

# Ideas in Circulation

Jonathan Sacks

In this issue we look at the recently published responsa, produced by the faculty of the Jewish Theological Seminary, on the ordination of women and consider the light they shed on the nature of Conservative halakha; a novel halakhic approach to conversion and intermarriage; and a searching religious critique of Freudian psychoanalysis.

## WOMEN RABBIS AND CONSERVATIVE HALAKHAH

The issue of the ordination of women, which threatens to shake the Church to its foundations, does not occupy quite the same position in Judaism, for the simple reason that a rabbi is not, to Judaism, what a priest is to Christianity. Indeed, as a halakhic question, it is curiously difficult to formulate, for three reasons.

Firstly, *semikhah* — formal ordination of the kind bestowed by Moses on Joshua (*Bamidbar*, 27:22-23) and practised until Mishnaic times and beyond — no longer exists. It conferred certain judicial powers and could only be performed in Israel. As to when *semikhah* was discontinued, scholars disagree, some placing it as early as the fourth century C.E., others maintaining that it continued until the eleventh century. There was an abortive attempt, in Safed in 1538, to revive the practice. The instigator was R. Jacob Berab, and he based himself on an opinion recorded by Maimonides in his code (M.T. *Sanhedrin*, 4:11), 'It seems to me that if all the sages in the land of Israel were to agree to appoint and ordain judges, then they would have the status of ordination... and would have the power to ordain others... but the matter requires resolution.' Four rabbis were ordained, among them R. Joseph Karo, author of the *Shulchan Arukh*. But the rabbis in Jerusalem disagreed with the innovation; the unanimity which Maimonides had required was not forthcoming; and the attempt lapsed.

### The Congregational Rabbinate

Secondly, the modern congregational rabbinate, with its emphasis on preaching, pastoral work, synagogal, representative and administrative functions, hardly existed before the nineteenth century. The major rabbinical seminaries — Jews' College (1855), Berlin (1873) and the R. Isaac Elchanan Theological Seminary, later part of Yeshiva University (1897) — were all products of modernity, and their curriculum, which differed significantly from that of the traditional yeshiva, mirrored the dramatic shift in the demands of contemporary rabbinical leadership.

The rabbinate known to halakha is no longer; and the rabbinate that exists has no clear halakhic precedent or definition, though it has a coherent and vital role. Which leaves a third problem. The concept of ordination has retained a certain ambiguity, at least since the days of Maimonides. On the one hand, Maimonides describes it as an informal and personal transaction between teacher and pupil, whereby the former gives the latter permission to teach (M.T. *Talmud Torah*, 5:3). At the same time, from his letter to his disciple Joseph ibn Akin, it is clear that a formal licence (*reshut*) was required from the Exilarch (*Rosh Golah*) in order to hold public office as a judge or teacher.

### Two Kinds of Role

Maimonides' attitude to these two conceptions differs markedly. On the rabbinate in the first, informal sense he was encouraging. He ruled that 'A sage who is qualified and refrains from rendering decisions is guilty of withholding Torah and placing stumbling-blocks before the blind.' On the rabbinate as part of the religious establishment, though, he was caustic. 'It is far better for you,' he told his disciple, 'to earn a drachma as a weaver, tailor or carpenter than to be dependent on the licence of the Exilarch.' Communal politics would, he warned, rob him of all independence — a concern which still inhibits many outstanding *talmidei chakhamim* from entering the congregational rabbinate. A majority of those who obtain *semikhah* from traditional yeshivot do so not in order to practice as rabbis in an official capacity, but as a private, informal qualification, an endorsement by a teacher of his pupil.

This ambiguity is central to the question of whether women may fulfil the functions of a rabbi. On the informal conception — may she be a *morah hora'ah*, qualified to give decisions on Jewish law — a number of authorities would answer in the affirmative (*Sefer ha-Chinnukh* 158; *Birkhei Yosef*, *Choshen Mishpat* 7:12; and see R. Eliyahu Bakshi-Doron, *Responsa Binyan Av* 65). On the formal conception — may she hold a public, congregational appointment — the answer is almost certainly negative, given Maimonides' ruling which excludes women from this kind of role (M.T. *Melakhim*, 1:3).

