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# **Contemporary and Medieval Leadership:**

*An Examination of Contemporary Leadership Practices and the  
Leadership of Rabbi Solomon ibn Adret*

By Howard Jason Goldsmith  
January 31, 2007

Hebrew Union College – Jewish Institute of Religion  
Rabbinic Thesis

In loving memory of my grandfathers

Henry Goldsmith, for whom I am named

Frederick Grubel, who taught me to learn from our past

זיכרונם לברכה

May their memories be for a blessing

**Contemporary and Medieval Leadership:**  
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and the Leadership of Rabbi Solomon ibn Adret*

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**Number of Chapters**

Seven chapters plus Introduction and Conclusion

**Contribution of this Thesis**

Section one of this thesis examines several contemporary leadership practices and applies them to the Reform Rabbinate. Section two examines the leadership of Rabbi Solomon ibn Adret (1235 – 1310) and the context in which he lived. The conclusion shows that while the leadership techniques differ in the two periods, the meta-leadership issues are similar.

**Goal of this Thesis**

This thesis gives people additional ways to understand the role of the Reform rabbi as a leader in a congregational setting. This thesis also provides a historical example of leadership. The juxtaposition of the two allows the historical to inform the contemporary and the contemporary to inform the historical.

**How is it Divided**

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**Material Used:**

See Bibliography for full list.

- Primary Source Material – Five responsa of Rabbi Solomon ibn Adret; Various talmudic and biblical Sources
- Secondary Source Material – Contemporary literature on leadership; Literature on the history of the Jews in Christian Iberia



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## **Introduction: Leadership Past and Present**

Proximity can lead to relationship. When we go to school, we become friendly with classmates. When we work at an office, we become friendly with our co-workers. Living in a city causes us to feel a certain fondness for it. Being forced to eat vegetables as a child can lead to our enjoyment of them later in life.

When this happens with ideas, we call it juxtaposition. Universities create interdisciplinary departments under the assumption that when a group of academic disciplines juxtapose their ideas, new ideas and perspectives can arise. In government, commissions examining issues usually consist of people from a variety of fields in hopes of producing findings that take a variety of perspectives into account. Hospitals and scientific research institutions invite clergy and local politicians to serve on ethics boards because they realize that doctors alone cannot effectively make decisions about experimental or risky medical treatments. This thesis is an exercise in juxtaposition.

Leadership as a discipline unto itself is relatively new. Today, a search for “leadership” on the internet bookstore Amazon.com returns nearly 1.2 million books. A search for “leadership” on the internet search engine Google returns over 174 million hits. On the other hand, a search of the Soncino English translation of the Talmud on the Judaic Classics Library CD-ROM returns only *one* hit.<sup>1</sup> How then, can we hope to use our tradition to learn about leadership?

This thesis will try to learn what light our tradition can shed on leadership through juxtaposition. Part I deals with Reform Rabbinic leadership today. It examines the leadership

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<sup>1</sup> Temurah 14b: “It says: ‘After forty years’. Forty years from what? — R. Nehorai reported in the name of R. Joshua: Forty years from when [the Israelites] asked for a king. For it has been taught: The year in which the Israelites asked for a king was the tenth year of Samuel's leadership.”

theories of several leaders in the field including Peter Block, Peter Senge, Isa Aron, Lawrence Hoffman, Ronald Heifetz, Jack Bloom and others. It then shows how those theories can work in the field.

In Part II, the thesis examines the history of Jews on the Iberian Peninsula culminating with the rabbinic leadership of Rabbi Solomon ibn Adret. Adret was one of the leading rabbis of 14<sup>th</sup> century Iberia. That we have over 3,100 of his responsa allows us to understand a great deal about the period and about his views on a huge variety of issues. That said, this thesis will concentrate on the context in which he lived together with a close examination of five of his responsa. From that, we will learn something about his leadership style and the values and ideas which drove his decisions.

One wouldn't normally think about Adret in terms of contemporary leadership. Rather, one would examine his work through a historical or religious lens. Juxtaposing theories of contemporary leadership with a study of Adret, sheds light on his work as a leader. Similarly, this juxtaposition allows for the discovery that, though many differences exist, the fundamental leadership challenges we face today closely resemble those Adret faced. The Conclusion explores this humbling and enlightening realization.

Thus, by placing the great leadership theories of today in close proximity with a great leader of the past, we learn once again that the more things change, the more they stay the same.

## **Part I: Reform Rabbinic Leadership Today**

This portion of the thesis will examine rabbinic leadership in Reform synagogues today, a leadership which must take into account the communal vibrancy described below. What are the challenges and opportunities that Reform Rabbis face today in congregational life? How can rabbis bring new understandings of leadership from the business world into congregational life? How must rabbis respond to the changing make-up of congregations? What is the best way to unite a congregation, to make it a holy, sacred space where people feel honored and important? And, how can collaborative, adaptive leadership still be efficient and effective? While it may prove tempting to apply the same lessons of leadership in other venues of Jewish life, this thesis will focus on the Reform rabbinate in particular.

### **Chapter One: Organized Jewish Life**

We are blessed. We have more freedom, more choice, more access to resources and power and knowledge than at any other time in Jewish history. This freedom stems from the Enlightenment and was reinforced by the religious freedom and prosperity of The United States of America. This land we live in has allowed us to create a myriad of ways to be Jewish: Reform, Orthodox, Conservative, and Reconstructionist are just the beginning. Jews belong to pluralistic Jewish Community Centers, Y's, Federations, and B'nai Brith. Jews read Jewish literature as diverse as "The Forward" and "Heeb" magazine. Every city with a sizeable Jewish population has a Jewish film festival, a Jewish book club and a plethora of Jewish educational opportunities. Money flows from wealthy individuals and foundations to support much of this work on behalf of the Jewish Community. So, while nay sayers consistently predict the demise of the Jewish

community, the threats of intermarriage and a decline in synagogue attendance, historically speaking, the vibrancy and financial resources of our community is strong.<sup>2</sup>

So, who should lead? Where will we find the people, the groups, the committees of caring, invested individuals to lead us through this amazing period? Each of the organizations and groups above require dedicated leaders who know how to rally their constituencies, raise money, and make people feel like part of the process. Each of these organizations need to know how to build on the past while looking to the future. Each one must mine our tradition for the wisdom and insights and inspiration to continue their important work. Each of these organizations has a different world view, different needs and different constituencies. Because of the diffuse, diverse nature of our Jewish community today, there is no one model of Jewish leader, no single authority, no single governing philosophy or document to guide every institution.

There are over 285 Jewish organizations in the United States. They can be divided into seven categories based on activity: "community relations, cultural, Israel-related, overseas aid, religious/educational, social mutual benefit, and social welfare organizations."<sup>3</sup> These organizations often have local branches and chapters spread throughout the country. Further, many of these organizations fall into more than one category. Therefore, to cover the specific needs of each type of organization would require a work of several volumes. To fully understand why this thesis will limit itself to rabbinic leadership in Reform synagogues, an examination of several of the above types of organizations is appropriate.

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<sup>2</sup> "UJC - American Jewish Community Remains Strong, Committed According To National Jewish Population Survey 2000-01." United Jewish Communities. 10 September 2003. 10 December 2006. <[http://www.ujc.org/content\\_display.html?ArticleID=84204](http://www.ujc.org/content_display.html?ArticleID=84204)>.

<sup>3</sup> Lewis, Hal. "MAKING LEADERS: How the American Jewish Community Prepares Its Lay Leaders." Journal of Jewish Communal Service 80:2-3 (Summer/Fall 2004): 150.

## *The Communal Jewish Organization: The JCC*

Consider, for instance, Jewish communal organizations like a JCC. The mission of the JCC in Manhattan reads:

The mission of The Jewish Community Center in Manhattan is to build an inclusive Jewish community that celebrates the strength of diversity. We are a home for individuals and families of all backgrounds to grow and to learn, and to care about and deepen their connections to one another. Rooted in Jewish values, our cultural, social, educational, and recreational programs offer multiple pathways into the richness of community life for members of all ages. Through our partnerships and programs, we seek to fulfill our responsibility to the people of Israel and Jews throughout the world, and to improve the quality of life in our neighborhoods and our city.<sup>4</sup>

Several items in this mission statement distinguish this organization. The JCC bills itself as “inclusive”. It seeks to “deepen” the connection between its members. Their activities are “cultural, social, educational and recreational”, this list specifically does not include “religious”. Their “universe of obligation”<sup>5</sup> includes both Jews around the world and “our neighborhoods and our city.” This mission requires leadership with a specific focus. In particular, the focus needs to be on community and programs. How can the JCC build the best set of program offerings possible to support its mission of community building? The main stakeholders charged with answering this question are the staff of the JCC. Members of the JCC are not involved in the planning of programs nor in their facilitation. Rather, professionals plan and implement their

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<sup>4</sup> “Jewish Community Center in Manhattan.” Charity Navigator: Your Guide to Intelligent Giving. 10 December 2006. <<http://www.charitynavigator.org/index.cfm/bay/search.summary/orgid/3930.htm>>.

<sup>5</sup> Dorfman, Aaron, Director of Education for the American Jewish World Service. *Tough Choices*. Hebrew Union College – Jewish Institute of Religion. New York, NY, 6 December 2006. The Universe of Obligation = to whom you are obligated/for whom you have a responsibility.

programs. The "lay" leadership of a JCC sits on its board. The main purpose of a JCC's board is to secure the funds necessary to ensure its proper functioning. This distinction is critical. At a JCC the staff does the programming and the "lay" people raise funds. Thus, the leader of a JCC, the executive at its helm needs two sets of skills. For the "lay" board: good development skills, ability to identify future leaders and guide them towards positions on the board, ability to communicate the work of the JCC to its board members. For the staff: vision of what it means to build community, a philosophy of programming and the management skills necessary to guide his large staff in creating effective programming.

Many of the leadership skills necessary to steer a JCC are therefore similar to positions across the Jewish world. Yet, what distinguishes the JCC from synagogues, Reform synagogue in particular, is the professional nature of the organization. Where in a synagogue most of the work is done by lay people, in a JCC most of the work is done by professionals. Where in a synagogue, lay people plan social action projects, trips to Israel, and community dinners, in a JCC professional employees plan and execute these types of events. While fundraising falls in large part to the board of the JCC, there may still be professionals who plan actual fundraising events rather than the lay members of the board. The professional nature of the JCC requires a different kind of leadership than the volunteer based synagogue. The relationship between the executive of a JCC and the professional staff will have a dynamic based on by the employee-employer model. A JCC executive can have high expectations of his professional staff in terms of quality of work, time commitment, compliance, and professionalism. The executive of a JCC can mete out rewards and punishments. The rabbi in a synagogue cannot fire a member or volunteer for being late to meetings or only putting on a B level social action event. Rabbis still have a professional staff that, depending on the synagogue, plans some of the programming. But,

the success of the rabbi will depend heavily on his<sup>6</sup> ability to work with volunteers whereas the success of a JCC executive will depend more heavily on his ability to work with a professional staff. This difference affects the kind of leadership needed in each organization. Therefore, the findings of this thesis will necessarily be less applicable for JCCs and other communal organizations than for Reform synagogues.

### *Jewish Philanthropy: Federation and Private Foundations*

Another major arena in the Jewish community is philanthropy. From biblical times, Jews have taken seriously the responsibility to support the poor, the orphan and widow.<sup>7</sup> Through rabbinic times, a complex and comprehensive system of giving developed in Jewish communities around the world that stressed the obligatory nature of giving.<sup>8</sup> The importance that Jews attached to giving was reinforced by a culture of giving in the United States where "The yearly budget of the American nonprofit sector exceeds the budgets of all but seven nations in the world, and nonprofits employ more civilians than the federal and state governments combined."<sup>9</sup> During the late 19<sup>th</sup> and 20<sup>th</sup> centuries, Jews in America developed "a variety of welfare federations, which eventually include[d] educational agencies... [and funds] for Jewish relief overseas." This system eventually evolved into the Federation system that we have today.<sup>10</sup> Lawrence Hoffman

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<sup>6</sup> Given that rabbis are male and female in the Reform Movement, I will make an effort to switch the gender of the pronoun that I use.

<sup>7</sup> For example: Exodus 22:21, Isaiah 1:17, Jeremiah 7:6, Zechariah 7:6, Psalm 82, etc.

<sup>8</sup> For example: Avot 3:8, Ketubot 67b-68a, Baba Batra 7b-11a, Rambam's Hilkhot Mattenot Aniyyim, Yoreh De'ah 247-59, etc.

<sup>9</sup> Mendelson, Evan. "The History of Jewish Giving in America" Jewish Virtual Library. The American-Israeli Cooperative Enterprise. 10 December 2006

<<http://www.jewishvirtuallibrary.org/jsourc/Judaism/philanthropy.html>>.

<sup>10</sup> Hoffman, Lawrence. Rethinking Synagogues: A New Vocabulary for Congregational Life. Vermont: Jewish Lights Publishing, 2006. 71.



characterizes the Federation system as the “de facto government of America’s Jews.”<sup>11</sup> In addition to Federation, there are also a number of private donors and foundations that support Jewish life. These foundations and Federation have a different set of leadership needs than synagogues or communal organizations like the JCCs. For instance, the mission of UJA-Federation of New York is:

UJA-Federation cares for those in need, rescues those in harm’s way, and renews and strengthens the Jewish people in New York, in Israel, and around the world.

*Caring* – We reach out to the poor, the elderly, and people in need, providing social and humanitarian services in New York and around the world.

*Rescuing* – We connect communities worldwide by aiding Jews in distress and by strengthening and sustaining Jewish communities from Belarus to Buenos Aires.

*Renewing* – We support programs to make Jewish education more meaningful, to deepen Jewish identity, and to recruit and train dynamic professionals to serve the community.

UJA-Federation is a fund raising organization. They distribute the funds that they collect to organizations that fulfill the mission outlined above. Therefore the two main tasks for Federation are: 1) raise money to support local, national and international organizations that do work which fulfills the Federation’s mission, and, 2) select appropriate organizations and divide the money between those groups in the most efficient manner possible. In other words, with few exceptions, neither the professional staff nor volunteers of Federation create and run programs of their own.

From the mission above, we can see that, in addition to no programming, there is no religious component to their work. Instead Jewish notions of peoplehood and *tzedakah* drive their fundraising and guide their distribution of funds. Besides Federation, other foundations may

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<sup>11</sup> Ibid, 72.

give money to religiously oriented causes but those foundations too function as a source of funding and leave programming to recipient organizations. This lack of programming again distinguishes the kinds of leader needed in Federation and private foundations from the kinds of leadership needed in synagogues. Thus Federation and foundation leadership also fall outside the scope of this thesis.

### *The Synagogue*

This brings us to synagogues, the historical home of rabbinic leadership. Trying to define a synagogue today in America is a difficult task. At its most basic, the American Heritage Dictionary defines "synagogue" as "A building or place of meeting for worship and religious instruction in the Jewish faith."<sup>12</sup> In this conception, the rabbi as prayer-leader reigns supreme. Yet, today especially, a synagogue is so much more than this and therefore requires a more complex leadership dynamic. Most synagogues are run using a board and committee structure. In today's environment, including the laity in the decision making and leadership of the synagogue is a pre-requisite to having a successful institution. The laity thus becomes involved in all aspects of synagogue leadership: fundraising, programming, worship, education, social action, governance and more. The deep involvement of the laity in all aspects of synagogue life from governance to programming to fundraising sets the synagogue apart from the communal and fundraising organizations in Jewish life. There is yet another key factor which sets synagogues apart from other Jewish organizations. Synagogues deal with meaning. They help people find order in the world. They help frame life and death, birth and marriage, youth and old age. Rabbis

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<sup>12</sup> "Synagogue." The American Heritage Dictionary. Internet Edition. Houghton Mifflin Company. 10 December 2006 <<http://education.yahoo.com/reference/dictionary/>>.

officiate at and shepherd people through the key life cycle events. The rabbi becomes a part of people's lives, a part of their key memories around which they define themselves and their understanding of the world. Synagogues, in addition to offering important life-long learning, social justice opportunities, and life cycles rituals, are places where people wrestle with God. It is a place of holiness. All this creates an attachment to the synagogue that would be hard to replicate at a JCC or Federation.

Finally, there are important differences between Reform and Orthodox congregations. While it would require an additional thesis to describe them all, a few examples are worth mentioning. In Reform synagogues, the laity participate in deciding policies of a religious nature. In Reform synagogues, too, the rabbi is involved in all aspects of synagogue life. Finally, Reform rabbis live lives that closely resemble those of their congregants. While all of these may be true of certain Orthodox congregations and rabbis, it is true of almost all Reform synagogues.

The Reform synagogue then, a Jewish institution with one of the highest levels of lay involvement, is the focus of this thesis.

Before delving into the development of the Reform synagogue and the Reform rabbinate, it may be helpful to define the various leadership positions and structures within a typical congregation. Typical congregations are divided into two types of leadership: Professional Leadership and Lay Leadership. Typically, lay leaders begin their involvement by becoming active in congregational activities, worship and programming. They then may serve on a committee of the synagogue such as the social action committee or the education committee. Lay leaders show a dedication to Jewish values and service, may be accomplished in the community at large. They show good judgment, have good skills, and support the finances of the

congregation. When someone demonstrates these things, they are often asked to serve on the Board of Trustees of the congregation.<sup>13</sup>

Once on the board, typical responsibilities include: *Attendance* including board meetings, congregational meetings and special retreats and services. *Board Involvement* including participation in board meetings, supporting board decisions, fundraising, and knowledge of synagogue goals, mission and vision. *Committee Involvement* including participation and/or leadership of a synagogue committee and acting as its liaison to the board. *Involvement in Synagogue Life* including religious services, life long learning, social action and social programming, financial support, and welcoming new members. *Community Involvement* including outreach to non-affiliated Jews, being active in the Jewish community at large and supporting other Jewish causes.<sup>14</sup> The board typically has an executive leadership including a synagogue president and vice-presidents.

Thus, from this short list of basic responsibilities we see that being a member of a synagogue board requires more than the mere fiduciary oversight and compensation approval that many corporate boards require. Yet, for a synagogue to really flourish, board members must invest in ways beyond those listed above, beyond what is typically expected. Much of this thesis will discuss how rabbis can work with board members to help lead their congregations to new heights of sacred community.

The professional staff of a synagogue often consists of the Rabbi, Cantor, Educator, and Executive Director.<sup>15</sup> Today, more than ever before, their roles and responsibilities overlap and

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<sup>13</sup> Managing the Sacred: A Guide for Synagogue Board Members. New York: Union for Reform Judaism, Ida and Howard Wilkoff Department of Synagogue Management. 2006. 6.

<sup>14</sup> *Ibid*, 7-8.

<sup>15</sup> This is a partial list. Depending on their level of resources, a congregation may additional staff including, but not limited to: program director, membership director, youth director and development director.

are more fluid than fixed. That said, typically<sup>16</sup>, the Rabbi is in charge of the professional staff. She runs the religious services, life cycle events and holiday observances. She oversees the religious education and programming of the synagogue. She is the public face of the synagogue. She preaches and teaches, sets an example for the congregation. She has pastoral duties and is the congregation's main interpreter of Jewish law and tradition. The Cantor is in charge of all things musical. He plans the services with the rabbi, runs the choir, oversees the training of *b'nai mitzvah* students and plans special programs and concerts. Many cantors also take on responsibility for life-cycle events and pastoral work.

The Educator is in charge of life long learning at the synagogue. He runs the religious school, develops the curriculum, manages the teaching staff, and helps the rest of the staff recognize their role in the education of the congregants. The Educator also oversees all family education and congregation-wide educational programs. The Executive Director runs the administrative end of the synagogue. She manages the staff, is a main liaison with the congregation's president, and oversees the rest of the synagogue staff. She is in charge of the physical plant and the day to day financial operations of the synagogue. Synagogues typically maintain full time clerical, maintenance, and security staff as well as part-time religious teachers and tutors.

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<sup>16</sup> In trying to provide a snapshot of what each position entails, I inevitably omit many responsibilities and fail to describe responsibilities in full. These positions all involve much more than I outline here. The role of the rabbi will be expanded upon later in this thesis. I beg forgiveness for the short shrift given to the other roles described here.

## Chapter Two: Adaptive/Collaborative/Learning Leadership

The literature on leadership is extensive and varied. In my reading I came across many interesting ideas about leadership and many interesting examples of how those leadership lessons were applied in a variety of situations and contexts. Three theories in particular stood out as the most promising for synagogue leadership. Adaptive leadership, which goes by many names is described by Isa Aron, Ronald Heifetz and Peter Senge. This model advocates partnership between the various stakeholders. Jack Bloom, in his work The Rabbi As Symbolic Exemplar explains that rabbinic leadership is all about meaning making. Peter Block, in his many works, advocates stewardship as a way to move thinking and people beyond “instrumentality” and to a more visionary way of looking at situations. In this section, I will examine each of these leadership ideas.

For each of these leadership styles, I will try to determine the role that the rabbi can and should play in the process. In some cases I will point to outside sources while in others I will suggest what I think the rabbinic role could be.

### *Introduction to this Model of Leadership*

The success of our synagogues no longer depends exclusively on the vision of its rabbi, the fundraising potential of its president, or the organization of its executive director. These are still important but in today’s world, “the effectiveness of an organization is dependent on the synergy between its members.”<sup>17</sup> While our synagogues are surviving with all kinds of

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<sup>17</sup> Aron, Isa. The Self-Renewing Congregation: Organizational Strategies for Revitalizing Congregational Life. Vermont: Jewish Lights Publishing, 2002. 9.

leadership models, for dynamic congregations, for the congregations of the future, "it is not enough merely to survive."<sup>18</sup> Peter Senge, author and organizational dynamics consultant, explains that the organizations which come out on top, which provide the most fulfilling experience for its members are those which constantly learn and therefore constantly change and adapt to the world around it and the world as it will be in the future. A learning organization, he says, is "an organization that is continually expanding its capacity to create its future."<sup>19</sup> As Reform Jews, Jews who constantly reinterpret the tradition, who bring our contemporary perspective to bear on our religious life, nothing could be more important than the ability to anticipate the future and shape our religious life around that vision.

Ronald Heifetz, Director of the Leadership Education Project at the Kennedy School of Government at Harvard University, draws the distinction between the old model of leadership and a new, collaborative model. "Imagine the difference in behavior when people operate with the idea that 'leadership means influencing the community to follow the leader's vision' versus 'leadership means influencing the community to face its problems.'"<sup>20</sup> When combined with Peter Senge's notion of constantly learning, of constantly anticipating the changes in the congregation, the community and the society at large, this kind of leadership can lead to a vibrant, interesting and engaged community of committed Jews. It will be vibrant because, by anticipating its future needs, it will never become boring and stale but will remain in tune with the interests of its members and the community. It will be interesting because things will change, innovation will be a key part of congregational life, it will take the new ideas of society and

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<sup>18</sup> Senge, Peter. The Fifth Discipline: The Art & Practice of The Learning Organization. New York: Currency Doubleday, 1990. 14.

<sup>19</sup> Ibid.

<sup>20</sup> Heifetz, Ronald. Leadership Without Easy Answers. Cambridge: Belknap/Harvard University Press, 1994. 14.

weave them into the Jewish fabric of the congregation. People will be engaged because when a leader can help people face their problems, it inspires action and engagement towards a solution.

Heifetz describes this kind of leadership as “adaptive work.”

Adaptive work consists of the learning required to address conflicts in the values people hold, or to diminish the gap between the values people stand for and the reality they face. Adaptive work requires a change in values, beliefs or behavior. The exposure and orchestration of conflict – internal contradictions – within individuals and constituencies provide the leverage for mobilizing people to learn new ways.<sup>21</sup>

According to Isa Aron, a congregation that uses this style of leadership, which she calls “collaborative”, becomes a self-renewing congregation. The four “cornerstones” of such a congregation are: “1) Thinking back and thinking ahead: being both reflective and proactive, 2) Enabling leaders to follow, and followers to lead: practicing collaborative leadership, 3) Seeing both the forest and the trees: creating community among diverse individuals, and, 4) Honoring the past while anticipating the future: balancing tradition with change.”<sup>22</sup> The leadership described by Heifetz as “adaptive work” and by Aron as “collaborative” is about partnership between the various stakeholders in the organization, about the people with authority learning how to manage the process of reflection and action, about “that which creates commitments in communities of practice.”<sup>23</sup> In the end, collaborative leadership is “letting the people accept responsibility for both the problem and its solution.”<sup>24</sup>

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<sup>21</sup> Ibid, 22.

<sup>22</sup> Aron, Isa. Self-Renewing..., 10

<sup>23</sup> Drath, William and Charles Palus. As quoted in Isa Aron’s Self-Renewing..., 87.

<sup>24</sup> Aron, Isa. Self-Renewing..., 91.



### *The Reflection/Action Process as the Center of Collaborative Leadership*

Collaborative leadership begins with an organization's ability to reflect and think proactively about both current and future needs. If we need to think and reflect, then we must involve all the stakeholders in the discussion. Leaving anyone out threatens the effectiveness and honesty of the reflection. It could leave out an important player whose point of view would be vital in the effort to understand a problem and discover a good way to approach it. So, from the start, Collaborative leadership is inclusive. It is a rejection of the hierarchical models of leadership that American society embraced for so many years. It is a rejection of secrecy that embraces transparency and honesty between the different stakeholders. If people come in seeking to hoard power by hiding information, the whole process will be paralyzed.

Before beginning the reflection/action process, the synagogue needs to do two things. First, the synagogue needs to identify the different stakeholder groups and figure out who from each group will participate in the serious reflection. While it may seem like a good idea to have everyone reflect together, it would be a poor use of resources and largely impractical. So, just like we have a republic instead of a true democracy, it needs to be determined who from each stakeholder group will do the reflecting. Serious reflection takes time and some people just do not have the time to put into it. If an established group takes on the reflection work, it can create an air of exclusiveness and it could prevent buy-in when the group eventually presents its proposals.

According to Edgar Schein, for established groups it can be "too painful to give up a shared assumption in favor of an unknown substitute,"<sup>25</sup> which can be critical to making change.

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<sup>25</sup> Schein, Edgar. The Corporate Culture Survival Guide: Sense and Nonsense about Culture Change. San Francisco: Jossey-Bass Publishers, 1999. 130.

He suggests forming a “temporary parallel learning system”, a new group which draws stakeholders from a variety of areas, and assigning them the work of reflection. “Some part of the organization must become marginal and expose itself to new ways of thinking so that it can be objective about the strengths and weaknesses of the existing cultural elements, and how these will aid or hinder the changes to be made.”<sup>26</sup> Isa Aron builds on his ideas and suggests that in congregations, such a committee would consist of “a combination of old-timers and newcomers, lay people and professional, people who are active in different parts of the synagogue and some who are inactive.”<sup>27</sup> To prevent this new group from gaining an air of exclusiveness, once it completes its task, it should break up. Its members can then help form new groups and guide those groups through the reflective process of collaborative leadership.<sup>28</sup>

The other key issue before beginning serious reflection is deciding which issues deserve this intensive work. The type of reflection outlined below is very time consuming. Certain issues just don’t merit that kind of attention. “The art of reflection includes the ability to discern which issues are worthy of extended conversations and which are not. Excessive and prolonged deliberation has the potential to be paralyzing.”<sup>29</sup> Ronald Heifetz suggests that situations can be put in one of three categories to help decide which issues deserve this high level of attention.<sup>30</sup> His categories are detailed below.

What follows are Isa Aron’s suggested six steps for the reflection/action process<sup>31</sup> together with additional insights from Ronald Heifetz’s work Leadership Without Easy Answers

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<sup>26</sup> Ibid, 131.

<sup>27</sup> Aron, Isa. Self-Renewing..., 58.

<sup>28</sup> Ibid., 128-129.

<sup>29</sup> Ibid., 73.

<sup>30</sup> Heifetz, Ronald. Leadership Without Easy Answers. Cambridge: Belknap/Harvard University Press, 1994. 74.

<sup>31</sup> Aron, Isa. Self-Renewing..., 30-80.

and from Peter Senge's The Fifth Discipline: The Art & Practice of The Learning Organization.

I've added what the rabbi might do to bring these important ideas to life at the synagogue.

*Step One: "Routine scanning of the environment for potential challenges and opportunities."*<sup>32</sup>

This step says that accepting the "status quo" is unacceptable. In a time of fast-paced change, congregations need to keep track of a myriad of factors that effect their congregations. What is going on the society around them? What are other synagogues doing? What are the latest teaching techniques? What styles of music do people respond to? What kinds of programs draw people? What is the congregation's demographic? Is it changing? What are the headlines today and what will they be tomorrow? By keeping track of these types of factors, congregations can help to meet their congregants' needs when they have them. Failure to stay on top of these kinds of trends may cause a synagogue to be a step or two behind the needs of their members.

The rabbi can play a crucial role in this process. He is in a unique position to monitor the profile of the congregation, to remind the board and other key decision makers of the unmet needs that congregants may have. In addition to his knowledge of congregational needs, the rabbi likely has the most contact of anyone else in the congregation with the movement nationally. He will hear about new religious trends and practices over rabbinic email lists and through informal networks long before those ideas make it to national conventions. Keeping his lay leadership aware of these trends and new ideas can ensure the success of this part of the reflection process. Thus, the rabbinic leadership role that logically flows from Aron's first step of reflection is that of information source.

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<sup>32</sup> Ibid., 32.

Heifetz describes three kinds of situation in which leadership is needed. In Type I situations someone can come in and solve the problem, there is a technical fix. In Type II situations, "the problem is definable but no clear-cut solution is available."<sup>33</sup> In Type III situations "the problem definition is not clear-cut, and the technical fixes are not available." As issues are identified during this "routine scanning" phase of reflection and action, the rabbi can help the lay leadership label those issues as Type I, II, or III. The action required to address the issue should be determined by this label. For instance, if it is discovered that 20% of the congregants do not receive the bulletin and a quick search of the synagogue's mailing list reveals that they have incorrect address data for those congregants. This is a Type I problem. The rabbi or the lay leadership can instruct a member of the synagogue staff to find the correct address information and update the synagogue lists. On the other side of the spectrum, let's say that Friday night service attendance is down by 50%. There are a variety of factors that may lead to this situation. Examining those factors, defining the problem, and coming up with a solution will require a good deal of collaborative work. Thus, the rabbinic leadership role that logically flows from Heifetz's description of the three situation types is that of situation labeler.

Finally, Peter Senge says that leaders "are responsible for building organizations where people continually expand their capabilities to understand complexity, clarify vision, and improve shared mental models – that is, they are responsible for learning."<sup>34</sup> No small task. That said, for this step in the reflection/action steps, the rabbi's role is clear. He needs to encourage his lay leaders to collect all the information they need to continue along the process of reflection and action.

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<sup>33</sup> Heifetz, Ronald. Leadership..., 74.

<sup>34</sup> Senge, Peter. The Fifth Discipline: The Art & Practice of The Learning Organization. New York: Currency Doubleday. 1990. 340.

## *Step 2: Stopping the Action*

Synagogue board meetings are notorious as endless sessions focused on micro-managing the minutia of synagogue life.<sup>35</sup> The level of issue that they deal with should often be delegated to either a committee or a staff person. This would free up time to work on bigger issues and to participate in critical reflection sessions on the higher-order goals of the synagogue. The professional staff, too, often gets bogged down in the details instead of focusing on the big picture. In this next step Aron advocates putting aside the day-to-day concerns of the synagogue, the temptation to address programming needs, worship service logistics and religious school dilemmas. Stopping the day-to-day is critical for reflection, for getting enough time “to engage in thoughtful planning and deliberation.” To get that time often requires “setting aside time, and structuring that time so that the resultant discussion is indeed refreshing.”<sup>36</sup> The rabbi can team up with the president to help others understand the importance of this time.

Stopping the action is the first step in what Heifetz calls creating a “containing vessel”<sup>37</sup> or holding environment. The leader, he argues, needs to help the stakeholders separate the issue out from the noise of daily living. Only then can the stakeholders begin to define the issue, debate alternatives, and proceed with action. In the synagogue setting, the first step a rabbi can take in creating a “containing vessel” is setting aside time to reflect on a particular issue outside the normal context of synagogue discussion and day-to-day business. Once the containing vessel has been created, the rabbi can then help control the flow of information, the process for discussing the information, and the creation of potential solutions. The rabbi can do this for all synagogue systems: the board, committees, professional staff, etc.

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<sup>35</sup> One Synagogue board member I know calls them “b-o-r-e-d meetings”

<sup>36</sup> Aron, Isa. *Self-Renewing...*, 33.

<sup>37</sup> Heifetz, Ronald. *Leadership...*, 85.

