

# Remarks by Rabbi Joseph Skloot, Ph.D., the Rabbi Aaron D. Panken Assistant Professor of Modern Jewish Intellectual History, at the Post-Shloshim Gathering in Honor of Rabbi David Ellenson, Ph.D., z"l

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Thank you, President Rehfeld, Rabbi Weiss, Rabbi Adelson, Jackie, and the entire Ellenson family.

Just over twenty years ago, I was a sophomore at Princeton taking my first course in modern Jewish history. I wrote a final paper for that course on the Zionist philosopher and dreamer Ahad Haam. David had just been named president of HUC-JIR and with perhaps a bit of hutzpah, I sent the paper to him. (By post!) A few weeks later, I received in my campus mailbox, a copy of the paper with David's handwritten comments and the encouragement to continue pursuing the study of modern Jewish history.

In the subsequent months, I learned that David's studies at HUC and at Columbia were directed by my uncle Michael's father, Dr. Fritz Bamberger, who served as Professor of Modern Jewish Intellectual History (the same position as my own!) here on the New York campus. Perhaps it was *besheit*: David became my mentor, and with his guidance I pursued the rabbinate at HUC-JIR and then my doctorate in Jewish history at Columbia. We thus share those two *almae matres*; I never did study in Virginia but I married a Virginian, from Richmond no less, and Erin and David cherished that connection to the Commonwealth. It is because of David, along with my friend and teacher Aaron Panken, *of blessed memory*, that I have have the greatest possible honor, serving on the faculty at HUC-JIR.

Oh how I wish David were here today and this was a festschrift and not a memorial, for the questions I'll to present today were the ones he so often returned to and we so often discussed: namely, the ideal relationship of Jewish communities of the diaspora and State of Israel; defining modernity and the challenges it poses; and the plasticity and creativity of Jewish law, *halakha*.

The question of the *kashrut* of the artichoke, fried whole to a golden, crispy brown and liberally sprinkled with salt, may seem like a small matter, but it is a mainstay of the diet and a symbol of the Jewish community of Rome. The dish, served throughout the city in kosher and non-kosher restaurants alike, is called *carciofi alla giudia*, "Artichokes in the Jewish style."

Yet, in early 2018, the Chief Rabbinate of the State of Israel issued guidance that artichokes prepared whole were not kosher and could not be imported into the country. The guidance stated that, "The hearts of the artichoke are very afflicted with insects and [laboratory] investigation teaches that is not feasible to overcome the problem..."<sup>1</sup> This guidance was echoed forcefully in a statement from the Chief Rabbinate's head of imports, Rabbi Yizhak Arazi, in *Haaretz*, "Artichoke hearts are full of worms. There is no way to clean them as is necessary. They cannot be kosher." To which he added, unequivocally, "This is not our decision. It is the *halakha* of Judaism."<sup>2</sup>

There is no doubt that Jewish dietary laws have long prohibited the consumption of most insects—we need only recall Leviticus 11:29 which prohibits the consumption of *sheratzim*, creepy-crawlies. Yet, according to the Jews of Rome, the variety of artichokes long used in the preparation of *carciofi alla giudia* have much more compact hearts that do not permit the entry of insects. The prohibition of *sheratzim* simply does not apply.

Needless to say, the response to the Chief Rabbinate's pronouncement, in Rome, in Jerusalem, and elsewhere, was swift and sharp. *Haaretz* and the BBC both declared this the start of a new "Artichoke war."

Yet, even though the subject of this controversy was especially prickly, controversies of this sort are not new; they are at the heart—pardon the pun, not really—disputes over rabbinic jurisdiction, over the validity of local customs

that may sometimes seem at variance with the blackletter law, and about the relationship of the State of Israel to diaspora Jewish communities.

When I was a rabbinical student, in preparation for my thesis, David and I studied the laws of animal slaughter for the sixteenth-century code, the *Shulhan Arukh*. The *Shulhan Arukh* is in fact an amalgam of two works by two different authorities emerging from two different *millieux*. It was initially composed by R. Yosef Karo, a Sephardic jurist and mystic, in the city of Safed in northern Israel. Karo had the messianic desire to produce a simplified guide to Jewish practice for all Jews, yet his legal guidance, as you might expect, leaned toward the Sephardic tradition. His book was printed for the first time in Venice in 1565.

At the same time, R. Moshe Isserles was at work on his own code in the city of Krakow, and when Karo's book came out, Isserles decided to append his own comments and corrections to Karo's text, written from a decidedly Ashkenazic perspective. The combined text was printed for the first time in Krakow in 1578, and in the years, since it has become the single most authoritative Jewish legal code.

What plays out on an average page of the *Shulhan Arukh* is Karo's desire to fix the law for all Jews, and Isserles's regular "not so fast, buddy!" Here's a typical example from one of the passages David and I studied dealing with the process of drawing blood from meat in order to render it *kosher* (*Shulchan Aruch, Yoreh Deah* 67:6).

Vinegar into which meat was given once to contract it [in order to extract blood], one does not contract meat in it another time because its power will have grown weak. But all [vinegar] that has not contracted [meat] in it yet, it is permitted to contract in it even if it is not strong.