### The Conservative Debate

The issue has not yet caused controversy within the Orthodox world. But it exploded with full fury in the Conservative movement in America. In 1974, its Committee on Jewish Law and Standards decided that women might serve as rabbis. In 1977, its Rabbinical Assembly requested the Chancellor of the Jewish Theological Seminary, Gershon Cohen, to establish a commission to study the question. It delivered its verdict in 1979: a majority in favour, a minority opposed. In 1984, the faculty of the Jewish Theological Seminary took a vote, and decided to admit women to its Rabbinical School. The first woman was ordained in May 1985.

But despite the succession of votes and the *fait accompli*, the controversy persists, threatening to split the movement. This year, the seminary has published most of the documents on which the decision were based — the Report of the 1979 Commission and the responsa



of the faculty that preceded its 1984 ruling. In *The Ordination of Women as Rabbis: Studies and Responsa* (ed. Simon Greenberg, Jewish Theological Seminary of America, 1988), we now have publicly available the key texts of the debate, if not the history that lies behind them.

The subject is full of interest, partly because feminism is one the key battlegrounds in the confrontation between contemporary Western consciousness and the Judaic tradition, but more especially because it promises to clarify one of the most difficult issues in twentieth century Judaism: how far is halakhah responsive to modernity? The Commission's report established the parameters. On the one hand, 'legitimacy within Conservative Judaism must be measured first and foremost by an halakhic standard'; on the other, 'the recognition of the flexibility and fluidity of the halakhah is one of the hallmarks of the movement. How flexible is halakhah? And how halakhic is the Conservative movement?

### The Seminary Responsa

One respondent, Israel Francus, was clear that halakhic flexibility did not extend to the point of women's ordination. If women were appointed as congregational rabbis, he argued, they would be expected to act as a *sheliach tzibbur* (leading the congregation in prayer) and a *ba'al koreh* (reading the Torah), to recite the *birkhot chatanim* (wedding blessings) and be counted in a *minyan*. Halakhically, none of these was possible. For they are areas in which men are obligated while women are not, and a non-obligated person cannot exempt an obligated one. Even though, according to many authorities, women can voluntarily perform *mitzvot* from which they are exempt and can thus create self-imposed obligations, these do not have the same status as non-voluntary obligations. Accordingly, were the Seminary to ordain women rabbis it would be guilty of 'placing a stumbling-block before the blind' and assisting transgressors.

Others argued that times have changed. Simon Greenberg, for example, insisted that many of the rabbinic exemptions or exclusions were based on a series of assumptions about women that, even if they held true for two millenia, have today been irrevocably breached; assumptions such as 'women's intellect is weak', 'a woman is contractually bound to her husband', 'a woman's voice or body is *ervah* ['naked', seductive]', and 'all glorious is the King's daughter within the palace' [suggesting that the woman's role was not in the public sphere]. Once these premisses are no longer tenable, the structure of law built upon them collapses.

Robert Gordis argued more uncompromisingly along similar lines. A woman cannot be excluded from being a *sheliach tzibbur*, he contended, since today, when printed siddurim are available to everyone, a prayer-leader no longer fulfils the role of leading those who cannot pray for themselves (a point of view strongly contested, on sound halakhic grounds, by Joel Roth elsewhere in the volume). Nor can they be excluded from serving as witnesses, since that too is part of a buried past: 'In a society where women were sheltered and had little experience of contact with the world at large, there might perhaps have been some basis for regarding their testimony as inexpert...To defend such a principle today is, for most people, morally repugnant and sexist.'

### Joel Roth on Halakhah

Gordis and Greenberg are willing to let 'the times have changed' play a decisive role in the argument. The most disciplined attempt to establish halakhic permissibility from within the sources themselves came from Joel Roth. But it is here that the ground is thinnest. One example will have to suffice. A crux of his argument is that women who voluntarily assume an obligation (say, for public prayer) have the same status as those who are automatically obligated. Women, therefore, could exempt men and lead public prayers in a mixed congregation.

Roth's argument, though, is curious. Against his thesis stands the talmudic dictum, 'Greater is one who is commanded and performs than one who is not commanded and performs.' Roth dismisses this on two grounds. Firstly, it applies to a comparison between Jews and non-Jews, not between Jewish men and women, both of whom are — albeit to different degrees — commanded. Secondly, 'times have changed', and those who voluntarily accept an obligation today 'do not do so on a "take it or leave it" basis'.

