

Coming to Terms With Non-Observance?

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A fundamental issue with which the Orthodox community is perpetually grappling is its relationship with the unaffiliated or disaffected Jewish sector. Generally, the problem is conceived in *tactical* terms—how best to promote *hazarah bi-teshuvah*; how most effectively to draw “errant sheep” back to the fold. But the issue, in reality, is a much more sensitive one. Given, admittedly, the unlikely prospect of an imminent mass return to tradition, can the Halakhic perspective in some way *come to terms* with alienation? Given the pluralist character of contemporary society, can *respect be accorded* alternative value systems or variant lifestyles? Is it perhaps possible to square commitment to Sinaitic revelation with regard for an autonomous ethic? In our intractably permissive age, is there perhaps basis for *accommodating* dissident behavior patterns?

Offhand, the question seems preposterous from an Orthodox point of view. Dissenting mores are obviously inconsistent with traditional principle. Halakhic standard allows no compromise. But it is our contention that dimensions of accommodation nonetheless remain open. The crux of the matter is a definition of terms, a precise formulation of the question. If the issue is framed as a formal Halakhic *validation* of non-Halakhic norms, the answer must obviously be no. Clearly, traditional commitment to the Divine Source of the Halakhic corpus precludes legitimation of any value system operating independently of the Halakhah. But the question may be differently framed—not the principled *legitimacy* of a non-traditional norm, but its *subjective virtue* as a meaningful effort toward value discovery. In this sense, dissident lifestyles may lend themselves to avenues of understanding in the mind frame of the traditionalist. Elements of mutuality may even be discovered.

Differentiating Legitimation From Respect

We submit that an “accommodation” of non-traditional values/mores is possible once we are prepared to distinguish legitimation from respect; to differentiate our reservations over the *substance of a man’s doctrine* from our regard for his *personal integrity*. While committed to the inviolability of Halakhic standard, one can be open at the same time to an appreciation of what it is that *motivates* other points of view. While insisting on the exclusive truth of Halakhic perspective on any given issue, one may acknowledge, nonetheless, the *sincerity of quest* underlying a dissenting position, even if deemed misconceived. Though sworn in principle to his religious tenets, the traditionalist, in touch with reality, knows full well that the foibles of the human condition may easily compromise social behavior. In an age when established religious institutions no longer enjoy mass appeal, yet an age in passionate pursuit of meaning--an age of value experimentation-- it behooves us, all the while we strive to encourage a return to tradition—to be sensitive to any and all exploratory efforts at grappling with the human circumstance.

Understanding Sin

Critical to our thesis, first of all, is a sensitive assessment of the dynamic of sin. Three considerations are central in this regard:

1. Temptation

While condemning sinful activity, one must remain appreciative nonetheless of its compelling force. *Hazal* were very much aware of human frailty, when, in several passages, they dared lay the blame for sin at the doorstep of God Himself, Who, after all, created the potency of the *yetzer ha-ra*.¹ While convinced of the power of the human will to withstand temptation, *Hazal* recognized nevertheless particularly overwhelming circumstances where a man might become a victim of his passions—*anus*, given to psychological duress. Thus, while urging the heroic exercise of restraint, *Hazal* acknowledged situations where such might be of no avail, and warily advised secrecy as the lesser of two evils: “If a man sees his passions getting the best of him, let him go to a place where he is not known, dress himself in black...and do as his desire would have him do.”² Particularly striking about the latter passage, in its larger Talmudic context, is the readiness of *Hazal* not merely to admit the irresistibly compulsive force of sin in such pathological cases, but even to grant an element of credit(!) to the perpetrator for his discretion in sinning privately, so that the Name of Heaven not be publicly desecrated.³

Once the legitimacy of the sexual instinct was granted by *Hazal*, in their idealization of marriage and procreation (as opposed to monastic abstinence), the inevitability of sexual *conflict* was implicitly recognized—and itself idealized as a test of faith. Such is reflected in R. Eleazer ben Azariah’s statement, depicting the desire for illicit sexuality as a passion not to be extirpated but sublimated:

Let not a man say...I have no desire for forbidden sex; rather let him say, I have such desire, but what can I do, my Father in Heaven has prohibited it.⁴

Underlying the above is a healthy regard for human sexuality per se despite its volatile moral nature. And in the very legitimation of sexual conflict lies an implicit preparedness by *Hazal* to admit to circumstances where it might go awry.

The admittedly potent power of passion would explain the rabbinic reluctance to exercise *tokhehah*. Once one recognizes that “the greater the man the greater his

¹ *Sukkah* 52a; *Shemot Rabbah* 46:4.

² *Mo’ed Katan* 17a; *Hagigah* 16a; *Kiddushin* 40a. A particular group of rishonim, scandalized by the plain sense of the Talmudic passage, lend it a contrary interpretation; namely, once having adopted the indicated measures, promotive of social isolation, seclusion, etc., one would be seized by a change of heart and would restrain his passion (see R. Hananel, cited in *Tosafot* on the above *sugyot*). The immediate sense of the passage, however, with the accompanying Talmudic discussion, would support the initial interpretation, (see *Tosafot, Hagigah*, ad loc.).

³ See each of the three *sugyot*; particularly *Mo’ed Katan*, ad loc. Note argument of *Tosafot, Hagigah*, ad loc.

⁴ *Sifra, Kedoshim* (Lev. 20:26).

temptation,”⁵ he will not find himself so easily rushing to judgment. He will be struck rather in all humility by his own sense of inadequacy. Illustrative is R. Tarfon’s reflection on the moral state of affairs in his period:

I cannot imagine anyone in this generation capable of [exercising] rebuke. Were one man to apprise another of a splinter between his teeth [a minor sin], the latter would respond, ‘What of the beam between thine eyes [a major sin]?’⁶

A striking case in point is the Talmudic account where both R. Akiva and R. Meir, having scorned the sexual vulnerability of sinners, nearly succumbed themselves to temptation.⁷

Our commitment to Halakhic judgment, therefore, does not give us the right to be judgmental. Principle must never become prejudicial. Once we become oblivious to the delicacy of the human circumstance we have forfeited our humanity. Rabbi Soloveitchik, in a related context, once remarked that God’s denial of perfect knowledge to Moshe Rabbenu (Moshe acceded only to forty-nine of the fifty gates of *binah*⁸) was designed to preserve his basic instinct as a man, his sense of commiseration with the human predicament. Were Moshe to have attained to ultimate Divine insight, he would have understood too well the intentions of Providence and would have been unable to intervene charitably to assist people in distress. His Heavenly certainty would have cost him earthly sensitivity. The lesson is clear: It is not for man to play God.