Peter Senge suggests that if an organization is an ocean liner then the manager should see himself as the designer of the ship. In this position, the leader can empower others and help create an organization "capable of producing results that people truly care about." The whole notion of a reflection/action cycle is one of learning; learning information about the synagogue and the society, learning about new challenges, learning about new approaches to address those challenges. By designing a culture where people create the time to stop and reflect, the rabbi encourages a culture of learning. According to Senge, the work of leaders "is designing the learning processes whereby people throughout the organization can deal productively with the critical issues they face, and develop their mastery in the learning disciplines."<sup>38</sup>

*Step 3: Shifting the focus so as to take a broader or deeper perspective<sup>39</sup>*

Lawrence Hoffman points out, "Synagogues are not exactly in trouble: membership is stable... [and] the Jewish People in America is also doing reasonable well. No 911 required."<sup>40</sup> So how do we create change and stay ahead of the curve. After all, without crisis or great pain, humans are averse to change.<sup>41</sup> With synagogue membership stable, our religious schools filled with students, decent financial footing, it is hard to see that things can, or should, be different than they are. It is so hard to see this because many of our congregations are so deep in a rut that they can't see over the top. This step is about gaining a new perspective; climbing out of the rut to take a look around from a different vantage point.

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<sup>38</sup> Senge, Peter. The Fifth..., 345.

<sup>39</sup> Aron, Isa. Self-Renewing..., 43.

<sup>40</sup> Hoffman, Lawrence. Rethinking Synagogues: A New Vocabulary for Congregational Life. Vermont: Jewish Lights Publishing, 2006. 1-2.

<sup>41</sup> Schein, Edgar. The Corporate Culture Survival Guide..., 117.

The previous step, Stopping the Action, is critical for gaining a new perspective. "A break in the action creates the potential for a new understanding and a more intelligent decision making..." That break provides us with the space to look at things a different way, to explore new ideas and consider new possibilities. There are several techniques for gaining a new perspective. Any of them will be helpful in redirecting the conversation. This is especially true in synagogue life because so many people feel that religion should be a certain way, typically the way they grew up. Aron describes the four "frames" used by Lee Bolman and Terrence Deal in their book Reframing Organizations: structural, human resource, political and symbolic.<sup>42</sup>

The Structural frame looks at roles and responsibilities; it uses logic to understand an issue. The Human Resources frame looks at the needs of individuals and how well organizations bring out the best in people; it uses an understanding of people to frame the issue. The Political frame looks at "distribution of resources" and conflicts over power and influence; it uses an understanding of social dynamics to frame the issue. The Symbolic frame looks at motivation that comes from symbols and rituals; it uses the non-rational, the emotional and the religious to understand issues. During this step, a rabbi should strive to help people see issues through each of these windows. The rabbi can help people determine which view they typically hold and can then help them appreciate the other frames. This type of discussion "can lead people to an appreciation of divergent perspectives..."

Heifetz refers to reframing as "Getting on the Balcony".<sup>43</sup> He draws the analogy between leading a group and leaving the dance floor to stand on the balcony to observe the overall pattern of the dancers. A rabbi who can remove himself from a particular debate and get up on the balcony can help the participants appreciate each other's point of view. At best this will lead to a

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<sup>42</sup> Aron, Isa. Self-Renewing..., 44.

<sup>43</sup> Heifetz, Ronald. Leadership..., 252 - 263.

more productive conversation and a better set of possible solutions, at worst, it will lead to respect for opposing views. He offers five questions we can ask to help gain a different perspective, to help us get up on the balcony:

1. What's causing the distress?
2. What internal contradictions does the distress represent?
3. What are the histories of these contradictions?
4. What perspectives and interests have I and others come to represent to various segments of the community that are now in conflict?
5. In what ways are we in the organization or working group mirroring the problem dynamics in the community?<sup>44</sup>

Rabbis can aid the reflection/action process by helping their leadership teams and other stakeholders go through these steps. Being able to manage the holding environment is critical to making this process work. Push people too hard and they'll reject the process. Don't push people hard enough and they will not take the other perspectives seriously. The group will try to avoid this difficult task so the rabbi needs to be able to manage this process by knowing his constituency and controlling the holding environment appropriately.<sup>45</sup>

Every time a group wrestles with a Type II or Type III issue and tries to explore all the different angles of that issue, they are, in essence, engaged in creating a shared vision. They are trying to figure out how, as a group, they can address the issue from all the relevant angles. When they agree on the who-what-when-where-why of the issue and its solution they have reached a shared vision of both the issue and the synagogue itself. Peter Senge says that a "useful

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<sup>44</sup> Ibid., 258.

<sup>45</sup> Ibid., 258-260.



metaphor is the hologram... [which, when divided] each part shows the whole image intact.” When you’ve reached a shared vision, people still maintain their own perspective but they each see the same whole.<sup>46</sup> Rabbis should help their leadership teams understand that different perspectives do not mean a different whole. They need to help people see that building this shared vision will help them both define the issue and come up with solutions... solutions driven by a shared vision of what the synagogue can be and what it represents.

#### *Step 4: Formulating a collective response*

Steps 1 to 3 aim to get all stakeholders on the same page about the issue at hand. While the various stakeholders may not agree about how to proceed with a certain issue, by the time they reach this step should understand each others’ perspectives. With step four, the group prepares a collective response to the issue. Were the group to attempt a collective response without looking at all the factors involved (step 1), stopping to seriously consider the issue (step 2), and trying to understand all the different perspectives (step 3), “productive discussion [would be] hampered by the lack of common understanding of the problem at hand.”<sup>47</sup> Instead, having gone through the previous steps, having established a shared vision and having reinforced the “common ground and... shared values and principles,” the group will be more prepared to move forward in an “expansive and nonjudgmental way of dealing with... [the] issue.”<sup>48</sup> If the discussion of the response starts to spin out of control, if people start making power plays or lose sight of the various perspectives in the room, the rabbi can reign in the conversation by

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<sup>46</sup> Senge, Peter. *The Fifth...*, 212-218.

<sup>47</sup> Aron, Isa. *Self-Renewing...*, 53.

<sup>48</sup> Ibid.

reminding them of the work they'd already done. She can reference the different perspectives and encourage the dialogue to remain open and nonjudgmental.

It is in this response phase that the rabbi must focus the most energy on leading collaboratively. Her expertise in Judaism, her seminary training, her counseling skills are all important. But, she needs to hold back from imposing a decision on the group at this critical phase in the reflection/action process. She should "not presume to know what the results should look like... [her] actions are nothing if not expert, but they are expert in the management of processes by which the people with the problem achieve the resolution."<sup>49</sup> In other words, according the Heifetz, the best way for the rabbi to lead in a situation like this is to keep people talking, to maintain the containing vessel with just the right balance of pressure and release to help the group reach a decision. Kabbalah teaches that when the eternal God created the world, God first had to withdraw to create a space in which creation could take place. This process is called *tzimtzum*. Eugene Borowitz talks about the need for the rabbi to practice *tzimtzum* when leading.<sup>50</sup> If the rabbi can successfully withdraw from the conversation, the congregants and lay leaders will be able to create the solution for themselves. For rabbis, who generally love to hear themselves talk, this is no small task. But it couldn't be more critical to effective collaborative leadership.

There are two types of consensus building, "focusing down" and "opening up."<sup>51</sup> Building consensus by "focusing down" means looking for the common ground between the different positions that people hold. It is deductive in that it explores all the views, eliminates what is different and moves forward from the pieces of the individual views that are common to

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<sup>49</sup> Heifetz, Ronald. *Leadership*..., 85.

<sup>50</sup> Borowitz, Eugene. "Tzimtzum: A Mystic Model for Contemporary Leadership" reprinted in *What We Know About Jewish Education: A Handbook of Today's Research for Tomorrow's Jewish Education*. Ed. Stuart Kelman. Los Angeles: Torah Aura Productions, 1992.

<sup>51</sup> Senge, Peter. *The Fifth*..., 248.

everyone in the discussion. This type of consensus building typically comes from the content of the issue, the facts and figures, the “structural” frame. This type of consensus building should work for Type I problems and some Type II problems. Yet, for Type III problems, when even the definition of the problem is unclear, we need another type of consensus. “Opening up” consensus builds from each person’s view. It builds from sharing those views with the other stakeholders so that they can see things from a different perspective. “Each person’s view is a unique perspective on a larger reality.”<sup>52</sup> By taking in the different views, everyone can see something they did not see before and can use those new perspectives to reach agreement on a new way to move forward. Aron’s reflection/action process, in its best form, should lead to this “opening up” type of consensus for Type II and III issues. Rabbis need to know how to get their congregations to this point so that the congregants can for a collective response and move forward.

#### *Step 5: Overcoming inertia and taking action*

Step 5 moves the group from discussion to action. With all the dialogue and meeting, eventually someone needs to stand up and shout “Don’t just stand there, do something!” One of the things that prevent groups from transitioning from conversation to action is the time required for the discussion itself. People only have so much time. If they’re devoting 2 hours a week to discussion, it is unlikely that they’ll have additional time to devote to actually putting plans into action. Structuring reflection groups appropriately will help avoid this particular problem.<sup>53</sup> But, as Isa Aron points out, “there is no magic formula for goading a committee into action...”<sup>54</sup> She finds it helpful to do an exercise with the group that highlights the distance between what the

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<sup>52</sup> Ibid.

<sup>53</sup> Aron, Isa. Self-Renewing..., 74.

<sup>54</sup> Ibid.

group “preaches and what it practices.” To help the group move forward in a reasonable time frame the group should have agreed upon expectations and deadlines.

According to Heifetz, groups often fail to make decisions because of what he calls “work avoidance mechanisms”. This work avoidance comes from knowledge that action can lead to distress in the larger community. The small group that has worked through the reflection process now understands all the different perspectives; they have respect for the views of other stakeholders and have a broad understanding of the issues and the possible solutions. But, the people who were not on the committee, do not have this perspective, they did not go through the same process of education so they may not appreciate the final outcome. Trying to avoid this distress is work avoidance.<sup>55</sup> Simply acknowledging this work avoidance can help the group overcome it. When the rabbi sees the group avoiding action because of work avoidance, the rabbi can point it out to the group, remind them of the thorough process they’ve gone through, encourage them to push forward with their well considered action and promise her support.

Education will help reduce work avoidance and will help move the group towards action. “Designing policies and strategies,” says Peter Senge, “that no one can implement because they don’t understand or agree with the thinking behind them has little effect.” Therefore, teaching the congregation about the process that the group went through to reach its decision as well as the rationale for the action can inspire enthusiasm throughout the congregation for the new perspectives, new ideas and new actions. Once enthusiasm builds outside the reflection/action group, putting the plan into action will be easier.

*Step 6: Scanning the environment to assess the effects of one’s actions and to identify new challenges*

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<sup>55</sup> Heifetz, Ronald. Leadership..., 37-38.

With step six we return to step one. After following the steps of this process, the actions taken should have a positive impact. It is important to track the results as a way to evaluate the reflection process. Did the group accurately gauge the different perspectives? Was there a factor that the group failed to consider? Did the group leave out an important stakeholder? Did the action have the desired impact? After these reflective questions are answered, it is time to once again look to the future, track trends, and identify the next Type III situation in need of collaborative work. The cycle is complete and starts anew.

### *The Role of the Rabbi in Collaborative Leadership*

As the above section makes clear, an important job of the rabbi in this kind of leadership is primarily that of facilitator. While sharing her vision and expertise in a collaborative way will bring an important perspective to the conversation, the rabbi cannot go it alone in today's world. Without the leadership of lay people, the synagogue cannot transform into the kind of vibrant place that it could be. Therefore, the rabbi should aim for Lau Tzu's leadership maxim: "A leader is best when people barely know he exists, when his work is done, his aim fulfilled, they will say: we did it ourselves."<sup>56</sup> Isa Aron suggests several ways that the rabbi can fulfill her new role in the collaborative leadership model.<sup>57</sup>

First, as mentioned above, the rabbi must practice *tzimtzum*, she must learn to stop acting so that others will step up and take the reins. She derives this idea from the article by Eugene

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<sup>56</sup> Lao-tzu in Tao Te Ching (How Things Work), 6th century, B.C. as quoted on "Wharton Leadership Digest." Center for Leadership and Change Management. March 1997. Wharton, University of Pennsylvania. January 31, 2007 <<http://leadership.wharton.upenn.edu/digest/03-97.shtml>>.

<sup>57</sup> Aron, Isa. Self-Renewing..., 92-97.

Borowitz in which he suggests that the rabbi “withholds presence and power so that followers may have some place in which to be.”<sup>58</sup> For rabbis with grand visions, high ideals and even higher hopes, learning to sit still can be very difficult. To flip the old adage on its head, “Don’t just do something, stand there!” Without pulling back and allowing room for others to put their own vision, ideals and hopes into action, there is no way for collaborative leadership to move forward.

To help rabbis understand and support the vision of the community, Aron says that the next critical task for the rabbi is to listen. Not only will this help the rabbi understand her community, it will open her up to different perspectives and new ways of solving problems both old and new. Jim Herrington, Mike Bonem and James Furr, in their book Leading Congregational Change, discuss the importance of listening. “If one cannot listen to the perspective of others – openly, honestly, and without judgment – it will be much more difficult to understand the assumptions and beliefs that others bring to the conversations.”<sup>59</sup> To implement step three of the reflection/action process, one has to be committed to understanding the “assumptions and beliefs” of others. Rabbis must listen. In the words of Will Rodgers, rabbis should “never miss a chance to shut up.”<sup>60</sup>

Aron says that the next important role for the rabbi is to help frame the discussion. While *tzimtzum* is important, “there is definitely a place for wisdom and expertise of the veteran in framing discussions and making information available.”<sup>61</sup> While a particular rabbi may have many different expertises that allow her to help frame the discussion, at the very least, as the

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<sup>58</sup> Borowitz, Eugene. “Tzimtzum: A Mystic Model for Contemporary Leadership” reprinted in What We Know About Jewish Education: A Handbook of Today’s Research for Tomorrow’s Jewish Education Ed. by Stuart Kelman. Los Angeles: Torah Aura Productions, 1992. 397.

<sup>59</sup> Herrington, Jim, Mike Bloom, and James H. Furr. Leading Congregational Change: A Practical Guide for the Transformational Journey. San Francisco: Jossey-Bass, 2000. 119.

<sup>60</sup> Rogers, Will. As quoted in Parks, Charles L. Exceptions to Silence: A Trial Lawyer’s Confessions. Victoria, BC: Trafford Publishing, 2005. 17.

<sup>61</sup> Aron, Isa. Self-Renewing..., 95.

expert in Jewish tradition, a rabbi can bring and should bring a Jewish perspective to bear on issues facing the synagogue. The rabbi must remember that her framing of an issue is “not an exercise to legitimize [her own]... personal ambitions.”<sup>62</sup> While Jews are typically uncomfortable talking about God and using God language, the rabbi can encourage the group to imagine what God wants for the congregation as a way to help frame the issue.<sup>63</sup> By helping the group to frame the issue, the rabbi helps them see the distance between where they are now and where they could be. This is the space in which collaborative leadership and adaptive learning flourish.

The final role that Aron discusses for the rabbi is that of facilitator. “In collaborative leadership, the leader’s role is to make sure that his or her partners work together to identify the problem, investigate an array of possible solutions, weigh the alternatives carefully, and lay out a manageable plan for implementation. The role of the titular leader, then, is to ensure that this process proceeds at the right pace.”<sup>64</sup> She points out that learning facilitation skills takes time and practice and that it would take “an entire volume” to describe facilitation techniques.

Nevertheless, having a good facilitator is critical to group work. Herrington et. al. point out that “a facilitator can strengthen the group member’s ability to use dialogue by helping them establish ground rules and calling them back to the rules when they slide from dialogue into discussion.”<sup>65</sup> Aron offers five questions to help leaders facilitate meetings: “1) How shall I set the agenda? 2) How will I give participants appropriate opportunities to voice their opinions? 3) How can I encourage good listening? How will I make sure that everyone’s opinion is heard with respect? 4) How can I focus the discussion and keep people from rehashing the same positions?

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<sup>62</sup> Herrington, Jim et. al. Leading Congregational..., 55-56.

<sup>63</sup> Ibid.

<sup>64</sup> Aron, Isa. Self-Renewing..., 96.

<sup>65</sup> Herrington, et. al. Leading Congregational..., 142.

and, 5) How should we reach our decisions?"<sup>66</sup> As the rabbi moves from thinking of herself as the commander of a ship to working as a facilitator and designer, the leadership will become more and more collaborative and the synagogue will feel more and more like a holy, sacred place.

This model takes time and effort to implement. In synagogues used to a corporate model of rabbi as CEO and President as Chairman of the Board, collaborative leadership will shock the system. Resistance to the model is inevitable. Yet, the fruits of moving to this kind of leadership are sweet indeed. Rabbis talk about seeking congregations with high levels of participation in worship, learning, and social action. Having congregants participate in the direction and creation of those worship, learning and social action experiences will ensure a higher level of participation. And it will not stop there. Participation and collaborative leadership will help move the synagogue from a programmatic model to a sacred community model. People will think in terms of systems, in terms of community, in terms of the sacred and the holy. People will look at the synagogue not as a service provider, but as a place that allows for spiritual, intellectual and social expression. From that expression, people will learn to connect there experiences at the synagogue to the rest of their lives and thus learn to construct meaning for themselves. Constructing that meaning is the subject of the next chapter.

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<sup>66</sup> Ibid., 97.



### **Chapter Three: Leading with an Eye Towards Second Order Reality**

Rabbinic leadership needs to be about more than facilitating meetings, designing programs and managing a staff. Rabbinic leadership needs to be something sacred. Rabbis need to convey a compelling message about life and spirituality, reality and meaning. Now that the days of ethnic Judaism are beginning to fade; now that pastrami and knishes are as much New York food as they are Jewish food; now that self-deprecating Jewish humor is fading along with the Catskill retreats in which it was born, Judaism must offer something more and the rabbi must help people discover that “something more.”

In his work on the nature and dynamics of life as a rabbi, Rabbi as Symbolic Exemplar, Rabbi Jack Bloom has a chapter called “Psychotherapy and Judaism Today: The Interface”. As a psychologist-for-rabbis, Rabbi Bloom has much to say about the development of psychology as an outgrowth of religion, its alienation from religion and the current reunion of the two. This reunion has grown out of, among other things, the realization in the psychology community that the notion of one “true” reality is a myth and that, in the end, each person creates reality for herself. This left psychotherapists scrambling to help their patients identify the myths, maps, symbols and rituals they can use to help define reality. And what discipline has the most experience with myths, symbols and rituals? Religion.

In no way does Rabbi Bloom reject the usefulness of psychotherapy. Nor does he claim that religion should focus on psychotherapy. Rather, he helps draw out the similarities and differences between the two and, in doing so, points towards important ways that religious leaders can make non-Orthodox religion meaningful in today’s rational, science based and mostly secular world.

Rabbi Bloom bases his ideas on the philosophical notion called Constructivism. The Constructivist school of thought aims to solve the questions of epistemology, of how we know what we know. In its most radical form, Constructivism says that "knowledge does not reflect an 'objective' ontological reality, but exclusively an ordering and organization of a world constituted by our experience. The radical constructivist has relinquished 'metaphysical realism'<sup>67</sup> once and for all..."<sup>68</sup> In other words, constructivism says that we each create our own reality out of our experiences. Epistemology, then, is the study of how people construct their experiences to create a coherent and consistent understanding of the world.<sup>69</sup> According to this idea, our world is an "experiential world," a world where our experiences completely shape our reality.

Therefore, reality cannot exist without experience. We put our experiences, the ideas we come across, the news we hear, everything, in relation to the other experiences we've had. Those ideas and experiences have no meaning without relation to the sum total of our other experiences. Thus, reality, the only reality we can possibly know, is the reality that we create for ourselves. So "knowledge can now be seen as something that the organism builds up in the attempt to order the as such"<sup>70</sup> amorphous flow of experience by establishing repeatable experiences and relatively reliable relations between them."<sup>71</sup>

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<sup>67</sup> Metaphysical Realism says that things exist independent of our relation to them or our discourse about them. For example, when a metaphysical realist is asked "If a tree falls in the woods and no one is there to hear it, does it make noise?" s/he would answer "Yes." See Boyd, Richard. "Scientific Realism" The Stanford Encyclopedia of Philosophy 12 June 2002. Stanford University. 16 January 2002 <<http://plato.stanford.edu/entries/scientific-realism/#5>>.

<sup>68</sup> Glaserfeld, Ernst von. "An Introduction to Radical Constructivism" The Invented Reality: How do we know what we believe we know? Contributions to Constructivism. Ed. Paul Watzlawick. New York: W.W. Norton & Company. 1994. 24.

<sup>69</sup> Ibid., 32.

<sup>70</sup> The term 'as such' is used in this literature to mean 'evident' or 'perceived'.

<sup>71</sup> Ibid., 39.

Radical constructivism says that even the “facts” of the natural world are realities that we create. It says that “...‘out there’ there is no light and no color, there are only electromagnetic waves; ‘out there’ there is no sound and no music, there are only periodic variations in the air pressure; ‘out there’ there is no heat and no cold, there are only moving molecules with more or less mean kinetic energy... the physical nature of the stimulus – its quality – is not encoded into nervous [system] activity...”<sup>72</sup> This position argues that there is nothing inherently red about the spectrum of electromagnetic energy we call “red”. Rather, red is red because of societal consensus. These consensuses, these “facts” about the natural world are called first order reality. First order reality consists of “the universe of facts which can be established objectively in as much as the repetition of the same experiment yields the same result independently of by whom, when and where the experiment is being carried out.”<sup>73</sup> For the purposes of daily life, and certainly for the purposes of rabbinic leadership, we should accept first order reality on its face and accept the consensus reality of scientific “fact”.

We should not say the same of second order reality. This is “the aspect of reality in the framework of which meaning, significance, and value are attributed.”<sup>74</sup> In his article on ideological “realities”, Paul Watzlawick argues, “While it is sensible in the area of first-order reality to examine, in the case of differences of opinion, whose opinions do justice to the concrete facts and who is wrong, in the sphere of second order reality it is senseless to argue

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<sup>72</sup> Foerster, Heinz von. “On Constructing Reality” in The Invented Reality: How do we know what we believe we know? Contributions to Constructivism Ed. Paul Watzlawick. New York: W.W. Norton & Company. 1994. 46.

<sup>73</sup> Watzlawick, Paul. “Components of Ideological ‘Realities’” in The Invented Reality: How do we know what we believe we know? Contributions to Constructivism Ed. Paul Watzlawick. New York: W.W. Norton & Company. 1994. 236.

<sup>74</sup> Bloom, Jack H.. The Rabbi as Symbolic Exemplar: By the Power Vested in Me. New York, London, Oxford: Haworth Press, 2002. 95.

about scientifically established 'truth' or to claim to have found it."<sup>75</sup> The implications of this are both terrifying and liberating. It is terrifying in that reality "based on scientific knowledge no longer can be the final authority."<sup>76</sup> It is liberating in that it opens a whole new world of possibility for understanding, relating to, and finding meaning in life. It also reopens the role of liberal religion in helping people find meaning in life.

Rabbi Bloom points out that religion, "has long been concerned with 'second order reality,' being less concerned with what things *are* than with what they *mean*."<sup>77</sup> This is particularly true of heterodox religion. According to fundamentalist religion, truth has been revealed and we must fit our lives into that truth. According to heterodox religion, on the other hand, "religion need not be the pursuit of certainty. It can and has been, the search for meaning(fullness) – *not* ultimate meaning, for that is the search for certainty in disguise."<sup>78</sup> Non-Orthodox (liberal, heterodox, etc.) religion recognizes the autonomy of the individual not only in that the individual has the freedom to act in the world as they see fit, but also in that the individual *creates* their own reality.

Rabbi Bloom refers to Watzlawick who describes the three outcomes that flow from this recognition. First, every individual must recognize that just as she creates her own reality, so to does every other person. Therefore we must have "*tolerance* and appreciation of difference." Second, since each person creates her own reality, she has a very deep *responsibility* for her thinking and acting in the world. Third, if we create our reality, we can change it. This represents a radical *freedom to create* the world in which we live, to see things differently, to make the

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<sup>75</sup> Watzlawick, Paul. "Components of Ideological 'Realities'" in The Invented Reality: How do we know what we believe we know? Contributions to Constructivism Ed. Paul Watzlawick. New York: W.W. Norton & Company. 1994. 238.

<sup>76</sup> Ibid.

<sup>77</sup> Bloom, Jack H.. The Rabbi..., 95-96. Emphasis is mine.

<sup>78</sup> Ibid., 99.

world a better place. This recognition of second order reality, then, brings three things to religion: "tolerance and forbearance for the world others have created; responsibility for one's own world as one's own creation; and freedom to move around in it, to re-create it and thereby maximize choice."<sup>79</sup>

Yet, as Watzlawick points out, "No living being can afford to 'reinvent' the world every day. Most of the time, there is no good reason to abandon a proven solution."<sup>80</sup> And that is what liberal Judaism can provide. It offers maps, myths, rituals and symbols that help people create their realities. For millennia our people have searched for meaning in this world, for ways of marking time and noting adversity; for ways of recognizing relationships and creating community; for ways to create holy space and to recognize the holy in the everyday. If our religion does nothing else, it helps people take the first order reality we're given and create for themselves a second order reality of holiness and meaning.

In his work, The Journey Home: Discovering the Deep Spiritual Wisdom of the Jewish Tradition, Rabbi Lawrence Hoffman demonstrates that our tradition, from the time of the rabbis, has focused on helping people make meaning out of the business of daily living. He says that there is a "uniquely Jewish way of mapping reality"<sup>81</sup> and that the activity of mapping is the basis for a spirituality that our modern congregants can buy into.

Hoffman writes:

...spirituality is our way of being in the world, the system of connectedness by which we make sense of our lives, how we overlay our autobiography in the making with a template of time and

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<sup>79</sup> Ibid., 96-97.

<sup>80</sup> Watzlawick, Paul. "Components of Ideological 'Realities'" in The Invented Reality: How do we know what we believe we know? Contributions to Constructivism. Ed. by Paul Watzlawick. New York: W.W. Norton & Company. 1994.

<sup>81</sup> Hoffman, Lawrence. The Journey Home: Discovering the Deep Spiritual Wisdom of the Jewish Tradition. Boston: Beacon Press, 2002. 14.

space and relationship that is vastly greater than we know ourselves individually to be. It is the way we dimly find our way to how we matter, the maps we use for things like history and destiny, the way we take a jumble of sensory data and shape it coherently into a picture, the way discordant noise becomes a symphony of being, the way we know that we belong to the drama of the universe. It is the wonderfully enchanting but equally rational way we go on our way of growing up and growing older in the mysterious business we call life.<sup>82</sup>

This is the process of second order reality making. It is a process that we all do, every day of our lives. Making us conscious of it adds meaning and coherence to our lives. Importantly, Hoffman shows us that our tradition has always called this process holy and spiritual. Our experiences are thus the dots that we connect to create a coherent picture of who we are and why we exist. "Simply to be human is to have to struggle for meaningful patterns among life's dots, especially the ones we never asked for... Meaning is the way one dot fits neatly with another."<sup>83</sup>

As Watzlawick pointed out, we cannot each create our own maps nor the methods for creating those maps everyday. Instead people use previously existing metaphors, symbols, maps and myths to help them connect the dots, create meaning, and understand their lives. Hoffman writes that a typical American map is a hill. Growing up, establishing ourselves, having children, striving for our earning potential, working towards professional goals; these events constitute climbing the hill. When we're "over-the-hill" we begin to lose our value to society, we start to become a burden to our family, and our social stock falls. Hoffman teaches us that maps like this "are borrowed from culture at large and are taken for granted by most people who measure their lives by them without ever questioning their validity. They are not the only images available."<sup>84</sup>

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<sup>82</sup> Ibid., 17.

<sup>83</sup> Ibid., 24.

<sup>84</sup> Ibid., 25.

The metaphors we use to understand our life, the shapes that we ascribe to our journey, these provide us with meaning and can give us hope or send us into despair. Choosing that shape, connecting those dots is the responsibility of each person. No one can impose a shape on an individual. "Our singular most spiritual act of faith, therefore, is when we determine that we, like God, will connect random dots into a single shape that tells us who we are; that we will stand before the mirror of life sure of our identity and, without stumbling, answer the question, 'Who are you?'; and that we, again like God, will do so at the end of each day, looking at what we have created and saying that it is good." As Jews we have a rich source for shapes and metaphors: the Torah.<sup>85</sup>

When looking to our tradition as a source for metaphors and maps, we should define Torah as broadly as possible to include the sum total of Jewish writing, poetry, law, legend, music and liturgy. So understood, Torah provides endless "images from religious tradition" that can serve as "Jewish metaphors of who we are..."<sup>86</sup> The themes of our tradition are both universal and particular. They can help us map our relationships to others, to community, to God and to ourselves. For instance, the book of Leviticus deals with the daily details of life: "menstruation, and food, and sex, and sacrifice, and the petty little ways that we can be good and decent people." This understanding, this map of God in the details of life, provides a powerful and empowering alternative to the American understanding of the "everyday existence... as draining."<sup>87</sup> If we each create our own second order reality, why not choose a metaphor, a map, which elevates life instead of denigrating it? Judaism provides such a source of metaphor, of understanding.

Hoffman writes:

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<sup>85</sup> Ibid., 29.

<sup>86</sup> Ibid., 30.

<sup>87</sup> Ibid., 38.

I mean only to demonstrate that the shape of life is not a given; it is what we make of it. And we have no choice but to make *something* of it. The only question is what that something will be. The dominant secular offerings are terrible... By providing its own way of looking at things, religion often "corrects" ideas that our culture presents as obvious, natural, and therefore unassailable.

The implications of this for rabbinic leadership are profound. In our cynical, secular world, we represent an alternative. As symbolic exemplars of our tradition, people have always turned to us in their happiest and their desperate moments. As contemporary religious leaders we have the opportunity to extend our usefulness beyond the life-cycle ceremony and help people find the meaning in their day to day life, in how their everyday dots connect with the extraordinary dots. The default American culture offers a map which emphasizes instant gratification, youth, good looks, different thinking, speed, strength, and individualism. While all of these have an undeniable place in life and in our understanding of it, Judaism offers a more holistic, healthy, and holy perspective.

Since, as discussed above, so much of our 2<sup>nd</sup> order reality comes from the metaphors we choose to describe and connect our experiences, language is of the utmost importance in forming our reality. "English is so dominated by two thousand years of Christian thought that Christianity has cornered the linguistic market describing [ethics, theology and spirituality]."<sup>88</sup> In other words, most of our congregants will, unknowingly, draw the pictures of their lives using words and metaphors loaded with explicit and latent Christian meaning and content. As rabbis, we can give them the vocabulary to define their lives in Jewish terms.

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<sup>88</sup> Ibid., 6.



The obvious way towards this goal is increasing facility with Hebrew. Yet, until the bulk of our congregants are more comfortable with Hebrew, we have to help them use English as a Jewish language. This means ensuring that the English we use to describe our lives draws on images, ideas and metaphor originating in our tradition. It means customizing the vernacular to fit more closely with Jewish values, themes and ideas. "It is not as if Jews can't use [English] words... but it takes work to make them fit." Rabbinic leadership must aim at helping people use Jewish language, Hebrew or English, to create their 2<sup>nd</sup> order reality. This does not mean merely translating ancient and medieval Hebrew texts into modern English. That will only work if "we can somehow interpret what that language means in terms that modern people can comprehend." As rabbis, we understand the context in which those texts arose. We can help uncover the intent behind the texts and the spirit of their meanings. By helping people access the meaning, intent and spirit of our texts, we give them access to a huge library of images, metaphors and understandings with which they can paint the pictures of their lives. This type of leadership is not about changing the world, it is about helping our congregants change their perspectives and themselves so that they can see the world differently.<sup>89</sup>

For our congregants to access this Jewish language we must help them feel authentic. As Reform Rabbinic leaders, rabbis must help their congregants see the tradition as their own. They must validate the "Jewishness" of congregants while at the same time pushing them to learn more and do more. Reform rabbis need to reiterate to our youth and our adults that the Bible need not be read literally to provide us with meaning and worth. Congregants should be shown that a belief in a historical Exodus from Egypt is not necessary to understand the power of the myth and the way that the message of the myth has reverberated through the entire history of Western civilization. Rabbis need to repeat, again and again, that ours is not a religion at odds

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<sup>89</sup> Ibid., 12-13.

with science. We do not look to our texts for the “how’s” of creation or the “what’s” of history. We look to our texts for meaning and understanding and maps. Once they feel completely authentic, Reform congregants will come to appreciate the power and validity of our form of heterodox religion. They will then be free to understand spirituality as something that they can experience each and everyday.

Spirituality, according to Hoffman, need not be about “beings beyond our realm”, “prayer [as a way to access] the extrasensory beyond”, “[word-for-word] translations of medieval classics]”, or “doing good”. In this day and age when people are desperate for spiritual meaning, we can offer them a spirituality that starts with “the human situation that we all know quite well.” Making people conscious of the processes by which they create their second order reality, giving children and adults Jewish metaphors, maps, and myths to use in their creation of that reality, that is at the crux of rabbinic spiritual leadership. “Spiritual discourse is thus a particular way to live in the world – one that leads us to appreciate things that we would not be conscious of were we to limit ourselves to the way our secular culture describes reality.”<sup>90</sup>

In a community of clergy that talks about making synagogue life more spiritual, nothing could be more relevant. We need not lecture on complex *kabalistic* notions; we need not start Shabbat services with meditation or offer “Jewish yoga” classes. Though nothing is wrong with any of these, nothing can compare to the power of creating second order reality as deep spirituality. Reform rabbis are in the unique position to give our congregants the tools and the ideas they need to create realities of meaning and spirit, of depth and holiness. This goal ought to infuse every leadership task we face.