Neither argument is tenable. The Talmud specifically invokes the idea of 'Greater is one who is commanded. . .' in an internal Jewish context, comparing the sighted with the blind, who, according to one opinion, were exempt from commands. Nor can anyone credibly argue that the seriousness with which duties are voluntarily assumed has undergone a quantum leap in the late twentieth century. Moreover, though Roth demonstrates that, for many authorities, one who chooses an obligation from which he or she is exempt may fulfil it *in the same way* as those who are obligated, he brings no solid evidence that the former may *exempt* the latter. All the evidence suggests that they may not.

### 'Creative Betrayal'

Thus Roth is left with the brute weaponry of 'the times have changed' and the power of the sages to abrogate even Biblical law, a subject on which he further elaborates in his recent book *The Halakhic Process* (Jewish Theological Seminary, 1986). But to justify invoking these extraordinary powers, Roth would have to establish that a failure to ordain women would create personal or collective crises recognised as such within the halakhic system. This he does not do; nor can one see how he could. For the crisis within the Conservative movement is not between conflicting Jewish values, but between Jewish values themselves and the contemporary American ethic. And in such a conflict, halakhah cannot yield.

This much is recognised by one contributor to the discussion, David Roskies, who calls for women's ordination precisely as a 'creative betrayal' of the past, and adds, with anarchic fervour: 'a living tradition must be violable to be viable'.

### Halakhic Integrity

In a sense, the Conservative decision was inevitable, the outcome of a process which began by accepting mixed seating in the synagogue and proceeded through granting women *aliyyot* (1955) and accepting them as witnesses in religious contexts (1974). The vote had the logic of consistency. Did it have the logic of halakhah?



mixed seating in the synagogue and proceeded through granting women *aliyyot* (1955) and accepting them as witnesses in religious contexts (1974). The vote had the logic of consistency. Did it have the logic of halakhah?

In saying No, it is not necessary to argue that halakhah is hermetically insulated from time and society. Halakhah changes, as the world changes. Today we have a responsum literature on, say, heart transplants and in vitro fertilisation that we did not have a century ago. But halakhah always and only changes to conserve its own values, whether they run with or against the tide of secular opinion. To be sure, there may be areas where no settled consensus exists and where more than one halakhic conclusion can be justified by the sources. But halakhic reasoning demands its own kind of integrity. David Bleich put it well: 'The law must be determined on its own merit and let the chips fall where they may'.

What *would* have made these responsa halakhically credible? First of all, a serious willingness to listen to the contrary voices within the halakhah, a genuine confrontation, that is to say, with the principles of *kol be-ishah ervah*, *kevod ha-tzibbur*, *tehi lo m'erah* and *zila milta*, on which the sages based their opposition to the public participation of women in the liturgical life of men. For a movement that claims to take halakhah seriously, it is just too dismissive to argue, with Greenberg, that these values have been irreparably breached, or with Gordis that they are sexist.

Secondly, an exploration of the central unstated question, namely, where does the modern congregational rabbinate stand in the framework of Jewish institutions. Does it represent the *keter Torah* (crown of Torah) of which Maimonides wrote that 'it rests, available, before every Jew'? Or does it represent *keter kehunah* or *keter malkhut* (the crowns of priestly and administrative authority), both of which Jewish tradition saw as male domains, and for which the rabbinic tradition held no longing? The extraordinary development, within twentieth century Orthodoxy, of Jewish

education for girls reveals how flexible halakhah has been in extending her *keter Torah* to women (it was precisely in this connection that the Chafetz Chayyim used the logic of 'the times have changed': see *Likutei Halakhot* to *Sotah* 21). On the other two crowns, as they apply to religious life, it has shown no such tendency; and at the very least one ought to ask why.

### The Critical Dialogue

Thirdly, to be credible, a Jewish response must be prepared to engage in critical dialogue with the values of an age. Is status within the synagogue the determinant of Jewish self-respect, or is this itself a symptom of the impoverishment of Jewish life? Is the idea that every significant role be accessible to everyone as a matter of personal choice, one that can be given currency within Judaism, or is it a peculiarly Enlightenment idea subversive of tradition as such? Adin Steinsaltz has written that many of the questions currently raised about women and Judaism arise from a clash of cultures, and he is surely right. Among these responsa there is no suggestion that there might be secular values to be resisted, not accommodated.

