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“No Two Minds are Alike”: Tolerance and Pluralism in the Work of Neẓiv

The position of Rabbi Naftali Zvi Yehudah Berlin (Neẓiv) (1816¹-1893) on religious tolerance and pluralism has received significant attention in recent years.² Due to Neẓiv’s position as head of the 19th century’s most prestigious yeshivah, the Eẓ Ḥayyim Yeshivah in Volozhin, and the tolerant and accepting attitude toward non-traditionalist Jews that seems to emerge from his writings, he has often been characterized as a shining example of Orthodox openness and tolerance. To date, however, no treatment of this subject has accounted for the full range of related texts produced by Neẓiv’s prolific pen, nor have Neẓiv’s statements on religious tolerance and pluralism been placed in the context of the larger themes which dominate his writing. It is to this task that we now turn our attention with the intent of drawing a more nuanced picture of Neẓiv’s attitude toward the Jewish “other.”

Tolerance and Pluralism

It is immediately apparent to even the casual observer that the traditional corpus of Jewish law contains quite a few elements that seem to demand ideological conformity and allow for religious coercion. In the

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post-Enlightenment period, however, traditional rabbinic figures such as Rabbis Yaakov Ettlinger, David Zvi Hoffman, Avraham Yitzhak Kook, and Moshe Feinstein have argued that the society within which the traditional Jewish community operates has so radically changed that the traditional halakhic posture toward non-observant Jews must be reviewed and appropriately restated.³ The question at hand, then, is whether Neẓiv's work expresses a similar neo-traditional view of the religiously non-observant or whether his views adhere more closely to the older traditional model.

There are three passages most often cited in support of Neẓiv's tolerant and pluralistic views. The first is his introduction to Genesis in *Ha'amek Davar* in which he states that the defining attribute of the biblical forefathers was their sensitive treatment of others—an attribute he understands to be encapsulated in the Hebrew word *yashar*. This leads him to his now famous elucidation of the sin that the Talmud says was responsible for the destruction of the second Temple.

Due to the baseless hatred in their hearts towards each other they suspected that those who disagreed with them on religious matters were Sadducees or heretics. This brought them to mistaken bloodshed and many other evils until the Temple was destroyed. This is the justification for the destruction: for God is *yashar* and God does not tolerate 'zaddikim' like these. Rather, [God prefers] people who act in a way that is *yashar* even in worldly matters and not those who act crookedly even for the sake of Heaven, for such causes the destruction of creation and the annihilation of the world's population.⁴

Thus, according to Neẓiv, the destruction of the second Temple was caused by the intolerance of Jewish sages for “those who disagreed with them on religious matters.”⁵

This theme surfaces on many occasions in Neẓiv's writing.⁶ The lengthiest elucidation can be found in “Ma'amar al Yamin u-Semol,” the essay he wrote in response to an article published in the journal *Maḥazikei Ha-Dat* by the newly burgeoning ultra-Orthodox Hungarian community.⁷ In voicing his fierce opposition to the communal isolationism advocated by the communities of Eastern Hungary and Galicia, Neẓiv invokes the example set by the generation of the second Temple and the lesson that should have been learned therefrom:

It is not far-fetched to think that this can occur today. It might appear to a member of *Maḥazikei Ha-Dat* that someone is not following his way of worshipping God and he will then judge him to be a heretic and separate from him. They will then pursue each other under the mistaken impres-

sion that such is justified, God forbid, and the entire nation of God would be wiped out, God forbid, even if we were sovereign in our own land. All the more so now that we are captives in the Diaspora. . . .⁸

While his introduction to Genesis and the above cited essay seem to call for basic tolerance, Neẓiv's interpretation of the story of the Tower of Babel is often understood as advocating full-fledged pluralism.⁹ In describing the society from which the tower emerged, he paints a picture of a totalitarian regime which hoped to restrict its populace to a single uniform ideology. The Bible's seeming omission of the sin that provoked God's wrath, and its concurrent emphasis on the unity of Babel's society, leads Neẓiv to conclude that the initial sin of the people of Babel lay in the very fact "that they were one."¹⁰ He states that they sinned further, though, by appointing guards to enforce the uniformity of thought and by making the espousal of divergent ideas punishable by death.¹¹ When the Bible writes that the members of this community desired a tower "lest they be scattered throughout the land" Neẓiv comments

We must first understand why they feared that some might emigrate to another land. And it is clear that this was related to the uniformity of thought which existed amongst them. Since the minds (*de'ot*)¹² of people are not identical, they feared lest someone leave their ideology and adopt another; thus they made sure no one left their domain.¹³

In other words, since humans are naturally predisposed toward diverse patterns of thought, allowing them to encounter alternate environments with diverse stimuli was likely to bolster their inherent individuality, thereby hindering the goal of this totalitarian regime.¹⁴ Thus, the guards stood watch on the Tower of Babel to make sure no one traveled beyond the limits of their settlement.

On the basis of these three sources, then, we can indeed draw a picture of Neẓiv as a traditional Eastern European Jew who was remarkably close to some of the Western world's most influential thinkers in the realm of religious tolerance and pluralism. Thus, in a slightly ambiguous passage regarding Neẓiv, Ravitzky writes:

It seems, however, that his analysis of the typological sin of the Tower of Babel went even further. For here he makes not only a negative argument, condemning the persecution that results from intolerance (John Locke), but also a positive argument, in favor of a multiplicity of opinions for its own sake (John Stuart Mill¹⁵).¹⁶

Intolerance and Conformism

There is good reason to believe, however, that Neẓiv's position regarding religious tolerance and pluralism was actually quite far from that of Locke or Mill. The earliest evidence in this regard is to be found in Neẓiv's first literary composition, his commentary on the midrashic work *Sifre*, posthumously published and entitled *Emek Ha-Neẓiv*. In *Sifre* on Numbers we find the following rabbinic interpretation of a biblical verse: "And they found a man gathering wood"¹⁷; that is to say that Moses appointed guards who found him gathering." Neẓiv then elaborates

"That [Moses] appointed guards:" Because they were dissolute (*peruẓim*) in their Sabbath desecration, guards were appointed for this more than for other *mizvot*. And we learn from here that the court is required to try and appoint guards for all transgressions for which the generation is dissolute, as it is written in Maimonides's *Laws of Yom Tov* and in the *Shulḥan Arukh OH* end of paragraph 529, *vis ad loc.*¹⁸

This passage, then, provides the theoretic legal basis for a halakhic police state.¹⁹ His endorsement, however, extends well beyond the theoretical.

Following the founding of the first Jewish agricultural settlements in the Land of Israel in 1882, Neẓiv fought to transform the theoretical halakhic state mentioned in his commentary on the *Sifre* into a manifest reality. In letters to Leon Pinsker and others leaders of the Ḥibbat Ziyon movement, Neẓiv makes his support of the settlement program contingent on the appointment of officers whose job it would be to enforce halakhic observance in the new settlements. The modern and largely secular orientation of Dr. Pinsker and the Ḥibbat Ziyon movement led them to request that Neẓiv drop this demand and offer unconditional support for the settlements. After all, they replied, since the Jewish community of the Diaspora does not employ force in mandating the halakhic observance of its constituents, the new Jewish communities of Erez Yisrael should be no different. Neẓiv, however, remained steadfast in his stipulation.