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<sup>90</sup> Ibid., 14-15.

## Chapter Four: Fostering Stewardship, Living Your Vision and Passion

Rabbis specialize in text, in counseling, in performing life-cycle events, in preaching and in teaching. In seminary, rabbis get very little training in management, organizational dynamics, group facilitation and other important leadership skills, techniques and theories. Yet, congregations expect just those skills. In this world of ever changing management fads, author and consultant Peter Block, offers advice and vision that can have a powerful impact on how rabbis lead their congregations in the 21<sup>st</sup> century. Applying his teachings on stewardship and partnership will help create the kind of involved congregational communities we seek.

Peter Block began his career after graduating Yale with a masters degree in Industrial Administration in 1963. Since then he has built a very successful consulting practice based on his theories of “having impact when you have no direct control”, “creating an organization of our own choosing”, “the right use of power and designing organizations for service”, and “giving priority to what matters over what simply works”.<sup>91</sup> These lessons, which he writes about in several best-selling books, informs our understanding of congregational leadership both in how the rabbi ought to lead and how the rabbi can identify and interact with lay leaders.

Block’s books and ideas seek to improve the efficacy, marketplace penetration and workplace environments primarily of for-profit institutions. Thus, we must go through a process of translation to effectively use his ideas in a congregational setting. Some of the terms which need translation are: manager, employees, customer, economic problems, and marketplace. To apply his ideas to our congregations, we’ll understand his use of the terms “boss,” “CEO,” “Executive,” and “Teacher” to refer to the rabbi. We’ll understand “employees” both as the actual employees of the congregation *and* the volunteer, lay board of trustees and their associated

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<sup>91</sup> “about peter” [peterblock.com](http://www.peterblock.com). Peter Block Inc. 18 January 2007 <<http://www.peterblock.com/aboutp.html>>.

committee members. When he uses the term “customer,” we’ll understand him to mean “congregant.” We’ll understand economic problems” as low program and worship participation and buy-in. Finally, for “marketplace” we’ll substitute “congregants and potential congregants.” These “translations” are imperfect but ought to serve our purpose, helping us utilize his for-profit, corporate ideas in our not-for-profit, congregational setting.

His theory of stewardship grows out of a political world view. In the forward to Block’s book Stewardship: Choosing Service Over Self-Interest, Joel Henning describes the origins of Block’s ideas as the democratic ideal over totalitarianism. A contributing factor to the failure of totalitarian governments was their command and control economic policies.<sup>92</sup> They “wagered their survival on central control and the supposed promise of safety for their citizens.”<sup>93</sup> Yet, these “drab gray societies”, where control, consistency and predictability were valued above all else, could not efficiently manage their resources in a centralized way. We find one striking example of this failure in the story of the Trabbi car from East Germany. This was the only car that East Germans could purchase. There was a 15 year waiting list because the lack of alternative made the demand very high. Yet, in December 1989 when East Germans could suddenly buy other cars, “sales of Trabbis stopped. Cold.”<sup>94</sup>

The effects of totalitarianism, needless to say, were not merely economic. These governments that stifled dissent and the free exchange of ideas “strangled the human spirit, wilted faith and hope among the population, and created helplessness.” Unfortunately, many of our institutions today try to centralize governance, management and resource allocation in this same way... meeting with the same results.

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<sup>92</sup> Henning, Joel. Introduction. Stewardship: Choosing Service Over Self-Interest. By Peter Block. San Francisco: Berret-Koehler Publishers, 1993. xi.

<sup>93</sup> Ibid., xii.

<sup>94</sup> Block, Peter. Stewardship: Choosing Service Over Self-Interest. San Francisco: Berret-Koehler Publishers, 1993. 32.

Block asks why we think that a totalitarian, hierarchical system that failed so miserably for the dictatorships of Eastern Europe would work in corporate America. During the Cold War and today in the Middle East, the United States champions democracy as the alternative to this type of authoritarian regime. Why is it that we fight and die for democracy on a national level but “when we enter the factory door or the lobby of the business cathedrals in our major cities, we leave our belief in democratic principles in the car?”<sup>95</sup> Block argues that this makes little sense for corporations and we will see that it makes even less sense for our congregations.

The suburban synagogue model that we see all over the Reform Movement often mirrors the governance structure of the corporations in which our congregants work. The message our lay people received from the post-World War II corporate world often followed them into the boardrooms of our synagogues. The first rule of corporate “citizenship” was that of compliance. “The message is everywhere, from how we draw organization charts to endless manuals on company policies and procedures.”<sup>96</sup> In our congregations, worst-case-scenario boards spend months discussing the minutiae of policy, financial structure, and High Holy Day honors to make sure that they are all “done right.” Some of our lower functioning religious schools develop policies for all of our children instead of looking at the educational and spiritual needs of each child. In some places the rabbis and cantors must conduct services the same way each week or risk having the congregants complain about the changes. Instead of compelling dynamism and innovation, our synagogues sometimes become places of compliance.

The second rule of corporate citizenship says: “Watching is better than doing.”<sup>97</sup> In our nation’s corporations and institutions the management and executives have become a class unto themselves, a class which monitors work instead of doing it. We reward those who “watch” far

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<sup>95</sup> Henning, Joel. Introduction. Stewardship..., xii.

<sup>96</sup> Ibid., xiii.

<sup>97</sup> Ibid., xiv.

more handsomely than those who "do". While not always the case in congregations, some boards filled with people who rarely come to services; rarely come to life-long learning sessions; rarely participate in social action projects. We need to make sure that the people who run our synagogues take *Torah*, *avodah*, and *g'milut chassadim* seriously. We need the people who participate in worship, study and do good deed running the show as opposed to the "watchers" to whom Block refers.

Corporate citizenship's final rule: "in the event of breakdown or failure, try harder... Businesses and corporations in trouble almost always respond to crisis by doing more of what they have already done."<sup>98</sup> If adding interest group Shabbatot<sup>99</sup> does not result in regular sabbath attendance, why do we keep creating such services? If adding programs to the life-long learning offerings does not change who comes or increase participation, why do we insist that by finding the right program and we'll suddenly have a torah literate community? Doing more of the same, even if we repackage it, will never result in the kind of community for which we strive.

Compliance and control failed in Eastern Europe, works poorly in corporate American and led some synagogues to be devoid of meaning and interest for adults. Just as corporations need to jettison these "rules" of corporate citizenship, so must our congregations... and some have already done so. With what will we replace this culture? On what will our success depend? According to Henning, "Success in the future will depend on people who have a passion for business, who generate new ideas, ways of doing things that result in new knowledge that results in innovative and unique products in the marketplace."<sup>100</sup> Or, translated for our synagogues, "Success in the future will depend on people who have a passion for Torah, worship and social action. The people who generate new ideas, ways of doing things that result in new appreciation

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<sup>98</sup> Ibid., xv.

<sup>99</sup> i.e. Sisterhood Shabbat, Brotherhood Shabbat, Boy Scout Shabbat, etc.

<sup>100</sup> Ibid., xvi.

for and understanding of our tradition, compelling modes of worship, and impactful social action. These will result in an innovative and unique set of synagogue offerings for all our congregants and potential congregants.”

“Passion,” “generation,” “innovation,” “uniqueness,” “impactful,” “new ideas” – these are the things that will drive our congregations more than any policy manual or standardized curriculum. We should fill our boards with people who demonstrate this type of passion not only for management, but also for the activities of the synagogue. Then we should give these people real control.

By sharing control, Block does not advocate anarchy but he demonstrates that centralized control cannot work either. “...to live in a country where we shed blood to preserve democratic political institutions while creating our economic [or religious] institutions based on antithetical values can lead us to no good end.”<sup>101</sup> Block shows us how to bring those messy, challenging, demanding and ultimately fulfilling democratic values to our congregations.

We must start by looking seriously at the governance of our institutions. For rabbis, this means finding the right people for our boards and committees, it means identifying people with passion and helping them channel that passion for the good of the community. How do we direct that passion? By encouraging stewardship. “Stewardship,” Block teaches, “focuses our attention on... the distribution of power, purpose and rewards.”<sup>102</sup> Helping people feel a sense of stewardship feeds their desire to more fully integrate their lives. Synagogue becomes not something they “do” but a part of who they are, an extension of their various interests, skills and passions.

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<sup>101</sup> Ibid., xvii.

<sup>102</sup> Block, Peter. Stewardship..., xix.

Underlying this idea of Stewardship is the value of service. Rabbi Ammiel Hirsch at Stephen Wise Free Synagogue speaks to the new board each year at installation. He tells them, "Before you were on the board it was legitimate to view the synagogue from the perspective of, 'what does it do for me; what is good for me.' Once you are on the board – the primary question is 'what is good for the synagogue.'" <sup>103</sup> Helping people see that they serve the congregation, and not the other way around, can help them feel a sense of stewardship.

Block says that "authentic service is experienced when: 1) There is a balance of power... 2) the primary commitment is to the larger community... 3) each person joins in defining purpose and deciding what kind of culture [the] organization will become... and 4) There is a balanced and equitable distribution of rewards..." A rabbi can help reorient the thinking of all lay volunteers, those who are on the board and those who are not, to align with this ideal of authentic service.

There are six points which Block says conveys the essence his ideas:

- 1) "We want to affirm the spirit... [which] comes only from each person taking responsibility and owning their actions."
- 2) Partnership, not control, brings about the kind of organizations we seek.
- 3) "Empowerment means that each member is responsible for creating the organization's culture, for delivering outcomes to its customers, and especially for the quality of their own experience."
- 4) "A commitment to service requires us to reintegrate the managing and the doing of the work."

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<sup>103</sup> Hirsch, Rabbi Ammiel. Personal Interview. October 2006.



- 5) You cannot solve management problems using the same techniques that brought those problems into existence.
- 6) Practices and policies which keep "ownership and responsibility focused at the top... are obstacles to quality and service."<sup>104</sup>

*Point One: "We want to affirm the spirit... [which] comes only from each person taking responsibility and owning their actions."*

As discussed earlier in this thesis, Jews find spirituality in connecting the dots that make up their lives. Too many of us connect the dots and find that we've created multiple pictures, multiple selves. There is the work "self," the home "self," the friends "self," the family "self," the synagogue "self," and others. The more selves we have, the more difficult it is to connect *all* of our dots into one coherent picture. Finding that coherence is the first step in finding meaning in what we do. If, as Block argues, "to embrace stewardship is to discover that [finding coherence]... is possible [in the workplace] as a member of the working and middle class,"<sup>105</sup> then people should certainly be able to find that kind of meaning at their synagogue. Synagogues should be the kind of place where people can feel fully integrated. Each "self" a person brings should be valued and sought out for contribution and ownership in the congregation. When all parts of a person are valued, they can then integrate themselves, find meaning in their world, and find meaning in our tradition.

In a world where rabbis are expected to raise money, be a manager, and perform all of their religious duties, it is important for them to remember to "affirm the person as truly central

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<sup>104</sup> Ibid., 49-51.

<sup>105</sup> Ibid., 48.

to the”<sup>106</sup> synagogue. When the rabbi, staff and lay leaders affirm each and every member as a central part of their community, the potential exists for any congregant to take stewardship of the congregation and thus create a more meaningful, more innovative, more *spiritual* place.

*Point Two: Partnership, not control, brings about the kind of organizations we seek.*

Society and corporate America teaches that “...control, consistency, and predictability are essential.” We’ve embraced those ideals in our synagogues, as well. People look to the board as the center of congregational power and at the clergy as authority figures. Block calls this outlook “patriarchy” and its alternative “partnership.” Patriarchy is the “unwitting outcome of our belief in control, consistency, and predictability... [it places] ownership and responsibility for solving the challenges of [the organization]... primarily at the top of the organization.”<sup>107</sup> In our congregations, the people in the patriarchy bemoan the lack of participation and sense of ownership of those outside the power structure. Yet, creating more programs, more activities, more classes, cannot give people a sense of ownership and commitment. What we need is partnership.

“Partnership means to be connected to another in a way that the power between us is roughly balanced.”<sup>108</sup> In the workplace this means a shift in power from manager to employee. In our congregations it means a shift in power from rabbi to staff member, from president to committee head, from board member to congregant, from teacher to student. When there is more equal power, people not only *feel* empowered, they *are* empowered to make sure that synagogue

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<sup>106</sup> Ibid., 49.

<sup>107</sup> Ibid., 25.

<sup>108</sup> Ibid., 28.

allows them to express their religious, social, and educational needs. Block outlines five "...requirements that need to be present to have a real partnership:"

- *Exchange of Purpose*: "Each party has to struggle with defining purpose, and then engage in dialogue with others about what we are trying to create."
- *Right to Say No*: "Partners each have a right to say no. To take away my right to say no is to claim sovereignty over me."
- *Joint Accountability*: "Each person is responsible for outcomes and the current situation. There is no one else to blame."
- *Absolute Honesty*: "In a partnership, not telling the truth to each other is an act of betrayal."
- *No Abdication*: Just because someone has ceded some control to a new partner does not mean that he can now walk away from his responsibilities. "Fine! You do it!" doesn't cut it.<sup>109</sup>

In congregational life, as in any sphere, you can't force partnership. But if someone wants to get involved, refusing to partner with them will ensure their failure and alienation. Refusing to partner reasserts the patriarchy and the feelings of alienation that it creates. As a rabbi, a position to which people ascribe undue authority, it is especially important to be aware of partnership dynamics, to ensure that people feel comfortable partnering with the rabbi, disagreeing with the rabbi, and presenting new ideas to the rabbi. Giving people real control and power will help make the partnership real and genuine.

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<sup>109</sup> Ibid., 29-31.

As Hal Lewis writes in From Sanctuary to Boardroom: A Jewish Approach to Leadership: "...requiring power to be shared is a far more effective and beneficial way to lead than having a single, all-controlling individual sit alone at the head of an enterprise."<sup>110</sup> The alternative, of course, is partnership.

*Point Three: "Empowerment means that each member is responsible for creating the organization's culture, for delivering outcomes to its customers, and especially for the quality of their own experience."*

Our culture values metrics. We like to know how to measure success and failure. We like to define expectations and create systems of rewards and punishment. While rejecting these ideas would be going to far, we must be careful how we use them. Imposing expectations instead of partnering to create them is like imposing rules on a child. Too often the metrics we use to measure success are arbitrary and do not consider the complexity of our systems or the many ways to understand success. When these metrics are imposed on people they lost their autonomy. "Setting goals for people, defining the measures of progress toward those goals, and then rewarding them for reaching them does not honor their capabilities."<sup>111</sup> At best, this is acting like a loving parent, at worst, this is acting like a dictator, in either case it removes the possibility of real stewardship because, in defining the measurements, you're removing the control of the other.

So to really empower someone, we do not *give* them the metrics they need to reach to succeed. Instead we give them the real power to not only determine their task, but to define their

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<sup>110</sup> Lewis, Hal M. From Sanctuary to Boardroom: A Jewish Approach to Leadership. New York: Rowman & Littlefield Publishers, Inc., 2006. 57.

<sup>111</sup> Block, Peter. Stewardship..., 22.

success. We can create this environment "but individuals have to make the decision to reclaim their own sovereignty, and this is no small matter either."<sup>112</sup> When someone claims their sovereignty, they stop passing the buck, they see the survival and growth of the organization in their own hands. Once they see survival as their responsibility, they can participate in defining the purpose of the organization. They need to know what kind of culture they want. "If those above have a vision, we want to know it and support it, but it does not substitute for our own."<sup>113</sup> Feeling responsibility and knowing that your vision is valued leads necessarily to real, emotional commitment in the organization. This commitment allows people to endure frustrating moments in the pursuit of success. It gives them the confidence to teach those "above" them how to create the kind of community they seek.<sup>114</sup>

This does not eliminate the need for leaders and organizational structure. It just changes the role of those leaders from monarch to specialist. Block says of corporations, "We need our leaders to interpret the marketplace and the environment to us, to give us the boundaries within which we can create community, to tell us what is required to sustain ourselves economically and in offering our product and service." Translated for our congregations: "We need our rabbis to interpret our tradition and contemporary trends in Judaism to us, to give us the Jewish boundaries within which we can create community, to tell us what is required to sustain ourselves as viable members of *klal Yisrael* and in offering spiritual, learning, and service opportunities to congregants and potential congregants."

Does this mean that the rabbi gives us control? If we define control as synagogue management, fiduciary responsibility, programming logistics, and carrying the burden of visionary for the entire congregation then: Yes. And thank God! When the congregants are

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<sup>112</sup> Ibid., 35.

<sup>113</sup> Ibid., 36.

<sup>114</sup> Ibid., 35-37.

empowered, the rabbi can focus on her real area of expertise: our tradition and its interpretation in today's world. It also frees the rabbi to spend time identifying and nurturing the leadership in others. Hal Lewis teaches us that even Moses knew that "the real job of a great leader is to nurture and encourage leadership in others..."<sup>115</sup> This frees the Rabbi from the Great Man model of leadership removing an impossible burden and freeing her to lead using "Judaism's classical perspective [that]... suggests that adaptability, shared responsibility, and empowerment of followers... lie at the core of effective leadership."<sup>116</sup>

Once in place, an empowered congregation will take responsibility for their own spiritual needs. They will ensure that the synagogue offers the kinds of worship, learning and service opportunities which fulfill their Jewish vision. They will own their own Judaism.

*Point Four: "A commitment to service requires us to reintegrate the managing and the doing of the work."*

In corporate America, the people at the top are not the ones who do the work. In fact, more and more, the doing of work happens far away: factories in Asia, call-centers in India. Globalization has come knocking in a big way and it has moved the doing overseas. "We have intentionally structured our organizations so as to exclude lower levels of an organization, those doing the core work, from planning, organizing, and controlling their own work."<sup>117</sup> For stewardship to take root, for people to take responsibility for the organization, to partner for success, what is needed "is the reintegration of managing the work with doing the work."<sup>118</sup>

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<sup>115</sup> Lewish, Hal M. From Sanctuary..., 79.

<sup>116</sup> Ibid., 76.

<sup>117</sup> Block, Peter. Stewardship..., 45.

<sup>118</sup> Ibid., 47.

How does this translate for the synagogue? Simply: the people on the board need to be involved in the activities of the synagogue. A skilled accountant is a valuable person to have on a board of trustees. Yet, if that accountant never goes to services, never studies our tradition, never participates in service opportunities offered by the synagogue, how can make the right *Jewish* decisions for the synagogue? To ignore people's vocational and a vocational skills would be foolish, but to put people in positions of leadership *because* of these skills is equally foolish. The stewards of our congregation should be drawn from those who demonstrate their care for the organization through participation in its many activities, through living out its mission.

*Point Five: You cannot solve management problems using the same techniques that brought those problems into existence.*

This is the catch-22 of Block's system. Our congregations today are generally hierarchical patriarchies. We have rabbis who are given authority and boards who are given power. In this paradigm, if we want to move from hierarchy to stewardship, from patriarchy to partnership, they are the logical people to push for that change. Yet, "The very system that has patriarchy as the root problem [cannot use]... patriarchal means to try to eliminate its symptoms."<sup>119</sup> Stewardship needs to be encouraged in others through power sharing and partnership, through listening to other members and giving them the room to pursue their initiatives; through acts of *tzimtzum*.<sup>120</sup> Goals and metrics cannot be set ahead of time. "The act of leading cultural or organizational change by determining the desired future, defining the path to get there, and knowing what is best for others is incompatible with widely distributing

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<sup>119</sup> Ibid., 51.

<sup>120</sup> The mystical notion of God pulling back to create a space in which creation could take place.

ownership and responsibility in an organization.”<sup>121</sup> Those we’d like to see claim stewardship must be an integral part of the change process or it will fail.

Allowing others to sharing in the transition to stewardship presents risks. These include “the possibility that [people] may not remain true to the original plan; they may go off and lead in a different direction.”<sup>122</sup> Others may not fully grasp the notion of stewardship and instead see an opportunity to grab power and perpetuate the status quo power structure. That said, Lewis points out that “the benefits of raising a new generation of leaders, trained to think independently, willing to venture out on their own, are redemptive; the functional equivalent of what the mystics called *tikkun*. This can only be accomplished by embracing the power-sharing principle in leadership.” While Lewis uses the term “leadership” we could easily replace it with the word “stewardship”. By doing so, we not only create people who will share in the continuing creation and *tikkun* of our synagogue, we also change the power structure so that stewardship becomes the norm for all members of the synagogue, and not only among those previously identified as potential leaders.

*Point Six: Practices and policies which keep “ownership and responsibility focused at the top... are obstacles to quality and service.”*

We need boards of trustees for our synagogues. These committed members not only make sure that our synagogues function, they have fiduciary responsibility and are mandated by law. The members of the board are often drawn from committed members who have bought into the ideas and ideals that drive our synagogues. They are valuable members who care about the

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<sup>121</sup> Ibid., 13.

<sup>122</sup> Lewis, Hal M. From Sanctuary..., 58.



future of the community. These people have risen through the hierarchy of the synagogue: volunteer to initiative committee member to initiative chair to board member to committee chair to executive committee and even to president. They are loyal and devoted. They are a blessing.

And yet, the very people who ensure the existence of our synagogue unintentionally impede its ability become an organization which embraces stewardship. These people are so bought into the systems in which they developed into synagogue leaders that they inadvertently, create "obstacles to improving quality, to giving customers what they want, and to succeeding in a volatile and unpredictable marketplace."<sup>123</sup> Or, translated for the synagogue: Board members who have risen up through the ranks create "obstacles to changing the way the synagogue fulfills its mission, to giving congregants the new things they want, and to succeeding in the ever evolving spiritual and Jewish landscape of America."

Many of our board members have the current systems of the synagogue so ingrained in their understanding of what it means to be a Jew, that they have trouble seeing any alternative ways of doing things. Yet, as the culture changes, as new generations of Jews become active in our synagogues<sup>124</sup> we must be able to shape our complete portfolio of offerings to meet their needs, as well. Stewardship, partnering and sharing power across the congregation, will allow these people to have a voice, will allow in new ideas and new systems and will therefore allow our synagogues to evolve to meet the needs of future generations.

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<sup>123</sup> Block, Peter. *Stewardship...*, 46.

<sup>124</sup> Note that I did not write "become synagogue members". People are joining synagogues later in life if at all. They want the synagogues to be there when they need it or for specific programs but they do not see the synagogue as all encompassing institutions as previous generations understood them to be. These people may spend a long time attending services, attending programs, volunteering and doing many other things with the synagogue before even considering joining. Finding a way to integrate these people in our communities will be critical. Rabbi Andy Bachman frequently discusses this idea. Also see Hoffman *Rethinking...*

In The Answer to How is Yes: Acting on What Matters Peter Block talks about four different archetypes see in the work place: Engineer, Economist, Artist and Architect. Everyone draws on all these archetypes as they function in the world. Some people emphasize one or archetypes over the others. Understanding what each archetype contributes can help rabbis identify potential stewards for congregations. This understanding can also help the rabbi lead in a balanced, more effective, and more inspirational way.

The Engineer seeks the practical. "The heart and soul of an engineering strategy is to control, predict, automate, and measure the world."<sup>125</sup> The engineer believes that logic can solve any problem, that every lock has one key. Risks are viewed as dangers, not opportunities.<sup>126</sup> When an engineer manages an organization, he believes that as a leader he ought to: "1) articulate a clear objective... 2) Define roles and responsibilities clearly... 3) Prescribe the behavior that you want... 4) Assess often and give good feedback... 5) Control the emotional side of work... and 6) Think of employees as one more asset..."<sup>127</sup> Engineers measure and count and set and project. They think with their head. They are goal oriented in the extreme. If they can't measure it, it doesn't exist.

The next archetype discussed by Block is the Economist. Like the engineer, the economist seeks to measure and predict the world. He does it "on the basis of cost, as well as safety, control and predictability."<sup>128</sup> The economist seeks to fulfill the perceived needs of the involved parties. He wants to satisfy demands in the most economical way possible. When an engineer manages an organization, he believes that as a leader he ought to: "1) Refocus the rewards system to reward people for the new desired behavior... 2) Competition is essential to

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<sup>125</sup> Block, Peter. The Answer to How is Yes: Acting on What Matters. San Francisco: Berret-Koehler Publishers, Inc., 2002. 150.

<sup>126</sup> Ibid., 150-151.

<sup>127</sup> Ibid., 153-154.

<sup>128</sup> Ibid., 155.

success... 3) Barter is a major basis for motivation and action... 4) Apply a cost-benefit analysis to every action... and, 5) Grow or die."<sup>129</sup> The economist seeks to continue the past for less cost and with more efficiency.

Both the economist and the engineer see the world in instrumental terms. They see people and resources as things to be used to reach some end. The more efficiently the resources can be used, the better. There is no love or art in these archetypes, no dreams or abstract notions of spirituality. Maimonides taught that an instrumental view of the world was evil. One who follows the commandments merely for reward instead of out of love earned no place in the world to come.<sup>130</sup> Martin Buber sees the necessity of instrumentality, in the form of I-It relationships, to function effectively in the world. Yet, if one wishes to seek the divine, one must strive for I-Thou relationships, relationships of meaning and depth and connection.<sup>131</sup> If two great Jewish thinkers reject instrumentality as a way to reach towards God, we need an alternative when running our synagogues, places where people strive for the holy.

Block offers the Artist as an alternative to the archetypes of engineer and economist. "The essence of the artist," writes Block, "is the ability to give universal meaning and depth to everyday objects in everyday life."<sup>132</sup> The essence of the artist is: "1) Artists loves surprise, in fact they call it creativity... 2) Artists nurture emotion and make it the subject of their study... 3) The artist is a permanent outsider... 4) The artist views commerce with suspicion." Artists, then provide inspiration and meaning. They seek that which is important, emotional, and intimate.

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<sup>129</sup> Ibid., 156-158.

<sup>130</sup> Hilchot Teshuvoah, Chapter 10

<sup>131</sup> See Buber, Martin. I-Thou. Trans. R. G. Smith. 2<sup>nd</sup> ed. New York: Scribner's, 1958.

<sup>132</sup> Block, Peter. The Answer..., 161.

They reject of instrumentality, seeing it as irrelevant and even evil. Artists seek love and seek to nurture love in others.<sup>133</sup>

In the end, Block says that we cannot rely on any one of these archetypes to run our organizations. We need someone that combines the best from all of these. Block calls this archetype the Social Architect. "Architects learn both the strength of their materials as well as what shape they might take to be aesthetically appealing. The architect in us cares as much about the beauty of things as their more practical properties and how to make them work."<sup>134</sup> A social architects, then, brings both art and instrumentality to bear on organizations. He seeks to create an environment in which people can flourish and connect with what's important and he seeks to create that environment on budget and on time. He seeks a world in which people can pursue that which is important to them without destroying the institution which makes that search possible.

When the rabbi and other leaders seek stewards of the congregation, they should seek these social architects who can both dream and work within a set of constraints. When forming boards and committees, it is not necessary for everyone to be a social architect, but their needs to be a healthy mix of each archetype to ensure success. If you only have artists, nothing will get done. If you only have engineers, what accomplished will lack compelling content. The rabbi needs to help people recognize the strength of others and then needs to make sure that all the voices are heard.

The rabbi should strive to be such a social architect. He ought to provide vision and information and teaching but also to understand and work within the real constraints of the synagogue. A rabbi cannot ignore the finances of a congregation but that cannot be his only

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<sup>133</sup> Ibid., 160-164.

<sup>134</sup> Ibid., 165.

focus. By becoming a social architect, a rabbi can help create the kind of congregation that will allow people to flourish and grow in their Judaism and in their lives.

## **Part II: Medieval Iberia and the Leadership of Rabbi Solomon Ibn Adret**

The leadership techniques and theories that we use in 21<sup>st</sup> century America reflect the context of our day. We live in a thoroughly secular world. Judaism is just one part of our complex lives, one lens through which we create meaning, through which we understand our world. This individualistic society where we understand reality to be a relative, subjective understanding of our personal experiences lends itself to the type of collaborative leadership and stewardship discussed in the previous section. Not so the world of medieval Iberia.

The following section will explore the context of 13<sup>th</sup> century, Christian Iberia and the Jewish leadership of Rabbi Solomon Ibn Adret. Just as our 21<sup>st</sup> century context lends itself to a particular type of Jewish leadership, 13<sup>th</sup> century Iberia required its own kind of Jewish leadership. In both millennia, leaders try to ensure the perpetuation of our people, our traditions, our way of life. How they do it, understandably, is vastly different. Nevertheless, we may be able to draw certain parallels between the two worlds, parallels that could shed light on the leadership of Adret, parallels that could even shed light on our world.

### **Chapter Five: The Jews in Iberia Before the Reconquista**

When most people think of the Jews of the Iberian Peninsula, they think of “al-Andalus,” Muslim-ruled Iberia. They think of a time and place where philosophy and poetry flourished, where Jews rose to the highest levels of government. If they consider Christian Spain at all, it is “as a sequel to the Golden age ... which preceded it.”<sup>135</sup> The great scholars Judah Ha-Levi and Solomon ibn Gabirol came from the Muslim period as did a solid understanding of Hebrew

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<sup>135</sup> Baer, Yitzhak. A History of the Jews in Christian Spain. Trans. Louis Schoffman. Philadelphia: The Jewish Publication Society, 1966. I:2.

grammar, science, poetry and philosophy. While this time period is not the subject of this thesis, a quick review of this history will provide some important background and context.

Obadiah 1:20 says, "And that exiled force of Israelites shall possess what belongs to the Phoenicians as far as Zarephath, while the Jerusalemite exile community of Sepharad shall possess the towns of the Negeb."<sup>136</sup> Yet most scholars agree that this use of the place-name Sepharad in Obadiah does not refer to the Iberian Peninsula. Nevertheless, "in the early centuries of the present era" Iberia became known as "Sepharad" and its Jewish inhabitants as "Sephardi."<sup>137</sup> Exactly how and when the first Jews got to Iberia is unclear.<sup>138</sup> The first Jewish settlers probably came with the Phoenicians.<sup>139</sup>

Jews could have appeared on the peninsula with the Roman occupation of the land after the Second Punic War (218 – 202 BCE). "The presence of these Iberian Jews is marked by tombstones" but there is little other proof of their settlement in Iberia.<sup>140</sup> Yet, Titus' destruction of Jerusalem probably brought the largest number of Jews to the area. Further evidence of a Jewish presence is found in Paul's Letter to the Romans in which he announces his intention to preach the gospel in Spain. Many assume that he plans to go there to convert Jews to Christianity.<sup>141</sup> Other sources that mention the Jews from the early centuries of the common era include: Josephus Flavius, *The Jewish War*, VII, 3,3; ... (and) the Mishnah, Baba Bathra, III, 2.<sup>142</sup> In the 4<sup>th</sup> and 5<sup>th</sup> centuries, we have a reference to bringing the Jews back from Hispania in

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<sup>136</sup> The JPS Hebrew-English Tanakh. Philadelphia: Jewish Publication Society, 1985.

<sup>137</sup> Cohen, Martin A. "The Sephardic Phenomenon: A Reappraisal" American Jewish Archives. XLIV:1 (1992): 3-4.

<sup>138</sup> *Ibid.*, 3.

<sup>139</sup> Assis, Yom Tov. The Jews of Spain: From Settlement to Expulsion. Jerusalem: The Rothberg School for Overseas Students and Dor Hemshech. 1988. 9.

<sup>140</sup> Cohen, Martin A. "The Sephardic Phenomenon...", 9.

<sup>141</sup> The Holy Bible: New International Version. Grand Rapids: Zondervan, 1989. Romans 15:24, 28.

<sup>142</sup> Assis, Yom Tov. From Settlement..., 9.

Midrash Rabbah<sup>143</sup>. Yet, the most substantial early references we have to Jews in Iberia come from the Council of Elvira which took place in the early 4<sup>th</sup> century. Several of the decrees from the council instruct Christians how they ought to deal with the Jews in Iberia. These decrees included prohibitions against intermarriage<sup>144</sup>, Jewish blessing of crops<sup>145</sup>, dining with Jews<sup>146</sup>, and adultery with Jews<sup>147</sup>. These and the other canons from this Council deal with the punishments for various transgressions.<sup>148</sup> These punishments included restrictions on taking communion, lengthy periods of required penance, and excommunication from the Church.

