portion of the Zionistically-inclined RCA membership.

3. There actually was a great deal of discussion in the Siddur committee regarding providing a proper literal translation for *Shir Ha-Shirim*. On the one hand, a literal

translation isn't what the text means when used in worship. On the other hand, a literal understanding of the text is a prerequisite to understand the Rabbinic exegesis.³⁵ Furthermore, to fluent Hebrew readers, much of the literal translation is evident at first sight, so why shouldn't it be accessible to the English-speaking public? A perfect combination would include both a literal translation and a guide to the allegorical interpretation. Unfortunately, in the end, space limitations did not allow any translation, and the question became moot.

Siddur Avodat HaLev

THE ARTICLE ABOUT the RCA Siddur struck me as an exercise in apologetics due to the following three examples:

1) The historical backdrop of the *nusah* of any *brakhab* as in any *hala-khab* is interesting but should not be seen as the sole cause for its place in the Siddur. One wonders why the authors did not consider the explanation set forth in *Mahzor Mesorat Ha-Rav* for Rosh Hashanah at page 169 that each of the *berakhot* in question represents the separateness and aloneness of *Klal Yisrael* which Hashem states in the promise that *Am Yisrael* will be a *mamlekhet Kohanim v-goy kadosh* as the prelude to *Matan Torah*. The explanation advanced by the authors is logically similar to claiming that the *Halakhab l-Moshe Mi-Sinai* of *lavud* was based on a shortage of

wood in Eretz Yisrael, a type of historical analysis that Rav Soloveitchik firmly opposed. Resorting to non-Jewish texts to claim that certain *berakhot* were a reaction to early Christianity struck this reader as extraordinarily apologetic if not ignorant of the facts that many *mitzvot* were only given to men because of their participation in the Golden Calf and the incident of the spies, which, without the same, would have left them with spiritually insufficient means to serve Hashem.

2) Rav Soloveitchik, notwithstanding his giving one *shiur* at Stern College, was implacably opposed to and rejected the feminist critique of Halakhah in at least two public *shiurim*: in 1972 and 1975. It borders on speculation to state that Rav Soloveitchik can be seen as supporting feminism in any form.

3) The authors applaud the growth of the *pshat*-only method of studying Tanakh whose founder's views on *yetziat Mitzrayim* and *Matan Torah* are problematic at best and which has resulted in Jewish men, women, and children being deprived of what *Ḥazal* said about the seminal events in Jewish history. A generation that has minimal textual literacy even after twelve years of day school education should not be taught Tanakh based on a method that jettisons the *gedolei mefarshim* and the words of *Ḥazal* as the first and primary basis for understanding Tanakh.

One more point: it is more important for the intended audience of such a Siddur to *daven* properly *khilkhata* rather than being presented with a book that presents views about *tefillah* sandwiched around the text of the Siddur.

Steven Brizel
Flushing, NY

Aton Holzer and Arie Folger respond:

I would like to thank Steve Brizel for his insightful comments. I (AH) was privileged to have been raised in the Young Israel of Kew Gardens Hills, and sat one row behind R. Brizel;³⁶ already then he served as an outstanding model of a well-educated professional who successfully combined the practice of law with prodigious Torah and worldly knowledge, completing Shas at least twice. Since then, he has also earned a wider reputation as a thought-provoking blog author and commentator. We regard his concerns with the utmost gravity.

1) Regarding the three *shelo asani* blessings: There is no claim that the historical insight proffered is the “sole cause” for its place in the siddur. Undoubtedly the Rav’s understanding that R. Brizel cites—“they are worded in the negative... [because] the chosenness of Israel implies separation and aloneness, meaning that Israel has a specific identity to the exclusion of any other”—is *emet le-amito*. However, this insight does not address the specific choice of

goy, eved and *ishah*, as opposed to, say, *boor*, which is found in the Tosefta and entertained and rejected in *Menahot* 43b. The fact is that early Christians specifically opposed the principle of Jewish “separateness and aloneness” of Klal Yisrael and made it the target of their polemics, and specifically used these three examples.

The explanation we offered is wholly in line with the one suggested by R. Steve Brizel, namely that these blessings highlight the chosenness of *Am Yisrael*. Yes, indeed, which is why while Christians were adopting the Pauline doctrine of Abrogation of the Law, *Hazal* were highlighting the differences in mitzvah obligations. The chosenness of *Am Yisrael* expresses itself in the obligation to fulfill more mitzvot and thereby more deeply partner with G-d to perfect His world. These three blessings highlight these differences, and them being also a polemical refutation of Christianity doesn’t lessen the timeless theological point.