And we also can not agree that there is no need to appoint officers (*apotroposim*) to guard [the observance of] Torah and *mizvot*. It is not so, sir. If it were in our hands to force our brothers in the Diaspora in this, we would be required to do so as well. But what can we do? It is not in our hands. However, the lives and welfare of those people whom we are settling in Erez Yisrael are dependent on us.²⁰ And, it is on this condition,²¹ that we do charity and kindness toward them.²²

Neziv supported religious coercion not only for the purpose of maintaining the sanctity of the Sabbath and other public staples of halakhic Judaism, but for the purpose of maintaining the authority of rabbinic decisors as well. In a responsum written after 1887 Neziv wrote:

Nonetheless, we can learn from this that the sin of a ritual slaughterer who mocks the Sage of a large city is greater than that of other people. And even though we are prohibited by the government, may their splendor be increased, from excommunicating even those who are worthy of excommunication, nonetheless, he must know that he is worthy of excommunication for simply treating a rabbi's honor lightly.²³

In a further correspondence on the same issue, Neziv is more explicit in describing what would constitute "treating a rabbi's honor lightly," and in expressing his desire to mete out punishment for such transgressions.

And since it is so, one would have thought that the young one²⁴ would have thought better than to slander and scorn our sages the Shakh²⁵ and the Gera,²⁶ and, to separate those who are still alive, the great ones of this generation whose pinkies are thicker than his waist,²⁷ by calling them *to'ei bi-devar Mishnah*.²⁸ And what we should have decreed about him, had the law of the land not prevented it, has not escaped us.²⁹

Thus, it is evident from these passages that Neziv believed that the rabbis of his day had a mandate to punish both those who violated ceremonial obligations and those who spoke of halakhic decisors without the requisite reverence. Since Neziv saw the settlements in Erez Yisrael as an opportunity to enforce that which could not be enforced in the Diaspora, one could justifiably conclude that transgressions such as these were well within the jurisdiction of Neziv's envisioned halakhic police as well.

It is clear, then, that when faced with the opportunity to endorse a pluralistic Jewish community, Neziv balked. Instead of affirming, even reluctantly, that "no two minds are exactly alike" and hence one can not force people to adhere to a single system of thought, Neziv advocated the appointment of guards eerily reminiscent of those who stood watch from heights of the Tower of Babel.

In fact, even Neziv's basic opposition to communal separatism, which seems so clear from the first passages cited above, can be called into question by comments found elsewhere in his writings. To begin, Neziv's characterization of those who do not believe themselves bound by any normative religious practice, a description fitting of many non-traditionalist Jews of his time, is far from warm and embracing.

[One] who does not wish to worship idols but also does not desire to accept the Yoke of Heaven, rather he wishes to be free of any Divine worship, he is, in truth, worse than an idolater. [This is] due to the fact that he has no yoke [upon him] and does not believe in any [Divine] justice, or he rejects the Torah saying that it was given only in order to cause separation from idols – and such is the worst notion of them all.³⁰

A similar description is found in his commentary on Numbers.

The second type [of brazen sinner] is one who does not wish to spite the Creator, may His name be blessed, but rather he believes that the Torah is not from Him, blessed be He, or that it is not so significant so as to merit the scrutiny of every nuance (*le-dakdek al kol koz vi-koz*) and to derive from them an infinite number of laws.³¹ And this type [of sinner]—even though he may not seem worthy of punishment akin to that of the first type who intended to spite the Creator—in truth, he is worse. For one who believes in the Torah but intends to spite the Creator [acts only] for the moment and not forever. On the other hand, there is no chance that one who does not believe in the Torah or in the *derashot* of the Torah’s nuances will ever return to believe in them again.³²

Likewise, he suggests that there was a group of Israelites who adhered to the Spinozist belief that “Torah and *mizvot* exist only in the Land of Israel.” Thus, during the desert sojourn this group called for a return to Egypt claiming “that the yoke of Torah and worship do not exist there, like the mistake made by the last few generations.” This group, in Neẓiv’s estimation, is “worse than all the others in that they believed in the ability and will of God to bring them [there] in peace, but did not want to enter the Land of Israel since it necessitated bowing one’s head under the yoke of Heaven.”³³

Lest one relegate these passages to the realm of theory alone, Neẓiv cites the Deuteronomy passage above in the context of a practical halakhic responsum. In addressing the traditional community of Charleston, South Carolina,³⁴ Neẓiv refers to his comments in *Ha’amek Davar* in support of his prohibition to join those who publicly violate the Sabbath in “anything related to Divine worship” or, if forced to do business with them, not to “join with them in partnership or friendship.”³⁵

In his commentary on the *Sheiltot*, Neẓiv writes that beyond simply separating from Jews who maintain beliefs that are contrary to those of traditional Judaism, one is justified in slandering them as well. He begins by citing a passage in the Jerusalem Talmud³⁶ which permits slander about those who cause communal strife. After explaining a passage in the Babylonian Talmud,³⁷ though, which justifies the slandering

of Datan and Aviram yet fails to identify them as having caused communal strife, Neziv writes “It was certainly permitted to speak [badly] about Datan and Aviram even without the sin of strife, for they denied the Torah of Moses and there is no heresy greater than that.”³⁸

Thus a review of Neziv’s writing reveals his advocacy of contemporary religious coercion, his description of the non-Orthodox Jew as theologically worse than an idolator, his instructions to separate from Sabbath violators in the religious and social spheres, and a justification for slandering those Jews who “deny the Torah of Moses.”

Theory of the Mind

While it is true that these seemingly intolerant statements regarding non-traditional Jews are not exceptional for the world of traditionalist Judaism in the 19th century, the difficulty lies in the fact that together with this fairly standard rhetoric, one finds the passages cited at the outset which seem to advocate a very different, and very novel approach toward the religious “other.” Consideration must certainly be given to the fact that the mortality of even our greatest thinkers makes the possibility of self-contradiction quite plausible. Furthermore, the fact that Neziv’s literary career spanned five decades and innumerable changes in societal stimuli often caused him to return to and rethink his earlier writings. Nonetheless, there are other consistent elements of his thought which may provide insight into the apparent inconsistencies in his views on pluralism and tolerance.

A perusal of Neziv’s writing, particularly in *Ha’amek Davar*, reveals his deep interest and sensitivity to the nature and manner of the human mind.³⁹ One of the critical characteristics which he ascribes to the mind is found in the famous passage regarding the Tower of Babel cited above. Namely, that “the minds (*de’ot*)⁴⁰ of people are not identical.” Echoing a talmudic passage that compares the differentiation of human faces to the differentiation in human “*de’ot*,”⁴¹ Neziv maintains that no two human beings are created with identical minds and, thus, their perception, conception, wishes, and desires necessarily differ as well. This belief has a myriad of consequences within the thought of Neziv.

