Must Creativity and Rigor be Either/Or?

FRANCIS NATAF is the lead translator at Sefaria and the author of the Redeeming Relevance in the Torah series.


Nachama Leibowitz’ warning about hastily adding to the glorious Biblical commentaries of the past notwithstanding, Maggid Books has provided an invaluable service in its—still in progress—series of Studies in Tanakh. To the best of my knowledge, it is the first complete chapter-by-chapter Tanakh study companion in English designed for sophisticated Jews who wish to deepen their engagement with the text. It is in this context that we find two particularly interesting and insightful volumes on Joshua and Judges by veteran Bible lecturer Rabbi Michael Hattin.

Hattin’s approach is defined by two parallel endeavors. The first is to teach the major themes as culled from the Jewish interpretive tradition. That means that he constantly reminds us of how different sections were understood in the Talmud and by the classical commentators (giving pride of place to Rashi, Radak, and Ralbag). The other major strand of his work is to provide new and creative readings strongly anchored in the text, thereby providing a new layer of interpretive activity that expands upon and provides additional depth to the messages of the past.

There are several added bonuses as well. The most important is Hattin’s willingness to draw contemporary conclusions from his readings. For example, he compellingly frames the conquest and settlement of the Land of Israel in the two first books of the Nevi’im as a “challenge of how to respond to pervasive cultural and moral values, incompatible with our mission as a people.” Another positive feature is his familiarity with Ancient Near East Studies. While he sometimes makes claims that would be rejected by most scholars in that field, his knowledge here allows him to cull material that meaningfully adds to our study. Finally, Hattin displays a pleasant yet sophisticated writing style that respects his readers while keeping them engaged.

Getting back to the two main strands of Hattin’s approach, one is reminded of Netziv’s foundational Ha’amek Devar commentary on the Torah. Though this is probably the greatest compliment I can think of offering a contemporary commentator, the comparison also comes with a downside. For even though Netziv’s brilliant interpretations have changed the way most of us understand significant portions of the Torah, there is no question that he also not unfrequently engaged in highly speculative readings.1

In this manner, Hattin also allows his creative juices to flow, treating us to some truly fascinating readings along the way. His comparison of Joshua’s decree against taking booty from Jericho (Joshua 6:16-19, 26) to the laws of an idolatrous Jewish city (Deuteronomy 13:13-19) puts a new spin on the reason for Joshua’s prohibition. Indeed he draws two important conclusions from the similarities in the laws...
and wording of these two passages. The first is that the war being waged against the Canaanites is primarily an ideological war meant to uproot idolatry from the Jews’ new habitat. Coming off of this conclusion, the second is that with such an understanding, “an Israelite city that endorses idolatrous worship is no different than its Canaanite counterparts and will suffer the same ignominious fate” (Joshua, p. 113).

Likewise, Hattin dips into the Talmud’s (Sotah 2a) rationale for the juxtaposition of the sotah and the nazir in the Torah to explain the otherwise inexplicable need for Samson to be a nazir. Hattin claims that just as the Talmud recommends nezirut as a way to internalize the shock of the moral degradation of a woman who has become a sotah, so too is God imposing nezirut here as a way to get the Jewish people to recognize and internalize their own moral degradation at this low point in Biblical history. Particularly fascinating is the related understanding of Samson’s ambivalence about his unchosen nezirut as parallel to how the Jews of the time felt about the higher calling that they, too, had not chosen. But, as Hattin explains, it is a calling that Samson and the Jews must ultimately embrace, if they are to be true to themselves.

However, the flip side of Hattin’s creativity is that it leads him to develop theories that rely on little objective evidence. One example is his division of the Judges into three symmetrical groups, in which each group of four represents a spiritual decline from its predecessor. Hattin adds that the number twelve is no coincidence. Being the number of tribes, it reinforces the tribal nature of the book’s contents as a whole. The only problem is that most of us would count fifteen Judges. Assuming one can pare off the first (Joshua) and the last (Samuel, who would put a giant monkey wrench into the neat pattern of decline) by giving them some sort of special status, one is still left with thirteen, one too many. Here Hattin pulls a masterful stroke and tells us that the despicable Avimelekh (who would also create a problem by not fitting into the morally intermediate group) doesn’t count. Perhaps, however, even if we get to the number twelve, the overall theory of decline still requires—among other questionable determinations—making Shamgar into a great and noteworthy Judge. But he was not, which is the obvious reason for only one verse (3:31) being devoted to his leadership. But because this inconvenient fact does not fit the theory, Hattin works overtime to make something out of next to nothing here.