The various prohibitions of the Council of Elvira seem to suggest something that we see again and again during the history of the Jews in Iberia: integration with the local population. If Jews and Christians were not marrying, eating with, allowing their crops to be blessed by, or committing adultery with Jews, there would have been no need for these prohibitions. Yet, over the years, whether the peninsula was ruled by Muslims or Christians, we constantly see laws attempting to keep the Jewish and non-Jewish communities separate. These laws would only be necessary if there was a fair amount of mixing.<sup>149</sup> Thus, it is safe to assume that, despite the best

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<sup>143</sup> Leviticus Rabbah 29:2 "*And thy seed from the land of their captivity* (Jeremiah 30:9), namely, from Gaul, and from Spain, and from her neighbours;" "The Soncino Midrash Rabbah" Judaic Classics Library. CD-ROM. Brooklyn: Judaica Press, Inc. 1983.

<sup>144</sup> Canon 16. "Heretics shall not be joined in marriage with Catholic girls unless they accept the Catholic faith. Catholic girls may not marry Jews or heretics, because they cannot find a unity when the faithful and the unfaithful are joined. Parents who allow this to happen shall not commune for five years"

<sup>145</sup> Canon 49. Landlords are not to allow Jews to bless the crops they have received from God and for which they have offered thanks. Such an action would make our blessing invalid and meaningless. Anyone who continues this practice is to be expelled completely from the church.

<sup>146</sup> Canon 50. If any cleric or layperson eats with Jews, he or she shall be kept from communion as a way of correction.

<sup>147</sup> Canon 78. If a Christian confesses adultery with a Jewish or pagan woman, he is denied communion for some time. If his sin is exposed by someone else, he must complete five years' penance before receiving the Sunday communion.

<sup>148</sup> Summaries come from "Legislation Affecting Jews from 300 to 800 CE" Medieval Sourcebook. Halsall, Paul. August 1998. Fordham University. 7 December 2006 <<http://www.fordham.edu/halsall/source/300-800-laws-jews.html>>. The specific text of each canon comes from: Williamson, Clark M. "Doing Christian Theology with Jews: The Other, Boundaries, Questions" The Institute for Christian & Jewish Studies. 31 January 2007 <<http://www.icjs.org/scholars/wmson.html>>.

<sup>149</sup> Martin Cohen makes this point in many of his articles. For example, see: Cohen, Martin A. "The Sephardic Phenomenon: A Reappraisal" American Jewish Archives XLIV:1 (1992): 10-11.



efforts of the ecclesiastical authorities, Jews played a role in all levels of society in Spain both in this early period and in later times.

When the Romans were defeated by the Visigoths in the 5<sup>th</sup> century, the Jews got a respite from any form of persecution for about 150 years. Yet, once the Visigoth ruler Recared converted to Christianity, he and his successors implemented a number of anti-Jewish laws and statutes. This anti-Jewish sentiment can be attributed to the influence of the anti-Jewish Byzantine Empire.<sup>150</sup> These orders also created the first crypto-Jews on the peninsula, an ominous foreshadowing of things to come 800 years later.<sup>151</sup> Thus, when the Muslims arrived from North Africa, they were greeted as liberators by the Jews.

To sum up the so-called "Golden Age" of Spain in a few paragraphs fails to do justice to this incredible period of Jewish history. Yet, for this paper it will have to suffice. The Muslim conquest of Iberia was led by Tariq ibn Ziyad in 711. After burning his ships on the shores of the Mediterranean, his army swept through Iberia in seven years sealing its victory with the defeat of the Visigoth king at the Battle of Guadalete.<sup>152</sup> The Jews aided their invasion and conquest, often helping to administer newly conquered cities after the army moved on. That said, Yom Tov Assis and others agree that their impact on the success of the campaign is no doubt exaggerated.<sup>153</sup>

Once the Umayyad Muslim society established itself under 'Abd al-Rahman I in 755, Jews quickly became an integral part of that society. Though their position was legally lower than that of the Muslims and though they carried a heavy tax burden, as *dhimmis* (non-Muslim

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<sup>150</sup> Roth, Norman. Jews, Visigoths and Muslims in Medieval Spain: Cooperation and Conflict. Leiden: Brill, 1994. 7-8.

<sup>151</sup> Assis, Yom Tov. From Settlement..., 10-11.

<sup>152</sup> "Medieval Sourcebook: Ibn Abd-el-Hakem: The Islamic Conquest of Spain" Medieval Sourcebook. Halsall, Paul. February 1996. Fordham University. 6 December 2006  
<<http://www.fordham.edu/halsall/source/conqspain.html>>.

<sup>153</sup> Assis, Yom Tov. From Settlement..., 11.

members of a monotheistic religion) the Jews had great opportunities in all sectors of society. These great opportunities were unique to the Jews of the "Golden Age". In most of the Islamic world, though the Jews were treated better than non-*dhimmis*, they suffered as second class citizens. Even the Jews in Muslim Spain suffered a very heavy tax burden and enjoyed their freedoms exclusively at the pleasure of the Islamic rulers. Nevertheless, Arabic became the lingua franca of Jewish scholarship, much as it was with the Geonate in Babylonia. During this time period, the Geonate left its mark on the Sephardic Jewry. Scholars in the town of Lucena are known to have corresponded with the Geonim. For example, Amram Gaon sent his *Seder* to Lucena in response to a question from one of the scholars there.<sup>154</sup> The respect for scholarship, in fact, went both ways. The Geonim gave Eleazar b. Samuel Hurga of Lucena the honorific titles *alluf* and *rosh kallah*.<sup>155</sup>

One of the most important figures from this period is Hasdai ibn Shaprut, one of the main advisors to Abd al-Rahman III, the independent Caliph of Cordoba. His rise during the early 10<sup>th</sup> century is often associated with the start of the Golden Age.<sup>156</sup> He served as physician, diplomat and patron of science. Evidence of his power as a diplomat comes from a letter he sent to Empress Helena of Byzantium asking her to treat the Jews of her realm as well as Christians were treated in Iberia.<sup>157</sup> That a Jew could both serve as a diplomat and write such a letter to the ruler of a major empire shows his high status. In addition to being a diplomat for the Caliph, he was also a major patron of both religion and the sciences. He would send large gifts to the geonic academies of Sura and Pumbedita. While in this way he supported the geonic establishment, he also helped to move the center of Jewish scholarship to Spain through his appointment of Moses

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<sup>154</sup> Beinart, Haim. "Lucena." *Encyclopaedia Judaica*. Eds. Michael Berenbaum and Fred Skolnik. Vol. 13. 2nd ed. Detroit: Macmillan Reference USA, 2007. 247-248.

<sup>155</sup> *Ibid.*

<sup>156</sup> Assis, Yom Tov. *From Settlement...*, 12.

<sup>157</sup> *Ibid.*, 13.

ben Hanoch to be the head of a school in Cordoba. This move mirrored the Caliph of Cordoba's independence from the Abbasid Caliphate back in Baghdad.<sup>158</sup>

The Muslim philological study of Arabic led the Jews to study Hebrew and create the first grammatical texts and analysis of the Hebrew language. This helped fuel their love of poetry, also inspired by their Muslim neighbors. Perhaps the biggest impact on Jewish life and thought was the introduction of, and education in, ancient Greek intellectual pursuits including mathematics, philosophy, astrology, astronomy and medicine. Above all, this chapter in the history of the Jewish people was characterized by "diversity, exceptional receptivity and admixture of sacred and profane."<sup>159</sup>

There were many great philosophers, rabbis, physicians and scientists including: Solomon ibn Gabirol, Moses ben Enoch, Yehuda Halevi, and Abraham ibn Ezra.. The works of these men made an everlasting impact on Jewish thought. Most notably, philosophy, translated from its original Greek into Arabic and Latin, introduced the debate between "reason" and "religion" that continues to our day.

From a political standpoint, though certain Jews played important roles in the courts of Muslim rulers, the Jewish community was by and large autonomous in its governance and judicial system. The synagogue was the focal point of the community. Jews used the synagogue for both communal and religious purposes. Had the Jews been fully integrated into the Muslim population they could not have maintained their autonomy. Instead of integration, they tended to live in the Jewish quarters of their cities and interact only with other Jews. Were the Jews at large to be accepted into the society in general, they would not have been able to effectively govern themselves in the religious or legal realms. That said, the Jews were not "separate but

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<sup>158</sup> Ibid., 12-13.

<sup>159</sup> Ibid.

equal.” As *dhimmis*, they were truly second class citizens who, had they wanted to participate fully in Muslim society, would have to convert. Thus, while we, from our 21<sup>st</sup> century perspective, may wonder how the Jews put up with various laws designed to separate them from the community, we must remember that “Egalitarian assimilation was neither a possibility nor a desired goal.”<sup>160</sup>

After the invasion of the Berbers from North Africa, the caliphate in Cordoba was replaced by regional *taifas*, independent political entities which were ruled by Arab, Berber, Slavonic or local Muslim leaders. Even with this political decentralization, Jews rose to high levels in these local principalities. Here too, they had many achievements in religion, finance, and politics. Throughout the “Golden-Age” the Jews struggled in the tension between their loyalty to Judaism and their secular interests and political loyalties.<sup>161</sup>

Prayer and observance were important parts of Jewish culture. Since scholarship, both religious and secular, was limited to the intellectual and financial elite, there were effectively two religions practiced. The first, the Low Cultural Tradition,<sup>162</sup> relied on the “traditional” notions of God, reward, punishment, and commandedness. The masses, to borrow a term from Marx, understood that they had to follow the commandments to ensure themselves a place in the world to come which would reward them with all the material things they lacked and denied themselves during life. The second, the High Cultural Tradition, understood religion differently. Typified by Rambam, this understanding of religion was based in Neo-Platonic philosophy and demanded adherence to the commandments more to maintain social order than to fulfill the will

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<sup>160</sup> Cohen, Mark. “Infidels with Benefits: Jews in the Medieval Islamic Empire” *My Jewish Learning*, 2003. 6 December 2006

<[http://www.myjewishlearning.com/history\\_community/Medieval/TheStory6321666/TheIslamicWorld.htm](http://www.myjewishlearning.com/history_community/Medieval/TheStory6321666/TheIslamicWorld.htm)>.

<sup>161</sup> Assis, Yom Tov. *From Settlement...*, 14.

<sup>162</sup> The terms Low Cultural Tradition and High Cultural Tradition are terms used by Prof. Martin Cohen to distinguish between the religious practices and beliefs of the elite and those of the masses. See Cohen, Martin A. “The Sephardic Phenomenon: A Reappraisal” in *American Jewish Archives* XLIV:1 (1992): 24.

of a personal God. The maintenance of social order allowed for the intellectual pursuits which were the real goal religion and the only sure way to achieve eternity. Yet, regardless of the ideology behind it, religious practice was considered a duty of the utmost importance. Failure to fulfill this duty would result in grave consequences.

The decline of the Golden Age began with the anti-Jewish riots in Toledo which followed the assassination of Yosef ha-Nagid, a Jewish advisor to the Muslim ruler. With the 1085 fall of Toledo, the ruler of Seville asked the Almoravids from North Africa to come and help them fight the Christians. The Almoravid sect brought with them a fanatical brand of Islam which sought to convert the Jews. Through payments some Jewish communities avoided conversion. Yet, with the invasion of the Almohads from Morocco in 1146 a new and even more fanatical brand of Islam came onto the Peninsula. Jewish practice was totally banned, synagogues and academies were closed. This brought about the second round of crypto-Jews on the peninsula while many other Jews fled north to Christian Spain to seek refuge from persecution.<sup>163</sup>

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<sup>163</sup> Assis, Yom Tov. From Settlement..., 15-16.

## Chapter Six: The Reconquista and the *Qahal* of 13<sup>th</sup> Century Iberia

As soon as the Muslims completed their invasion of the Iberian Peninsula, the Christians started fighting back. The first Christian fighters employed guerilla tactics in the mountains to the north and slowly made the transition to full armies. The status of the Jews improved as land moved from Muslim to Christian hands. According to Yom Tov Assis, there is evidence of Jewish emigration from the Muslim areas to the Christian ones as early as the 9<sup>th</sup> century which was only 100 years after the completion of the Muslim invasion.

Abraham ibn Daud's 12<sup>th</sup> century historical work, Sefer ha-Kabbalah, recounts this emigration which was ongoing three centuries later. He first describes the harsh Muslim persecution under which the Jews lived during the Reconquista:

The rebels against the Berber kingdom had crossed the sea to Spain after having wiped out every remnant of Jews from Tangiers to al-Mahdiya. "Turn again thy hand as a grape-gatherer upon the roots." They tried to do the same thing in all of the cities of the Ishmaelite kingdom of Spain, "if it had not been the Lord who was for us," let Israel now say.

He then describes the plight of the Jews seeking refuge in the Christian north:

Now when this great Nasi, R. Juda, was appointed over Calatrava,<sup>164</sup> he supervised the passage of the refugees, released those bound in chains and let the oppressed go free by breaking their yoke

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<sup>164</sup> Judah ibn Ezra was appointed to head the frontier garrison in 1147. "Timeline – Sephardic Jewish History on the Iberian Peninsula" American Sephardic Federation. 28 January 2007  
<[http://www.americansephardicfederation.org/PDF/sources/ASF\\_Timeline.pdf](http://www.americansephardicfederation.org/PDF/sources/ASF_Timeline.pdf)>.

and undoing their bonds... When all the nation had finished passing over by means of his help, the King sent him and appointed him lord of all his household and ruler over all his possessions.<sup>165</sup>

The responsibility given to R. Judah is typical of the kind of royal favor that established the place and rights of the Jews in the Reconquista. Royal charter was the other method by which Jews gained rights and social standing.

The importance the ruler attached to the Jews was more important than any official law in determining the status of the Jews. If a ruler deemed that the Jews played an important role in the administration or economic success of his kingdom, the Jews received substantial rights and autonomy. Not only rights and privileges flowed from the king, but also protection. "The Jews were dependant for protection upon the kings and lords; and when this source of safety failed, they were exposed to attack from all quarters."<sup>166</sup>

A primary way that Jews served the king was as bailiff, "the steward of the king's private domain".<sup>167</sup> In this position the Jew would collect taxes and oversee the administration of the king's laws and orders for a city or region. For instance, we find the signature of one Yahia ben David of Monzon on a number of documents on behalf of the King Alfonso II (1162-1196) of Aragon. The documents include those dealing with "taxes and other fiscal matters, on writs of exemption from taxes, on the charters of newly established Christian villages and... approving leases and transfers of land."<sup>168</sup>

The other way the Jews secured rights during this period was through the *fueros* or *furs*, the charter granted by the king to a community that laid out its rights and privileges and basic

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<sup>165</sup> Ibn Daud, Abraham. A Critical Edition with Translation and Notes of The Book of Tradition. Ed. Gerson Cohen. Philadelphia: The Jewish Publication Society of America, 1967. 96-99.

<sup>166</sup> Baer, Yitzhak. A History..., I:45.

<sup>167</sup> Ibid., I:57.

<sup>168</sup> Ibid.

laws.<sup>169</sup> An early example of this kind of charter comes from the Jewish community of Najera. The privileges and rights granted in that charter were used as models for charters given in the early 12<sup>th</sup> century in Castile and Aragon.<sup>170</sup> An example granted by Count Raymond Derenguer IV of Barcelona for the community at Tortosa in 1149 reads:

...In that *daracina* (quarter) you shall remain and live securely and peacefully with all your goods for all times. If more Jews come to settle, I shall give them homes to occupy and to settle. ... I grant you those good laws and all customs and usages which the Jews of Barcelona enjoy, as relates to sureties and arbitration and judgments and testimonies and all good customs which the Jews of Barcelona enjoy.<sup>171</sup>

As this excerpt shows, in the cities conquered during the Reconquista, the Jews were generally allowed to maintain their quarters of the city, their property and their synagogues. They were also allowed to continue the semi-autonomous rule they had enjoyed under the Muslims. They received these privileges in exchange for service to the crown which they gave in the form of taxes and administrative duties. In fact, even during the Reconquista, Jews were known as reliable settlers in the newly conquered lands. "Their knowledge of Arabic, their neutrality in the struggle, their complete reliability and natural qualities made them ideal candidates for the Christian rulers."<sup>172</sup>

There were two main types of Jewish community during the Reconquista period. The first type consisted of the older, established communities in places like Toledo, Saragossa and Barcelona. It is the form and function of these communities to which Baer, Neuman and others

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<sup>169</sup> Assis, Yom Tov. From Settlement..., 18.

<sup>170</sup> Baer, Yitzhak. A History..., I:43.

<sup>171</sup> Chazan, Robert, ed. Church State, and Jew in the Middle Ages. New York: Behrman House, Inc. 1980. 70-71.

<sup>172</sup> Assis, Yom Tov. From Settlement..., 17.



typically refer when discussing the structure and functioning of Jewish communities in Reconquista Spain. These communities had established aristocracies which typically controlled the *aljama*, the Castilian and Aragonese term for the Jewish community (*qahal*). They had established synagogues, charitable institutions, cemeteries, kosher butchers and systems for tax collection. The relationships between the Jews, non-Jews and the crown were laid out in the *furs*, or charters, of the town. The king, when it suited his purpose, would issue an edict that gave particular Jews exemptions from the typical rules. These towns had recognized scholars who could instruct the leaders of the *aljama* and the king on the proper interpretation of Jewish law.<sup>173</sup>

The other main type of Jewish community during the Reconquista period was what scholar Jonathan Ray calls the Sephardic Frontier. These communities took root in areas “that were devoid of the communal institutions available in larger, more established communities... [where] Jewish individuals and even whole groups chose to live outside of these larger, more organized communities and the services that they provided.”<sup>174</sup> The majority of Jewish settlers on the frontier came “to take advantage of its social and economic opportunities”.<sup>175</sup> Yet, some of the Jewish courtiers from the urban centers went to the frontier because their “skills as urban administrators were in high demand in the developing towns of the south, and the crown often convinced them to move there.”<sup>176</sup> In these frontier settlements the Jews were not part of what one typically thinks of as a medieval Jewish community. Due to the short time in which they had been in existence, the extremely small Jewish populations and the very limited number of Jewish

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<sup>173</sup> Ray, Jonathan. *The Sephardic Frontier*. Ithaca, NY: Cornell University Press, 2006. 98-104. See also, Epstein, Isidore. *The Respona of Rabbi Solomon Ben Adreth of Barcelona*. New York: Ktav Publishing House, Inc., 1968. 57-70.

<sup>174</sup> Ray, Jonathan. *The Sephardic Frontier*, 99.

<sup>175</sup> *Ibid.*, 19.

<sup>176</sup> *Ibid.*

functioning institutions these communities had "loose and often unstable organization." This situation made the frontier communities "dependent on the intervention of the crown and its officials."<sup>177</sup>

While more dramatic on the frontier, Jewish reliance on the crown was universal. Solomon ibn Adret, whose leadership this thesis will explore in depth, recognized that the Jewish community's autonomy came from "government permission" more than from the laws and customs of Jewish tradition.<sup>178</sup> The right to establish Jewish courts and carry out their own punishments was one of the main rights of the Jewish communities. The guarantee of this right is found in "the oldest known privilege, granted by Jaime I to the Jews of Calatayud".<sup>179</sup> Both directly and through charters of autonomy, the king's hand reached into every aspect of Jewish life including: judicial matters, kosher slaughter, freedom of worship and observance, construction and repair of synagogues and burial.<sup>180</sup>

Just as the Jews relied on the rulers, the rulers relied on the Jews. The rulers of Christian Spain used Jews in key positions such as "ministers, royal counselors, farmers of state revenue, financiers of military enterprises and as major-domos of the states for the Crown and the higher nobility."<sup>181</sup> During the early Reconquista we already see that, in the eyes of general population, the Jews acted as agents for, and were closely associated with, the Crown. One way we see this is through the revolt of Castrojeriz in 1035. Four officials and 60 Jews were killed and the Jewish settlement was destroyed. No other resident of the palace was harmed. As Baer points out: "a revolt against the crown strikes at the Jews, the property of the crown."<sup>182</sup>

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<sup>177</sup> Ibid., 130.

<sup>178</sup> Assis, Yom Tov. The Golden Age of Aragonese Jewry: Community and Society in the Crown of Aragon, 1213-1327. Portland, OR: Vallentine Mitchell & Co. Ltd. 1997. 19.

<sup>179</sup> Ibid., 22.

<sup>180</sup> Ibid., 22-25.

<sup>181</sup> Neuman, Abraham. The Jews in Spain. Philadelphia: The Jewish Publication Society of America, 1942. 221.

<sup>182</sup> Baer, Yitzhak. A History..., I:43.

Whether in the urban center or on the frontier, the Jews under the Christian crown in Iberia had the most extensive autonomy of any other medieval, European community.<sup>183</sup> Each community was headed by an independent committee of *berurim* and *mukademin* or *adelantados*, *neemanim* or *secretarii*.<sup>184</sup> At first, these leaders were appointed from the wealthy families of the community. In the second half of the thirteenth century a more democratic system, one that allowed all members of the *qahal* to vote, was put in place in Aragon and Catalonia. Yet, even in this more democratic system, candidates for leadership tended to come from the wealthy class. Some of them were educated but that was not nearly as important as the wealth and standing of the family. Some communities had "despotic" governance that was roundly criticized by R. Solomon ibn Adret.<sup>185</sup> No matter the style of government, a leader always needed the approval of the Crown before he could take his seat at the executive board of the community. The required approval obviously limited the actual amount of autonomy of the community but it was a fact of life.<sup>186</sup>

A key function of the Jewish communal government was that of collecting and allocating the tax burden of the community. There were two kinds of taxes: those collected by and for the community and those collected for the king. It was up to the communal council to decide if there should be a flat, per person tax or a tax based on each person's wealth. The sliding scale system was greatly preferred by the lower classes (controversy over this issue led to a moderate democratization of the communal government in some areas).<sup>187</sup>

<sup>183</sup> Assis, Yom Tov. From Settlement..., 22.

<sup>184</sup> According to the glossary in Assis' Golden Age... all of these terms essentially mean "community leader, member of the executive board". There were other types of *berurim* that were in charge of specific areas. See below.

<sup>185</sup> Adret, III:428 according to Assis in The Golden Age...

<sup>186</sup> Assis, Yom Tov. The Golden Age..., 88-91.

<sup>187</sup> Assis, Yom Tov. From Settlement..., 22-23.

The larger communities had bigger governing bodies with officers in charge of specific duties. Examples include “*berurei averot*, in charge of civil and religious matters; *berurei tevi'ot*, in charge of criminal cases; *berurei midot*, appointed over weights and measures.”<sup>188</sup> These *berurim* had not only the power to investigate the transgressions of people in the community, but also to impose penalties, often without the benefit of a trial.<sup>189</sup> The intention behind having these officers was good. “The *berurei averot*” were a lawful arm of the community whose special commission was to keep observance of ritual and moral law up to the highest possible standard. This was deemed vital.”<sup>190</sup> That the Jews of the time saw the position of *berurei averot* as a critical shows that there was a problem with the observance of moral and ritual law. Had everyone been observant, there would have been no need for such a position. Despite the good intentions, many of the methods employed by the *berurei averot* came from the Christian inquisitorial style of procedure rather than from Jewish tradition or jurisprudence.<sup>191</sup> While this may seem incongruous to the 21<sup>st</sup> century mind which associates the inquisition with the destruction of the Iberian Jewish community, R. Solomon ibn Adret allows for non-Jewish methods of justice so long as that method has been agreed to by the community.<sup>192</sup>

At the end of the 13<sup>th</sup> century, some of the larger communities created larger councils to oversee the functioning of the community. These were called *'etza* and its members were called *yoatsim*. They ranged from 12 to 30 members depending on the size of the town. They were primarily supervisory and advisory in function and would often be called upon to approve

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<sup>188</sup> Ibid., 23.

<sup>189</sup> “Berurei Averah/Averot” *Encyclopaedia Judaica*. Eds. Michael Berenbaum and Fred Skolnik. Vol. 3. 2nd ed. Detroit: Macmillan Reference USA, 2007. p492.

<sup>190</sup> Passamaneck, S.M. “The Berure Averot and the Administration of Justice in XIII and XIV Century Spain.” *Jewish Law Association Studies*, Volume 4, 1990. 136.

<sup>191</sup> Ibid., 137.

<sup>192</sup> Adret 4:311

decisions of the *berurim*.<sup>193</sup> Established ostensibly to increase "the number of participants in the *qahal* administration" it was actually a self-perpetuating group of elites. The character of the group came from the way it selected its members, namely, when it came time to select new members, the *yotzim* would meet in a secret conclave and would not come out until they had selected their own replacements. Thus, membership in the *etsa* stayed within families, merely changing which member of the family held the seat.<sup>194</sup> R. Solomon ibn Adret sanctioned this type of leadership selection in a responsum:

The appointment of the communal representatives and the counselors shall follow the decision of the majority, but rather if any of the representatives and the counselors wishes to appoint another to replace himself, he has the authority to do so even if others do not agree with him in the appointment of that representative or counselor.<sup>195</sup>

The *beit din*, the court of law, was the most important communal institution. These were the courts meant to adjudicate between Jews on all issues. Without these courts, Jews would go to Christian courts to settle their disputes. When this happened, it was a blow to the Jewish community and its autonomy. "... there can be little doubt that the presence of Christian courts as a viable option for Jewish litigants influenced the course and eventual outcome of many cases brought before Jewish courts."<sup>196</sup> As Adret wrote "God forbid that the holy people should walk in the ways of the gentiles and according to their statutes."<sup>197</sup> They were not only a viable option, but an option of which many Jews availed themselves. Nevertheless, the existence of the Jewish

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<sup>193</sup> Assis, Yom Tov From Settlement..., 23.

<sup>194</sup> Baer, Yitzhak. A History..., I:224-226

<sup>195</sup> Adret 5:254 as translated in Ray, Jonathan. The Sephardic Frontier..., 112.

<sup>196</sup> Ray, Jonathan. The Sephardic Frontier..., 105.

<sup>197</sup> Adret Responsum VI:254 as quoted in Neuman, Abraham. The Jews in Spain: Their Social, Political and Cultural Life During the Middle Ages. Philadelphia: The Jewish Publication Society of America, 1948. I:14.

courts was so critical to maintaining any semblance of Jewish autonomy that R. Solomon ibn Adret said that if need be, people ignorant of the law could be appointed to ensure the *beit din's* existence.<sup>198</sup> According to Assis, Rambam's *Mishneh Torah* was the law code of choice for the communities in Aragon, Castile and Navarre starting in the second half of the 13<sup>th</sup> century.<sup>199</sup> These courts had the authority, both from the community and the crown, to impose financial, corporal and even capital punishment, authority enjoyed nowhere else in Europe at this time.<sup>200</sup>

Depending on its size, communities would have a number of paid officials including: "*darshan, hazan, teacher, shehet, shamash, albedin, etc.*"<sup>201</sup> Also depending on the size of the community, it would have organizations to serve its needs. These included: "the *hevra qadisha* (the burial society), *biquir holim* (the society for the sick), *matan baseter* (charity fund), *pidyon shevuyim* (redemption of captives), *halbashat kallah* (support of the bride society)." <sup>202</sup>

That the number and variety of communal institutions and positions depended on the size of the community underscores the difference between the established urban centers and the frontier communities. Today we tend to assume the totally corporate character of the Jewish communities of the Middle Ages. That was not the case throughout Iberia. Established urban centers were corporate but the frontier was not. "Most of [the] new settlements... lacked... social institutions, among them, hospitals, houses for the poor, and organized charitable funds..."<sup>203</sup> This meant that lay leaders, the crown, and religious authorities had to deal with each community in a very individual way since each community was at a different stage of development.

<sup>198</sup> Adret, 2:290

<sup>199</sup> Assis, Yom Tov. *From Settlement...*, 23.

<sup>200</sup> *Ibid.*, 24.

<sup>201</sup> *Ibid.*

<sup>202</sup> *Ibid.*

<sup>203</sup> Ray, Jonathan. *The Sephardic Frontier...*, 103.

The crown had a major “role in shaping the development of Jewish communal organization and political structures.”<sup>204</sup> This influence flowed mainly from the crown’s imposition of taxes and the communities’ methods of collecting those taxes. “Communal councils... depended heavily on royal authority, especially in matters pertaining to finance... The authority of the crown also helped to reinforce the executive power” of the Jewish community to impose fines and bans of excommunication.<sup>205</sup>

Another important position in the administration of the Jewish community was that of Crown Rabbi. These “rabbis” were not legal scholars, as one might think. Rabbis such as Moses ben Nahman and Solomon ibn Adret were “Jewish legal experts who did not hold any official post, but whose power derived from the community’s acknowledgement of their learning and expertise.” These “normal” rabbis “were consulted for their legal opinions on a wide variety of matters and in some cases acted as judges...”<sup>206</sup> While communities did consult with legal scholars, these rabbis could only use their powers of persuasion when trying to enact a ruling or a decision. They had no legal basis for enforcement of their edicts. “The effective legal and political power of these rabbis was thus restricted by their dependence on the ability and willingness of the *qahal* to implement their rulings.”<sup>207</sup> Toledan scholar Meir Halevi Abulafia reported an inability to control even the liturgical practices of his community.<sup>208</sup> If the rabbinic sage couldn’t control the prayer life of a community, how much power could he have exercised in other spheres? The power of the *halakhic* authorities “stands in stark contrast with that of

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<sup>204</sup> Ibid., 105.

<sup>205</sup> Ibid., 106-7.

<sup>206</sup> Ray, Jonathan. “Royal Authority and the Jewish Community: The Crown Rabbi in Medieval Spain and Portugal.” Ed. Jack Wertheimer. Jewish Religious Leadership: Image and Reality. 2 vols. New York: Jewish Theological Seminary, 2004. 309.

<sup>207</sup> Ibid.

<sup>208</sup> Ray, Jonathan. The Sephardic Frontier..., 114.

those Jewish officials who also bore the title 'rabbi' but who were appointed by the crown."<sup>209</sup>

These were the Crown Rabbis.

While the Jewish community enjoyed a large degree of autonomy, the position of Crown Rabbi was one that demonstrated the crown's desire to exercise control over the "financial and judicial affairs of the Jewish community." It was part of "broader campaign to assert the power and jurisdiction of the Crown over an ever greater area." This desire to "assert power" followed on the heels of the rapid territorial expansion of the Reconquista.<sup>210</sup> Crown Rabbi was a position for the wealthy and well connected. That knowledge of Jewish law was not a prerequisite for the position was "underscored by an order that they seek sound legal advice before rendering their decisions." Needless to say, traditional rabbis did not have much regard for these Crown Rabbis. Solomon ibn Adret went so far as to say that they "were not true rabbis unless they were learned in Jewish law..."<sup>211</sup> This lack of respect from the traditional rabbinate did not in any way reduce the power of the Crown Rabbis.

One of the main roles assigned the Crown Rabbi was that of tax collector. They also served as a representative of the Crown's financial interests to the Jewish community. In addition to the financial aspect of their role, they "acted as the primary judge for legal suits as well as courts of appeal... answerable only to the Crown."<sup>212</sup> These Crown Rabbis would often sit on the community's executive council together with the other communal officials. The power of these Crown Rabbis stemmed from the fact that authority in 13<sup>th</sup> century Iberia was primarily "derived from... close ties to the Crown."<sup>213</sup> This meant that when actual rabbinic legal scholars, such as Solomon ibn Adret, wanted to impose a ruling, they had to contend not only with Jewish

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<sup>209</sup> Ray, Jonathan. "Royal Authority...", 310.

<sup>210</sup> Ibid., 330.

<sup>211</sup> Ibid., 311.

<sup>212</sup> Ibid., 314-315.

<sup>213</sup> Ibid., 321.



factionalism and the leaders of the *qahal* but also with these Crown Rabbis who, in the end, represented the interests of the Crown above those of the Jewish community.

Yet, even with the Crown Rabbi serving on the *qahal*'s council, the authority of the Jewish leadership was shaky. Individuals from the community would frequently bypass the community's council and *beit din* and proceed directly to the Crown to air their grievances. "As a result, the leaders of the *qahal* became increasingly dependant on royal authority for the effective governance of their communities."<sup>214</sup> That cases which should have gone to the local Jewish councils went directly to royal authorities "reflects the general inefficacy of Jewish communal government, even in relatively mundane cases."<sup>215</sup> The use of Gentile courts was only one way that Jews showed their disregard for the authority of the *qahal*. "Some Jews even went so far as to enlist the aid of powerful Christians to intimidate Jewish judges." Authorities in Perpignan were so desperate for the Jews to use their own courts that they wanted "to adopt Christian law just to keep the Jews from running to Christian courts."<sup>216</sup>

Despite Jewish enthusiasm for Christian courts, the Christian "authorities did not always accept complete jurisdiction over the cases appealed to them by Jews... In other instances, the crown might assume executive powers in dealing with its Jews, but defer to Jewish communal leaders and legal experts for advice on how best to adjudicate certain issues in accordance with their law."<sup>217</sup> It was in the interest of the Crown for the Jews to maintain their autonomy. The Crown needed the *qahal* to have enough authority to, at very least, collect taxes and carry out other administrative duties. Thus, the Crown would often help the local Jewish councils enforce their decisions and edicts.

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<sup>214</sup> Neuman, Abraham. *The Jews of Spain*..., I:22.

