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**FROM COOPERATION TO CONFLICT:
RABBI PROFESSOR EMANUEL RACKMAN,
RAV JOSEPH B. SOLOVEITCHIK, AND
THE EVOLUTION OF AMERICAN
MODERN ORTHODOXY**

It is perhaps too soon for a comprehensive scholarly examination of the long, distinguished, exceptionally varied, and, at times, exceptionally controversial career of Rabbi Professor Emanuel Rackman, who died a little over a year ago on December 1, 2008 at the age of 98. Indeed, as David Singer notes in his article, “Emanuel Rackman: Gadfly of Modern Orthodoxy,”¹ which appeared in *Modern Judaism* in the spring of 2008 a few months before R. Rackman’s passing, “given Rackman’s standing as a lead player on the Orthodox scene, it is puzzling that there has been little scholarly attention to his career.” “To be sure,” Singer goes on to say, “the demands of such an undertaking are considerable. Rackman is 97 years old, and the period of his activity extends over some eight decades. Getting a handle on this in straightforward, biographical terms is no simple matter. Adding to this challenge is the fact that during Rackman’s lifetime both Jewish life in general and Orthodox life in particular have been radically transformed. Any scholarly assessment of Rackman’s career must take account of the changing contexts and environments in which he has operated. Still more: close attention needs to be given to Rackman’s multiple roles as rabbi, scholar, educator, and communal leader. It is these elements in combination that have propelled Rackman to the front ranks of Orthodox society.”

Singer’s very incisive and illuminating article, outlining R. Rackman’s biography and examining some of his key theological and halachic writings, constitutes an important, if necessarily preliminary, attempt to fill this scholarly gap.² This essay will focus on and seek to partially fill in one aspect of R. Rackman’s career discussed by Singer—albeit a very important one—and that is his longstanding and very complex relationship with his “rebbe,” Rabbi Joseph Soloveitchik, the Rav, par excellence, and unchallenged leader of modern Orthodoxy.³ To paraphrase Singer, getting a handle on this

relationship is no simple matter, and here in particular close attention must be paid both to the radical transformations of Orthodox life that took place during R. Rackman's lifetime and to the changing contexts and environments in which he operated.

As Singer notes, "Rabbi Soloveitchik publicly attacked Rackman at a convention of the Rabbinical Council of America in 1975, thus setting back his chances of gaining the presidency of Yeshiva [University].⁴ Rackman ignited Soloveitchik's anger by proposing to the gathered rabbis that rabbinic annulments of marriage be reinstated on a regular basis as a way of solving the agunah problem." This speech of the Rav—in a note, Singer refers to it as a "tirade"⁵—with its exceptionally harsh and uncompromising attack on R. Rackman's proposal, and on the unacceptable philosophy of halacha that the Rav saw as both implied by and undergirding the proposal, is very well known—indeed it is often the only thing that many people know about the relationship between R. Rackman and the Rav.⁶

But as Singer goes on to note—and correctly—this attack was only the final act in a long complex drama.

Rackman, who was seven years younger than Soloveitchik, was never a student of the latter in a formal sense.⁷ Still, like most people in the orbit of Yeshiva University—where Soloveitchik served a chief Talmudist at RIETS—he referred to Soloveitchik as "rebbe" and regarded him as the preeminent leader of modern Orthodoxy. With some justification, Rackman claimed that it was he who first put Soloveitchik on the map of Jewish life by bringing him to the attention of the *Commentary* readership in 1952 [in an essay "Orthodox Judaism Moves with the Times"⁸]. All this, as Rackman noted for the record in 1985, made for a stance vis-à-vis Soloveitchik that was "deferential," but not "blindly obedient:" "I joined the cult whose 'rebbe' he was—but not by sacrificing my autonomy of soul. I dared to differ with him—and still do to this day."

Singer further notes that R. Rackman appealed to the Rav's legal philosophy in support of his own in his important 1954 essay in *Commentary*, "Can We Moderns Observe the Sabbath."⁹ In this essay, Singer points out,

Rackman strikes a radical pose, championing a values-oriented approach to Jewish law...and first introduces his halakhic hero—the teleological jurist. The piece opens on a dramatic note, with Rackman asserting that Orthodox rabbinic leadership bears much of the blame for the decline of Sabbath observance among Jews. Rackman's critique centers on the refusal of the rabbinic elite to "probe the values implicit in halakhic texts," on the rabbinic cadre's "slavish commitment to forms and texts instead of ends." This narrow approach, Rackman avers, is at the furthest possible remove from the stance of the teleological jurist, which is permanently fixed on two questions: "What are the ends of the law that God

or nature ordained, and how can we be guided by these ideals in developing the law?" Rackman goes so far as to dub this the "only authentic halakhic approach" and to identify it—rather unconvincingly it must be said—with the legal philosophy of Rabbi Soloveitchik.

I believe that a closer examination of these two *Commentary* essays from the early 1950s, taken in conjunction with a recently available and very important five-page letter on the nature of halacha that the Rav wrote to R. Rackman on September 12, 1952, will shed a new and highly revealing light on their relationship and indeed on the evolution of Modern Orthodoxy.¹⁰

Let us elaborate on R. Rackman's 1954 essay a bit further. In the essay, he presents three theories of Jewish law: the fundamentalist or imperative theory, espoused by current Orthodox rabbinic leadership; the historical approach, espoused in differing ways both by liberal Reformers and Conservative theologians; and his own values-oriented teleological approach. As Singer notes, R. Rackman identifies his approach with the legal philosophy of the Rav. In support of this identification, he cites several passages from an unidentified text of the Rav, in which the latter expounds his own philosophy of halacha. Those who bothered to ask the question as to the source of those quotations, for example Rabbi Mendel Lewittes, assumed that R. Rackman was quoting from *Halakhic Man*.¹¹ Indeed, the terms, phrases, and ideas in the passages cited in the article do call to mind *Halakhic Man*. But, as a check of *Halakhic Man* soon indicates, in fact none of the passages cited in the article are taken from there. There is, however, no need for any further mystery. As an examination of the letter of September 1952 makes immediately clear, all the quotes from the Rav in R. Rackman's article are cited from it. At the conclusion of his letter, the Rav wrote "Should you wish to quote any part of this letter in your article [i.e., the 1954 essay in *Commentary*, "Can We Moderns Observe the Sabbath"], I would appreciate your citing that particular portion verbatim"—and that is exactly what R. Rackman did.