2. Proportion

Gradations of *aveirah* must be carefully differentiated. Even when an act is sinful, its *particular severity* must be gauged within proportion. Indiscriminate recrimination, oblivious to the *specific degree* of a particular sin, ignores the hierarchy of moral/religious values, and undermines the possibility of precisely defining the extent of the evil involved. Pre-marital sexuality is a case in point. A couple living together “out of wedlock,” failing to have undergone *kiddushin* and *hupah*, transgresses, of course, the Halakhic imperative of “betrothal” and its finalization in marriage.⁹ But given the commitment of such a couple to the *exclusivity* of its sexual partnership, its state of sin is far less offensive than *indiscriminate* sexual encounter, which would violate the Halakhic category of *zenut*, *prostituted sex*.¹⁰ Not to mention the Biblical phenomenon of *pilegesh* (concubinage), which, though far from an applicable

⁵*Sukkah*, ad loc.

⁶*Arakhin* 16b.

⁷*Kiddushin* 81a.

⁸*Rosh Hashanah* 21b.

⁹See Rambam, *Hilkhot Ishut* 1:2, 10:1.

¹⁰See Rambam, *Ishut* 1:4, with *hassagat ha-Rabad*. Note Rambam’s concurrence with Rabad’s definition of *kedeshah*, in *Hilkhot Na’arah Betulah* 2:17 (as confirmed by *Kesef Mishneh*, ad loc.) and *Hilkhot Issurei Bi’ah* 18:2.

mainstream Halakhic category today,¹¹ nonetheless highlights conceptually the relatively greater respectability assigned a consistent relationship than a flirtation with random partners.

3. Transition

We must remain open to discovering in sinful activity possibly redeeming dimensions that might moderate our critical judgment. Today's sexual freedom is not necessarily to be written off as a self-indulgent joy trip. It may very well point instead to a society in crisis—inviting our pathos—a generation struggling in elusive pursuit of happiness. Far from rejecting the institution of marriage and family life, young couples living together today may very well be grappling with the dynamic of marital commitment, to which they are uneasy over binding themselves. Such experimentation in mutuality, therefore, while lacking the required formality of wedlock, may nonetheless be aspiring to its finality.

Hazal appreciated the ultimate dividends of a crisis-ridden period in a person's life during which he/she may have been experimenting¹² with an entire range of secular/religious value options. Suffering through the throes of a trial-and-error identity quest may prove in retrospect to have been extremely productive. There is, apparently, in rabbinic perspective, something particularly meaningful in the search for value resolution. Such may be implied in the intriguing Talmudic observation promising the sinner who would repent out of love “the transformation of his deliberate sins into virtues.”¹³ Offhand, while an *erasure* of past indiscretions by a beneficent God might be understandable, wouldn't their vindication as *meritorious* appear to be stretching the point?! Apparently, however, the rabbinic observation intends to credit the trial-and-error of a man's experimental searching years with his ultimate spiritual transformation. Deviationist lifestyles, though objectively sinful in the Halakhah's eyes, may very well have contributed ultimately to clarification in the emergent consolidation of a personality. Often, a person's disenchantment with or repulsion over his earlier counter-cultural indulgence, may thrust him toward religious commitment. The retrospective value attached by rabbinic tradition to such a dynamic of crisis and catharsis may very well be captured in the classic Talmudic dictum attributing even greater spirituality to the *hozer bi-teshuvah* than the untainted *tzaddik*.¹⁴

¹¹See G. Ellinson, *Nissu'in she-Lo ke-Dat Moshe ve-Yisrael*, 40-96, for a discussion of the Halakhic ramifications of the *pilegish* issue.

¹²While the category of *mumar* is classically subdivided into dereliction out of: a) convenience (*le-te'avon*) and b) defiance (*le-hakhis*), a particular Talmudic discussion (*Horayot* 11a) suggests a third option: the violation of a religious norm *out of curiosity*. While clearly irreverent in its disregard for the Divine decree, nonetheless, such a step in religious experimentation (to use the contemporary idiom) is differentiated in the *sugyah* from an act of principled repudiation. The allure of a forbidden food, “of which no Jew may ever partake” (Rashi), may be a compulsively tantalizing attraction such as to render the perpetrator—though a severe sinner—less reprehensible than the principled renegade.

¹³*Yoma* 86b.

¹⁴*Berakhot* 34b.

Valuing Integrity

The Non-Observant Consensus

But the analysis must be carried a step further. Beyond the dynamic of sinfulness and corrective repentance, might not the Halakhic perspective allow itself to come to terms with the disaffected as such? Might not something be said for the integrity of the non-observant sector, despite its dissenting ethic? A particular rabbinic discussion may have bearing on the issue.

In its treatment of the issue of *pesulei edut*—the probity of witnesses in a court of law—the Talmud (Abbaye's prevailing view) disqualifies the testimony in monetray cases of a man who violates even a *ritual* prohibition (e.g., eating non-kosher food), whether out of principle or convenience; ritual dereliction is taken as reflecting, apparently, on a man's integrity across the board.¹⁵ Nonetheless, the Halakhah rules that the rectitude of such a witness would remain unimpeached if the ritual in question were such as to be *collectively disregarded* by the Jewish community at large as a matter of course. Given circumstances where the society of which the witness is a member is oblivious to the *issur*, its individual transgression on his part betrays no deliberately dissenting intent; so that no aspersions are cast on his underlying integrity.¹⁶ This principle was applied, for example, by R. Akiva Eiger in upholding the testimony of an ed kiddushin (a witness to a betrothal ceremony), though the latter was admittedly wont to shave with a blade (in violation of Lev. 19:27).¹⁷ The summariness with which the prohibition of *hash'hatat zakan* was collectively ignored was such as to render its personal violation inconsequential in any assessment of the witness' basic character.

Similar reasoning underlies the position of several *posekim* of the modern period, who ruled that the severe Talmudic view of the *mehallel shabbat be-farhesia* (the man who would publicly desecrate the Sabbath), traditionally assumed to have thereby defiantly denied Divine creation,¹⁸ may no longer apply under present conditions.¹⁹ The commonness of Sabbath violation in the contemporary Jewish community is deemed to have neutralized the insolence factor classically associated with Sabbath

¹⁵ *Sanhedrin* 27a. See Rambam, *Hilkhot Edut* 10:2-3; *Shulhan Arukh*, *Hoshen Mishpat* 34:2.

¹⁶ See Rambam, *Hilkhot Edut* 12:1; *Shulhan Arukh* 34:24. Note the Talmudic basis for this principle in *Bava Metzia* 5b—*lo tahmod le-inshei be-lo damei mashma lei*. Although once advised of the sinfulness of his behavior the prospective witness should no longer be able to claim innocence, nonetheless, there are circumstances where no advisory could possibly be of any consequence. Such would be the case where the public consciousness has been so conditioned to ignoring the particular sin, that no challenge to the status quo would be taken seriously—thus leaving unimpeached the integrity of any transgressor. This argument is developed in R. Akiva Eiger's *teshuvah* (see n. 17, below), where the witness retains his integrity though having been made unrepentantly aware of his sin.