In his three-part essay entitled *Kidmat Ha-Emek* and published as a preface to his commentary on *Sheiltot*, Neziv writes that the talmudic sages of Babylonia lacked the Divine assistance and direct access to the unbroken oral tradition enjoyed by those sages who operated in the sacred Land of Israel. As a result the Babylonian sages were forced to

rely more heavily on their own minds through the method of penetrating and painstaking analysis referred to by Neẓiv as *pilpul*. It is this dependence on the human mind which, in Neẓiv's conception, gave rise to the oft-noted salient feature of the Babylonian Talmud, namely, the consistent plethora of opinions on any given matter. After all, writes Neẓiv, "*ein ha-de'ot shavot*," human minds are not the same.⁴²

In fact, Neẓiv believes the same to be true, albeit in a more limited fashion, in his own day. While the halakhic decisors who preceded him either reached a conclusive verdict or laid the groundwork for a definitive verdict in most cases of Halakhah, Neẓiv maintains that there still existed some areas of Halakhah whose waters remain murky. As such, in these cases the role of the modern halakhic authority is akin to that of the Babylonian sage of old. That is, it is the duty of the *posek* to apply his intellect to its fullest extent in the search for a definitive halakhic position while concurrently recognizing that a contemporary may justifiably engage in a similar endeavor with differing results. In regard to the proper manner of documenting aliases in a divorce document, Neẓiv writes

And I wanted to set straight before the members of his holy community that the roots of such halakhic decisions are not clear-cut, and in regard to the many questions which befall such a case, one who wants to permit will find books that support him and one who wishes to prohibit will find many books to support him.⁴³

In the responsum that follows this one, written on the same topic, Neẓiv states further that "these matters result only from intellectual deliberation (*shikkul ha-da'at*) and not all minds are alike (*ein kol ha-de'ot shavot*)"⁴⁴

Out of this sensitivity to the human mind and its halakhic manifestations, arises Neẓiv's deep-seated aversion to communal strife. In his responsum to a communal rabbi regarding the use of steam powered engines to make flour for Passover mazzah, Neẓiv concludes with the following admonition

All of this was according to my own humble opinion since, as I stated in the outset, I am not familiar with the nature of fire-powered mills. However, your honor should consider at length whether it is proper to restrict the masses in this matter and whether there is sufficient reason for leniency. Woe [unto us] should [we] cause [communal] strife over this and slander others [by accusing them] of eating *ḥamez*, Heaven forbid. And in regard to such matters it is written in *Bava Batra* (78a) "Come and tally, come and consider, etc., the loss [incurred by] a *mizvah* against its reward."⁴⁵

In other words, since there are sources that could support both a lenient and a restrictive position on this matter, and since human minds by God-given nature are different from one another, it stands to reason that halakhic decisors will justifiably reach differing conclusions on this matter. If both conclusions are justifiable, then, according to Neẓiv, communal strife which emerges from different communities of halakhic Jews following divergent halakhic opinions is completely unjustifiable. This theme is expressed time and again in Neẓiv's legal writing.⁴⁶

This is precisely the message conveyed by Neẓiv in the introduction to Genesis cited at the outset. He is not advocating, as some have erroneously suggested, unqualified tolerance of the religious other. In fact, he clearly acknowledges the existence of a group he deems to be heretics. He is wary, though, that a justifiable halakhic position may be interpreted by zealots as a sign of heresy which, in turn, would lead to unjustifiable results. In his words "Due to the baseless hatred in their hearts towards each other they suspected that those acting in a manner not *ke-da'atam* in matters pertaining to the fear of Heaven were Sadducees or heretics."⁴⁷ Sadducees and heretics had no place in Neẓiv's worldview, but those halakhic Jews whose behavior resulted from an alternative reading of a text, which, in turn, directly resulted from the fact that "*ein de'ot benei adam shavim*," should not be ostracized.⁴⁸

In addition to his belief in the distinctiveness of human minds, Neẓiv also maintained that over the course of one's life, a mind could be molded so as to fall in line with an ideology to which one did not necessarily possess an innate attraction; but it could never be forced to do so. In connection with the biblical prohibition of wearing items associated with the opposite gender, Neẓiv states "And the issue is that man and woman are different both in their nature (*teva*) and in their behavior (*minhag*). Differences in nature cannot be overcome instantly but through habituation (*hergel*) which creates a second nature."⁴⁹ In fact, Neẓiv took this idea so far as to suggest that God himself operated strictly within these parameters. Thus, on a macrocosmic level, God could not bring the Israelites immediately out of bondage and into the Divine covenant at Sinai

For common sense dictates that it is impossible to imagine that a simpleton who, like a Canaanite slave, busied himself with bricks and mortar, and was then quickly elevated to the status of Yisrael, could manage to stand at Mount Sinai and accept the Torah amidst the wondrous spectacle of Divine revelation. Therefore, it was necessary to elevate the human mind (*le-ha'alot da'ato*) and character in slow stages.⁵⁰

And, in the microcosmic sphere

And so one who was not among the toilers in Torah; if he entered into some other pursuit to the point that he was distanced from it (serious Torah study), the *mizvah* of diligence in Torah no longer rests upon him, for his mind and intellect have already been formed (*kevar nitgashem da'ato vi-sikhlo*) and are not suitable for this at all.⁵¹

Thus, Neẓiv's society of the Tower of Babel violated this basic tenet of natural law. "Since the minds (*de'ot*) of people are not identical, they feared lest someone leave their ideology and adopt another; thus they made sure no one left their domain."⁵² The community of Babel understood that human minds were distinct but they failed to understand that they could not make a mind bend through the use of force.

Where force fails, though, Neẓiv believes that training and teaching can potentially succeed. The mind, he maintains, can be molded if done so without duress. Thus, in "Ma'amar al Yamin u-Semol" Neẓiv advocates reaching out to the class of Jews who were not wholeheartedly entrenched in the traditionalist camp but were not yet amongst the ranks of the heretics either,⁵³ by engaging them in Torah study.

And engaging in Torah [study] with groups of householders will reduce the communal strife of Israel and will increase *mahazikei ha-dat*. For without a doubt there are many who have not yet come to reject the Talmud, our rabbis the *rishonim*, and what is explicit in the *Shulḥan Arukh*, but are nonetheless distant from Torah study due to their leniency in stringencies, customs, and precautions found in the books of musar. But, if they engage them in Torah they too will see that such people do not deserve to be considered heretics, God forbid, and they will form a unified bloc in considering how to [further] strengthen the religion and overcome those who deny the Talmud.⁵⁴

If a mind can be trained to accept the yoke of Heaven, then it can be trained to reject it as well. For this reason, Neẓiv beseeches his fellow traditionalists to teach those who linger between the defined camps devoid of any well formed ideology. Those Jews, however, who espouse ideas contrary to traditionalist thought should not be engaged but avoided. Thus he bids his readers in his commentary on the *Sifre* to avoid studying books of philosophy and rhetoric which may lead to "heresy which entices a person."⁵⁵ Likewise in his responsum to Charleston, Neẓiv calls for separation from the intentional Sabbath violators since "*afkaruta mamshikh et ha-lev*," heresy entices the heart.⁵⁶ Possibly the clearest statement of this attitude can be found in the above mentioned letter of Neẓiv to Leon Pinsker.

And in regard to those people who have been accepted⁵⁷ in Russia free of the *mizvot*, they are like children taken captive amongst the Gentiles and it is our responsibility to educate them and to make them understand what is required of them in all areas. And if it is possible to do so through preaching words of *musar* and straight logic certainly such would be better. However, if they give us a rebellious shoulder, God forbid, it is our responsibility to separate from them and not to [try to] rectify their failings.⁵⁸

It is clear, then, that what Neẓiv advocates in his introduction to Genesis and his “Ma’amar al Yamin u-Semol” is a very limited notion of tolerance. He believes that Jews within the halakhic world need be tolerant and accepting of divergent opinions and practices, but he does not call for similar treatment toward Jews he perceives to be ideologically outside the pale of tradition. Thus, there is no contradiction between the seemingly tolerant sources cited at the outset and Neẓiv’s comments regarding non-believing and publicly transgressing Jews in *Ha’amek Davar* and *Meshiv Davar*.

