

# Arts & Ideas

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## Modern Orthodox Jews Have a Hero but Not All H

By SAMUEL G. FREEDMAN

When nearly 1,500 modern Orthodox Jews gathered several months ago for their inaugural conference, the figure who dominated the proceedings was nowhere to be found among the rosters of speakers or panelists or people there. Rabbi Joseph Dov Soloveitchik had died six years earlier and had ceased most public activity nearly a decade before that.

Yet the convention of the group, Edah, featured no less than three sessions devoted to the life and work of the Rav — the teacher, as Rabbi Soloveitchik was reverently known. Four of his books were being sold. Even in a conclave thick with prominent rabbis and religious scholars, it was Rabbi Soloveitchik whom one saluted as the gadol, or great rabbi.

At the same time that modern Orthodoxy was in effect celebrating Rabbi Soloveitchik's legacy, however, his only son, himself

### A rabbi's son hunts for lost tapes of his father's lectures.

a rabbi and Jewish historian, was contending that much of this legacy remains mysteriously missing. Inside and outside of court, Haym Soloveitchik has pursued recordings of what he estimates are 1,800 lectures on the Talmud and the religious law called halakha that his father delivered over a period of 15 years.

The case of his father's tapes is suffused with controversy over religious legitimacy, legal authority and intellectual property. The story stretches from the classrooms and synagogues where the tapes were made

to the flood-prone basement where they were stored to the courthouse where their location has been investigated. "The tapes," says Jack Wertheimer, a historian who is provost of Jewish Theological Seminary, "have become a political football."

Mr. Soloveitchik's efforts carry great import in the Jewish world because while his father wrote several influential essays and books, he expressed his ideology primarily through the lectures called shiurim. Moreover, the modern Orthodox movement now lacks a leader of Rabbi Soloveitchik's stature as it faces attacks from the theological right wing for its belief in dynamic engagement with contemporary society.

"The lectures were intellectually transformative, the epitome of the encounter between Jewish learning and modern intellect," says Samuel Heilman, a professor at City University of New York who is an expert on Orthodoxy Jewry. "People who've

never heard that encounter — and these days you don't hear it often — think the great voices of Orthodoxy are wearing black hats and speaking that kind of language. They don't know what committed modern Orthodoxy sounds like. The Rav represents a model of what's missing today."

Even within modern Orthodoxy and in the Soloveitchik family itself, the search for the tapes has provoked discord. Mr. Soloveitchik has turned his scrutiny largely on Julius Berman, a major communal leader and the lawyer to whom his father entrusted the safekeeping of his tapes during his last illness. The only other children of Joseph Soloveitchik, his daughters Tova Lichtenstein and Atarah Twersky, both have long associations with Mr. Berman and have not helped their brother find the recordings.

"I wish to fix my father's place in history," Mr. Soloveitchik says. "The record o

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# His Words

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what he said in his prime is contained in the tapes. That's his intellectual legacy."

In his life as well as his work, Rabbi Soloveitchik embodied the modern Orthodox concept of Torah Umaddah, religious scholarship and worldly knowledge. Born in 1903 in what is now Belarus, the son and grandson of Talmudic masters, he entered the University of Berlin at 22 to study philosophy, ultimately writing his doctoral dissertation on epistemology and metaphysics. In later years he wrote and lectured on philosophy, referring to Western thinkers from Plato to Hegel.

Rabbi Soloveitchik took stances that were progressive within the context of Orthodoxy in providing religious education to women. The Maimonides School in Brookline, Mass., which he founded soon after immigrating to the United States in 1932, gave Torah and Talmud classes to girls. Years later he

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delivered the first lecture on Talmud at Stern College, the women's division of Yeshiva University.

During 43 years of teaching at Yeshiva University's seminary, beginning in 1941, Rabbi Soloveitchik ordained more than 2,000 rabbis. After cancer surgery in 1960 he stopped giving courses in philosophy to concentrate solely on the Talmud. In addition to his three Yeshiva classes each week, some of which lasted five hours, he lectured regularly at the Maimonides School and at Congregation Moriah, a second-story synagogue on the Upper West Side.

Despite all the activity, he left a relatively small body of written work, partly because of his perfectionist bent. For example, his seminal essay "Halakhic Man," published in Hebrew in 1944, was not translated into English for 39 years.

With his lectures, though, Rabbi Soloveitchik was mindful of posterity. He had his Talmud classes at Yeshiva and elsewhere taped, beginning in 1954, storing hundreds of cassettes and reels in his campus apartment and Brookline residence. As Parkinson's disease was forcing him from the classroom in 1984, he instructed Mr. Berman in a letter to "take custody of the tapes and lectures" to "arrange for their preservation and reproduction."

A self-declared disciple of the Rabbi, Mr. Berman had been chairman of the Conference of Presidents of Major American Jewish Organizations. But even while Rabbi Soloveitchik was alive, his lawyer and his son were feuding over the quality of Mr. Berman's representation of him in several publishing ventures.