¹⁷ *Teshuvot*, I, #96, p. 68a. See previous note.

¹⁸ Deemed equivalent to an idolator; see *Hullin* 5a; Rambam, *Hilkhot Shabbat* 30:15.

¹⁹ See R. Yaakov Ettlinger, *She'elot u-Teshuvot Binyan Tzion ha-Hadashot, Yoreh De'ah*, #23; R. David Zvi Hoffmann, *Melammed le-Ho'il*, I, #29; R. Moshe Feinstein, *Iggerot Moshe, Orah Hayyim*, I, #23. Note discussion of issue in Zvi Yaron, *Mishnato shel ha-Rav Kook*, 330-331.

desecration, along with its heretofore atheistic implications. Belief in God today may very well be genuine, though not expressing itself in Sabbath observance.

The implication is clear. A man's dissident, ostensibly sacrilegious behavior does not necessarily compromise his integrity, when society as a whole, for better or for worse, is oblivious to the norm involved. The quality of personal integrity must be measured in terms of the community in which a man functions.

Autonomous Ethical Judgment

More striking, however, is the readiness of particular Talmudic passages to find virtue in the very *substance* of a non-Halakhic value as such; a positive regard for ostensibly impious acts perpetrated *out of noble considerations*—the issue of *aveirah li-shemah*. Classically, of course, Talmudic sources idealize the radical cases of Yael and Esther, two heroic figures who are seen as having literally prostituted themselves in the national interest.²⁰ But even in more prosaic circumstances, the Halakhah understands, even if not assenting to, the motives of any man whose ritual transgression is undertaken out of a sense of virtue—*ka-savar mitzvah ka-avid*. The Talmudic example²¹ involves burial of the dead on the first day of Yom Tov, in the face of the Halakhic principle requiring its postponement till the following day (Yom Tov *Sheni* in the *Golah*). While critical of such practice, the Talmudic text (as read by Rosh²²) upholds the *kashrut le-edut* of those involved. Though clearly in violation of the Halakhah, and subject, in fact, to public censure, such an initiative is recognized as well—intentioned, an act of conscience, moved as it is by concern for the dignity of the dead.²³ Thus, the violator of a religious norm remains competent as a witness, his probity deemed unimpeached, since the Halakhah acknowledges the substantive integrity of his autonomous ethical sense.

A contemporary case in point may very well be drawn from the dramatic Israeli rescue mission to the region of the Armenian earthquake in December 1988, where sophisticated technology and vital medical services succeeding in saving lives and providing treatment for many victims of the calamity. During the course of the two-week operation, a gripping bond developed between the Israeli military team and Russians on the scene involved in the grim work.²⁴ Struck by the heroic efforts of the visiting Israelis, the Russians offered their food rations to the *hayyalim* as a grateful gesture, movingly accepted. The story surfaced critically in Israel's religious press,

²⁰*Nazir* 23b; *Megillah* 15a.

²¹*Sanhedrin* 26b.

²²While Rosh's reading of the *sugyah* upholds the integrity of *hanhu kabora'l*, serving as basis for the *Shulhan Arukh's* supportive ruling (*Hoshen Mishpat* 34:4), Rif's Talmudic text might be understood as disputing the point (see Rosh, *Sanhedrin*, ad loc.). The *Beit Yosef* (*H.M.*, ad loc.), however, is convinced that even Rif's reading of the *sugyah* would sustain Rosh's position.

²³See previous note.

²⁴See *Ma'ariv*, *Sof Shavu'a*, Dec. 30, 1988.

considering violations of *kashrut* that were reportedly involved.²⁵ But shouldn't one have expected, on the part of those raising the *kashrut* issue, even if legitimately so, a sensitivity at the same time to the *human* dimension—the touching experience of sharing that nonetheless transpired under those harrowing circumstances?

The rabbinic tradition, as we have seen, is prepared to moderate the severity of its critique when a well-intentioned ethical sense underlies the violation of a Halakhic norm. Such a perspective does not necessarily justify the objectively dissenting act, but it allows it to be judged with greater sensitivity—appreciating its unique context—than would have been the case were it dismissed categorically. As Rosh puts it in his concluding comments on the above *sugyah*, a man's integrity should not be summarily dismissed, when mitigating circumstances might very well be discovered—some “meritorious consideration” that might account for his otherwise errant behavior.²⁶

The *Mitzvot ha-Torah* as Humanist Categories

At the core of the issue lies a dynamic perception of the *mitzvot ha-Torah* as value paradigms addressing the fundamental concerns of human experience. As in Saadia Gaon's doctrine of *ta'amei ha-mitzvot*,²⁷ the Torah's precepts are to be seen as essentially promotive of human happiness, e.g., guiding men in the resolution of life's conflicts, a maximization of personal potential, etc. Were the mitzvot viewed as arbitrary edicts, soliciting a single-dimensioned compliant response, a test exclusively of Divine obedience, no common secular-religious ground could be spoken of. Under such a conception, the religionist in his Divine worship would be responding with cultic reflex to ceremonial duty—far afield from the secularist's bent for humanist reflection and clarification. Once, however, we acknowledge a specific value dynamic implicit in every mitzvah, endowing each with its particular existential frame of meaning, the traditionalist and non-traditionalist may discover an entire range of shared sensitivity. If *oneg shabbat* and *simhat yom tov*, for example, promote family mutuality at the festive table,²⁸ can we help but be sensitized, thereby, to appreciating the joy of *any family* sharing a collective experience—even short of the religious context? If Yom Kippur directs us to a searching of soul in the process of *teshuvah*,²⁹ aren't we thereby attuned to regarding the meaningfulness of *every man's* introspective moments, whenever such might transpire and whatever be

²⁵The issue was raised in *Yated Ne'eman*, Dec. 30, 1988, p. 6, but admittedly without corroboration. Cf. coverage of the rescue mission in *ha-Tzofeh* (see previous note), p. 3, where exclusively Israeli food rations are spoken of.

²⁶Rosh, *loc. cit.*

²⁷See Julius Guttmann, *Philosophies of Judaism*, 70-72, where Saadia's eudaemonistic conception perceives *mitzvot* as intended, across the board, to promote “the satisfaction of man's needs...the development of all his powers.”