The Tower of Babel Text

What remains to be explained, however, is how Neẓiv justified religious coercion in the face of his comments regarding the Tower of Babel. After all, if no two minds are alike, and one mind can not force something on another, how could he insist that all Jews be forced to practice halakhic Judaism? While Neẓiv offers no explicit reconciliation of these seemingly contradictory positions, further observations regarding Neẓiv and his work might mitigate or alleviate this apparent tension.

First, one would be justified in questioning whether the Tower of Babel text should be read as a carefully crafted political philosophy or as contemporary political commentary. After all, the regime ascribed to Babel by Neẓiv bears striking resemblance to the regime of Czar Nicholas I whose iron fist controlled the life of Neẓiv and his community from the time he was six years old until he reached the age of thirty-nine. The Russian historian Nicholas Riasanovsky describes the reign of Nicholas and his influential minister of education, Sergei Uvarov, in the following dramatic terms:

The inculcation of the true doctrine, that of Official Nationality, and a relentless struggle against all pernicious ideas constituted, as we know, essential activities of the Ministry of Education. Only officially approved views received endorsement, and they had to be accepted without question rather than discussed. Teachers and students, lectures and books, were

generally suspect and required a watchful eye. In 1834 full-time inspectors were introduced into universities to keep vigil over the behavior of students outside the classroom. Education and knowledge, in the estimate of the emperor and his associates, could easily become subversion.⁵⁹

Czar Nicholas's treatment of the Jewish community was particularly harsh. His reign was marked by successive attempts to forcibly "Russify" his empire's sizable Jewish population. In fact, amongst the provisions published in the Statute on the Jews on April 13, 1835 by Nicholas's Jewish Committee were the first clearly delineated restrictions on Jewish settlement and travel.⁶⁰ Thus, Neziv's depiction of Babel as a totalitarian regime, with officers appointed to watch the every move of its inhabitants, with people like Abraham persecuted for adhering to un-orthodox beliefs, and with severe restrictions on travel and settlement, evokes unmistakable images of Russian Jewish life under Nicholas's reign.⁶¹

Since *Ha'amek Davar* was written over the course of thirty years spanning the final years of the reign of Nicholas and into the more liberal reign of Alexander I,⁶² one cannot date the text at hand with any precision. However, whether Neziv was critiquing current events or noting the resemblance between the biblical account of Babel and the harrowing experiences of his own community but a few years past, one must allow for the possibility that Neziv's comments⁶³ were driven more by his need, as one of Russian Jewry's most visible and active public leaders,⁶⁴ to defend his own community's freedom of worship rather than by his desire to delineate a universal philosophy of religious tolerance.⁶⁵ Clearly, Neziv did not believe his Hebrew biblical commentary on Genesis would be read by the Russian Czar or might influence his national policy, but by emphasizing the parallel between the past and the present, Neziv might well have intended to comfort his readers by suggesting that the fate of the Czar and his supporters would be similar to that of Babel and its inhabitants. By shifting this text, then, from the realm of universal philosophy to that of personal political commentary, the tension between Neziv's apparent pluralism and his readiness to coerce fellow Jews into maintaining a halakhic lifestyle becomes less acute.

Jews and Gentiles

Even if we are to assume, however, that Neziv's comments on the Tower of Babel were indeed intended to reflect a philosophical position beyond the narrow context of Czarist Russia, there may still be reason to suggest that Neziv did not view the pluralism he advocated for the Gentile com-

munity of Babel at odds with the conformity he demanded from the contemporary Jewish community. With regard to both the origin of their ideologies and the teleological significance of obedience to them, the Jewish community and the Gentile community differed greatly in the eyes of Neḥiv. These differences might well have justified coercive conformity in the former and religious tolerance in the latter.

As noted above, the distinctiveness of the human mind, according to Neḥiv, results in distinctive human perception, cognition, and disposition. The innate variety in these mental processes gives rise to a variety of views and opinions, which, in turn, result in a myriad of ideologies. A mind at ease, however, is malleable and thus one's initial perspective can be altered through persuasive study. As a devout traditionalist Jew, Neḥiv certainly believed that all non-Jewish ideologies were the products of the human mind and, as such, he may have assumed that the Gentile population had no justifiable impetus for advocating wide-scale changes in the God-given pluralistic state of nature. Hence, when the society of Babel attempted to do so, and to do so through force, no less, they incurred God's wrath.

For the Jewish community, according to Neḥiv, the situation is quite different. Whereas the realm of halakhic decision making relies heavily on the application of the human mind, and is thus naturally predisposed to multiple opinions, the methods of halakhic adjudication, the modes of halakhic worship, and the foundational beliefs of halakhic Judaism were explicitly given by Divine mandate and are thus limited to their singular original form. With regard to the adjudicative mechanism, Neḥiv dedicates almost an entire work, *Kidmat Ha-Emek*, to stressing his belief that the process of traditional Jewish learning, and hence halakhic decision making, has remained consistent from the times of Moses⁶⁶ down to his own day.⁶⁷

With regard to the modes of worship, Neḥiv explicitly states his view in his glosses to the *Sifrei*. The *Sifrei* on Numbers states:

R. Ishmael says "And you shall not follow after your hearts."⁶⁸ Why does it say this? Because it [also] says (Eccl. 11:9) "Rejoice lad, in your youth."⁶⁹ In the way that is straight or in the way that you want? Thus it says, "And you shall not follow after your hearts."

Neḥiv explains this passage as follows:

"And walk in the ways of your heart": for there are many paths in worshipping God; there is the one for whom study is his occupation, and one whose heart pulls him toward prayer, and one whose heart is given over to acts of kindness. . . .

Thus it says, “And you shall not follow after your hearts”: So that you do not seek new means of worshiping God even if his heart leads him to it.⁷⁰

Thus, while there exist multiple modes of worship within traditional Judaism, and one is permitted to focus on one mode over another in accordance with his natural inclination, a Jew, according to Neẓiv, is not allowed to create new modes of worship even if his innate disposition makes him so inclined.

Likewise, with regard to the foundational beliefs of halakhic Judaism, Neẓiv concedes that natural inclination may pull a Jew toward that which lies outside the pale of normative tradition, but, nonetheless, the Divine imperative obliges him to employ the equally natural method of altering that dispensation either through self-control or by seeking the guidance of traditional sources.