We are now in a position to reconstruct the chronology of events and the light those events shed on the interaction between R. Rackman and the Rav. In his 1952 essay, R. Rackman in seeking to demonstrate to the *Commentary* readership that, indeed, "Orthodox Judaism Moves with the Times" appealed primarily to the writings of the Rav and secondarily to those of Rav Menachem Kasher. Speaking of the Rav, R. Rackman notes—remember this is in 1952—"It is to be regretted that he has published so little, yet he is a very prolific writer. His greatest influence has been upon the intimate circle of the students whom he teaches and inspires at Yeshiva University, and upon the privileged few who see the text of his lectures." As the article

continues, it becomes clear that R. Rackman is one of those “privileged few.” Thus, though R. Rackman refers to the lengthy and famous footnote 4 of *Halakhic Man*¹² in arguing that the Rav “is trying to fuse the emotional intensity of Existentialism with the hard logic of rationalism,” his explication of the Rav’s philosophy of halacha there is *not* based on *Halakhic Man*, but on an unpublished lecture of the Rav and, in particular, on three unpublished English responsa of his: “On the Depiction of Human Images on Stained Glass Windows in Inter-Faith Chapels,” written to Dr. Milton Konvitz on December 6, 1950; “On Directing Foundlings to Jewish Welfare Agencies,” written to Dr. David Petegorsky on December 30, 1950; and “On Drafting Rabbis and Rabbinical Students for the U.S. Armed Forces Chaplaincy,” written to Dr. Samuel Belkin on April 26, 1951.”¹³ These three responsa of the Rav, written over the course of a few months, together with two published responsa of Rav Kasher, one on the international date line and a second on the use of electric broilers, constitute the bulk of the evidence adduced by R. Rackman to demonstrate that “Orthodox Judaism Moves with the Times.” We will return later on to the significance that these responsa of the Rav had for R. Rackman in formulating his own philosophy of halacha.

The article “Orthodox Judaism Moves with the Times” appeared in *Commentary* in the June, 1952 issue, while the article “Can We Moderns Observe the Sabbath” appeared in the September, 1954 issue. But in light of the September 12, 1952 letter that the Rav wrote to R. Rackman, it becomes clear that R. Rackman had completed a draft of “Can We Moderns Observe the Sabbath” shortly after he published his first article and sent it to the Rav for comment. (It is not clear whether in the draft that he sent to the Rav R. Rackman explicitly refers to the latter’s philosophy of halacha.) As we saw, in the essay he presents three theories of Jewish law: the fundamentalist theory, the historical approach, and his own values-oriented teleological approach. In the letter the Rav refers to these three approaches found “in your paper,” adding that “these methods are not typical of jurisprudence alone but of all social sciences (*Geisteswissenschaften*).” He then proceeds to present his own halachic approach, which he terms the “eidetic-normative method” and which appears to be yet a fourth independent approach. This presentation is very rich and stimulating and deserves its own extensive analysis. In some ways the Rav’s presentation is a reprise of motifs present in *Halakhic Man*, to which essay he explicitly refers; in other ways it anticipates his analysis of the “Brisker” method found in the third section of his famous eulogy for his uncle, Rav Yitzhak Zev (Velvele) Soloveitchik, “Mah Dodekh mi-Dod,” first published in 1961,¹⁴ in yet other ways it stands on its own.

Here we can only cursorily compare the Rav's approach with the teleological approach of R. Rackman. Is Singer correct when he maintains that R. Rackman's identification of his approach with the legal philosophy of the Rav is "rather unconvincing"? What in the Rav's description of his "eidetic–normative method" might have led R. Rackman to identify it with his own values-oriented teleological approach? A comparison of the Rav's letter with R. Rackman's article will enable us to offer what I hope are nuanced answers to these questions.

In support of his claim that "the teleological approach is to be found at its best in the work of Dr. Joseph B. Soloveitchik," R. Rackman cites several excerpts from the letter sent to him. To be sure, as he notes, the Halacha, for the Rav, on the ideal level is "an *a priori* idea system...it postulates a world of its own, an ideal one which suits its particular needs." *On this ideal level*, the halachic approach is far removed from any teleological one, and, indeed, as the Rav states (in a passage not cited by R. Rackman) "is analogous to that of the mathematician." But R. Rackman's claim that the halachic approach of the Rav is a teleological one refers not to the Rav's view of this ideal first phase, but to his view regarding the second phase of halachic activity, "when the Halakhah begins to realize its ideal order within a concrete framework and tries to equate its pure constructs and formal abstractions with a multi-colored transient mass of sensations." With regard to this second phase, R. Rackman points out, the Rav asserts that "the halakhic *a priori* thinking was humanized, conditioned to man's mentality, and embedded in finitude and concreteness. Man's response to the great halachic challenge asserts itself not only in the blind acceptance of the Divine imperative, but also in assimilating a transcendental content disclosed to him through apocalyptic revelation and fashioning it to his particular needs." To be sure, R. Rackman notes, even with regard to this second stage, the Rav firmly maintains that "there is objectivity and stability in the Halakhah." Yet, as R. Rackman correctly notes, the Rav equally firmly maintains that this objectivity and stability "do not preclude diversity and heterogeneity as to methods and objectives. The same idea may be formulated differently by two scholars; the identical word accented differently by two scribes...Halakhah mirrors personalities; it reflects individuated *modi existentiae*."

One may wonder whether granted the Rav's emphasis in this second phase on the humanization of *a priori* thinking and its being "conditioned to man's mentality," on the "diversity and heterogeneity as to [halachic] methods and objectives," and, finally, on the deep truth that "Halakhah mirrors personalities [and] reflects individuated *modi existentiae*"—whether this all adds up to R. Rackman's own

values-oriented teleological approach. Singer apparently doubts it, and I do as well. Perhaps R. Rackman would have been better off in his attempt to support his assertion that “the teleological approach is to be found at its best in the work of [the Rav]” to have cited the immediately following paragraph of the letter. There the Rav writes:

Since the halakhic gesture is not to be abstracted from the person engaged in it, I cannot see how it is possible to divorce halakhic cognition from axiological premises or from an ethical motif... Since...halakhic thought is creative, original, flowing from the inner recesses and mysterious spring wells of the personality where logical-cognitive and ethico-axiological motives are interwoven, any attempt at separation would result in crippling human creativity. From my own experience I know that in any halakhic investigation I have always been guided by a dim intuitive feeling which pointed out to me the true path, and that this intuition has never been stripped of an ethical intention.

The Rav’s position *as espoused in this paragraph*—or so it seems to me—does not appear that far removed from R. Rackman’s teleological approach, though even here one may with some justice argue that it is one thing for a halachist in his logical-cognitive halachic investigation to be guided by a dim ethical intuition and quite another thing for a halachist to adopt the stance of the teleological jurist and explicitly ask the questions R. Rackman maintains he always ought to ask, namely, “What are the ends of the law that God or nature ordained, and how can we be guided by these ideals in developing the law?”

It would appear that the Rav himself realized that in the body of his letter he did not give a clear answer as to the relationship between his “eidetic-normative method” approach and R. Rackman’s own values-oriented teleological approach. He therefore appended a very important and revealing addendum.

P. S. As to the teleological method, I employ it in interpreting the Halakhah against its philosophico-metaphysical background. However I doubt whether such a method would be workable in the field of pure Halakhah. Like the scientist who studies an object on its merits without referring to any ends which lie beyond its area, the halakhic scholar must separate halakhic logical essences from halakhic metaphysics. Since abstract halakhic thinking must precede all philosophical interpretations, the eidetic-normative method is to be considered primary.