²⁸See Mishnah *Ketubbot* 5:9; *Yalkut Shimoni*, *Tehillim* 888; note *zemirat shabbat Barukh El Elyon* with its *ha-ben im ha-bat* and *zevah mishpahah* motif; *Pesahim* 109a; Rambam, *Hilkhhot Yom Tov* 6:17-18.

²⁹Rambam, *Hilkhhot Teshuvah* 2:7.

their particular context?³⁰ If *taharat ha-mishpahah* promotes the freshness of intimacy,³¹ can we help but be touched by moments of endearment genuinely shared by *any couple*, whatever the setting?

In short, once the *mitzvot ha-Torah* are seen as man-cantered, concerned with enhancing human experience, the personal dynamic becomes our central focus; and if so we will find ourselves inevitably touched by people's joys and tragedies, their frustrations and hopes, their trial-and-error search for meaning—even when played out apart from the religious frame. Many a human response, if meaningfully conceived, will strike a sympathetic chord within us, *even if wanting in Halakhic respectability, through which it could have found ultimate validation*. Thus Rav Kook was prepared to discover degrees of Divinity in “the ideas of every author, the imagery of every poet, the reflections of every thinker, the sentiment of every sentient being.”³² Particularly striking was his regard for the social role of those he referred to as *nishmot tohu*—“anarchic souls,” who, while threatening existing value structures, may in reality be motivated, he argued, by a passionately constructive idealistic sense.³³

A further point. Struggling with values, groping for resolution are not exclusively the lot of the uncommitted. Even within the Halakhic frame, the traditional Jew grapples with a range of options on any issue confronting him—be it a question, for example, of the abortion option, where medically indicated,³⁴ or artificial insemination,³⁵ etc. Given the delicacy and complexity of life, a diversity of opinion, *mahloket ha-posekim*, becomes central to the dynamic of the Halakhic process. So that once the committed Jew recognizes that his quest for Halakhic resolution involves in itself a trying latitude of options, he will have learned to appreciate, as well, his non-committed neighbor's search for value clarification. For while the Halakhic framework may circumscribe the available options on any issue, it fosters nonetheless a questing process—a process in which the non-committed Jew, after all, is himself engaged, even be it in his own terms.

Now, all that we have said is not to ignore the seriousness of a departure from Halakhic principle nor its ominous theological ramifications. The Halakhic norm

³⁰Regard for a man's honest reflection, irrespective of its particular content or direction, is implicit in the angelic message communicated to the King of the Khazars in Yehuda Halevi's *Kuzari* (opening passage). While advising the king that his deeds are unfavorable in God's eyes and require correction, the angel nonetheless concedes that the king's *kavvanah* (i.e., the integrity of his questing process) is respected. Cf. R. Hayyim David Halevi, *Dat u-Medinah*, 60.

³¹See *Niddah* 31b; also *Sefer ha-Hinnukh*, #166, concluding remarks in *shorshei ha-mitzvah*.

³²*Orot*, p. 119.

³³*Ibid.*, pp. 121-123.

³⁴See opposing abortion positions of R. Moshe Feinstein (*Iggerot Moshe, Hoshen Mishpat*, 2, #69-71) and R. Eliezer Waldenberg (*Tzitz Eliezer*, 7, #48, 1:8; 8, #36; 9, #51, 3; 13, #102; *Hilkhot Rofe'im ve-Refu'ah*, ed. Avraham Steinberg, 30-46, 146-149).

³⁵See opposing positions on A.I.D. of R. Moshe Feinstein (*Iggerot Moshe, Even ha-Ezer*, 1, #10, #71; 2, # 11; 3, #14) and R. Eliezer Ealdenberg (*Tzitz Eliezer*, 3, #27; 9, #51, 4; 13, #97; *Hilkhot Rofe'im ve-Refu'ah*, 150-153).

remains our critical behavioral standard. But at the same time, we must not overlook dimensions of meaning—whatever their shortcoming—that may nonetheless be autonomously discovered by men in the spontaneity and subjectivity of their experience. Because it is, after all, such *kinds* of meaning, *human* meaning, that the Torah itself intends to foster, even if the Torah’s specific terms and her ultimate purpose may escape those who are uncommitted to her covenant.

As Jews we are defined, of course, by our unique covenantal identity—sworn to *Brit Sinai* and committed to *Torat Sinai*. But we retain, nonetheless, our universal consciousness as human beings, and as such remain open to understanding the broad spectrum of cultural possibility characterizing the human enterprise. Our allegiance as religious Jews to the Torah’s supremacy, Divinely revealed, must in no way diminish our sensitivity to those yet groping for meaning. Thus the Mishnaic passage³⁶ notes the critical significance of both our Jewish and universalist identities—the distinctiveness of Israel’s covenantal consecration, on the one hand, as children to God; yet, at the same time, the uniqueness of everyman’s creation in the Divine image. The certainty of our Torah commitment must never close our minds nor dull our hearts to those in quest. The distinctiveness of Jewish identity must not preclude universalist sensitivity.

Noahide Law as a Threshold Ethic

Essentially, what we are suggesting is an application to the non-observant Jewish sector, *by default*, of the *sheva mitzvot B’nei Noah* criteria. Axiomatic, of course, in classic rabbinic thought, is the binding obligation of the Jewish people, since Sinai, to the 613 mitzvot. The seven Noahide laws represent a *universal* ethic in Talmudic thought, and are insufficient as a *Jewish* standard.³⁷ Nonetheless, is Noahide principle thereby *totally irrelevant* for the Jewish sector, or may it nevertheless retain some bearing? Might not the commitment of a Jew to the moral/theological tenets of the *sheva mitzvot*—basic injunctions against idolatry, blasphemy, bloodshed, adultery/incest, robbery, consuming the flesh of a living creature, along with the fundamental imperative to maintain a lawful society³⁸—carry with it a degree of respectability, even if he be sorely remiss in his larger obligation to the *taryag*? Subscribing to the seven Noahide laws, after all, is certainly an improvement on utter moral decadence,³⁹ to say the least!

Particular rabbinic sources do in fact recognize in several of the Noahide principles an expression of natural law⁴⁰—just norms of behavior rooted in the nature

³⁶ *Avot* 3:18.

³⁷ *Makkot* 23b-24a; *Sanhedrin* 59a; Rambam, *Hilkhot Melakhim* 8:10.

³⁸ *Sanhedrin* 56a. See n. 58, below.

³⁹ Thus the Talmud posits the significance of Noahide standard for the Halakhic system itself—as a threshold determinant of Halakhic respectability: “There can be nothing permitted the Jew yet prohibited he non-Jew.” See *Sanhedrin* 59a; also 55a.