So wrote Karo. In the Krakow edition of the *Shulhan Arukh* and every edition thereafter, we find Isserles's rejoinder:

**There are those who say** that in this time there are no experts in contracting and it is forbidden to scald [meat] in vinegar. Thus **it is customary in these lands** [Poland-Lithuania] that no one contract meat in vinegar before salting [it] and no one ought to change this [custom]. In any case, *ex post facto*, it is permitted.

Karo thus seeks to legalize this process of "contracting meat" with vinegar and make it a fixture of Jewish practice the world over. Isserles, speaking from the authority of his own community, that of Poland, cites the views of unnamed others, as well as the authoritative custom, *minhag*, of the Jews of Poland who do not use vinegar in this way, and therefore he strenuously resists Karo's *dictat*.

*Shulhan Arukh* was a testament to power of printing which allowed one man to dream that the vast diaspora of Jews would read the same book and live by it too. Elhanan Reiner has shown how the printing of *Shulhan Arukh* had paradoxical effect, however, highlighting new and profound disagreements among Jews. Isserles' commentary is now just one among many that proliferate on the standard page of the *Shulhan Arukh*. In the terms of legal theorists, Karo wished to assert legal centralism (one law for all) but his book led to was the perpetuation of a legal pluralism (many laws for many) which existed throughout Jewish history.<sup>3</sup>

Alexander Kaye, David's colleague at Brandeis and a fellow Columbian, in a brilliant recent book, has shown how the institution of the Chief Rabbinate of the State of Israel, established in the early twentieth century, provoked similar kinds of arguments. It was and is, says Kaye, enterprise rooted in the philosophy of legal centralism, seeking to stamp out Jewish legal pluralism.<sup>4</sup> The Chief Rabbinate of the State of Israel today professes publicly only to assert its authority within the bounds of the Jewish State, but its opinions, as we have seen, carry great force across boundaries.

Considering the story of the beloved Roman *carciofo*, I think David would ask me and ask all of us is two questions. First, he would encourage me, as he so often did, to think about the implications of this story in the larger context of Judaism's wrestling with modernity. On this score, in tribute to him, let me offer one tentative suggestion, recalling one of his favorite thinkers, the sociologist of religion Peter Berger. According to Berger in pre-modernity, lives basically followed the same communally-determined scripts, modernity demands, however, individuals make

constant choices. These choices—what Berger calls the “heretical imperative”—force the individual to question everything that once may have seemed unquestionable.<sup>5</sup>

At one time, the Jews of Rome could sit at home and eat their artichokes as they pleased, blissfully unaware that some Jews found the practice improper. Now Jews, Roman Jews, Israeli Jews, modern Jews all, are confronted with the choice: Should I eat this artichoke? They have to take a stand. And Berger, writing about this choice, suggests that there are some people will fundamentally will stick to their guns and reject the new realities, while others will seek to fashion new worlds that heretofore never existed. The Chief Rabbinate—while we might think at first glance of an obscurantist institution—is in fact seeking to fashion an unprecedentedly new, homogenized reality in Jewish life and law. It is a force of modernization.

This is one analytical framework, one among many, that we could use to describe this problem.

But David, ever so gently, would ask another fundamental question, I think: What does this dynamic mean for the unity of the Jewish people?

David believed passionately in a Jewish people that could encompass multiple perspectives, multiple viewpoints. In an op-ed from early in his presidency, he even wrote with unbelievable charity about the then mayor of Jerusalem, “He has every right as an individual to feel that Reform Judaism is wrong. However,” he continued, “all Jews share...a common fate as well as mutual responsibility for one another.”<sup>6</sup>

David was a champion of that mutual responsibility, that common destiny, alongside all our glorious differences, of Reform Judaism, and every other kind of Judaism, of our pluralism. Perhaps, for this reason, on Tu Bishvat this Thursday, I’ll fry up some artichokes.



<sup>1</sup> לבבות ארטישוק נגועים מאוד בחרקים והניסיון מלמד שלא ניתן להתגבר על הבעיה על כן הרבנות הראשית לישראל אינה מאשרת אותם.

“Food Import Procedure/Importer's Guide - From the Procedure File of the National Kashrut Division of the Chief Rabbinate of Israel,” Chief Rabbinate of the State of Israel, April 2018.

<sup>2</sup> David Lerner, “הרבנות הראשית סימנה אויב חדש: הארטישוק האיטלקי,” *Haaretz* (April 9, 2018).

<sup>3</sup> See these important articles by Elchanan Reiner, “The Ashkenazi Elite at the Beginning of the Modern Era: Manuscript Versus Printed Book” in *Polin* 10, ed. Gershon David Hundert (London: Littman Library of Jewish Civilization, 1997) and “The Rise of an Urban Community: Some Insights on the Transition From the Medieval Ashkenazi to the 16th Century Jewish Community in Poland,” *Kwartalnik Historii Żydów* 207 (2003).

<sup>4</sup> Alexander Kaye, *The Invention of Jewish Theocracy: The Struggle for Legal Authority in Modern Israel* (New York: Oxford University Press 2020).

<sup>5</sup> Peter Berger, *The Heretical Imperative* (Garden City, NY: Anchor Press, 1979).

<sup>6</sup> David Ellenson, “In a Jerusalem Praying for Unity, Sectarianism Widens the Divide,” *The Forward* (March 7, 2003).