One wonders whether the Rav’s assertion in this P.S. that “the halakhic scholar must separate halakhic logical essences from halakhic metaphysics” and that “abstract halakhic thinking must precede all philosophical interpretations” comports with his view cited above that he “cannot see how it is possible to divorce halakhic

cognition from axiological premises or from an ethical motif,” and that “any attempt at separation [of logical-cognitive and ethico-axiological motives in halakhic thought] would result in crippling human creativity.” I believe that in order to answer this question properly, we would have to take a close look at the Rav’s analysis of the “Brisker” method found in “Mah Dodekh mi-Dod” (though one should be careful about harmonizing the letter with the discussion in that essay¹⁵). Obviously, this is not the place for such an undertaking. In any event, in light of the letter’s P.S., we may now isolate the similarities and differences between the Rav’s eidetic–normative method and R. Rackman’s values-oriented teleological approach more precisely. We may say that unlike the Rav who—or so he says—employs the teleological method only “when interpreting the Halakhah against its philosophico-metaphysical background,” R. Rackman makes use of this method “in the field of pure Halakhah” —or, to be more precise, in the field of halachic *pesak*.

What might have been R. Rackman’s justification for taking this step beyond the Rav? And how in his doing so, could he have seen himself as paradoxically following in the Rav’s footsteps? Let me suggest that if asked this question, R. Rackman might have replied that the three English responsa of the Rav which he discussed—indeed lauded—in his 1952 article were themselves the best exemplification of this teleological approach. Indeed, I believe that in point of fact these responsa served as a major source of inspiration for R. Rackman and played a critical role in the development of his legal approach. Thus, in his 1952 article R. Rackman notes that the Rav prefaced his responsum “On Drafting Rabbis and Rabbinical Students” with the admission “that he had not approached the sources with complete objectivity; that he had certain intuitive feelings and held basic values that prejudiced him in favor of the decision of Yeshiva University and guided him in his exploration of the various aspects and facets of the problem.” To cite the Rav himself:

I have undertaken the research into the halakhic phase of this question . . . with utmost care and seriousness. Yet I cannot lay claim to objectivity if the latter should signify the absence of axiological premises and a completely detached attitude. The halakhic inquiry, like any other theoretical cognitive performance, does not start out from the point of absolute zero as to sentimental attitudes and value judgments. There always exists in the mind of the researcher an ethico-axiological background against which the contours of the subject matter in question stand out more clearly . . . Hence . . . from the outset I was prejudiced in favor of the project of the Rabbinical Council of America, and I could not imagine any halakhic authority rendering a decision against it. My inquiry consisted only in

translating a vague intuitive feeling into fixed terms of halakhic discursive thinking.

With reference to the responsum “On the Depiction of Human Images...in Inter-Faith Chapels,” R. Rackman correctly notes that this “responsum revealed how historical method may be used in solving Halakhic problems.” To again cite the Rav, “The question arises why the [medieval] halakhic tradition revised the Talmudic law which permitted the display of human likenesses in the Synagogue [and forbade the practice].” After setting forth a philosophical perspective that might help explain this revision, the Rav goes on to say “However there is a more cogent reason which explains the deviation of practice from Talmudic theory, and this is to be sought in the historical circumstances which necessitated such a change,” and he appeals to the rise of the “Christological idea of God-man which is associated according to the Christian faith with the very act of worshipping” in order to account for “the unequivocal iconoclastic attitude of [medieval and modern] Judaism to the display of human images in houses of worship.”

Indeed, R. Rackman might have pointed to the beginning of the responsum where the Rav writes:

The subject matter must be analyzed under both a formal and a philosophico-historical halakhic aspect. Since the problem has arisen under unique social circumstances, halakhic formalism and syllogism will not suffice to solve it. Central historical realities with their deep-seated philosophical meaning must be taken into account.

Thus, in espousing his values-oriented teleological approach to the halacha, R. Rackman may have felt that he was only preaching what the Rav practiced!

That this suggestion is more than pure speculation emerges from an article, “Secular Jurisprudence and Halakhah,” that R. Rackman wrote in 1987.¹⁶ There, over the course of three pages, he repeats verbatim his entire analysis of the Rav’s three responsa found in his 1952 *Commentary* article, but at the end he adds the following sentence. “One can see that Soloveitchik...reckons with history and sociology in the case of anthropomorphic symbols in a chapel and with teleology in his [responsum “On Directing Foundlings to Jewish Welfare Agencies”].¹⁷ Here it is clear that R. Rackman is, by implication, linking his own approach to halacha with that of the Rav as displayed in these three responsa. True, this article was written more than thirty years after the two *Commentary* articles, but, nevertheless, it serves as textual substantiation of my suggestion that these three responsa, in large measure, inspired R. Rackman’s own teleological approach to the halacha.

Of course, one may argue that the methodology employed in these responsa cannot, in fact, be identified with R. Rackman's teleological approach. And even if one grants that these responsa do employ the teleological approach or something approaching it, one may further argue that perhaps the Rav felt that utilizing such a values-oriented approach is appropriate only for responsa dealing with the type of issues these responsa dealt with, namely, issues involving the relationship of the Jewish community with the broader general community. However, in dealing with internal issues involving matters of ritual (i.e., Sabbath laws) or matters of personal status (i.e., laws of marriage and divorce), a more formalistic approach is required.¹⁸ Then, again, one may suggest that the Rav's rulings resort to teleological considerations on an ad hoc basis,¹⁹ while, by contrast, R. Rackman's teleological jurist is ideally intended to make use of those considerations in a more systematic way in order to further the ongoing development of halacha. Obviously, to even begin to address these issues properly would require a close examination of these three responsa as well as the broader corpus of the Rav's writings on the philosophy of halacha. It need not be said that this article is not the place for such an examination.

In any event, the letter of September 12, 1952 illustrates the close cooperation between R. Rackman and the Rav at that time, as well as adumbrating, particularly in the letter's P.S., the emerging differences between their halachic approaches. In this latter respect, we may say that the letter contains the seeds of the future tension between them. Yet, though the Rav, in the P.S., differentiated between his halachic approach and that of R. Rackman, as set forth in the draft of his 1954 article, and expressed doubt as to whether R. Rackman's teleological method "would be workable in the field of pure Halakhah," he did so in a measured, dispassionate, nonconfrontational, and nonpolemical manner. And this was the case even though R. Rackman in that article raised the possibility of revising some of the Sabbath laws on the basis of his teleological approach.²⁰ How very distant is the tone of this letter from the very harsh, passionate, and polemical tone in which the Rav in his 1975 address attacked R. Rackman's proposal with regard to rabbinic annulments of marriage and the unacceptable philosophy of halacha that he, the Rav, saw as both implied by and undergirding the proposal. How are we to understand this shift in tone and, more important, the shift from the close cooperation between the Rav and R. Rackman in the 1950s to the Rav's very public and biting criticism of the latter in the 1970s?

I have no definitive answers to offer. In particular, I have no new information to bring to bear regarding the background of the Rav's 1975 address. Furthermore, we lack information regarding the

evolving relationship between the Rav and R. Rackman in the intervening twenty or so years. But some tentative remarks may be in place. Thus, one wonders whether the Rav reacted negatively to R. Rackman's claim in the published version of his 1954 article that "the teleological approach is to be found at its best in the work of Dr. Joseph B. Soloveitchik," this despite the fact that in his letter to R. Rackman from which the latter liberally cited, the Rav had attempted, to be sure in a preliminary form, to differentiate his own eidetic–normative method from R. Rackman's teleological approach.