And it is well known what appears in *Esther Rabbah* and other places that “the wicked are controlled by their heart, [thus it says] ‘and Esau said in his heart,’ ‘and Naval said in his heart,’ and there are many others, whereas the righteous control their hearts, [thus it says] ‘and Hannah spoke on her heart,’ ‘and Daniel put on his heart.’” And the reason is “because the heart of man is evil from his youth”⁷¹ (see *Gen. Rabbah* chap. 34). However, who is a warrior? He who conquers with his mind the inclinations of his heart.⁷² And the wicked do not overcome [their inclinations] and they fall in the nets of their hearts. The righteous, however, serve God not just with their hearts but with the control of their intellect and mind exerted on their hearts. And regarding this it is said “and do not seek after your hearts” after the enticement of the heart, that is to say heresy, which pursues the heart [by saying] there is no God.⁷³

As such, we might suggest the following explanation for Neẓiv’s stance on the coercive measures in Halakhah. The Divine origin of the mechanisms of halakhic adjudication, Judaism’s foundational beliefs, and its modes of worship, oblige conformity from every Jew regardless of his or her natural inclination. Those whose nature pulls them beyond this traditional framework must actively resist and reorient themselves. One who fails in this regard is, therefore, deserving of punitive measures. While it is true that Neẓiv maintains that punishment for subversive thought will probably not result in altering the transgressor’s mindset, since *kevar nitgashem da’ato*,⁷⁴ it might well succeed in preventing others from similar transgression since it is equally true that “*afkaruta mamshikh et ha-lev*.”⁷⁵

Beyond the distinction in origin between their respective ideologies,

Neziv further distinguishes between the Gentile and Jewish communities in a manner that directly precludes his adherence to modern theories of religious tolerance and pluralism. The principle which underlies most modern theories of religious toleration is that the benefits of religious obedience or the detriments of religious disobedience are the private concerns of an autonomous individual.⁷⁶ If the individual follows God's laws, God will reward him. If he violates God's laws, God will punish him. The greater community, however, stands to gain or lose nothing by the individual's decision to obey or disobey God's laws. Thus, the greater community retains no right to forcibly impose its religious standards on the individual. State law, on the other hand, is conceived as pertaining to the collective good of the community.⁷⁷ Breaking the speed limit endangers other motorists, and cheating on one's taxes potentially deprives other citizens of government services due to lack of sufficient funding. Since the stakes extend beyond the benefit or loss of the individual and impact upon the welfare of others, most political theorists agree that governments retain some right of coercive enforcement of state law.

Neziv also maintains that the moral stature of the Gentile world, measured by their obedience or disobedience of the seven Noahide laws, is a private concern. Obedience of Torah law by the Jewish community, however, directly impacts the welfare of the world at large. In fact, the world continues to exist only because Jews are following God's *mizvot*. Should they cease to do so, the world would cease to exist. Because Judaism, to the exclusion of other religions,⁷⁸ impacts the collective welfare in addition to the welfare of the individual adherent, God instituted an additional system of reward and punishment as added incentive for Jews to continue sustaining the world's existence.

Hence, it would be proper to ask if God, blessed be He, desires the fulfillment of *mizvot* or is rather like a doctor who cautions and informs [his patients, but] has no desire that the individual heed his warning; for what stake does he have in the welfare of this person or another? But, in truth, such is not the case and the Holy One Blessed Be He does desire the fulfillment of the *mizvot*. And it is akin to a doctor who cautions his son in that he very much desires that his son will heed his caution in order that he may live and sustain the world of his father who cautioned him.

And there is also a difference between the act of cautioning his son and that of cautioning others. Even though the content of the caution is no different, nonetheless, the doctor does differentiate. For when the doctor cautions his son he promises him that if he heeds the caution, in addition to being healthy [the doctor] will give him treats, whereas when he cautions another child he does not promise him any treats. This is due

to the fact that the father's entire world depends on the caution of his son but not on the caution of another child.

And this is the essence of the difference between the reward given to Israel for their fulfillment of *mizvot* and that [given to] the nations of the world for fulfilling their seven *mizvot*. For besides receiving reward for having fulfilled the actual *mizvah*, they also receive reward for having sustained the world . . . and thus, [the nations of the world] are cautioned to follow the seven *mizvot* only for their own individual good.⁷⁹

In a similar passage in his commentary on Deuteronomy, Neẓiv states that this distinction between Jews and the nations of the world is “a major principle” and “the difference” between the two sets of people. Furthermore he adds that the parable's doctor not only offers his son rewards for taking the prescribed medicine but “threatens him with punishment if he doesn't take it.”⁸⁰

The obligation upon Jews to obey Torah law, therefore, belongs to the public, not the private, domain. Thus, in Neẓiv's model, the very same rationale which justifies coercive enforcement of state law can be applied to Jewish law but not to the moral systems of the Gentile world. That is, just as the state can justifiably punish a criminal for acts detrimental to public welfare, so can the authorities of the Jewish legal system justifiably punish those who violate Jewish law for they too have acted in a manner detrimental to society at large. Furthermore, just as the ticket one receives for violating the speed limit is not intended to convince the violator of the legitimacy of the law, but to discourage additional incidents of behavior deemed potentially injurious to the collective good, the coercion of a Jew to maintain halakhic standards may not be intended to convince him of the legitimacy of Torah law if “*kevar nitgashem da'ato*.” Rather its goal is to prevent further infractions, thereby limiting the damage done to the public welfare. The result is a *weltanschauung* which advocates pluralism and tolerance for Gentile communities such as the one in Babel yet demands subservience to halakhic authority in Jewish communities such as settlements founded by the early Zionists in the 1880s.

Conclusion

Thus, Neẓiv's view of pluralism and tolerance is rather complex. He explicitly maintains that no two minds are alike and thus the state of nature is one that is predisposed toward multiple views and opinions. If taken as a philosophical statement, Neẓiv's Tower of Babel commentary seems to indicate that the Gentile world has no right or no impetus for

disrupting that natural state and any attempt to do so through force is liable to fail. With regard to the Jewish community, the impetus to demand halakhic obedience stems from the Divine origin of the halakhic method and Halakhah's basic modes of worship. As such, an innate desire to move beyond the God-given method and mode needs to be resisted through educating and training one's mind. The right of the Jewish community to resort to coercive measures stems from the fact that the failure of a Jew to obey Halakhah affects not only the welfare of the individual transgressor but the welfare of all humanity as well. The pluralistic state of natural man, however, is manifest in Judaism through the variety of halakhic decisions produced by the application of the human mind to halakhic texts. Variety of justifiable halakhic decisions leads to an equally justifiable divergence in halakhic practice, and thus, intolerance on the basis of divergent halakhic practice is, in Neẓiv's view, completely unjustifiable.

Appendix

After this article had been typeset, I came across a set of letters sent to Neẓiv by Dr. Leon Pinsker and R. Shmuel Mohilever, the leading rabbinic personality in the Ḥovevei Ziyon movement. The letters were published by Yizḥak Rivkind in a 1923 volume commemorating the twenty-fifth anniversary of Mohilever's passing,⁸¹ and with minor exception they all center around Neẓiv's misgivings over the rumored lack of halakhic observance by the members of the newly formed colonies in the Land of Israel.

These letters provide valuable details as to the precise course of action advocated by Neẓiv. It seems that an administrator was needed to oversee the Gederah colony, and Pinsker, amongst other members of Ḥovevei Ziyon, wished to fill the post with a man named Katz from Odessa. In expressing his opposition to this appointment, Mohilever provides insight into the position of Neẓiv as well:

Is there any possibility that a native of Odessa, educated in the general schools of France, can still be Torah observant? And had the people of Gederah been God fearing, I would not have worried so much. But now that they are known to be Torah violators, to add to them a man such as he as an administrator would leave us without any hope. And even though we can't explain this to Dr. Pinsker, for he would not approve of such motivations, nonetheless should we dole out 1800 frank per annum for free?

And [with regard] to your (*kevod torato*) desire to fix the matter by appointing *Ha-rav ha-Gaon Moreinu ha-Rav* Naftali Herz from here⁸² to oversee matters of Torah in Gederah, in my opinion such would not help at all, for they are not children who cower from the voice of their teacher. And specifically, this rabbi is a weak man who does not have the strength to mend the breaches of Gederah⁸³ but God, may He be blessed, will mend the breaches of His nation.⁸⁴

Thus it is again clear, that Neẓiv did hope to “mend the breaches” of the less-observant colonists by appointing religious overseers who would enforce Halakhah.