Rav Soloveitchik famously, and quite cogently, opposed historicizing and psychologizing explanations for Halakhot, not merely due to the clear antinomian dangers inherent in such an approach, but as a matter of principle regarding the correct way to cognize the Halakhic system. Yet he himself did not shy away from historical insights that add clarity and depth to the understandings of the liturgical concretizations of timeless ideas. If one turns just one leaf back from

the citation that R. Brizel mentions,³⁷ to p. 167 in the *Rosh Hashanah Machzor*, we find regarding *birkhot ha-Torah*: “These blessings were authored by the Amoraim Shmuel and R’ Yoḥanan, as noted in the Gemara in *Berakhot* (11b), and in placing these two blessings in this order, they sought to emphasize the greatness and in some sense even the superiority of תורה שבכתב over תורה שבעל פה. These Amoraim may also have felt the necessity to assert the importance of תורה שבעל פה against the attacks of dis-believers in the Oral Law.”

2) We heartily agree that Rav Soloveitchik rejected the feminist critique of Halakhah, and we, and our *Siddur*, surely do as well. For the Rav, this approach is rooted in a fundamental error regarding the principle that in the philosophy of Halakhah (fleshed out in *Halakhic Man* and *The Halakhic Mind*), religious experience emerges from the act, and not the reverse.³⁸

And yet, the Rav himself promoted and lived women’s advancement—married to a Ph.D, having studied Talmud with his two daughters³⁹ and having expected them to pursue doctoral degrees⁴⁰—to understand him as one ideologically opposed to any sort of “feminism” would presume a degree of cognitive dissonance on his part that is not insignificant. His association with feminine advancement goes well beyond biography. We refer readers to a brilliant exposition by Prof. Shira Wolosky,⁴¹ in which she concludes,

based on numerous citations of the Rav’s works, that “...the inner structure of the self that Rav Soloveitchik projects shares many features with feminist constructions of selfhood...”

In *Family Redeemed*, the Rav even overtly sympathized with feminist complaints:⁴²

...In contrast to the defeat of the man, the woman fails in her attempt to enjoy life; she is never successful at a hedonic aesthetic level. She wants to unite in marriage with the man she loves and establish a home, raise a family and enjoy her children, and she finds herself in bondage to her companion and children. She realizes every wish of hers in sorrow. While enjoying, she restricts herself and her freedoms. Drinking from the cup on sexual pleasures is impregnated with pain and suffering... she is defeated by her husband and children.⁴³

A reasonable assesment of the Rav’s attitude towards feminism would be that he was sympathetic to some of its aims and values—sensitive to women’s rights, religious education, axiological parity and unique epistemological and ethical perspectives of women—while he rejected others, in particular those that threatened the integrity of the Halakhic system. We walk in this well-trodden and reasonable path.

3) The New School of Orthodox

Torah Commentary, or the “literary-theological reading”⁴⁴ of Tanakh, a term coined by R. Shalom Carmy—cannot possibly be characterized as “Peshat-only.” It arguably grew out of Nehama Leibowitz’s *gilyonot*, which, far from jettisoning, strove to understand how the classic Mefarshim were reading the text.⁴⁵ Its practitioners seek, as did Rashbam, Ibn Ezra, and even Rashi, to read the Biblical text closely. On that basis, they most often reach new appreciation for the astounding sensitivity of the commentators and Hazal to semantic choices, intratextual patterns and intertextual references, and gain new insights into the profound messages that *midrashim* and *aggadot* intended to convey.

The “New School” is a remarkable boon to the entire edifice of Talmud Torah, and a natural development for a generation which has been taught to read texts closely. It bases itself on methods and values advocated by none less than R. Aharon Lichtenstein, who suggested that “we acknowledge the significance of a range of problems we generally ignore—literary problems; and that we perceive a dimension we ordinarily overlook—a literary dimension. We should learn to recognize archetypal forms and techniques of thematic development; to discern patterns of imagery and principles of structure; to be sensitive to narrative flow and dramatic interaction; to observe rhythmic movement and verbal texture.” He

called that “rediscovering” the true, classical approach of sages and commentators to Tanakh.⁴⁶ The so-called “New School” does not challenge the historicity of Yetzi’at Mitzrayim and Matan Torah; on the contrary, one of its members who proceeded on to academia has produced the most highly regarded scholarly defense of both the historicity of Yetzi’at Mitzrayim and the integrity of the Torah text that has ever appeared.⁴⁷