If some interpretive mistakes are the price we must pay for new and creative readings, I believe it is well worth it. Rare indeed is a writer who engages in one without the other. But there is something missing in this equation. Netziv was a pioneer in the field. Indeed, there was no true field of creative and literary exploration of Tanakh in his time; his observations were geared primarily to yeshiva students who had little time or inclination to focus on Tanakh. Today, one would think the situation to be vastly different. There are many religious scholars devoting serious efforts to the study of Tanakh, not to mention all of their serious students. Should novel ideas not be bounced off of some of them before committing them to print?

I don’t blame Hattin for his books’ lack of proper vetting, as it is part of a larger problem endemic to the field: the lack of creative collaboration. Hence it is also not unusual that he does not mention any other contemporary commentators. While he occasionally refers to modern scholars as a group, I do not recall a single citation of one by name.²

This is an issue that we must all try harder to address. For when Tanakh writers are not well-versed in each other’s work, it creates a cacophony of competing claims that fail to address the challenges created by each other’s readings. The result is a squandering of much of the benefits made available from the blessed expansion and development of Tanakh study in our times.

So while Hattin’s work reflects many of the positive trends in contemporary Tanakh study—showing how far we have come from when there were only a handful of traditional creative voices in the field—it also shows the challenges that still lie ahead.

¹ An example of the former is the framework that Netziv builds for the Book of Numbers (and related sections in Exodus and Deuteronomy as well)—summarized in his introduction to that book—through which he reads the book as one of radical transition between living in the immediate presence of God in the wilderness and preparation for a more natural spiritual life that the Israelites would experience in the Land of Israel. An example of the latter would be his attribution of various characteristics to the tribes that appear to have little basis in the Biblical text. This is most pronounced in his Darkhah shel Torah, but is also expressed in various places in Ha’amek Devar, such as his comment on Deuteronomy 3:17 that half the tribe of Manasseh was sent over the Jordan as a positive influence on Gad and Reuven. While the text certainly indicates that the two tribes that asked to settle in Transjordan needed a positive role model, one would be

² Other than that, as far as I can tell.
From Polemic to Pandemic: The Past, Present, and Future of Hazarat Ha-Shatz

YOSIE LEVINE is the rabbi of The Jewish Center in New York City. He holds a doctorate in early modern Jewish history from Yeshiva University’s Bernard Revel Graduate School.

Nineteenth-century reformers and their opponents did battle over whether the institution of hazarat ha-shatz, the repetition of the silent devotion, ought to be eliminated from the daily liturgy. Reformers noted that as early as the twelfth century, Maimonides had issued a ruling that pierced the patina of indispensability surrounding hazarat ha-shatz. Once the reformers seized upon that ruling to further their liberal agenda, the traditionalists felt compelled to circumscribe it and deem it outmoded. Some 200 years later, echoes of that debate may still hold sway as communities consider post-pandemic halakhic practice.

Whether earlier or later, there was hardly a shul in the world that was not forced by the pandemic to shutter its doors. When those shuls eventually reopened, abbreviated services became the norm. With so much uncertainty about coronavirus—and fears stoked by early reports of choir practices that doubled as super-spreader events—synagogues across the globe found themselves opening up questions about which parts of the siddur were essential and which were discretionary.

At or near the top of most omission lists was hazarat ha-shatz. After all, there was a ready substitute. If the rapidly setting sun leaves no time for the full hazarat ha-shatz, R. Mordekhai Jaffe and R. Moses Isserles (based on the position of R. Hai Gaon) agree that a heikha kedushah² can be substituted. That is, under extenuating conditions, the members of a minyan can simply say the first three berakhot (blessings) together with the hazan, recite kedushah, and say the balance of Shemoneh Esrei quietly. If a little tardiness could be considered an exigent circumstance, surely a global pandemic could.

With the country’s gradual return to normalcy came the return to the kinds of services to which we had been accustomed in pre-COVID times. Many people longed to reclaim something of what they had lost. They missed communal singing. They missed the chance to be called up to the Torah. Some even said they missed the sermon. But that is where vetting by the scholarly community comes in. Had such a process properly been in place, it is highly unlikely that this would have gone unnoticed before publication.

² Perhaps even more serious is the presentation of an idea without mentioning the fact that it had been previously discussed by another writer. One example of this is Hattin’s fascinating suggestion that Yiftah actually wanted a human sacrifice when he made his infamous oath. This idea, however, can be traced back to R. Yigal Ariel in his earlier book, Oz ve-Anavah (Hispin: Midreshet HaGolan Press, 1995), pp. 282-3. It is not uncommon for any of us to hear or read an idea and have it re-emerge much later as our own, having forgotten the ultimate genesis of the thought. But that is where vetting by the scholarly community comes in. Had such a process properly been in place, it is highly unlikely that this would have gone unnoticed before publication.