⁴⁰ Thus, for example, in *Sifra, Aharei mot* (Lev. 18:14), and *Yoma* 67b, the injunctions against robbery, adultery/incest, idolatry, blasphemy, and murder are described as inherently compelling norms, mandatory even had they not been revealed.

of existence; so that a life lived by a Jew in terms of Noahide law, even if wanting in the ultimate redemptive categories of the *taryag*, and even if flirting dangerously with the severe consequences of Biblical transgression, may nonetheless lay claim to a virtuous *threshold* of moral and theological sensitivity. That Jews are no longer entitled since Sinai to *suffice* with the bare Noahide standard is not the point. The universality of Noahide standard is significant nevertheless, lending a degree of legitimacy to a Jew who would honor it, notwithstanding his breach of the *taryag*.⁴¹

This point is implicit in Rav Kook's interpretation of the rabbinic maxim, *derekh erez kodmah la-Torah*,⁴² which he understands as referring to an existing universal moral sense innate within man, valuable in its own right, but further refined and ennobled in the Torah's stricter code:

Natural ethics, in its profound splendor and strength, must necessarily be firmly set in the soul, serving as a platform for those great influences deriving from the power of the Torah...Were we therefore to ignore the embracing Divine voice calling through the portals of *natural* light—the *universal* legacy of man--presuming in error that spiritual light is to be discovered in a Torah *detached* from the vast life-light pervading mankind's innermost soul, we would have betrayed thereby our ignorance of the Torah's function...⁴³

The elaborate system of the *taryag mitzvot* presupposes an inherent moral sense within man. So that were a man to live up to that innate sense of value, even were he to fail as a Jew to proceed beyond its elementary standard to the loftier revealed categories of the Torah, his quality state, even if wanting, would have to be described, admittedly, as creditable.

Particular Talmudic passages would confirm this thesis. A classic aggadic reference dramatizes the response of the spiritual leadership in the prophetic period to a progressively degenerating religious commitment on the part of the masses:

⁴¹Noahide adherence to the *sheva mitzvot* is linked, of course, in Talmudic reference, to *formal* commitment before a rabbinic court (*Avodah Zarah* 64b; Rambam, *Hilkhot Melakhim* 8:10)—a recognition of Divine authority, represented in *Torat Yisrael*, as obliging the Noahide norm. An *autonomous* arrival at the *sheva mitzvot* would not qualify the Noahide as a *ger toshav*. Nevertheless, the de facto practice of the Noahide ethic, even outside any institutionalized religious frame, remains significant. Rav Kook, in a remarkable letter (*Iggerot ha-Re'ayah*, I, #89, 99-100), idealizes the autonomous development of a meaningful Noahide ethic over subscription to such by tradition. Citing Rambam's statement (*Hilkhot Melakhim* 8:11), denying the status of *hassid umot ha-olam*, with its attendant promise of *olam ha-ba*, to a Noahide who fails to appear before the rabbinic court, Rav Kook reads the concluding Maimonidean phrase (given to conflicting *girsat*) as granting such a man an even *superior* distinction—naming him “rather” *me-hakhmeihem*:

I am inclined to understand Rambam's intent as such, that the “portion in the World To Come” [granted the Noahide who appears before the rabbinic court]...is specifically assigned the “pious” of the nations, who have not mastered theoretical truth, having arrived at faith in the affective simplicity of their hearts, conducting themselves righteously by virtue of an acceptance of precepts as Divine revelation. On the other hand, he who through *reasoned speculation* has arrived at the Seven Noahide Laws is truly a man of wisdom and brilliance, qualifying as one of the “wise” [of the nations]. And when one considers the sublimity of wisdom, such a man's “portion in the World to Come” is an *understatement*; for such a man has achieved saintliness[!], warranting *fuller* distinction than the proverbial “portion in the World to Come”...

⁴²*Va-Yikra Rabbah* 9:4.

⁴³*Orot ha-Torah ve-Hartza'at ha-Rav*, 69-71.

R. Simlai expounded: Six hundred and thirteen commandments were spoken to Moses at Sinai... David came and set them at eleven... Isaiah came and set them at six... Micah came and set them at three... Isaiah returned and set them at two... Habakkuk came and set them at one...⁴⁴

In succeeding generations following Sinai—as both Rashi⁴⁵ and Ran⁴⁶ understand the above passage—the religious leadership, recognizing the weakening adherence of the masses to the larger corpus of the *mitzvot ha-Torah*, was prepared to value the observance of a select, limited number of precepts, essentially *ethical* in nature.⁴⁷ Neglect of the Torah’s ritual, though a serious, punishable breach, was not deemed to have impugned the virtue of the people’s moral undertakings, themselves an integral part of the Torah.

In a similar vein, the *Sefer Ikkarim*⁴⁸ highlights the “critical” position of the Amora R. Yohanan, in his dispute with Resh Lakish,⁴⁹ granting a man eternity for the fulfillment of any *single* Biblical precept, notwithstanding his punishable breach of Torah ceremonial at large. R. Yohanan and Resh Lakish debate the interpretation of Isaiah 5:14, where the “Netherworld” (Gehenna) is midrashically taken as consuming “those without precept.” While Resh Lakish had understood the reference as consigning to Gehenna all those deficient in any *one* mitzvah, R. Yohanan insisted, on the contrary, that only those *entirely* without precept were intended. Divine favor is extended, argues R. Yohanan, to any Jew who would initiate even a single spiritual experience, though wanting in the fulfillment of other mitzvot.⁵⁰

⁴⁴ *Makkot* 23b-24a.

⁴⁵ *Ibid.*

⁴⁶ *Derashot ha-Ran*, 6.

⁴⁷ Maharsha (*Makkot*, ad loc.), in his exposition of the Talmudic passage, ascribes, for example, to the prophet Micah—in the selection of his three virtues, justice, compassion, and humility—an appreciation of “conventional law, accepted by the human reason.” Micah, notes Maharsha, prefaces his statement of the virtues with the introductory phrase, “Were a man to apprise thee of that which is good...” (6:8), suggesting the agreement of revelation with a wisely conceived human ethic.

⁴⁸ 3:29.

⁴⁹ *Sanhedrin* 111a.