A slightly later letter from Mohilever, however, reveals that Neẓiv had a far more radical, albeit far more naïve, plan to deal with the less observant colonists. Neẓiv was so utterly opposed to the idea of maintaining Halakhah-violating Jews in the Land of Israel that he devised a plan to remove them altogether from the boundaries of the Holy Land. First, he seems to have suggested quite literally that all financial support be cut from such colonists and possibly from the larger settlement endeavor as a whole. Second, and even more startling, he suggested that those settlers who violated Halakhah be provided with the funds necessary for relocating to the Diaspora and told to leave. The severity of Neẓiv’s position on this matter is brought into stark relief by R. Shmuel Mohilever’s adamant opposition to it.

Your (*kevod torato*) letter from last Sunday reached me and with regard to the people of Gederah, I have no concrete knowledge of their behavior. . . . However, even if everything that was written about them is true, nonetheless, woe unto us if we should treat them like rebels, for without a doubt when we tell them to leave their places and go somewhere else, they will not lend us a listening ear, they will turn their backs to us,⁸⁵ and then, Heaven forbid, they will breach the Torah openly. Therefore, I agree with Dr. Pinsker in that we should appoint R. Yeḥiel Mikhael Pines as their head and he will oversee them in matters physical and spiritual, in Torah and in *derekh erez*. I imagine that he knows how to interact with them and they will listen to him for he did much for them upon their initial arrival [in *Erez Yisrael*], and with time there is hope that he might restore them to good. And if you (*kevod torato*) say “Why do we need such trouble? Let’s give them no support, and they will necessarily be forced to leave their places—all the more so when we give them the necessary funds to build houses in *ḥuz la-arez!*” You (*kevod torato*) should know, that I do not agree. For the numbers of those who do not care so much about upholding religion are great and when they hear what it is we want to do to them, without a doubt it will strengthen in them all types of resolve to intentionally remain precisely where they are.

And God said to Abraham our forefather “I will not destroy [Sedom] on account of ten [righteous inhabitants]” for the entire region was wicked and sinful to the extreme. It is all the more true that we should not destroy, Heaven forbid, the entire settlement, almost all of whom are the righteous inhabitants of Petah Tikvah and Yesod Ha-Ma’aleh, who number in the hundreds of people, on behalf of the ten sinners found in Gederah. And even though we hope to God that over the course of time they too will be corrected . . . how can you (*kevod torato*) possibly fathom that we will receive greater reward for abandoning [them]? If we would leave hundreds of people to suffer in famine, Heaven forbid, and to lose all of their possessions and all of the products of their work, could we continue to think that for this we would receive reward?⁸⁶

It is abundantly clear from these citations, as well as others throughout Rivkind’s collection of letters, that Neẓiv, animated by a fiery desire to preserve his conception of the holiness and purity of the Land of Israel, was indeed willing to resort to coercive measures in order to ensure the halakhic observance of its inhabitants.

Notes

1. The year of Neẓiv’s birth is often mistakenly listed as 1817. According to his son, Meir Bar-Ilan, he was born on the eve of *Rosh Hodesh* Kislev in the Jewish year of 5577 which is November 20, 1816. See Meir Bar Ilan, *Rabban Shel Yisrael* (New York: Histadrut ha-Mizraḥi ba-Amerikah, 1943), p. 13.
2. In particular Aviezer Ravitzky “The Question of Tolerance in The Jewish Religious Tradition” in *Hazon Nahum*, ed. Yaakov Elman and Jeffery S. Gurock (New York: Ktav, 1997) and Howard S. Joseph “‘As Swords Thrust Through the Body’: The Neẓiv’s Rejection of Separatism” in *The Edah Journal* 1:1 (2000).
3. See Ravitzky, 378-83 and Judith Bleich “Rabbinic Responses to Non-observance in the Modern Era “ in *Jewish Tradition and the Nontraditional Jew*, ed. Jacob J. Schacter (Northvale, N.J.: Jason Aronson 1992). Ravitzky implies that Neẓiv’s tolerant stance is motivated by his belief that “the cost of intolerance is too great” (p. 367) and Joseph ascribes to Neẓiv the view that post-Enlightenment society brought about a new reality in which “modern heterodox Jews” were motivated by “convenience” rather than spite or uncontrollable temptation (p. 8).
4. R. Naftali Zvi Yehudah Berlin, “Petihah Le-Sefer Bereshit” in *Ha’amek Davar* (Jerusalem: Yeshivat Volozhin, 1999)
5. *Ibid.* It is important to differentiate between the point being made in this passage and the overall theme of Neẓiv’s introduction to Genesis. The general message of the piece is that the forefathers whose stories dominate the book of Genesis displayed a basic kindness, sensitivity, and respect in dealing with their idolatrous neighbors and that this attribute of *yashrut* need be

emulated by successive generations of Jews. Calling for basic moral behavior toward all of God's creations is not synonymous, however, with advocating religious tolerance or pluralism. Thus, Neziv notes in regard to the people of Sodom that while Abraham "bore unbridled hatred toward them and their king due to their wickedness" his sensitivity toward human life led him to pray on their behalf. Neziv seems to step beyond these basic moral standards, though, when noting that the lack of such sensitivity by the generation which saw the destruction of the second Temple led them to another, seemingly more egregious, crime—the suspicion that Jews who were practicing a different form of Judaism were Epicureans and Sadducees.

6. See *ibid.*, Deut. 32:6; *Harhev Davar* Ex. 13:16, Deut. 14:4; *Meshiv Davar* (Jerusalem: 1993) III:10.
7. On the creation and development of this community see Jacob Katz, *A House Divided: Orthodoxy and Schism in Nineteenth-Century Central European Jewry*, translated by Ziporah Brody (Hanover, NH : University of New England Press, 1998) and Michael Silber, "The Emergence of Ultra-Orthodoxy" in *The Uses of Tradition*, ed. Jack Wertheimer (New York: The Jewish Theological Seminary of America, 1992), 23-84.
8. *Meshiv Davar*, I:44.
9. E.g. Ravitzky, 364. For the purpose of this paper it will suffice to differentiate between tolerance and pluralism by noting that the former has a negative connotation indicating that one will tolerate the activities of an other, even though *a priori* one might prefer that such activity not take place. Pluralism, on the other hand, is an ideology which maintains that diversity of thought and practice are, *a priori*, beneficial to society and thus desirable.
10. *Ha'amek Davar*, Genesis 11:1
11. Hence, according to Neziv's reconstruction of the midrashic account, Abraham was thrown into the Babylonian furnace for daring to espouse a non-conformist view. See *ibid.*, 11:3.
12. See Ravitzky for a history of the meaning of this term. Since the word "mind" implies a symbolic center from which an individual's thoughts arise rather a strictly anatomical element of the human body, I consider it the best representation of Neziv's intended meaning.
13. This idea is repeated in Neziv's essay on anti-Semitism entitled "She'ar Yisrael" found at the end of the volume on Shir Ha-Shirim in *Ha'amek Davar* (Jerusalem: Yeshivat Volozhin, 1999). There he writes:

And they also established amongst themselves "singular things (*devarim aḥadim*)" in order to change the form of man (*zurat ha-adam*) which is that everyone goes within their world according to their own mind (*kol eḥad mithalekh be-olamo lefi da'ato*), and blessed be the Knower of Secrets who created mankind with distinct minds (*nifradim bi-de'oteihem*)! And that Generation of Dispersion established amongst themselves "singular things (*devarim aḥadim*)" with uniformity of thought (*be-de'ah eḥat*) and set up guards for this purpose in a tower with its top in the heavens so that they would be able to watch from a distance those who wished to leave their midst in order to nullify the "singular things (*devarim aḥadim*)." And when they changed the purpose of creation and the form of mankind the Divine Providence came and confused their thoughts.