<sup>215</sup> Ray, Jonathan. *The Sephardic Frontier*..., 137.

<sup>216</sup> *Ibid.*, 139.

<sup>217</sup> *Ibid.*, 140.

It was in this dynamic between frontier and urban center, between *qahal* and Christian authority, between Jewish jurisdiction and that of the Crown, that Rabbi Solomon ibn Adret rose to prominence as the *halakhic* authority of the late 13<sup>th</sup> century. How he interacted with the complex realities of this world illustrates his leadership style and his abilities as a shrewd politician and political realist.

## Chapter Seven: The Leadership of Rabbi Solomon ibn Abraham Adret

Rabbi Solomon ibn Abraham Adret, also known by the acronym "Rashba," was born in 1235 in Barcelona and died in 1310. He hailed from a wealthy, influential family. His main teacher was Jonah b. Abraham Gerondi whom he called "my teacher". He also studied under the great R. Moses ben Nahman and was considered one of his best students. When he was young he worked as a moneylender; his clients included the Crown of Aragon. He left that profession at a young age and became the rabbi (not Crown Rabbi) of Barcelona. While the scholars examined for this thesis write nothing on how Adret was appointed rabbi of Barcelona, we do know that at age 20, he was already "acting as Chief Rabbi to Barcelona in 1272, as can be seen from a document of that year bearing his signature."<sup>218</sup> Exactly when and under what circumstance he became the "official" rabbi is unclear. The crown referred complicated legal cases to Adret and relied on him as a resource in all matters of Jewish law. During his career, Adret answered queries locally and from as far away as Palestine. Over 3100 of his responsa have been published and they provide one of the main Jewish sources of information on 13<sup>th</sup> century Spain.<sup>219</sup> In

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<sup>218</sup> Epstein, Isidore. The Responsa of..., End notes to Introduction (page unnumbered).

<sup>219</sup> "Collections of the responsa of Adret are extant today. They pose a difficult literary problem. The first collection was printed in Rome before 1480 and the second, of which only a few copies remain, in Constantinople in 1516. In 1908 (on the front page incorrectly 1868) these two collections were reprinted in Warsaw, and the editor called them "Part 7" of the responsa of Adret. An additional collection, containing 1255 responsa, was printed in Bologna in 1539. It is this which is referred to as the Responsa of Adret "Part I." The so-called "Part 2" containing 405 responsa, called Toledot Adam, was published in Leghorn in 1657, and "Part 3" with 488 responsa, also in Leghorn, in 1788. "Part 4" was published in Salonika in 1803 and "Part 5" in Leghorn in 1825. "Part 6" was published together with the 1908 Warsaw edition previously mentioned. Many of the responsa are not the work of Adret, but of other scholars whose responsa the copyists collected together with his. On the other hand, most of the responsa in the collection attributed to Nahmanides (Venice, 1519) are the work of Adret. These collections, amounting to a few thousand responsa, contain many responsa identical in wording and context." From Simha Assaf and David Derovan. "Adret, Solomon ben Abraham." Encyclopaedia Judaica. Eds. Michael Berenbaum and Fred Skolnik. Vol. 1. 2nd ed. Detroit: Macmillan Reference USA, 2007. p421-423. This entry in Encyclopedia Judaica was not updated in the recently released second edition to reflect the new critical editions which have been published. For this thesis the following critical edition of Adret's responsa was used: She'elot v'Teshuvot HaRashba. Ed. Rabbi Yechiel Zakash. Jerusalem: Machon Yerushalyim, 1996. See also Sefer She'elot u-Teshuvot Ha-Rashba. Jerusalem: Makhon Mesoret Yisrael, 2000.

addition to his expertise in Jewish law, custom, and religion, Adret was also considered an expert in Roman and local Spanish law.<sup>220</sup> Adret headed a yeshiva which possessed manuscripts of the Babylonian Talmud. He wrote novellae to 17 tractates of the Talmud in which he used Nahmanides' methods of Talmudic interpretation. This method was an extension of the French *tosafist* school of Talmudic interpretation. Often, they commented on a commentary to the *gemara* instead of on the text itself. The *tosafists* "sought to answer their questions by pointing to differences and distinctions between one case and another or between one source and another." In addition to his work on the Talmud, Adret also wrote two legal manuals.<sup>221</sup>

In his introduction to his work The Responsa of Rabbi Solomon Ben Adreth of Barcelona, Isidore Epstein writes that Adret's responsa "based as they are on the problems of the day, throw much light on the contemporary political affairs of the Jews in their internal and external communal, social and moral relations, which, in their turn, are illustrative of the conditions of the times." Epstein attempts to use Adret's responsa to present "a comprehensive picture of the Jewish communal life of Spain."<sup>222</sup>

The over 3,100 responsa penned by Adret cover a huge range of topics and hail from a large geographic area. Epstein assumes that we can take the responsa at face value and use both the questions and Adret's answers to draw an accurate picture of "the" Jewish community at the time. We know this assumption to be faulty on several counts. First, one cannot talk about "the Jewish community" in 13<sup>th</sup> century Spain. The make-up, structure and organization of each Jewish community varied widely depending on the age of the community, the relations between

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<sup>220</sup> Simha Assaf and David Derovan. "Adret, Solomon ben Abraham." *Encyclopaedia Judaica*. Eds. Michael Berenbaum and Fred Skolnik. Vol. 1. 2nd ed. Detroit: Macmillan Reference USA, 2007. p421-423.

<sup>221</sup> Ibid.

<sup>222</sup> Epstein, Isidore. The Responsa..., XIX.

the community and the crown, the urban or rural character of the community and the type of people who sat on the communal council.<sup>223</sup>

Second, Epstein assumes communal adherence to the decisions Adret communicates in his responsa. As we have seen, were Adret to rely only on his status as a rabbinic scholar he would have fallen to the bottom of the authority chain in 13<sup>th</sup> century Spain. The communal councils, crown rabbis, and courts had more *de jure* authority than a rabbinic scholar. The crown itself commanded the ultimate authority in almost any situation. Thus, we have neither guarantee nor concrete evidence that Adret's decisions were carried out. That some questions come up again and again suggest that sometimes the decisions were not followed.<sup>224</sup> Nevertheless, taken in the proper context and mindful of these caveats, Adret's responsa serve as an important resource for understanding the nature of the Jewish community in 13<sup>th</sup> century Spain. Furthermore, by analyzing his responsa in the proper context, we can draw a picture of the type of leadership that Adret exercised over the community.

Before proceeding with an analysis of Adret's responsa, we must first consider his unique position in Iberian society. Unlike other rabbinic legal scholars, Adret did not need to rely exclusively on his scholarly erudition and powers of persuasion for his authority. Born into a wealthy family in Barcelona, Adret had connections with the Crown and the leaders of the Barcelona *qahal* from an early age. His connections with the Crown began with his lending it money early in his career.<sup>225</sup> These early interactions with the royal authorities undoubtedly built a trust that would benefit Adret greatly in his later role as rabbi of the Barcelona community and legal authority for much of Iberia and the Jewish world. The king frequently turned to Adret to

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<sup>223</sup> Ray, Jonathan. *The Sephardic Frontier*..., 3.

<sup>224</sup> E.G. Adret received many questions about the permissibility of using Christian bread. This suggests that people did not follow his ruling the first time that he issued it.

<sup>225</sup> Simha Assaf and David Derovan. "Adret, Solomon ben Abraham." *Encyclopaedia Judaica*. Eds. Michael Berenbaum and Fred Skolnik. Vol. 1. 2nd ed. Detroit: Macmillan Reference USA, 2007. p421-423.

help sort out legal disputes and issues which reached his court. "The king's constant consultations with him on matters of Jewish law and public order are eloquent testimony to his high status."<sup>226</sup>

In addition to his royal connections, evidence exists that Adret and his sons actually served on the governing council of the Barcelona *qahal*.<sup>227</sup> According to Baer, "He participated actively in the leadership of his community, and his name as well as those of his sons appear [sic] several times among the *neemanim* of Barcelona."<sup>228</sup> This put him in an enviable position. Not only did he have the Jewish knowledge of what ought to be done, he had the political clout to see his understanding of Jewish tradition implemented by his community. Whether or not the *qahal* followed his advice before or after his tenure as a community leader cannot be concretely ascertained. Nor can we know how other communities responded to his responsa. Nevertheless, his position of leadership in Barcelona and his close ties to the crown ensured him authority over and above that enjoyed by most rabbinic scholars of his day. This authority must be considered as we examine his responsa and the leadership style he exhibits through them.

Another factor that would have affected Adret's leadership was the differences between frontier and established urban communities. With different levels of organization, different numbers of communal institutions, different levels of access to Jewish knowledge and education, and different levels of commitment to Jewish community, Adret had to carefully consider how he would address each type of community. This dynamic plays out in several of the responsa that this thesis examines below.

It is tempting to seek a "tagline" or motto to describe a leader's style and values. Most of the time these mottos ring hollow when examined next to a leader's actions and decisions.

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<sup>226</sup> Assis, Yom Tov. *The Golden Age*..., 309., see also Baer, Yitzhak. *A History*..., I:282.

<sup>227</sup> *Ibid.*, 310.

<sup>228</sup> Baer, Yitzhak. *A History*..., I:282.

Yitzhak Baer offers three such mottos; we will call them the "Adret Mottos": 1. "He strove in every way to strengthen the authority of the *qahal*..." 2. "He sought to eliminate the sources of contention 'in order that love, brotherliness and peace might be restored'" and, 3. "Truth and justice were his only goals and the formal Halakhah<sup>229</sup> his only guide."<sup>230</sup> After examining his various responsa we will be able to judge the veracity of each statement Baer has made about Rabbi Solomon ibn Abraham Adret.<sup>231</sup>

#### *Responsum I:824*

Adret's responsum I:824 deals with the institution of communal bans or *herem*. One of the most important ways that the Jewish community maintained its autonomy was through its ability to try and punish its members. This right was granted in royal charters and supported by the Crown (when it suited the Crown's interests). "Jaime II confirmed his predecessors' charters and, whenever it was felt necessary, reiterated the power of the individual community to punish and fine its culprit members."<sup>232</sup> Besides capital and corporal punishment, one of the most severe tools available to enforce a community's rules was the threat and pronouncement of *herem* or ban against a member.<sup>233</sup> The *herem* was a "powerful and terrible weapon in the hands of the communal chiefs to maintain discipline, to check insubordination, to enforce their regulations, and to impose their authority. It was a measure that rendered possible the introduction of various

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<sup>229</sup> While we cannot know what exactly Baer meant by "formal halakhah", for the purposes of this thesis we will understand "formal halakhah" to be the non-aggadic legal material contained in the Talmud, its commentaries (e.g. Rashi, tosafist, etc.) and Jewish legal codes.

<sup>230</sup> Ibid., I:283.

<sup>231</sup> Yom Tov Assis, Abraham Neuman, and Jonathan Ray all use Adret's responsa to draw conclusions about the time period in their works. Only Yitzhak Baer offers a section dedicated to "Ibn Adret's Communal and Religious Authority" which offers a short biography and attempts to broadly characterize his work. Therefore, the mottos are drawn from Baer's work.

<sup>232</sup> Assis, Yom Tov. *The Golden Age...*, 155.

<sup>233</sup> Ibid., 113.

moral, social and religious reforms.”<sup>234</sup> The communities would use this punishment for a variety of reasons. The ban “was designed to remove from the community Jews whose religious and moral behaviour was unacceptable in Jewish society or whose continued presence in the *juderia* was considered harmful... [it was used to punish] sexual offences and serious religious transgressions.”<sup>235</sup>

Bans were often announced in the synagogue during religious services by the *hazan* to ensure the widest possible publicity. The announcement was often accompanied by some sort of ceremony meant to convey the seriousness of the ban and to ensure that the members of the community adhered to it.<sup>236</sup> People fell under bans through a variety of avenues. Failure to follow a particular law could result in the automatic imposition of a ban.<sup>237</sup> Sometimes, the power to declare a ban lay with the *berurim*. That ban may or may not have needed the approval of the heads of the community. In some cases, the majority of the community would need to agree to a ban while in others a minority could stop the imposition of the ban. In still other cases, the heads of the community could impose a ban without consulting anyone else. Corruption was common in the form of private, powerful citizens declaring bans without following any particular protocol.<sup>238</sup> It was in this context that a community asked the Rashba for his opinion. The inquiry read:

It was asked about one that sinned against the great ones of the community and the community banished him for a time and everyone from the community swore about this (person) to expel him from the city. After this the man regretted what he did and requested of them forgiveness and the mercies of the community was aroused for him. And the majority wants to permit him and felt

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<sup>234</sup> Epstein, Isidore. The Responsa..., 71.

<sup>235</sup> Assis, Yom Tov. The Golden Age..., 159.

<sup>236</sup> *Ibid.*, 219.

<sup>237</sup> Baer, Yitzhak. A History..., I:235.

<sup>238</sup> Epstein, Isidore. The Responsa..., 71-72.



regret with the oath and they had a few people that didn't regret. Is there permission in the hand of the community to permit him (to rejoin the community)?

Adret answers by first describing the method by which some communities lift a ban. He says that in some communities only a majority is needed to readmit a person while, in others, the protest of even one community member will prevent the lifting of a ban. In a case like this, where every member of the community individually swore to uphold the ban, it is even more critical that each person agree to the readmission before the ban can be lifted:

And how much more so here in which a matter was innovated in order to permit this particular expulsion in which each and every individual took an oath to expel this man. This fact shows that the *qahal* wanted this particular expulsion to be treated differently from all others that are permitted by a majority as long as there is no protestor.

Adret then goes on to assert that in order to lift any ban, all those who voted in favor of the ban must agree to lift it. He points to the case of Resh Lakish in Moed Katan 17a as a proof-text for this idea. In it, a man pronounces a ban on Resh Lakish. Since Resh Lakish did not know the man or where to find him, he had to find another way to get the ban lifted. He went to the *midrashah* to inquire about his situation. They said that in order to get a ban against himself lifted, Resh Lakish must go to the Nasi and ask for him to lift it. Adret then equates the Nasi with the whole community that expelled this man in the first place. This follows the idea that in his public role, the Nasi stands for and represents the collective.<sup>239</sup> Just as the Nasi needs to lift the

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<sup>239</sup> Adret's use of this story presumes that the community referred to in the responsum is the analogue of the Nasi in the story. This only works if the Talmudic Nasi can in some way be seen as standing for the collective. Prof. Alyssa Gray points out that the Bavli does in fact link a communal leader with the community in such a way that the leader himself comes to be fully identified with that community. See, e.g., Ta'anit 9a (because Moses was making a request on behalf of the public, "*rabim*," he is considered like the *rabim*). Reading Ta'anit back into Mo'ed Katan, we may

ban on Resh Lakish, so too does the *whole* community need to lift the ban on this man. Adret concludes by reviewing the procedure the community must use to foreswear their original oath.<sup>240</sup>

This responsum illuminates much about Adret's values and leadership style. By making the ban difficult to lift he asserts the importance of this tool as a method of social control and legal enforcement. Were the ban easy to lift, it would serve neither as an effective deterrent nor as an effective punishment. Adret's awareness of the value of the ban as a means of maintaining Jewish autonomy and Jewish governance is clear. Therefore we can see this responsum as Adret's defense of not only the *herem* but also of Jewish self-governance and autonomy. He carries this assertion of communal responsibility to the individual as well by making the individual oaths another central piece of this responsum. Were an oath easy to break, it would lose its power and significance. Without the power of the public oath, it would be more difficult to make people uphold their commitments to the Jewish community. Though the question was asked about a particular individual, his ruling makes clear that Adret's commitment is, first and foremost, to the larger Jewish community.

His choice of precedent and proof-text is also telling. Adret could have based his decision on the community's royal charter and *takanot*. Instead, he chose to bring a Talmudic story about *herem* to bear on the issue. He did *not* choose a *halakhic* text, instead going with an *aggadic* story about Resh Lakish. For much of his life, Adret participated in the debate of the validity and usefulness of *aggadah*.<sup>241</sup> This choice follows from his defense of the whole tradition against contemporary forces who argued that the *aggadic* texts were less important than *halakhic* ones.

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surmise that because the Nasi acts on behalf of the community, he can be considered the embodiment of the community. This identity between Nasi and community therefore explains how Adret can use the Nasi's lifting of a *herem* on Moed Katan 17a in support of the notion that the community he is addressing must (and may) lift such a ban.

<sup>240</sup> Adret I:824

<sup>241</sup> For more information see Neuman, Abraham. *The Jews in Spain...*, II.

The place of *aggadah* versus *halakhah* was a symptom of the debate between traditionalists, who asserted the equal importance of all of the texts, and the rationalists, who argued that only the *halakhic* texts carried legal weight. Choosing an *aggadic* text made the statement that, not only is the coherence of the community important today, but that we are connected to the past generations of Jews who also placed equal importance on *halakhah* and *aggadah*.<sup>242</sup>

Adret did not merely apply the letter of the law to specific situations; he instead used the *halakhic* tools available to him to make statements about the important issues of the day. He deftly uses a straight forward responsum about a specific case to make statements about the importance of Jewish autonomy, personal responsibility, and the place of the tradition in contemporary legal issues. Whether conscious or not, his use of *aggadah* makes a statement about the important role of non-*halakhic* material in Jewish tradition. As discussed above, all of these issues played a role in Jewish Iberian society in the 13<sup>th</sup> century. Were we unfamiliar with the history and contemporary nature of the society in which this responsum was written, we would be unable to uncover the different layers of meaning in Adret's text.

### *Responsum II:290*

Besides the executive councils of the *qahal*, the *beit din* of each community was a central institution whose administration of justice was critical in maintaining Jewish autonomy and authority within the *qahal*. According to Yom Tov Assis:

... there is extensive evidence that in many *aljamas* there were specially appointed Jewish judges who sat in judgment between Jews. The judges were elected by the leaders of the community and

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<sup>242</sup> Though this idea is thought provoking, it may be going too far. Prof. Alyssa Gray said, "There already was a Geonic principle that *aggadah* was not to be used for *halakhah*; support for that can already be found in Yerushalmi. Adret undoubtedly knew that. It could be that the issues you point to caused him to downplay those other precedents. The issue requires more research."

a number of electors. The judges sitting in one *beth din* could not be relatives and were forbidden to judge their relatives. They were advised to behave in a manner befitting their eminent position and never to insult or deprecate the litigants... Many were lay leaders, not necessarily legal experts...<sup>243</sup>

Their lack of legal knowledge required the judges to “consult local rabbinic authorities before passing judgment.”<sup>244</sup> As with all Jewish authority at this time, the power of the *beit din* ultimately came from the Crown. It was to the crown the Jews could appeal if they did not like the verdict of the Jewish court and it was the Crown itself that ensured the decisions of the *beit din* were implemented. In fact, “In some communities the *beth din* was expected to consult the royal authorities... before pronouncing its verdict.”<sup>245</sup>

Responsum II:290 deals with the selection of judges in small towns by the elders of the city of Toledo. Apparently, the practice in that region was for the elders of Toledo to select the judges for the surrounding towns and that the citizens of those towns need not approve their selection. “The elders of the *aljama* of Toledo were authorized by Alfonso X to appoint the [judges] in the towns about the capital.”<sup>246</sup> Rabbi Yaakov ben Qadshof, the rabbi requesting Adret’s opinion, had several concerns about appointing judges. First, he said that in the small village in question, there is no one who “knows even one letter”—let alone any legal experts. Second, he is concerned that failure to appoint someone will result in the Jews of the village bringing their cases to the Christian courts. Third, he is concerned about appointing a judge without the consent of the community in question. Finally, even though this method of appointment is their normal procedure, he is concerned because this appointment is for a capital

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<sup>243</sup> Assis, Yom Tov. *The Golden Age*..., 150-151.

<sup>244</sup> Baer, Yitzhak. *A History*..., 212-213.

<sup>245</sup> Assis, Yom Tov. *The Golden Age*..., 153.

<sup>246</sup> Baer, Yitzhak. *A History*..., 214.

case which, needless to say, is a much weightier responsibility since the life of the defendant is in the hands of the court.

Adret begins by reviewing the common practice for the selection of judges for a *beit din*. According to Adret, the law says that you must appoint *mumkhim*, or experts appointed by the Nasi in the land of Israel, to a *beit din*. Yet, since there is no longer a Palestinian patriarchate, *mumkhin l'beit din*, or locally recognized experts, should be appointed and have the power to compel litigants to stand before them as they would in front of *mumkhin*. These *mumkhin l'beit din* must be the most expert people in the city *and* they must get the approval of the citizens. He says that appointing the best people that you can, even if they are not experts, is considered acting for the sake of heaven and is therefore okay. Once this procedure has been followed and the judges have been approved by the citizens than litigants must stand before the *mumkhin l'beit din*.

With this argument Adret addresses three of Qadshof's main concerns. First, he says that even if there are no real experts, it is still the responsibility of the elders to appoint the most expert person in the village. While he doesn't directly address the question of Jews going to Christian courts he does assert that the elders need to find judges so that there are Jewish courts for Jews to go to. In doing so he implies that having Jews to go even poorly staffed Jewish courts is preferable to having them go to Christian courts. Finally, he says that the *mumkhin l'beit din* do, in fact, need the approval of the community to serve as judges.

Next, Adret uses a proof-text from Sanhedrin 23a to show that the *mumkhin l'beit din* can, in fact, compel litigants to appear. The text records the opinions of Rabbi Meir, the sages, and Rabbi Johanan.<sup>247</sup> Rabbi Meir says that a litigant may reject a judge on the three judge panel.

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<sup>247</sup> Although the text of II;290 refers to R. Shimon, the text of Sanhedrin 23a refers to R. Johanan making the connection between rejecting judges and the courts of Syria.

The rabbis say that he can only reject a judge if he is a relative of the other litigant or who is, for some other reason, ineligible. Rabbi Johanan says that these rules also apply to the "courts of Syria", in other words, courts composed of *memkhin l'beit din*. Therefore, a litigant can only reject a judge on the community's *beit din* if they are a relative or in some other way *halakhically* unacceptable according to the Talmud. In the case at hand, if the community approves a judge of questionable ability and intellect, that judge may still compel people to appear before him and those litigants cannot reject the judge for lack of learning. Comparing the case at hand to the case in Sanhedrin demonstrates Adret's masterful use of *halakhah* to support his argument.

Adret then elevates the discussion from politics and technical *halakhah* to idealism. Though *anyone* approved by the community cannot be rejected by a litigant, he encourages the elders to search for truly good people. The nominating committee should look for people who fear God, who are men of understanding and knowledge and men who "hate bribes". This last requirement comes from Exodus 18:21, the verse in which Jethro advises Moses as to the type of person who should adjudicate among the people. This reference to the Torah helps to convey the awesomeness of the task before the nominating committee. Additionally, they should only nominate people who will show restraint and consult with the city elders before handing down the sentence in a capital case. This right to hand down a death sentence was unique within European Jewish communities and therefore Adret encouraged special attention and restraint when dealing with this type of case.<sup>248</sup>

Adret's next section shows his political realism. After his appeals to Talmudic prooftexts and calls for truly good judges, he says that, in the end, the elders have permission from the king to appoint judges and they are therefore allowed to do it. Here Adret recognizes the political

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<sup>248</sup> Epstein, Isidore. *The Responsa*..., 44.

realities of his day in a very real way. He recognizes that, in the end, the authority of the Jewish courts comes not from the Talmud or even from God, but from the Crown. And, while he closes by referring again to acting for the sake of heaven, this passage may betray his real justification for the ruling.

Then again, perhaps such a political view is unfounded. Adret realized that the best way to maintain the Jewish community and the power of the *qahal* was through continued governmental and judicial autonomy. He also knew that most of the people in the small frontier communities around Toledo were more concerned with economic gain and social standing than with the Jewish community. These frontier Jews relied on the king to maintain their safety and the livelihood. Adret recognized that, for some people who would be affected by this decision, an argument based on the rule of the king would prove most effective. The end result would be litigants in front of Jewish courts instead of Christian ones and the perpetuation of the Jewish community. This, from his perspective, had to be acting for the sake of heaven.

Adret's astute leadership comes through in this responsum. Since he is directly addressing a rabbi, he points to a *halakhic*, Talmudic prooftext. Since the decision will affect frontier communities which tended to be less engaged with Judaism, he points to the crown's law, something respected by everyone throughout the land. Since he was asked about capital cases, he encourages choosing people who would show restraint out of great respect and awe for this most terrible and final of punishments. Adret knows his audiences and knows his issues. Since he held no official position in the Toledo community, this responsum held no authority in and of itself. Therefore Adret made sure to tailor this responsum to his audiences to ensure that it

would be as well received as possible.<sup>249</sup> This tailoring, argues Mark Washofsky, is inevitable since responsa are “the creation of an author who employs words and literary techniques in order to achieve a desired effect.”<sup>250</sup> Without carefully considering one's audience, it would be impossible for the text to have its “desired effect.”

### *Responsum III:318*

Assis, Epstein and Baer all point to this responsum as an example of *berurei averot* trying to enforce a high standard of religious practice and morality in their communities. Baer writes:

The *kahal* authorities maintained strict religious discipline within the community... the responsa of R. Solomon ibn Adret contain a number of illuminating incidents. In Jaca the *berurei averot* wanted to fine a member of the community because his children's wet-nurse, a Jewess, went to bathe in the river on the last day of Passover.

The responsum's plain sense does show the fervor with which *berurim* pursued moral transgressions.<sup>251</sup> The Rashba, though, uses the question as an opportunity to talk about liability issues. We can infer his views further by examining those issues raised by the responsum that he chooses not to address.

The case involves several parties. The *berurei averot* of the city of Jaca had been assigned the task of enforcing moral standards and punishing those who strayed. Their latitude in

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<sup>249</sup> For more on the rhetoric of responsa see Washofsky, Mark "Responsa and the Art of Writing: Three Examples from the Teshuvot of Rabbi Moshe Feinstein," An American Rabbinate: A Festschrift for Walter Jacob. Pittsburgh: Rodef Shalom Press, 2001.

<sup>250</sup> Ibid., 362.

<sup>251</sup> Assis, Yom Tov. The Golden Age..., 316. Epstein, Isidore. The Responsa..., 38. Baer, Yitzhak. The Jews..., 234.



these matters had been set down in the regulations which governed their appointment. Across the region, *berurei averot* typically had the extent of their power spelled out in the legislation of the community.<sup>252</sup> In Jaca, these *berurim* enjoyed an additional benefit; they kept the money from any fines that they imposed. This was unusual as “most communal officers were unpaid.”<sup>253</sup> While compensation for work may seem reasonable, in this case it set up a potential conflict of interest. That Adret does not address this conflict of interest in the responsum suggests that while unusual, the *berurei averot* of other communities may have also kept the fines they collected.

The *she'elah* lays out all of the relevant information in the case. A man named Levi was fined because his wet nurse bathed in the river on the last day of Passover, thus violating the sanctity of the day. Levi swore by the Torah that he did not know that the nurse was bathing. He also explained that the nurse was not a member of his household, but a visitor from another town who had brought her daughter for the holiday. Finally, he explained to the community why the nurse went in the water in the first place. Apparently, the daughter of the wet-nurse had fallen ill. A “wise woman” in the town told the nurse to treat the girl by bathing her with salt and oil and then rinsing her off in the river. Levi argued in the alternative to seek acquittal in three ways: 1) explaining that he was ignorant of her bathing, 2) explaining that she was not a member of his household, therefore implying that he ought not be held liable for her actions, and, 3) explaining the nurse’s reason for bathing, presumably to justify her otherwise illegal, immoral<sup>254</sup> actions.

Starting out by saying that Levi should not be fined, Adret only addresses the second of Levi’s defenses. First, Adret says that the nurse is not a member of Levi’s house, so Levi is clearly not responsible for her actions. He says that people cannot be held accountable for the

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<sup>252</sup> Epstein, Isidore. *The Responsa*..., 38.

<sup>253</sup> Ibid.

<sup>254</sup> Though not all illegal actions are immoral, many of the historians reviewed for this thesis cite this particular case as an example of the *berurei averot* enforcing high moral standards. See Assis, Yom Tov. *The Golden Age*..., 316. Epstein, Isidore. *The Responsa*..., 38. Baer, Yitzhak. *The Jews*..., 234.

actions of their visitors. Not only that, but Adret goes on to say that people are not responsible for the actions taken by *members* of their households. This is true even though "he is responsible for the damage of his money [i.e. people or things he bought with money] as the Torah obligates with the damage of his ox".<sup>255</sup> In other words, the Torah teaches that if a man's ox causes damage to or kills another person's ox, the man is liable for the damage. Adret says here that while a man would be responsible if a piece of his property caused damage, the man is not responsible for damage caused by a member of his house.

While responsible for damage caused by property, a man is never responsible for damage caused by other people. This is true with regards to the actions of (whom they bought) or servants because both slaves and servants have independent agency. For prooftext, he refers to the Talmud, Baba Kama 4a, which states, first, that "...a man- and maid-servant... do not devolve any liability [upon their masters]." In the Talmud, R. Ashi goes on to explain that this is only the rule because "a servant provoked by his master might go on burning down another's crops, and thus make his master liable to pay sums of money day by day."<sup>256</sup> This prevents a slave or servant from taking revenge by causing damage with the purpose of costing their master great sums of money. While all of this is interesting, it is only tangentially related to the subject at hand except for an argument from the lesser to the greater: If a master is not made liable by the actions of his slave, how much more so should a person not be made liable by the actions of his guest? From all of this, Adret concludes that Levi is not liable for the fine imposed by the *berurim*.

The *berurim* did not derive their power from the Talmud or other rabbinic source. Rather, "the *berurim* and all other leaders, whatever their titles, enjoyed the authority vested in them by

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<sup>255</sup> III:318. The laws concerning damage caused by an ox are found in Exodus 21:28-38

<sup>256</sup> Talmud Bavli, Baba Kama 4a from "The Judaic Classics Library" CD-ROM, 2001. Talmud translation on CD-ROM from The Soncino Talmud. Brooklyn: Judaica Press, Inc. 1990

the ruler and the community.”<sup>257</sup> Even in the responsum under discussion, the writer makes sure to inform Adret that the community passed a resolution authorizing the *berurim* to carry out specific duties. This position exists, then, outside of the realm of Jewish law and its Talmudic precedents. So why does Adret bring the Talmud to bear on a non-Talmudic issue? One can assume that since the community is soliciting advice from the *halakhic* expert of the day, they sought a response based in Jewish law. A community ordinance created this *berurei averot* position. Since the law was not sufficiently clear, the community has turned to Adret for guidance. Since the local ordinance was a) the only relevant non-Talmudic source and b) unclear in the first place, it would make little sense for Adret to refer to it in his decision. Adret instead uses an argument from the lesser to the greater based on the Talmud’s ruling that a man is not made liable for the acts of his servants. If this is true, says, Adret, than a guest also does not make his host liable. While it does not address the specific issue, or even *berurim* generally, the Talmud is a document that all Jews consider authoritative.

The glaring question with which this responsum leaves us is: What of Levi’s other defenses? Adret never addresses Levi’s oath that he knew nothing of the nurse’s bathing nor does he address the reasons given for the nurse’s infractions. As discussed above, the *berurei averot* “generally enjoyed broad rights”<sup>258</sup> concerning how they carried out their task. Nevertheless, it is hard to believe that they would ignore an oath since swearing a false oath exposed one “to the penalty of a fine and excommunication, ... [and] he was also held guilty of a religious transgression.”<sup>259</sup> Nevertheless, perhaps Adret could not find decisive *halakhic* material which would render oaths and explanations, sincere and convincing as they may be, powerful enough to cancel the decisions of the politically powerful *berurei averot*. We cannot be

<sup>257</sup> Assis, Yom Tov. *The Golden Age*..., 113.

<sup>258</sup> Ibid., 115.

<sup>259</sup> Neuman, Abraham. *The Jews*..., I:50.

certain as to why Adret did not address Levi's other defenses. We do know that his narrow response clearly and decisively overturned the decision of the *berurei averot*.

The final point that his narrow answer suggests is that Adret was trying to prevent the abuse of power. As mentioned above, the more fines they handed out, the more money they collected for themselves. This arrangement would tempt many to abuse the system for personal gain as opposed to using it for the good of the community. In his answer, Adret puts a stop to this abuse of power while never denying the authority of the *berurei averot* or showing them any disrespect.

#### *Responsum IV:311*

As discussed above, both frontier and urban Jewish communities enjoyed great amounts of autonomy. They had autonomy with respect to the crown and Christian governance. They were also able to make laws outside of the *halakhic* system. Though certainly still bound by Jewish law, communities were free to create and enforce non-*halakhic* local ordinances to address issues outside the scope of *halakhah*. "It was... ruled that with the consent of its members the community was authorized to issue ordinances and even confiscate a member's property for the benefit of the public."<sup>260</sup> The scope of Jewish law was not the only factor that led to this kind of non-*halakhic* law. Jonathan Ray writes, "Despite a desire to respect their shared legal tradition based on Jewish law, Jewish officials who governed the majority of frontier communities often possessed little more than a rudimentary understanding of

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<sup>260</sup> Assis, Yom Tov. *The Golden Age...*, 71.