More significant, I believe that if we are to understand the shift in the relationship between R. Rackman and the Rav from cooperation to conflict we must take into account certain changing ideological and social realities. First, we have to examine the evolving ideologies of halacha of the two. This is not the place for a full discussion, but I would suggest that the philosophies of halacha of R. Rackman and the Rav diverged more and more over the years, as that of the Rav became more conservative, while that of R. Rackman became more radical. With reference to the growing conservatism of the Rav's philosophy of halacha, I wish to very briefly make the following points. First, at least on the basis of current information, the three English responsa the Rav wrote over the course of six months in 1950–51, which even if they do not utilize R. Rackman's teleological approach do make use of "axiological premises" and "philosophico-historical" considerations, appear to be unique. Second, in the third section of "Mah Dodekh mi-Dod," to which I referred previously, we find a particularly strong emphasis on halacha as a formal, abstract, self-contained system. While in his 1952 letter to R. Rackman, the Rav speaks of the impossibility of divorcing "halakhic cognition from axiological premises or from an ethical motif" and of the need to interweave "logical-cognitive and ethico-axiological motives," in "Mah Dodekh mi-Dod" ethico-axiological motives, though not absent entirely, play a more peripheral role, even with regard to practical *pesak*. Third, the growing emphasis in the Rav's philosophy of Judaism as a whole on the religious value and importance of sacrifice, as found, for example, in "Catharsis," "Majesty and Humility," and "A Halakhic Approach to Suffering,"²¹ means that some of the edge—by no means all, not even most—is taken off the inability of halachists in certain circumstances to find solutions for burning halachic problems. As for the growing radicalization of R. Rackman's philosophy of halacha, I will return to this issue later on.

Second, and of equal importance, are, to return to Singer's article, the radical transformations of Orthodox life that took place during R. Rackman's lifetime and the changing contexts and environments in which he operated.

The situation of American Orthodoxy in the early and mid-1950s was, to say the least, not the same as in the mid-1970s. We need to recall the weak and tenuous condition of Orthodoxy during this period, institutionally and, even more so, intellectually. Institutionally, Conservative Judaism was trouncing Orthodoxy in the battle for the control of synagogues in suburbia. It was still a time when many graduates of Yeshiva College and the undergraduate division of Yeshiva University's rabbinical school did not continue their rabbinical studies there, but went on to the Jewish Theological Seminary to obtain their ordination. Intellectually, Orthodoxy was seen by many as obsolescent and irrelevant. *Tradition* did not begin publishing until 1958. The American Jewish theological scene was dominated by Professors Abraham J. Heschel and Will Herberg, and while both possessed a traditional orientation, they were identified with Conservative Judaism and not Orthodoxy. There was a bare handful of Orthodox rabbis who could present Orthodoxy and, in particular, the Orthodox conception of Halacha in intellectually creditable and rigorous terms. Of course, there was the Rav, but, as R. Rackman noted at the time, the Rav, while very prolific, for whatever reason chose not to publish. I think it is fair to say that in the circle of rabbis in the orbit of Yeshiva University who were disciples of the Rav, only R. Rackman possessed the intellectual stature and weight to make a strong and sophisticated case for Orthodoxy²²—and the Rav knew this! Thus, it is not just that R. Rackman, as Singer states, “first put Soloveitchik on the map of Jewish life by bringing him to the attention of the *Commentary* readership in 1952,” but he did so in consultation with the Rav and with his cooperation and, I dare say, encouragement. To state the matter more sharply, the Rav used R. Rackman as his *intellectual lieutenant* for spreading his ideas about Halacha to a general readership—or, better, R. Rackman, with the Rav's approval, assumed that role for himself.

As we saw, R. Rackman corresponded and consulted with the Rav regarding his 1954 *Commentary* article. Although there is no documentary evidence available,²³ it is inconceivable that he did not similarly consult with the Rav regarding his earlier 1952 article. After all, it was that article which, as R. Rackman correctly claimed, “first put [the Rav] on the map of Jewish life.” Moreover, in that article R. Rackman quotes both from an unpublished lecture of the Rav and from his similarly unpublished responsa, material that the Rav made available only to “the privileged few.” Certainly R. Rackman would not have quoted that material without the Rav's permission and without discussing with him the use to which he sought to put it. To state the matter somewhat differently: There is documentary evidence that R. Rackman consulted with the Rav regarding his 1954

Commentary article; it follows a *fortiori*—*kal ve-homer ben beno shel kal ve-homer*—that he consulted with him regarding his 1952 article.

We are entering here into the realm of speculation, but my sense is that the Rav would have been pleased with R. Rackman's 1952 article, a very sophisticated and eloquent defense of Orthodoxy, the bulk of which is devoted to discussing and analyzing in laudatory terms the Rav's three unpublished responsa. As I suggested earlier, I do not believe the Rav would have been that pleased—not to put too fine a point on it—with R. Rackman's 1954 article and its claim that "the teleological approach is to be found at its best in the work of Dr. Joseph B. Soloveitchik." Be that as it may, R. Rackman's position in Yeshiva University circles in the late 1950s and very early 1960s as the main intellectual spokesman of a beleaguered modern Orthodox community was secure and unchallenged. As both Singer in his article and R. Michael Broyde in a moving tribute to R. Rackman written soon after his passing²⁴ have noted, "when *Tradition* began publication in 1958 as the voice of modern Orthodoxy, it was Rackman who penned the opening article in the inaugural issue" (Singer), "reflecting his place as the intellectual leader of the community" (Broyde). Even more indicative of that place, each of the first three volumes of *Tradition* included a major essay by R. Rackman.²⁵ Of particular importance is the very rich, stimulating, and meaty essay in the third volume, "The Dialectic of Halakhah."

These essays, in the words of R. Broyde in another article, were written "by an intellectual lion of Modern Orthodoxy at the height of his prowess."²⁶ And yet, precisely at that very time both social and intellectual developments were underway that would gradually undermine R. Rackman's commanding stature within the modern Orthodox community and indeed lead to his religious and intellectual marginalization. Certainly, they undermined R. Rackman's role as the Rav's intellectual lieutenant.

In his recent critical appreciation of R. Rackman,²⁷ R. Lamm, the founding editor of *Tradition*, notes that when the magazine began there was "no guarantee that this journalistic endeavor had any chance of survival." But in retrospect, as R. Broyde notes in his tribute, *Tradition's* founding "marked the beginnings of the intellectual revival of Orthodoxy in America." This intellectual revival heralded in its wake Orthodoxy's institutional revival over the course of the 1960s, as Orthodoxy successfully repelled Conservative Judaism's attack in the suburbs and new communities, as the flow of students from YU to JTS gradually dwindled and then almost ceased entirely, and the like.