14. Ibid., 11:4.
15. Note that John Stuart Mill (1806-1873) is a slightly older contemporary of Neẓiv and thus were Neẓiv to be contemporaneously advocating a similar position to that of Mill, he would indeed deserve to be heralded as an intellectual pioneer of religious tolerance.
16. Ravitzky, 364.
17. Numbers 15:32.
18. Naftali Zvi Yehudah Berlin, *Emek ha-Neẓiv (Sifre Be-midbar)* (Jerusalem: Va'ad li-Hoza'at Kitvei Ha-Neẓiv, 1959-1961), vol. 2, p 57. The second sentence of the above citation appears in brackets in the printed edition of *Emek Ha-Neẓiv*. While the printed text contains no editorial preface explaining the significance of the brackets, an examination of the manuscript from which the printed edition was taken reveals quite clearly that both the bracketed text and the brackets themselves were written by Neẓiv and are not editorial insertions. For further analysis of the manuscript and the text see my forthcoming dissertation *Emek Ha-Neẓiv: A Window into the Intellectual Universe of Rabbi Naftali Zvi Yehudah Berlin* (Ph.D, Harvard University).
19. Had Neẓiv been referring to the standard halakhically mandated officers of the court, the midrash would seem to be extraneous given the explicit biblical injunction to appoint "judges and officers" (Deut. 16:18) and, in any event, one would have expected Neẓiv to cite Maimonides' *Laws of Sanhedrin* 1:2 rather than an obscure passage tucked away in Maimonides' *Laws of Yom Tov*. This passage in Maimonides (6:21) and its verbatim citation in *Shulḥan Arukh, Laws of Yom Tov (OH 529:4)* seems to give the court extended power to prevent mingling between men and women during holiday celebrations lest they come to promiscuous transgressions of halakhah. Neither Maimonides nor *Shulḥan Arukh* apply this court privilege beyond the specific case at hand. By citing this passage in the *Sifrei* as the source of their ruling, however, Neẓiv justifies broadening this power to any and all transgressions which the particular generation is liable to violate.
20. Through financial support from the Diaspora.
21. I.e., the observance of Halakhah.
22. Isaac Rivkind, *Iggerot Ziyyon* (Jerusalem: Hebrew Press, 1923), p 22. I thank my dissertation advisor, Professor Jay M. Harris, for first bringing this source to my attention. A similar sentiment is expressed in Neẓiv's letter to the Warsaw chapter of Hovevei Zion published in Yaakov Slutski, *Shivat Ziyyon*, vol. II (Be'er Sheva: Ben Gurion University, 1988), p. 6.
23. *Meshiv Davar*, II:8.
24. A derogatory reference to the young rabbi about whom Neẓiv is writing.
25. Shabbetai ben Meir ha-Kohen, 1621-1662, author of *Siftei Kohen on Shulḥan Arukh*.
26. Elijah ben Solomon, 1720-1797.
27. A common rabbinic phrase indicating the intellectual inferiority of one authority vis-à-vis that of others.
28. A rabbinic phrase indicating a mistake in the most basic of matters.
29. MD, II:9.
30. HD, Deut. 29:17.
31. On the role of midrash in defining Judaism's modern movements, see Jay M. Harris, *How Do We Know This?: Midrash and the Fragmentation of Modern Judaism*, (Albany: SUNY Press, 1995).

32. HD, Num. 15:30.
33. HD, Num. 14:4.
34. The printed text of this responsum is addressed to a place listed as תשארויטתאן. I strongly suspect that the *yod* was originally a *lamed* and the correct name is Charleston. I am grateful to Professor Jonathan Sarna for directing me to B. Elzas, *The Jews of South Carolina* (1905), who supports this contention by making reference to this responsum in a note on page 219. While Elzas does not mention how he knew that this responsum was indeed addressed to Charleston, SC, given that the responsum was written after 1879 (as evidenced by Neẓiv's reference to his *Ha'amek Davar* which was only printed in that year) and the fact that Elzas's book was published in 1905, one can safely assume Elzas based himself on a contemporary communal tradition of some sort which attested to the traditionalist rabbi of Charleston, Rabbi Hirsch Zvi [Margolis] Levin (a Lithuanian immigrant) having written to Neẓiv on this matter and that MD 1:9 records Neẓiv's response. I have yet to concretely identify the group referred to in the responsum as Bet Yaakov, or Beth Jacob, although it could be an erroneous reference to the Reform Synagogue in Charleston named Beth Elohim. Joseph's suggestion that it refers to the Zionist organization known as BILU (*Bet Yaakov Lekhu ve-Nelekhah*) (p. 13) is difficult to support due to the lack of any evidence that BILU was active in or around Charleston, South Carolina in the 1880s. My research on this matter is ongoing.
35. MD, I:9.
36. JT *Peah* 1.
37. BT *Moed Katan*, p. 16.
38. Naftali Zvi Yehudah Berlin, *Ha'amek She'elah* (Jerusalem: Mosad Harav Kook, 1999) #28, p. 188
39. E.g., HD, Gen 24:64; HD, Ex 6:6; HD, Deut 4:9, 22:5. There is an interesting parallel here to the psychological interests of Neẓiv's contemporary, R. Israel Lipkin (Salanter) (1810-1883). See Immanuel Etkes, *Rabbi Israel Salanter and the Mussar Movement : Seeking the Torah of Truth*, translated from the Hebrew by Jonathan Chipman (Philadelphia: Jewish Publication Society, 1993).
40. See n. 12.
41. *Berakhot* (58a).
42. *Kidmat ha-Emek*, I:10, (Jerusalem: Mosad Harav Kook, 1999), p. 9. This position places Neẓiv amongst those "scholars [who] placed the root of [halakhic] dissension in *the dynamic nature of halakhic truth*" according to Ravitzky's categories (p. 375). As stated above, however, Ravitzky implies that Neẓiv goes well beyond this limited view of internal halakhic tolerance.
43. MD, IV:60.
44. *Ibid.*, IV:61. See also MD, III:10.
45. *Ibid.*, I:30.
46. E.g., MD, I:17, 46; II:3; III:10; see also HRD, *Be-Midbar* 21:7
47. Emphasis added. HD, Genesis "Petihah le-Sefer Bereshit."
48. The notion that no two minds are alike leads Neẓiv to the conclusion that God has different standards for different people as well. See HD, Gen. 24:2; HD, Deut. 10:12, 29:9.
49. HD, Deut. 22:5.
50. HD, Ex. 6:6.
51. HS, 7:22.