Blu Greenberg once wrote, 'Where there is a rabbinic will, there is a halakhic way'. But there is a corollary: where there is no halakhic way, there can be no genuine rabbinic will. The rabbinic will is not Nietzschean, carrying all before it. It knows defeat as well as victory; it senses where halakhah resists as well as where it yields. These essays, by contrast, are a triumph of reasoning toward a predetermined conclusion, one which — by its preference for synagogue status over personal status, *keter kehunah* over *keter Torah*, ordination as public office rather than as 'permission to teach' — bespeaks the value system of contemporary America rather than that of Torah.

There are better ways available of advancing the status of women in Judaism, none better than by creating an intense and distinctive structure of women's Torah study. From this, surely, a renewal of Jewish life would emerge.

---

## CHILD CONVERSIONS

---

By way of contrast, another recently published book offers us an insight into the way a halakhic solution might be found to one of the most intractable problems of contemporary Jewish life: intermarriage and its consequences.

If a Jewish man marries a non-Jewish woman their children will be halakhically non-Jewish. The woman may undergo a non-Orthodox conversion, or, by the American Reform patrilineal principle, the child may be deemed Jewish if *either* parent was. In both cases the result is a potentially tragic situation in which individuals believe themselves to be Jewish who are halakhically not: in the case of conversion because the key element of *kabbalat ha-mitzvot* (acceptance of the commandments) was lacking; in the case of patrilineal Jews, because Jewish law recognises no such principle. The potentialities for confusion and distress are alarming.

Is there a halakhic approach which might attempt to confront this situation? Rabbi J. Simcha Cohen argues that there is. His *Intermarriage and Conversion: A Halakhic Solution* (Ktav, 1987) presents a possible remedy. The children of intermarriages could be converted by a Bet Din while still minors. If there was a valid conversion, the children at least would be unequivocally Jewish. But can there be a valid conversion

in such a case? At first sight, it would seem not. The child's mother is not Jewish. Its father has married out. Its home is a continual testimony to a fundamental breach in Jewish law. Presumably, too, it is not an observant home. Surely conversion is in essence an acceptance of *mitzvot*? How then can a child of such a family be said to have accepted the commandments?

### The Talmudic Discussion

Rabbi Cohen's argument is that the conversion of minors (boys below the age of thirteen, girls younger than twelve) represents a special case. the key text is the discussion in *Ketubot*, 11a:

Rav Huna said: 'A proselyte who is a minor is immersed by the direction of a Jewish court [*al da'at bet din*]' . What does he let us know? That it is an advantage [*zekhut*] to him and one may act for a person in his absence to his advantage.

Surely we have learned this already: 'One may act for a person in his absence to his advantage, but one cannot act for a person in his absence to his disadvantage.'

What you might have supposed is that an idolater prefers a life without restraint, since it is an accepted principle that a slave certainly prefers a dissolute life. Therefore he lets us know that this applies only in the



case of an adult who has already tested sin, but in the case of a minor it is an advantage for him [to become a Jew].

May we say that [the following Mishnah] supports him: 'A woman proselyte, a woman captive and a woman slave who have been redeemed, converted or freed when they were less than three years and one day old. . . .'! It is not that they were immersed by direction of the court?

No. [the Mishnah refers] to a case of a proselyte whose sons and daughters were converted with him, so that they are satisfied with what their father does.

R. Joseph said: When they become of age they can protest [against their conversion].

Rav Huna argues that a Bet Din can convert a child below the age of consent. The underlying principle is that being Jewish is an advantage or privilege [*zekhut*], and one can confer an advantage without the person's consent ('in his absence') since consent can be presumed. The Gemara then challenges this assumption. Being Jewish is a privilege, to be sure. But it also involves taking on many obligations and prohibitions. An adult non-Jew is normally assumed to prefer a life without these restraints. But, The Gemara suggests Rav Huna is pointing to a fundamental distinction between the conversion experience for children and adults. To give up what we are used to is a privation; to give up what we have never experienced is not. An adult, having lived as a non-Jew, will not ordinarily choose to exchange freedoms for obligations, and will not wish to convert. But a child brought up as a Jew and having known no other life will see his Jewishness as a privilege.