(AF adds:) It is understandable that R’ Steve Brizel is concerned about aspects of modern Tanakh scholarship. Indeed, in recent years, there has been a steady flow of articles and opinions from self-identified members of the Orthodox community, who have increasingly voiced opinions once anathema to anyone Orthodox. We consider some of those abhorrent, others we view with great concern. This phenomenon has been well documented elsewhere.⁴⁸

However, as R. Prof. Shnayer Leiman powerfully opined,⁴⁹ it would be a mistake to dismiss the value of new perspectives in Tanakh, when those perspectives are rooted in *Ahavat* and *Yirat haShem*. Mikhlelet Herzog was founded under the guidance of R’ Aharon Lichtenstein, and it is with the Tanakh faculty of Mikhlelet Herzog that the “New School” is most often associated. The senior faculty of Herzog have been handpicked by R’ Lichtenstein, and as we perused their teachings we have found them overflowing with love of G-d and His Torah, as well

as with acceptance of and submission to Torah. Far from eschewing *Hazal*—which we recognize some popular Tanakh teachers unfortunately do—these senior faculty members have shown that *Hazal* were constantly relating to the profound *peshat*. To understand *Hazal*, one needs to understand *peshat*, and often *Hazal*, in their flowing midrashic style, are clearly hinting at *ommeko shel peshat*, the profound analysis of what the *peshat* is or could be. They bring to our attention these ambiguities and teach us what to learn from them. Perhaps one of the greatest contributions of these proponents of the New School is to show that the distance between *peshat* and *derash* is smaller than we often assume.

That said, R' Lichtenstein himself was apprehensive at how acceptance of some modern

methods could be misused, and was also disapproving of some proponents of such methods.⁵⁰ In this spirit, we carefully vetted every *biddush* and every author whom we agreed to quote in the siddur. We did our due diligence to bring only the wheat, while leaving out not only the chaff, but also doubtful material. A siddur is not a place for avant-garde theological experiments.

Space considerations prevent us from expanding further in this format, but we do hope to expand on all of these themes, on the question of the presence and place of apologetics both in our Siddur and the Rav's oeuvre, and on R' Brizel's fourth point—the very necessity of a Siddur commentary—in a forthcoming stand-alone article.



NOTES

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https://www.nccn.org/professionals/physician_gls/pdf/genetics_bop.pdf
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- 12 Giri VN, Knudsen KE, Kelly WK, et al., *Implementation of Germline Testing for Prostate Cancer*. Philadelphia Prostate Cancer Consensus Conference 2019 [published online ahead of print, 2020 Jun 9]. *J Clin Oncol*. 2020; JCO2000046.
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- 14 <https://www.bcrf.org/kenneth-offit-interview-brca-and-other-gene-mutations-men>.
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- 20 Jacob Haberman, "Kaufmann Kohler and His Teacher Samson Raphael Hirsch," *The Leo Baeck Institute Year Book* 43:1 (1998), 73-103.
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- 22 Chaim Dov Chavel, "תשובת הסתדרות הרבנים דאמריקה," *Hadoar*, 2 Kislev, 5721, 87-89.
- 23 Personal correspondence with Dr. Isaac Chavel, August 18, 2020.
- 24 Yitzchak Matz, "Berikh Shmei ve-Girsotav," *Kovetz Beit Aharon Ve-Yisrael* 47 (1993), 111.
- 25 Yitzchak Frankel, "Tefilat U'Bakashat 'Berikh Shmei'," *Yeshurun* 2 (1997), 577-579.
- 26 Avishai Bar-Asher, "'Berikh Shemeh': The History of an Anonymous Aramaic Prayer that Found Its Way into Sefer ha-Zohar and the Prayer Book," *Tarbiz* 86 (2018), 172.
- 27 David de Sola Pool, *The Kaddish* (New York: Bloch Publishing Company, 1929), 27.
- 28 Kohler, Kaufmann. "Lord's Prayer, The," in Cyrus Adler et al., eds., *The Jewish Encyclopedia, vol. VIII: Leon-Moravia* (New York: Funk & Wagnalls Company, 1904) 183-184.
- 29 He is taken to task for this omission by Jennifer Adele Schwartzberg in *The Kaddish*, Master's Thesis, University of Georgia, 2007, 36.
- 30 Bernstein, Louis. *Challenge and Mission: The Emergence of the English-Speaking Orthodox Rabbinate*. New York: Shengold Publishers, 1982, 264.
- 31 "Little-Known Orthodox Group Inflames Jews Across the Spectrum," JTA, March 26, 1997, archived at <https://www.jta.org/1997/03/26/archive/little-known-orthodox-group-inflames-jews-across-spectrum>, accessed on August 18, 2020.
- 32 *Ibid.*, 127-132.
- 33 In fact, ArtScroll Siddurim have been eschewed by many Haredi congregations. See Jeremy Stolow, *Orthodox by Design: Judaism, Print Politics, and the Art-Scroll Revolution*. Berkeley: University of California Press, 2010, 72.
- 34 See Michael Weingrad, "The Last of the Hebrew Mohicans," *Commentary* (March 2006), archived at <https://www.commentarymagazine.com/articles/michael-weingrad/the-last-of-the-hebrew-mohicans/> and accessed on August 18, 2020.
- 35 Some fine translations have been undertaken within our community in recent years; see for example R. Aryeh Klapper's open-access work at