All this is well known. What I wish to emphasize here, in consonance with my focus on R. Rackman's relationship with the Rav, is that this intellectual revival coincided with the emergence from within the

circle of rabbis in the orbit of Yeshiva University of a new group of exceptionally learned, scholarly, sophisticated, and articulate modern Orthodox intellectuals, all of whom had actually studied with the Rav and received *semikhah* from him. In this respect they, unlike R. Rackman, were disciples of the Rav in the strict sense of the word. I have in mind Rabbis Walter Wurzburger (1920–2005), Norman Lamm (1927–present), and Aharon Lichtenstein (1933–present). All three had close personal relations with the Rav, which does not seem to be the case with R. Rackman. R. Lamm was the only individual ever to have had the Rav for his doctoral supervisor; R. Lichtenstein was the Rav's son-in-law; as for R. Wurzburger, it would appear that he had already established close relations with the Rav when he, R. Wurzburger, was still a doctoral student at Harvard and serving as a rabbi in Dorchester. The careers and accomplishments of these three outstanding individuals are well known, and there is no need for me to recount them here. What is important in this context is that these three (later to be followed by others) not only formed a cadre of spokesmen for an intellectually rigorous form of Modern Orthodoxy, but saw themselves and were perceived by others as spokesmen for the Rav himself. This holds particularly true for R. Wurzburger, who, I would argue, took over R. Rackman's role as the Rav's intellectual lieutenant.²⁸ As Alan Brill has recently noted, R. Wurzburger to this day is "revered...as a public voice of his teacher, R. Joseph Bear Soloveitchik."²⁹ I remember R. Wurzburger telling me that when he wrote his very important essay "The Oral Law and the Conservative Dilemma,"³⁰ a critical analysis of Boaz Cohen's *Law and Tradition in Judaism* in which R. Wurzburger carefully differentiated between the Orthodox view of the Oral Law and the Conservative view, he painstakingly reviewed his essay together with the Rav, taking particular care with regard to formulations about the nature of halachic development. More generally, R. Wurzburger stated that he wrote many of his articles in which he tried to define Orthodoxy over and against Conservative Judaism under the "impact and inspiration" of the Rav.³¹

These three, Rabbis Wurzburger, Lamm, and Lichtenstein, were perhaps more suited to fill the role of spokesman for the Rav than R. Rackman himself. First, since all three were considerably younger than the Rav and, as I already noted, had studied with and received *semikhah* from him, they tended to defer to him more so than did R. Rackman.³² More important, they were all of a more moderate theological and halachic temper than R. Rackman. R. Lichtenstein, a rabbinic scholar of the very first rank and noted for his exceptionally wide knowledge of humanistic learning, was withal of a generally conservative theological temperament. R. Lamm, a fine Talmudic scholar

and possessed of broad secular learning, both humanistic and scientific, was known for his very thoughtful, judicious, and balanced analyses of a wide range of current religious issues. The most theologically venturesome of the three was R. Wurzburger—perhaps to be expected in light of his advanced philosophical training. But, unlike R. Rackman, R. Wurzburger steered clear of the nitty-gritty of halachic discourse, and his philosophy of halacha, with its emphasis on creativity and application as the principles of inner halachic development, was certainly more in accord with that of the Rav than was R. Rackman's, with its emphasis on teleology.³³ And all three did not advocate for significant halachic change, as did R. Rackman.

At the very time that these three students of the Rav gradually took over the role originally filled by R. Rackman, R. Rackman's own philosophy of halacha was beginning to arouse controversy and criticism within the Orthodox community. True, his 1954 article in *Commentary* had already set forth the basic outlines of that philosophy, but how many Orthodox rabbis in the 1950s, whether modern Orthodox or Haredi, read *Commentary*! The situation changed when in 1961 R. Rackman's monograph *Sabbath and Festivals in the Modern Age* was published in the Yeshiva University Series, *Studies in Torah Judaism*. The first chapter of that monograph was the 1954 *Commentary* article, and this time—to say the least—it did not pass unnoticed. In a 1964 article in the *Jewish Observer*, the leading English language publication of Haredi Orthodoxy in the United States, Rabbi Joseph Elias charged R. Rackman “with deliberate manipulation of halakhah through either introduction of philosophic criteria or ingenious interpretation and skillful selection of authorities.”³⁴ Even more significant, R. Rackman's philosophy of halacha was subjected to a—to be sure—measured and respectful, but nonetheless strong critique in the pages of *Tradition* itself by Rabbi Mendel Lewittes, a well-known, very learned, and greatly respected spokesman for Modern Orthodoxy.³⁵ And perhaps even more significant and revealing was the anonymous editorial introduction to R. Lewittes' critique,³⁶ where R. Rackman's philosophy of halacha was described thus: “Some daring scholars have . . . suggested bold revisions in the law to be based on what they assume to be the *rationale* of the Halakhah. This controversial position [has been] recently advocated by Rabbi Emanuel Rackman, a leading spokesman for this school of thought.”³⁷ This comment, I would suggest, indicates, even more so than does R. Lewittes' critique, just how radical R. Rackman's approach was perceived as being even by his admirers within the modern Orthodox intellectual elite, this despite the fact that, at least as far as I can see, it is very hard to discern any suggestions for “bold revisions in the [Sabbath] law” in R. Rackman's monograph.³⁸ Apart from the vagaries of publication dates, it is also

possible that this growing controversy over and criticism of R. Rackman's views was part of the new-found self-confidence on the part of American Orthodoxy, both modern and Haredi. Be that as it may, while modern Orthodox rabbis and scholars continued to view and appreciate R. Rackman as "an intellectual lion of Modern Orthodoxy," at the same time those very same rabbis and scholars began to perceive him more and more as a modern Orthodox rabbinic "maverick."

R. Rackman was not deterred by this criticism, and in 1964, in a very important extended review-essay, "Halakhic Progress: Rabbi Moshe Feinstein's *Igrot Moshe* on *Even Ha-Ezer*,"³⁹ published in *Judaism*, he first set forth, albeit in tentative form, his suggestion for a more lenient approach to rabbinic annulment of marriage based on an extended notion of *kiddushei ta'ut* (error in the creation of marriage). I should note that in making this suggestion R. Rackman did not see himself as following in the footsteps of the Rav or Rav Kasher, but rather in those of Rav Feinstein and Rav Yehiel Yaakov Weinberg.⁴⁰ The appearance of this essay, with its practical application on the part of R. Rackman of his teleological approach to the sensitive area of family law, constitutes, I would claim, a key turning point in his halachic radicalization.

It is striking that R. Rackman published this essay in *Judaism*, and not in *Tradition*, which one might have thought would be its natural venue. Was it not welcomed there? Or did he sense that it would be not welcomed there? Only further research can provide us with an answer to these questions. What is undeniable is that while, as noted above, each of the first three volumes of *Tradition* included a major essay by R. Rackman, throughout the rest of the 1960s and all of the 1970s, with the exception of a review essay in Volume 6,⁴¹ he did not publish anything else in *Tradition* until 1981, when a very brief review appeared.⁴² Though he served as Associate Editor of *Tradition* for all this time, nevertheless, for whatever reason, he seemed to feel more at home in *Judaism*, and most of his major essays from that period appeared there.⁴³

We are thus confronted with an instructive paradox. From an institutional standpoint, R. Rackman during the late 1960s and early 1970s was—at least on the surface⁴⁴—going from strength to strength. In 1967, he assumed the pulpit of the prestigious Fifth Avenue Synagogue. In 1970, after having served as Assistant to the President of Yeshiva University since 1962, he was appointed to the post of Provost. Less than a year later, he left that post to become head of Jewish Studies at City University of New York, while continuing to serve as rabbi of the Fifth Avenue Synagogue. As Singer notes, "Rackman's string of appointments between 1967 and 1971 spoke to

his growing standing as a public figure within Orthodoxy.”⁴⁵ Yet whatever his “growing standing as a public figure within Orthodoxy” might have been from an institutional standpoint,⁴⁶ *from a religious and intellectual standpoint*, from the perspective of the then current modern Orthodox ideological consensus, he was seen more and more as a to-be-sure learned and eloquent but nevertheless marginal figure, as a modern Orthodox “radical,” a controversial figure whose views while always stimulating and provocative were—*from the perspective of that consensus*—rather questionable.