⁵⁰ Note in this connection Maimonides’ statement (*Perush ha-Mishnah*, *Makkot* 3:17) to the effect that eternity may be earned through the performance of “any *single* mitzvah” of the *taryag* executed with perfect motive. Since for Maimonides *olam ha-ba* is a function of Divine knowledge—metaphysical contemplation of the Divine Unity, etc. (“*davar gadol*”)—and *mitzvot ma’assiyot* (“*davar katan*”) serve to foster precisely that end (*Hilkhot Yesodei ha-Torah* 4:13), the performance of any one precept promoting philosophic activity could be credited with boosting a man to immortality. The practical mitzvot encourage intellectuality, according to Maimonides, by creating an atmosphere conducive to reflection—namely, by disciplining the emotions and fostering a stable society (*ibid.*); so that a man’s commitment to any single mitzvah would inevitably contribute to a curbing of his baser self, orienting him to higher contemplative purpose. Although, admittedly, countless *issurei karet* might threaten a man’s *olam ha-ba*, notwithstanding his single nobly reflective act (for Rambam, *karet* is, after all, the loss of eternity, *Hilkhot Teshuvah* 8:1), nonetheless, *olam ha-ba* would actually be lost, Maimonides reasons, only in the *total absence* of any redeeming precept. Were a man to perform even one mitzvah *li-shemah*, he would thereby merit eternity. The critical point is that for Maimonides *karet* is an *absence* of eternity, not a *substantive consignment* to Gehenna. So that despite a man’s many *issurei karet*, he would not necessarily lose *olam ha-ba* thereby, but would remain in abeyance, uninitiated into eternity, *pending any single redemptive act on his part*. In Maimonides’ words (*Perush ha-*

Indeed, the Talmudic tradition concedes the disenchantment Jews may feel over the forbidding enormity of the *taryag mitzvot ha-Torah*. In a classic passage, R. Aha Bar Ya'akov is quoted as asserting, *moda'a rabba le-Oraita*—the Jews of Sinai are entitled to a disclaimer of their commitment(!),⁵¹ considering the threatening circumstances under which God “forced” the Torah upon them.⁵² The Talmudic discussion concludes, of course, with a vindication of Israel’s binding Sinaitic obligation, pointing to its subsequent voluntary reaffirmation;⁵³ nonetheless, the significance of the disenchantment factor is not thereby dismissed. It cannot help but remain a mitigating factor in our assessment of non-practicing contemporary Jews, who, for better or for worse, live a pre-Sinai or non-Sinai existence. Rather than dismiss the alienated Jewish sector as irredeemably faithless, we would do better to recognize the integrity of the threshold ethic of pre-Sinai legitimacy to which many remain genuinely committed.

Formalizing Disaffection?

We have, therefore, established grounds for respecting the non-traditional Jew who would uphold a *sheva mitzvot* ethic—*notwithstanding his taryag mitzvot dereliction*. But the issue may be carried a step further. Might there not be basis in Talmudic tradition for dropping the *taryag mitzvot* claim *altogether*—in particularly extreme circumstances of religious disaffection? May there not perhaps be Halakhic precedent *formalizing* Jewish alienation, whereby a Jew raised oblivious to his religious identity may no longer be deemed a Jew; so that his autonomous ethic and personal lifestyle would not even be subject to *taryag mitzvot* scrutiny?

Offhand, no such option would appear possible—nor would we feel comfortable with it. Classically, Jewish thinking is guided by the rabbinic principle, “A Jew though having sinned remains a Jew.”⁵⁴ Nonetheless, a particular rabbinic passage would suggest just such a possibility. With reference to the Lost Ten Tribes, depicted as having assimilated through the generations into the larger population, the Talmud asserts, *goyyim gemurim hem*—their Jewish status is forfeit.⁵⁵

The relevance of the above passage, of course, as a Halakhic precedent for divesting a renegade Jew of his religious identity was a subject of controversy in the medieval period. It was cited by some rishonim--while vigorously opposed by the prevailing view⁵⁶—as basis for invalidating the marriage of a Jewess to an apostate

Mishnah, Sanhedrin [Perek Helek] 10:1; ed. Kapah, 138b), only a man given utterly to earthliness would fail to attain eternity. See larger context of of Rambam’s discussion, ibid., 137b-139a.

⁵¹*Shabbat 88a.*

⁵²*Ibid.*

⁵³*Ibid.*

⁵⁴*Sanhedrin 44a.*

⁵⁵*Yevamot 16b-17a.*

⁵⁶See Meiri, *Yevamot*, ad loc., in the name of “some of my teachers”; also, “responsa of early authorities,” cited by *Sefer ha-Ittur* (Warsaw, 5643), II, *Kiddushin*, p. 78a, though the *Yevamot* passage

(*meshumad*), who, it might be argued, was not recognized as Jewish.⁵⁷ Admittedly, even if one were to subscribe to this position with regard to a *meshumad*, a world of difference separates such a radical case of apostasy, a formal renunciation of one's religious identity, from the contemporary malaise, alienation by default, a collective, disintegration of Jewish norms. Even the divestiture of the Lost Ten Tribes, in the Talmudic passage, may have no contemporary bearing, since, it may be argued, such was clearly a case of *generations* of cultural erosion, the cumulative loss of any collective national memory—far more extreme than the relatively recent assimilationist trend in modern Jewish life. Nonetheless, even if not *formally* applicable to our contemporary context, the very *theoretical* possibility of gauging the spiritual promise of a Jew in terms other than Sinaitic is significant. For it would allow us a *realistic* operative appraisal of the non-traditional sector on diverse yet complementary planes. On the one hand, in terms of the “once-a-Jew-always-a-Jew” conception, we would pursue a restoration of traditional Jewish consciousness and practice in the field. On the other hand, in terms of the “forfeited identity” principle, we would remain prepared to acknowledge autonomous cultural expressions of worth; for, indeed, to the degree that a Jew is religiously distanced, he could hardly be expected to be functioning in traditional terms.

In short, if the rabbinic tradition is prepared, as we have seen, to entertain the possibility of a formal forfeiture of religious identity, such would point to its frank acknowledgment of the fluidity of cultural change, for better or for worse—the inevitable influence of assimilative forces. And once the acculturative dynamic is acknowledged, it would follow that our judgment of that dynamic, certainly in an open pluralistic society such as ours, would have to be based on a set of value criteria other than the *taryag mitzvot* standard. While faulting the erosion of traditional consciousness and sworn to its restoration, we would necessarily shift, by force of circumstance, to the *sheva mitzvot B'nei Noah* frame, which, in the *breadth* of its categories, with little binding specificity,⁵⁸ allows for a wide range of respectable normative behavior and cultural expression.

is not marshalled as evidence; position of “*yesh omerim*,” *Tur, Even ha-Ezer*, 44; *Haggahot Mordecai, Yevamot*, #107, where the efficacy of a *meshumad*'s betrothal is only a *humra be-alma*.”

⁵⁷Based on *Yevamot* 47b; also *Bekhorot* 30b. See Meiri, *Ittur*, and *Tur* (previous note), who themselves reject the divestiture of a *meshumad*; Rambam, *Hilkhot Issurei Bi'ah* 13:17 and *Hilkhot Ishut* 4:15; also *Bahag* (ed. Traub), *Hilkhot Kiddushin*, 84a, whose reading of the *Yevamot* 16b-17a passage renders it irrelevant to our issue, since those divested of Jewish status are children of the Ten Tribes *born of alien wives*. Note *Bah, Tur, Even ha-Ezer*, 44, who dismisses the *Yevamot* passage as a special *sui generis* promulgation, applicable exclusively to the Ten Tribes.