After Rabbi Soloveitchik's death in 1993, his son asked Mr. Berman on behalf of the estate to return all the tapes. Under varying degrees of pressure from Mr. Soloveitchik, Mr. Berman and colleagues turned over tapes of about 300 lectures. In a 1997

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## Seeking Of a Re

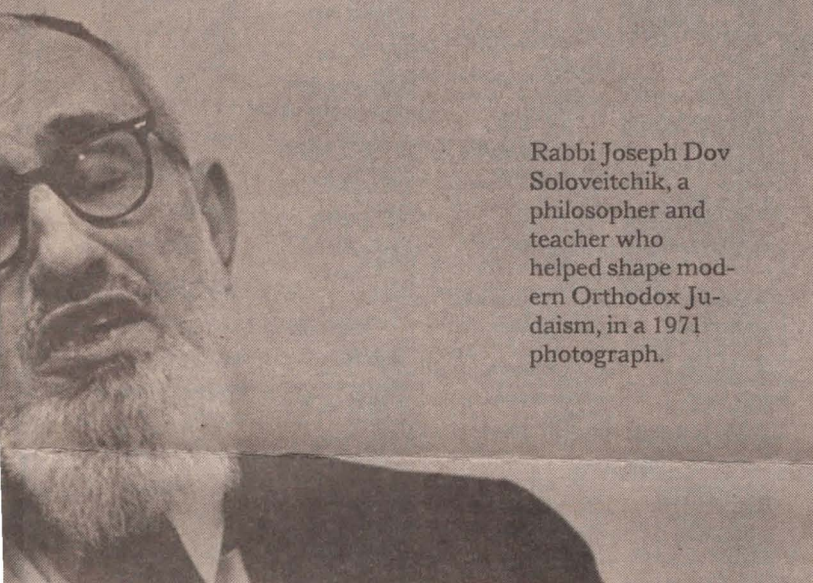
deposition, he not only insisted that those were the only tape recordings he had ever possessed but also ridiculed the notion "that I, of all people, had copies of these missing tapes and for some reason that I either burnt it or secreted it or kept it in a vault in Switzerland." Mr. Berman declined to be interviewed for this

article.

Still, Mr. Soloveitchik remained convinced that nearly 2,000 of his father's classes, primarily from 1969 to 1984, were missing. He took the dispute into the legal arena in 1997, when he sought and won designation from New York State Surrogate's Court as the executor of the estate's



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Rabbi Joseph Dov Soloveitchik, a philosopher and teacher who helped shape modern Orthodox Judaism, in a 1971 photograph.

missing assets. Since then he has searched for the tapes, deposing those involved in the case.

Mr. Berman's testimony did not resolve the mystery, but it did offer some disquieting details about his stewardship of the tapes. He admitted having stored them in his basement, about six feet from a toilet that

sporadically backed up and flooded. He admitted allowing Rabbi Emanuel Holzer, whom he hired to reproduce the recordings in the late 1980's and early 1990's, to keep duplicates for himself despite Mr. Berman's own written direction that no duplicates were to be produced.

"To be blunt about it," Mr. Ber-

man explained in the deposition, "it is like putting a little kid on a candy pile and saying, 'Don't eat the candy.' It just won't happen."

Rabbi Holzer acknowledged in a 1998 deposition having taped many of the Rabbi Soloveitchik's lectures at Congregation Moriah and said that he had thousands of recordings of him, "the biggest collection of the world." He declined to be interviewed for this article.

Meanwhile, yet another rabbi, Milton Nordlicht of the Bronx, has a Web site that sells upward of 100 lectures by Rabbi Soloveitchik. Already subpoenaed though not yet deposed, Rabbi Nordlicht said in a brief telephone interview that he got the tapes "from a number of private individuals."

In collecting and ultimately releasing his father's lectures, Mr. Soloveitchik will fill a vacuum in Orthodox discourse. Within weeks of Rabbi Soloveitchik's death, Norman Lamm, president of Yeshiva University, warned in a eulogy, "Certain burgeoning revisionisms may well attempt to disguise and distort the Rav's uniqueness by trivializing one or another aspect."

Indeed, in the six years since his death a variety of Orthodox scholars have offered markedly different analyses of Rabbi Soloveitchik's views on such volatile issues as inter-faith dialogue, Zionism, women's prayer groups and the status of secular learning.

Haym Soloveitchik himself has written critically of the rightward drift of American Orthodoxy. And he says, "With the tapes, you would get my father's involvement in the secular world, in secular thought." Still, he says his overriding concern is not to wield the tapes as ideological or theological cudgels but rather to let his father speak for himself.

"There are so many conflicting reports of what my father did say or didn't say," Mr. Soloveitchik says. "There's such a flood of quotes or misquotes, whether made sincerely or insincerely. They must be stopped. Or at least they must be made to answer what is available on the record."