By 1975, the modern Orthodox community was very different from what it had been in the 1950s. The days when R. Rackman had been *primus inter pares*, first among equals, in the circle of rabbis in the orbit of Yeshiva University who were disciples of the Rav, and recognized by that circle as its most eloquent and intellectually rigorous spokesman for and defender of an Orthodoxy under siege from Conservative Judaism were long gone. The siege had long been lifted, and R. Rackman’s role as the Rav’s intellectual lieutenant had been taken over by a group of younger, highly talented and accomplished modern Orthodox rabbinic intellectuals more deferential to the Rav’s teachings and of a more moderate theological and halachic temper than he. It had been eleven years since he had published an article in *Tradition*. Modern Orthodoxy was turning inward. The Rav’s own halachic position appeared to have hardened over the years, while that of R. Rackman had become more radical. Then, at the convention of the Rabbinical Council of America that year, R. Rackman proposed to the gathered rabbis that rabbinic annulments of marriage be reinstated on a more regular basis as a way of solving the agunah problem, a proposal that, in the view of the Rav, reflected the influence of the historical approach to the Halacha which R. Rackman himself had so trenchantly criticized in his 1954 *Commentary* article.⁴⁷ The response of the Rav was not long in coming.

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NOTES

I would like to thank Esther Berezin and Joseph Kaplan for their very helpful suggestions and David Singer for his support and encouragement.

1. *Modern Judaism*, Vol. 28, No. 2 (2008), pp. 134–48.

2. Two very important and insightful tributes to R. Rackman upon his passing, both primarily appreciative in nature, but neither devoid of critical observations, are Rabbi Michael Broyde, “On the Death of

a Giant: Thoughts on the Passing of Rabbi Emanuel Rackman, *zecher tzaddik leeveracha*,” *The Hirhurim Blog*, December 10, 2008, and Rabbi Norman Lamm, “Rabbi Emanuel Rackman, Z’L: A Critical Appreciation,” *Tradition*, Vol. 42, No. 1 (2009), pp. 7–13. These essays, however, as their distinguished authors would be the first to admit are, of course, no substitute for a serious scholarly examination of R. Rackman’s career and writings.

3. I grew up in Far Rockaway, NY, where Rabbi Rackman served as Rabbi of Congregation Shaaray Tefila for 21 years, from 1946 to 1967. Even though my own family belonged to Congregation Keneseth Israel, the “White Shul,” whose spiritual leader was Rabbi Ralph Pelcowitz, I was greatly influenced by Rabbi Rackman in his capacity of rabbinic advisor of both the high school and college age Mizrachi ha-Tzair, whose Friday night meetings, *always* led by Rabbi Rackman, I regularly attended for a period of eight years. I will therefore refer to him in this article as all those individuals from Far Rockaway whom he served and inspired as spiritual leader or, as in my case, spiritual mentor, as Rabbi Rackman. I was a student of Rabbi Soloveitchik when I was studying for *semikhah* at RIETS, and later on regularly attended his Sunday morning Talmud classes at Maimonides School in Brookline, Massachusetts, when I was a graduate student. I will therefore refer to him in this article as I and all his students customarily do, namely, as the Rav.

4. In 1977, R. Rackman lost the contest for the presidency of Yeshiva to R. Lamm. A study of this contest is an important scholarly desideratum.

5. R. Lamm, in his recent essay “Rabbi Emanuel Rackman,” p. 10 (above n. 2) refers to the Rav as having “publicly berated” R. Rackman.

6. At times I almost get the impression that for certain individuals this speech is the only essay of his they have ever read! Certainly, almost invariably, whenever people quote the Rav in order to show how conservative (neo-Haredi?) his philosophy of halacha is, it is that article that they cite.

7. He first studied with Rav Shlomo Polachek, the “Maichater *Illui*,” and was later ordained by the Rav’s father, Rav Moshe Soloveitchik.

8. *Commentary*, Vol. 13, No. 6 (June, 1952), pp. 545–50.

9. “Can We Moderns Observe the Sabbath: Neither Fundamentalism nor Evasion Offers an Answer,” *Commentary*, Vol. 18, No. 3 (September, 1954), pp. 211–20.

10. This letter was published in Joseph Soloveitchik, *Community, Covenant and Commitment: Selected Letters and Communications*, (ed.) Nathaniel Helfgot (Newark, 2005), pp. 273–78. Evidently, only the body of the letter was preserved in the Rav’s files, and no addressee is mentioned. The editor therefore prefaces the letter with the heading, “From the Rav to an unknown correspondent.” But, as I will show immediately below, there can be absolutely no doubt that R. Rackman’s was the letter’s addressee, inasmuch as (i) in the letter the Rav clearly refers to a draft of the 1954 essay “Can We Moderns Observe the Sabbath” that R. Rackman sent to him; and (ii) in the published version of the essay R. Rackman cites excerpts from the letter.

11. See Chaim Menachem Lewittes, "Rabbi Rackman's approach to Halakha" [in Hebrew], *Studies in Halakha and Jewish Thought: Presented to Rabbi Professor Emanuel Rackman*, edited by Moshe Beer (Ramat Gan, 1994), p. 67. As I will indicate later, R. Lewittes had not read the original 1954 *Commentary* article, but only the reprint of it in R. Rackman's 1961 monograph, *Sabbath and Festivals in the Modern Age*. See below, n. 35.

12. *Halakhic Man*, translated from the Hebrew by Lawrence Kaplan (Philadelphia, 1983), pp. 140-43(!).

13. These three responsa are now available in *Community, Covenant and Commitment* (above n. 10), pp. 3-60. The titles I have given these responsa are those of the volume's editor, R. Helfgot.

14. "Mah Dodekh mi-Dod," *Divrei Hagut ve-ha-'Arakhah* (Jerusalem, 1981), pp. 70-85 ("Shittat Rav Hayyim, Ish Brisk").

15. See later on in the essay, where I note that in "Mah Dodekh mi-Dod" the Rav places particularly strong emphasis on halacha as a formal, abstract, self-contained system, much more so than in the letter.

16. *Jewish Law Annual*, Vol. 8 (1987), pp. 47-63.

17. I would argue that to the extent the Rav "reckons with... teleology" in these three responsa, such a reckoning occurs more so in the responsa on "anthropomorphic symbols in a chapel," and "On Drafting Rabbis and Rabbinical Students," than in the responsum "On Directing Foundlings to Jewish Welfare Agencies;" but obviously this is not the place to make such an argument.