The Gemara then wonders whether the ruling of Rav Huna has a mishnaic basis, for there is a Mishnah which speaks about conversion of minors. It concludes, though, that the case of the Mishnah was different. It spoke of a case where the child's father converted along with it. There the child's consent could be assumed, since a child usually assents to what its father does. Rav Huna goes further, for he accepts as valid the conversion of a child even where the parents do not convert.

R. Joseph adds an important qualification. The conversion of a minor is not a once-for-all change of status. The child's consent is assumed by the Bet Din, but the child can retract once it reaches the age of consent.

### Conversion Where the Parents are Non-Observant

Rav Huna's proposition is taken as law in the *Shulchan Arukh*. How does it relate to the problem in hand? Several authorities, among them Dayan Weiss and R. Yaakov Weinberg, had ruled that the critical question was the environment in which the child would be raised. If the child would be educated to keep the commandments, then the conversion could be considered a *zekhut*, an advantage. But if he or she were to be brought up in a non-observant home, the likelihood would be that they would not keep the commandments when they reached maturity. Considering them to be Jewish and hence subject to Jewish law would then be a liability, not an advantage. The whole basis of the conversion would be lacking, the conversion itself would be invalid, and the only result would be that the children would believe they were Jews when in fact they are not.

Rabbi Cohen demurs. Following R. Zvi Hirsch Kalischer, he considers the circumstance about which Rav Huna was speaking. It cannot have been a case where the mother was Jewish, for the child would not

then have needed conversion. Nor can it have been a case where the parents converted along with the child, for that is the case of the Mishnah, not Rav Huna. Rav Huna speaks of a situation in which the mother is non-Jewish and does not convert. Nonetheless, the child's conversion is valid despite the fact that it will grow up in the context of a mixed marriage.

Against this, R. Azriel Hildesheimer had argued that Rav Huna may have been speaking of a case where the Bet Din is certain that the child will either be brought up by Orthodox Jews, or that the mother will bring up her child to keep the commandments.

### The Role of Consent

Might Rav Huna, though, have had something else in mind when he spoke of *zekhut*? Rabbi Cohen suggests a novel reading of the passage. Ritva argues that in the case of an adult, conversion requires *kabbalat ha-mitzvot*, commitment to the commands. But in the case of a child, too young either to understand or be bound by them, there is no requirement of *kabbalat ha-mitzvot*. If so, Rav Huna's ruling that the child may be converted at the direction of the court (*al da'at bet din*) has nothing to do with the child's commitment to the commands, but has instead to do with his consent to the conversion process. The Bet Din becomes, in Rashi's phrase, a 'surrogate father', giving its consent on behalf of the child, on the assumption that the child will consider it a privilege, not a liability.

Following Rashi's commentary and the wording of the law in the *Shulchan Arukh*, Cohen concludes that the notion of *al da'at bet din*, and with it the concept of *zekhut*, need only be invoked when the court is in fact acting as a surrogate father, and not when the actual father brings the child to be converted. Rav Huna's only concern was that there be consent. This may be given either by the court or the father. It cannot be provided by the child, since it has not yet reached the age of consent, nor by the mother — either because her views do not carry sufficient weight in Jewish law, or because she herself has not converted and her wishes for the child are at variance with her decision for herself. When consent is supplied by the court, we need to be sure that the conversion will be a privilege, not a liability. But when it is supplied by the father, no such reasoning is necessary. Thus, even if the parents are non-observant and we are unable to argue that conversion is an advantage to the child, this does not affect its validity. All we need is consent, and this the father can give.