*halakhah*.”<sup>261</sup> This was one factor that led to the creation of these extra-*halakhic* laws that “were generally considered to have the same legitimacy and judicial power as Jewish law.”<sup>262</sup>

Despite the fact that Jewish and royal authorities regularly supported such local ordinances as legal, many local leaders were apparently uneasy with the situation. They were often unsure if their ordinances conflicted with Jewish law. This responsum deals with that very issue. In the end it reinforces the right of communities to make their own laws. It also takes pains to show that “This right was based on Jewish law and royal charter.”<sup>263</sup> This was not an improvised system invented for political expediency by the crown or power hungry communal leaders. Rather, Adret shows that the practice of creating local ordinances goes back to the Bible and the Talmud.

The community leaders who wrote to Adret start by explaining that they selected and empowered *berurim* to “eradicate crime... as (they) see fit”.<sup>264</sup> They then ask several questions about the fitness of various witnesses:

If a close kinsman of a certain member of the community were to testify that he had broken his oath, and the witnesses are [otherwise] fit to rely upon, what are we to do? Or, if a woman and child testify and make an incidental statement, do we have the authority to punish this man or not? Similarly, if the witnesses, or at least one of them, was a relative of the accused, and we see reasons to believe them, if the witnesses tell the truth, do we have the authority to act according to their words, even though there is no valid testimony there?<sup>265</sup>

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<sup>261</sup> Ray, Jonathan. The Sephardic Frontier..., 108.

<sup>262</sup> Ibid.

<sup>263</sup> Assis, Yom Tov. The Golden Age..., 148.

<sup>264</sup> Adret 4:311

<sup>265</sup> Adret 4:311 as translated in Ray, Jonathan. The Sephardic Frontier..., 109.

By asking about so many hypothetical situations, the community betrays its sense of insecurity with the authority it has to empower *berurim* to carry out their task. They also demonstrate real confusion over how their local ordinance ought to interact with traditional Jewish law which would rule that all of these witnesses are unfit to testify before a *beit din*. Adret shows them that they ought to do as they see fit by drawing a distinction between the Torah-based procedures that outline the authority of a *beit din* and the procedure and authority of the *berurim* which comes from community.

At the start of his reply, Adret says that the community ought to do what it deems appropriate. He then states that the laws they asked about concerning witnesses apply only for a court established based on Torah-law. Since their court of *berurim* is established based on the “needs of the hour”<sup>266</sup> and not on Torah-law, the laws concerning witnesses do not apply. “The Talmud sets down stringent procedures governing the appointment of judges and the qualifications of witnesses and evidence.”<sup>267</sup> These stringent procedures, based on rabbinic exegesis of the Torah, are interpreted by Adret to apply only to cases being adjudicated according to procedures set up in accordance with Torah law. The *berurim* operate according to different rules: these courts are not set up in accordance with Torah, and so need not operate according to the Torah-derived stringent rules.”<sup>268</sup>

Adret asserts that in this case, the “needs of the hour” trump the need to establish courts based on Torah-derived laws. In our case, the *berurim*’s authority to apply laws comes from local ordinance, not from the Torah-derived laws of the Talmud. Thus, the “needs of the hour” will allow the *berurim* a great deal of latitude when deciding if testimony of a witness is acceptable or not.

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<sup>266</sup> Adret 4:311

<sup>267</sup> See, for instance, Baba Batra 54a and 54b

<sup>268</sup> Prof. Alyssa Gray

Adret explains some of the restrictions the Torah places upon a proper *beit din*. For instance, a man cannot self-incriminate. Similarly, in a *beit din* one must receive a warning before being punished. That said, Adret reminds us that *only* a *beit din* needs to follow these rules. He then brings two different prooftexts to support his point.

The first is a story from 2 Samuel 1. In it, a young Amalekite tells King David that he came upon Saul as he lay dying after battle. Saul said to him, “stand over me, and finish me off, for I am in agony and am barely alive.” The Amalekite followed Saul’s wish and “finished him off”. After mourning and fasting until evening, David became infuriated and had the Amalekite killed. He then tells the dead Amalekite, “Your blood be on your own head! Your own mouth testified against you when you said, ‘I put the LORD’s anointed to death.’”<sup>269</sup> In this case, absent a *beit din* David sentenced someone to death. He did it despite the fact that there were at least two problems with the witness’s testimony. First, the witness was a *na’ar* or a youth. We do not know how old this *na’ar* was, but it is possible that he was under the age at which one could legally testify before a *beit din*. Second, the witness incriminated himself, something also forbidden in a *beit din* trial. Nevertheless, King David found that the “needs of the hour” necessitated the punishment.

Before giving the second prooftext, Adret recounts that the stoning of man riding a horse on Shabbat comes from the rabbinic command to build a fence around the Torah.<sup>270</sup> The punishment did not come from *halakhah*, per se, rather this punishment was carried out because of the needs of the hour. Adret then refers us to the Babylonian Talmud, Yevamot 90b as the source for the notion of “the needs of the hour”. That text says that one ought to listen to a true

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<sup>269</sup> All biblical quotations are from The JPS Hebrew-English Tanakh. Philadelphia: Jewish Publication Society, 1999.

<sup>270</sup> Pirke Avot 1:1

prophet even if he tells you to "Transgress any of the commandments of the Torah."<sup>271</sup> How do we know this? Because, the text teaches us, Elijah the prophet built an altar on Mt. Carmel despite the ruling against sacrifices outside of the Temple. He needed to do this because of "the needs of the hour".

By bringing these prooftexts, Adret seems to say that just as David and Elijah acted based on the needs of the hour, the *berurim* should also act according to the "needs of the hour." The community ordinance, implies Adret at the end of the responsum, lays out what constitutes the needs of the hour. Since the ordinance states that they ought to do as they see fit, than the *berurim* may apply their own standards for witnesses on a case by case basis. Notice that "needs of the hour" seems to be a need to step in to correct a gross violation of the law, even to over-correct it, so as to set an example to others (the riding horse case). See how that sounds similar to what the *berurim* are to do?

Adret uses *halakhah* to show the validity of these non-*halakhic* local laws. As a halakhist himself, one may think that he would encourage strict adherence to Jewish law over and above secular laws instituted by local communities. Yet, Adret's practicality and knowledge of his audience show clearly in this responsum. First, he recognized that many of the local leaders did not have sufficient facility with Jewish law to govern based on it. Second, he knew that Jewish law did not address all of the issues that these leaders might face. This ruling reinforces the ability of the Jewish community to run itself. It also helps to ensure that the *berurim* could do their jobs effectively, thus ensuring the peace, safety and lawfulness of the community.

### *Responsum III:380*

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<sup>271</sup> Talmud Bavli, Yivamot 90b from "The Judaic Classics Library" CD-ROM, 2001. Talmud translation on CD-ROM from The Soncino Talmud. Brooklyn: Judaica Press, Inc. 1990



This responsum deals with the distribution of charity based on Adret's notion of social responsibility.<sup>272</sup> In it, Adret harshly criticizes the very wealthy members of the community. His ruling demonstrates that "Assistance to the poor and compassion towards the needy have been central elements of communal life and of religious observance throughout much of Jewish History."<sup>273</sup> Seeing how Adret deals with this important topic sheds additional light on his leadership style, his values and his understanding of Iberian society.

The responsum opens with the query from the community. There arose an argument between the moderately wealthy and the very wealthy as to the proper way to give assistance to the poor. The very wealthy said that the poor should go from door to door to collect charity each day because, they argued, the burden should be spread among everyone equally. The moderately wealthy, on the other hand, said that the poor should not go door to door because it would be degrading for them to do so.<sup>274</sup> Instead, the community should collect money from each person based on his wealth. The *she'elah* asks Adret which system the community ought to follow.

Adret answers the substance of the question right away: the moderately rich are right. As he says at the end of his response, "everywhere [it is the practice that] we sustain [the poor] from the collection box [i.e., from a collective fund] and according to [the extent of one's] money..."<sup>275</sup> He associates this with *tzedakah*, or compulsory support of the poor. In quick succession he brings various prooftexts to bear on the question. Ketubot 49b says that Rava coerced R. Ammi to *fulfill his duty as a wealthy man* compelling him to give 400 zuzim to

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<sup>272</sup> Cohen, Jonathan. "Charitable Contributions, Communal Welfare Organizations, and Allegiance to the Community According to Rashba", *Hebrew Union College Annual*. Volume 72 (2002): 85-100.

<sup>273</sup> Cohen, Jonathan. "Charitable Contributions...", 85.

<sup>274</sup> It is interesting to note that the very wealthy do not make any comment on the potential embarrassment of going door to door.

<sup>275</sup> Translation from Cohen, Jonathan. "Charitable Contributions...", 88.

charity. Ketubot 67a says "In accordance with the camel is the burden."<sup>276</sup> In other words, *the richer a man, the more he ought to give*. Finally, in Ketubot 66b, we read that "the salt (preservative) of money is *chessed* (or compassion)"<sup>277</sup>. In other words, *to keep your money, you must do acts of chessed*, acts of compassion. With these three texts Adret says that the wealthy are obligated to support the poor; that they ought to do so at a rate commensurate with their wealth; and, that they ought to make voluntary contributions above and beyond their communal obligations. In his article on this responsum, Jonathan Cohen writes: "the issue of sustenance is associated with charity (*tzedakah*). ...[This contrasts] the notion of compassion (*chessed*), [which] reflects the need to do more than just give the appropriate amounts for charity."<sup>278</sup>

In the middle of the responsum, Adret explains "the extent to which one must try to offer sustenance to the poor and explain[s] the rationale for this requirement".<sup>279</sup> Adret says that everyone should give based on their wealth. If people will not accept the charity, the donor should figure out a cunning way to give them the money. People should receive charity according to the lifestyle to which they were accustomed and based on the status of their family. This last point reinforces the idea that people should not have to go door to door since this would not befit the status of a member of a respected family. Thus, the system proposed by the very wealthy was not acceptable.

Adret's strongest rebuke of the wealthy comes in his reference to Nakdimon ben Gurion toward the beginning of his reply:

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<sup>276</sup> Talmud Bavli, Ketubot 67a from "The Judaic Classics Library" CD-ROM, 2001. Talmud translation on CD-ROM from The Soncino Talmud. Brooklyn: Judaica Press, Inc. 1990

<sup>277</sup> Ibid. Ketubot 66b

<sup>278</sup> Cohen, Jonathan. "Charitable Contributions...", 91.

<sup>279</sup> Cohen, Jonathan. "Charitable Contributions...", 92.

And it has already been said in Ketubot, chapter 6, regarding Nakdimon ben Gurion that in spite of the fact that he performed [acts of] charity a great deal, his money dissipated because he did not do it appropriately.

More than any explicit rebuke in the text, the strongest rebuke comes from the reference to ben Gurion. While there are references in the Talmud that paint ben Gurion in a good light, those stories are irrelevant here. The reference to his loss of money comes from Ketubot 66b to 67a. In this story ben Zakkai came across his daughter picking grains out of the dung of an Arab's cattle. She explains that her family lost all of their wealth because their father gave charity inappropriately. Ben Zakkai associates ben Gurion's daughter with all of Israel. The metaphor is clear: inappropriate expenditures of wealth led to the fall of Jerusalem and the loss of Jewish sovereignty. Connecting the very wealthy of the community with the destruction of Jerusalem is bad enough, but Jonathan Cohen writes that the name Nakdimon is also associate with Buni which is "one of five (names) that are attributed to disciples of Jesus in a passage that is censored out of the Talmud."<sup>280</sup> So, in addition to the loss of Jewish sovereignty, he has associated the very wealthy of the community with sympathy toward Christian teaching. Cohen says that by using the figure of Nakdimon ben Gurion, Adret "casts doubt on their loyalty to the community and commitment to the Jewish tradition."<sup>281</sup> Even if one does not agree with the connection between ben Gurion and Buni, connecting the very wealthy with the fall of Jerusalem is a strong rebuke, indeed.

Of all the responsa analyzed for this thesis, 3:380 shows Adret's strongest convictions about a subject. Whereas in other responsa he is careful to avoid alienating whole groups, he seemingly has no qualms about rebuking the very wealthy in this case. His point is clear:

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<sup>280</sup> Ibid., 96.

<sup>281</sup> Cohen, Jonathan. "Charitable Contributions...", 97.

everyone in the community has an obligation to support the poor with *tzedakah* and the very wealthy ought to give more. Failure to give more would result not only in the loss of their personal wealth, it would lead to the destruction of the Jewish people as it led to the destruction of Jerusalem and the loss of Jewish sovereignty.

Given his assertion that all Jewish communities had an obligatory charity fund based on wealth, it is surprising to read that this was not the case in Adret's home province of Aragon. In his book, The Golden Age of Aragonese Jewry, Yom Tov Assis writes that "Most communities in the Crown of Aragon did not pursue a welfare policy designed to assist the needy. No institution was created by the community to look after the poor... charity remained a private initiative."<sup>282</sup> We do not know if such a communal support system already existed in the town in questions. From this responsum, we do know that Adret sought to either maintain or establish a communal system by offering convincing arguments and by shaming the very wealthy. A bold move for this politically sensitive man.

Having reviewed the various responsa, we can now assess the validity of Baer's "Adret Mottos". 1) "He strove in every way to strengthen the authority of the *qahal*..." All five responsa support this motto. In I:824, II:290, IV:311, and III:380, his decisions clearly concentrate power with the central authority allowing them to remain strong and viable. This was true whether he was upholding a ban on an individual, centralizing charity, creating Jewish courts, or allowing the *berurim* to decide what witnesses are appropriate. Even in III:318, when he overrules the fine imposed by the *berurei averot*, it can easily be argued that he was actually strengthening their authority. If the decision of the *berurei averot* stood, people might be tempted to revolt against their over-zealous, greed driven brand of morality enforcement. By denying them this one fine, thus keeping their power in check, Adret actually *reinforced* their moral authority and thus the

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<sup>282</sup> Assis, Yom Tov. The Golden Age..., 242.

authority of the *qahal* to enforce morality and religious practice. Their authority was further reinforced by Adret's imposition of *halakhah* on the issue at hand. People might assume that in the future the *berurei averot* will keep normative *halakhic* practice in mind when enforcing the communal standards.<sup>283</sup> Finally, people may now see the *berurei averot* as falling within the oversight of *halakhah* which could add an extra measure of confidence.<sup>284</sup> All of this, together with the variety of historical material reviewed in previous chapters, shows Adret's commitment to a strong *qahal*.

Baer's second "Adret Motto" reads: "He sought to eliminate the sources of contention 'in order that love, brotherliness and peace might be restored.'" With one exception, the responsa examined support this motto. Adret keeps troublemakers out of the community, thereby maintaining high standards of communal and personal responsibility (I:824). He ensures that communities have the power to approve or reject judges who then have the power to compel litigants to stand before them (II:290). He gives the *berurei averot* more credibility by keeping their power in check (III:318). He places responsibility for the rules of the community firmly in the hands of the people who can choose to approve a local ordinance or reject it. In all of these cases, Adret empowers the local *qahal* and its members to take stewardship of their communities. A community that feels in control of its own destiny is one where peace can reign. In III:380, when he rebuked the very wealthy of the community, Adret may have caused some distress. Nevertheless, he probably saw his goal of appropriate and dignified means to support the poor as a way to promote communal peace and brotherliness among the social classes.

Baer's final motto was the most questionable. "Truth and justice were his only goals and the formal Halakhah his only guide." We first have to acknowledge that "truth and justice"

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<sup>283</sup> Prof. Alyssa Gray suggested this additional interpretation.

<sup>284</sup> Ibid.

require further definition that Baer does not provide. That being said, while “truth and justice” drove some of Adret’s decisions, for instance in the case of the nurse and the case of charity distribution, other cases were driven by more political considerations. It is questionable that Jewish courts composed of unlettered individuals are the best conduit for “truth and justice”. But, the negative political implications of Jews going to Christian courts outweighed the considerations of “truth and justice” in this case. Similarly, in the case where the man repented and sought to have the ban lifted (I:824), lifting the ban may have been the just thing to do. Nevertheless, Adret knew that the organization and strength of the community depended on its ability to enforce both oaths and bans. He therefore laid down very narrow conditions under which the man could rejoin the community. While he no doubt loved truth and justice, he had to do a balancing act between the rights of the less-empowered parts of Iberian Jewish society and his very real political concerns.

Only in two of the responsa, III:318 and IV:311, did Adret limit himself to “formal *halakhah*”. In the other three responsa he made ample use of both contemporary, non-*halakhic* sources such as local ordinances and *aggadic* material from the Talmud. His careful choice of proof-text in each case shows his skills as a halakhist with a mastery of the full range of Talmudic literature and politician. He knew who would read each responsum. He knew that rabbis would respond best to a certain kind of material while community leaders and wealthy individuals might respond better to another kind of proof-text. He understood that people needed to hear certain ideas framed in certain ways to make them amenable to his decisions. The proliferation of PR firms, advertising agencies and even VP – Communications positions on synagogue boards shows that this concern about framing a message is still very much a leadership issue today.

From the small number of responsa examined for this thesis, we can say that two out of Baer's three mottos apply to Adret. "Truth and Justice" may have sometimes suffered small setbacks due to Adret's need to balance the rights of the individual with the political realities of the time. In seeking to ensure a strong, peaceful community, Adret handed down rulings which, though they served the community, did not necessarily see justice done for the individual. Given the historical context, we should not be too quick to judge his decisions in these cases. A weak executive and judicial arm of the *qahal* would have made maintenance of the Jewish community difficult if not impossible. Without a strong Jewish community, it would have been impossible to collect the taxes owed to the crown. Those taxes ensured the physical safety and political autonomy of the Jews in Iberia. With this meta-picture in mind, Adret led the community with his responsa.

#### *Adret's Leadership*

What can be said of Adret's leadership? His responsa reflect a keen knowledge of the political and social realities of his day. He knew that in order to maintain a Jewish community, he needed to ensure *Jewish autonomy* above all else. Over and over again his responsa place the good of the community over the good of the individual and even over a strict understanding of Jewish law. Adret tailored his responsa to each community with careful *attention to his audience*. He knew how his decisions might be received and made certain to narrow or broaden his response to make sure that his replies were read in the best possible light.

Adret *drew from a wide variety of legal and cultural sources* when composing his responsa. He did not, as Baer had suggested, limit himself to "formal *halakhah*". Instead Adret

drew from both the *halakhic* and *aggadic* material in the Talmud. In the five responsa reviewed here, he used four *halakhic* sources and three *aggadic* sources. In addition to Talmudic material, he used biblical stories, biblical law, as well as non-*halakhic* ordinances, royal charters, and custom as the basis for his arguments. The points he made were not merely about law, but about morality, fidelity to our people and our traditions, and the value of a stable, peaceful community. Adret wrote about "truth and justice" but instead of limiting them to the legal sphere, he showed how our tradition insists that truth and justice should seep into all aspects of our lives. He did this, in most cases, without alienating his constituents by using tact, careful editing, and careful selection of prooftexts.<sup>285</sup>

During Adret's day, as mentioned above, one of the main concerns was that Jews would take their cases to non-Jewish courts or even straight to the crown. Recognizing the draw of these non-Jewish courts, Adret devoted considerable energy to ensuring the existence and use of Jewish courts. While doing so, he needed to carefully navigate Jewish tradition through non-Jewish waters. Since people sailed in these waters everyday, he needed to make sure that his Jewish boat could float in them. To *balance the non-Jewish influences and the Jewish status-quo* Adret presented his positions carefully, including both religious and non-religious sources in his responsa.

Morality and adherence to Jewish practice was an important issue of the day. The emphasis placed on this issue is evidenced by the existence of *berurei averot*. He instructed communities that they had the power not only to decide who would be one of the *berurei averot*, but also what types of infractions they could prosecute. In essence, he thought it appropriate that *each community set its own standards* and enforcement procedure. He must have had red lines which he thought no community ought to cross (communal charity being one of them), but

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<sup>285</sup> See especially the prooftexts used in III:318 and IV:311.



ultimately his support of *berurei averot* suggests that he thought each community could decide issues of morality and religious adherence on their own.

Adret led with an eye towards *good social policy*. He sought to ensure that the rulings he issued would benefit the whole community. It seems he wrote his responsa to make sure that people were held to their word; that blame could not easily be misplaced; that communal institutions acted consistently and fairly; that there was a sufficient social safety net; and, that communal institutions existed to support the needs of the *qahal*. These measures did as much to protect individuals and maintain the Jewish character of a community as they did to create an atmosphere conducive to the well being and welfare of the public.

In the end Baer got it mostly right with his mottos. Adret did, above all else, seek to "strengthen the authority of the *kahal*." Though his decisions may have caused initial disappointment or communal tension, they all aimed at eliminating "sources of contention." The last motto is the most suspect. While Adret seems to seek "truth and justice" in his rulings, his awareness of political realities sometimes tempered his zeal. Finally, while his methods of *halakhic* interpretation are sound, he brings many sources outside of "the formal *halakhah*" to bear on the important issues.

Adret led with consideration for his constituents, with full knowledge of political reality, and with unquestioned integrity.

## **Conclusion: Shedding Light – What We Can Learn**

Rabbi Solomon ibn Adret led his community 600 years ago in a different part of the world, in a different time, in a different culture and with a different understanding of what it means to be a Jew. So much of the popular literature that attempts to draw leadership lessons from our traditional texts fails to take these vast differences into account. This study has attempted to present not only the leadership of Adret, but also the context in which he served the community. Though the Jewish leadership context has changed dramatically between Adret's time and our own, we can see that the meta-issues which he faces, we still face today. While big-picture issues are the same, the way we deal with them is different.

The fact that we can entirely opt out of any religion today is possibly the biggest factor that differentiates our world from Adret's. A person's religion defined who he was in the Middle Ages. Being born Jewish, Christian or Muslim instantly set one's place in society. It determined who one would marry, with whom one would interact, with whom one would conduct business, the kinds of business one could conduct, the laws under which one lived, the courts to which one could bring grievances, the food one ate and with whom one could eat it. It was so intimately a part of who one was that the two could not be separated. If someone wanted to leave a religious group, his only option was to convert into a different one. There was no such thing as being without religion.

Today, needless to say, religion is optional. People may choose to be a part of a religious community or they may reject religious participation altogether. Even the parts of life that would have seemed inconceivable without religion just a half century ago, birth, marriage, divorce and death, can now be totally devoid of religion. If someone keeps kosher, it is a choice. If someone

marries another Jew, it is a choice. Particularly in the Reform context, the community has a small number of ways to enforce the few boundaries it places on the behavior of its members.

Another big difference between today and Adret's day is the role of the rabbi. Today the rabbi serves many roles that all encompass, to a certain extent, meaning making. This type of meaning making entails, first and foremost, the recognition that each person creates their own reality. The rabbi can offer metaphors, maps, images and myths from our tradition to help people connect the events of their lives into a meaningful whole.<sup>286</sup> This is not the business of handing down legal decisions, but instead giving people the tools they need to find meaning and spirituality. Adret focused his energy on legal and social problems. He used the responsum as a tool to help people understand what the tradition says about a particular legal issue facing a community. In a sense he created meaning by helping the community see its issues in a broader *halakhic* context. That said, his focus was legal and communal in nature, not personal. Thus Adret's focus was primarily legal while Reform rabbis today focus meaning making for both the community and the individual.

That said, just as this thesis translated the corporate language Block used to make it useful in a congregational setting, we can search out the underlying principles of leadership evident in Adret's work and see how we confront those issues today.

### *Creating the Conditions for Success*

Adret strove, as one of his main principles, to maintain Jewish autonomy for the communities in Iberia. As seen in his responsa, he did this, among other ways, by allowing the *berurei averot* expansive judicial and police powers, enforcing bans against community

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<sup>286</sup> See above, Chapter 2.

members, allowing leaders to appoint their successors<sup>287</sup> and insisting on a centralized method of charity distribution. For the communities to function as communities, for them to maintain cohesion and for them to interact effectively with the Crown and surrounding non-Jewish population, they needed to maintain their autonomy above all else. We need to note that Adret did not seek autonomy for its own sake; rather, he sought to create and maintain the conditions necessary for the success of the community. While in Adret's time that condition was autonomy, in our time success calls for a different set of priorities.

Over and over again, Adret reinforces the *qahal's* leadership as a way to reinforce the autonomy of the community. He centralized power with the few people who sat on the executive committee or served as one of the various *berurim*.<sup>288</sup> For success in today's world, leaders need to spread that power amongst the stewards in their congregations.<sup>289</sup> By giving people in our congregations power to effect change, we allow our organizations to more organically reflect the needs, passions, and ideas of our congregants. This allows our congregations become more dynamic, more innovative, more able to fulfill the needs of our constituents. The Jewish communities of 14<sup>th</sup> century Iberia required centralized power to ensure the protection of the community's interests, the community's safety and the community's very survival.

Today, the survival of our congregations depends on their ability to meet the needs of their diverse membership. Whereas conformity was the ideal of Adret's day, today our congregants openly share different views, different understandings and different ideas about everything from Jewish practice to synagogue governance. Peter Block teaches us that by spreading power throughout our diverse congregation, by creating true partnership between the synagogue's professional staff, lay leaders and congregants, we can meet their needs and thus

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<sup>287</sup> Epstein, Isidore. *The Respona*..., 36-37.

<sup>288</sup> Clearly in I:824, II:290, IV:311, and III:380 and arguably in 3:380.

<sup>289</sup> Block, Peter. *Stewardship*..., xix.

ensure our survival.<sup>290</sup> While the methods are different, the goals of community perpetuation and survival are the same.

### *Effective Communication*

In the responsa we examined, we saw that Adret drew his prooftexts and arguments from a variety of sources including *halakhah*, *aggadah*, Bible, local ordinances, and royal decrees.<sup>291</sup> As Washofsky said, responsa are a literary form in which the author uses words and arguments to appeal to a specific audience.<sup>292</sup> So, whether conscious or unconscious, Adret used these texts because they would be effective in communicating his decisions to a specific audience. He needed to tailor his message very carefully to communicate effectively with communities both far and near. His only medium for this communication with any community outside of Barcelona, and perhaps other cities in his home province of Aragon, was the written word.

Communication with constituents is just as important today as it was in Adret's time. Just like Adret, community leaders need to tailor their message so that other congregants will both understand and buy into the ideas they present. Adret used text in support of his legal rulings because those texts helped him communicate effectively. That communication was primarily of a legal nature. He sought to communicate the facts of the law, an objective reality. When Reform rabbis use text today, they often use it to help congregants create meaning. This meaning making is entirely subjective. In using those texts rabbis do not try to communicate an objective reality, instead they try to offer alternative maps, myths, images and metaphors with which people can

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<sup>290</sup> Ibid., 29-31.

<sup>291</sup> See section on Adret's responsa in Part II.

<sup>292</sup> Washofsky, Mark "Responsa and the Art of Writing: Three Examples from the Teshuvot of Rabbi Moshe Feinstein," in An American Rabbinate: A Festschrift for Walter Jacob Pittsburgh: Rodef Shalom Press, 2001. 362.

draw the pictures of their lives.<sup>293</sup> Just as in Adret's day, communicating those messages from our texts requires an awareness of what will resonate with congregants. Also, when Adret communicated using texts, he communicated what he understood as an objective first order reality,<sup>294</sup> reality revealed by God and into which Jews must fit their lives. Today, we understand the meaning we ascribe to the events of our lives to be second order reality, reality that we create for ourselves. When we access our texts, we do so hoping to find the myths, metaphors, and maps necessary to help us create a meaningful second order reality.

With sermons, synagogue bulletins, weekly emails, voicemail, websites, cell phones and the meetings that rabbis attend each week, there are endless situations in which the rabbi must communicate effectively and help others communicate effectively. Collaborative leadership depends on effective communication from all parties and the rabbi plays a key role in fostering that dialogue.<sup>295</sup> Though correspondence took more time in the 14<sup>th</sup> century, the effective use of communication was no less critical in Adret's day as it is today.

### *Balancing Jewish and Other Influences*

In II:290 Adret allows the appointment of under-qualified Jewish judges to ensure that the Jews would bring their suits to Jewish courts. Adret recognized the draw of the non-Jewish courts as another means by which Jews could fulfill their needs. Similarly, in several of the responsa examined, he refers to local ordinance or makes reference to rights granted by the

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<sup>293</sup> Hoffman, Lawrence. *The Journey Home...*, 29.

<sup>294</sup> For further discussion of first and second order reality see: Bloom, Jack. *The Rabbi as Symbolic Exemplar...*, 91-92.

<sup>295</sup> Herrington, Jim, et. al. *Leading Congregational Change...*, 142. Also see Aron, Isa. *The Self-Renewing...*, 46-49. On these pages she offers three different exercises aimed at helping members of committees communicate effectively.

crown. We see from this that Adret faced a challenge in his day that we still struggle with today: balancing the Jewish and the non-Jewish and establishing a border between the two.

Obviously this challenge plays out very differently today than it did in 14<sup>th</sup> century Iberia. Adret used a variety of sources in his responsa to produce effective legal decisions. Today, rabbis use a variety of sources, both secular and religious, to help their congregants create meaning. For instance, rabbis refer to newspaper articles in their sermons and use movies and music to help their children connect to and find meaning in our tradition. They use leadership techniques from the American corporate world to help lead synagogues.

Whereas being Jewish completely dominated every aspect of life in Adret's day, today it is only a part of how rabbis and their congregants define themselves. Just as Adret needed to balance the Jewish and the non-Jewish to make his legal rulings effective, so do rabbis need to take broader society into account as they lead their synagogues from the pulpit, in the classroom and in the boardroom.

### *Community Standards*

Many of the responsa examined for this thesis focused on the community's need to take care of itself, to create its own laws, enforce its own policies, take responsibility for the rules it created, and generally manage its affairs effectively. While Adret helped define the borders of acceptable behavior, such as the insistence on a communal charity fund in 3:380, he generally encouraged the communities to create their own standards and to live by them with integrity. It was the duty of each member to live by the rules laid out by the community. Compliance was critical to maintaining the community and failure to comply could lead to fines, corporeal punishment or a ban. While rabbis do not take such drastic measures today, they still seek to

foster a community by drawing the boundaries of that community in an effective way that balances participation with their commitment to the tradition.

Rabbis need to decide where their borders lie. Will they do inter-faith marriages? What will they call ceremonies that affirm homosexual relationships? How will they include non-Jewish family members in life-cycle events? Can non-Jews serve on synagogue boards, stand on the *bimah*, teach in the religious school? What level of participation in synagogue life do rabbis expect of their members and how do they encourage that participation? While some of these decisions must be left to the rabbi, others become decisions with which the whole community wrestles. The issue today is even more complicated than Adret's day because we have such an individualistic culture. Where communal compliance was the norm in 14<sup>th</sup> century Iberia, today the individual is king. When people fall too far outside of the borders our communities set, they may feel uncomfortable, but we would rarely expel them of our congregation.

As congregations try to set their standards and draw their borders, the rabbi actually plays a role very similar to that which Adret played in his day. Just as Adret brought the tradition to bear on legal issues, rabbis today can help the laity discuss standards and borders by sharing the relevant parts of our tradition. The rabbi serves as an ambassador to the text to help the community define itself and to help each individual understand themselves in relation to the community and the tradition.

The way that our tradition shapes our communities has changed over the past 600 years. Yet, we still access the same texts that Adret did and we still seek to strengthen our communities through those texts and traditions. Just as Adret used our tradition to help communities face their contemporary issues, rabbis today must also bring out tradition to bear so that their synagogues can set standards for the issues they face today and the issues they anticipate facing in the future.



## *Good Social Policy*

Adret's decisions usually had to do with the functioning of a community, not only its *per se* religious issues. Thus, he could affect the social policy of the communities with which he corresponded. These decisions had a direct impact on issues of crime and punishment, charitable distribution, governance, commerce and other areas that affected people's day to day life. Reform rabbis today do not have the authority to make decisions that affect these spheres directly. That said, social action remains a large part of what our communities do. Both through direct aid projects like soup kitchens, shelters, and clothing drives and through advocacy work, ensuring good social policy has been a hallmark of the Reform movement for many years. The rabbi has a responsibility to lead with an eye towards this kind of work and to encourage others to take stewardship for the social action of the synagogue.

While Reform Rabbis today cannot directly affect the social policy of the community, they can help to create synagogue policies that create a congregational environment which forwards the goals of the community. A good social policy in Iberia, one which promoted stability, was that a person could not turn down a position of leadership in the community. Today our boards are completely voluntary, thus identifying and nurturing the leadership potential of congregants becomes an important role of the rabbi. Where Adret used *halakhic* innovation to further the goals of the community, rabbis today can promote systemic innovations to further programmatic, worship and social action goals. Finally, where the social policy goals in Adret's day were served by centralized control, creating the right kind of social atmosphere in synagogues today requires sharing power and control. The issue, good social policy, is the same. The routes that we take to get there have changed over the last 600 years.