52. HD, Gen. 11:4.
53. Howard Joseph seems to have misread this most critical distinction in Neziv's essay. The Hungarian ultra-Orthodox community was calling for a separation from Neolog and Neo-Orthodox Jews, not from the Reform or Historical Positive movements of Germany, as Joseph seems to indicate. The latter posed little direct threat to them in Eastern Hungary and their differences were so blatant so as to make the call for separation unnecessary. The former movements, however, particularly the Hungarian Neo-Orthodox constituency under the leadership of R. Esriel Hildesheimer constituted a more tangible threat. Thus it is from them that the *Mahazikei Ha-Dat* wished to separate and it is to them that Neziv advocated outreach and inclusion, not to the movements who espoused doctrines blatantly antithetical to traditionalist belief. Joseph also seems to have missed Neziv's subtle yet critical shift from speaking of the group distanced by the *Mahazikei Ha-Dat* to speaking, and criticizing, the contemporary Hasidic community. In a brilliant rhetorical maneuver, Neziv writes that a secondary consequence of the traditionalists extending themselves by teaching the less passionate class of Jews is that the Ḥasidim, some of whose leaders counted prominently into the *Mahazikei Ha-Dat*, will also come to recognize their own deficiencies in halakhic observance. Thus, he writes:

Mass Torah study will also serve another beneficial purpose. We, the upholders of faith, will know how to behave more precisely according to the teachings of our Sages as expressed in the Talmud and *Shulḥan Arukh*. The masses will not be misled to make changes according to the imagination of some [allegedly] great and holy person who thinks there are better ways to worship God (translation by Joseph, p. 13).

Joseph mistakenly identifies these "great and holy" people as leaders of the Reform movement rather than the Ḥasidic leaders to whom the essay was addressed. (For similar critiques by Neziv of the Ḥasidic movement see HD, Lev. 9:6, 10:1; HD, Num. 15:39; HD, Deut 4:2, 10:17; *Metiv Shir* 6 :8). The statement in Joseph's abstract, then, that "For communal and theological reasons, he (Neziv) opposed Orthodox separation from non-Orthodox Jews, advocating Jewish communal harmony and joint Torah study in the face of post-Enlightenment deviations and denominational movements" is not borne out by this text or any other work of Neziv.

54. MD, 1:44.
55. *Emek ha-Neziv*, Numbers 9, p. 73.
56. MD, 1:9.
57. The word "*she-nitkabbelu*" printed in Rivkind's text might have been mistaken for "*she-nitkabbezu*" which would render the meaning "those who assembled in Russia [around] freedom from the *mizvot*."
58. Rivkind, p. 23.
59. Nicholas Riasanovsky, *A History of Russia*, 6th ed. (New York: Oxford University Press, 2000), p. 351.
60. Michael Stanislawski, *Tsar Nicholas I and the Jews*, (Philadelphia: The Jewish Publication Society of America, 1983) pp. 36-37.
61. It is interesting to note that a young Russian named Fyodor Dostoevsky grew up at the same time under these same political regime, albeit in a very different social sphere, and also had much to say about the evils of a totalitarian regime.

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62. See the introduction to *Ha'amek Davar* in which Neziv writes that much of the material contained in the commentary was first given to his students in the context of the Bible classes he gave in the Volozhin Yeshiva. Thus, the Tower of Babel text under discussion could have been composed as early as the late 1840s when Neziv was appointed as a lecturer in the Yeshiva or as late as 1879, the year of the *Ha'amek Davar*'s publication.
63. Neziv's original impetus to understand the sin of Babel as relating to their uniformity of thought might well have derived from the comments of the 15th century Spanish philosopher and Biblical commentator Isaac Arama in his *Akedat Yizhak*. On Neziv's familiarity with *Akedat Yizhak* see Perl, *Emek ha-Neziv*.
64. In a recent conversation, Professor Mordechai Zalkin pointed out to me that Neziv's involvement with public communal affairs might not have been as extensive as one would have expected. I look forward to reading Professor Zalkin's elaboration on this point in a forthcoming article.
65. The fact that Neziv repeats these ideas in "She'ar Yisrael" may suggest that he did attach broad philosophic import to the text (see note 11 above). However, if one assumes that the essay was written in response to the pogroms of 1881 which followed the assassination of Czar Alexander I and the ascension of the reactionary Czar Alexander II to the throne, Neziv may again be using the story of Babel to defend his own freedom of religion without giving much consideration to the broader theoretical implications of religious tolerance. Howard Joseph suggests in his preface to *Why Anti-Semitism: A Translation of "The Remnant of Israel"* (New Jersey: Jason Aronson, 1996) that the essay was actually written in the 1860s, but there is credible evidence, beyond the scope of this paper, to the contrary.
66. While Neziv does go to great lengths in *Kidmat ha-Emek* to distinguish between those halakhic decisors whose proximity to the Divine allowed them to arrive at proper decisions with minimal effort (e.g., the Sages of the Jerusalem Talmud), and those decisors whose distance from the Divine presence forced them to make up for Divine assistance through maximal cognitive exertion (*pilpul*), the fact remains that the latter category of decisors (those who relied on *pilpul*), have, in Neziv's conception, existed since Sinai and continue to exist, to the exclusion of the former type, in the contemporary Diaspora.
67. An interesting application of this principle is found in a letter of Neziv to Rabbi Ya'akov Reines (1839-1915). Reines, a traditionalist rabbi, sends Neziv, his teacher and long time acquaintance, a copy of the book he has authored on aspects of Jewish thought, *Hotam Tokhnit* (Mainz, 1881), which incorporates certain elements of Kantian philosophy. To Neziv, the method which Reines is employing to arrive at Torah-based conclusions is completely foreign and thus unjustifiable. Hence, he responds "I know that he [Reines] does not possess the ability to blaze a new path though the waters of the Talmud. Therefore, his books were not intended for people like us who toil at length in the manner taught to us by our rabbis." (MD, V:44).
68. Numbers 15:39.
69. Neziv notes that the text should say "Rejoice lad, in your youth and walk in the ways of your heart, in the way that is straight."
70. *Emek ha-Neziv*, Num. 9. This idea is repeated and embellished in HD, Num. 15:41. In all probability, Neziv intended this statement to apply to the

- Hasidic movement as much as the Reform movement. See note 51 above.
71. Genesis 8:21.
 72. An embellishment of Mishnah *Avot* 4:1.
 73. *Emek ha-Neziv, She'elah* 9, p. 73.
 74. See p. 10 above.
 75. See p. 11 above.
 76. The relegation of religion to the private domain is a consistent theme in the writing of Locke and Lessing. Locke repeatedly equates the private domain with subjectivity and freedom while the public domain is equated with objectivity and allows for compulsion. See his *Letters on Toleration*.
 77. E.g., see Montesquieu's *Spirit of the Laws*, 19:14 and Locke's *Second Treatise on Government*
 78. Evidently, Neziv did not account for the possibility of other religions believing that collective benefit will result from universal acceptance of their particular religious beliefs.
 79. HD, Lev. 26:3. This idea is markedly different from that of Locke and other salvific pluralists who maintain that religious salvation pertains to the sphere of the individual and that peoples not privy to Divine revelation are capable of being saved not through the actions of God's chosen people but through their own adherence to their moral inner light.
 80. HD, Deut 27:8.
 81. Rivkind, Yizhak. "Iggerot Ziyon" in *Sefer Shemuel*, ed. Judah Leib Ha-Kohen Fishman, (Jerusalem: Histadrut Ha-Mizrahi, 1923), 73-103.
 82. Bialystok. Then serving as rabbi in Yafo.
 83. A play on words: "*ligdor pirzat benei gederah.*"
 84. *Ibid.*, p. 81. From a letter by Mohilever to Neziv dated 23 *Mar Heshvan*, 1887.
 85. Lit: their necks.
 86. *Ibid.*, p. 88.