18. It is of interest that in the letter the Rav writes "I leave it to you [i.e., R. Rackman] to compare my way of thinking, which I would call the eidetic-normative method, with conventional fundamentalism, which prima facie bears a close relationship to it. Evidently, only "prima facie."

19. A recent article which sheds much light on the use of teleological considerations in *pesak* is Zvi Zohar, "A Study of Concrete Examples of Teleological *Pesak* and their Implications," [in Hebrew], in *Iyyunim Hadashim be-Filosofiyah shel Halakhah*, (eds). Aviezer Ravitzky and Avinoam Rosenak (Jerusalem, 2008), pp. 387-414.

20. It should be noted, however, that R. Rackman toward the conclusion of his article (p. 220) states that "our primary problem is not how to modify the [Sabbath] prohibitions, but rather how to follow the path suggested by the prohibitions and give positive content to the day's observance. Only then can we think of modifying the prescriptions... The aim must be, not to evade the Sabbath, but to fulfill it. That aim must demand some relaxation of prohibitions; but it may also demand the establishment of new prohibitions."

21. Both "Majesty and Humility," pp. 25-37; and "Catharsis," pp. 38-54, were first published in *Tradition*, Vol. 17, No. 2 (Spring, 1978). But they are based on lectures delivered in 1962 ("Catharsis") and 1973 ("Majesty and Humility"). "A Halakhic Approach to Suffering," was first published in the *Torah U-Madda Journal*, Vol. 8 (1998-99), pp. 3-24, but it is based on a manuscript that the Rav wrote for

presentation as a lecture in 1961. It is striking that in R. Aharon Lichtenstein's study of the Rav, "R. Joseph Soloveitchik," in *Great Jewish Thinkers of the Twentieth Century*, (ed.) Simon Noveck (B'nai B'rith, 1963), pp. 281–97, written circa 1961–62, the word "sacrifice" does not appear. Contrast that with my essay, "The Religious Philosophy of Rabbi Joseph Soloveitchik," *Tradition*, Vol. 14, No. 2 (1973), pp. 43–64. There, basing myself on unpublished addresses of the Rav—"Majesty and Humility" and "Catharsis," not to mention "A Halakhic Approach to Suffering," had, of course, not yet appeared—I took note of "Rabbi Soloveitchik's present approach" with its emphasis on "sacrificial acts whereby the individual humbly and unreservedly submits to the will of God" (p. 58). It would thus seem that the Rav's emphasis on sacrifice dates from the very early 1960s, and that R. Lichtenstein, writing circa 1961–62, had not had the time to incorporate it into his discussion of the Rav's thought. By contrast, I had plenty of time.

22. Of course, there were other rabbinic scholars at that time of considerable intellectual stature and weight and able to make a strong and sophisticated case for Orthodoxy, most notably Rabbis Isidore Epstein and Eliezer Berkovits. But they did not belong to the circle of rabbis in the orbit of Yeshiva University who were disciples of the Rav, and it is of that circle that I am speaking.

23. I have been in contact with a member of the Rackman family who informed me that the family has unfortunately not as yet been able to locate the bulk of R. Rackman's correspondence and papers. One greatly hopes that these papers have been only temporarily misplaced. Their permanent loss would be a severe blow not only to the possibility of any serious scholarly reconstruction of R. Rackman's life and career, but to the possibility of any serious scholarly examination of American Orthodoxy throughout much of the twentieth century.

24. See above n. 2; and see, as well, Brojde, "An Unsuccessful Defense of the *Beit Din* of R. Emanuel Rackman: *The Tears of the Oppressed* by Aviad ha-Cohen," *Edah*, Vol. 4, No. 2 (Kislev, 5765), p. 27, note 57.

25. "Arrogance or Humility in Prayer," *Tradition*, Vol. 1, No. 1 (1958), pp. 13–26; "Health and Holiness," *Tradition*, Vol. 2, No. 1 (1959), pp. 67–81; and "The Dialectic of Halakhah" *Tradition*, Vol. 3, No. 2 (1961), pp. 131–50.

26. "An Unsuccessful Defense of the *Beit Din* of R. Emanuel Rackman," p. 18.

27. See above n. 2.

28. Ironically enough, he later took over R. Rackman's position as Rabbi of Congregation Shaaray Tefila, when R. Rackman accepted the post of Rabbi of the Fifth Avenue Synagogue.

29. "A Tiny but Articulate Minority," Vol. 41, No. 2 (2008), p. 1. This essay, a very rich and full intellectual profile of R. Wurzbarger based on an examination of a wide range of his writings, is one of a series of studies by Brill of leading contemporary modern Orthodox thinkers. His review

essay “An Ideal Rosh Yeshiva: *By His Light: Character and Values in the Service of God and Leaves of Faith* by Rav Aharon Lichtenstein,” *Edah Journal*, Vol. 5, No. 1 (2005), is a similarly very rich and a full intellectual profile of R. Lichtenstein. I hope that Brill will undertake similar profiles of R. Lamm and, of course, R. Rackman himself.

30. *Tradition* Vol. 3, No. 1 (1960), pp. 82–90.

31. See Brill, “A Tiny but Articulate Minority,” p. 6. Note that already in his article “R. Hayyim of Volozhin,” published in 1958 in *Guardians of Our Heritage*, (ed.) R. Leo Jung (New York), p. 203, R. Wurzburger cites an oral communication from his “revered teacher,” the Rav, regarding the different views regarding *Tsimtsum* of R. Shneyur Zalman of Liady and R. Hayyim of Volozhin and their implications for natural religion.

32. Thus, contrary to Singer’s suggestion, while R. Rackman certainly “regarded [the Rav] as the preeminent leader of modern Orthodoxy,” at least in his articles he never, to my knowledge, spoke of him as being his teacher, and never “referred to [him] as ‘rebbe’” or “the Rav,” but only as “Rabbi Soloveitchik,” “Dr. Soloveitchik,” or just plain “Soloveitchik.” Contrast this with R. Wurzburger’s referring to the Rav as “my revered teacher” (above, previous note).

33. It is striking, however, that the Rav apparently did not make available to R. Wurzburger, as he did to R. Rackman, his three unpublished responsa first discussed by R. Rackman in his 1952 *Commentary* article. Thus R. Wurzburger in his essay “Rav Joseph Soloveitchik as *Posek* of Post-Modern Orthodoxy,” *Tradition*, Vol. 29, No. 1 (1994), pp. 5–20, does not refer at all to the two responsa “On the Depiction of Human Images...in Inter-Faith Chapels,” and “On Directing Foundlings to Jewish Welfare Agencies,” while his brief discussion on p. 16 of the responsum “On Drafting Rabbis and Rabbinical Students” is based on a secondary source, namely, Emanuel Rackman, “Secular Jurisprudence and Halakhah” (above, n. 16), p. 57! It is strange that R. Wurzburger refers only to that responsum and not the other two, since, as I noted earlier, in his 1987 article R. Rackman recycles his 1952 analysis of all three responsa. It is also worth noting that in that article (pp. 52–53) R. Rackman criticizes an earlier essay of R. Wurzburger, “Plural Modes and the Authority of the Halakhah,” *Judaism*, Vol. 20, No. 4 (1971), p. 391, for not allowing sufficient room for the exercise of autonomous halachic judgment. For an important analysis of R. Rackman’s own position on this issue, as presented in the article, and the rabbinic sources supporting it, see Yaakov Blidstein, ‘Afilu Omer lekha ‘al Yemin she-hu Semol,” *Studies in Halakha and Jewish Thought* (above, n. 11), pp. 221–41. While Blidstein does not fully agree with R. Rackman’s views on this matter, he writes “These words of R. Rackman are at once nuanced and forcefully articulated, and they reflect loyalty to and the acceptance of the authority of the halakhah on the one hand, and independence and daring on the other—qualities which have characterized Rabbi Prof. Emanuel Rackman’s approach over the

course of his entire career.” This judgment, coming from someone of Blidstein’s universally acknowledged learning and insight, must carry great weight.

