

## *Hiyyuv* in an Age of Voluntary Covenant

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Many of you know that I have been laboring at a doctoral dissertation about the thought and teaching of Rabbi Yitz Greenberg. I'm happy to say that the dissertation is coming together, and that I hope to be finished this year.

Rabbi Greenberg has been a rebbe and source of inspiration to me for many years. As a young rabbinic student, he helped me make sense of the many, and seemingly disparate, things I was learning through his understanding (which he learns from the Rabbinic sage Ben Azzai) that the overarching *klal gadol* of Torah is *adam b'tzelem elokim nivra*: Human beings are created in God's image. Rabbi Greenberg, drawing on the Mishnah in Sanhedrin, teaches that this principle leads to three fundamental truths: that every human being is unique, all human beings are equal, and every human life is infinitely valuable. All of Torah can be understood as a commentary on this, and Rabbi Greenberg spent much of his career writing and teaching about what that means.

As many of you may know, Rav Yitz was—and remains—a figure of towering influence in American Jewish life. When we think of virtually any major development in American Jewry in the last 50 years, we find him there, from making the Holocaust and Israel central parts of American Jewish and political life, to the emergence of post-denominationalism, to the influence of feminism, to the rise of first federations and then private philanthropy, to the advent of academic Jewish studies, and on and on and on.

Many of you will also know that, over those same five decades, Rav Yitz has been a leftwing gadfly in Orthodoxy—an inspiring leader for some, and a heretical troublemaker for others. Since the mid-1960s, he has called on Orthodox Jews to change the way we understand and live out *halakha*. This applies in broad range of areas, from engaging in American political life on the basis of our religious values, to reimagining our *halakhot* about the status of women and sexuality in light of feminism and the sexual revolution, to dealing with the ethical dimensions of kashrut and not just the ritual ones.

A significant part of my dissertation deals with trying to understand what put Rabbi Greenberg so at odds with the culture of Modern Orthodoxy and Yeshiva University. Too often, I suggest, we simply use language like, “He was left-wing, while YU was going to the right.” But that language doesn't really help us understand what was at stake. What was really going on?

### ***Halakha* in History**

One of the crucial things to know about Rabbi Greenberg is that he was trained as an historian. His PhD from Harvard was in history, and he wrote his doctoral dissertation on Teddy Roosevelt and the American labor movement. In virtually every one of his essays, he

talks about history and about God's involvement in history. That is what led him to be such a powerful advocate for talking about and dealing with the Holocaust and Israel—because they were the major historical events in Jewish life in the twentieth century.

This made Rabbi Greenberg unique. If we look at virtually any of the other major thinkers in Modern Orthodoxy at the time—Soloveitchik, Lichtenstein, Lamm, Wurzbarger, Berkovits—we find that they were nearly uniformly philosophers. The dominant language of Modern Orthodoxy emerged as a philosophical language, dealing with questions like, “What is *halakha*?” “Why do we do *mitzvo*?” or, famously, “Is there an ethic independent of *halakha*?” This approach treats these questions in terms of static categories, generally independent of historical factors. When we read Rav Soloveitchik and his students, we enter in the world of a timeless *halakha*—a *halakha* that, of course, has to be applied to our reality, but that is ultimately only a shadow of an eternal, unchanging *halakha*.

Rabbi Greenberg, by contrast, understands *halakha* to itself be an historical process of reconciling the ideal and the real. (I would also note here that Rabbi Emanuel Rackman was a major advocate for legal realism in *halakha*, and in many ways was an even more important figure than Rabbi Greenberg. That he has been nearly forgotten Orthodoxy in America is an incredible and tragic tale.) The ideal for Rabbi Greenberg comes from the Biblical prophets—not only from Moshe, but from Yishayahu, Amos, and Zecharia. *Halakha*, in Greenberg's understanding, is the process whereby the idealistic vision of the Biblical prophets, and the contemporary voices that reflect that vision, can be made real in the world. It is thus a process of power, subject to the dynamics of all human power systems: on one end, the potential to do good, or as he would put it, to increase the recognition of *tzelem elokim*; and on the other, to become an instrument of corruption, perpetuating institutions that impede the recognition of *tzelem elokim*. *Halakha* for Rabbi Greenberg is a dynamic, living system that depends on an unceasing practice of dialectic between prophetic vision and earthly reality.

To bring this down a level into language that resonates with our day-to-day lives of living *halakha*, we can ask, Is our *halakha* one that helps us reflect and live out the image of God, or does it obscure it? Does our *halakha* help us to see the uniqueness, equality, and infinite value of every human being, or does it fail to do so? This requires honesty—we should neither allow ourselves to apologize for *halakhot* that impede *tzelem elokim*, nor should we fail to recognize when the *halakha* deepens *tzelem elokim*. We have to be open to hearing the truth, and that is not an easy thing to do.

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There's an additional question behind all of this, however, which has thus far gone unasked: Why? Why does any of this matter? Why continue to obligate ourselves to a life of *halakha*, whether we take a highly formalistic view of it as in much of the Orthodox community, or whether we take a more dynamic approach as Rabbi Greenberg suggests?