⁵⁸The *sheva mitzvot Bnei Noah* are defined in general terms in Talmudic sources, with little specific detail provided—thus allowing a breadth of possible cultural expression that may legitimately develop within their frame. The one area of Noahide law where specifically Judaic standard in all its detail might be imposed would be the area of civil law, encompassed by the Noahide category of “*dinim*”—and even here the point is contested. The issue apparently originates with opposing Amoraic sages, R. Yitzhak and R. Yohanan (*Sanhedrin* 56b), and becomes the subject, in turn, of a rishonic and aharonic debate. Ramban (*Commentary*, Gen. 34:13) and Rema (*Teshuvot* #10) are of the opinion, in accordance with R. Yitzhak, that “*dinim*” obliges Bnei Noah to apply in the judicial process the norms of Halakhic jurisprudence—encompassing, e.g., *genevah, ona'ah, oshet, sekhar sakhir, dinei shomerim, ones u-mefateh, avot nezikin, hovel ba-havero, malveh ve-loveh, mekah u-memkar*, etc. Rambam (*Hilkhot Melakhim* 9:14) and Netziv (*Ha'amek She'elah, She'ilta* 2 [*Bereshit*]), on the other hand, following R. Yohanan, understand the category of “*dinim*” as imposing the general obligation of

In sum, rather than dismiss religious disaffection in *wholly negative* terms, as nothing more than a betrayal of traditional consciousness, it would be our responsibility to remain judgmentally open in assessing those alternative lifestyles to which our alienated brethren have turned—ready to acknowledge, notwithstanding our substantive reservations, elements of redeeming worth.

Meaningful Value Judgments in the Non-Traditional Sector

The traditional Jew must be careful never summarily to dismiss out of hand the value judgments of the larger Jewish sector. Even when inconsistent with Halakhic standard, such may be moved by meaningful concerns.

Illustrative on the Israeli scene is a recent development at Beit Hashitah,⁵⁹ a secular kibbutz in the Jezreel Valley. Having lost eleven of their sons in the Yom Kippur War, the members of the kibbutz have been grappling for years with their trauma and sense of despair, which an annual gravesite memorial had failed to ease. Recently, however, their painful emotions have found cathartic expression in a gripping musical piece, created by several of the kibbutz members out of traditional High Holiday motifs and performed on Yom Kippur to heart-rending instrumentalization and vocalization. Drawing from the powerful strains of *u-Netanneh Tokef*, associated with the legendary martyrdom of R. Amnon of Mainz, and the hopeful promise of *Tefillat Ne'ilah* (*petah lanu sha'ar be-et ne'ilat sha'ar*), the composition has touched chords of solace in the hearts of kibbutz members, who have discovered for the first time possible intimations of meaning in traditional Jewish consciousness.

Whatever reservations the Halakhic Jew might have over such a contemporary adaptation of the traditional *tefillat Yom ha-Kippurim*, and the formal *issurim* violated in its electronic performance at the gravesite, can one help but be moved by the profound emotions, both emotional and spiritual, that are nonetheless stirred by the Beit Hashitah Yom Kippur experience?

But apart from such cases of religious improvisation, there may very well be instances where initiatives of the non-committed sector may serve as *exemplary models* for the committed sector—lending expression to sensitivities which the traditional community itself might not have sufficiently addressed. Can we ignore the fact, for example, that the dynamic of modern Zionism and the creation of the State of Israel were moved in the main by non-traditional Jewish figures? And can the religious right forget its opposition, from the outset some thirty years back, to public demonstration and political pressure in behalf of Soviet Jewry—a powerfully effective protest movement, supported, indeed, by Centrist Orthodox groups, and certainly borne out by contemporary developments? And a symbolic case in point: consider the annual commemoration of *Yom ha-Sho'ah* (Holocaust Day), whose underlying sentiment did not originate in the traditional community (owing, perhaps,

establishing a judiciary, but leaving the particular substance of the law to the conventions of each society.

⁵⁹The theme of an Israel Television documentary, Channel 1, Sept. 18, 1991 (*Motzei Yom Kippur*).

to the existential trauma and vexing theological questions generated by the Holocaust), but which has been adopted by an emergent Jewish consensus.

Tinnok she-Nishbah: A Deceptive Classification

The non-traditional sector of the Jewish population is far from culturally sterile. Its sense of Jewish consciousness may have much to be said for it. In fact, the standard depiction, in traditional idiom, of the non-conforming Jew as a *tinnok she-nishbah* (“an infant raised in captivity”)⁶⁰ may be justifiably resisted as offensive in a certain sense. On the one hand, of course, the sentiment it expresses is sympathetic, excusing any transgression of religious precept, considering the individual’s insufficient religious background. On the other hand, however, the “captivity” label may be found patronizing, for it suggests a *suspended existence* deprived of content, disregarding the substance of a lifestyle which, even if traditionally wanting, may very well be meaningful in its own right.

Our point is not to deny altogether the relevance of the *tinnok she-nishbah* classification, but to argue that it not be taken as *exhaustive*—that it not be understood as descriptive of the alienated Jewish personality *in his entirety*. While correctly pointing to *degrees* of detachment from tradition, the “captivity” label may fail to appreciate the significance of Jewish sensitivities nevertheless valued by “non-committed” Jews; not to mention the creative contributions of Jews in the milieu of the *general culture*—in the fields of literature, music, the arts, and the scientific disciplines, which themselves may be valued as of redeeming worth.⁶¹

Much may be said for particular aspects of a dissident lifestyle, an autonomous ethic, even if falling short of the ultimate standard of the Torah. So that the non-committed Jew must not be confronted as purposeless in his life’s vocation, amoral or unprincipled. His *subjective* sense of direction, his *personal* pursuit of meaning, must be recognized as a respectable effort at value discovery; and the Torah ethic should be represented before him not as an *alternative* to a *bankrupt* existence, but as a *further enhancement* of his *meaningful* life quest.

Illustrative of the point is the polemic that periodically erupts on the Israeli scene between spokesmen for the Orthodox right and the leadership of the secular kibbutz movement. While legitimately appealing for the return of their alienated brethren to traditional values, particular religious leaders are too often found scandalizing their nation-wide audience with sweeping incrimination, indicting the disaffected sector for the *gamut* of evils, while denying it any redeeming virtue. Ignored in these diatribes are, for example, the meaningful social ideals in which the kibbutz movement was conceived, its dedication to the soil of *eretz yisrael*, the gallant contribution of its sons to the country’s defense, etc.—values of profound significance. Interestingly, even as respectably-toned a *teshuvah* movement as Habad is at times met with resentment because its preachment, while certainly caring and considerate, is taken nonetheless as intimating the emptiness of the confrontee’s life, the only answer to which is a cathartic act of Habad redemption!