34. Cited in Singer, “Emanuel Rackman,” p. 39. R. Elias’ reference to R. Rackman’s “ingenious interpretation and skillful selection of authorities,” even if for the purpose of the “deliberate manipulation of halakhah,” would appear to constitute a grudging concession on his part of R. Rackman’s undeniable rabbinic learning. I should mention here that I respectfully disagree with the views of my teacher, the late and much lamented Charles Liebman, who is of the opinion that the hostility on the part of the “Yeshiva world” to R. Rackman was primarily motivated by certain sociological and institutional considerations. See Liebman, “Emanuel Rackman and Modern Orthodoxy: Some Personal Recollections,” *Studies in Halakha and Jewish Thought* (above, n. 11), pp. 27*–30*. Without denying that some of the motivation for the hostility was sociological and institutional in nature, I am willing to take the “Yeshiva world” at its word and see the motivation for the hostility as being primarily intellectual in character.

35. Mendel Lewittes, “The Sabbath of Halakhah and Twentieth Century Civilization,” with a response by Emanuel Rackman, *Tradition*, Vol. 4, No. 2 (1962), pp. 299–310. Writing in 1994, R. Lewittes states that “the first public appearance in writing of Rackman’s views on halakhah was more than 30 years ago in of the monographs published in the Yeshiva University Series, *Studies in Torah Judaism*, under the title, *Sabbath and Festivals in the Modern Age*. See “Rabbi Rackman’s approach to Halakha” (above, n. 11), pp. 65–66. R. Lewittes appears to be unaware that the first chapter in that monograph in which those views are set forth is just a reprint of the 1954 Commentary article.

36. It should be noted that R. Wurzbarger was the Editor of *Tradition* at this time, having succeeded R. Lamm a short while earlier.

37. It is not entirely clear who were the other “daring scholars” who were members of “this school of thought.” But see the next note.

38. See above, n. 20. One wonders whether the editorial introduction conflated R. Rackman’s position with the truly “daring” and “controversial” suggestions that Yeshayahu Leibowitz made at the time for “bold revisions in the [Sabbath] law.” Or could it be that it was the teleological approach itself and the very possibility it raised for serving as a basis for revisions in the law, whether bold or not, that were seen as being “daring” and “controversial.” In any event, the contrast between the strong reaction of *Tradition* and its editors in 1962 to R. Rackman’s teleological approach and the rather mildly critical response of the Rav in 1952 is striking. Assuming this editorial introduction was written by R. Wurzbarger, editor of *Tradition* at the time (see above, n. 36), and further assuming that it reflected, as did so many of his articles written at about this time the influence of the Rav, the contrast referred to above might indicate a shift in the philosophy of Halacha of the Rav which resulted in his becoming more critical of R. Rackman’s philosophy of

Halacha than he was previously, this independent of any radicalization in the philosophy of Halakha of the latter. I grant, of course, that all this is extremely speculative.

39. *Judaism*, Vol. 13 (Summer, 1964), pp. 365–73.

40. It is ironic that both R. Rackman's two earlier halachic heroes, the Rav and Rav Kasher, sharply criticized any attempted broadening of rabbinic annulment of marriage, the Rav in his 1975 address and Rav Kasher in his essay "Be-'Inyan Tenai be-Kiddushin," in *Noam*, Vol. 11 (1969), pp. 338–53, responding to a proposal of R. Eliezer Berkovits in his halachic monograph, *Tenai be-Nissuin ve-Get* (Jerusalem, 1966). In general, the careers of Rabbis Berkovits and Rackman follow similar intellectual trajectories, both in respect to their growing radicalization as they grew older and in respect to their growing marginalization on the part of the American modern Orthodox community. But this is not the place for an extended comparison.

41. "Future of Jewish Law: A Review Essay of Moshe Silberg's *Principia Talmudica* (This is the Way of the Talmud)," *Tradition*, Vol. 6, No. 2 (1964), pp. 121–31. It should be noted that this review-essay contains only the slightest of hints of R. Rackman's "daring" and "controversial" views as set forth in his 1954 *Commentary* article and his 1964 review-essay, "Halakhic Progress."

42. Review of Zev Falk, *Erekhei Mishpat ve-Yahadut*, *Tradition*, Vol. 19, No. 2 (1981), pp. 86–88.

43. A check of the *Tradition* archives through 2008 indicates that Rabbis Lamm and Wurzbarger each published a total of fourteen articles in the journal, R. Lichtenstein a total of eleven, R. Rackman a total of five. A perusal of these archives further indicates that the three most consistent and prolific contributors over the years to *Tradition* in the area of Jewish thought were R. David S. Shapiro, o.b.m., and *yibadel bein hayyim le-hayyim*, R. Shubert Spero and Prof. Michael Wyschogrod. All three are very important religious thinkers, and each deserves serious study in his own right, but again none belonged to the circle of rabbis in the orbit of Yeshiva University who were disciples of the Rav.

44. I have added this qualification "at least on the surface" for reasons indicated in n. 46.

45. Singer, "Emanuel Rackman," p. 138.

46. In truth, the significance of these appointments as speaking to R. Rackman's "growing standing as a public figure within Orthodoxy" is more ambiguous than might appear at first glance. Thus, Singer notes that upon receiving the appointment as Rabbi of the Fifth Avenue Synagogue, R. Rackman wrote a letter to the membership of Shaaray Tefilah in which he tied this move to an "important promotion at Yeshiva University [that] is in the offing for me soon." As Singer explains, "The reference is presumably to Rackman's appointment as Provost of Yeshiva University... which did not go into effect, however, until 1970." One wonders whether there was internal opposition to this appointment, perhaps from traditionalist elements within YU, which resulted in its being delayed for three

years. Moreover, why did R. Rackman within less than a year after being appointed to the post of Provost leave it to become head of Jewish Studies at CUNY? Could it be that the internal opposition to R. Rackman's being appointed to the post of Provost, assuming there was any, continued even after R. Rackman's appointment, and that as a consequence the CUNY offer looked more attractive than it might have appeared otherwise? Again, only further research can shed light on these issues.

47. This is not the place to determine whether the Rav's reading of R. Rackman's proposal as reflecting the influence of the historical approach to Halakhah was justified or not.