### A Provisional Conversion?

Rabbi Cohen concludes that there is no halakhic impediment to converting a young child of a mixed marriage even if the parents are not observant, so long as consent is given by the father. Two rulings of the late R. Moshe Feinstein seem to support this, albeit on slightly different grounds. For R. Feinstein it is not that *zekhut* is irrelevant; rather, it is that *zekhut* can be presumed, on two grounds. First, a child can be assumed to wish to emulate his father, and thus to become Jewish like him. Second, it is a privilege to be a Jew, even a Jewish sinner (*Iggrot Moshe, Yoreh Deah* 158). He reiterates this in a later responsum concerning young children at an Orthodox school whose mothers have undergone Reform or Conservative conversions and are not halakhically Jewish. One should,



he says, convert the children if possible. Since they are already at an Orthodox school it is likely that when they grow up they will be Orthodox Jews, and even if they do not, 'it seems logical that it is still a *zekhut*, since even Jewish sinners have *kedushat Yisrael* [the sanctity of being Jewish], the *mitzvot* they do are *mitzvot*, and their sins are to them unintentional (*Iggrot Moshe, Even ha-Ezer* IV, 26c).

There is one obvious problem with which R. Cohen must contend. R. Joseph in the Talmud ruled — and this is taken as law by the codes — that the child may 'protest' against the conversion on reaching maturity. Does this mean that if the child does not observe the commands as an adult, this is tantamount to renouncing the conversion? Does it require a second visit to the Bet Din to ratify the conversion, which is thus only provisional?

Some authorities (*Tosafot*) did indeed argue that when the child reaches the age of majority, he or she must be informed about the commands and give formal consent. Others held that there is no formal procedure: the conversion is protested only if the child has rejected Judaism over a protracted period (*Ritva*), or specifically on becoming an adult (*R. Asher*). Yet others (*Halakhot Gedolot*) hold that the child cannot renounce the conversion, a view to which R. Moses Sofer subscribed if the child had been converted at the wish of the parents. R. Chayyim Ozer Grodzinski maintained that the child could not renounce the conversion if it was brought up in an observant home; if not, then it could. But non-observance by itself was not to be considered a renunciation. In one responsum, R. Feinstein advised that to eliminate any qualms, the child should be reimmersed in a *mikveh* at maturity.

#### Responses

What lends particular interest to Rabbi Cohen's

analysis is that he submitted it to a number of halakhic authorities for their response, including R. Moshe Feinstein shortly before his death. R. Feinstein's grandson, R. Mordechai Tendler, replied on his behalf. 'Though within your *pilpul* there are items with which, perhaps, we do not agree, the basic approach is however deemed by us to be [self-evidently] simple issues; and on numerous occasions we have so ruled. Yet in all cases we endeavour, wherever it is possible, to set up arrangements for the observance of *mitzvot*. [That is,] the parents should agree to provide for the child a Jewish education, or that they should agree to eat only kosher [food] in the home or that they will not publicly desecrate the Shabbat or all of these.' A further verbal communication from R. Tendler clarified that, if the attempt to create commitment was unsuccessful, 'we do not invalidate the conversion'. R. Yaakov Weinberg, head of the Ner Yisrael Yeshiva in Baltimore, commented that the argument 'meets all the criteria of a proper *psak halakhah* [judicial ruling]' and that its case 'must be reckoned with'.

Equally admirable is Rabbi Cohen's awareness that demonstrating a halakhic permission does not yet constitute establishing a halakhic policy. There might be good reasons for a Bet Din not to act on the permission. In this case, there are three. It might remove a major disincentive to intermarriage. It might bring into Judaism children who have no inclination to live by it. And it runs against Judaism's traditionally guarded approach to the admission of converts. Rabbi Cohen himself believes that the demands of the moment dictate a more open policy toward conversion, but he respects the contrary case. He leaves the subject for further deliberation by authoritative halakhists; but in opening up the discussion he has performed a major service.

## REWRITING THE PAST

'It is the purpose of this book to argue that the Judeo-Midrashic narrative system contains a pluralistic free-choice-based metahermeneutic code that is amenable to a psychotherapeutic perspective for reinterpreting life stories...'

Not a sentence that grabs the reader by the hand and leads him breathlessly onward. Which is a shame, because Mordechai Rotenberg's formidably entitled *Re-Biographing and Deviance: Psychotherapeutic Narrativism and the Midrash* (Praeger, 1987) has important things to say about the supposedly value-free character of psychotherapy. 'Behind every psychology is a theology', and Rotenberg's argument is that Freudian psychology, far from being a 'Jewish science', is in fact riddled with Christian presuppositions. Rabbinic Judaism — in particular, the midrashic approach to interpretation — offers the possibility of an alternative psychotherapy, one particularly well-equipped to deal with guilt and the burden of a past life one would now wish one had not lived.