## *Political Realities*

Adret understood political realities. He understood the situation of the Jewish communities of Iberia and rendered decisions that would help them survive and thrive in the mainly Christian milieu. One main factor in maintaining both the political and physical safety of the Jews was ensuring their ability to collect taxes and fines owed to the crown. Epstein writes that when we look at all the different taxes owed by the Jews “we realize the price they had to [pay to] purchase their freedom and royal protection and rulers’ favour.”<sup>296</sup> While we do not need to buy our safety in 21<sup>st</sup> century America, fundraising is still an important part of what synagogue leaders have to do to maintain their communities.

Adret’s political astuteness also showed in how he answered questions. Sometimes his answers were very narrow; other times they were broad and seemed to expand beyond the obvious scope of the question. In responsum III:318, Adret only addresses one of the issues posed to him. He narrows the scope and gives the community what they needed to hear to enforce his decision. In other responsa, like III:380, he expands the scope. He was asked how they should structure their charitable giving. He uses the question as a means to rebuke the very wealthy members of the community and make a broader statement about loyalty and commitment to the Jewish people.

In a similar way, rabbis today can focus the energies of a congregation by helping them identify which issues require only a technical answer (Type I) and which require a more involved collaborative process (Type III).<sup>297</sup> Knowing which issues to focus on requires the rabbi to have an astute awareness of the inter-personal and political dynamics of the congregation. While this

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<sup>296</sup> Epstein, Isidore. *The Responsa*..., 7.

<sup>297</sup> Heifetz, Ronald. *Leadership*..., 74.

is a very different kind of politics than those in which Adret engaged, it is politics nonetheless. A rabbi who ignores the political realities of her congregation does so at her peril.

Adret did not use a collaborative model of leadership that focused on fostering stewardship and creating meaning. Reform Rabbis today do lead by suggesting how the community ought to increase autonomy through centralization of power with a small executive council. Trying to mimic Adret's leadership in today's Reform world would end in colossal failure. That said, this examination of leadership in two different periods in Jewish history reveals that many of the meta-issues do not change with time. We are a people committed to survival. Our leaders strive to teach the laity about the Jewish way through effective communication. Until 1948 and still in the Diaspora today, we live in host cultures and must wrestle with the balance between Jewish and non-Jewish influences. We strive to set standards that will make our communities strong. We care about the welfare of those in our communities. We recognize that there are political forces that we cannot ignore but, when leveraged properly, need not stand in the way of our communities' success.

Leadership techniques and the contexts in which we apply them will continue to evolve. Yet, we can take comfort in the knowledge that our texts, our history, our adaptability and even our destiny will serve future generations of Jewish leaders as they served Rabbi Solomon Ibn Adret and as they serve the Reform Rabbinate today.

New York City

January 31, 2007

**ש"ת      סימן תתכב—תתכה      הרשב"א      שעו**

כשהוא פתוח תלמוד לומר או"י נקצר מיירי נקצר פתוח ולומר שמתחיל נגיעה"י. ויש מפרש אפילו צהלל אם יש פתוח פניו הקצר הפתוח שמהלילין על האדם ועל הכלים.

### סימן תתכב

עוד כתב כמה שקראו"י טרא נפשות רצם ולא כלום חה לשון, לומר אי מפני שאינו מברך על הדבר שנהנה ממנו וכל שאר הברכות מברך על הדבר שנהנה ממנו כגון לשמור חקיו וכן על כל כפי וכן על כל המצוות ועל כל הפירות על המצוות ועל הפירות מברך, ואפילו ברכה שהכל שאינו מוזכר אותם"י אלא דרך כלל מ"מ הרי הוא כולל מה שנהנה ממנו כללי הדברים שמתנהגו כמאמרו' להנחם מהם, אבל בברכה טרא נפשות אינו כן, שאינו מוזכר בברכה הדבר שנהנה ממנו בכלל הדברים"י לא בפירוש ולא בכלל, שאינו לומר טרא מינין הרבה למלאם חסרון הדברים"י שגרא, אלא אדרבה הוא מברך על שגרא נפשות שספרות ופירות למה שגרא, על כן קראוהו ולא כלום.

### סימן תתכד

עוד נשאל נאחז שפרט על גדולי הקהל וגדוהו הקהל לומר ונשבע כל אחד ואחד מן הקהל על זה לגרשו מן העיר, אמר כן נחמנו אותו האיש על מה שעשה ונקש להם מחילה ונכמרו עליו רחמי הקהל ורוצם רוצים להמירו ומתחמרים בשבועה ויש זהם אנשים מעטים שאין מתחמרים, אם יש רשות צד הקהל להמירו.

והשיב כבר נהגו כל קהל וקהל שמגדלים ונשבעין דרך כלל וכשירו הם בעצמם מחירים לעצמם בלא הסכמה מפורשת מפרטי הקהל"י, על כן אנו רואין איך נהגו הקהל שהחיון כל שיש מוחה בהחלטה, כי יש מקומות שאפילו אחד מעבדי כלל גמר צנה ההיא כ"י שלא יוכלו להמיר כל שימחה אחד מן הקהל, ואם נוהגים כן גם הרוב אין יכולין להמיר המרס, שאם מעיקר הדין אין להם הימור אלא מפני

שכן נהגו ואם מלך פתח מעשיהם בנאלי הנה התנאי אינו אלא כל שאין מי שימחה אפילו אחד. וכל שכן כאן שנחמדם דבר להמיר נדוי זה' שנשבעו בפרט כל יחיד ויחיד, חה מודיע שרנו הקהל שלא יהא נדוי זה ותרם זה נמירן כשאר מרומם ונדוין שנמירן על פי הרוב כמין שאין שם מוחה, כל שכן בשהמועט אינם רוצים להמיר המרס שאי אפשר להמירו בלא דעתם. ושורם הדין אם היו מנדון מועטין או מרובין אפילו לא היה ביניהם תלמיד חכם ומשוב אי אפשר להמירו בלא הם, ועוד' שיהיו כל המנדון ממירין כל הזמן שהם קיימין אינו מוסר אלא אם כן ימירו' אותו נשיא ישראל שהוא כמו מלך עליהם ואפילו ימירוהו כמה חכמים, והרצאה ממעשה דריש לקיש דמור"ק' ריש לקיש הוה מנער פרדסא מוא ההוא גברא דהוה מנקט מאי רמא ביה קלל לא אשגם ביה אמר ליה להי יהוה גברא בשמא א"ל אדרבה אם ממנו נמשיכמי לך נדוי מי נמשיכמי לך, אחא ואפיל א"ל דדיה דדו ודיך לאו נדוי מאי תקנתא זיל לגביה ושירי לך לא יעשה ליה זיל לגבי דבי נשיאה דלישרי לך דחייא דהוה ואינו יודע מי נדה יך אלא נשיא ויפר לו, והלכך אין ליה תקנה עד שיסכמו כלם להמירו. וגם אין להם תקנה עד שיסכמו כלם וימלאו פתח לשבעתם כשאר שבועות דעלמא, וימירו ל"י שלשה נכרים שלא הם"י. ואם פתחם ומרעם שיהו לכלם יכולין הממירין להמיר לכלם ואם לאו ממירין לכל אחד לפי פתחו ומרעמו. עד כאן"י.

### סימן תתכה

עוד כתב חה לשון, ולענין מה שאלוהי"י א"ל תמור לעשות נורם אריה בלא לשון אריה"י על טעם כסף או של זהב לרפואה לסי שנמלא לרפואה בנפרי הרפואות שזה מועיל לכולי המתים והוא שיעשה בשעה ידועה, ופלפלי"י מה הרבה מגמירין [ומגמירא] דבני מערבא, ורש"י"י נוגע מה פעם מחשש אכור עשיית שמעין שנמרוס ולומר שהאריה אחד מאלרבעה פנים ופעם מחשש דרכי האמורי הואיל ואין היקש העצב מסכים לזה שיהא בזה שום חועלת. אינו לומר

והגין כל זמן שלא נחיר האם נחיר יהו מותרין. וכל חרמי הקהל הם כנדר אשה שבעל יכול להחיר בלא פתחים ובלא חרטה, והטעם כ"י פתחם שכל הנדרות צ"ד בעלה היא נודרת (שבח מו, ב) וכן הקהל נדרין על רצח עצמן. הלכך כיון שאין זה מעיקר הדין אלא מצד שאמרו דאין איך ב"י. 2 בשו"ת הגי' נוסף, וכן הוא במקומו. 3 שם, כאלו גמר הרצח כך הוא. 4 שם, שנתחדש דבר להוציא נדוי זה מכלל שאר נדוי הקהל. 5 צ"ל ועד. 6 צ"ל יחיר. 7 י, א, פ"ש. 8 נדצ"ל להם. 9 וכ"כ ח"י ש"י, דס"ל לרבינו דאם יחיר קצתן לקצתן חשבו מחד נדוי עצמו, וע"י ח"ג ס"י שו, אמנם הראב"ד בתשובה (הביאו הרמב"ן בטעם משפט החרם) כ"י שיכולים שלשה מתוכם להחיר ואח"כ שלשה אחרים וכו'. 10 ע"י ח"ג שבב שהשיב עוד על נדון זה. תתכה. לעיל קסו, וע"ל ח"ג, ב"י יחיד קמא בבבך הבית, וע"י ח"ג לעיל קסו. 1 לעיל קסו בשאלותיו. 2 צ"ל חרותה, וכ"ה לעיל שם. 3 לעיל שם, ומלפלה. 4 עפ"י התשובה לעיל שם.

13 לעיל שם כלומר וקרא דא, במקום תלמוד לומר או. 14 צ"ל ס"ס שכר. תתכב. לעיל קמס. 1 ברכות לו, א. 2 לעיל שם הדבר. 3 צ"ל בכלל, וכ"ה לעיל שם. 4 צ"ל שנתהוה במאמרו, וכ"ה לעיל שם. 5 חיות בכלל הדברים ליחידיו לעיל שם. 6 לעיל שם הנפשות. תתכד. ע"פ לעיל תרצה ושי"י, ב"י יחיד רכח (קמ"ז ע"ג). 1 בתשובה מהרי"י טא"מ בא"ש בשו"ת אה"י ח"ט ר"ג ובפסקי מהרי"ט ס"ט העתיק תשובה זו ונוסף שם, אלא שפסקים בהתר רוב אנשי הקהל ובלבד שלא ימחו המיעוט, והתר זה לא מן הדין הוא שכבר ידעתם שאין אדם מוחל לפצמו כדרשנין (תנינה י, א) לא יחל הוא איתו מוחל וכו'. וכן מן הדין אפילו חכם אין יכול להחיר נדוי אחרים אלא בפתחים או בהרעה הראויה לסמוך עליה, ולא כל החרטות ואריות לסמוך עליהן ולהחיר עליהן הגדרים ואין זה מקומם. אלא נשענו בהחלת חרמי הקהל שכן נהגו, וכיון שכן כל שהחרימו או נשבעו פתח הרי הוא כאילו פירשו מרם זה או שבעה זו יהו



**ש"ת      ח"ב סימן רצ—רצב      הרשב"א      רה**

תורמו ומהדרין אותו ועומדין מפניו בכלל זה. והטענה שה  
שכל שקוצה עמים לתורמו ותכס תקומתו עד שמכבדין אותו  
הכל בשביל תורמו ונא אסור וסורו הרי זה כמסע תורמו,  
שהרי הכל נשעין לתורמו ומכבדין אותו ממעטת זה איט  
תועבה ומסע אותו הרי זה כאלוהי שאלו תועבה לתורמו, ואף  
תלמיד חכם זה בשמו מרובה שכל שהאחרים מכבדין זה  
מסע בשמו מרובה והלכך נטון לו דמי בשמו משלם, שאלו  
אין אסור אומר כ"י אט נאמר שלא נאמרו דברים אלא גדול  
כדי יהודה דבר חנינה שו הוא שפעה כל"י מעשה.

ובכל מקום צריך להקדק דבר היטב שיטע אותו תלמיד  
הכס נהא כשורה הולך נהא עם הבריות ומשאו  
ומשאו נאמנה עמיהם כדרך של תלמיד חכמים, הא לוא הרי  
הוא עצמו מסע עצמו ומסע תורמו ומשאו עצמו ותורמו  
ואין אחרים חייבים בזה. ואם תלמיד חכם שמוסע עסקין  
ושוקק במלכות שמים, זה דבר גדול הוא שאלו צי עירו  
חייבין לעשות מלכותו כדליתא בגמרא.

### סימן רצב

עוד הא דמנ"י אין עושין סלל פתח רשות הרבים, ועכשו  
מנהג פשוט לעשותו בלי שום רשות ויש שטענין רשות  
מן האדון. ועכשו נא שמשון לערער על ראוץ ציד משפטים,  
ומדלמדיקין מנר שהחזיקו בו רבים אסור לקלקל, וגרסינן  
בפרק חזקת ר"י אמי היה ליה זא דנפק למסעה וכו' ואמר  
ליה דדי דנפיק למסעה צי מסעה מחלי דידך דנפיק לרשות  
הרבים מאן מחלי נקי, אלמא רשות הרבים לא ימון למחילה.  
וראוץ טוען מנהג ממשל הלכה, ועוד דרך הרבים דרך  
המלך הוא ויחד למכרו לו לימון.

תשובה שורת הדין. הגמרא כל שטע לעשות סלל פתח  
רשות הרבים ואף על פי שרלו הרבים ושחקין אין  
זו מחילה המועלת נרשות הרבים כהיה דרבי אמי, שאספרי  
לומר שכל סלל יטן שהוא נרשות הרבים והרבים מחלו עליו  
במעמד אנשי העיר שאנשי העיר יסלין' לעכב, שהדבר ידוע  
שאנשי העיר יכולין לפרוק דרכים ולגדור אחרים וכל מה  
שאנשי העיר רוצים לעשות נערים עושין, ואף כאן אפשר  
שמתלו במעמדם והמרלו בכך, וכדמשמע פשטה דהיה דפרק  
לא יספורי' ששניט אס לקסו אפילו צי רוצה הרי הוא  
בחקוקו, ואמרין עלה בגמרא אמר רב טפא ואלו אומרים

עליהם אנשי העיר מוסר ואין אחד מהם יכול לפסל דהייט  
פרכאות שספורי, ומנן פסל זה טרד' זה פסל דייט על זה  
דבר רבי מאיר וסכמים אומרים לימני כמנן שמינא ראה  
הן קרובין לו פסולין אלא אס היו כשרין איט יכול לפסל,  
ואקשינן בגמרא זה פסל דייט על זה כל כמיניה דפסיל דייט  
ואוקמה רבי שמשון בפרכאות שספורי וכו' קאמר אס היו  
כשרין נעשו כמותסין מפי צי דין ואיט יכול לפסל שלא כל  
אימנן שפסול דין שהמסורה רבים עליהם.

ובכל מקום צריך לדקדק אחר אנשים כשרים ירחי אלהים  
שנאלי צע ואנשי מדיני מדע ולדידי' נפשות צריך  
שיהיו מורין לעשות סכמכתם וקני עירכס כדי שיעשו מה  
שיעשו אסר האורז הגדול ונמיתין ואחר כך יעשו מה שיעשו.  
כי מדעמי אסר יס לנס רשות מאת המלך נכך וכל מי שיעשה  
ההמנה דמלכא מוסר, וכבר כתבתי לך יותר מייק במשונות  
שהשני לך אשפקד בקונדריס המסעות' והרליפך כמה  
רשות מרבי שמשון ק אלוהי דנא מניעה' ומרבי הנה דקן  
יחא' סוף דבר הכל לשם שמים ולגער הרע מקרעסס אסר  
אסר רשעים שיש נורד דבר, ואסר ירחי אלהים מלא אס כלס.

### סימן רצא

שאלת כמה הגאונים ז"ל לקטו סך ממון המדינה  
תלמיד חכם ואפילו צוהה לארץ, וירושלמי מניט  
פסוק הנוכל, תלמיד חכם זה שאלמו צריך שיהא כאלו  
שמשון פסוק על האטרי' ואלוהי דמרת אפדיה דלא משני  
דמדינה אלא בשלל מילי, או דילמא אף על גב דליס ציה כל  
הן מילי שהוא מגדולי עירו לכל מילי דאורייתא וקובע זה  
עמים קרינא ציה' אל השופט וגר וקונפין אותו כרס לקיט.

תשובה בירושלמי לא גרסינן במדינה' אס ההכס ולא אס  
תלמיד חכם אלא אס חזקן, והכן גרסינן האס חד  
אמר בשם ריש לקיש המדינה אס חזקן נטון לו דמי בשמו  
משלם כהיה צי נא דאקפיד לרבי יהודה צי חנינא אסר  
עודא קומי דריש לקיש וקנסיה חד ליערל דידהב עד כאן,  
ומיהו ודאי בירושלמי נטיב הכס נלשון זקן במסכת עדים'  
ובגמרא מקומות, וכן במקלמ מקומות בגמרין פסוק בגמרא  
דיומא' זקן וישב בשיטה, ולשון טורה הוא דמדי' והדרת  
פי זקן ונא בפירושו במסכת קדושין" זה שקנה חכמה  
דורשין אותו טעריקין. ולפיכך כל שמכבדין אותו מסמם

10 לב, ב. 11 בבב' נוסף, אף. 12 בבב' רשב"ל.  
13 צ"ל בשבת קיד, א.  
רצב, כי חזית חזי מחר ב. 1 ב"ב ס, א. 2 ב"ק כה, א.  
3 ב"ב שט. 4 בבב' נוסף, מדין. 5 בבב' ואע"פ שאפשר.  
6 בבב' נוסף, למחול בפידוש ואין עוברי דרכים יוצאי שער עירם  
יכולין. 7 ב"ב כג, א.

9 סנהדרין כג, א. 6 בב' תרס ס"ב מחר ב. 7 ח"ה ס'  
רלה. 8 פג, ב. 9 סנהדרין נח, ב.  
רצא, בייחוד רמב"ם פ"ע ח"א קעט ונחמה ונחמה ונחמה.  
טעובל ח"ה. 2 ב"ק פ"ה ח"ד (ול, ב). 3 שבת קיד, א.  
4 ב"ב כג, ב, ד, א. 5 דברים י, ט. 6 צ"ל המבייש.  
7 צ"ל נודים, פ"י ה"ה. 8 עה, א. 9 וקרא יט, לב.

**שורית      חיג סימן שיד—שיח      הרשב"א      קעג**

ויזלו מחלוקתם לנצח בים המלח ומחלוקתם לפרעון הכותש  
בהיהל דמחלה לאהרן ומחלה למיזי.

תשובה מסתברת שמתנה לזה ומחלה לזה בהיהל דמחלה  
לאהרן ומחלה למיזי שאלמרחי.

**סימן שיד**

מגנטון

שאלת מי שנחייב בשטעה למכור והשמיטתו אחד מן  
הבזורים ושלים כיד שלא נפמי פניו, לריך לישנע  
פעם שניה נפמי בעל דיע לא לא.

תשובה אם נשנע כמקט ושנשנע על דעם בים דין מסתבר  
שנפטר, אף על פי שלא נשנע נפמי פניו, ולכחמלה  
ודאי חייב לישנע נפמי בעל דיע, ואלו רזה בעל דיע להשמיט  
נפמי רבים ופנקומן שומעין לו, כעבודת דהיהל אימחא  
לחיימחא שטעה בני דיע דרבי בני בני אמי ואמרה בעל  
דיע פניו ופנשע לי נאמר, וכלחמא נפמי הכותש, אכל  
אם נשנע נשנע. ואמרין נפמי מי שהיה נשמי הראשונה  
נשנע השניה ושניה לשלישית ואלו ראשונה לשלישית לא מאי  
נעמא לאו משום דאמרין שליחותה קא עבד, ודמיין מי  
דמי הכה שטעה לאחד שטעה למאה, אלאם אין השלישית  
יכולה למר אף בעלג' ידי היא ונריכה לישנע לי נפמי.

**סימן שיח**

גאקה

שאלתם מקנה המקט בעיר לענוט כל העיר עבדים ומנו  
בזורים על זה, והבזורים יכולין לקטם ממנו אם  
העיר ושיהא הקנה לבזורים. ועבדיו היפה לוי מניקה אלא  
יהודים שפיק לו אם הילד, ואזנה מניקה הלכה ביום טוב  
אמרין של פסח לרחוק נהר. והבזורים פונעים מלי קנה  
שרלו לקטם אותו על מה שנעמה מניקמו, ולי נשנע שטעה  
נמורה שלא ידע בכל אלה שום דבר ועוד כי המניקה אינה מן

בתיקן סופרים להרשב"ש שער כו שכי בשם רבינו דכרע כעם הארץ  
לגבי הא שהרי נהנו, תראה שהיה חסר לעניו בתשובה.  
שטו. צ"ע ח"א תשנע ומיחזקות רמז. 1 ע"י ביהא שם שביאר שחשוב  
כמי שאל יהא לי בידך עד שאבא. 2 נראה שלא הוצרך לטעם אתם  
אלא לענין לעמוד באושטגיש אבל להליך אחריו בלא"ה פטור שאין  
בכלל חשבויה אלא לפרעו כאן. וכן מוכח ממה שהתנה שיהא הפרעון  
פוכן בידו בלא"ה אינו אתם, ובמיחזקות שם לא הוצרך אלא מצד שמה  
יבוא. 3 ע"י מיחזקות שם דאף לאחר הזמן אין רשאי להוציאם.  
שטו. ב"י וידר רבא (קמס, א) ושד"ס טמ"ט. 1 ב"י, שגבו.  
2 ב"ב קמ"ג. א. 3 ע"י ט"ז סקנ"ד שחמה צ"ו ובקמח"כ כ"י דיש  
לדחות דבריו.  
שיח. ב"י וירמ' פו מח"י יב ושד"ס סכ"ג ובהג"ה. 1 כתובות פה, א.  
וע"י מאיר שם דכ"י דאין זה מוכרח וע"י ב"י בשם חש"ר אשכנזית.  
2 שם דר, א. 3 צריך להוסיף דין, וכ"ה ב"י.

המפיקו בדבר הנדור או אפילו בדבר האסור לעם הארץ.  
אלא שאי מוכר דשמה גם זה אסור לעם הארץ כדי שלא יקל  
ראשו, וכלחמא שמיט נפמי אלו מותרין האומר לאשמו הרי  
אם עלי כלימא פונעים לו פסח ממקום אחר שלא יקל אם  
ראשו לך, ואקשי עלה "מגרימא דקפמי הרי אם עלי כבשר  
אסופי לא אמר כלום, ופריק הא נלמדי חכס הא נעם  
הארץ, וכלי עלמא השמא נעמי הארץ שהרצו אינן בני פורה.  
ועוד אי מושא לזה לפי שאלו רואין שטאגין מה אסור, וכבר  
אמרו בירושלמי "כל הלכה שהיא רופפת בידך ואינן יודע  
מה ניהא לא ורזה מה נטר נהא ונהא" ק"י.

**סימן שטו**

לארדה

שאלת מי שנשנע לפרעו לעבדים לומן או לעמוד  
באושטגיש, והגיע הזמן ואין העבדים, הוסתר מן  
האושטגיש או לא, שהרי אינו חייב להוליך המעות אחריו.  
תשובה כל שאין המלח שם אינו חייב להוליך אחריו, וכל  
שאינו מעוכב מהממו אלא מעמם המלח פטור  
מן השטעה ומן האושטגיש, דלמח הוא זה. ולא אמרתי  
אלא זמן שהפרעון מוזמן בידו, שאלו המלח כאלו יפרענו,  
אלא אם אין מעות הפרעון בידו אין האונס מזה המלח  
שאינו כאן, שאפילו היה כאן לא היה פורע. ולפיכך כל  
שהפרעון מוכן בידו פטור שאטם הוא, והוא שיהא נרור  
מונח בידו לפרעו לעבדים מיד לכשיבא, הא לא הכי חייב.

**סימן שיח**

עוד שאלם קהל שהמרימו שיפרעו מוסמיהם ונעו בים  
הכנעם מן המעות שיגבה מן הרבים שימזיק להם  
העבדים שהיו נשים טהם, ועבדיו נעו מן העבדים הנושים  
בהם מעות מממם הרבים ואין בהם כדי לפרעו מוסמיהם,  
הודיעני אם יכולין לפרעו לנעלי מוסמיהם כל אופן מעות, או

8 ראה נדדים יד, א ותי' ח"י רבינו שם שכי שדוקא נדור בחזרה או אסור  
אשמו הצדיק בע"ה שאלה ולא באסור כבר ודלא בחורמב"ס, ושפא  
לרזחא דמילתא נקט כאן דאף להרמב"ם לא מצאנו אלא בפתמים. 9 שם  
יג, ב. 10 שם יד, א. 11 פאה פ"ז היה (לד, ב). 12 צ"ל תנזוג,  
וכ"ה בב"י. 13 מלשון רבינו משמע שפחמא שכן נהגין חשש שפא  
יש בזה אסור משורת הדין, דאי משום עם הארץ היה לו לומר ואני  
חושש וכו', ושפא חשש טחמא המנהג שיחיד יכול לאסור צ"ע בביבור  
וכדעת הרמב"ם ט"י חלב ששכר כן, וצ"ע. ומי"ם הראש כלל יב ט"ה  
פשיטא ליה להתי, וע"י ב"מ"א ובט"ז ושיח. וע"י שורית רפ"א תינא ט"י  
לו דכי רלא החסיר רבינו אלא בין שהיה ברשותו ויכול לאסור בנדר,  
ולא החמירו בניה אלא לעשות דבר האסור בדבר הנדור. ודבריו צ"ע  
שהרי מדר' מבואר שאין זה בכלל דבר האסור אלא שאעפ"כ חושש  
שפא אסור לעם הארץ שלא יקל ראשו, ועוד שכבר כתבנו ומשמע  
שרכיבו חשש שיש כאן אסור משורת הדין מצד שדוקא שנהגו כן. וע"י

## ה'רשב"א

ח"ג סימן שיח—שכ

## שו"ת

קענד

פסח ולא פרטת, ועל ידי התעניות כשל כת, הודיעני אם  
אסמוך על אותה הוראה אם לאו.

תשובה מה שאמרת שכבר כל הדרך ואחר שכל אין לו  
היפך, זה ודאי גרס לך פגוף הנוף הרבה,  
לדבריה אין מחירין אלא עד שימול הדרך, כדלסיקנא בלילה  
פרק במרד דהר"ס.

ובמה שהורה הפוסק שעל דעת רבים יש לו הפירה לדבר  
מזה, נאמת ר"ם אמר, שלא על כל דבר מזה אמרו  
אלא על מזה שהכל מסכימן שלא על דעת כן נדר, כענין  
דמקרי דרדקי דבר ידוע נאמת שלא היריחו אם היו  
יודעין שלא ימלאו דדייק כותיה, אבל על מזה אמרם לא,  
והיינו דקאמר הפוסק כי הא דהוה מקרי דרדקי, דמשמע  
דוקא כי הא. אבל אמרים אומרים, שהוא הדין לכל דבר  
מזה, דמסקוס מזה לא נדרו, דמשמע לכאורה ממקום  
מכאן בשמעתא דמטלו ולא בטלו. ומכל מקום דהא נמי  
מזה שהכל מסכימן זה הא, שאין המסקנא עצמו יכול  
לעמוד על ההורה ועל הקבלה, וכבר אמרו כי רב דימי  
במענינא כלבא ליכול שרדיתא, והכל לפי טעם של נזי ארס",  
יש שזול פס נמלס ומספדן כדילאל ותצירו שאלמו" ויש  
לנו מן הורעניס" ויהיה טובים, ויש ממנוגין בשליח יושן  
על סיד הבשר, וכל אחד עשה לפי כח שימלא עצמו.

ובמה שאמרת שהמנהיג היה שלא יוכל לפטור זה אם זה, דין  
אמרת שאין הדרך מלי נכמיס השטר אלא כמה  
שגמרו כלם והוצילו מפיסם, אלא שאין באורו הלשון אלא  
שלא יוכלו להפיר זה אם זה, אבל על פי פוסק יושן להפיר  
ותלד שימלא תצירו" ונפיו או צדיעמו.

## סימן שכ

פרקוטט

שאלת ראובן ליה משמעון מנה בשטר ובשטעה וקענד לו  
זמן לפרוע לו לשעה חדשים, ואחר ולוה ממנו מנה  
אחר בשטר ושלא בשטעה כל זמן שירצה לפרוע ממנו, ותוך  
זמן השטר הראשון פרע לו פסח מנה אחד, ועכשיו לאחר  
עבור זמן הששה חדשים הצעו שמעון בשטר השטעה, והשיב  
ראובן כי אופו מנה שפרע פרע מחמת אופו שלו בשטעה,  
ואף על פי שפרעו פוך זמנו, מפני שנתיירא שמה כשיגיע  
זמנו לא יהיו צדו מעוט, ושמעון טוען לא כי אלא מחמת  
המוז שלא היה לו זמן ועל אופו לקחתיו אי מפני שיש באופו

העיר ואינה יושבת עמו, אלא שצאה עם כמה מעירים לחוג  
עמו וחלתה כמה, ואמרה לה כמה קחי שמן ומלח ורשאי אם  
מתן והשליכי בנאר והפרטת, והיא לקחה אם כמה כדי שלא  
יפגדו העכו"ם כעשה כשפים ומשלכת בנאר. הודיעני אם  
יש לקנות אותה בכך אם לא.

תשובה ראה איך אם לו פטור לגמרי ממנה טעמים,  
האחד שהמניקה אינה שלו, והוא אינו מסכיב על  
מה שיעצור ויעשה כל אורס שיאנס ציטו. ולא עוד אלא  
אפילו עבר אחד ממי ציטו אינו מסכיב הוא בכך, שהם אינן  
שלו, ואפילו היקו אינו סייב כמה שהיקו, אף על פי  
שמסכיב צחקי ממנו כמו שהיטה המורה צחקי שורו. ולא  
עוד אלא אפילו מקי עצדו ושפסמו הכנענים שהם שלו  
וממנו אינו סייב, לפי שהם נזי דעם ושלא יכנס להדיק ולחייב  
אם הבעל צוהה מזה מנהי וכמו שאמרו בריס פ"ק דבבא  
קמא' שאין אדם סייב צחקי עצדו ושפסמו, וקא יהיב טעמא  
הפוסק שמה יקייטו רב ויך ודליק גדישו של תצירו ומלא  
מחייב אם רב מזה מנה בכל יום, ולסיק לו זה פטור לגמרי.

## סימן שיט

טודילא

שאלת מי שגדר לפצרו שלמדוהו' ההלכה שלשה פעמים  
והתלמיד יתמטט כל אופו זמן כמה שינערך, ואם  
יעבור אחד מהם יאמר בצור ויין, ומלא הסלמיד קשה לשטע  
ולא יוכל לקטול עמל למדו, ומפרד ממנו ומהג ליסורו בצור  
ויון ונעשה פלג, ושמע חכם ואמר לו שימיר נדרו, השיב  
הגור כך אלא ואני נדרתי לו בריס ועל דעת רביס ונכנס  
בספר, ועוד שכבר הסלמי בליסור הדרך ואמר שהאחל אין  
יפיר. השיב הפוסק, אעפ"י שכל הדרך הריני מפיר לך,  
ואעפ"י שנעשה על דעת רביס לדבר מזה מפירין לו, והאם  
ליכא דבר מזה, שאם תתענה בצור ויין לא תוכל לעסוק  
במורה, ומה שגדרת בפני רביס נמדעה כפי. סורתי ואמרתי  
שהחייט שלא יוכלי לפטור אם סירתי, והשיב, אינו רואה  
בשטר זה מכל זה כלום ואין לדון אלא מה שכתוב בשטר.  
ולולי שאני ירא הייתי אומר שלא נראה לי דצריך בזה, דמה  
שאמר שהגדר שהודר על דעת רביס יש לו היפך דבר מזה  
זה דבר מזה הוא אינו כן, דמאן לימא לן שיהא כן שמה לא  
יהיה כן, וביה כך אינו לומד היום כמו שהייתי לומד קודם  
לכן, רק שאין אי חוק כחמי, והוא הכריחתי לקבל ההוראה  
ולאכל בצור ולשפות יין, ועל ששעיתי כך קבלתי עלי להפענות  
שני ותמישי מניסן ועד ראש השנה מפני שלא היה לי מה

חוטטת והרפ"ם. 7 טז, א. 8 ע"ז לילל שג ובצניס שם ה"ז 18.  
9 חציית יא, ב. 10 בב"י, לפי טכני בני אדם. 11 ודילא, יב.  
12 לפנינו, חורעיס, וחיבות וחזית טורבים אינם במקרא ושם פי טו כח"ב  
נראה מראיהם טורב. 13 צ"ל להלן שכת.