- http://www.torahleadership.org/categories/shir_hashirim0.pdf. Updated approaches to the allegory have appeared as well, such as R. Yuval Sherlo's *Aḥarekha Narutzā*, Rishon Letzion: Yediot Sefarim, 2003.
- 36 R. Brizel once corrected me and insisted that he is not a *musmakb*, but I don't believe him.
- 37 Arnold Lustiger, *Machzor Mesores HaRav* (Khal Publishing, 2007), 169.
- 38 Lecture at RCA Convention, June 27, 1973. Recording archived at <https://www.yutorah.org/lectures/lecture.cfm/749191/rabbi-joseph-b-soloveitchik/the-rebellion-of-korach/> and accessed on December 21, 2020.
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- 40 Heard from Rabbanit Tovah Lichtenstein at a small gathering at Yeshivat Har Etzion, 1996.
- 41 Shira Wolosky, "The Lonely Woman of Faith," *Judaism* 52:1-2 (2003), 3-19.
- 42 See, e.g., Simone de Beauvoir, *Le Deuxième Sexe*, H.M. Parshley, transl. (Vintage Books, 1989), 453-455.
- 43 Soloveitchik, *Family Redeemed*, 24-25.
- 44 Shalom Carmy, "A Room with a View, but a Room of Our Own," *Tradition* 28:3 (1994): 39-69. For an excellent overview of the history of this approach, see Yael Ziegler, *Ruth: From Alienation to Monarchy* (Maggid Books, 2015), 3-14.
- 45 See Yaakov Beasley, "Review Essay: Return of the Pashtanim." *Tradition* 42:1, New York: Spring 2009, pp. 67-83.
- 46 Aharon Lichtenstein, "Criticism and Kitvei ha-Kodesh," in *Rav Shalom Bannayikh: Essays Presented to Rabbi Shalom Carmy*, ed. Ḥayyim Angel and Yitzchak Blau (Ktav, 2012), 15-32, p. 31.
- 47 Joshua Berman, *Inconsistency in the Torah: Ancient Literary Convention and the Limits of Source Criticism* (Oxford University Press, 2017).
- 48 See for example Marc B. Shapiro, "Is Modern Orthodoxy Moving Towards an Acceptance of Biblical Criticism?," *Modern Judaism* 37:2 (2017), 165-193, as well as Adam S. Ferziger, "Fluidity and Bifurcation: Critical Biblical Scholarship and Orthodox Judaism in Israel and North America," *Modern Judaism* 39:3, October 2019. Though Shapiro seems to particularly welcome these developments, I look at them with the same consternation and horror as Steve Brizel.
- 49 Shnayer Z. Leiman, "Response to Rabbi Breuer," *Modern Scholarship in the Study of Torah: Contributions and Limitations*, Shalom Carmy, ed. (Jason Aronson Books, 2005), 181-187, p. 187.
- 50 See, e.g., R' Haim Sabato, *Mevakshei Panekha: Sibot im HaRav Aharon Lichtenstein* (Tel Aviv: Yediot, 2011), p. 201.