One of Rabbi Greenberg's most famous, and in some circles infamous, essays was published in 1982 under the name “Voluntary Covenant.” The essay drew on his theory that Jewish history was now in its third great phase. The first phase lasted from the time of *Matan Torah* to the destruction of the First and Second Temples. This was the phase of God's active involvement in the life of the Jewish people, performing miracles, speaking to prophets. As

the Talmud teaches, this phase was marked by the notion that God held the mountain over the heads of the Jewish people at Sinai and forced them to accept the Torah—which means that they accepted the Torah under duress. But in the time of Esther and Mordechai, when God was now less visible, less directly involved in their lives, *kimu v'kiblu*: the Jewish people re-accepted the covenant. They were more adult in this acceptance, without all the obvious demonstrations of God providing for them. This marked the beginning of the long second phase of the covenantal relationship, in which human involvement in creating the *Torah she-be'al peh* was privileged, as reflected in the Talmudic story of *tanur shel achnai*, when God approvingly says of the Rabbis, *nitzchuni banai, nitzchuni banai*: my children have defeated me, my children have defeated me.

But beginning in the modern era, with the process of political emancipation, Rabbi Greenberg argues that a third period began to emerge: one in which God was even more hidden, and human beings were thus invited to take even greater responsibility for the world—principally through science and technology, and through democracy. This era came fully into force with the Holocaust, when God was at God's most absent. For Rabbi Greenberg, this ushered in the third era, that of Voluntary Covenant. He agrees with Elie Wiesel that God broke God's covenant with the Jewish people through the Holocaust. The covenant "can no longer be commanded," he wrote. "Covenantally speaking, one cannot order another to step forward to die." After Auschwitz, Rabbi Greenberg argues, those of us who take up the life of covenant do so out of our own free will, which, he suggests, is an even more mature form of relationship with God than the *kimu v'kiblu* phase of the second era of Jewish history.

If that is true, it brings us back to the question: Why? Why take up the covenant? For those of us who express our covenantal relationship through a life commitment to *halakha*, why do it?

Rabbi Greenberg answers this question at the beginning of his essay. He offers two main motivations. First, he says,

Because redemption will not be achieved in one generation, the Torah is not only a covenant between God and Israel, but also a covenant between generations. It is made with those 'present here standing with us today before the Loving God, our Lord and also to the one who is not here today.' By taking up its task, each generation joins the past and carries on, until the day that the hopes of all will be fulfilled.

That is the inspiring part, the motivation to enter the covenant out of idealism and love, out of a sense of responsibility to the future and to the ideals of the prophets, to bring about the Messianic age. At times, I hope, we all feel this: we sense Shabbat not only as a set of restrictions, but as a taste of *chayei olam ha-ba*, of the life of the world to come, when the world is fully redeemed; we see how the Torah's commandments bring about greater justice and compassion; we feel the ways in which *halakha* brings us together, builds bonds of love and trust, and ennobles our lives. We often feel this way when we feel best about Judaism.

But Rabbi Greenberg also points to a motivation arising out of a sense of fear, or perhaps more accurately, out of a sense of responsibility to the past:

If one generation rejects the covenant or fails to pass it on to the next generation, then the effort of all the preceding and future generations is lost as well. Each generation knows that it is not operating in a vacuum; what precedes it makes its work possible, just as its successors will make or break its own mission.

This second motivation, not so much from optimism and love, but rather from responsibility, duty, and a bit of fear, is one that is also likely familiar to us. Sometimes we do what we do not out of a sense of inspiration, or because it feels so idealistic, but because we feel a sense of obligation to people from our past: our parents or grandparents, our distant ancestors. Sometimes we can experience that in good and healthy ways, that we're fulfilling a duty, a responsibility, to be the next link in the chain. Sometimes, we can experience that as a burden.

Most often, when it is experienced that way, I would suggest that's because we are living out a *halakha* that fails to respond to the prophetic vision. Such a *halakha* is corrupt, it fails to be what *halakha* is meant to be. When we keep ourselves from embracing and living out a *halakha* that reflects and illuminates the *tzelem elokim*, when we instead practice a *halakha* that diminishes and obscures the *tzelem elokim*, we are doing something fundamentally wrong. We may justify it to ourselves by saying that submission to the *halakha* is itself a value, but that isn't in and of itself true. Submitting to a false *halakha* is no virtue, it is cowardice.

Regardless of how we experience motivation, Rabbi Greenberg sums up how we can understand why, in an age when the decision to enter into the Covenant is left up to us, that decision becomes binding on us: "The covenant is binding not just because it is juridical—that is, commanded—but because others continually accept its goal and become bound to its process." That is, by entering into a community of others who have committed to a relationship with God through the instrument of Torah and the application of *halakha*, we become bound—to God, to each other, to our past and our future.

I continue to be very moved by Rabbi Greenberg's words. As I observed at our community discussion last motzaei Shabbat, I believe we live in the age of Voluntary Covenant (what Shaul Magid calls post-Judaism), in which we are free to make our own decisions. We in this community share a deep commitment to the kind of dynamic *halakha* Rabbi Greenberg describes, one that reflects and enables the image of God to be seen in and through us.

On this Shabbat, when we stand again at Sinai and accept the Torah once again, I would urge us *hizku v'imtzu*, to continue to be strong and courageous in living lives of commitment, honesty, and *avodat Hashem*.

*Shabbat shalom.*