After all, those who prefer the single-amidah model can lay claim to a venerable champion. In twelfth-century Egypt, Maimonides advised against the recitation of the traditional hazarat ha-shatz on Shabbat and holidays when large
crowds gathered in the synagogue. What function did the repetition serve when so many people were busy talking to one another, stepping out of the sanctuary and paying little attention to the service? Instead, Maimonides counselled that the cantor simply recite Shemoneh Esrei aloud and the individuals assembled follow quietly in an undertone (Responsa Maimonides 256).

When Spanish exiles found refuge on Egyptian soil some three hundred years later, they were surprised to discover Maimonides’s single-amidah model in wide use. In 1539, a controversy erupted between a community loyal to Maimonides’s ruling and a group beholden to the Talmudic tradition insisting that the silent amidah be followed by hazarat ha-shatz. Asked to render a ruling on the matter, R. David ibn Zimra (1479–1573) expressed a strong preference for the Talmudic model, but conceded that the avoidance of communal discord should take precedence (Responsa Radvaz 4:94).

Not long before, R. Solomon ben Simon Duran (c. 1400–1467), lamenting the behavior of worshippers in his community, confessed that he envied those who relied upon Maimonides’s responsum. “If only my father, Tashbetz, would have agreed with me during his lifetime, I would have adopted the practice” (Responsa Rashbash 56).

Indeed, Maimonides’s model was not limited to the Jews of North Africa. R. Hayyim Benveniste (1603–1673) took up a similar position. The rabbi of Izmir, he suggested having the cantor recite the first and last three berakhot aloud along with the congregation while the intervening section was recited silently (Keneset ha-Gedolah Orah Hayyim 101). Yemenite communities have for generations employed the single-amidah model, while Spanish-Portuguese communities use it for Mussaf on Shabbat. Among Syrians or certain Sephardic communities, a congregation may decide to forgo hazarat ha-shatz if the number of attendees is limited and there may be too few respondents (Yalkut Yosef, Netilat Yadayim 232:1). And it is not uncommon for haredi Yeshivot to default to a heikha kedushah at Minhah in the service of creating more time for Torah study.

And yet, absent exigent circumstances, Ashkenazic synagogue communities in the Orthodox orbit almost universally insist on hazarat ha-shatz, notwithstanding the fact that the logic of Maimonides’s ruling is by no means limited to Sephardic communities. Perhaps in some communities conditions have improved since Maimonides’s time. But his description of synagogue behavior in twelfth century Cairo could easily be applied to not a few Orthodox shuls of the twenty-first century. To those who would question the wisdom of retaining a practice whose elimination might not only be seen as justified, but welcome, what is the basis for rabbinic opposition?

To be sure, poskim (halakhic authorities) have voiced further pragmatic concerns about the elimination of hazarat ha-shatz. Would it not spell, too, the end of kedushah, the priestly blessing, and other additions reserved exclusively for the cantor’s repetition? But these concerns can largely be addressed by Maimonides’s model wherein everyone follows the lead of the cantor who recites the entirety of the amidah aloud.

Wherefore, then, the staying power of this practice? For one, the inertial force of perpetuating a widespread liturgical practice is a powerful one. The original idea behind hazarat ha-shatz was for the benefit of the unlettered or uninitiated Jew. Were he to walk into the synagogue without the first clue as to how to acquit himself of his obligation to pray, he could rely on the cantor as his proxy (Rosh Hashanah 34b). R. Joseph Karo writes explicitly (Beit Yosef and Shulhan Arukh Orah Hayyim 124) that while the rationale that originally precipitated the need for hazarat ha-shatz may generally be said to no longer pertain, the possibility – however remote – that it could be relevant in particular instances – however remote – is sufficient to warrant the practice’s preservation.

But beyond these concerns, at least three important additional arguments may be advanced in favor of retaining hazarat ha-shatz.

First, for the mystically-inclined, hazarat ha-shatz is said to hold a special significance. R. Yaakov Hayyim Palagi (1870–1939), the famed Baghdadi posek, was adamant that it be preserved. Both the silent and communal recitations are necessary, he insisted, and the latter is even more spiritually elevated than the former (Kaf ha-Hayyim 124:3). And according to the Vilna Gaon, it is uniquely during hazarat ha-shatz that the names of God are unified (Siddur ha-Gra p. 99).