#### Lives and Texts

The key to Rotenberg's theory is a decision to treat lives as texts. The rabbis, in the Midrash, developed a remarkable freedom in re-interpreting Biblical texts, concerned as they were to relate them directly to their present situation. In effect, suggests Rotenberg, they

were re-writing the past for the sake of the present, and this is precisely what should happen in the therapeutic encounter. Patients using this technique to relate to their own past might then be able to 'therapeutically rehabilitate their biography by reinterpreting their failing past according to their future aspirations'. This is the 'rebiographing' of the book's title.

Freudian analysis already does just this. But it does so on the basis of reducing life histories to the Oedipus myth, thus imposing on the person undergoing analysis what Rotenberg sees as an 'original sin' conception of the mental life. This produces a burden of guilt which can only be discharged through a process of death-and-rebirth: 'breakthrough' must be preceded by *breakdown*.

Rotenberg finds much that is objectionable here. First, he calls the Freudian tendency to reduce all life-stories to a single model, 'missionarising'. Secondly, he finds the guilt-laden tenor of such analysis in marked contrast to what he sees as the midrashic tradition, in which — in the words of the talmudic sage Resh Lakish — as a result of *teshuvah* (repentance) past sins become merits. The Midrash rewrites the past of such penitent sinners as Joseph's brothers, King David and King Manasseh to show that (whether in fact or in retrospect) they did not sin. Rotenberg calls this 'biographic rehabilitation'. Freudian analysis encourages a 'closed book' or 'hermetic' approach to one's past life. Midrashic analysis offers an integrative



or 'hermeneutic' alternative. One accepts the past because it has been rehabilitated by the present.

## Oedipus and Isaac

The difference between the two approaches can best be seen in the two key stories illustrated inter-generational conflict, those of Oedipus and Laius on the one hand, Abraham and Isaac on the other. Oedipus is the story of a murder, in which the new displaces the old. The binding of Isaac is the story of a killing *which was commanded and then retracted*, whose message is that the old and new, past and present generations, must coexist. The two patterns, Rotenberg suggests, are traced out respectively by the Christian and rabbinic reactions to the Jewish past. Pauline Christianity succeeds Biblical Judaism by displacing (Freud himself, in *Moses and Monotheism*, described Paul in Oedipal terms — an insightful analysis). Rabbinic Judaism coexists with Biblical Judaism, by continually reinterpreting it. Rotenberg calls the two ways of resolving tension, dialectic (I or thou) and dialogic (I and thou).

Some fascinating and successful work has recently been done in Israel in rehabilitating criminals through yeshiva programmes, allowing them to see themselves as *ba'alei teshuvah* (penitents). Rotenberg's claim is that this works because it gives them a framework in which they can come to terms with their past, usually by way of seeing it in the Chassidic language of 'ascent through descent'. One such ex-convict says, typically, 'I want to remember this [criminal] period in my life so that I shall be reminded from where I came and to where I was able to go.' Alternative rehabilitation

strategies tend to leave the offender with a persisting sense of guilt and anxiety.

## Cultural Assumptions

The book raises large issues about the hidden assumptions not only in psychotherapy and criminology, but in Western culture generally: fundamental assumptions about time, history, narrative, and the way the individual relates to his or her past and future. Other thinkers — Soloveitchik, for example — have pointed out that the idea of *teshuvah* embodies a quite different notion of time. It is Rotenberg's achievement to have spelled out the practical difference it might make for a modern culture to take *teshuvah*, as opposed to therapy, seriously.

Quite apart from its intrinsic interest, this kind of work is important for a more general reason. The axiom of modern Orthodoxy — *Torah im Derekh Eretz* — is shallow indeed if it assumes that Torah and contemporary secular culture are systematically compatible and need merely be combined. They are not, or not always. Perhaps the most important task of *Torah im Derekh Eretz* is to show where the conflicts lie, to point out how we may unwittingly be acting on the basis of values antithetical to Torah, and to map out what a Jewish alternative might be. The *teshuvah* programme for ex-convicts looks like becoming a successful example, and one would like to see more research done on its effectiveness.

For the moment, Rotenberg has raised some large and significant questions. If he could present his ideas in a simpler, more popular form he might discover a wide audience for his work. ■