⁶⁰See *Shabbat* 68b; Rambam, *Hilkhos Shegagot* 2:6.

⁶¹See earlier, Chapter One, “A Fullness of Life.”

Particularly disturbing to many Israelis, in circumstances when the country has suffered casualties in battle or terrorist attack, is the self-righteous preachment—associated with particular religious circles—linking the tragic events to purported vices of the *hiloni* (secular) community (violations of *tzeni'ut* [sexuality], *shabbat*, etc.)—as if to intimate that the *traditional* community is itself beyond reproach! In reality, rather than cast aspersions on others, one is obligated in Talmudic reference to purge his *own* soul in the wake of suffering⁶²—an effort that might address, in fact, *the arrogance of one's personal spiritual complacency!*

The principle of *kol yisrael arevim zeh ba-zeh*,⁶³ the doctrine of collective responsibility for sinful activity must never be permitted to occasion *one-sided* indignation, as if the uncommitted “they” in their evil threaten the faithful “we” in our virtue, before the Divine wrath.⁶⁴ *Hazal* warned against the rashness of an indiscreet, sanctimonious *tokhehah* (condescending preachment), which offends more than contributing to spiritual renewal.⁶⁵ Nothing defeats spiritual promise more than arbitrary remonstrance. In all honesty, one's own deficiencies should be of foremost concern, while the next man's lifestyle should be appreciated for its redeeming features.

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⁶²*Berakhot* 5a.

⁶³*Sifra*, Lev. 26:37; *Shavu'ot* 39a-b; see also *Sanhedrin* 27b.

⁶⁴In reality, even where sin does indeed lie at one's neighbor's door, calling for a corrective response, such response must be articulated with reason, effectively communicated, rather than arbitrarily flung at an adversary as a gut reaction. Indeed, when *Hazal* fault the righteous for having “failed to protest when they could have” (*hayah bi-deihem li-mehot ve-lo mahu*), their critique is levelled not necessarily at an *omission* of protest, but at a *misguided* protest, counter-productive in its rashness, only worsening disaffection; see following note. Malbim, in his exposition of the Biblical imperative of reproof, *hokhe'ah tokhi'ah et amiteha* (Lev. 19:17), differentiates the term *tokhehah* from that of *mussar*. *Mussar*, he writes, involves an authority dynamic, the summary castigation of a subject by his superior (as in Prov. 1:8). *Tokhehah*, on the other hand, calls for compelling argumentation (as in *hokhahah*), a reasoned exchange between peers (thus “*amitekha*”).

⁶⁵See *Sifra* (Lev. 19:17): *yakhol atah mokhiho u-fanav mishtanot...* The Talmudic passage (*Arakhin* 16b) defining the parameters of *tokhehah*, *ad haka'ah...ad kelalah...ad nezifah*, should not be interpreted as calling for an actual clash between the parties. To the contrary, the Talmud intends to impose a *limiting* condition (*ad ve-lo ad bi-khelal*) on the *tokhehah* dynamic; namely, should the prospective *mokhi'ah* anticipate that his intervention would prove of no avail, only provoking hostility, he is advised to refrain from *tokhehah* (cf. R. Meir Simchah, *Or Same'ah*, *Hilkhot Gerushin* 2:2). This essentially is the thrust of the Talmudic dictum (*Yevamot* 65b), *ke-shem she-mitzvah al adam lomar davar ha-nishma kakh mitzvah al adam she-lo lomar davar she-eino nishma*. When the Talmud (*Shabbat* 55a) faults the righteous who fail to challenge even admittedly *resistant* sinners (*she-im mahu ba-hem lo yekablu me-hem*), *Tosafot* (ad loc.) immediately limits the reference to cases where resistance, while very likely, is no certainty (*heikha de-safek i mekabli*); where resistance, on the other hand, is a certainty, asserts *Tosafot*, challenging the sinner is pointless and out of place (see also Maharal mi-Prague, *Netiv ha-Tokhehah*, 2). Note, similarly, the statement of R. Eleazar ben Azariah (*Sifra*, Lev. 19:17), to the effect that *tokhehah* had fallen legitimately into disuse (see Malbim, ad loc.) since sinners were no longer responsive.

Essentially, our thesis is rooted in the common existential ground shared by all men. The religionist and secularist, the traditionalist and non-traditionalist are alike in a quest for purpose. Each is engaged in pursuit of meaning. Each craves the discovery of personal significance that might vindicate his existence and lend it direction. The *particular substance* of their respective ethics will, of course, differ, each built on its distinctive value premises, each with its unique axiological orientation. The secularist may not seek out his value gauge in any Divine ethic. Yet, at the same time, even the pietist who does look Heavenward seeks in his religious system, after all, answers to *those very same human concerns* with which his counterpart in the non-traditional sector is grappling—e.g., emotional security, a sense of self-worth, happiness, nobility, etc. So that even if the secularist and religionist may be worlds apart in the substance of their respective value priorities and lifestyles, their underlying motivation—a search for value clarification—may be described as identical at root. Even when contrasting axiological systems are in critical conflict, they may share nonetheless an implicit human commonality of existential anxiety, grappling and quest. So that the *shomer mitzvah*, though committed to the certainty of the Torah's categories, should find himself able, nonetheless, despite the stark cultural gap, to step into his non-traditional neighbor's shoes, identifying with his existential circumstance, and appreciating—whatever be the shortcomings—his particular explorative, trial-and-error groping for meaning.

Contemporary Orthodoxy must relate to the non-traditional Jewish sector from a dual perspective. On the one hand, an ongoing effort must be maintained, of course, toward communicating traditional categories in relevant, impactful terms. But equally important is our continued sensitivity to the exploratory dynamics of a pluralistic society. Contemporary Orthodoxy must be ready to *listen* as well as preach, to *understand* as well as remonstrate. It must be ready to read the pulse of a society in flux, in radical transition, so that it might appreciate the concerns of its disaffected elements.

However critical we may be of the decline in religious commitment, the undermining of traditional morality, we must be ready to discover, nonetheless, expressions of genuine groping—even redeeming virtue—underlying the anarchic scene. It is our responsibility, therefore, while remaining true to our mission as bearers of Divine tradition, to remain open to appreciating at the same time the universal human circumstance of which we are a part, its confusion as well as its promise. Once we succeed in identifying with our brethren in common quest, the sooner will we find ourselves able to understand disaffection and the better able to chart the way back.