For those who incline toward rationalism, R. David Tzvi Hoffman offers an important conceptual observation. Communal prayer, he contends, serves two functions: “Inasmuch as prayer is meant to stand in place of sacrifice, one might compare the silent amidah to the humble sacrifice of the individual, while the hazarat ha-shatz stands for the sacrifice of the entire community” (Responsa Melamed le-Ha’ili 1:12). The one cannot simply be substituted for the other.

A similar notion was later developed by R. Joseph B. Soloveitchik, who identified this second aspect as tefillat ha-
tzibbur, a public prayer offered up by an agent on behalf of the congregation he represents. As such, it was R. Soloveitchik’s position that each member of the congregation stand in rapt attention during hazarat ha-shatz.

Finally, it is conceivable that hesitancy among Ashkenazic poskim to adopt Maimonides’s model – at least in the course of the last 200 years – may be a relic of an early nineteenth-century polemic. The Hamburg Temple built in 1818 and the wholesale changes to the liturgy that accompanied it occasioned vehement objection by the traditionalist rabbinic camp. Enlisted by reformers to defend these changes on the basis of classical Jewish sources was one Eliezer Liebermann. He not only solicited responsa from learned rabbis of his day, but also published his own tract, *Or Nogah*, in defense of the new liturgy.

In his lengthy list of innovations requiring justification, second only to the decision to pray in the vernacular was the reformers’ decision to eliminate hazarat ha-shatz. Liebermann cited liberally from Maimonides’s responsa in defense of the decision to omit this prayer (*Or Nogah*, 12-13), triggering vociferous responses from R. Akiva Eiger and others in the traditionalist camp. They countered either that Maimonides’s responsa was a concession rather than a solution to be used in the first instance, or that its application was limited to the particular time and place in which it was issued. R. Moses Sofer was quick to point out that the practice had been banned by authorities in sixteenth-century Safed, rendering it irrelevant as a precedent for Ashkenazim (*Responsa Hatam Sofer* Vol. 6, *Likutim* 89).

In its own context, the traditionalist response to Liebermann’s arguments did little to arrest the progress of the reformers. The lines in the sand had already been drawn. But in the wider context, the polemic may have exacted a toll on the traditionalists’ own capacity to tinker with the liturgy. Once they had appropriated Maimonides’s responsa to advance their project of streamlining the service, it was hardly possible for those in the Orthodox camp to do the same.

Not only was this a common result of the nineteenth-century polemics, but there is substantial halakhic basis for the actions of reformers generating a more conservative response from poskim where appropriate. Long before, Rashi identified the phenomenon of practices disqualified by virtue of foreign appropriation. Commenting on the biblical prohibition against erecting stone monuments, Rashi identifies a kind of cultural evolution. The same instrument once used religiously by the Patriarchs later became verboten. That the Canaanites were wont to employ stone monuments in the service of paganism rendered the same stones categorically unsuitable to the descendants of those Patriarchs (Commentary to Deut. 24:16).

It would not be too much to claim that a parallel phenomenon was at work in the nineteenth century. Having been weaponized by reformers in their own defense, the idea of adopting a single *amidah* was bound to be vigorously opposed by the champions of traditionalism.

And so it was. As an excerpt from a rabbinic exchange in 1879 makes clear, poskim took heed of the changing communal landscape when considering how to treat *hazarat ha-shatz* in the post-polemic era. Writing from Lübeck to his teacher, R. Azriel Hildesheimer, R. Salomon Carlebach (1845-1919) faced the prospect of a *minyan* with an insufficient number of respondents to warrant *hazarat ha-shatz*. After entertaining the solution of adopting the single-*amidah* model on Shabbat morning, he confessed his uneasiness about the decision. He worried that such an innovation would lead to the wholesale elimination of *hazarat ha-shatz*, a precedent already set by “many communities that have abandoned our ancient customs” (*Responsa R. Azriel Hildesheimer* Vol. 1 *Orah Hayyim* 11). While R. Hildesheimer empathized with the quandary, he too was reluctant to advise adopting the single-*amidah* model. It had become a proverbial stone monument, disqualified not by its essence, but by its users.

Would the fate of the post-pandemic *hazarat ha-shatz* have been different had it not served as a foot soldier in the battles of the early nineteenth century? It is impossible to know for sure. While one can only speculate, inertia is a powerful force, and rarely are the rabbis quick to overturn practices that have become entrenched over the course of centuries. But polemics have a way of foreclosing debate about otherwise debatable topics. None of this is to say that Maimonides’s model – or a variant thereof – could not one day return. It just seems unlikely that that day will be today.

---

1 The term derives from the Yiddish word *hoykh*, meaning high or loud. Rather than beginning with the silent *amidah*, the cantor begins his recitation aloud.