שיח. 1 נדילא אחור. 2 ציל שיכנס. 3 ציל טנת. 4 ד, א.  
שיח. בדק הביח ידיר רכח (קמח, א). 1 ציל שילמדוהו. 2 צירך  
לחוסין, אחור. 3 א, א. 4 הביאו רבינו בחי גישן לו, א. 5 גישן  
לו, א. 6 חורבין בחי טכוח טז, א, ובדשכ"ש סי קנא כי שכ"ד



**שור"ת**      **ח"ג סימן שצח—שפ**      **הרשב"א**      **רז**

שומר לפטות אסור בהנאה כלפי ליה, אלא גירסא משוועת  
היא והפוסק מדי כותבי פתחים. ומיהו בקבר המזיק אפשר  
לשכר בגירסא אירושלמי ובדוסק, וה"ל קבר המזיק מותר  
לפטו כדי שלא יטריכו הרצים להפסד ממנו ארבע חמות  
בקבר פסוס שמעמא אס פכיו, ומכל מקום לא רצו לטור  
אם מקומו כדי שלא יבאו ליהטם ו להשתמש בו, והנאשו  
לדוריימא' וכדמוקי לה ספס' בעקדס הקבר אם הפיר  
ונעשה שם מצוא. וכדקפמי' צמרין מקומו טהור ומותר  
בהנאה, בעקדמה הפיר לקבר ונעשה שם שלא כדן, ולפיכך  
מקומו טהור שלא גזרו סכמים טומאה על זה, וכן לא ירד בו  
אסור לדוריימא' דשלא כדן נעשה שם, וכדלדור' ר' זא צר  
כאן נכסר פריצ' מקומו מותר בהנאה ואקשינן מיכא' <sup>10</sup>  
ושליג אגרימא דקמי מקומו טמא ואסור בהנאה, ופריך כאן  
בעקדס אם הפיר כאן בעקדמו הפיר.

**שאלות ותשובות לרשב"א ז"ל**  
**והם מענין קהלות כגון מסין ותקנות**  
**סימן שפ**

שאלת פני הפיר מחצין והמלכות' בוקר על כ נפלה  
הקטטה בין העשירים, כי העשירים הגדולים  
אומרים יחזרו על הפתחים ותמן להם כלל פס בכל יום כדי  
שיתפרנסו בו, כי גם העשירים הצעירים הדין טמן שיטעו לכל  
העניים בכל יום פס כמות, והצעירים טוענין שאין הדין טמן  
כן, אלא שיטעו בצמיחה ולא יחזרו על הפתחים כי אמינו צברנו  
הם, ופסיס פרנקס מוטלם על הצור ונפרע כלנו לפי העושר,  
ופס דין כופין האמור כעובדא דרשא', הדיעט הדין עם מי.

תשובה שורם הדין כדברי העשירים הצעירים, שהצדקה  
ופרנסת העניים לפי ממון הוא, ובהי"ל דרשא' <sup>11</sup>  
דכפא לר' אמי' ואפיך מיינה ארבע מאה וחי לצדקה, ולפוס  
גמלא שיטנא' ומלג ממון סקד', וכבר אמרו שפרק מליאת  
האשה' נקדימון בן גוריון שאפסי' שהיה עושה צדקה  
הרבה כי לא עבד כדברי הלך ממנו. ולכל פני ועני טמין  
פרנקסו לפי מה שהוא, וכבר אמרו' שאפילו אינו רואה  
להפסדו בשאין לו' שטמין לו שהערימה לשם הלואה ויחזרין  
וטמין לו לשם מפנה או שפוטמין לו לשם מתנה ואם לא קבל  
טמין לו לשם הלואה, ולכל אחד טמין לפי כבודו שאם הוא  
בן מוכס מוסיפין לו וטמין לפי כבודו כדלמא' שפרק מליאת

כמי עד שיטל מתכון לו ואמרי רבנן דר' ינאי פרו  
לאורן אק לגט' <sup>12</sup> היכי דמי אלימא דלילא שפעה עטריס  
ישראל אחד חיפוק לי דרונא עטריס וינהו ואי נמי פלגא  
ופלגא טפק נפשות להקל לא לריכא דליכא שפעה ישראלית  
ועטריס אחד צייתס דטוה עטריס קטע וכל קטע כחמשה על  
מסנה דמי, אלא מהו טמון קטע דהוי כחמשה פטריס ליה הא  
ידידי מיי הא חייב ונמלא בין עטריס לטורי אינו קטע,  
דלגאי טטריס ופטורי אינו קטעין שם בדרך אלא ידידי וכל  
דפריס מרונא פריס, וכענין שאמרו בקדושין פירק האומר <sup>13</sup>  
אמר רבא דבר מורה אפוקי כשר מאי טעמא דרוב כשרים  
אלא ומיעוט ספוליס אלא, ואי דלולי אינהו לגבה כל דפריס  
מרונא פריס מאי אמרם דלמא אלא אידי לגביהו כוה ליה  
קטע וכל הקטע כחמשה על מהנה דמי. אלא שאני מסמפס  
לפי שלא הוכר כן בגמרא. ועוד דמיני נפשות דכמי טו <sup>14</sup>  
והצילו העדה, ואפילו בענין שחא דרוב אללו הולכין בו להקל  
כדודף אסר פכיו וכלנס לאורסה אסרינו ונמלא הרוב מפרפר  
וככר מטפטף דס עזה כדבר דרוב שאין שם אסר אלא רודף  
זה, ואפילו הכי אין דין אורו עד שיראו שנים עדים מהם  
שהוא כרגו'. ומ"מ הי"ל דפ"ק דכחוסת מברעא לי, וכל  
שן שר יוסק דירושלמי מכריע'.

**סימן שצח**

שאלת מה שאמרו שאלמא נפחאות הפוסקים טה  
לדמרינ' נמלאם אומר שלא קברוהו הן.

הגירסא הנמלאם בצפריט שם נפרק עמר הדין נראה  
נכונה ולא ראיתי בה נפסא אחרת, והכי פירע לה,  
נמלאם אסר אומר שלא קברוהו הן קבר הנמלא וקבר הידוע  
וקבר המזיק אם הרצים קבר הנמלא מותר לפטו' פניהו  
מקומו טמא ואסור בהנאה קבר המזיק אם הרצים מותר  
לפטו פניהו מקומו טהור ואסור בהנאה, זו היא הגירסא  
שנפסקו והיא ישרה ופשוטה וכן היא גם בפירוש רש"י  
ויל' והגירסא שירושלמי בשילהי פירק במר' דמיר' נראה  
באמת משוועת בגירסא, דהיאך אפשר להחמיר בקבר הנמלא  
ולטמאו' ולאסור בהנאה יותר מקבר הידוע. ואפילו מנמלא  
לומר משום דנמלא ית נפוש למת מצוה, אם כן היאך אמרו  
שומר לפטו. ועוד היאך אפשר לומר שיהא הנמלא מותר  
לפטו והא טמא ואסור בהנאה והידוע אסור לפטו וטהור  
ומותר בהנאה, וכי אם שאסור לפטו מותר בהנאה ואם

ובשניס. 6 צ"ל ליה, וכ"ה בח"א. 7 תוספתא אהלות פט"ז  
ה"ז. 8 בירושלמי שם. 9 בבב"מ, ובי קע"י. 10 כ"ה גם בח"א  
ובבב"מ, ולכאורה ט"ס הוא וצ"ל אסור, ובהא פליג בירושלמי אנמרין וזהו  
כמראה, אבל לגמרי אסור מודבן בהנאה. 11 צ"ל מה.  
שפ. ב"י ירד ט"ס וזו שפ"ה. 1 נדציל חמוצות. 2 כחכות  
מט, ב. 3 צ"ל לרב נתן בר אמי. 4 שם טו, א. 5 שם טו, ב. 6 שם טו, ב.

10 צ"ל ליה. 11 צ"ל עשרה יחסין, צג, א. 12 במדבר לה, בה.  
13 מהדרין לו, ב. 14 אמנם המציר מהדרין שם כי דאין הלכה כהירושלמי.  
שעצ. ח"א חקלו, הוציאו בבס"ף משנה פ"ה פטריס ה"ל ה-ו.  
1 סנהדרין פז, ב. 2 צריך להוסיף, פניהו מקומו טהור ומותר בהנאה  
קבר הידוע אסור לפטו, וכ"ה בח"א שם. 3 שם מדיה שלשה עד  
דיה מה. 4 פ"ס ח"ג (מה), ב. 5 לפנינו שם, טהור, וצ"י שגליון

## הרשב"א

## ח"ג סימן שם—שפג

## שו"ת

## רח

מעלעל, שהעוללים אינן שוללים אלא ממון המעלעל. אבל אם הם באים לכחש אם העיר כשעת מלחמה המלכים גובין אפילו לפי הקרקעות שעל הכל הם באים, ולעולם אף לפי ממון והעשירי יוסר ממי שאינו עשיר כמותו ואפס"י שצונו של זה קרוב יותר, ואין צריך לומר שהעשירים נטפין יותר מן העני שאלו ואלו נאסוק והעשיר יוסר ממנו עשורו, וגרסינן במילת פרק קמא דנבא במר"א פניא רב"ג אומר עיר הסמוכה לפרס צריכה נזונה וכו' בעא מיניה ר' אלעזר מר יוסק כשהן גובין לפי שם ממון הן גובין או לפי שם נפשות הן גובין אמר ליה לפי שם ממון הן גובין, איכא דאמרי בעא מיניה ר' אלעזר מר יוסק כשהן גובין לפי שם ממון הן גובין או לפי קירוב צמיס הן גובין אמר ליה לפי קירוב צמיס הן גובין, וכמו הכר רבי יוסק הוי ויל כן מצינן דהאי ליתנא במר' לנפשי קא אמי, דהאי שם ממון לפי קירוב צמיס הן גובין אומי, שאילו עשיר עשיר קרוב ועשיר כמותו רשוק גובין מן הקרוב יותר, אבל לעולם לפי שם הממון גובין גם כן, שאילו עשיר רשוק ועני קרוב מה יצא מן העני ואין לו, אלא מן העשיר הרשוק גובין יותר ממה שגובין מן העני הקרוב, ושם ממון שאמרו שם ממון המעלעל קאמר, שאין לו עני אלא לשלול שאל ואין שוללן אם הקרקעות, ומכל מקום הכל לפי מה שהוא ענין, שאם באו גיטות בעת מלחמה המלכים ללמד אם העיר ולהרבה או לשרפה גובין לפי הכל, אלו דמי הכר ויל.

## סימן שפג

## לארדא לברודים

שאלתם הקהל הסמינו ועשו פקטות צפרען המס, והסמינו שיהא כל אחד ואחד מפורעי המס חייב לכבד צפנקסו כל מה שהוא מפויג למס, וכמו כלישן הסיקורין, כל פגיעה ממון או פגיעה קרקע שיש לאדם על פירו ותבירו פורע מס על אופס—פגיעה יהא פטור בעל הפגיעה. ושמעון היה חייב לראובן מנה ורלוק כנגד אותו פוג צפנקסו, והממונים על המס פגעו עמו ואמר כפס צפנקס הקהל מן הודאמו והסמיו לו מזכרת הודאמו, שכן פקט להם לכל אחד ואחד מזכרת הודאמו אמר שישע עמו בדקדוק מזכרת הודאמו. ועכשיו עמד ראובן וטען שפרע על כל כלל ופרט שצמזכרת שלו ושג כשפרע על אותו פוג שחייב לו שמעון, והם חייבים להסמיו לו מה שפרע להם במיל אותו פוג, וכדי שלא ידעו אותו הצדדים לומר שלא כפס מזכרת שלו היס עדים שראו אותו פוג כפס בהודאמו, ומן הידוע

האשה, וכל שכן שלא יחזור על הפסחים, וכן שנפל ליד גבאי כאנשי גליל העליון שלקמו לפני לבין קורס ליערל כשר בכל יום אפס"י שהיה כפר קטן, וכן קודם שיסול ליד גבאי שהיחיד מפרנסו וכמעשה דרבא דפרנסיה במרגולא פערומה ויין יסן, כדי מסקורו כמידי, וכמוכ"י ואמר טמן להם אם בכלם צעמו מלמד שכל אחד ואחד טמן לו הקריה לפי פרנסתו וכדליתא הפס, אלא שהדור גדלל ואין פשירות לא צמיס ולא דרעם. ומ"מ בכל המקומות מפרנסין מן הקופה ולפי ממון, ואם יחזרו לאמר מן על הפסחים יחזרו וכל אחד טמן לפי דעתו ורעו.

## סימן שפא

## ולענין שלם צמר גם כן שאלת.

אם שכיר הוא שוכרין גם כן מקופת הקהל, שאלתם שיהא מוציא את הדל בעשירי מכל מקום אין יד העני משגת כדי העשיר, וכל מה שהוא פקטו הסבור ונעשים על ידי ממון נטפין לפי ממון. וצדוק המקומות יד דברים מיוחדים לפרעון שלמי צמר, ומקומות יד שטופסין לכן וכשטופסין נטפין מקופת הקהל, ואם אין אמה אומר כן אלא שפרעו זה מה לפי שאלו נהנין כאלו, אם כן אט נאמר דמי שאינו צמי יפרע הכל שהרי הוא מוציא את שאינו צמי ואינו מוציא את הכני.

## סימן שפב

ערד שאלת צעון שמירת העיר גלילה, אם יסמרו אותה לפי ממון או לפי נפשות זה לילה זה לילה, שהעשירים אומרים לעניים גם אלה צריכים לשמור נשיכס ונשיכס כמותו, והעניים טוענין כי כשהחל בא לעיר טופסין העשירים כדי להוציא מהם ממון, על כן יס לעשיר לשמור עשרה לילות והעני לילה אחת, והעשירים טוענין שגם החל הארגין נפשות בין עניים בין עשירים, הדין עם מי.

תשובה דבר זה הכל לפי מה שהוא ענין, כיצד אילו הייחס יראים מאויב הצל לשלול שאל גובין לפי ממון ולפי קרוב צמיס, כיצד העשיר הקרוב יותר נטמן מן העשיר שכמותו הרשוק לפי שהוא קרוב יותר, ומ"מ לעולם העשיר הרשוק טמן יותר מן העני הקרוב, כי מה יצא מן העני, והעני גם הוא אינו ממירל כל כך מן העוללים לפי שאין לו הרבה נכסים בעשירי שממירל עליהם כל כך. ולפי ממון שאמרנו, דוקא לפי ממון המעלעל אבל לא לפי ממון שאינו

שפג. ע"ז לחלן תא. רמזה ב"י חר"ם קסג ס"ה. 1 צריך להוסיף. נותן. 2 ז. ב. 3 בור' ב"ב שם ד"ה כנא פניה וחבואו רבתי בור' שם. שפג. 1 צריך להוסיף. להחזיר.

7 בתבואה טו, ב. 8 צ"ל בן. 9 דברים טו, ח. 10 תהלים קמח, טו. שפא. ב"י אריה נג ושריץ ס"ג. 1 בב"י נטף, אם נותן זה כזה. 2 בב"י, שוכרין אוחו. 3 ר"ה לר, ב. וע"י ב"י שם תשובת רב ותי שחולק בזה, וע"י דרכי משה ושריץ שם בהג"ה.

**שור"ת      חיד סימן שי—שיג      הרשב"א      קנו**

**סימן שיב**

שאלת נמצא כבוד בענין מקטע המעמדים, מראש השנה ואילך לא יחמנה אלא מי שהוא בציצת המעם בלתי עקב לשלשה פשיטות או ליטר, ונכספיקטו לי אוליין בחר זמן הפקנה המכרם או בחר זמן שימנה הצבור, ונפקא מינה למי שנשמה בין זמן לזמן.

תשובה כל שנאמר בזה: ענינים אלו הם או הו"א, אינו אלא בשעה שאירע אותו המאורע ולא על מה שיהיה בזמן שעבר או בזמן של עכשיו, וכדמקמי מי שהיה מושלך בחר ואמר כל השומע יבטל גט לאשמו, ולא נאמר דברים על מי שהיה בזמן שעבר מושלך בחר אלא בשעה שאמר כל השומע קולו יבטל גט. וכן שנינו: המכירה אם היא מפני שהוא מחירא מפני גרים, לא אמרו על מי שהוא מחירא עכשיו מפני גרים אלא שהוא מחירא בשעה שהוא מכירה. וכאן לא נבטלו אלו אלא על מי שהוא לאוהו כן בשעה שהוא מממנה. ולשון הכבוד כ"י, אם בעל אשה הוא, אוהו שיהא באותו זמן בעל אשה, וזה מטעם אינו נרץ לענין.

**סימן שיג**

עוד שאלת עכשיו שנמצאה האלביטקס ואין אדם יודע תצירו כלום ואין ידוע מי הוא טוען למען בן או בן, ואף אם מוחק שהוא בעל נכסים בחר מן הסך היה לא יועיל אם אינו מביא בציצת המעם אותו סך, ומי יעיד שהיה אולי עבר על שטעמו.

תשובה זו באמת שאלה אלה אף על פי שחזקה דאורייתא הכא לא שייך ביה חזקה דדילמא עבר על שטעמו, ועוד דילמא חייב הוא ללארס וכדכפי' י"ח ממעשר ואין כל אלא שאני כבוד שאפשר למקדו על האיש המממנה בעצמו, שאם יאמר הוא שהוא לאוהו כן קומיין עליו, דהא קיימא לן דעד אחד נאמן באיסורין, ואפילו לגבי נפשיה מהימן דלגבי איסורין אין לחלק, שאם לא כן אין לך מחלוקת אלא תצירו ואין לך טעם נאמן על כבודו שמה נכלה היא ומכירה בשטעמו. ואף על פי שפשיטת של פוגיית הגמרא שבריש האשה ר"ה שאלו נאמן אלא כמה שצדו לתקן, אפילו הכי קושטא דמילתא ממחזי הכי דמסקנא דשמעמא דאפילו כמה שאין צדו לתקן מהימן. ועוד דהכא נמי צדו לתקן הוא, דאילו ר"ה להביא באלף מביא ולפיכך נאמן, וגרסין לי דברים אלו ראויין לקמון עליהם.

ולא אמר שם אלא באיתחזק איסורא, הכא חשיב איתחזק איסורא כיון שהחרימו וצריך לעשות מעשה ליתן בחיבה. 7 ע"י יבמות שם וקידושין טו, ב דכ' דגמ' דיבמות אזלא לחר לישנא דבכריות אבל לאידך לישנא מדימן, אבל מנ' דיבמות משמע באמת ולא אפשר. ואפשר דכוונתו כאן למשי"כ הרמב"ן והביאו בחי' שם בשם ר"פ דהטורא דיבמות שאלות בעלמא וזן גמלן דמדימן, אבל בחי' שם דחת פי' זה.

הם על דעת הקהילות הרחוקות כמו שנהגו מקדוש במוכר שוב אין להם הימור, וכבר אמרתי להם בקהל עם זה כמה פעמים ואמה ידעת. ולפיכך איני רוצה לשטעפס וז' שום הימור אמר שלא הורגלו, אלא אם יעלימו חנאם בהשפלות העולם המע.

**סימן שיא**

שאלתם הפקתו דעת הקהל למנוע אופט בחרים לנצר העבירות, וכן נשבעו לעשות כן, וכבוד בתיקוני ההסכמה שיהא רשות בידו ליכר ולענוש בגוף ובממון לפי ראות עיניו. הודיענו אם יעידו עדים קרובים על ראובן שעבר על שטעמו והעדים ראוים למקדו עליהם, או אם יעידו אשה וקטן משיפין לפי תומם, יש לו ליכר את ראובן אם לא. וכן אם העדים או אחד מהן קרובים לראובן וראובן או אמתלאות שאלו העדים אומרים אמת, יש לו רשות לעשות על פיהם אף על פי שאין שם עדות בדורה.

תשובה דברים אלו נראין פשוטין בעיני שאלתם ראובן לעשות כפי מה שנראה בעיניהם. אלא נאמר לזמן הדברים שחמרתם אלא ביום דין שדין על פי דרי מורה כסנהדרין או כיוצא בהם, אבל מי שטועד על פיקוי מדינה אינו דן על הדברים הכתובים בתורה ממש אלא לפי מה שהוא נרץ לעשות כפי השעה, שאם לא כן אף הם לא יקנו בגוף ולא בממון לפי שאין דין דרי קנסות בצבא, ולא בדברים שאינם מציין לפי שאין אט דין עכשיו אפילו בדיני ההלכות מדין המורה דנעיק אלהים שהם המומחין ואין הדיוטות אף בליטומייהו קא עבדין וכי עבדין שליטומייהו במילי דשכיחי כהדלות והלכות אצל במילי דלא שכיחי בגוף גילול ותכלות ושאר עבירות לא, וכן לא ילקה ולא יענש על פי עצמו לפי שאין אדם משים עצמו רשע מן הדין, ואפילו יש עדים כשרים לא ילקה אלא אם כן המנוי' ד' שאין ביה דין מלקין אלא אחר המראה, אלא שכל אלו הדברים אינם אלא בציצת דין הטהוין על פי המורה. הלא מראו דוד שהרג על פי עצמו גר העמלקי, וכן אמרו מכין ועונשין שלא מן הדין ולא לעבור על דברי מורה אלא לעשות כפי' לתורה ומעשה באחד שרכב סוס בזנות והביאוהו לבית דין ומקלוהו ולא שהלכה כן אלא שהיתה השעה נריכה לכן, כדאיתא ביצמות פרק האשה ר"ה. כל שכן אמת שפיקר ההסכמה לא יאמה אלא לעשות מה שיראה בעיניהם כמו שכתוב בגמרא המקנה אשר אמרתם, וכן הדבר פשוט בינינו וזין כל המקומות שיש מקנה ביניהם על דברים אלו.

שיא. מיוחסות רש"י, וע"ז ח"ג שצ"ח ו"ה ו"ה. ב"י חור"ב ב פתח ב. 1 ב"ק פ"ב, 2 כהנא ו"ה, 3 צ"ל ה"ה, 4 שמו"כ פ"ד, 5, 6, 7 שי"ב, 1 צ"ל בבמות, 2 ה"ה, 3 צ"ל שו"ה, 4 גיטין טו, א, 5 שבת כט, ב, 6 שמו"כ כ"א, ג, שי"ב, 1 נד"ל דהא, 2 משלי י"ז, 3 גיטין ב, ב, 4 ר"א רש"י שם ד"ה ומשני, וע"י ח"א שו"ה ו"ה, 5 יבמות פ"א, א, 6 ואע"ז

## **Bibliography**

- "about peter" [peterblock.com](http://www.peterblock.com). Peter Block Inc. 18 January 2007  
<<http://www.peterblock.com/aboutp.html>>.
- Aron, Isa. The Self-Renewing Congregation: Organizational Strategies for Revitalizing Congregational Life. Vermont: Jewish Lights Publishing, 2002.
- Assis, Yom Tov. The Golden Age of Aragonese Jewry: Community and Society in the Crown of Aragon, 1213-1327. Portland, OR: Vallentine Mitchell & Co. Ltd. 1997.
- Assis, Yom Tov. The Jews of Spain: From Settlement to Expulsion. Jerusalem: The Rothberg School for Overseas Students and Dor Hemshech. 1988.
- Baer, Yitzhak. A History of the Jews in Christian Spain. Trans. Louis Schoffman. Philadelphia: The Jewish Publication Society, 1966.
- Beinart, Haim. "Lucena." Encyclopaedia Judaica. Eds. Michael Berenbaum and Fred Skolnik. Vol. 13. 2nd ed. Detroit: Macmillan Reference USA, 2007. 247-248.
- "Berurei Averah/Averot" Encyclopaedia Judaica. Eds. Michael Berenbaum and Fred Skolnik. Vol. 3. 2nd ed. Detroit: Macmillan Reference USA, 2007. p492.
- Block, Peter. Stewardship: Choosing Service Over Self-Interest. San Francisco: Berret-Koehler Publishers, 1993.
- Block, Peter. The Answer to How is Yes: Acting on What Matters. San Francisco: Berret-Koehler Publishers, Inc., 2002.
- Bloom, Jack H.. The Rabbi as Symbolic Exemplar: By the Power Vested in Me. New York, London, Oxford: Haworth Press, 2002.
- Borowitz, Eugene. "Tzimtzum: A Mystic Model for Contemporary Leadership" reprinted in What We Know About Jewish Education: A Handbook of Today's Research for Tomorrow's Jewish Education. Ed. Stuart Kelman. Los Angeles: Torah Aura Productions, 1992.
- Boyd, Richard. "Scientific Realism" The Stanford Encyclopedia of Philosophy 12 June 2002. Stanford University. 16 January 2002 <<http://plato.stanford.edu/entries/scientific-realism/#5>>.
- Buber, Martin. I-Thou. Trans. R. G. Smith. 2<sup>nd</sup> ed. New York: Scribner's, 1958.
- Chazan, Robert, ed. Church State, and Jew in the Middle Ages. New York: Behrman House, Inc. 1980.

### **Bibliography (cont.)**

- Cohen, Jonathan. "Charitable Contributions, Communal Welfare Organizations, and Allegiance to the Community According to Rashba", Hebrew Union College Annual. Volume 72 (2002).
- Cohen, Mark. "Infidels with Benefits: Jews in the Medieval Islamic Empire" My Jewish Learning. 2003. 6 December 2006  
<[http://www.myjewishlearning.com/history\\_community/Medieval/TheStory6321666/TheIslamicWorld.htm](http://www.myjewishlearning.com/history_community/Medieval/TheStory6321666/TheIslamicWorld.htm)>.
- Cohen, Martin A. "The Sephardic Phenomenon: A Reappraisal" American Jewish Archives. XLIV:1 (1992).
- Daud, Abraham ibn. A Critical Edition with Translation and Notes of The Book of Tradition. Ed. Gerson Cohen. Philadelphia: The Jewish Publication Society of America, 1967.
- Dorfman, Aaron, Director of Education for the American Jewish World Service. Tough Choices. Hebrew Union College – Jewish Institute of Religion. New York, NY, 6 December 2006. The Universe of Obligation = to whom you are obligated/for whom you have a responsibility.
- Drath, William and Charles Palus. As quoted in Isa Aron's Self-Renewing...
- Epstein, Isidore. The Respona of Rabbi Solomon Ben Adreth of Barcelona. New York: Ktav Publishing House, Inc., 1968.
- Foerster, Heinz von. "On Constructing Reality" in The Invented Reality: How do we know what we believe we know? Contributions to Constructivism Ed. Paul Watzlawick. New York: W.W. Norton & Company. 1994.
- Glaserfeld, Ernst von. "An Introduction to Radical Constructivism" The Invented Reality: How do we know what we believe we know? Contributions to Constructivism. Ed. Paul Watzlawick. New York: W.W. Norton & Company. 1994.
- Heifetz, Ronald. Leadership Without Easy Answers. Cambridge: Belknap/Harvard University Press, 1994.
- Henning, Joel. Introduction. Stewardship: Choosing Service Over Self-Interest. By Peter Block. San Francisco: Berret-Koehler Publishers, 1993. xi.
- Herrington, Jim, Mike Bloom, and James H. Furr. Leading Congregational Change: A Practical Guide for the Transformational Journey. San Francisco: Jossey-Bass, 2000.
- Hirsch, Rabbi Ammiel. Personal Interview. October 2006.

### **Bibliography (cont.)**

Hoffman, Lawrence. Rethinking Synagogues: A New Vocabulary for Congregational Life. Vermont: Jewish Lights Publishing, 2006.

Hoffman, Lawrence. The Journey Home: Discovering the Deep Spiritual Wisdom of the Jewish Tradition. Boston: Beacon Press, 2002.

"Jewish Community Center in Manhattan." Charity Navigator: Your Guide to Intelligent Giving. 10 December 2006.  
<<http://www.charitynavigator.org/index.cfm/bay/search.summary/orgid/3930.htm>>.

"The Judaic Classics Library" CD-ROM, 2001. Talmud translation on CD-ROM from The Soncino Talmud. Brooklyn: Judaica Press, Inc. 1990

Lao-tzu in Tao Te Ching (How Things Work), 6th century, B.C. as quoted on "Wharton Leadership Digest." Center for Leadership and Change Management. March 1997. Wharton, University of Pennsylvania. January 31, 2007 <<http://leadership.wharton.upenn.edu/digest/03-97.shtml>>.

"Legislation Affecting Jews from 300 to 800 CE" Medieval Sourcebook. Halsall, Paul. August 1998. Fordham University. 7 December 2006  
<<http://www.fordham.edu/halsall/source/300-800-laws-jews.html>>.

Lewis, Hal M. From Sanctuary to Boardroom: A Jewish Approach to Leadership. New York: Rowman & Littlefield Publishers, Inc., 2006. 57.

Lewis, Hal. "MAKING LEADERS: How the American Jewish Community Prepares Its Lay Leaders." Journal of Jewish Communal Service 80:2-3 (Summer/Fall 2004).

Managing the Sacred: A Guide for Synagogue Board Members. New York: Union for Reform Judaism, Ida and Howard Wilkoff Department of Synagogue Management. 2006. 6.

"Medieval Sourcebook: Ibn Abd-el-Hakem: The Islamic Conquest of Spain" Medieval Sourcebook. Halsall, Paul. February 1996. Fordham University. 6 December 2006  
<<http://www.fordham.edu/halsall/source/conqspain.html>>.

Mendelson, Evan. "The History of Jewish Giving in America" Jewish Virtual Library. The American-Israeli Cooperative Enterprise. 10 December 2006  
<<http://www.jewishvirtuallibrary.org/jsource/Judaism/philanthropy.html>>.

Neuman, Abraham. The Jews in Spain. Philadelphia: The Jewish Publication Society of America, 1942.

Neuman, Abraham. The Jews in Spain: Their Social, Political and Cultural Life During the Middle Ages. Philadelphia: The Jewish Publication Society of America, 1948.

### **Bibliography (cont.)**

Passamaneck, S.M. "The Berure Averot and the Administration of Justice in XIII and XIV Century Spain." Jewish Law Association Studies, Volume 4, 1990.

Ray, Jonathan. "Royal Authority and the Jewish Community: The Crown Rabbi in Medieval Spain and Portugal." Ed. Jack Wertheimer. Jewish Religious Leadership: Image and Reality. 2 vols. New York: Jewish Theological Seminary, 2004.

Ray, Jonathan. The Sephardic Frontier. Ithaca, NY: Cornell University Press, 2006.

Rogers, Will. As quoted in Parks, Charles L. Exceptions to Silence: A Trial Lawyer's Confessions. Victoria, BC: Trafford Publishing, 2005.

Roth, Norman. Jews, Visigoths and Muslims in Medieval Spain: Cooperation and Conflict. Leiden: Brill, 1994. 7-8.

Schein, Edgar. The Corporate Culture Survival Guide: Sense and Nonsense about Culture Change. San Francisco: Jossey-Bass Publishers, 1999.

Senge, Peter. The Fifth Discipline: The Art & Practice of The Learning Organization. New York: Currency Doubleday, 1990.

She'elot v'Teshuvot HaRashba. Ed. Rabbi Yechiel Zakash. Jerusalem: *Machon Yerushalyim*, 1996.

Simha Assaf and David Derovan. "Adret, Solomon ben Abraham." *Encyclopaedia Judaica*. Eds. Michael Berenbaum and Fred Skolnik. Vol. 1. 2nd ed. Detroit: Macmillan Reference USA, 2007.

"The Soncino Midrash Rabbah" Judaic Classics Library. CD-ROM. Brooklyn: Judaica Press, Inc. 1983.

"Synagogue." The American Heritage Dictionary. Internet Edition. Houghton Mifflin Company. 10 December 2006 <<http://education.yahoo.com/reference/dictionary/>>.

The Holy Bible: New International Version. Grand Rapids: Zondervan, 1989.

The JPS Hebrew-English Tanakh. Philadelphia: Jewish Publication Society, 1999.

The JPS Hebrew-English Tanakh. Philadelphia: Jewish Publication Society, 1985.

"Timeline – Sephardic Jewish History on the Iberian Peninsul" American Sephardic Federation. 28 January 2007  
<[http://www.americansephardifederation.org/PDF/sources/ASF\\_Timeline.pdf](http://www.americansephardifederation.org/PDF/sources/ASF_Timeline.pdf)>.

**Bibliography (cont.)**

"UJC - American Jewish Community Remains Strong, Committed According To National Jewish Population Survey 2000-01." United Jewish Communities. 10 September 2003. 10 December 2006. <[http://www.ujc.org/content\\_display.html?ArticleID=84204](http://www.ujc.org/content_display.html?ArticleID=84204)>.

Washofsky, Mark "Responsa and the Art of Writing: Three Examples from the Teshuvot of Rabbi Moshe Feinstein," An American Rabbinate: A Festschrift for Walter Jacob. Pittsburgh: Rodef Shalom Press, 2001.

Watzlawick, Paul. "Components of Ideological 'Realities'" in The Invented Reality: How do we know what we believe we know? Contributions to Constructivism Ed. Paul Watzlawick. New York: W.W. Norton & Company. 1994. 236.

Williamson, Clark M. "Doing Christian Theology with Jews: The Other, Boundaries, Questions" The Institute for Christian & Jewish Studies. 31 January 2007  
<<http://www.icjs.org/scholars/wmson.html>>.